

Approved

(7/23/2018)

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, JUNE 25, 2018**

The meeting was called to order by Chairman Day of the Planning Commission at 7:30 p.m. at which time allegiance was pledged to the American flag.

**PRESENT:** William Day (Chairman), Phillip Carter, Anthony Lawrence, Joe Barts, Peter Sharpe and Ray Cousineau

**ABSENT:** Sandro Grossi (Excused)

**OTHERS:** Carmine Avantini (CIB Planning) and Nancy Fisher (Recording Secretary)

**Determination of a Quorum:**

A quorum of the Planning Commission was present for this meeting.

**Agenda:**

No additions or changes were made to the agenda.

**Approval of the April 23, 2018 and May 7, 2018 Planning Commission Meeting Minutes:**

**MOTION** and seconded by Commissioners Lawrence and Carter to approve the April 23, 2018 and May 7, 2018 Planning Commission Meeting Minutes.

**VOTE:**

**MOTION CARRIED**

**Correspondence:**

May 7, 2018 City Manager Update

May 22, 2018 City Manager Update

June 12, 2018 City Manager Update

**Call to the Public:**

There were no comments made by the public.

**Unfinished Business:**

There was no unfinished business listed on the agenda for this meeting.

**New Business:**

- 1. SPECIAL USE, SU #18-004: MARATHON GAS STATION ADDITION, 2167 WIXOM ROAD, WIXOM, MI, 48393:** The applicant is seeking approval to expand a special land use greater than 25% of the existing building floor area, for the above existing mini-mart. The Municipal Code, **Section 18.06.010, Table 6.02**, requires approval from the Planning Commission for this request. The property is zoned B-2, Community Business District, where gas stations are allowed as a special land use in that district. The parcel number is 96-17-30-200-016.

Mr. Avantini referred to his June 18, 2018 staff report. This is a 1,980 square foot addition on the back of the building. It exceeds 25 percent of the building which requires the Planning Commission's review. It is in the Commercial District. It meets the general site plan review requirements. Specific conditions include that he will need to see a copy of the ingress/egress easement between the applicant and the retail center. Also, any previously approved outdoor displays must be identified on the site plan. He needs to

see information on the existing lights to make sure they meet the Ordinance requirements. He recommends approval conditioned upon: 1) site plan approval; 2) landscaping along the parking in the front yard, in accordance with the greenbelt requirements of the Zoning Ordinance; 3) a copy of the recorded ingress/egress easement being provided to the City; and 4) review and approval of other departments, consultants and agencies. He noted that this fits within the Master Plan.

Commissioner Cousineau noted that the Commissioners have seen this type of situation with the special land use and site plan on the same agenda. He requests that the Commissioners defer action on the special land use until they hear about the site plan. Chairman Day agreed.

**MOTION** and second by Commissioners Sharpe and Cousineau to approve Special Use, SU #18-004, Marathon Gas Station Addition to expand a special land use greater than 25% of the existing building floor area, for the above existing mini-mart. This approval is conditioned upon: 1) site plan approval; 2) landscaping along the parking in the front yard, in accordance with the greenbelt requirements of the Zoning Ordinance; 3) a copy of the recorded ingress/egress easement being provided to the City; and 4) review and approval of other departments, consultants and agencies. The property is located at 2167 Wixom Road, Wixom, Michigan 48393, is zoned B-2, Community Business District and the parcel number is 96-17-30-200-016.

#### **VOTE:**

#### **MOTION CARRIED**

- 2. SITE PLAN REVIEW, SPR #30-009-18, MARATHON GAS STATION ADDITION, 2167 WIXOM ROAD, WIXOM, MI 48393:** The applicant is seeking site plan approval for a building addition for Marathon Gas Station at 2167 N. Wixom Road. The property is located on the west side of N. Wixom Road, at Loon Lake Road. Proposed are a 1,980-sq. ft. building addition, 30 relocated and new parking spaces, relocated dumpster and new enclosure, light and transformer relocation, and landscaping. The property is zoned B-2, Community Business District, where gas stations are considered special land uses in the district subject to the standards of **Section 18.06.040.G**. The parcel number is 96-17-30-200-016.

