

CITY OF NORTHVILLE
Planning Commission
April 18, 2017
Northville City Hall – Council Chambers

1. CALL TO ORDER:

Chair Wendt called the meeting to order at 7:00 p.m.

2. ROLL CALL:

Present: Steve Kirk
Carol Maise
Dave Mielock
Christopher Miller
Matthew Mowers
Mark Russell
Anne Smith
Jeff Snyder
Jay Wendt

Absent: None

Also present: James Allen, Mayor Pro Tem
Patrick Sullivan, City Manager
Sally Elmiger, Planning Consultant
1 resident

3. APPROVAL OF AGENDA:

**Motion by Kirk, support Russell, to approve the agenda as published.
Motion carried unanimously.**

4. MINUTES OF PREVIOUS MEETING: March 21, 2017

Commissioner Russell noted that there were two typos on page 5:

- 4th paragraph, 2nd line: she ~~in~~experienced . . .
- 7th paragraph, 3rd line: butt there . . .

**Motion by Russell, support Mowers, to approve the March 21, 2017 minutes as corrected.
Motion carried unanimously.**

5. AUDIENCE COMMENTS: None.

6. REPORTS:

- A. CITY ADMINISTRATION:** None.
- B. CITY COUNCIL:**

Mayor Pro Tem Allen said that at last night's City Council meeting ordinance changes as recommended by the Planning Commission at their February 21st meeting had their second reading and would be in effect in 3 weeks. These included changed language regarding lot coverage, take out restaurants in the CBD, signs, schedule of regulations, and construction of language and definitions – basement.

C. PLANNING COMMISSION:

Commissioner Mowers noted that the City website didn't have the correct minutes posted for the February 1, 2017 BZA meeting.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. PUBLIC HEARING

Proposed Zoning Ordinance Amendment – Clarify site plan review process

Planning Consultant Elmiger said that the language being considered tonight primarily accomplished 3 things:

1. To revise the circumstances when site plan review was required so that any change in height or an additional story must be reviewed by the Planning Commission, to reduce the size of a building addition that was reviewed by the Planning Commission from 10% to 5%, and to clarify that when additional parking or payments in lieu of parking were required, the proposal was reviewed by the Planning Commission.
2. To clarify when a proposal could be reviewed as a minor site plan. This was an administrative process and the plan would not come to the Planning Commission. Some examples were added as to what constituted a minor site plan review.
3. Language was added to allow people to request an extension of both preliminary and final site plans, and when they had to apply for that extension.

Chair Wendt opened the public hearing at 7:08 p.m. Seeing that no one came forward to speak, Chair Wendt closed the public hearing at 7:09 p.m.

Commissioner Kirk asked why preliminary site plan review was valid for only 6 months, when final site plan review was valid for 1 year. Planning Consultant Elmiger explained that the Commission could give a year, if that was the preference.

Commissioner Kirk said that Wayne County could take a long time in providing their reviews and approvals. Planning Consultant Elmiger said that the Commission had recognized the need to provide an extension for preliminary site plan review, and had decided that 6 months was appropriate. However, the original approval could be changed to 1 year if that was the consensus of the Commission.

Commissioner Maise expressed reservations about granting an initial 1-year period for preliminary site plan reviews, before a final was required. Then, to grant an extension to that seemed like a very long time. She supported keeping the preliminary site plan review at 6 months, with the possible 6-month extension.

Planning Consultant Elmiger said that a developer could get more than one 6-month extension.

Commissioner Maise thought Wayne County would become more of an issue after the final was approved, and final engineering drawings were submitted, for example.

Planning Consultant Elmiger said that usually if a final site plan had not come in within the 6 months of preliminary site plan approval, something else was going on.

Commissioner Maise asked about the requirement that building or construction permits had to be secured and *substantially commenced* within the year following final site plan approval. What did this mean?

