APPROVED

August 26, 2019

**CITY OF WIXOM**
**49045 PONTIAC TRAIL**
**PLANNING COMMISSION MEETING**
**MONDAY, JULY 22, 2019**

The meeting was called to order by Acting Chairman Carter of the Planning Commission at 7:30 p.m. at which time allegiance was pledged to the American flag.

**PRESENT:** Phillip Carter (Vice Chairman), Anthony Lawrence, Joe Barts, Peter Sharpe, Ray Cousineau and Sandro Grossi
**ABSENT:** William Day
**OTHERS:** Justin Sprague (CIB Planning) and Nancy Fisher (Recording Secretary)

**Determination of a Quorum:**
A quorum of the Planning Commission was present for this meeting.

**Agenda:**
No additions or changes were made to the agenda.

**Approval of the May 29, 2019 Planning Commission Meeting Minutes:**
**MOTION** and seconded by Commissioners Sharpe and Lawrence to approve the May 29, 2019 Planning Commission Meeting Minutes.

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

**Correspondence:**
City Manager Update – July 9, 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. **PUBLIC HEARING FOR REZONING #REZ002-19: 3400 THEODORE STREET, WIXOM, MI 48393:** The applicant is seeking to rezone the property at 3400 Theodore Street from R-3, Residential to R-4, Residential, under the Municipal Code **Section 18.23.** The Ordinance requires approval from the City Council, upon recommendation from the Planning Commission, for this request. The parcel number is 96-17-31-401-013.

Michelle Spencer, Powell Engineering, 4700 Cornerstone Drive, White Lake. Ms. Spencer is here tonight representing her client, Michael Thomas. She noted that the applicant took the comments made by the Planning Commission and the residents to heart. The original plan was for a Planned Unit Development (PUD) including multi-family and apartments. However, that was completely scrapped. It is now single family. The site does present challenges. It is currently zoned R-3 but the applicant wants R-4 because there is a drain that runs around the property. Also there are railroad tracks and an industrial site to the south, both of which pose issues. Both of those factors make it harder to build higher-class homes there. The applicant wants more of a separation from that. It will not be a detriment to the public since the drain is there. It will be an open space cluster option which removes it from the current residential. It is cost prohibitive. The property is surrounded by Norton Drain and has requirements imposed on it by the Department of Environmental Quality (DEQ) as well as the Road Commission. He is doing this in two locations since two ingresses/egresses are

required. The City already has a lot of single-family homes situated on larger lots. He wants something different and would like to build for millennials who want smaller lots and open park space.

Commissioner Cousineau said that he would prefer to defer his questions to the applicant's engineer until after the City staff delivers their report.

Mr. Sprague referred to Mr. Avantini's July 17, 2019 review letter. He highlighted the section on page 2 regarding permitted uses for R-3 and R-4 and the special land uses which virtually mirror each other. The biggest difference between them is the lot dimensions. R-4 lots are 65 feet wide with a 7,200-square foot minimum. Page 3 of the review letter discusses some of the goals including the creation of neighborhoods offering multiple housing types. He noted that there are quite a few large lot developments and that this one would be smaller. The Planning Commission will have to figure out whether the lot sizes meet the intent of the Ordinance. He noted that there is an onsite drain. A cluster type development could be utilized to preserve open space and natural site features. At this time a cluster option is not before the Planning Commission. The uses permitted under R-3 and R-4 are virtually the same and the primary difference is lot size. There is sufficient evidence that the applicant cannot get reasonable return on investment. Residents have expressed concerns regarding traffic impacts. A traffic report was prepared by the City's engineer, Hubbell Roth Clark (HRC). He deferred to those findings. The Planning Commission has to determine the impact of that. The report states that there would not be a city-wide traffic impact if the development goes in as requested. There is apparent demand for new single-family housing. The Planning Commission needs to determine whether that includes developments on smaller lots. A single-family development and rezoning is more appropriate than amending the permitted uses within that district.

