

APPROVED
July 22, 2019

CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
WEDNESDAY, 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), Anthony Lawrence, Joe Barts, Peter Sharpe and Ray Cousineau
ABSENT: Phillip Carter (Excused) and Sandro Grossi (Excused)
OTHERS: Kelly McIntyre (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 May 8, 2019 Planning Commission Meeting Minutes:

MOTION and seconded by Commissioners Lawrence and Sharpe to approve the May 8, 2019 Planning Commission Meeting Minutes.

VOTE: MOTION CARRIED

Correspondence:

City Manager Update – May 14, 2019

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 #08-005-19, SHOOT POINT BLANK, 48900 W. TWELVE MILE ROAD, WIXOM, MI 48393:**
Consideration of site plan approval for an indoor shooting range and gun store at 48900 W. Twelve Mile Road which is on the north side of Twelve Mile Road north of Grand River and east of Sam's Way. The property is zoned B-3, General Business District and is vacant. Indoor commercial recreation uses and retail sales establishments are permitted uses in that district. The parcel number is 22-08-376-018.

Ms. McIntyre introduced herself. She is the Director of Planning for CIB Planning. She referred to her May 15, 2019 review letter. Due to the site's location, its access, driveway location and design was discussed and a shared boulevard entrance is most appropriate. It has been designed for that when developed and should be conditioned upon approval along with detailed notes on the site plan. The building will feature concrete brick masonry and pre-finished aluminum coping with brick and split-face black on its sides. There is a significant amount of mechanical and ventilation equipment at the rear of the property in an 18-foot wide concrete area. Enclosing that is an 8-foot black vinyl fence with a windscreen. This area abuts a 6-foot tall retaining wall and detention pond. Since some of the ventilation equipment will be visible, City staff suggested that the applicant paint the material, which is metal, the same color as the building. The applicant expressed concern about whether the metal will withstand the paint. City staff has asked the applicant for cross section details which will be visible from the expressway for the Planning Commission's consideration and approval. The building meets all the requirements except for the front yard setback. It should be 20 feet for parking from the property lines and it is only 9.8 feet. The applicant intends to seek a variance from the Zoning Board of Appeals (ZBA) for that. The applicant is required to have 62 parking spaces. The Ordinance allows for 20 percent over the requirements; however, the applicant is requesting 85 spaces. The City believes it is okay and the waiver would be okay and is certainly preferable to having cars backed up on Twelve Mile Road or parked on Twelve Mile Road. There are concerns about the loading area in the rear of the building which involves vehicles backing out and which will impact site deliveries. She will defer to the City's Traffic Consultant regarding this. The shared boulevard to the east will be required once the eastern property is developed. Accordingly, a waiver from the Planning Commission is required since the proposed layout does not meet the standard

spacing requirements and the proposed driveway from Twelve Mile Road does not meet the intersection spacing between the driveways. A waiver will be required from the Planning Commission. That is included on the site plan details. There is a sidewalk along Twelve Mile Road that fronts up to and only at the Varsity Ford body shop which is about four parcels to the east. Wilson Marine previously requested to make an escrow contribution to the City for future installation of the sidewalk on Twelve Mile Road. She believes this will be sufficient. The waste receptacle, dumpster and lighting meets standards. They will provide 30-foot tall light poles in the parking lot, building-mounted LED light fixtures and shoebox-type fixtures with cutoff shields, all of which meet requirements.

For landscaping and particularly Buffer Area C, the City requires it to be 10 feet wide and that there be one canopy tree or an evergreen tree or four shrubs every 20 linear feet along the property line. That equates to 61 trees or 239 shrubs. The applicant is proposing 35 trees or 137 shrubs. They are requesting a waiver and she will let them explain their rationale for that. There is a requirement for five trees around the detention pond for which they would also like a waiver; there are two existing trees.

Ms. McIntyre recommends approval of the applicant's request based upon: 1) a variance from the Zoning Board of Appeals for the front yard parking setback; 2) a waiver to allow the parking to exceed the amount allowed; 3) a shared boulevard entrance access easement secured and recorded with the County and language to include a requirement that at the time the abutting parcel is developed, this development agrees to share the cost of the construction of the joint access; 4) payment in lieu of construction of sidewalk in an amount as determined by the City; 5) waivers to the buffer and detention pond landscaping requirements; 6) review and approval from other applicable City consultants, departments and agencies.