Planning Consultant Elmiger said that the Building Inspector would make that determination. Generally this meant that demolition had occurred and other things were actively moving forward.

Commissioner Maise said that many references in the ordinance were to a site *development* plan. Could the word *development* be deleted? The consensus of the Commission was to eliminate the word *development* and just use *site plan*.

Commissioner Maise noted that exceptions were listed in 19.03.b, which listed *Exceptions to this rule*. Then, 19.04.3.a.1 seemed to duplicate this information.

Planning Consultant Elmiger said the latter, 19.04.3.a.1, included things that qualified for minor site plan review that could be handled administratively. They were not exceptions as listed in 19.03.b., which did not require any site plan review at all.

Commissioner Maise noted that plans that did not require any review included language that did not require off-street parking in addition to that already provided. Those that were minor site plans that required only administrative review had language that said the change would not encroach upon an existing parking lot, would not require additional parking spaces, and would not involve purchasing parking space credits, or would have no impact on the movement of vehicles into or across the site or adjacent roadways. Wasn't this the same?

Planning Consultant Elmiger said that she could see how this was confusing. However, it was possible to ask for a change to a use that didn't require parking modifications but would require a minor site plan review. Any wrong interpretation of this language would be caught by the Building Department. If there were a small modification to the building that did not have any impact on the parking it would require a minor site plan administrative review. If there were no modifications to the parking yet an applicant was adding a story to the building then that would be a Planning Commission issue and would require full site plan review.

Planning Consultant Elmiger said she would look at the language involved and see if any changes could be proposed to make the language more consistent between the two lists.

Commissioner Maise asked about 19.04.3.a., where the smaller scale projects were reviewed by city staff, the Planning Commission Chair and the City Planner. What if the Planning Commission Chair was unavailable to perform this review? Would the plan just sit and wait? City Planner Elmiger said that an acceptable alternative might include the Vice Chair or some other member of the Planning Commission. The language could be changed to say: *The Planning Commission Chair or his or her designee*.

Commissioner Maise asked if this should be addressed in the bylaws. Planning Consultant Elmiger said the bylaws said *The Planning Commission Chair shall be an ex officio member of all committees*.

Commissioner Maise asked about the language that said that the City Planner, Planning Commission Chair, with the City Manager, *shall determine if a project qualifies for minor site development plan review based on the intensity of the proposed use and anticipated impacts on adjacent land uses*. Yet because of the list given about what qualified for a minor plan review, this did not appear to be a subjective decision.

Planning Consultant Elmiger said the list acted as a determiner, but there were situations where a judgment call had to be made and therefore there was some flexibility in the language. Also, all 3 parties had to agree or the plan had to go to the Planning Commission.

Commissioner Maise asked if an administrative review was denied, did the applicant then have the right to come to the Planning Commission? Planning Consultant Elmiger said the committee of reviewers would not be basing their decision on anything but ordinance requirements. That part was not flexible. The flexibility came in making the determination as to whether something was a major or minor site plan application.

City Manager Sullivan said that if someone were denied upon minor site plan review, the appeal would go to the Board of Zoning Appeals.

Commissioner Maise wondered if an appeal should be permitted to the Planning Commission as a whole. Commissioner Russell said he thought a site plan denial – based on whether the site plan was minor or not – should come to the Planning Commission. If the denial was strictly an ordinance compliance or interpretation issue, the appeal should go to the Board of Zoning Appeals.

City Manager Sullivan emphasized that if a minor site plan was brought in for administrative review, and even one of the reviewers thought it was not a minor site plan, the plan would go to the Planning Commission. On the other hand if a minor site plan did not meet ordinance requirements, the reviewers could deny or insist the noncompliance be resolved. In that case, appeal would be made to the BZA.

Planning Consultant Elmiger said she would add language, that if a minor site plan review was deemed necessary to go the Planning Commission, the applicant would have to then submit a full application.

