

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, OCTOBER 7, 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, Sandro Grossi and William Day (7:47 p.m.)

ABSENT: Ray Cousineau (Excused)

OTHERS: Kelly McIntyre (CIB Planning), Steve Brown (City Manager) and Nancy Fisher (Recording Secretary)

Determination of a Quorum:

A quorum of the Planning Commission was present for this meeting.

Agenda:

Commissioner Grossi proposed postponing New Business agenda Item No. 4, Master Plan Update, to a future meeting due to the number of items on tonight's agenda. Acting Chairman Carter suggesting holding off to see how late the meeting goes from the first three agenda items and then making that determination at that point. All the Commissioners concurred.

Approval of the September 23, 2019 Planning Commission Meeting Minutes:

MOTION and seconded by Commissioners Lawrence and Barts to approve the September 23, 2019 Planning Commission Meeting Minutes.

VOTE:

MOTION CARRIED

Correspondence:

City Manager Update – September 24, 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 #06-009-19: BP ADDITION, 31331 OLD WIXOM ROAD, WIXOM MI 48393:

The applicant is proposing to construct a 4,400-square foot addition to the existing 3,182-square foot retail and convenience building. The addition will expand the convenience store use. To construct this addition, the property owner proposes to split a 0.677-acre piece of land from Parcel B (Parcel #96-22-06-200-035, 31201 Old Wixom Road) and combine it with the 1.423-acre Parcel A (Parcel #96-22-06-200-036, 31331 Old Wixom Road). (Both parcels are owned by the applicant). With the addition, the applicant also proposes to install a 1,000-gallon Diesel Emissions Fluid Tank (DEF) on the west side (rear) of the building. The applicant notes three (3) employees maximum during operating hours, but this could expand to 6 employees. Hours of operation will continue from 5:30 a.m. to 11:00 p.m., daily. This review

will primarily focus on the proposed retail area/addition and will not focus on the existing building and site (as dictated by the Consent Judgment).

Ms. McIntyre noted that after reviewing the site plan she determined that it is complete and in compliance. This is located within the Village Center Area (VCA) district. However, under the Consent Judgment, an existing building was under B-3 regulations. Except for the architectural faade, it was under the VCA. The applicant wants to add 4,400 square feet. They will split two-thirds of an acre to the south parcel (Parcel A) and add to Parcel B. They are not proposing any changes to lighting. They will add a gas-powered generator. A 1,000-gallon tank will be on the west side and be screened by a 6-foot brick enclosure which will match the dumpster enclosures. They will need additional parking. There is an existing sidewalk but they will also do internal paved sidewalks. The applicant owns both Parcels A and B; however, the City requires a buffer between them. Either 23 trees or 92 shrubs are needed. The applicant would like to place the shrubs on the western side and not south near the border which is visible from Pontiac Trail. The Planning Commissioners can waive this. Maintenance of the parking lot landscaping can become an issue over time. Instead of planting trees, the applicant wants to mulch for ease of maintenance and place the trees along the southern property line. That would require a waiver by the Commissioners tonight. Parking lots visible from public roads require landscaping including street trees and a hedgerow. The applicant proposes to install a hedgerow along Wixom Road in lieu of the trees. That would require another waiver by the Commissioners. There is landscaping around the detention area which meets the Ordinance requirements. The applicant wants to reface the existing building with brick. He worked with the City in order to meet the VCA standards. The building will feature canopy windows and peaked roofs. The building will appear to be two stories. It is 31 feet tall. The VCA requires a minimum of 28 feet. Ms. McIntyre recommends approval of the applicant's request conditioned upon: 1) waiver for parking lot screening; 2) waiver for parking lot landscaping; 3) acceptance of one tree and 15 shrubs planted along the west property line rather than the south property line.

Acting Chairman Carter asked whether the existing trees on the south side of the property will be replaced in terms of their number. Ms. McIntyre said that they would and that is accounted for in the new plantings.