Mr. Sprague noted that the City staff believes that single-family residential is appropriate and the request for smaller lot sizes is reasonable conditioned upon appropriate layout although that must be determined by the Planning Commission and City Council. The Planning Commission must decide whether sufficient information has been provided regarding whether it can be developed under R-3 including:

1) whether the rezoning meets the goals and future land use description in the City of Wixom Master Plan;
2) will the potential uses in the R-4 district be compatible with the surrounding uses in terms of impact on the environment, density, traffic, influence on property values, etc.?;
3) whether sufficient information has been provided indicating that the applicant cannot obtain a reasonable rate of return under the current R-3 zoning designation;
4) whether there is apparent demand for the uses permitted in the proposed zoning district; and
5) if the required zoning is more appropriate than amending the list of permitted or special land uses in the current R-3 district.

Commissioner Cousineau noted that tonight's meeting packet contains two drawings done by the applicant's engineer. One is a parallel plan under R-4 and the other is a cluster development. He assumes that those are for information only and that tonight's action by the Planning Commission pertains only to zoning and that it has no bearing on those plans. Mr. Sprague agreed and noted that the plans are for conceptual use only. He noted that the applicant has not requested a hearing on the plans tonight. If the Planning Commission and City Council approve tonight's request, the applicant must come back with a submission. Commissioner Cousineau asked if the City Planner has reviewed either of those plans. Mr. Sprague noted that Ms. Maise looked at it and was concerned that the lot dimensions may not meet what is asked for. A formal review or comments on behalf of

City staff has not been submitted back to the applicant. Commissioner Cousineau noted that there could be changes to these plans and that the parallel plan needs to be scrutinized since it determines the base density. He noted that Mr. Sprague's office did nothing more than look at the lot sizes for feasibility. He will disregard the lot counts. He noted that the applicant indicated it will submit a cluster option. He reviewed the cluster ordinance and noted that it has qualifications which must be met. There is a provision for density bonuses ranging from 25-30 percent. Mr. Sprague noted that City Council has the discretion to grant a density bonus of up to 25 percent once they have received a plan of review.

Commissioner Cousineau noted that it appears that there was a lot of consideration given to the amount of open space for a cluster option to be approvable. It looks significant in terms of area. R-4 zoning goes up to 7,200 square feet. Using the cluster option, those dimensions could be decreased. Mr. Sprague said that is potentially true if a density bonus were granted; however, that would require a recommendation from the Planning Commission and City Council. Commissioner Cousineau asked if this could bring it down to 40-foot lots. Mr. Sprague said that he does not think so. Commissioner Cousineau asked if 50-foot lots are attainable. Mr. Sprague said that would have to be discussed with the Planning Commission and City Council once a plan is brought forward. Commissioner Cousineau asked what qualifications need to be met to obtain a density bonus. Mr. Sprague said the open space requirement. They must preserve 30 percent as common space exclusive of residential lots. Commissioner Cousineau noted that he is trying to get a feel for what kind of density there would be under a cluster plan. Mr. Sprague said that it would be nowhere near the density of the Village Center Area (VCA).

Acting Chairman Carter sought to clarify the 30 percent figure with regard to the cluster option. Mr. Sprague said that just because the applicant would go for a cluster option does not mean there would be a density bonus. If they qualify, it would be included in the report to the Planning Commission. As it stands now, everything is speculative. Commissioner Cousineau asked whether the City would be compelled to approve it if the applicant meets the qualifying standards in the Ordinance. Mr. Sprague noted that if there are standards in the Master Plan and the Zoning Ordinance and the applicant meets every standard, the rule of thumb is that it would be approved. Otherwise, there are grounds for denial until the standards are met. Commissioner Cousineau noted that the Planning Commission is a recommending body only on the rezoning and that the cluster option and the ultimate decision will be made by City Council.

