

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, MAY 8, 2019**

**APPROVED
MAY 29, 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, Ray Cousineau and Sandro Grossi

ABSENT: None

OTHERS: Carmine Avantini (CIB Planning), Steve Brown (City Manager), Carol Rosati (City Attorney), Monica Raddatz (Planning and Zoning Secretary) 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 22, 2019 Planning Commission Meeting Minutes:

MOTION and seconded by Commissioners Lawrence and Grossi to approve the April 22, 2019 Planning Commission Meeting Minutes, **as amended**.

VOTE: **MOTION CARRIED**

Correspondence:

April 23, 2019 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 LAND USE #19-001, KENNEDY ATHLETICS, LLC, 29755 BECK ROAD, WIXOM, MI 48393:** The applicant is proposing to utilize a 40,920-sq. ft. building for a sports performance training facility. Services include sport specific training, yoga, indoor cycling, hockey treadmill, cryotherapy, massage, stretch, VR (virtual reality) fitness and practice turf and courts. There will be 5-10 employees. Hours of operation will be from 7:00 a.m. to 9:00 p.m. and the facility will be open weekdays and weekends. The site plan provided (from 1994) indicates that there are 96 parking spaces; however this must be verified on an updated site plan. Interior renovations will include new floors and walls. The parcel number is 96-22-05-476-051.

Mr. Avantini referred to his April 29, 2019 review letter. He noted the applicant will occupy the existing building on Beck Road. He would like to see a new site plan from the applicant including parking calculations, the number of available spaces, the location of drop-offs and pickups as well as concerns about pedestrian circulation. There is a need to improve the pavement and to restripe the parking lot via either repairs or resurfacing. They also need to have adequate lighting and a dumpster enclosure. City staff will need to review that. It can be administratively reviewed. He recommends approval conditioned upon the items outlined in his review letter.

Chairman Day noted that there is mention of a change in use requiring a wall upgrade due to proposed assembly. Mr. Avantini said that was probably from the Building Department. Because of a change of use group in the building, they will have to comply with the applicable building codes necessitating changes on the building's interior. There will be necessary changes in the railroad. Chairman Day referred to the comments made by the Fire Marshall and the Building Official regarding change in use from business storage to

business assembly because of a wall upgrade requiring a fire separation wall. Isn't assembly in this use? Mr. Avantini noted that there is a gathering space on the interior that would likely be used for gymnastics competitions. Chairman Day noted that he thought 'assembly' would have a different context in a Light Industrial setting. Mr. Avantini said no, that it represents an assembly of people. Chairman Day asked whether the building footprint has changed. Mr. Avantini said that it has not. Since the drawing cuts it short, it does not match up exactly on the east side. Chairman Day noted that this is not a public hearing; however, it was noticed as such so a public hearing will be conducted.

Virginia and Timothy Kennedy, 2355 Keith, West Bloomfield. The reason the drawings do not match up is that the current owner is taking the back 20,000 square feet of the warehouse and will be submitting plans for the 1-hour rated firewall. They do have a plan for the parking lot and the flow. She will dig the entire parking lot up and resurface it completely. There are lines for walkways and pickup and drop-off areas. Commissioner Carter confirmed that there will be no competitions held onsite and that it will only be used for training. Commissioner Carter asked whether there will be any food onsite. The applicant said there will only be vending machines. The kitchen will not be doing cooking. Chairman Day confirmed with the applicants that they can comply with the conditions set forth in Mr. Avantini's April 29, 2019 review letter.

MOTION and second by Commissioners Lawrence and Carter to approve Special Land Use #19-001, Kennedy Athletics, LLC's request to utilize a 40,920-square foot building for a sports performance training facility. This is contingent upon the submission of an updated site plan for administrative review depicting current conditions and proposed modifications, as well as the noted improvements to the parking lot and approval by all the City's departments, consultants and agencies. The property is located at 29755 Beck Road, Wixom, Michigan 48393 and the parcel number is 96-22-05-476-051.

VOTE:

MOTION CARRIED

- 2. PUBLIC HEARING FOR REZONING #001-19: CREEKSIDE, 3515 MAPLE ROAD & 3400 THEODORE STREET, WIXOM, MI 48393:** The applicant is seeking approval to rezone the property at 3515 Maple Road from R-3, One-Family Residential to R-4, One-Family Residential and the property at 3400 Theodore Street from R-3, One-Family Residential to R-4, One-Family Residential. The Municipal Code, **Section 18.23.030**, requires approval from the City Council, upon recommendation from the Planning Commission, for this request. The parcel numbers are 96-17-31-401-012 and 96-17-31-401-013.