Chairman Day referenced the development of the property to the east and tonight's applicant sharing the cost of the shared access. He asked what assurances are in place for this. Ms. McIntyre said that they will have a written agreement recorded with the County. That means the development to the east would not be able to happen unless both parties agree. Ideally, the seller of the property would make sure that whoever purchases that property know that. Chairman Day asked why this developer would uphold the agreement to share the costs. Ms. McIntyre deferred to the applicant.

Ken Knuckles, Development Management Group, LLC, 4209 Gallatin Pike, Nashville, Tennessee, 37216. He represents the developer. The applicant was asked by the City to create a formal easement agreement over its portion of the drive on the shared property line for future connection between them and the adjacent developer. That is depicted on the plans. The developer has a letter acknowledging this and stating that they acknowledge this responsibility. Chairman Day asked what if the business is sold in the meantime. Would a new owner be bound by that? Mr. Knuckles said that if this situation was reversed and the people to the east redeveloped first and they were forced to provide the applicant an access easement for future connection to create cross access, they would grant them an access easement to allow work to be done but if they went to the other developer and said they need to pay a portion to connect to the drive, they would not. Ordinarily, they would ask why they should be put on the hook to pay for work that is associated with an adjacent development. They will grant an actual easement. The problem is that these plans have not been designed and they would need to factor in what the developer is planning to do. None of that has been discussed and if that happens, it would be way down the road. Chairman Day said it could be within a year. Mr. Knuckles noted that as of now he cannot assign a dollar value to it. He will record a document acknowledging the easement so that access is assured. Chairman Day confirmed with Mr. Knuckles that he is okay with the cost sharing and the granting of the easement. Mr. Knuckles said that if they need to, they would go back to the developer and ask them to pay if need be.

Chairman Day noted that 85 parking spaces seems excessive. Mr. Knuckles said that is 11 spaces more than the maximum allowed. In the initial pre-development meeting with City officials, the applicant showed 97 parking spaces. At one point there was a squared off right-of-way off the front of the property but it eventually became a radial which ate into their property. None of the applicant's stores operate with less than 85 parking spaces. They have 220 customers per day and 75-110 are onsite at any given time, particularly during peak business hours. Chairman Day inquired when peak hours are. Mr. Knuckles said the applicant will be open 7 days per week. Typical hours are 10 a.m. to 9 p.m. weekdays, 8 a.m. to 9 p.m. Saturdays and 12-4 p.m. Sundays. Peak hours are 5-8 p.m. Monday through Friday and 11 a.m. to 5 p.m. Saturdays and 12-5 p.m. Sundays. Chairman Day said he assumes that most customers are there to use the shooting range. Mr.

Knuckles said that the majority of the space is dedicated to the range but the building will also contain 5,000 square feet of retail space where people can buy guns and ammunition.

Chairman Day asked the applicant why it needs waivers for landscaping and the setback. Mr. Knuckles said there is nowhere for them to comply with the requirements. That is the location that the City asked them to locate the driveway. Chairman Day asked whether the applicant has any other stores in southeast Michigan. The applicant said that they do not and this will be their first location here.

Commissioner Cousineau said that he is still unclear regarding the construction of the joint driveway, the boulevard and the cost sharing. He noted that there is a dedicated easement for the adjacent site but no formal design. He understands there would be a significant area of curbing and paving for the new boulevard and entry. Is the applicant willing to incur the cost on its own site? Mr. Knuckles said they are not paying for anything that is not located on their site. Commissioner Cousineau confirmed with the applicant that if the boulevard is built on the applicant's site it will pay for the curbing and paving on the applicant's property. He asked whether there is language in the document regarding the paving of the boulevard entry. Mr. Knuckles said that he has not seen the document but noted that it is currently being drafted and that he can speak to the attorney about adding that language. He noted that one of the City Planner's conditions for approval talks about cost sharing.