Commissioner Lawrence asked whether a cluster option and a density bonus are the same thing. Mr. Sprague said a density bonus is a provision of the cluster option. If an applicant comes in and applies for the cluster option, the only way a density bonus could be applied is if they meet the standards set forth in the Ordinance. He read the relevant section from the Ordinance. If there is a 7,200-square foot lot and if they get the density bonus, the most they can decrease the property size by is 30 percent. Commissioner Lawrence asked what requesting the cluster option does for the developer irrespective of the density bonus. Mr. Sprague said that the density bonus is an incentive for doing a cluster option. Clustering means they have to preserve a certain amount of that as open space, recreational or otherwise natural features preservation. In exchange, they can apply for a density bonus to make up for the number of houses that they would typically not be able to build due to the open space preservation. Commissioner Lawrence noted that if the density bonus is an incentive, the option to use a cluster option is something that the Planning Commission would invoke, not the applicant. Mr. Sprague noted that is not how the Ordinance is written. It is solely the option of the developer. They do not have to request a cluster option and could essentially build out the entire piece of property to meet the standards. When they are using more open space to make a more attractive development, the density bonus is in place to encourage them to protect those spaces. Commissioner Lawrence confirmed with Mr. Sprague that a cluster option is available in R-1

through R-4 zoning. Commissioner Lawrence noted that the current zoning is for 12,500-square foot lots so they could request a cluster option on that and seek a bonus to decrease that size.

Commissioner Barts referred to the traffic study and noted that there is a minimum estimated traffic increase between R-3 and R-4 uses; however, with the numbers of 12,500 square feet and 7,200 square feet, it looks like there could be two homes on an R-3 lot versus three on an R-4 lot. He noted that the 11" x 17" schematics contained in tonight's meeting packet are really throwing him off because there is nothing on it but lots. That is scary. He confirmed with Mr. Sprague that the study does not show a great increase if they go with the number of homes tentatively proposed under R-4 zoning. Mr. Sprague read directly from the May 1, 2019 HRC letter regarding the traffic study which states that it could account for up to 2 percent or 0.4 percent traffic increase on Wixom Road and W. Maple, respectively.

Commissioner Barts asked where the number of potential homes for R-3 to R-4 came from. Mr. Sprague said you take the property acreage, remove 25 percent for roads and utilities, then applied the minimum lot sizes. Acting Chairman Carter noted that Table 2 on the reverse side of the HRC letter details the math. He asked how they arrived at 95 dwellings. Mr. Sprague said that it is the same as above based on 7,200 square feet and the 60-foot lots. The maximum would be the 151 dwelling units. Acting Chairman Carter asked whether that assumes a cluster. Mr. Sprague said that is a question for HRC. Commissioner Cousineau noted that the traffic report does not correlate with anything they are looking at tonight and that the parcel is referred to as 19.2 acres yet it is said to be 16.4 acres on the application. He understands the assumed density but it does not relate to what they are looking at tonight. However, it does make a statement that there is a significant difference in traffic generation between R-3 and R-4.

Commissioner Sharpe asked Mr. Sprague whether there is a requirement for two entrances or exits off public roads. How would anyone develop this lot and parcel with only one entry off Theodore? Mr. Sprague noted that is a site plan issue which will have to be addressed. Each development will connect to one another with two entrances. Commissioner Sharpe noted that the parcel depicted tonight has only one entrance. It is landlocked as is and additional purchases and easements would have to be made/acquired.

**Call to the Public:**
Mike Dornan, 2192 Hedingham Boulevard, Wixom. He is strongly opposed to the rezoning request tonight and he assumes that all of the residents present tonight for the public hearing also oppose it. It is important that the Planning Commission be given good, accurate information. Page 4 of the staff recommendation and consultant summary cites the Master Plan as having three, and not four, land use classifications. In the Master Plan, on the existing land use maps, there is R-1, R-2, R-3 and R-4. This has been bantered around for several meetings. It is time to get it right. In the May 1, 2019 HRC letter, the traffic engineer used the acreage over 19 acres and generated calculations using a 34-acre site. That letter is skewed and unusable. While this may appear to be nitpicking, this kind of sophomoric, sloppy work can get the City in trouble. Is it reasonable to rezone this property to R-4 with a minimum lot size of 7,200 square feet? He passed out the criteria used in the Zoning Ordinance. He referred to Paragraphs A-H and noted that the Commissioners have never been given the actual text but have just had it paraphrased to them. He will not reiterate why he feels the application fails to meet the criteria of Section 18.23.040, just like it failed to at the May 8, 2019 meeting. A review of the May 8, 2019 Planning Commission meeting minutes shows that the rationale for denial still stands tonight. On May 8th when it became obvious that the zoning application would be denied, the applicant withdrew it saying he would return with a conditional rezoning and site plan. Not surprisingly, that has not occurred. This is exactly what the applicant has done for the last 2 years—he agrees but then does nothing with zero follow through. That is a miserable way to begin a complicated relationship with the City. There is a straight up rezoning