Commissioner Maise suggested that the Planning Commission be kept informed when minor site plan reviews were approved. City Manager Sullivan suggested placing this language under Section 19.04 *Application Procedures and Approval Authorities*.

City Manager Sullivan asked about the exception to any site plan approval for a building that did not increase its area by more than 5%, as spelled out in 19.03.b.3)b). Some fairly large buildings could add 5,000 square feet without any site plan review. Was this the intent? Commissioner Russell said he was not sure the Planning Commission did need to see such a change if it did not impact parking.

Planning Consultant Elmiger asked if the concern was that a building should not increase lot coverage at all without coming to the Planning Commission? If so, this could be added as a criterion.

City Manager Sullivan stated that in the past there were site plan reviews when Hillers/Kroger wanted to have outdoor sales, along with the gas station on South Main that wanted to sell mulch. Did these things still trigger a site plan review?

Planning Consultant Elmiger said she didn't think those things would trigger a site plan review.

Commissioner Miller thought the proposed language was generally good, and would ease the burden on city agencies involved. If a plan fell to administrative review and the reviewers thought the Planning Commission should look at it, there needed to be language that the reviewers would move the plan to the Planning Commission.

Commissioner Kirk suggested that Section 19.04.2.d be changed to read: *Should the applicant disagree with the findings of the City Planner, ~~he~~ they may request . . .*

The consensus of the Commission was to leave the language as it was.

Commissioner Maise wondered if the language *refer back for modification* in Section 19.04.4.b. referred to tabling or postponing a decision. Planning Consultant Elmiger said that she thought this referred to tabling a proposal. Commissioner Maise was concerned that this would put a project on indefinite hold. Commissioner Smith thought the language *refer back* was attorney-recommended, and the consensus of the Commission was to leave this language as is.

Planning Consultant Elmiger summarized the discussion as follows:

- Remove all references to *development*, as in Site ~~development~~ plan.
- In Section 19.04.3: Add language to the minor site plan review procedures that would spell out that if the subcommittee did not agree that a project was minor the application would move to the Planning Commission and a full application would have to be made.
- In Section 19.04.3: Add the language *or his or her designee* after the Planning Commission Chair.
- Add a paragraph that if the subcommittee denied a minor site plan application, that the site plan could then be forwarded on to the Planning Commission with the stipulation that the applicant would need to file a full application.

Chair Wendt asked if the changes suggested this evening would require another public hearing. Planning Consultant Elmiger said that she would see how much language was actually added before that decision was made. In the meantime, the consensus of the Commission was to refer the changes back to the Planning Consultant before a vote was taken.

At this time, since there was no apparent public present for the public hearings, the consensus of the Commission was to hear item 8 before discussing the proposed *Zoning Ordinance Amendment to eliminate the exception to lots adjoining alleys*.

8. FINAL SITE PLAN REVIEW: NORTHVILLE VENTURE PARTNERS – 314 N. CENTER

Commissioners Mielock and Russell asked to be recused from this agenda item, as they had a professional interest in this application.

MOTION by Kirk, support Mowers, to recuse Commissioners Mielock and Russell from this agenda item.

Motion carried 7-0-2 (Mielock, Russell recused).

Referring to the Carlisle/Wortman review letter of April 7, 2017, Planning Consultant Elmiger gave the background for this application. This project was proposing two 8-unit buildings oriented parallel to North Center Street. Each unit had 3 bedrooms and a 2-car attached garage, accessed via a central drive. The Planning Commission granted preliminary site plan approval at its January 17, 2017 meeting, conditioned upon comments from the Carlisle/Wortman review and staff reviews being addressed upon final site plan review. Most of the Carlisle/Wortman comments for the final site plan were asking for clarification or for the Planning Commission to consider alternatives that were allowed by the ordinance.