Acting Chairman Carter inquired about a statement on page 3 of Ms. McIntyre's review letter that there are no overhead doors. However, isn't there an overhead door? Ms. McIntyre said that it is a rollup door which would be okay. Technically, it is not considered an overhead door due to the small size.

Commissioner Barts noted that this matter previously came before the Planning Commission as a conceptual plan a while ago. He asked Ms. McIntyre whether everything from that meeting got incorporated since some of the Commissioners present at the original meeting are not present tonight. Ms. McIntyre said that some of the concerns revolved around tanks and screening and that City staff are satisfied with the plans. Other than the requested waivers, it meets all the requirements. She noted that Mr. Avantini is comfortable with this. Mr. Avantini met with Mr. Schonscheck and all concerns have been addressed.

Kevin Schonscheck, Schonscheck, Inc., 50555 Pontiac Trail, Wixom. Craig McDonald, McDonald & Associates, 312 E. Liberty, Milford and Marvin Poota, 31331 Old Wixom Road, Wixom. Mr. McDonald said that he is the project architect. He noted that Ms. McIntyre described the project well. He brought large-scale colored renderings with him tonight. He noted the primary building material will be brick with some pre-cast stone for window sills. It will also feature tinted glazing and bronze window frames on the entry and EFIS detailing for VCA character. He referred the Commissioners to the diagram for the existing canopy which will set apart the new and existing parts of the building.

Commissioner Sharpe noted that Ms. McIntyre said that the building is not two stories although he noted it appears to be inside. Mr. McDonald said it is not. He noted the upper floor glass will be

blacked out from behind. The owner wants to keep the ceiling on the new part but does not want an open industrial look with exposed joists and ductwork.

Acting Chairman Carter asked whether the mechanical screening will be a function of the second level. Mr. McDonald said that there may be additional screening on the roof. If you stood on the roof, it would appear to be a wall in front of you. They will not tear the roof off the existing building in an effort to not disturb the applicant's flow of daily business. Commissioner Sharpe said that he likes the improvements. Acting Chairman Carter confirmed with the applicant that he intends to stay in operation during construction. He also confirmed with the applicant that the counter/cashier station will be moved. The new location was pointed out to the Commissioners on the large-scale diagram. There will be a control point for security purposes.

Chairman Day said that he likes the looks of this. Commissioner Barts noted that the waivers make sense and they are practical.

MOTION and second by Commissioners Lawrence and Sharpe to approve SPR #06-009-19, BP Addition's site plan request. This approval is conditioned upon: 1) waiver for parking lot screening; 2) waiver for parking lot landscaping; 3) acceptance of one tree and 15 shrubs planted along the west property line rather than the south property line. **MOTION AMENDED** by Commissioners Lawrence and Grossi to recommend that City Council approve SPR #06-009-19, BP Addition's site plan conditioned upon: 1) waiver for parking lot screening; 2) waiver for parking lot landscaping; 3) acceptance of one tree and 15 shrubs planted along the west property line rather than the south property line.

VOTE:

MOTION CARRIED

2. **SITE PLAN REVIEW SPR #08-007-19: DEANO DAMAS BECK ROAD INDUSTRIAL, 28529 BECK ROAD, WIXOM MI 48393:** The applicant is proposing to construct two (2) 18,000-square foot industrial buildings at 28529 Beck Road. The subject site is on the west side of Beck Road between I-96 and West Road, across from Liberty Dr. Other proposed site improvements include: a cross access connection with the property to the north; 107 parking spaces; two trash enclosures; a detention area; retaining wall; and various landscape improvements. The parcel number is 96-22-08-426-035.