request with no solid design plan. There is nothing about the application that makes rezoning the March property more reasonable. There is a conceptual cluster option R-4 site plan which was included for the 16 acres. The cluster option site plan shows 69 lots averaging 5,300 square feet each. What are the lot sizes which would be generated based on the calculations for a density bonus? It appears the lots would be R-4 cluster option and average 5,300 square feet. By comparison, the July 1, 2019 Planning Commission meeting was cancelled where the applicant was slated to present a cluster option for the Maple Road property for R-3 (12,500 square feet). The July 1st cluster option site plan showed 36 lots with a parallel plan of 30 lots on 14 acres. Under R-3 those Maple Road lots averaged 12,500 square feet. They average 5,500-6,600 square feet with two corner lots at 8,300 square feet. That is nowhere near the 12,500 square-foot lot required in the R-3 zoning classification due principally to the density bonus calculations under the cluster option. That is how it is supposed to work. It is reasonable to deny tonight's request. It also blocks the rezoning process. The only alternative would be for the applicant to come back to the Planning Commission with an R-3 cluster option with a site plan. The current rezoning request is not necessary since they can file a cluster option plan immediately under the current R-3 zoning. It boils down to how large you want the lots to be and whether it is reasonable to bring the VCA-sized lots to the back lot of the City's neighborhood. It would change the character of the City and have a negative impact. Please deny the rezoning tonight.

Evelyn Moses, 3324 Bennington, Wixom. She moved here 5 years ago from Royal Oak and so she is aware of 50-foot lots. She understands this property will eventually be developed. However, please keep it R-3/bigger lots since that flows with what is already there. Her main concern is traffic. She understands that a traffic study was done. But under what conditions? It takes her 30 minutes to get to Wixom Elementary School, where she works, from Charms. She is concerned with the traffic on Theodore. It is currently a nightmare. The schools were designed for buses and not for parent drop-offs. She knows that the developer did not talk to the school, as they claimed that they would, because she works in the school office. There would be 300 extra cars trying to turn right from Wixom Road or Theodore which will be a nightmare. That is her biggest objection to clustering houses. Please keep it R-3 in the area with the older ranch family homes with big lots. Keep the clusters confined to the VCA.

Scott Peterson, 1425 Wren, Wixom. He does not live anywhere near this new development. He does not believe the first step should be to change it from R-4 to R-3 with no other plans. Will Mr. Thomas develop it or will he turn around and sell it? Can they change it back if need be? Leave it at R-3. Let the developer come in with his plans. He is tired of hearing about how the developer has a problematic site to work with. He is going to develop it and leave and the residents will have to live with it. Back in the 70's, the City decided to keep apartments away from residential and industrial areas. At the time this was thought to be a great idea especially with regard to The Village Apartments. Not so much now. Do not change another section of the City to VCA which is not big enough to accommodate a lot of people. The best choice is to leave it R-3. Clustering is not a good idea. Would the open space be used for recreation or wetlands? To him, recreation space is a space that can be used, not wetlands. Instead of open space, give them room in their yards. They do not have yard space in the VCA. He does not believe that the Planning Consultant listened to anything that the residents said; they do care whether it is R-3 or R-4. Everyone said they want R-3. He knows that people wanted to attend tonight's meeting; however, many of them are on vacation. He cut one of his vacations short to be here for the July 1, 2019 Planning Commission meeting, only to find out it was cancelled at the last minute. Leave the lot sizes the same and then look at the development.