Mike Powell, Powell Engineering, 4700 Cornerstone Drive, White Lake. He is the design engineer for this project. He referred the Commissioners and the public to the large-scale renderings he brought tonight. He noted that these two sites came before the Planning Commission last year with a totally different project comprised of single-family residential, townhouses and apartments with over 300 residential units. The developer heard the concerns aired by the public and the Planning Commissioners at the public hearing and sent Mr. Powell back to the drawing board to redesign the site. When this first came before the Planning Commission, the applicant only owned the 14 acres fronting on Maple Road. They proposed a single-family development. That was welcomed; however, there was a snag—if the Maple Road property was developed independently of the March property, it would greatly impede the development of the 19-acre parcel since the only access to it is through the front portion owned by the school system at the Theodore entrance. The developer contacted Mr. March and discussed the potential of combining the two developments to play off one another. Due to the greater cost of developing the March property, access to the March piece has to cross the drain in two locations near Norton Creek and also buffer the development near the railroad tracks to the south. The developer did strike a deal to access and present both parcels as one development for purposes of unification.

In addition to the density issue, there was a concern regarding the thru-street. He pointed this out on the large-scale diagram as well as the thru-street that comes off Maple and down through one stream entrance to the other drain crossing which is Theodore Street at the southeast corner of the site. That is proposed as a city road for a couple reasons: it provides good access to both parcels and relieves traffic at the corner of Maple and Wixom Roads. There were comments made at the last meeting that this would not be a desirable thru-street. The concern about that thru-street was set in motion legally for two reasons: 1) the March property has secured a 60-foot easement through the school system parcel which accesses the March piece; and 2) it owns the 60-foot right-of-way to Theodore Street. Whoever develops it, it will be a thru-street from Maple to Theodore out to

Wixom Road. His proposal minimizes the length of the roadway and makes it part of the green space. The other issue is that National Fire Protection has a restriction on having only a single entrance to a development. In this case, that would be off Theodore and accordingly the Fire Department could not approve it. That is why he tied the two developments together.

The cost of the March development is substantially higher than that of the school system. The March piece does not front any roadway. It fronts the railroad tracks along the south side which will hamper its marketability. That is one of the reasons the previous development proposed apartments there. The new request is totally different than the previous one. Instead of 300 homesites, it is now about 100 with no apartments, no condos and no rentals or leases. The lots will be about 7,200 square feet. The additional density is about 20 units, a necessity due to the extreme cost of developing the other parcel. Also, since development costs are skyrocketing, it is a practical matter. The previous layout had alleys in order to give it a neo-traditional look with the garages in the alleys.

The new proposal is more of a traditional layout, much like what the Planning Commissioners requested. The applicant has committed to a single-family residential development and is asking for a cluster option in order to entice empty nesters and millennials into this development. Many communities today are rewriting their Ordinances to promote and encourage smaller, tighter lots due to older residents downsizing and their desire for a lot with less upkeep. Millennials also want a smaller lot with less maintenance. The advantage of a cluster option is that it can provide much greater setbacks. He pointed to the 60-100 feet of right-of-ways on Maple Road. They are also proposing another internal roadway that fronts the homes. It puts the front of the homes toward Maple instead of the backs of the homes. They are trying very hard to create a more pleasing view off Maple. It allows for consolidation of lots into a smaller area and large greenspace with the preservation of natural buffers to properties to the east. Another advantage of clustering is that it prohibits developers from buying property, splitting it up and selling the parcels. Todco Development is willing to stay with this project from the beginning to the end and maintain the cluster option.

The applicant has approached the school system regarding the residents' concerns; i.e., the bottle neck at Theodore and Wixom Roads. The school system wants this development to try to deal with the parking and access problems for the elementary school. They want the road linking Theodore to the development to be the backup area for the pickup of the kids at the school. They want the traffic to come down, flip through the development and line up single file all the way down to the school in a more orderly manner.

He noted that anything new and different tends to concern existing residents. He was the project engineer for Millstream Estates which prompted a public turnout similar in magnitude to that of tonight. The residents at the time did not want any more developments. Millstream was a new type of development that included lot averaging). The Planning Commission approved it and he believes it was a positive thing. He thinks Creekside will be a beautiful development.

Chairman Day noted that the school system wants the traffic to come down Theodore and then flip around. How? The applicant said that is one of the reasons they gave the easement so that people can enter and pick up their kids in a more orderly fashion. In that section, he has layouts for a traffic circle or they can go around the loop one way or another and back onto Theodore. Chairman Day said that he thinks the traffic circle makes more sense than pushing the traffic through a pedestrian-friendly subdivision. Chairman Day noted that R-4 zoning only allows for 20 more units. The applicant said that there are only so many ways to lay it out. If the lot sizes were changed depth-wise, they would lose an entire roadway and you would not be able to access the lots. R-4 zoning would be 95 units. To go to R-3, he would have to widen the lots. It would be the exact same layout except there would be one-third more area on the fronts and wider lots. It is 20-25 units less with R-3 than R-4. He realizes that the residents think that the developer should have known not to purchase the property if he could not develop it under R-3 zoning. However, the developer has not purchased the property and he can still walk away from it. He has proposed putting a lot of amenities into this project including high-end furnishings, high-end exteriors in the original plan but he has taken some of those dollars out due to the drop in density.

Chairman Day said that he likes the idea of alleys since we do not have a lot of them in the City. Commissioner Lawrence asked how many units will be in the cluster. The applicant said there will be 107. Commissioner

Lawrence asked for clarification of the March property acreage. He noted in one place it says that it is 14 acres and in another it says 14.21. However, Mr. March says that it is 16.3 acres bringing the total to 30.5 and not 33 acres which is what the traffic study is based on. The applicant apologized for the different figures and noted that they were taken from the surveys. The previous owners had the properties surveyed.