Ms. McIntyre noted this is located in the M-1 Light Industrial district. The applicant is proposing two 18,000-square foot buildings. If there is any overnight parking required, the applicant will need to return to the Planning Commission since that requires special land use approval. The applicant is aware of this requirement. This meets the overall setback requirements. She used information from the Crossroads business which is similar and it meets those. The applicant says that there is an existing easement for access; however, the City would like to see documentation of that. If there is not one, a cross access agreement would be required to be submitted to the City for its review. The applicant is proposing a retaining wall; however, it has not yet been reviewed by City staff. The City requires more details in this regard. The parking lot landscaping and the detention pond meets the standards. She noted that this site is particularly tight. In order to plant the required number of trees, the applicant would have to replace 66 trees. They could alternately contribute to the City's Tree Fund. However, they are proposing to plant the required 66 trees on an adjacent parcel which they also own. Mr. Sikma has approved this. The City still requires a woodland and lighting plan from the

applicant. The building does have commercial rollup doors on the north side. She does have a concern that the eastern elevation facing Beck Road contains a limited number of windows.

Ms. McIntyre recommends approval of the applicant's request conditioned upon: 1) any outdoor overnight parking or storage will require special land use approval; 2) review of the conservation easement/access easement documents by the City attorney and engineer; 3) replacement of 66 trees on the applicant's property to the south; 4) submittal of the lighting plan and woodlands plan for Planning Commission review; 5) colored renderings of the proposed buildings, samples of building materials and a cross section detail of the retaining wall should be provided for the Planning Commission review; and 6) approval from all other City departments and agencies as required.

Chairman Day asked what would happen to the replacement trees proposed to be placed on the adjacent property once that property gets developed. Wouldn't those trees have to be a certain type and size? However, when those get replaced, it would not meet the requirements. Ultimately, the City loses the trees. Ms. McIntyre said that there is a minimum size required for replacement trees. The trees would be replaced with much smaller trees. They must be replaced one-for-one. The applicant would have to move or replace those 66 trees even though they might not meet the standard. Acting Chairman Carter noted that Chairman Day makes a good point. Perhaps the remedy is to say that the trees must go on the property. However, is that feasible or should they just make a contribution to the City's Tree Fund? Chairman Day said that if there is a written agreement, he can live with that. Acting Chairman Carter asked whether the 66 trees will be planted throughout the property or on the border. Ms. McIntyre noted that this has not yet been discussed but it will be recorded.

Chairman Day noted that Items 4 and 5 of the enumerated conditions have not been provided by the applicant. Will those items come back before the Planning Commission? Ms. McIntyre said that they can be administratively approved or come back before the Commissioners. Chairman Day noted that he cannot approve something when the entire thing cannot be approved, risking that the Commissioners would later have to rescind their approval. This is especially true regarding provision of the colored renderings and building material samples but less so for the lighting plan.

Commissioner Barts noted that the land has trees on it. He noted that most developers develop on fertile land so is it fair to say that every tree has to be replaced when developed land generates tax revenue? Chairman Day and Ms. McIntyre said that not every tree has to be replaced. Commissioner Barts noted that it is a site which needs to be developed in order to fill a gap. Why does the City have a tree requirement? To him, it is a waste of money. You have to know that the trees will not be there for long. You want the land to generate tax revenue. Chairman Day noted that this is not under the Planning Commission's purview. It is part of the City's Ordinance. Ms. McIntyre noted that in every other case the trees are replaced onsite. Replacement trees are supposed to be placed onsite. However, this is an anomaly. Chairman Day noted that the City always has the prerogative to place trees on City-owned parklands. He suggested that Commissioner Barts address this with City Council if he disagrees. He does not want to see the City transformed into a clearcut landscape. Having certain species of hardwood trees provides a pleasing aesthetic. Commissioner Barts said that it is strange to place the trees on another piece of property. He noted that the Tree Fund is different than trees on another site. Acting Chairman Carter said that it might be more appropriate to require a contribution by the applicant to the City's Tree Fund. Chairman Day suggested asking the applicant why it wants to proceed this way.