Kimberley Hamman, 5058 S. Old US-23, Brighton. She does not live by the development either. She is a good friend of the Marches but is not a March family member. She worked for the City Attorney's office when Mr. Dornan was City Manager. Do not be deceived by Mr. Dornan's comments which

were condescending. He has a vendetta against the Marches with whom he used to be a neighbor. She noted that Mr. Dornan criticized HRC's report; however, HRC is the same engineers he raved about when he was City Manger. The traffic study is very well written and traffic will be minimally affected (.02 percent) by this development. When you talk about two entrances, there is an easement for ingress and egress going throughout the property on the other side. There are places for two entrances. She did a drive-by and does not see a 60-foot lot being incongruous with the remaining properties. She thinks it will only increase the area's property values. They will benefit from a new development rather than it remaining vacant land. Mr. Dornan stated that 2 months ago the applicant agreed to show a site plan but that never happened. Everyone knows developers cannot make an investment like that. It is not cost effective to develop it as R-4. R-3 makes more sense than it sitting vacant. It does have two entrances and the traffic impact would be minimal. The City Planner recognizes that it meets the Ordinance standards. The Planner's recommendation is well written and makes sense.

Roy Thorsell, 3275 Potter Road, Wixom. He wanted to be present tonight to show that the residents still have a strong opinion on this. He noted that there may have been some hearsay discussions. The developer purchased the property as is and should have had a development plan as is; they should not rely on the City to adjust in order to make it more profitable for them. Bigger homes and bigger lots bring up property values.

Peter Behrmann, 693 Kingsley, Wixom. He completely disagrees with this rezoning request and he hopes the Commissioners vote it down. The applicant has not demonstrated anything other than the claimed expenses and why he cannot develop it as R-3 other than having to build two bridges. The applicant told them a year ago that the only way he can develop the property is to rezone it to be able to do apartments. A decision like this cannot be made without any evidence. This development does not go with the Master Plan which clearly delineates single-family residential and VCA. This development is an extension of the VCA. They tried to get it through zoning in the beginning and later tried sneaking it through the Master Plan as being VCA. However, the residents spoke out. Now they are trying to make lot sizes that are smaller than the VCA. The smallest lot in the VCA is 6,200 square feet yet there are lot sizes on the conceptual plan that are close to 5,000 square feet. This will be more dense than the VCA, not less. That is all they are building in the City; i.e., single family housing in the VCA range. However, there are no new R-3 developments. He also does not feel like the rezoning request is being properly noticed. The application for rezoning used to have very intense requirements regarding signage. The applicant never took down the old Maple Road sign and merely put up stickers changing the meeting date. If the applicant really cared, when he withdrew his request, he would have stayed to listen to what the residents said. He promised a site plan and there is nothing. Deny this request tonight.

Laura Grier, 4091 Castlewood Drive, Wixom. She heard mention of the term 'rate of return'. That is not her concern. The Planning Commission serves the City's residents, not the developer. Residents have shown up for several meetings and are here again tonight. This development is right next to a school. More homes mean more traffic. When they were discussing the cluster option, Mr. Dornan explained it. The Planning Commission seems loosey goosey. It should be in writing what will be developed there. She has not seen the exact plan.

John Klimek, 2231 Hedingham, Wixom. This is the fourth meeting he has attended regarding this. He missed a fifth meeting and perhaps others as well. He thanked Mr. Dornan for doing the deep dive on the site plans and making it understandable for the other residents. The general consensus at the last meeting was that 99 percent of the residents were totally opposed to development but if the property is developed they want it done the right way. Keep it R-3. He had some letters from residents that he tried to deliver to the City offices today. He lives only 1.4 miles away. It is .5 miles

from his home to Maple and Wixom Roads. However, it took him 10 minutes to go half a mile. The traffic was so bad, he cancelled his plans to hand deliver the letters.