The items for clarification included:

- A fire hydrant was added to the internal drive. The Fire Marshal had indicated he wouldn't park any equipment along the internal drive.
- Location of the mailbox cluster to serve the rear building, if there was going to be such a cluster.
- Information regarding any other potential streetscape improvements, such as pavers, etc.
- The future status of a streetlight that was being removed. Would this be replaced and if so, where?
- How would the site light fixtures be shielded?
- The DPW Director had some questions regarding the sanitary sewer.

Regarding Planning Commission alternatives:

- The front setback variability was slightly higher than that allowed by ordinance. The Planning Commission could approve greater variability if the plan met some of the standards in Section 10.05(p), for the Central Business Overlay District. Planning Consultant Elmiger did think one of the standards was met for architectural variability.
- Administrative review and approval of the tree removal mitigation before the building permits were issued.
- Did the Planning Commission think additional trees in the vehicle use area were necessary? The ordinance did require 12 trees. Should additional trees be planted (where possible) to meet that requirement?
- The light levels were lower than required on the internal drive. However, this wasn't actually a parking lot – it was more residential in feel. The Commission could approve the lower level if they thought it was appropriate.

There needed to be an agreement between the City and the property owner to place the public sidewalk half on public and half on private property. The condominium documents also needed to be submitted. For previous condominium projects the documents had been approved administratively; the Commission could decide whether this was appropriate.

Jason Jones, partner of Northville Venture Partners, North 3 Twenty Street, was present on behalf of this application. Also present were Dave Mielock, architect, Mark Russell, landscape architect, Duayne White, DW Development, and Thomas J. Sovel, Civil Engineer.

Referring to renderings brought this evening, Mr. Jones said the project was a 16-unit 3-story 2-building project. These units represented the modern ideal of luxury living that Northville continued to aspire to and achieve. The project offered the benefits of urban living. As a resident exited the development, to the right was Kroger and to the left was Main Street where the resident could enjoy a cup of coffee and other downtown amenities. There was a feeling of safety and security for which Northville was well known.

They were proud to present their vision of modern luxury. The facades were not cookie-cutter town homes. Rather they had been able to achieve a more modern appearance that would do well in today's marketplace. The parcel was one-acre, zoned for moderate density. By ordinance they could have built almost 60,000 square feet; their project was about 31,000 – 32,000 square feet. The 16 town homes averaged around 2,000 square feet, with 2 car garages, and parking actually provided for 4 cars. Three of the units would be 2-bedroom, 1600 square foot units, resulting in 13 3-bedroom units and 3 2-bedroom units.

The town homes would provide fixtures and features appropriate to discerning tastes, including hardwood floors, granite countertops, vista views on the rooftops as shown in the renderings, and the homes would be smart homes as well. There were also options for such things as heated floors, steam showers, chef kitchens, and smart home security.

Mr. Jones said they were approaching shovel-readiness. They had completed Phase 1. For Phase 2 Environmental, the survey, civil engineering, and geo-technical engineering were all complete, and they were currently working on construction drawings. They planned to submit for the demolition permit for the existing structure within 30 days. Within 60 days they expected to submit for underground permitting and submit for their final building permits within 90 days. Their goal was to be in the ground this year. Their financing was secured. They had also been having conversations – unsolicited – with potential residents who were interested in living on this site. The response had been very strong.

Mr. Jones asked for unconditional approval of the final site plan review this evening.

Utilizing overhead slides, architect Dave Mielock, 114 Rayson Street, Northville, gave further background for this proposal. He reviewed some history of this site, which was the old Begonia Brothers property. Phase 1 and 2 environmental studies were complete, including soil borings in the proposed locations for the paving and the new town homes. Mr. Mielock pointed out the surrounding uses including the Thai restaurant, retail uses and the CVS parking lot.

One of the design challenges with this site was avoiding conflicts with the Randolph/Center Streets intersection. Access had been pushed to the northwest corner of the property to minimize that conflict. The access was one-way in/one way out. A dark line outlined the flood plain.