Mike Powell, Powell Engineering, 4700 Cornerstone Drive, White Lake. He noted that the owner is here tonight also. They did submit building plans, a tree preservation plan and the photometric plan previously; however, it was not included in the final submittal. He showed the Commissioners renderings of all four sides of the building as well as a tree removal plan and all the other things including a cross section for the retaining wall which is 75 feet long. It backs up to the large tree area. It holds back some of the site allowing it to be built up. This will include two industrial buildings

like the Beck Road development. The tenants will be renters. The applicant does not require waivers or variances. The cost to have the applicant install the trees is \$150 per tree which is substantially less than paying into the City's Tree Fund. They need to identify where they will be placed and also document the easement area. If the trees die or the area is developed, the trees will be replaced one for one. There should be enough space to place the trees on the south side. The buildings themselves are nice looking. The owner does not have physical building samples with him tonight. There are two buildings coming in off Beck Road. There is a right-of-way which was given to the Road Commission. The easement was previously given up. It was intended that the driveway serves this property and the existing property to its north. There is water and sewer onsite which has been reviewed and blessed by Hubbell Roth Clark. Everything west of a certain point is a conservation easement and the trees would get lost in there. The owner would like to get started building. They will submit construction drawings to the Building Department.

Acting Chairman Carter asked the applicant about adding an architectural feature on the east elevation and noted the presence of only two windows. He noted this was previously done along I-96. The applicant said that it can add a couple windows or an architectural feature there but it will be a service bay. It will work with the City Planner to do that. Chairman Day said that he is okay leaving this to the discretion of the City Planner.

Commissioner Sharpe asked for clarification regarding the trees. He noted that Ms. McIntyre referenced 66 trees; however, the note says it is 138. The applicant said that there are 66 trees which need to be placed somewhere. There is only room on this site for 66. Some will go there but there is insufficient room for all of them. He pointed out the location on the large-scale diagram.

Commissioner Sharpe noted that there is a recently constructed building on Beck Road which is similar to this but which does not have pleasing aesthetics and is an eyesore. The Commissioners did not receive material samples beforehand for that building. The applicant's proposed building is the same distance from the road. Acting Chairman Carter asked whether neighboring buildings are similar in appearance.

Deano Damas, 28529 Beck Road, Wixom. He noted that the lighting supply store is a grey block building. The other building is the old Alta building. Commissioner Grossi asked which one the Crossroads building is. Ms. McIntyre said that it is to the south. It is the business center buildings.

Commissioner Barts noted that Mr. Powell referred to the cost of putting 66 trees on the adjacent property versus the City's requirements. What is the dollar cost of the Tree Fund? Mr. Powell noted that he believes it is about \$400 per tree. Ms. McIntyre said that she actually heard a higher number but she believes it is species-dependent. The largest cost is the labor; i.e., the City hires an arborist. Commissioner Barts asked if the applicant could hire someone to plant the trees for \$150 per tree, why can't the City? Acting Chairman Carter asked where the 66 trees will go; i.e., behind the lighting building to the south? Mr. Damas said that the parcel between the Beck Business Center and I-96 comprises 55 acres. The trees will go there. It is not exactly right nextdoor but is down the road a bit. Acting Chairman Carter noted that it is a mostly wooded area although there has been a lot of clearing. The only thing that separates it is the conservation area.

Commissioner Lawrence noted that the Fire Department issued conditional approval. Has the applicant met the Fire Department's additional requests? Mr. Powell said that the requests from the Fire Marshall's letter have been updated and the applicant has met all of the requests.

Commissioner Lawrence noted that there was a minor mention in the City Planner's review letter regarding the façade with windows and a 10-foot width of the sidewalk. Mr. Powell noted that this

was an error on his part. He thought that it was a main pathway in major thoroughfares. Acting Chairman Carter asked whether there is a sidewalk in front of the adjacent properties? Ms. McIntyre said there is not. She also mentioned that Mr. Avantini just texted her to clarify that the cost of trees in the City's Tree Fund is \$475 per tree. Chairman Day noted that is a substantial difference. Commissioner Barts noted that there is a higher likelihood they would get value out of those trees. Chairman Day said that would be true if they were placed in an area where they would act as a buffer. Acting Chairman Carter noted that the calculations should be for 200 plus 66 which would make for a greener site. Mr. Powell said that it fronts I-96 so that would be the best place to put them. That is the buffer. Acting Chairman Carter noted that enforcement regarding replacement of the trees is the issue should they die. There is movement happening and work being done there. Chairman Day noted that Mr. Powell has stated that the trees will be replaced if they die.