Commissioner Barts noted that the April 30, 2019 R-4 lot plan is for 95 homes. It is 107. The applicant said that is a cluster plan. Commissioner Barts noted that one way or another Theodore Street will be opened up to development. The March property has a 60-foot easement which was negotiated between the prior owner and the school system so it is set in stone regardless.

Commissioner Cousineau asked whether the applicant has any architectural renderings depicting the homes. The applicant said that is for the next stage of the approval process. He did show the Commissioners a depiction of the interior finishes and noted that they will be very, very high-class and expensive. The garages and drives will be accessed from the front and not the rear. Chairman Day asked about the price point. Mike Thomas, the developer, said they will be priced at between \$329,500-\$430,000. He noted that the houses will be 10-15 percent smaller on the March property (1,650-1,725 square feet and will go up to 2,000 square feet). The land areas are 14.2 and 16.4 acres.

Commissioner Sharpe asked how many units would be in R-3. The applicant said there would be 69 units in R-3 and 95 units in R-4. Commissioner Sharpe noted that is quite a bit different than what is presented in the traffic study. Commissioner Sharpe asked whether the applicant has considered offering less for the land to accommodate fewer sites in view of the difficulty developing the property. Perhaps it is not worth what he paid for it under contract. The applicant said that the property price is negotiable but the development cost is going up each year. Road paving costs alone have risen by one-third. The development cost for the March property will be substantial. Commissioner Sharpe asked whether there have been any negotiations with the landowners for R-3 zoning. The applicant said that he does not know.

Call to the Public:

Rick VanDyke, 2480 Heddingham Boulevard, Wixom. He believes the area will be developed but believes it should stay in its current zoning. He noted there is plenty of denser zoning across from the City offices and more is not required. There are plenty of apartments and small homes for millennials and empty nesters. He is opposed to the Theodore exit/entrance. Do two entrances/exits onto Maple Road and be done with it.

Cindy Ziegelman, 1449 Lake Street Court, Wixom. She would like to see the document that says the Theodore Street exit is 'set in stone'. There was a suggestion for a turnaround. However, that must be big enough for a bus which is a large commitment. She already has people cutting through onto Trailside driving 30-40 m.p.h. through her subdivision in order to avoid traffic lights. She does not believe that home buyers will pay \$400,000 for homes near the railroad tracks with a view of the trains. That needs to be more thoroughly thought through. Is the easement much greater? What about fencing? She has a 120-foot easement and she still hears cars passing especially if she opens a window in the summertime. From approximately 7:30-9:30 a.m. and again in the afternoon, cars are lined up on Wixom Road and they stretch back to Charms. You cannot make a left out of that subdivision. She fears for the families in her subdivision with people cutting through it. She asked the Planning Commissioners to look not only at this development but also the ripple effect on every other subdivision on Wixom and Maple Roads. She thinks it is too easy to change the zoning and does not want any more chaos or road rage in the mornings.

Donna Killmarie, 309 Bennington Drive, Wixom. She is a 17-year resident who objects to the rezoning. She moved here from London because Wixom had wide open spaces. However, the roads have been busy and less safe for the kids. This does not need cluster housing and she does not want any more traffic on Wixom Road. Do we want to end up like Willy Lomanion *Death of a Salesman*? She asks that the Commissioners deny the rezoning request.

Roy Thorsell, 3207 Potter Road, Wixom. He lives at Potter and Wixom Roads. He moved here from Royal Oak in order to have more space. He sent letters in advance of tonight's meeting that included images of this property depicting traffic backups all the way to Pontiac Trail which is very typical on a Monday morning when it backs up through the intersection. People cut through Trailside in order to avoid the traffic light. However,

that promotes unsafe driving habits. He listened to the comments of the applicant but he believes it is more about money than a consideration of its effect on the City's residents. He wants the biggest homes possible in order to bring up property values. He does design work for a living and has to ensure that he is profitable within given specifications. Maintaining R-3 is still profitable for the applicant. There is no real reason to go to R-4 other than to increase the applicant's profits.

Ken Anderson, 2092 Millstream Court, Wixom. He has lived here for the last 25 years. He opposes the rezoning and would like it to be kept R-3. Rezoning it would decrease property values. The builder knew what the zoning was when he bought it. The builder alluded to a Phase 2 but that was not fleshed out so that makes him unsure whether there could be additional, future rezoning. With 69 R-3 or 95/107 R-4, there is a loss of 24 units to go from R-4 to R-3. This plan looks better than the last one since it has single-family but he does not like the smaller units. He has noticed lately that the poverty level has increased in Walled Lake and for the first time he is seeing homeless people on Beck Road. He does not want poverty creeping into the City. The last time this proposal came up, it was not properly signed. However, this time it was. The signs on Maple Road were visible from Wixom Road. It may have been better to have had additional signs on Wixom Road. He does not favor an additional light at Theodore and Wixom due to traffic concerns.