Mr. Avantini referred to his June 18, 2018 review letter regarding the site plan. He noted that there are no huge concerns. However, there is a variance required for the addition. The applicant does not meet the setback use requirements and would have to apply to the Zoning Board of Appeals (ZBA). Since the rear of the property is highly visible to the shopping center, he recommends the use of brick instead of block. Because it is an existing site, to meet the parking requirements, the applicant is proposing a handful of spaces along the front, his concern is that they should be screened by landscaping. He believes that since there is existing pavement, they are not adding pavement to the site and it will not create new parking by creating new pavement. He thinks that is acceptable. There is a question about the aisle between the new spaces and the building. The existing aisle width is 20 feet so they are increasing it by 1 foot. They could also decrease it to 16 feet because the parking abuts a curbed area, bringing the aisle into closer compliance, at 23 feet. The Ordinance requires that there be a loading area which he usually likes to designate. Sometimes businesses load elsewhere. He would like the applicant to specific it. They are moving the waste receptacle behind the building to north of the building and they will be building a new dumpster enclosure. He just received the landscape plan today and it appears to meet Ordinance requirements. He will do a more detailed follow-up. They are providing landscaping across the frontage.

He recommends approval conditioned upon: 1) special land approval; 2) Planning Commission acceptance of the front yard parking and revised parking lot aisle width; 3) a variance being obtained from the rear yard building setback; 4) the rear of the building addition being constructed of brick to

match the building; 5) a revised site plan being submitted for administrative review that addresses the following: a) existing and proposed setback and lot coverage information; b) loading information; c) submission of a landscape plan meeting Ordinance requirements; and d) all information items identified in this letter; 6) review and approval from other applicable consultants, departments and agencies. He recognizes that this is not a brand new site. His big concern is that they are keeping the circulation and the site or improvements upon it will not worsen it. He thinks that is the case.

Commissioner Carter noted that the Building Official's May 29, 2018 memo recommended denial and that his concern was that the first set of plans did not show the property lines adequately and he was concerned that the building meet the setback. Mr. Avantini said that the Building Official left his position before the plans got amended. He was okay with it as long as they could get a variance from the ZBA.

Commissioners Cousineau confirmed with Mr. Avantini that the property is owned by the applicant and that the surrounding area is owned by another entity. Commissioner Cousineau asked whether in terms of the ZBA variance the setback is currently conforming or nonconforming. Mr. Avantini said that it is conforming. Commissioner Cousineau asked whether if the ZBA grants the variance they would be permitting a nonconforming use. Mr. Avantini said it is not getting into nonconforming. Either it will be approved or it will not be. If it is not, they will not do it. The applicant would have to demonstrate a practical difficulty to the ZBA. Commissioner Cousineau noted that 33 spaces are required and that the applicant has provided 30 spaces onsite; however, there is adjacent shared parking. Mr. Avantini noted that one of the challenges with this is that this particular use has changed over the years. The mini-marts are different nowadays. The standards are set up for mini-marts with an automotive portion but the applicant does not have one. He is going to change the Master Plan accordingly. Currently, mini-marts are more food operations along with gas and automotive accessories.

Commissioner Barts asked whether the variance being requested from the ZBA be self-created by the applicant. Why did they propose something that it does not meet based on Commissioner Cousineau's comment about conforming or nonconforming? Mr. Avantini said it is tricky because when this property was split off and the center was sold, it was a long time ago whereas mini-marts are operated differently today. It was hard to predict they would need additional land. Chairman Day noted that the applicant could have sold off a little less than what they sold. Mr. Avantini said they probably should have kept more than they did. Chairman Day asked whether the other side of the property line is a parking. Mr. Avantini said it is a drive and then parking that is not used. Chairman Day said if the applicant applies for a variance, the owner of the shopping center will be notified and will have their say since they would be the more aggrieved party. Mr. Avantini noted that safety is not a concern if they can drive through safely. Chairman Day noted that there is no guarantee that the strip mall could not eventually be reconfigured and the existing building torn down or brought closer together to the property line and then there would be crowding but that is something for the ZBA to consider. Mr. Avantini noted that you could design the new development which would provide proper access behind. He would have the City Attorney look at that agreement before anything goes forward.

