

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, JANUARY 7, 2019**

APPROVED

2.4.2019

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), Anthony Lawrence, Joe Barts, Peter Sharpe, Ray Cousineau and Phillip Carter (7:32 p.m.)  
**ABSENT:** Sandro Grossi (Excused)  
**OTHERS:** Justin Sprague (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 November 26, 2018 and December 3, 2019 Planning Commission Meeting Minutes:**

**MOTION** and seconded by Commissioners Lawrence and Barts to approve the November 26, 2018 and December 3, 2018 Planning Commission Meeting Minutes.

**VOTE:**

**MOTION CARRIED**

**Correspondence:**

There was no correspondence to be reviewed.

**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. SITE PLAN REVIEW SPR #30-019-18: THE LEARNING CENTER, 1725 N. WIXOM ROAD, WIXOM, MI 48393:** Site plan for a 10,000-sq. ft. daycare facility for The Learning Center. The property is located at the northwest corner of N. Wixom Road and Charms Road and is part of the Stonegate Village PUD. Along with the new building, a 6,367-sq. ft. outdoor play area, 35 parking spaces, a dumpster, lighting and landscaping are proposed. Access to the site will be from a new driveway along Charms Road. The property is zoned R-2/PUD, One-Family Residential/Planned Unit Development Overlay where daycare centers are permitted under Consent Agreement for this site.

Mr. Sprague stated this is a site plan for a new daycare. He has previously met with the applicant. He referred to the January 2, 2019 review letter. Generally the site complies with the Zoning Ordinance with a few minor exceptions. It is a planned unit development (PUD) and there is a Consent Judgment permitting commercial use within a residential PUD. He sees no issues with that. The applicant needs to submit a truck circulation plan for fire and refuse trucks. There is a slight landscaping deficiency including for the greenbelt. The applicant will need to add one canopy tree, one ornamental or three shrubs or the Planning Commission can choose to waive those requirements. He can address

all of this administratively. The applicant is one space over for the allowable parking. The Ordinance allows for the addition of 20 percent more if there is an addition and they are one space more than that. The site is laid out so that the dumpster is in the front yard and is located as you come in the driveway from Charms. They discussed with the applicant the possibility of altering the layout of the property but that does not look feasible. The Planning Commission will have to approve a waiver for the dumpster location. Other than that, everything is clean and easy to work through.

Mr. Sprague recommends approval contingent upon: 1) that the Planning Commission approve the extra space provided above and beyond the Ordinance maximum; 2) that the Planning Commission approve a waiver for the location of the proposed dumpster; 3) review and approval from other applicable consultants, departments and agencies.

Chairman Day asked why the applicant cannot simply relocate the dumpster. Mr. Sprague deferred to the applicant and noted that they were unable to change the building layout.

Anthony Vittiglio, Wixom Ventures, LLC, 1175 W. Long Lake Road, Troy. He is looking for site plan approval. He has located a national user for this space. The civil engineer and landscape architect are present tonight to answer any of the Commissioners' questions. He noted they will be installing a lot of new trees. They played with the dumpster location. It will be enclosed as per the Ordinance. Chairman Day asked the applicant why they cannot flip the building. The applicant said that they are working with a curb cut off of Charms. It was his impression, based on the pre-development meeting that it would be acceptable. In the first plan, the dumpster was shown in the bottom right (at the southeast corner) with the playground which is a requirement of the user. This is the best location for the dumpster. The initial plan showed the dumpster on the southeast corner. Based on discussions with the City staff, it was moved to where it is currently. Chairman Day asked why the current dumpster location is preferable to that of the southeast corner. Mr. Sprague said it keeps it further away from the road. The other option is to potentially move it back another 20 feet so it would be behind the front setback; however, that would have cut into the recreation area for the children.

Commissioner Barts noted that with the dumpster located as shown the Ordinance sticking point is that the gates would face the thoroughfare. What about angling it to put the gates at a diagonal? That way it would not encroach on the water easement. There would be an empty corner to the west of the dumpster. The applicant said that they looked at that. There is a reason why they didn't.