They had 8 units on the Center Street side and 8 units that were facing the creek side. Center Street was a 3-lane road with a center turn lane. It was their intent to handle garbage with the individual units, similar to what was done at St. Lawrence estates, with garbage placed outside the garages picked up individually, rather than have a dumpster that would give a commercialized appearance. They wanted to keep the project as residential as possible.

Regarding the variability of the setbacks along the front, one of the reasons for that variability was a design element created to avoid a straight billboard type façade along Center Street. The alternating setbacks created interest and accentuated the different colored brick, resulting in each town home presenting as an individual unit rather than a monolithic block.

Currently the sidewalk directly abutted Center Street. Putting a greenbelt in between the sidewalk and Center Street also required that the units be pushed back on the site, thus creating a sense of entry and neighborhood.

Most of the units were 3-bedroom, as already mentioned, with some 2-bedroom units. As the units were presold the exact configuration might change without altering the building envelope as shown. The drawings were conceptual. The lower levels would be garages with an open space. The units facing Center Street would not be permitted bedrooms on the lower level, but the ones facing east to the creek could have a bedroom on the lower level. The 2nd level would include the living room, dining room, and kitchen. The upper level would be sleeping quarters, with outdoor patios on the roof area.

Mr. Mielock showed an elevation study, which confirmed the height of the units. A peak roof was superimposed on the study to demonstrate that if a peak roof were added the buildings could actually be higher than what they were proposing and still meet the height requirements.

Mr. Mielock also showed a rendering that included materials and colors.

Landscape architect Mark Russell, Russell Design, 114 Rayson Street, Northville, MI, replied to comments in the Carlisle/Wortman review letter. The pavers mentioned on page 6 were added to provide access from the internal portion of the south side of the site to Center Street and up to the sidewalk. This would be discussed in more detail as the project moved forward.

On page 7 of the review letter there was discussion regarding interior trees. The applicants were not currently showing interior trees even though those were required. The Planning Commission could waive that requirement because of the existing plant material they were proposing to retain on site. Regarding the trees and mitigation of the poor soils, they would keep a running total of the trees that would eventually be removed and they would mitigate those trees if necessary. Outside of the requirement for 12 interior trees, they were arguing that the existing trees would meet requirements.

Further discussion regarding tree mitigation was on page 4, Natural Resources. There it was noted that any approval should be conditioned *upon the applicant creating a list of the tagged trees (as shown on Sheet C1.1) that were removed during the clean-up, clearing and grading of the site, and this list and a mitigation proposal be provided to the City before building permits are issued.*

Mr. Russell reiterated that they were seeking a demolition permit in 30 days, and a grade and utility permit within 60 days. They were assuming that this would allow the developer to clear and mitigate the site, get rid of the poor soils wherever they existed to the satisfaction of the MDEQ, and then they would keep a record of the trees and provide that list to Planning Consultant Elmiger and Building Official Strong. Hopefully that would be approved and they could get their building permit within approximately 90 days. They wanted to keep the project moving, and according to their reading of the review letter, this did not appear to be a roadblock for the development to move forward.

Mr. Smith said the site was filled with crushed brick and concrete to a 15-foot depth. Mr. Russell said some of this would have to come out to accommodate the footings.

Regarding the streetscape, Mr. Russell noted that Planning Consultant Elmiger had recommended providing additional streetscape components such as brick paving and other improvements. The developer had not made a final decision regarding further streetscape improvements; partly this was budget-related. It was their hope that by providing the pedestrian buffer along Center Street that this would become an important pedestrian thoroughfare and provide better safety than what was there presently. They did feel that their landscape and streetscape elements were complementing the proposed architecture of the development.

Commissioner Maise asked what would happen if more trees were removed than there was room to replace on site. Mr. Russell said they would keep a running total of caliper inches, and they could increase the size of replacement trees, for instance, in order to put fewer but larger trees on the site, or they could create room with smaller trees and provide appropriate understory.