Commissioner Cousineau noted that Commissioner Barts' point is well taken. Typically you have to demonstrate a practical difficulty. He does not have a problem with the request for a variance as it stands. If you have an adequate ingress/egress easement, it will not physically change the parking area and even with the building addition and drainage will not be impacted from a practical standpoint. It is okay with him. Mr. Avantini noted that the dumpster is the only thing back there.

Robert Saroki, 2167 Wixom Road, Wixom. He is the owner of the mini-mart. He needs to expand because his business is expanding. It will be a lot nicer than it is now. They will upgrade the whole interior and change the inside with the restaurant because they have no space. They do not have storage and most of this will be storage. The floor space will get a little bigger but it is a lot of storage for the

restaurant and mini-mart. There will be new coolers, new floors and new design. This will be the sixth remodel.

Chairman Day asked the applicant whether he can make the elevation brick instead of block. The applicant said that he can. Chairman Day also confirmed with the applicant that there is an ingress/egress easement. Mr. Avantini asked the applicant to email him a digital format of the easement so that he can get it to the City Attorney. Commissioner Cousineau asked what ingress/egress provides. The applicant said it is so that the center and he can use the back side and the two entrances. He owned the center and sold the back part and kept it a gas station. The architect made it a bowling alley shape. It is long and narrow. He would like to make it more open and inviting. Commissioner Cousineau noted that his concern is that they could approve a site plan that allows significant encroachment into the setback which can affect his neighbor. The applicant noted that he is not allowed to build on the ingress/egress. It is basically becoming a zero setback. He has a zero side setback but the back shop has 10 feet. It is a dumpster area they are using now. Commissioner Cousineau said that he does not have a problem as long as the easement provides for that as well as protecting the property interest of the other owner. He noted that he did not see any correspondence from the other property owner objecting to the applicant's plans. Chairman Day confirmed with the applicant that the other property owner knows about his plans. The applicant said there is no shared parking agreement. Some cities allow the bumps for actual parking. If they use that as a calculation, a lot of people park there and do not get gas. Mr. Avantini said that he does not know whether that is allowed. It requires parking spaces for service bays; however, the applicant does not have service bays. The applicant noted that the only people who use those are the landscapers.

Iliia Marko, Serra-Marko & Associates, 189 E. Big Beaver, Suite 108, Troy. Each part is one parking space. For each part you get two parking spaces, basically stacked. He agreed to eliminate the parking spaces in the front. Mr. Avantini noted that the applicant is adding onto the back of the building and are working off their existing business. It should not generate a lot of parking. Mr. Marko said that it used more for kitchen and storage space and opening up the floor area. The review shows it as 2,082 square feet. He is concerned about the photometric for the existing lights. They have been there for forever. He does not have spec sheets for them. He does not think anyone has complained about the existing canopy lights. They are not spilling more light than permitted by the City. The north side of the building, which is on the side, looks to be wider (a 24-foot wide approach). The applicant will do the loading and unloading in the front if it is more convenient. In the center, they need to do deliveries fast. It would be harder than the delivery guys. Commissioner Carter asked whether the deliveries are outside business hours. Mr. Saroki said he receives deliveries in the morning which is his slowest time. The frequency of deliveries should decrease. Chairman Day asked the applicant how many trucks per week come. Mr. Saroki said a lot. Three semi's use the north side and parking on the side of the building and come through the front door. He would prefer they not do this. Mr. Avantini noted that the newer mini-marts are not set up to take deliveries in the back.