Patrick Fitzpatrick, 2208 Hedingham, Wixom. He is an 18-year resident. Many of the changes up until now were logical. The R-3 flows and R-4 is logical downtown. If the City had shown no interest in rezoning, there would be no people here tonight. He was previously a member of the City's Planning Commission for many years and he would have voted no on this.

Jim Hutchens, 2216 Millstream Drive, Wixom. He retired about 3 years ago after a 42-year career in engineering/engineering management. He was a Midwest regional architect for a developer out East constructing senior communities throughout the country. They did Fox Run at Thirteen Mile and Meadowbrook in Novi. They had a responsibility to the developer who was a long-term investor. They wanted assurances that the infrastructure could serve the development. They met with the utilities and city officials. The reasons for those meetings was to obtain 'will serve' letters, a commitment from every community to preserve the development. Sometimes there are financial arrangements to extend utilities. When he thinks about this proposal, he sees parallels. The Planning Commission has a responsibility to their clients to make sure all the aspects of infrastructure will serve this development. There are concerns about traffic. If you tell him that the roads can be adjusted or improved to accommodate the additional traffic, that would be a good thing. However, he has not heard that. He assumes that there is no plan in place to improve the roads to make it more manageable. Whether it is R-3 or R-4, the roads cannot accommodate any development there. His wife still works and drives Wixom Road every morning and afternoon. It should be a 10-15 minute commute. However, it is backed up to the railroad tracks at the old Ford plant by Pontiac Trail. He does not see how the roads can accommodate R-3. Maple Road and Wixom Road are landlocked and there is no option for expansion with the cemetery and historical buildings. Maybe there could be more traffic signals on Wixom Road. He would like to hear any plans for improving the roads. Otherwise, vote down the rezoning request since there is no solution and it will only get worse.

Scott Peterson, 1425 Wren, Wixom. He moved here in 1972 and bought his house in 1975. He became aware of the City's Vision Plan 2025 when the first Creekside development was proposed. One of the goals of that plan is to improve the City's small town character. The Village Center Area (VCA) is not that. Nor are smaller lots. His definition of a small town is different. Another goal of the plan is to preserve quality single-family neighborhoods. Do not approve any rezoning unless you change to a lower, and not a higher, density. People moved out here and have stayed because of the extra space. There is space on the lots and in the parks. People moved here away from small, dense yards. They do not want postage stamp-sized lots. Do not allow the City to become like the areas people moved away from. The good news with the applicant's latest proposal is that it no longer includes apartments or townhomes. The new proposal from R-3 to R-4 allows more homes than it was previously zoned for. During the original discussion, they were told apartments and townhouses were necessary to make it profitable. They could build if it was R-5 if they had to do a 20,000-square foot lot but that is not an option for the City. He does not like the new proposal. A smaller lot size does not enhance it. The developer is using trees and landscaping to buffer it from Maple Road. 99 percent of the people he speaks with do not like smaller lots and they are not in the best interests of the City or the City residents. They were told that the VCA would be warm and inviting. However, he never sees residents in the

VCA out walking around. He only sees cars parked there. He does not believe people will want to stay in the VCA. He hopes they can make the City a place where people want to stay. We do not need small lots spreading throughout the City. The City has more rental units than most cities. The crime is not in the single-family homes but in the multi-family housing. We need single-family homes on decent sized lots. He has heard that townhome sales are falling or have flattened although single-family homes are selling well. No one wants tighter developments despite what the City planners and surveys say. When he and his wife drop their grandkids off at the Baptist church, they either sit in traffic on the road or cut through other subdivisions. Keep the development at R-3. You cannot stop all the development but you can control some of the traffic in the City. Build the least amount of homes possible on this property.