Thomas DeHundt, Fazal Khan & Associates, 43279 Schoenherr, Sterling Heights. He is the project engineer. He noted there is a 20-foot side yard setback there. Commissioner Carter noted that if they move it to the corner, they would need to sacrifice a lot of landscaping. The applicant noted that the Consent Judgment called for the curb cut to be off Charms Road. Chairman Day noted that they certainly would not want the curb cut to be off Wixom Road. Commissioner Barts noted that regarding the side yard setback, how about taking that square and diagonaling it? There would be a point that the corner is in the setback but may accomplish the goal of not having the gates parallel with Charms Road which eliminates that and does not impact the landscaping very much. If the one space became a sticking point, if the space next to it is lost, that solves that problem to and they could move the dumpster closer. It would minimize the side yard. Commissioner Carter noted that the way it is now, it is toward Charms. If they angle it, it is toward Charms and Wixom Road which defeats the purpose of the Ordinance. He would like to see some decorative mesh. Mr. Sprague said that the dumpster gates would be expected to be closed

unless it is being emptied. Commissioner Carter noted that pushing the dumpster any further west pushes it toward the neighbors. He thinks it is better to issue a waiver. Commissioner Lawrence agrees as long as the gate remains functional and a solid PVC material is used so that it will remain hidden. He would support a Trex-like material.

Chairman Day asked the applicant whether there is not any room for additional landscaping on the property.

Felino Pascual, Felino Pascual & Associates, 24333 Orchard Lake Road, Farmington Hills. He is the landscape architect. The landscaping is quite extensive. If you do the calculations, it is really 7.3 but they want to round up. They have essentially fulfilled the requirement but have rounded down to the closest number. Chairman Day noted that his concern is with the screening along Wixom Road. Mr. Pascual noted that there is a hedge there and those are the small circles. The trees are staggered. They can add them but he would appreciate the waiver. Commissioner Barts noted that if they did meet it, the difference would not be noticeable. Commissioner Carter asked about whether the applicant would be willing to make a contribution to the City's Tree Fund. Mr. Pascual asked if the price is \$400 per tree. He is just trying to manage the cost. Chairman Day said that he does not have a preference between the applicant adding trees or contributing to the City's Tree Fund. Mr. Sprague noted that if the applicant were deficient between 5-15 trees, that would make more sense for it to make a contribution to the fund. However, they are only lacking one ornamental and one canopy tree and the site is pretty packed. He does not want to split hairs about rounding the numbers up or down.

Chairman Day asked the applicant how many children will attend the daycare. Is there a need for 35 parking spaces? The applicant noted that obviously none of the daycare children will be driving so the parking will be mostly for employees. It is an accredited school. There will be 7-10 employees. Commissioner Sharpe noted that it says there will be 18-26 staff members working at a time. He has questions about parking and traffic especially between the hours of 6:30-8:00 a.m. Will 35 spaces be sufficient during those hours? There is discussion about drop offs. However, it looks like chaos with a small parking lot and one-way travel. How will that level of traffic be handled or is that simply overridden by the Consent Judgment? Mr. Sprague noted that with any use, the City's traffic engineer looks at the site to see what is needed. From a zoning perspective, he looks at the parking. From a traffic perspective, they defer to Hubbell Roth Clark who is the City's traffic engineer (he referred to the review letter). Commissioner Sharpe noted that 200 children will be arriving at the daycare every day.

Commissioner Carter asked whether there are not State requirements pertaining to outdoor play space for each child. He noted that by his own calculations that would only permit 18 children to be outside at one time. Are these all babies? The applicant noted that this information came directly from the user's corporate office. Commissioner Carter noted that there are two different figures in the paperwork (183 and 200+). He thinks that The Learning Center's letter is a generic one. Mr. Sprague noted that the actual number of children onsite will be regulated by the State. Chairman Day noted that 200 children in a 10,000-square foot building would not work. The applicant noted that play times will be staggered. Commissioner Sharpe said that he is just imagining people trying to turn left onto Charms trying to get 200 children into the parking lot. Meanwhile, there will be traffic concerns at Norton Creek and CVS.

