

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, APRIL 22, 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, Peter Sharpe and Sandro Grossi  
**ABSENT:** Phillip Carter (Excused), Joe Barts (Excused) and Ray Cousineau (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:**

**MOTION** and second by Commissioners Lawrence and Grossi to add to the 'Correspondence' section the letters from Oakland County and Milford Township regarding the Master Plan.

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

**Approval of the March 25, 2019 Planning Commission Meeting Minutes:**

**MOTION** and seconded by Commissioners Sharpe and Lawrence to approve the March 25, 2019 Planning Commission Meeting Minutes.

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

**Correspondence:**

April 9, 2019 City Manager Update  
Letters from Oakland County and Milford Township regarding the Master Plan

**Call to the Public:**

Mike Dornan, 2192 Hedingham Boulevard, Wixom. He is asking about the postponement and rescheduling of the meeting from May 6<sup>th</sup> to May 8<sup>th</sup>. He passed out the guidelines governing rezoning applications to the Planning Commissioners. Chairman Day noted that Mr. Dornan's comments should be limited to the date change. Mr. Dornan drew attention to Step 2 of the guidelines on page 2. He stated that the City has failed to fulfill the requirements of the rezoning application that the applicant filed on April 16, 2019. Step 2 seems to have been omitted and it went directly from the application being filed to Step 3 (notice of public hearing). He read the guidelines for the Commissioners and noted that no hearing was held. The application should have presented his request at a public hearing. The Planning Commission should reschedule the rezoning request since only the Planning Commission can set and schedule public hearings. The Planning Commission should hold a public hearing (Step 3) and decide whether to endorse it or deny it (Step 4). In accordance with the guidelines, Step 2 was not followed and there was no preliminary hearing affording public access. He noted there was a March 25, 2019 meeting before the Planning Commission which included a conceptual review. The meeting started with the City Planner saying that he met with the development team and that the goal that evening was to garner the Planning Commission's feedback. There was not a site plan. However, renderings of architectural drawings were submitted although the developer indicated they were not exact. Representations were made about the houses and there were two references about meeting with neighboring homeowners. The submission of the application last Tuesday and mailing it out to residents located within 300 feet omitted an important step in the process. He does not think that is right and that re-mailing and re-noticing is required. The next meeting should be a preliminary hearing. He does not believe there is any devious intent or a conspiracy involved.

Mr. Sprague noted that he would like to clarify that the application which was referred to has a Step 2 which requires a preliminary hearing prior to the Planning Commission setting the public hearing. That is an old application. However, in April, 2014, the City adopted new guidelines which are posted on the City's web site. That process includes an optional

pre-application meeting followed by the submission of the application followed by the public hearing followed by the review of the Planning Commission and recommendation to City Council followed by the review by City Council followed by approval or denial by City Council. Unfortunately, there are two applications which are currently online. One is old and one is new. That will be rectified. Chairman Day confirmed with Mr. Sprague that under the 2014 guidelines that a hearing is no longer required. Accordingly, tonight's agenda Item No. 2 only changes the date and does not have anything to do with what will be on the agenda that night.

### **Unfinished Business:**

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

### **New Business:**

1. **WAIVER REQUEST: SPR #30-004-19, NORTHWEST INTERSECTION OF WIXOM ROAD AND CHARMS ROAD:** The Stonegate Village development is located at the north-west intersection of Wixom and Charms Roads. Lot 56 is located on a cul-de-sac and is unusually shaped with narrow frontage along Coral Ct. and unequal side lot lines. The applicant is requesting that a small portion of the proposed residence be allowed to encroach into the required rear yard, which is 35 feet. The proposed rear yard setback is 30.81 feet. The footprint area of house including the garage but not the porch is 1,396 sq. ft. The parcel identification number is 96-17-30-200-014.

Mr. Sprague noted that because this is a planned unit development (PUD), this case has come before the Planning Commission when in most cases a rear yard setback would be before the Zoning Board of Appeals (ZBA). He referred to the lot outline in tonight's packet depicting the rear yard setback. Based on his review and the irregular shape of the lot and the fact that it is small, he recommends approval of the approximate 8-foot waiver. It appears to be 3 feet. Behind the lot is a drain, wetlands and a wooded area. Chairman Day confirmed with Mr. Sprague that there are no residences located there. Mr. Sprague noted that the applicant did attempt alternate layouts but were unable to come up with something that is acceptable. They believe that anything smaller than 1,300 square feet will not be marketable. Chairman Day asked whether it is a one-story home. Mr. Sprague said it is a two-story. He noted that the front and side are already touching the setback lines.

Commissioner Sharpe noted that this is one of the eight lots around the cul-de-sac. What makes this lot different? Mr. Sprague said it is the dimensions and its narrowness in the back due to the detention and the existing wetlands. Chairman Day noted that it is basically one little corner which is a little over 4 feet at most. Chairman Day and Commissioner Lawrence have no problem since the alternative would be to decrease the number of lots.

**MOTION** and second by Commissioners Lawrence and Grossi to approve SPR #30-004-19, Northwest Intersection of Wixom Road and Charms Road, The Stonegate Village development's request that a small portion of the proposed residence on Lot 56 at 1810 Coral Court, located on a cul-de-sac, be allowed to encroach into the required rear yard, which is 35 feet, since it is unusually shaped with narrow frontage along Coral Court and unequal side lot lines. The parcel identification number is 96-17-30-200-014.