Chairman Day asked whether the Commissioners are comfortable leaving the two items (the lighting plan and the building materials) to be administratively approved. Acting Chairman Carter said that he is not qualified to approve the lighting plan. Chairman Day said that he would like to have the 4 pages of colored renderings which were provided tonight to be attached to any approval issued by the Commissioners tonight. He suggested that actual building materials be administratively approved. Acting Chairman Carter agreed.

MOTION and second by Commissioners Day and Lawrence to approve SPR #08-007-19, Damas Beck Road Industrial's site plan. This approval is conditioned upon: 1) any outdoor overnight parking or storage will require special land use approval; 2) review of the conservation easement/access easement documents by the City attorney; 3) replacement of 66 trees on the applicant's property to the south, to be marked and monitored or located so that if the trees die or need replacement due to future development of the property to the south, that will be done whether the trees are the size that would otherwise require replacement; 4) submittal of the lighting plan and woodlands plan for administrative review; 5) colored renderings of the proposed buildings which were submitted tonight by the developer be attached to the plans as part of the approval, with samples of the building materials to be administratively approved, and a cross section detail of the retaining wall to be administratively approved; and 6) approval from all other City departments and agencies as required.

VOTE:

MOTION CARRIED

- 3. SITE PLAN REVIEW SPR #07-011-19: EDIN COURT CAPITAL, LLC, 28639 S. WIXOM ROAD, WIXOM MI, 48393:** The applicant is requesting the construction of a 5,465-sq. ft. Longhorn Steakhouse restaurant and 6,025-sq. ft. retail/restaurant building at 28703 Wixom Road, which is on the west side of Wixom Road on Assembly Park Drive in the Assembly Park development. The development is proposed on a 3.18-acre outlot south of Aldi and east of Menard's and At Home. Access to the site will be from Assembly Park Drive, an interior private service road with connections to Wixom Road. The property is zoned GPUD, General Planned Unit Development District, where retail businesses less than 60,000 sq. ft. and restaurants are allowed as permitted land uses in that district. The parcel number is 96-22-07-200-016.

Ms. McIntyre noted that this involves two buildings in the Gateway Planned Unit Development (GPUD) district. This 3.18-acre outlot is situated between the Community Federal Credit Union and Aldi. The project includes two different parcels which will have three drives. A cross access agreement is needed by the City for shared drives/shared parking. The Wixom Road setback is 18.8 feet where 20 feet is required. That would require Planning Commission approval. Parking is in compliance in terms of number and dimensions. However, the applicant wants 20 spaces on the east side paved with pervious asphalt. However, the Ordinance requires an impervious surface. She