Chairman Day referred to Mr. Avantini's review letter concerning short-term drop-offs. He does not see where they can put more parking spaces although he does think it will be a good use of that site and that it will be popular with parents. Commissioner Carter noted that The Learning Experience's letter refers to a minimum of 35 parking spaces with a norm of 45. Chairman Day asked whether

there is required square footage per child for the building. Mr. Sprague said that that required square footage for indoor space is 50 square feet for infants and 35 square feet for and toddlers. Chairman Day noted that does not include areas for resting and eating. Why is this licensed for 200 children? Mr. Sprague said that the State will have to make that determination. Chairman Day noted that currently there is no interior layout. The applicant said that they provided the typical plans and specifications.

Commissioner Sharpe would like to see a better traffic study. 200 cars coming in within 1-1/2 hours is a lot. Mr. Sprague noted that the applicant will have to work with Hubbell Roth Clark to do a trip generation report. Commissioner Sharpe suggested tabling this until a traffic study is done. He recognizes it is a Consent Judgment but this should not be a free for all. Chairman Day noted that it still needs to meet the Ordinance standards. Commissioner Sharpe said that it is a good business. Chairman Day said that they could table it but he is personally comfortable with having the traffic study administratively reviewed and approved. He will approve the extra parking space. Commissioner Barts noted that the fallback is the State's licensing. He noted that it is a form letter but they are trying to put it in and make it work. He does not see how 200 children will possibly work so he does not see how the State will let them do it. He hopes that the State will do the right thing regulatory wise. He does not know where they are going to park on Charms. Commissioner Carter noted that the applicant might police that since the parents will see what a nightmare it is. Commissioner Sharpe noted that for the benefit of the City he feels that they need to understand this going in eyes wide open. There could be left turn arrow issues. Commissioner Barts referred to the problems at Maple Road and the massive traffic there. There is only one ingress and one egress. There are hurdles on this site. He feels a study with signals would be a good idea.

Chairman Day noted that when this site first came before the Planning Commission, there were ideas and a settlement was eventually reached. They have to live with that. It is essentially a low-impact, daytime use which is great for the neighbors' concerns. He does not see how tabling this for a traffic study will make a difference. Would that entail looking at signals at the Wixom and Charms corner? Do they have any say there since it is a County road? Mr. Sprague said that the traffic study would look at the number of proposed trips per day including both pickups and drop-offs. He does not know what the County standard is but he would not imagine more than 100-150 trips per day which is probably less than the residential being built to the north and west of it.

Commissioner Cousineau noted that he is conflicted with this proposal in that he has not seen the Consent Judgment. He does not know what it stipulated but believes that City staff must have thoroughly reviewed it. How do they handle the site? If the use has been approved and meets Ordinance standards, he feels they are compelled to approve it. He has given serious thought to Commissioner Sharpe's traffic concerns. Shifting the building 90 degrees makes no sense. The configuration and design of the site is probably the best it can be. He agrees with Chairman Day in that even if the Commissioners ask for a traffic study, the site plan appears to be approvable. He is disappointed in the information presented to the Planning Commission tonight and that The Learning Center does not have anyone here tonight to answer questions including the total number of anticipated children. That creates a lot of consternation and conflict. He feels the site plan has minor deficiencies but is approvable.

Chairman Day noted that the Consent Judgment allows for this particular use on this piece of property. He does not know if the Consent Judgment spoke to the facility's size or the number of people it would serve. In terms of parking, the only thing the Commissioners can do is decrease the number of spaces which they do not want to do. He thinks it meets Ordinance requirements closely enough that it can be approved.

Commissioner Cousineau noted that traffic should be a primary consideration of the Consent Judgment since it was discussed since Day 1. He is disappointed in the City staff and thinks it would have been appropriate for the Planning Commission to have been given the parameters of the Consent Judgment and in terms of how to review the site. Chairman Day noted that it would have been better to have had the City Attorney present tonight.