Mike Dornan, 2192 Hedingham Boulevard, Wixom. It must be a single-loaded road along Maple Road in the new plan because the lot sizes are so small and if the backyards back up to Maple Road, the house would appear as if it was in the middle of Maple Road (Paragraphs A-H). The layout of the 30.5 acres could be reworked to have two boulevard entrances off Maple Road and then stub a road onto Pontiac Trail into the Parvu's 8-acre property. Then there are 2 more acres to the west of that. His written comments reference amendments of the zoning map. He is strongly opposed to the rezoning and has heard opposition from his neighbors. The applicant has failed to meet the amendment of the zoning map in Section 18.23.040(A-Z) of the Zoning Ordinance. The applicant fails to meet the proof of marketability (Paragraph C) regarding a reasonable rate of return under the current zoning. In terms of Paragraph F, it was repeatedly suggested that large lots are not selling due to lack of demand; however, but realtors say that they are (in Millstream, Wexford Mews and Maple Run), sometimes within one week of their listing. The Milford Township Planning Commission met on April 25, 2019 regarding a request for rezoning of a development on 80 acres with 120 homes on 80 foot by 120 foot lots (12,000 square feet) on approximately the same size as the R-3 rezoning. This screams that large lot homes are in demand and marketable. The application fails to meet Consistency with Master Plan Goals, Policies and Development Trends (Paragraph A), Compatibility With the Surrounding Area (Paragraph D) and Reasonableness (Paragraph G). It was suggested that because there are no currently available developable R-4 properties in the City, the property should be considered for rezoning. This does not warrant a massive amendment to the zoning map or a change in the Master Plan but instead proves that the community is developing as it was intended to. Vacant land is available in the VCA for smaller lots for the millennials. A rezoning would be inconsistent with R-3 land uses and would create disharmony and negatively impact the character of adjacent neighborhoods by permitting a housing pod development whose impacts would include but not be limited to the development's density, floor area, architectural style and sheer structural mass. The application fails to meet the compatibility of the site's physical features and capacity of the City's infrastructure (Paragraphs B and E). In the March 28, 2019 Planning Commission's conceptual review meeting minutes, the applicant submitted a 107-lot site plan. However, last week they submitted a 95-lot site plan. This is a bait and switch within 30 days' time. On two different occasions the developer has said that he will meet with the homeowners; however, this has not occurred. It appears to be a ruse to make the project appear less dense to come just under the MDOT traffic threshold, barely avoiding the necessity of a traffic impact study. The rezoning is separate from the site plan and the site plan will come after rezoning. They should use a 151-unit maximum for all of their rezoning deliberations. He compared Milford's rezoning to Wixom. Based on what we know, there is no reason why the property should not be developed as R-3 with a cluster option. The natural features are not constraints but attributes (including Norton Creek, the wetlands and woodlands) that enhance its desirability. On March 25, 2019, the applicant indicated it was not interested in making any offsite improvements. He wanted to decrease the right-of-way from 60 feet to 40 feet. Based on the applicant's statements, rezoning to R-4 would adversely affect the safety and movement of vehicular and pedestrian traffic on and along Maple Road, Wixom Road and Theodore Street. R-4 zoning would adversely impact the safety, welfare and harmony of the residents. The Planning Commission should be able to easily deny the request to rezone since it does not meet the criteria.

Caitlyn Munro, 516 Hampton Court, Wixom. The applicant's answers to questions are not concise. It is a 38-house difference. That is misinformation and it is deceiving. She does not understand the two entrance limitation and does not know the NFPA Code. The Hillsborough and Millstream subdivisions have two entrances. There is a lot of unnecessary traffic. She does not appreciate misleading information and does not want to see this approved.

Peter Behrmann, 693 Kingsley, Wixom. He lives in the Maple Run subdivision. Maple Run has one entrance and contains 40 houses. It is probably equivalent to one of those pieces of property. If they did a road from Theodore in, they could possibly do 40 houses and if they did a road from Maple in, they could potentially do 40 houses and possibly not have to do the two bridges they are looking to do. He has been to all the meetings and his biggest concern is that this process is being rushed. Signs went up on Easter Day. There was a meeting two weeks ago to reschedule tonight's meeting. Now the applicant is proposing rezoning with no site plan. Are they looking to cram 150 houses in or will it just be 95? How can the Commissioners vote without having that information? The applicant did put the signs up this time which resulted in more people coming out tonight. However, this proposal does not fit the character of the neighborhood and he does not know why it keeps getting pushed forward. Maybe we need to move in a different direction if City staff is supporting this. No one in the community is supporting this. They want the City to maintain its current character and the way it fits into the Master Plan. This is the third time it has been attempted. Now the applicant is trying to increase the density and change the zoning. The March 25, 2019 Planning Commission meeting minutes say that the applicant wants a nice downtown look. However, the City does not want to expand the VCA. They want single-family homes where they are now. The Planning Commission's March meeting minutes describe the southern lots as being 50 feet by 100 feet. That is a 5,000 square foot lot which they are obviously accomplishing via clustering. There is no lot in the VCA under 6,000 square feet. The applicant is proposing lots that are 20 percent smaller. He implores the Planning Commission to deny the applicant's request.

Steven Foster, 1489 Pondview Drive, Wixom. He has been a City resident for the last 29 years with the exception of 12 years he spent in Brighton. It can take him 18 minutes to go from Charms to Pontiac Trail. We already have a VCA and there is a new subdivision going in at Charms and Wixom Roads. Wixom Road needs to be a four to five lane highway. Drivers are distracted with handheld devices and are speeding. When he moved here, he paid attention to the City's plan. He does not think we need more densely packed residential areas. There is no guarantee that the proposed development will be the one that winds up here. Tonight's question is whether to rezone. The applicant does not own the property. You could end up with business people who are upset they are not allowed to have their development and then bring litigation in which case the City would inevitably cave. Then you wind up with a mess and a Master Plan that is nonsensical. If you are going to rezone it, make it a park.

Tory Heglin, 3203 Bennington, Wixom. She supports all his neighbors who have spoken tonight. She has lived here for the last 27 years. She supports continued R-3 zoning. The developer does not have a solid plan for drop off and pick-up at the school. The railroad area is not attractive for apartments and would be even less justified for someone spending \$400,000 on a home. She implores the Planning Commission to reject this and focus on quality of life. The developer talked about the extreme cost of work in connection with the drain. That need not result in higher density. You need to rebalance it with open spaces. We do not want to further stress the City's infrastructure and road systems. She does not understand why the developer acts like he is restricted in terms of the quality he can offer with buffer zones and quality features if he goes with R-4 versus R-3. There should be green spaces in all of the developments. He does not believe the residents want this or would benefit from it. He does not think that the March area should be developed at all but should be kept green space.