Ron Nordstrom, 2477 Hedingham, Wixom. He noted that Ms. Hamman used the term 'disingenuous' with regard to Mr. Dornan. However, he finds it disingenuous for the Planning Commission to make a recommendation to City Council when they are given site plans that are only a sample of what might happen. People do not buy cars or make major life decisions with such little information and detail. It is a black box. Commissioner Sharpe brought up the fact that there is only one driveway. Ms. Hamman said that there are two entrances; however, the Commissioners are not making a recommendation to City Council on two developments but one. Something could happen tomorrow and the second one may not exist. Years ago he sat in the Commissioners' chairs regarding a development where the developer threatened to bring in mobile homes if the land remained undeveloped. This has been going around for 15 years. Do the right thing. Listen to your constituents. They are not trying to stop all development in the City. They just do not want a bunch of clusters.

Brenda Couch, 3383 Theodore, Wixom. She referred to Year 2000 demographic data and noted that 46.5 percent of households were non-families, 37 percent were individuals and 14.3 percent were living in poverty. With the additional 170 condos in the VCA, this would create havoc for the people living there, traffic lights or not. She retired from the construction industry after 25 years so she knows how HRC and others crunch numbers. There is an abundance of condos at Thirteen Mile and Novi Road. No one will be able to make a right hand turn at Maple Road. They have Theodore. Communities like New Hudson and South Lyon are also experiencing rapid growth and development. Whenever there is an accident on US-23 above M-59, it bombards us with traffic coming through Duck Lake to Glengary to Wixom. Dropoff and pick-up for the kids at the school at the end of the street is a nightmare twice per day. She has experienced people running over her lawn. There is a better use for this land. There are enough condos and we need more families.

Valerie York, 581 Hampton, Wixom. She thinks the Commissioners are lucky to have Mr. Dornan who does the necessary homework and presents it to the Commissioners on a platter. The Commissioners seem to be confused regarding concepts like clustering. She is disappointed that this meeting is being held during a peak vacation period for many residents. She does not know why things that the residents have repeatedly said continue to be discussed. Not one resident has said that R-4 is a good idea. She feels underrepresented due to the low turnout tonight. Leave this R-3.

Therese McGuckin, 497 Hampton Court, Wixom. It should be left R-3 with bigger lot sizes similar to what is on Wixom Road. The cluster housing in the VCA is fine but not where the applicant is. Everyone did not have an opportunity to be here tonight. She and her husband are opposed to the rezoning.

Andrew Cantin, 3524 W. Maple, Wixom. He has a front row seat for the traffic and it is ridiculous. There are so many kids playing and going down that street. Safety is a problem. If you develop it, do it right and prepare for it. He thanked Mr. Dornan for his work.

Kevin Hinckley, 3250 Johanna Ware, Wixom. He has been looking to move again. He has had three different homes here in Wixom and he and his wife now need to downsize. He told Mr. Dornan that the Zoning Board of Appeals, Planning Commission and City Council have done a great job with this community. If you look at other neighboring communities, there is a lot available here. He and his wife concluded that they cannot leave the City since other communities lack sidewalks, play spaces, etc. When he looks at the development across the street, there is a cluster near Little Ceasar's. He urged everyone to drive behind the Seven Eleven and look toward the west. You can almost hand your neighbor a cup of coffee. It is not what the residents want but it got slipped through. The right

decision is not to send this to City Council. Why are they here tonight trying to put lipstick on a pig? We do not need R-4. There is enough of that. As an elected official, it was difficult to delineate what he wanted versus what the public wanted (he referred to the proposed housing in Gunnar Mettala Park). However, you need to put the residents first. The Commissioners are appointed by the Mayor and confirmed by City Council. Since they are appointed, it is even more important for them to listen to the residents. Deny this request.

Acting Chairman Carter noted the handwritten letters opposing the rezoning received from the following residents: Edie Fitzpatrick, Robert and Lori Davis, Valerie York, Michael Eischer, Keith Veros, Sandra Hightower, Mondel Hightower, Patrick Fitzpatrick, Matt and Susan Hiser, Aleykuity Vannilam, George Vannilam and a resident at 2192 Hedingham Boulevard whose signature is illegible.

Commissioner Cousineau confirmed with Mr. Sprague that regardless of tonight's action this matter will still go to City Council for its approval or denial. Mr. Sprague noted that the Planning Commission does have the ability to recommend to deny this. However, if the Commissioners vote to recommend denial, they should include in their motion how the applicant has failed to meet the requirements.