**MOTION** and second by Commissioners Lawrence and Carter to approve the Site Plan Review SPR #30-019-18 of The Learning Center's for a 10,000-sq. ft. daycare facility. This approval is contingent upon: 1) that the Planning Commission approves the extra parking space provided above and beyond the Ordinance maximum; 2) that the Planning Commission approves a waiver for the location of the proposed dumpster; 3) that the Planning Commission approves the landscaping waiver for the elimination of two canopy trees and three bushes; 4) that a truck circulation plan and a traffic study shall be submitted and administratively approved; 5) review and approval from other applicable consultants, departments and agencies. The property is located at 1725 N. Wixom Road, Wixom, MI 48393, is zoned R-2/PUD and the property parcel identification number is 96-17-30-200-018.

**Roll Call Vote:** 5 AYES: Day, Carter, Barts, Cousineau and Lawrence  
 1 NAY: Sharpe  
 0 ABSENT: Grossi

**VOTE:**

**MOTION CARRIED**

2. **SITE PLAN REVIEW SPR #07-020-18, MLS GRAND LLC, 49575 GRAND RIVER AVENUW, WIXOM, MI 48393:** Site plan for Grand River Plaza to change the layout and configuration of the parking lot and internal circulation to allow the addition of a drive-thru facility on the east end of the western building. The property is zoned B-3, General Business where a drive-thru as accessory to an approved retail business is permitted by Special Land Use.

Mr. Sprague referred to the brief January 2, 2019 review letter. The applicant wants to reconfigure the parking lot to potentially add a drive-thru facility located at the east end of Building No. 1. They did not do a formal planning review for Ordinance conformance but did have the City Engineer review it who recommends approval. The Engineer had a few comments.

Mr. Sprague recommends approval conditioned upon: 1) that the applicant submits a formal application for Special Land Use at the time they want to move forward and including a potential drive-thru for review and approval prior to construction of the drive-thru; 2) that that plan be revised at the time that application is submitted to show 10 stacking spaces not including the window where pickup would occur which is not currently shown on the applicant's plans; 3) review and approval from all other applicable consultants, departments and agencies.

Chairman Day confirmed with Mr. Sprague that the only thing the Commissioners are looking at tonight is whether the reconfigured parking lot meets the requirements regardless of whether there is a drive-thru. Mr. Sprague noted that the applicant will be cutting out some of the islands. Chairman Day re-emphasized that this does not in any way suggest

that the Planning Commission is giving conditional approval for a drive-thru. Mr. Sprague noted that is correct since that would require a public hearing.

Commissioner Cousineau confirmed with Mr. Sprague that the applicant is adding parking. Mr. Sprague noted that they are also removing the boulevard. Commissioner Cousineau assumes that there was adequate parking when this was originally approved. How do special land uses work?

Do they run with the user or with the property? Mr. Sprague said that it runs with the unit (the end user with the user in it) once the drive-thru is built even though the applicant would be in there. Commissioner Cousineau asked what if the applicant files for a special land use for the drive thru but goes out of business? Mr. Sprague said that the drive-thru remains unless there is a full change in use or the special land use is revoked. Once it is in place, it is in place. Commissioner Cousineau observed that the special land use really runs with the property then. Does the applicant have to come in with a specific user for the drive thru? Mr. Sprague said that the building owner can come in and apply but they have not done that as of yet.

Chairman Day asked about the requirements for parking lot landscaping. How is that effected by reconfiguration of the parking lot? Mr. Sprague noted that a landscaping plan has not been submitted. That would be required if they are removing it. Chairman Day asked about the addition of spaces and removing a boulevard. Has the City staff done a landscaping review or should there be one? Mr. Sprague said that currently there should be 7 trees that would be removed from boulevards so it would be well within reason to find a way to replace those trees on other spots on the site or consider a contribution to the City's Tree Fund since that is a considerable number of trees.

Commissioner Sharpe asked whether the Commissioners do not need to understand that before approving this. Chairman Day noted that there should have been a landscaping plan submitted tonight. Mr. Sprague noted that there is a requirement for parking lot island trees in the Zoning Ordinance.

Marco Soave, 49863 Grand River, Wixom. Chairman Day asked the applicant whether there is not a place to replace the trees that will be removed. The applicant said that this is the first he has heard of this. The trees were there because there was a void from the boulevard. He can always fit another tree in here or there. It should not be a problem. Mr. Sprague noted that he would have to calculate the full amount of parking spaces to figure out how many trees it would be. Chairman Day said that a full landscaping review is required. He does not know whether the Commissioners can approve it contingent upon an administrative review.