Kevin Hinkley, 3250 Johanna Ware, Wixom. When he served as previous Mayor and a Councilman, he did not come before the Planning Commission in order to influence them regarding zoning. He noted that the City's Master Plan was developed over a period of years. We need to stick with that. He lives in the VCA. The residents do not want to see this rezoned. The developer should let the school solve its own problem. They can make a big U behind the school to solve the staging issues. He serves on a committee which is looking at expanding Beck Road to five lanes at a cost of \$40 million. The plan that includes a bridge costs \$70 million. The City does not have that amount of money so it is looking to the County, the State and the Federal governments. The problem with Theodore is that people cut through Johanna Ware. It does not solve the problem by opening it up. There are issues with power outages in the community which is due to overdevelopment. He would deny the applicant's request if he was still the Mayor. Please deny this.

Nicholas Spagnuolo, 3066 Bennington Drive, Wixom. He is a 2-year resident and moved to Michigan in 2017. He is a millennial. He previously looked at other communities with smaller, ritzier homes, better school systems and more community events. They came to Wixom for the large single-family homes with big yards. He does not

think that people come to Wixom for small homes and small yards. Not many people his age would be looking to spend \$400,000 on a home near railroad tracks. They will remain in apartments, townhouses or condos. Young families and parents will be looking for larger homes and big yards in Wixom.

Mr. Avantini noted that he did speak to the Traffic Consultant regarding her May 1, 2019 review letter. She took two approaches. She looked at total acreage and deducted 25 percent for roads and public infrastructure and divided the resulting acreage by the square footage allowed for the minimum square footage of the lot allowed in that district. Most communities will ask for a parallel plan (the conditional R-4) which is where the 95 units come from and is used for calculating traffic but is not meant to be an exact indicator. Her calculations are based on 95 units. The Master Plan calls for it to be single-family residential.

Mr. Avantini noted that the cluster option is in the State's Ordinance to cluster homes in order to save more natural features. Within the cluster option, there is specific criteria and it has to go to the Planning Commission and also City Council. It is a two-step process. The Planning Commission approves the site plan and City Council approves the clustering. He asked for letters from the various City departments. An outside company would need to review the power supply issues. The City has to allow reasonable use of the property. Since 2012, there have been eight different developers, including nationally-based ones, who considered these properties. Two of those developers provided potential layouts; however, they did not meet the requirements for R-3. They were told they could reapply; however, they did not pursue it. They cited infrastructure costs as the obstacle. Chairman Day noted that potential developers had previously walked away because of the R-3 zoning. Mr. Avantini noted that there is continued interest in the properties along Wixom Road but the school property got the most interest.

Mr. Avantini said that he is offended by Mr. Behrmann's comment. He noted that City staff never encourages applicants to do anything. They educate developers but do not lead them. The first time he heard about this was at a pre-development meeting. They do not encourage developers to submit plans for one thing over another.

Commissioner Carter noted that one of the residents referred to a Phase 2 of the Creekside development. Chairman Day said that he believes that the engineer was referring to the site plan. Commissioner Carter asked about the traffic light at Theodore. Was that considered or discussed? Mr. Avantini said that the original application was a planned unit development (PUD) which includes offsite improvements. This is not a PUD request and is a straight rezoning. The question about the light was raised under the previous request, not this one.

Commissioner Barts noted the 60-foot easements and the hookup to Theodore. He regrets that he used the term 'set in stone' and thinks that was a poor choice of words. Can we verify that those are recorded easements? Mr. Avantini said that he will look into it and he pointed out that there is some rationale for having two access points since you are crossing a body of water and it would be surrounded by water. What if that collapsed and there was a medical emergency? You need to be able to get emergency vehicles in there. Mr. Avantini noted that Mr. Dornan mentioned potential road stubbing. However, it will not work for future access. It would have to be part of the development now. To develop the lower portion, you would need a second means of access.

Chairman Day noted that the residents spoke very eloquently tonight and he has great respect for those individuals. He worked with both Messrs. Dornan (when he was City Manager) and Hinkley (when he was Mayor). When he looks at the overall situation and the traffic study, there is a difference of two to five trips between R-3 and R-4 zoning. Also, other developers have walked away because of the zoning. Because of this, he does not have a problem rezoning this. He noted that not everyone wants to live in the same kind of neighborhood. He has been in the City for over 60 years. Back then, there were only three subdivisions and they were platted with 50-foot lots. Things have changed. The houses in the VCA are selling and the townhomes are selling. There is also a demand for larger lots. People want different things. He does not like it being posted as a strict rezoning without any guarantee that either one of these site plans will be the ultimate one (the traditional R-4 or the cluster option R-4). He likes the cluster option better which is a positive for property values. This property will be developed. The City does not have the right to take people's property and rezone it as a park. We all know that traffic on Wixom Road is horrible. There is non-stop new development

in Commerce and Milford and traffic is going to get worse whether this development goes in as R-3 or R-4, not to mention all the development in neighboring communities contributing to Wixom traffic congestion. He does not think that City Council will pass this but he will recommend that they do.