**MOTION** and second by Commissioners Lawrence and Cousineau to approve Site Plan Review, SPR #30-009-18, Marathon Gas Station's request for site plan approval for a building addition for Marathon Gas Station at 2167 N. Wixom Road. Proposed are a 1,980-sq. ft. building addition, 30 relocated and new parking spaces, relocated dumpster and new enclosure, light and transformer relocation, and landscaping. This approval is conditioned upon: 1) special land approval; 2) Planning Commission acceptance of the front yard parking and revised parking lot aisle width; 3) a variance being obtained from the rear yard building setback; 4) the rear of the building addition being constructed of brick to match the building; 5) a revised site plan being submitted for administrative review that addresses the following: a) existing and proposed setback and lot coverage information; b) loading information; c) submission of a landscape plan meeting Ordinance requirements; and d) all information items identified

in this letter; 6) review and approval from other applicable consultants, departments and agencies. The property is located at 2167 Wixom Road, Wixom, Michigan 48393, is zoned B-2, Community Business District and the parcel number is 96-17-30-200-016.

**VOTE:****MOTION CARRIED****Call to the Public:**

There were no comments made by the public.

**Staff Comments:**

Mr. Avantini noted that as part of going for certification of the State's development, he is looking to get rid of special land uses and shift them to conditional land uses. That avoids having to go through the public hearing process and it will be limited to those uses which have the capacity to effect abutting users. He has done this in other communities. Adult uses and drive throughs would be special land uses. Conditional uses still have to meet the same conditions but there will be no public hearing.

Mr. Avantini noted that Wilson Marine has been busy with the former General RV and he is continuing to work with them. They want to make the landscaping improvements but would like to delay that until after the water lines are installed. He will extend that timeframe. They will order the light fixtures and they will not be changed out in the fall. He thinks they will be a good tenant.

Mr. Avantini noted that Diffin Umlor wants the Planning Commission to take a look at the IS District to make sure they will not be in a new zoning classification which does not fit their use. He thinks that is a fair concern. Commissioner Carter confirmed that they are located at West Road and Beck.

**Commission Comments:**

Chairman Day noted that they talked about Star Moon Massage. Do they have certified massage therapists or are they adult entertainment? What has been determined about that? Mr. Avantini noted that they have a State license for their workers which the City has to accept. He noted that the police have been watching it closely. He has not heard anything about it from anyone.

Chairman Day noted that it would be very good to have a joint meeting between City Council and the Planning Commission to make sure they are looking at this the same issues. Mr. Avantini said that this would help since they are frequently contacted by developers who inquire about odd shaped pieces of land. He used to be able to tell them to be creative. Chairman Day said that he needs to know where Council is coming from. Mr. Avantini noted that they can also discuss the former Ford Motor property and Beck Road and I-96.

Commissioner Cousineau noted that three meetings in a row they have had special use and site plan reviews for the same applicant on the same agenda. Is there any merit to flipping them on the agenda or setting them up as a single item? Commissioner Carter noted that tonight's meeting agenda did not say anything about a public hearing on tonight's special land use. Chairman Day echoed that. Mr. Avantini noted that it was noticed. It was noted that a man and a woman were present for a short time. Chairman Day stated that future special land uses and site plan reviews could be discussed in tandem or discussed separately. They can continue to make this the Planning Commission's procedure. Mr. Avantini noted that the way it is set up, you can move into discussion of the site plan review.

Commissioner Carter noted that he saw steel going up on the hotel. Chairman Day said that he thought it was supposed to take a year and it has now been 14 months. It is very visible. Mr. Avantini noted it is their third hotel but maybe they are having trouble finding construction help. Commissioner Lawrence

asked whether it is the same owner. Mr. Avantini said no; My Place is different. He noted it is tough when you are remodeling an existing site because you need storage space.

Commissioner Sharpe noted that he noticed quite a few hard-type signs on Wixom Road for area businesses, most of them for home developers including those in Novi, Sheer Water Apartments on Maple and Beck and for Robertson Brothers who had hundreds of them. He thinks they go in on Monday and do not get pulled out until Friday. He thinks that Robertson is taking advantage of this and noted that signage is a sensitive area for the Planning Commission. The City did eventually clean them up.

Chairman Day said that he thought the Wixom Public Safety Department handled the recent hit-and-run incident involving the young boy very well.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 8:22 p.m.

Nancy Fisher  
Recording Secretary