

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, FEBRUARY 2, 2019**

APPROVED

3.25.2019

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), Phillip Carter, Anthony Lawrence, Joe Barts, Peter Sharpe and Sandro Grossi
ABSENT: Ray Cousineau (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 January 7, 2019 Planning Commission Meeting Minutes:

MOTION and seconded by Commissioners Lawrence and Barts to approve the January 7, 2019 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. WAIVER REQUEST: SPR #30-002-19, NORTHWEST INTERSECTION OF WIXOM ROAD AND CHARMS ROAD:** Waiver request from Stonegate Village to allow two development signs that are larger than permitted under the current Zoning Ordinance. Waivers or "modifications" are needed from the Planning Commission for this sign request to be permitted as proposed. **Section 18.16.50** defines a "real estate development sign" as a temporary sign. As such, the Ordinance has strict size and placement criteria for temporary signs in residential districts including a 4-foot height maximum and a 14-square foot maximum area per parcel. Further, the Ordinance requires that temporary signs shall not be erected in a right-of-way and shall not be in place for more than 60 days per 120-day cycle. It is our opinion that the applicant will need a waiver for both the size of the proposed signs (38.4 square feet) as well as the length of time for which the signs will be displayed.

Mr. Avantini referred to his January 30, 2019 review letter. This is a waiver request for a development sign for Stonegate. The old Zoning Ordinance contained a table which broke down the requirements for different kinds of signs. There was a court case a few years ago which said signs cannot be differentiated based upon their content; i.e., a sign for a garage sale versus a development sign. The attorneys said you can only regulate time, location and size. So now there is a category for permanent signs and another for temporary ones. All temporary signs are regulated the same.

Certain commercial signs and the one for this development will not afford the applicant the type of exposure it needs which necessitates a request for a variance or a waiver to get a normal development sign. The current Ordinance which is being updated will require all temporary signs within the City to come before the Planning Commission for dimensional waivers instead of variances. There will be different criteria based on aesthetics and visibility rather than meeting the variance test of practical difficulty.

The applicant is requesting a typical development sign. There will be another one at the end of the month from Robertson Brothers. The applicant's request is appropriate. The goal is to let people know about the availability of housing. It will help limit the number of illegal, small temporary signs. He thinks the waiver should be granted.

Chairman Day asked how this is not thumbing their nose at the court case since they cannot discriminate against content. What if someone wanted a sign of this size for a garage sale? That is right back where they are. They would still be discriminating based on content. There should not just be an Ordinance where 50 people per year ask for a waiver. The solution should be to change the Ordinance instead of granting individual waivers. Mr. Avantini said that they are following the rules not because of a law by elected people but because of the courts and sometimes the courts overreact. He thinks that is what happened in this case. Chairman Day said that the courts do not pass laws or enact them. They interpret laws that are on the books. The solution is to have an Ordinance which complies with the law that they stick to. Mr. Avantini agrees in terms of content. He thinks they can differentiate between the types of signs and still not get at content but the ruling does not say that. Chairman Day said that the content is the same. They are both advertising merchandise for sale whether it is a new home or a child's used toys. Mr. Avantini noted that a large development on a busy road is different. Chairman Day believes that the Ordinance should be changed to say that they do that regardless of content. He does not have a problem with the signage on Charms or Wixom Roads but does not like going about it via a waiver. Mr. Avantini noted that thus far no one has come up with an Ordinance doing that. He noted that this is a PUD and they have granted waivers before. He would like to find another way to do it.

Derek Zuk, MJC Stonegate Village LLC, 46600 Romeo Plank Road, Suite 5, Macomb. He would like to sell the homes as quickly as possible and get the signs done fast. The ones on Charms would be first. There are only eight lots there. Once those are sold, only the Wixom Road signs would remain. Both sets of signs will be outside the right-of-way and will not impede sight lines. Chairman Day noted that his comments have nothing to do with the applicant's particular case. He noted that Charms and Wixom Roads are hardly residential roads.

Commissioner Lawrence noted that the applicant has requested a waiver from 60 days to something that is acceptable. What is that time period? The applicant said that he hopes the homes will sell quickly. He has been building in Commerce Township for 20 years. He did the luxury apartments at Beck and Maple on the southeast corner which included 203 units in 18 months. That was very quick. However, he had a development on Benstein during the downturn which took much longer. He is pricing them to sell. His research shows that there is currently a market for this.

Mr. Avantini noted that one option is to have them take the signs down within 30 days of the last unit's sale. Chairman Day suggested they remove the signs after 80 percent of the units have been sold or with the sale of the last unit.

MOTION and second by Commissioners Sharpe and Lawrence to approve Stonegate Village's Waiver Request, SPR #30-002-19, to allow two development signs that are larger than permitted under the current zoning ordinance. The temporary signs shall not be erected in a right-of-way and the last sign shall be removed after the sale of the last remaining unit. The property is located at the

northwest intersection of Wixom Road and Charms Road. The parcel identification number is 96-17-30-200-014.

VOTE:

MOTION CARRIED

Call to the Public:

None.

Staff Comments:

Mr. Avantini noted that the reason why he has not been present at all the recent Planning Commission meetings is that CIB Planning is trying to rebuild its capacity and that work is being shared by him,

Mr. Sprague and Kelly McIntyre. Carol Maise is still doing review work. He is focusing on the Zoning Ordinance, moving the Master Plan through the approval/adoption process and shepherding the development of the Ford Motor property with Ms. Barker and City Manager Steve Brown.

Mr. Avantini noted that the Zoning Ordinance will be really important. There is still some fine tuning to be done; however, he should have the revised draft to the Commissioners in a few months.

Mr. Avantini noted there are other projects coming down the pike and it should remain busy for the next few months.

Commission Comments:

Chairman Day noted that there was some discussion regarding someone moving into one of the Menards' outlots. Who will that be? Mr. Avantini said that he heard that it sold but has not seen any plans. He does not know who it is although he does know it will be a restaurant.

Chairman Day requested an update on the property which was cleared at Twelve Mile and Beck. Mr. Avantini said that they have hired a traffic transportation consultant to help them since the road network is essential. Chairman Day asked if that will be a waterpark there. Mr. Avantini said that it is more of a major hotel and conference center with an accessory water feature; similar to what you might see in Las Vegas. It will be hard to meet the parking demand with the amount of parking and the soil conditions at that site.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 7:53 p.m.

Nancy Fisher
Recording Secretary