Commissioner Cousineau agrees with Chairman Day's comments. He noted that the Commissioners looked at conceptual site plans. However, tonight's recommendation cannot be on the site plans. He confirmed with Ms. Rosati that there is no connection. Ms. Rosati said that it would be submitted as a conditional rezoning request. Commissioner Cousineau noted that all they would do is make a recommendation to City Council who would make the ultimate decision. He agrees with Chairman Day that the applicant and the project engineer are of high quality. The renderings presented are very interesting and very creative. This is an opportunity to work out the problems with the developer. However, he is concerned since the Planning Commission's recommendation is not tied to a specific site plan. There are several options that could be on the table. It looks to be an increase of between 20-38 lots between R-3 and R-4 zoning. The property south of the drain and bounded by the railroad tracks is very problematic and needs serious attention for rezoning. The property between the drain and Maple Road has the greatest impact on the residents. That is the parcel he has a problem rezoning from R-3 to R-4 but he can only deal with that by being able to review the site plan and interact with the developer in a give-and-take scenario. He would support rezoning of the southern portion of the property. He is hesitant to support rezoning of the entire project without a specific site plan.

Commissioner Barts said that if R-3 is in the Master Plan and they are requesting R-4, he has to defer to the fact that it is already in the Master Plan. Mr. Avantini mentioned that it is a concept for that section of single-family homes, not necessarily R-3. What is it? Mr. Avantini said that it is designated as single family. The text indicates the variety of lots in the community but the Future Land Use Map does not designate which designation applies where in the community so it is single-family throughout. Commissioner Barts said that a single-family home could be 1,200 square feet or 5,000 square feet. He is astounded that gap is written in the Master Plan and that it is such a gaping hole. Why would they rezone it from R-3 to R-4? Chairman Day noted that zoning and the Master Plan are two different things. Mr. Avantini noted that a lot of the developable land is gone. Chairman Day asked about the lot sizes in Stonegate. Mr. Avantini said they are 7,000-8,000 square feet. Some were comparable or larger but none were smaller. Chairman Day asked what it was zoned previously. Mr. Avantini said perhaps R-3 or R-2.

Commissioner Sharpe referred to Paragraph C regarding the applicant's reasonable return on investment. The Commissioners have not been shown anything conceptually as R-3. Why would he pay more for the land if he cannot develop it and make money? He should offer the land owner less. He would like proof of the R-3/R-4 viability. He thinks the 69-lot figure was just invented since he has seen no supporting data. Everything is conceptual. For that reason, he cannot support this. Chairman Day noted that they cannot ask the builder to disclose his costs. The City has never required financial proof and the fact that other developers have walked away due to the zoning influences him.

Mr. Avantini noted that Stonegate was zoned R-2 and the average lot size was 6,800 square feet. The Consent Judgment did not change anything except the corner. It was 9 lots less than what was approved because of the wetlands.

Commissioner Grossi noted that they have discussed the Master Plan, had countless discussions, joint meetings and decided not to expand the VCA. If it gets rezoned, it is the same thing without calling it a VCA standard. Mr. Avantini noted that there are specific design standards in the VCA. However, the density sizes would be comparable. Commissioner Grossi asked about the Land Use Map. He asked whether Robertson Brothers is doing this and why we need more. Mr. Avantini noted that it is the Planning Commission's interpretation of what it is supposed to be. Chairman Day noted that there was a series of public hearings that the public was invited to in order to solicit their input. At the time they said they wanted higher density, smaller lots and walkable neighborhoods.

Chairman Day said that a strict rezoning not tied to a site plan gives him pause but he thinks he can work with the cluster option plan if there was a rezoning request tied to that plan. However, he has a problem with a strict rezoning especially if the developer walks away.

Mr. Powell said that after the Planning Commission's discussions and listening to the residents' comments they would like to have the Planning Commission table this or postpone it in order to submit a formal site plan along with the rezoning application in order to allow for conditional rezoning. Chairman Day said that he does not have a problem with doing that.

Mr. Hinkley objected to Mr. Powell's comments on the grounds that they violate Robert's Rules of Order. Ms. Rosati said that technically the applicant should have had the right to address the residents' comment and he was not called back up. Chairman Day apologized for that. Mr. Powell said that he has took very good notes and believes that many of the comments can be addressed. He intendeds on doing the plans that were submitted and can combine them in a formal request. He requests a postponement.

Commissioner Barts said that he was going to suggest tabling this. If it is a vote down, it is done until they come back or give them the chance to address this. The Commissioners have heard the public's comments and they drive Wixom Road everyday so they are well aware of the traffic concerns. He noted that Commissioner Cousineau's idea has a lot of merit but there are two acceptable rezonings (R-3 for Maple and R-4 for the southern one, the March property) He supports the postponement.