would like to have an explanation from the applicant as to the reasons for that. If exempted, that would require a waiver from the Planning Commission. Loading is required to take place in the rear yard. This property has two front yards. The main entrance is on Wixom Road which is treated as a front yard. Loading will occur on Assembly Park Drive. The applicants is proposing gates and landscaping; however, she would like to see it taller for added screening. The applicant's proposed landscaping meets the requirements and is consistent with Aldi's to the north although it needs shielding. The current plans show three curb cuts although Hubbell Roth Clark (HRC) and the Planning Department both feel that is too many. Her initial recommendation was to recommend denial of the applicant's request because of this. However, today the applicant informed her they will remove the curb cut to the south, which amounts to a total of only two and not three curb cuts. She has not seen the applicant's new plans. Each parcel would have access via a curb cut. Their parcel would just shift some of the parking. She will have to look at it and approval would be administrative. The building materials are cement, stucco and veneer. She needs to be provided with additional details from the applicant. No signage has been proposed by the applicant. It would have to come back for Planning Commission approval. With today's elimination of the third curb cut (reducing it to a total of two), she recommends approval of the applicant's request conditioned upon: 1) cross access easements be indicated on the site plan and agreements provided for review by the City attorney and engineer; 2) elevations, including building materials for the retail/restaurant building, be provided and approved; 3) waiver of side and rear yard setbacks to allow shared access; 4) Planning Commission approval of the application of pervious asphalt on the east side of the retail/restaurant building; 5) reduction of curb cuts/entrances to the development along Assembly Park Drive from three (3) curb cuts to two (2) and all associated site plan changes meet standards; 6) shrubs and flowers be provided at entries and building foundations; 7) landscape cost estimates be provided; 8) replacement of LED building-mounted fixtures with shielded lighting; and 9) site plan approval from other applicable City consultants, departments and agencies. She noted that HRC's biggest concern was the traffic circulation and that the changes proposed today should alleviate those concerns.

Commissioner Barts noted that the full-sized drawing had a nice elevation of the Longhorn building in color. The retail side of the building facing the main drive is depicted as nothing other than a square. What will it actually look like? Ms. McIntyre said that she needs to see the renderings and that it may depend upon the tenant.

Commissioner Lawrence confirmed with Ms. McIntyre that the proposed signage has not been submitted. He asked whether it should be made a condition of any approval tonight. Ms. McIntyre said that it should. The issue of signage can come back to the Commissioners for their approval or be administratively approved; that is at the discretion of the Commissioners.

Commissioner Sharpe requested clarification regarding what is being approved tonight. Is it the retail and restaurant space or just the layout? He is not be comfortable approving the site plan without administratively delegating appearance approval for the elevations on that building since it is an entryway to the City. He wants to be able to stand behind his decision. Ms. McIntyre said that the

Commissioners are being asked to approve the entire site plan tonight even though the information is lacking. Commissioner Sharpe stated that there is nothing to approve on the retail/restaurant site.

Jim Mosier, 725 E. 65th Street, Suite 300, Indianapolis, Indiana and Bill Knight, 2365 Haggerty Road, Canton. Mr. Mosier mentioned that Mr. Knight is the Civil Engineer. Mr. Mosier said that he understands that they do not have the building design for the south and north parcel but they will come back with that. He would like to get the Longhorn site plan approved and come back later for the other building. That could change but the building shape may change. He passed out the drawings of the site plan to the Commissioners. He noted that they are developing the site and that

Longhorn is doing the building which requires a certain amount of coordination. The new plan allows for adequate truck circulation. They moved the drive lanes slightly south so that cars driving in can go straight in. It is a 36-foot drive lane which provides maneuverability. Longhorn wants to satisfy the City's desires in terms of building materials.

Mr. Knight showed the Commissioners the diagram for the building. He is considering using brick instead of stucco. It will either be all brick or all stone with contrasting colors. He did not think that stucco was permitted. He has printouts of the brick color with him tonight. Acting Chairman Carter asked to see those.

Mr. Mosier said that there are signage drawings in the lease which runs to 14 pages although he can provide that to the Commissioners tonight. He is okay with getting the exact signage later. He would like to secure approval of the signage on all four sides of the building tonight. Acting Chairman Carter confirmed with Ms. McIntyre that all four sides is above and beyond. Mr. Mosier said that he was told that the standard is two sides of the building. He said that Mr. Avantini told him that he thought it would be an acceptable waiver to seek. Commissioner Barts noted that this property has two front yards. Acting Chairman Carter said that the south side yard is pretty visible. Commissioner Lawrence noted that if there is a deviation, this is it. Mr. Knight noted that there are a lot of trees.