Commissioner Barts asked the applicant why it does not just stub to the property line in order to get the paving and the curbing in. The applicant said it will not do that since it does not know what the actual design will look like. If the adjacent developer sells or replans his property, they will want to work around what they have and there could be eventual discussions. He noted that the applicant can just pave up to the property line and say 'Match it'. Commissioner Barts noted that has been his personal experience regarding future cross access agreements even on a redevelopment of his own property because they had no access but the communities wanted to have cross access. He can think of three in the past 10 years. It takes out the question marks. Mr. Knuckles said that when the other developer eventually approaches the City, he might decide to modify it if the City decides that is what needs to happen but the applicant can at least construct its portion of that on its side of the property as part of this construction. Commissioner Cousineau noted that if the other developer wants to do it, they should do it on their own nickel. Mr. Knuckles noted that he would eventually have to grant reciprocal easements on his own property.

James Gorenflo, Nederveld Engineering, 3037 Miller Road, Ann Arbor. There are several waivers being requested. One relates to the landscaping. They talked about trying to fit all the required plantings within the required space in order to meet the standards. They were told the landscaping should be reasonable and effective and to concentrate them in areas with the most impact; i.e., near adjacent sites (the edges of the parking lot). There is a building which occupies a good portion of the distance from the front to the back which does not require a lot of screening. Instead, they are hoping to screen the parking lot from the neighbors. In order to offset the plantings, they increased the width of the center island in the parking lot with a long rain garden which runs the length of the parking lot. It is more effective for the visitors and also serves as storm water management. They are also asking for a waiver for the detention pond which backs up to a wetland which is undevelopable property between that and the expressway. There is no need for landscaping and no need for screening. It is unnecessary. He proposes leaving the existing vegetation to grow up next to the detention pond and is proposing a seed mix of grasses and perennials with ornamental characteristics but not specifically shrubs and trees. The waivers are for the buffer landscaping, pond landscaping, the driveway location and the amount of parking. The variance will involve two extra spaces to encroach partially into the curb of the setback along the front radius of the property for two spaces. They feel that is an appropriate offset for allowing the City to create the boulevard entrance and shared driveway approaches. Otherwise, if they did not have to do the shared driveway, in order to meet the 85 parking spaces and provide the shared driveway entrance that the City wants, they need to encroach into that front setback a little bit. Because of the configuration, there is an inordinate amount of green space in the front of the parking spaces.

Commissioner Cousineau asked about the difference between the required number of plantings and the number the applicant desires to provide. Mr. Gorenflo said that it is outlined in the City Planner's review letter. He noted that the applicant either meets the requirements or they meet half of what is required by Ordinance for the buffer landscaping only. They are not proposing any of the material for the buffer landscaping except for two existing trees and the existing vegetation that is adjacent to the site for the pond landscaping. For the buffer strip along either side of the property, they would be required to have 61 trees or 239 shrubs. However,

they are seeking to provide 39 trees or 137 shrubs. Commissioner Cousineau asked the applicant to quantify any deficiencies between what the City requires and what the applicant would like to provide. Mr. Gorenflo said that it is hard to compare apples to apples for the buffer since it is trees or shrubs or a combination of the two. He is deficient 26 trees if they plant only trees. Chairman Day noted that the applicant is deficient 132 shrubs.

Commissioner Cousineau asked if the applicant has any renderings for the proposed building elevations. Mr. Gorenflo said they are in the plans. Commissioner Cousineau noted they appear to be brick and split-face block. What about the colors? Mr. Knuckles said that they will be gray tones with a muted version of what they put on the back of their buildings. There will be lots of brick on the front with two to three different colors. It is all pre-colored. All that is visible of the HVAC equipment is some of the ductwork which the City would like to see painted. However, the architect does not want to do that because it is a thin metal and will require constant maintenance. He does not believe it will even be visible. It is a soft ductwork with a thin wrap around it. Commissioner Cousineau confirmed with Mr. Knuckles that the exterior is sheet metal.

Chairman Day asked whether the retail space will include a full range of guns for sale. Mr. Knuckles noted there will be over 500 or more weapons on site at any one time. He said he does not know whether that will include AR-15's. He does not know whether the applicant has any self-imposed restrictions regarding those types of weapons. The biggest part of the building will be shooting lanes and two classrooms for instruction to be used for people getting certified for their carry permits. Chairman Day again asked about the availability of AR-15's. Mr. Knuckles said that he does not want to speak about them.