Commissioner Cousineau noted that he has been reviewing the various proposals for this property for the past one and a half to two years and he senses the residents' frustration over having to continuously reappear for hearings. He noted that City Council is the ultimate decision-making body. He does not see City Council approving this as it stands. However, he feels it is important to move the process along and get it to City Council in order to secure a final decision. How many times has this gone before City Council for any reason? Mr. Sprague said only once for PUD and it was tight. Commissioner Cousineau noted that is the only time Council has seen it and they are the ones who will be responsive to residents. The Planning Commission has an obligation to do what is best for the City. This particular parcel is a very problematic piece to develop. He does not think a rezoning is totally unreasonable. However, he agrees that the information received to date is confusing. The two site plans have not been thoroughly reviewed. The parallel plan shows 59 lots. A 25 percent density bonus would bring that to 74 lots and a 30 percent density bonus would bring it to 77 lots. The second plan for tonight is an R-4 cluster plan with 107 lots, nowhere near compliant assuming that 59 lots is appropriate. At the end of the last meeting he thought that the developer would come forward with a conditional rezoning plan.

Commissioner Lawrence supports Commissioner Cousineau's comments regarding the proposed plans. At the end of the day, a rezoning might be the way to go but not with the information presented. He referenced the traffic study. Somehow 59 lots grows to 107. A 30 percent density bonus equals 77 lots, a far cry from 107. He does not agree with the traffic study since there is a lot of daylight between 59 and 107. The Planning Commission was asked to determine whether the lots will remain at 12,500 square feet. He does not know how to determine that. The Planning Commission was asked to consider whether the developer can have a reasonable rate of return. He is not a finance guy. If the developers continue to parade through the City, maybe the price of the land will go down. Why is the City being asked to bend and not the developer? He cannot see this going forward.

Acting Chairman Carter noted that the plans for the cluster development show 69 and not 107. Commissioner Cousineau asked whether it is indeed 69 and not 107 lots.

Commissioner Sharpe thanked Commissioners Lawrence and Cousineau for their comments. He noted that the Planning Commission has not seen anything about dollar figures from the developer. What does the land cost? What do the lots cost to develop? The developer has only advanced a general idea that it cannot achieve a reasonable rate of return. The Commissioners have only been

told that it is 'very expensive'. The developer could do a better job of presenting what an R-3 development looks like. Accordingly, the Planning Commission is left to guess. The Commissioners have been provided nothing and this is the third meeting. He supports not recommending this to City Council but he does feel that it needs to get to Council.

Commissioner Lawrence noted that he would still be open to considering a future cluster option on R-3 that might be a 9,000-10,000 foot lot but he cannot support R-4.

Commissioner Grossi agrees with the other Commissioners. He asked Mr. Sprague what the VCA density is. Mr. Sprague said it is 5,000 square feet. Commissioner Grossi noted that the lots were called 6,200 square feet. Mr. Sprague said that the minimum square footage is 5,000.

Commissioner Cousineau asked Mr. Thomas for clarification regarding the two written plans. Mr. Thomas said it is 107 units if you combine both parcels. Commissioner Cousineau said that assuming that 59 lots is realistic, it is an increase of 10 lots but it is a R-4 parallel plan. Mr. Thomas said that he looked at doing an R-3 parallel plan; however, it was significantly less dense. After doing the calculations, he realized he could not do it. Ms. Spencer noted that it was 42 lots on the southern property.

Commissioner Cousineau noted that as a developer he is sympathetic to Mr. Thomas' plight and would be pursuing the same tactic looking for more flexibility.

Acting Chairman Carter asked Mr. Sprague for clarification regarding a statement in the first paragraph of Mr. Avantini's review letter stating that they have offered a conditional rezoning. Mr. Sprague said that it ensures that if the layout is something that the City wants, they could apply for conditional zoning to lock things in. Mr. Thomas noted that he submitted two site plans and it seems as if they have no relevance. At the last meeting, it was stated that the plans were desired; however, they have had no utility during tonight's discussion. The plans were prepared based on the last meeting so that the Commissioners could see what they would get.