Acting Chairman Carter asked for a definition of pervious versus impervious asphalt. Mr. Knight noted that this site exceeds the allowable surface amount so he is using impervious surface in order to meet it. Acting Chairman Carter asked whether there is an obvious difference in appearance between the two surfaces. Mr. Knight said that there is a definite difference and that impervious surfaces have a more open grade. You can see more of the stone. There are more voids. Acting Chairman Carter asked how it functions for snow removal. Mr. Knight said that it is fine. Chairman Day inquired about maintenance. Mr. Knight said that it needs to be vacuumed every few years because it collects sediment. Acting Chairman Carter asked whether that means there would be more runoff in the rain. Mr. Knight said that depends upon whether it is adequately sized. Chairman Day asked how much will be pervious versus impervious. Mr. Knight said just the small bay which is not required. He noted it is more expensive. Chairman Day said that he likes the idea of having more pervious surface. He is not sure whether the Ordinance allows stucco but thinks that brick should be required.

Commissioner Barts noted the elevation on the to-be-determined building. He understands why the applicant wants to develop the site and then have the square footage blocked out for the future. Acting Chairman Carter noted that if it were two lots being developed separately, you would not know who is there and who would be coming in. Perhaps the Commissioners' motion should state that when future plans are firmed up, this matter could be brought back to the Planning Commission for the Commission's approval instead of having it just administratively approved. He confirmed with Ms. McIntyre that this should be spelled out in any motion tonight. Commissioner Sharpe confirmed with the applicant that it wants a waiver for the four sides of the signage but actual signage approval later. Mr. Mosier said that they feel pretty strongly about it. The signage approval would be

a separate process. The thematic elements are there. Commissioner Barts noted that the biggest element is the square footage of the signs. Chairman Day said that he could see the north elevation as having a smaller sign. Acting Chairman Carter noted that all four elevations will have a lot of visibility. He asked the applicant about project timing and how soon they would like to start. Mr. Mosier said they would like to get started as soon as possible. The only thing holding them back would be winter weather conditions. If it turns out to be a buildable winter, they could get started within 60 days. Their latest delivery date is July, 2020 but they are aiming for months before that.

Commissioner Sharpe suggested making a motion and then asking the applicant if it meets their needs. He also wants to protect the City regarding final materials, the appearance of the retail and

restaurant and the final signage. Commissioner Lawrence said that he supports that idea and noted that it will be a complicated motion. He asked why there is a reference to cost regarding landscaping in Condition 8 of Ms. McIntyre's review letter. Ms. McIntyre said that it is an Ordinance requirement and it drives the escrow deposit required of the applicant. It is surety that the landscaping will be maintained.

MOTION and second by Commissioners Sharpe and Lawrence to approve SPR #07-011-19, Longhorn Steakhouse Retail/Restaurant's request for site plan. This approval is conditioned upon: 1) cross access easements be indicated on the site plan and agreements provided for review by the City attorney and engineer; 2) elevations, including building materials for the retail/restaurant building, be provided and approved at a later date; 3) modifications of no more than 2 feet to parking setbacks along Wixom and Assembly Park Drive are approved; 4) waiver of side and rear yard setbacks to allow shared access; 5) the Planning Commission approves the application of pervious asphalt on the east side of the retail/restaurant building; 6) reduction of curb cuts/entrances to the development along Assembly Park Drive from three (3) curb cuts to two (2) and all associated site plan changes meet standards; 7) shrubs and flowers be provided at entries and building foundations; 8) landscape cost estimates be provided; 9) replacement of LED building-mounted fixtures with shielded lighting; and 10) site plan approval from other applicable City consultants, departments and agencies. The Planning Commission has tentatively approved a waiver of the signage requirements to allow Longhorn Steakhouse signage on all four sides and has thematically approved the signage as shown with final size and signage to be approved by the Planning Commission at a later date.