Commissioner Sharpe noted that the Planning Commission is usually consistent regarding the tree requirements and that if applicants do not meet the requirements, they generally contribute to the City's Tree Fund. He has not heard any discussion of that tonight. Ms. McIntyre noted that did not come up in discussions with the applicant. Chairman Day expressed surprise at this. Mr. Gorenflo noted that Mr. Avantini told him to utilize the buffer requirement which allows a combination of things. The Ordinance speaks to the number of trees or the number of shrubs. Mr. Avantini suggested a combination of the two with effective screening along the parking lot edges. Commissioner Sharpe asked whether the waiver being requested means the intent is being met but not the absolute counts. Mr. Gorenflo said that is correct. Commissioner Sharpe noted that 18 trees and the 69 shrubs equals 35 trees and 137 shrubs. However, that does not look like equal. Mr. Knuckles noted that both the properties are zoned Light. Commissioner Sharpe noted that he drove by them and they look terrible. They have stored cars everywhere and gravel lots.

Chairman Day noted that the sheer number of variances and waivers requested bothers him and that perhaps this is not the right property for this business. Commissioner Barts noted that it is nice to see a development going in here. He noted that Commissioner Sharpe just mentioned that this could improve the area—a brand new building brought up to current standards. There are a lot of empty parcels around it. He thinks it is a good plan. Commissioner Sharpe agrees with the comment about building a stub but would support what is most economically efficient for the applicant. Commissioner Barts confirmed with Mr. Knuckles that he does not object to the stub. Mr. Knuckles noted that he would use parking stops or wheel stops. Mr. Gorenflo noted that would make it very clear to the developer to the east what the connection points would be. Commissioner Barts noted that there still has to be an agreement for cross access including the stub to the property line. Mr. Gorenflo noted that it would be constructed per that configuration which was approved by the City's engineering consultant. Commissioner Barts said he is hesitant to make a motion since it will eventually come before the ZBA.

Ms. McIntyre noted that the plans say that there will be an easement and the attorneys are just writing the language which solves the problem for the property owner to the east and for the applicant since they would not be able to meet the distance requirements with the curb cut. This is a mid-point solution to have ingress and egress. Chairman Day said that one of the conditions is that a shared boulevard entrance access agreement easement be secured and recorded with the County with language to include that at the time the abutting parcel is developed, this developer agrees to share the cost. However, the motion suggests instead that the cross easement be secured and recorded with the County and that this developer create that portion of the boulevard entrance and stub it to the adjoining property.

MOTION and seconded by Commissioners Sharpe and Lawrence to approve SPR #08-005-19, Shoot Point Blank's request for site plan review. This approval is conditioned upon: 1) a variance from the Zoning Board of Appeals for the front yard parking setback; 2) the Planning Commission's approval of a waiver to allow 85

parking spots which exceeds the amount allowed; 3) payment in lieu of construction of sidewalk in an amount as determined by the City; 4) the Planning Commission approves the waivers to the buffer and detention pond landscaping requirements as shown in the City staff's review letter; 5) review and approval from other applicable City consultants, departments and agencies. **MOTION AMENDED** and seconded by Commissioners Barts and Lawrence to add: 6) that a shared boulevard entrance access easement be secured and recorded with the County with a portion of the proposed boulevard entrance as shown on page C205 of the plans to be constructed and stubbed to the adjoining property.

Roll Call Vote: 4 AYES: Lawrence, Barts, Sharpe and Cousineau
 1 NAY: Day
 2 ABSENT: Carter and Grossi
MOTION CARRIED

Call to the Public:

None.

Staff Comments:

Ms. McIntyre noted that next Monday's June 3, 2019 Planning Commission meeting has been cancelled.

Commission Comments:

Commissioner Cousineau noted that he has repeatedly requested that when site plans come before the Planning Commission that they include architectural renderings in color and with material samples. He thinks this should be standard procedure.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 8:20 p.m.

Nancy Fisher
Recording Secretary