Commissioner Barts noted that he does not agree with the fact that site plans were requested but these are not site plans that the Commissioners can work with. Even a conceptual plan should have shown more than a bunch of lots. Mr. Thomas noted that they submitted the site plans and there was no objection to them by City staff. He paid a fee and no one came back to say that they were inadequate.

Commissioner Barts noted that the site plans are too ambiguous. He does not believe they intentionally disregarding what was provided but they are unclear. Mr. Thomas noted that he has not heard that from City staff.

Commissioner Cousineau encouraged Mr. Thomas to provide more information to City Council regarding open space on the cluster plan and to address how it complies with the cluster ordinance requirements. Mr. Thomas said that it only shows the plotted lots so they could see what they are going to get.

Acting Chairman Carter reiterated his question regarding the conditional rezoning. Mr. Sprague said that tonight's request is for a straight rezoning. Acting Chairman Carter said that he did not know that there was an offer to request a conditional rezoning. He did not know that was an option.

Commissioner Barts stated that to recommend approval of the R-4 rezoning to City Council with all of these unanswered questions of what it would permit is foolish. The Planning Commission is supposed to be the second step after Planning. To go from R-3 to R-4 opens the door to a very different use of

that parcel. He does not see why the Commissioners should support that. It is too open-ended for R-4. He hopes someone makes a motion to deny it. When he initially read it, he liked it. He thought the size was right. It was getting less dense. He put a lot of stock in the traffic study. The traffic on Wixom Road will only get worse regardless of who develops it. However, tonight's plans are very confusing. He can no longer justify that R-4 is a good idea.

Acting Chairman Carter asked whether Mr. Sprague has enough information to address the five conditions. Mr. Sprague said yes. He realizes:

1. The Commissioners are not clear that the development as proposed is cost prohibitive;
2. What would an R-3 layout look like as a cluster and traditional?
3. Traffic will still be an issue contrary to the HRC traffic study

Acting Chairman Carter added that the May 1st study does not address specific questions presented tonight and that it be reworked before it is submitted to City Council.

Commissioner Cousineau said that he still believes that a rezoning to R-4 could work on this piece as a transitional zoning or land use on what he considers a problematic piece of property to the adjacent piece which has frontage on Maple Road and a good, cohesive plan between the two parcels could work nicely with a rezoning. He also noted that Ms. York made a comment about the Commissioners being 'confused'. He has personally spent a lot of time reviewing plans and researching things. Just because the Commissioners are asking questions does not mean they do not know what they are doing.

**MOTION** and second by Commissioners Lawrence and Sharpe to recommend that City Council deny the applicant's request to rezone the property at 3400 Theodore Street from R-3, Residential to R-4, Residential, under the Municipal Code Section 18.23. The property is located at 3400 Theodore Street and the parcel number is 96-17-31-401-013.

**VOTE: MOTION CARRIED**

**Call to the Public:**
Valerie York, 581 Hampton, Wixom. She did say that the Commissioners seem confused; however, she is not insinuating that they did not do their due diligence. She thinks they made a great decision tonight.

Therese McGuckin, 497 Hampton Court, Wixom. When will the sign for the Theodore rezoning come down? She is trying to sell her house. Acting Chairman Carter noted that it will stay up until City Council meets to discuss it. Mr. Sprague said that he will look into it.

**Staff Comments:**
There were no comments made by the staff.

**Commission Comments:**
Commissioner Lawrence noted that Commissioner Cousineau has repeatedly requested that applicants coming before the Commission provide color renderings and material samples. He completely supports that. He drove by Spring Hill Suites and feels that is a very unattractive color. It looks like a jail. Also, you can barely read the name of the hotel during the daytime. From now on, he will not approve anything without seeing physical samples.

Commissioner Cousineau noted that the City requires a fraction of what other cities require and that on occasion builders are even required to provide samples and information regarding interior finishes.

**ADJOURNMENT:**
This meeting of the Planning Commission was motioned and adjourned at 9:34 p.m.

Nancy Fisher
Recording Secretary