VOTE:

MOTION CARRIED

Acting Chairman confirmed with Mr. Knight that the pervious material will be on the east side instead of the west in the retail area. Acting Chairman Carter confirmed with Mr. Knight and Mr. Mosier that they agree to all of the conditions set forth in the Commissioners' motion tonight. Commissioner Sharpe said that he is excited to finally have a sit-down restaurant.

4. MASTER PLAN REVIEW

Acting Chairman Carter noted that more than half of the things that were supposed to be changed were not actually changed. Ms. McIntyre said that is true for the version of the documents that the Commissioners were provided. Acting Chairman Carter said that he is not comfortable presenting it to the public until this has been corrected. Commissioner Lawrence asked whether Ms. McIntyre is working with the version of the Master Plan that the Commissioners were provided.

MOTION and second by Chairman Day and Lawrence to table Agenda Item No. 4, Master Plan review, to the next Planning Commission meeting on October 28, 2019 once the necessary changes have been incorporated into the Plan.

VOTE:

MOTION CARRIED

Call to the Public:

There were no comments made by the public.

Staff Comments:

Ms. McIntyre noted that the Commissioners' motion on tonight's agenda Item No. 1, SPR #06-009-19, BP Addition should have been a recommendation to City Council, the acting body, instead of an actual approval on behalf of the Planning Commission. That needs to be corrected. City Manager

Brown noted that the Planning Commission needs to make a recommendation to City Council to either approve or deny the plan as presented. Chairman Day confirmed with Ms. McIntyre that is because of the Consent Judgment. Acting Chairman Carter said that he thought it was because of the VCA. Commissioner Sharpe asked what the Consent Judgment was about. Was it the number of gas pumps? Chairman Day said that the Consent Judgment goes years back before the gas station was even built at a time when gas stations were not allowed. Commissioner Barts recalled that they owned the property, wanted to put a gas station there but the City wanted retail. If memory serves, it involved some kind of a tradeoff. It was proposed to be Country Corners and he thought it was a truck stop. Chairman Day said that the applicant owns the whole corner. Commissioner Barts noted that when it got to Court, the Court arbitrated it with a binding decision. If the use changes, rather than going back to Court, it has to be agreed upon. City Manager Brown noted that there were discussions between City Council and the applicant. In the long run, the applicant will close the Wixom Food Market. The City gets the closure of the Food Market and the eventual redevelopment and it allows the applicant to combine the two operations. Chairman Day noted that it has to be filed with the Court and this is really a recommendation to City Council to enter into a revised Consent Judgment. City Manager Brown said that it has already been signed on the applicant's part; City Council has the right to approve or deny it. Chairman Day noted that the motion needs to be amended to make a recommendation to City Council. Ms. McIntyre noted that whether the Planning Commission recommends to approve or deny the site plan, City Council is only looking at the site plan.

Commission Comments:

Chairman Day said that he was puzzled by the applicant's comment regarding the City not allowing another sit-down restaurant and does not know where that came from. What else would be allowed there? Commissioner Grossi said that the applicant is likely thinking of something like a Chipotle which is fast-casual dining. Commissioner Barts noted that the applicant put a deed restriction in its lease and that generally landowners do not agree to anything broad-based. Deed restrictions are going out of vogue since they could have been written 50-60 years ago. It is odd that this developer would agree to it.

Commissioner Barts asked about the mechanical screening on the Spring Hill Suites. Was this not caught by the Building Inspector? He believes someone needs to go back and look at the drawings. Chairman Day said that he cannot imagine it was not approved without any requirements. Commissioner Sharpe asked whether the Commissioners want to implement some requirements on the Planners regarding color approval. Chairman Day noted that it has already been 2 years. Commissioner Lawrence noted that Commissioner Cousineau has repeatedly asked to see material samples and colors. Commissioner Barts noted that the building in discussion has five different

architectural features. He also noted that the architectural drawings should be attached to the motion regarding tonight's agenda Item No. 2, SPR #06-009-19, BP Addition.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 9:13 p.m.

Nancy Fisher
Recording Secretary

APPROVED 10.28.19