### **VOTE:**

### **MOTION CARRIED**

2. **Request to postpone the May 6, 2019 Planning Commission meeting to May 8, 2019 due to the election.**

Chairman Day noted that the meeting room will be in use for the school election on May 6<sup>th</sup> necessitating the need for the adjournment to May 8<sup>th</sup>. Mr. Sprague noted that a two-day adjournment is needed. There are currently three cases on the agenda for that evening. Chairman Day noted that this is consistent with the practice of the Planning Commission over the years.

**MOTION** and second by Commissioners Lawrence and Sharpe to adjourn the May 6, 2019 Planning Commission to May 8, 2019 due to the election being held on May 6<sup>th</sup>.

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

Mike Dornan, 2192 Hedingham Boulevard, Wixom. The fact is that no one other than the Planning Commission should be setting public hearing dates. He has a problem with this since it is the Planning Commission and City Council's responsibility to set public hearing dates whether that is under the new rules or the old rules as outlined by Mr. Sprague. He referred to the 2014 rules. However, he noted that the document that was shown to the Planning Commissioners were retyped after the Creekside application was filed. The application itself still stands. It is the one that was given by Creekside last week. The applicant completed and filled in page 4 of the application. How can the City now change the rules? In spite of the rules being adopted in 2014, the Planning Commissioners held a preliminary hearing last year following these rules. They need to address that.

Chairman Day noted that if the rules were followed there would be no public hearing until a few weeks later but there would still be a public hearing. Mr. Dornan noted that the public hearing would have to be re-noticed. People were notified but the sign was posted incorrectly. Chairman Day asked how the residents are prejudiced by having the public hearing on May 8<sup>th</sup> instead of May 27<sup>th</sup>. Mr. Dornan said that the additional time allows busy residents to discuss this. He noted that the developer indicated in the March 23, 2019 meeting that he would be more than happy to have a homeowners' association meeting and let the community speak in order to develop the best-laid plans. That lends itself to transparency and public involvement.

Roy Thorsell, 3270 Potter Road, Wixom. He wants to clarify that the May 8<sup>th</sup> meeting will be for a rezoning from R-3 to R-4. Will that be brought up as an agenda item? Mr. Sprague noted that there are currently three cases scheduled for the May 8<sup>th</sup> meeting: a special land use, a site plan and a rezoning review. Mr. Thorsell asked whether that would be the proper time to address it. Chairman Day said Mr. Thorsell could express his views tonight or come back on the 8<sup>th</sup>. Mr. Thorsell noted that since he is pretty busy he would rather speak to this tonight. His primary concern with the area is the R-3 to the north and the R-3 to the west. He moved here because it is spread out. He would like to see that quality retained. He referred to the well-known traffic concerns in this area noting that this will exacerbate it. He does not know whether the City fears that the developer will back out. He understands that the developer owns the property and has purchased it. His occupation is a designer for Ford and Toyota. When he is quoting a program, his customer gives him specifications and he knows he has to be profitable within the existing specifications. If he goes into a business situation with the idea that he will only be profitable if the rules change, it is a lost cause. Last year the developer talked about RM zoning being required for this project to be profitable for him. Obviously that is not true and R-3 zoning will be sufficient. He would not have purchased it without a solid plan in place. The builder's whole goal is to increase his profit margin. However, Mr. Thorsell does not want it to be at the expense of him, his neighbors and local families. If it stands at R-3, the developer will proceed with a plan for larger lots.

Richard Van Dyke, 24808 Hedingham, Wixom. He re-emphasized what Mr. Dornan said. There are City processes in place and they are there for a reason. If the processes changed in 2014, it was not applied and then all of a sudden it was. That seems weird that there could be two simultaneously valid processes. He understands that processes exist for a reason. In this case, it is to give the public a chance to react to these things. He does not believe there is intentional deceit but this looks fishy to the casual observer. He agrees 100 percent with Mr. Thorsell. Keep it the way it is. It will fit in with the surrounding developments. It should be developed according to the Master Plan. Keep it R-3 and everyone will be happy. If the developer went into this assuming he could change it to make more money, that is a poor businessman. He should have known that he had to comply with the existing rules. He is supposedly a national developer.

**Staff Comments:**

There were no comments made by the staff.

**Commission Comments:**

Commissioner Sharpe thanked the residents for coming to tonight's meeting and for speaking so that the Commissioners understand their passion surrounding this matter. He realizes that the property will be developed but believes it should be done intelligently.

Chairman Day noted that he appreciates when residents are interested and attend the Board and Commission meetings. He expects to see them again on May 8<sup>th</sup>.

Commissioner Grossi thanked the residents for coming out tonight. He noted the reference to the two different applications and asked whether there are any examples of public hearings that used the 2014 guidelines. Mr. Sprague noted that when the applicant came in last year it was at the applicant's request to do a conceptual plan. Commissioner Grossi asked whether anyone other than the applicant had a preliminary hearing which eliminates coming before the Planning Commission. Mr. Sprague said there is nothing he can think of off the top of his head. Chairman Day said that generally there is not a separate agenda item to set the meeting and they are set by City administration.

Commissioner Lawrence thanked the residents for coming tonight.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 8:01 p.m.

Nancy Fisher  
Recording Secretary