Commissioner Cousineau asked if the applicant can withdraw his rezoning request. Then it would be off the table and he can come back and do a conditional rezoning tied to a site plan. Ms. Rosati noted that then he would have to start the process all over again. Chairman Day asked whether it violates the section saying it cannot come back before the Planning Commission within the previous year. Ms. Rosati said no because the conditional rezoning is tied to a different law and a specific plan and is tied to other conditions that they offer. They should not be looking at the plans because it is a straight request to rezone to R-4. If that is what they are representing to you, that they want you to really look at, this is not the best way to approach it. Chairman Day asked what the pros and cons are. Ms. Rosati said that a conditional rezoning is different and the applicant would have to reapply. Mr. Avaniini noted that the City has not had any conditional rezoning requests thus far. Chairman Day asked what the difference is time wise. Ms. Rosati said that you are starting over. It requires a new notice and a new public hearing. Whether he withdraws or files new, he is starting over.

Mr. Powell said he will withdraw and submit a conditional rezoning.

Ms. Rosati confirmed that there is no need for the Planning Commission to take any action on this matter.

Staff Comments:

Mr. Avantiini noted that he is still working on Master Plan comments focused on expanding the scope of what is included. He is also working on zoning amendments. He is working with the City Attorney. It will be on the next Planning Commission agenda.

Mr. Avantiini noted that the condominium section of the Ordinance currently goes between the Planning Commission and City Council twice. If it amended, it will be treated as a site plan in order to move the site plan along quicker. City Council would like that process shortened.

Commission Comments:

Commissioner Carter noted that the second Call to the Public was omitted.

Call to the Public:

Peter Behrmann, 693 Kingsley, Wixom. The biggest issue with Creekside is what he pointed out a year ago; i.e., how this matter was publicly noticed and handled. How can they do it on Easter weekend before they even voted to change the date the following Monday? That does not make any sense. There are a lot of vocal residents. Do it right and make sure the residents know what is happening. He is sorry if Mr. Avantiini took offense and he has a lot of respect for him. They are fortunate to have Mr. Avantiini but they need to make sure they know what the residents want. If 100 people were here tonight, do it right. He is not sure it is technically right. What is the harm of making the applicant wait another two weeks? Then they would not have wasted all this time tonight. The applicant thought they could scoot it through. Really listen to what the public wants. Do not rush things through when it is so contentious.

Commissioner Cousineau noted that developers are entitled to expeditious action on their requests. They are always anxious to get on the first available meeting. He does not think there was intent to slide it through. The residents were well represented tonight and their needs were addressed. Mr. Avantini said that it was not intentional and that he always looks to balance the public's interest with that of the developer.

Richard VanDyke, 2480 Hedingham Boulevard, Wixom. He was here for the meeting when the date got changed. It was a foregone conclusion that the date change would happen due to Election Day. Everyone knew it would be postponed to May 8th.

Roy Thorsell, 3207 Potter Road, Wixom. This was a great example of the applicant playing the system. The applicant made a presentation, did not show a site plan, read the room, saw the vote was not going their way and decided to postpone their request. He made major scheduling changes in order to get some kind of resolution tonight. He has looked at the future site plan before and he only sees R-3 in that area. He is disappointed. He was hoping for resolution tonight. He is not clear on multi-family homes or multiple land uses on the Future Land Use Map. Mr. Avantini said that on the Future Land Use Map, the single-family areas are all designated as single-family residential. Within the text, it discusses different density classifications and lot sizes which correspond to the zoning map. The Future Land Use Map does not designate where those are specifically located. Mr. Thorsell said that it does say R-3 in that area. Mr. Avantini said no. It is only single-family residential. That is why there is a level of interpretation on the part of the Planning Commission and City Council. Chairman Day said there was not going to be resolution tonight because it had to go before City Council for Council's action. The other way the applicant could have gone was to let it be denied and then file suit. Mr. Thorsell said why have anyone here? Chairman Day said that you have to give people the fair use of their property. Mr. Thorsell said that you have to speak out and that the people have a voice. Chairman Day said that we have a society where people use litigation to resolve disputes and there have been numerous Consent Judgments. He noted that the BP gas station was a Consent Judgment and no one has a problem with it.

Kevin Hinkley, 3250 Johanna Ware, Wixom. He wishes that the City Attorney had not already left. He thinks Roberts' Rules of Order were lost tonight. He heard the Planning Commissioners say "Do we have a motion?" When it was not seconded, it fails for lack of support. Then the applicant came up, out of order, and was given a second opportunity to speak. Then the public got a second shot but not until later. Then the Commissioners did not even vote on tabling it. The Commissioners let the crowd get the best of them tonight, things got out of hand and the Commissioners did not follow Roberts Rules of Order.

Chairman Day admits to not being as conversant with Roberts Rules of Order but does not think following them would have changed the outcome since even if the Commissioners had denied it, there would have been nothing to keep the applicant from withdrawing the application before it went to City Council. He does not see that it makes a difference. He is sorry to hear that Mr. Hinkley thinks that he let the crowd get the best of him. He likes to think he gave them every opportunity to express themselves.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 10:39 p.m.

Nancy Fisher
Recording Secretary