Commissioner Cousineau confirmed with the applicant that it owns the entire facility. Why are they adding spaces? The applicant said the businesses there are doing very well. It will be helpful to increase the parking especially at the front. At this point the boulevard serves no purpose. Originally it was supposed to be contiguous to a Pulte subdivision. However, that is no longer the case. Commissioner Cousineau confirmed with the applicant that the boulevard is for emergency access only. He asked the applicant whether they have a new user for the drive thru. The applicant said it will either be a coffee shop or a credit union.

Chairman Day said that he is comfortable approving this with administrative review and approval of the landscaping plan with a determination being made regarding the relocation/addition of trees or a contribution to the City's Tree Fund. Commissioners Cousineau and Barts agreed. Commissioner Carter asked Mr. Sprague whether signage would be part of a new occupant moving in. He noted that they would have to go way around to the west side. Mr. Sprague noted that is handled at the time of the building application when the Building Department would address building and directional signage.

**MOTION** and second by Commissioners Barts and Lawrence to approve Site Plan Review SPR #07-020-18, MLS Grand LLC's request to change the layout and configuration of the parking lot and internal circulation to allow the addition of a drive-thru facility on the east end of the western building. This approval is conditioned upon further submittal and review of a landscaping plan

governing the removal and replacement of trees, as well as the required amount of landscaping per the increased parking count, to be administratively approved. The property is located at 49575 Grand River Ave, Wixom, Michigan 48393, is zoned B-3, General Business and the parcel identification number is 96-22-07-476-006. MOTION **AMENDED** by Commissioners Lawrence and Barts that there should be one deciduous tree per 10 spaces.

**VOTE:** **MOTION CARRIED**

### 3. Proposed **AMENDED** 2019 Planning Commission Dates

**MOTION** and second by Commissioners Lawrence and Barts to approve the proposed amended 2019 Planning Commission dates as amended.

**VOTE:** **MOTION CARRIED**

#### **Call to the Public:**

There were no comments made by the public.

#### **Staff Comments:**

Mr. Sprague apologized that the Commissioners did not feel they had all the information tonight. He noted that he texted Mr. Avantini who told that him that traffic was taken into consideration during the Consent Judgment. Going forward, the Commissioners will have the necessary information.

Mr. Sprague noted that the Planning Commissioners previously recommended that City Council authorize the Master Plan which should be addressed at City Council's January meeting. If City Council authorizes it, there is a 63-day comment period, then it comes back to the Planning Commission for a final public Planning Commission hearing.

#### **Commission Comments:**

Chairman Day is very disappointed that while the Stonegate negotiations were ongoing, given what the Planning Commissioners had to deal with, it behooved the City Attorney and the City staff to keep the Commissioners in the loop on this matter since they may have had invaluable input. The Commissioners' role was not given serious consideration. Whenever there is property that is going to be developed pursuant to a Consent Judgment, the Planning Commission should be provided with a copy of the Consent Judgment so they can have questions answered by the City Attorney. That is public information and there is no reason it could not have been given to the Planning Commissioners. They volunteer their time to this job and they are accountable to the public. Commissioner Cousineau agrees 100 percent. He noted that he expected to see people in the audience tonight because of the Consent Judgment. If residents would have showed up, the Commissioners would have not been able to respond to them regarding the critical traffic issues.

Commissioner Barts announced that he will not be present at the January 28, 2019 Planning Commission meeting.

Commissioner Sharpe noted that post-election cleanup of campaign signs is required. He personally contacted Ryan Berman's office and that sign has still not been removed.

Commissioner Carter noted that land is being cleared on the north side of I-96 east of Alpha Tech. What is going on there? Chairman Day noted that is the area for the proposed waterpark. Mr.

Sprague said that he has not received any plans as of yet although he has called the land clearing to the attention of the City staff.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 8:50 p.m.

Nancy Fisher

Recording Secretary