Mr. Mielock showed areas where trees could be planted. There were interior areas by the entranceway and by the individual units that they preferred to keep open for snow storage, but there was a possibility for tree planting there also. Also, the developer owned the parcel to the north, so at some point they might have to come back to the Commission to discuss tree mitigation further – perhaps utilizing that north parcel.

Mr. Russell said they were aware that they were required to mitigate on site. What they didn't want to do was put money in the tree fund and not provide the level of landscaping required and desired. The trees on the east side were older and showed their age. That area could be enhanced with understory plantings.

Commissioner Kirk asked if the MDEQ had any shade requirements for the creek in order to control the water temperature. Mr. Russell said it was reasonably shady in that area presently; there were trees on the east side of the property line that would remain untouched. They were going to try to limb up some of the larger trees and also to maintain as many of the larger trees as they could.

Commissioner Snyder asked if the flood plain boundary as shown was current. Mr. Russell said it was current; they had had a survey done. There was no required setback from the flood plain.

Mr. Mielock talked about windows and setbacks along the south property line. The CBD requirement was that there be 10 feet in between buildings, which could allow a 5-foot setback from the property line if the adjacent property had a building that was also at least 5 feet from the property line. Regarding this site, the adjacent property to the south was also CBD, so construction on that site could also go right up to the property line. There would be no windows on the south side.

Chair Wendt asked if the 2-bedroom units would be narrower than the 3-bedroom units. Mr. Mielock said they would be the same width. There were actually 3 different widths offered, varying from 24 to 26 feet. The location of the 2-bedroom units related to available parking space. Three units did not have enough depth behind the garage door to park cars.

Commissioner Smith asked if there was an underground stream on this property. Mr. Mielock said there was no stream on this property; there was a stream that was daylighted on very small portion. There had been discussions with the MDEQ about this, as the parcel to the north – also owned by the developer – was impacted more by the stream.

Chair Wendt asked if residents who were having a group of visitors could use the CVS parking lot, which was a public parking lot under the PUD agreement. Mr. Mielock said they were not providing direct access to that parking lot, though there was an informal path that had been worn there. People could park in the parking lot and walk around to the development. They were not encouraging people to use the existing path to walk through the development and then over to CVS.

Chair Wendt noted that at St. Lawrence Estates gatherings such as holiday parties created a parking situation where guests were literally parking everywhere. Mr. Mielock said the internal street for this project was only 22 feet wide and would not lend itself to guest parking.

Regarding the fire hydrant, Mr. Mielock said the fire hydrant had always been shown in its current location. The Fire Marshal had indicated that they would bring their truck into the Thai Restaurant parking lot and utilize the fire hydrant from that location.

City Manager Sullivan asked again if there would be windows on the south elevations. Mr. Mielock said there would not be windows there. Planning Consultant Elmiger said the ordinance required a 10-foot setback from the property line in order to put windows in that wall.

Commissioner Snyder said there had been continuing discussions regarding providing a walkable community in Northville. Was there a way to grant a pedestrian easement and provide a possible walkable path east/west so that there would be a connection to the park? He suggested that the developer give this some thought. Mr. Russell said they would take that into consideration.

Civil Engineer Tom Sovel, Spaulding DeDecker, said that they would work closely with DPW Director Gallogly regarding the tight tolerances required in order to provide a sanitary sewer on site.

Commissioner Snyder asked about storm water control. Mr. Sovel said this had been addressed with DPW Director Gallogly. There would actually be less hard surface on the site than what was there presently. Storm water would be directed to the street, not into the creek.

Commissioner Mowers said that while he was comfortable with the condominium documents being reviewed administratively, he did have a few questions.

- Would the rooftop patios include livable space? Mr. Mielock said they would not include livable space. There would just be a stairway that would access the rooftop with an access door onto the space.
- Would the rooftop mechanicals be screened? Mr. Mielock said they would be screened with a wall at least 36" high. The condensing unit would be inside the outdoor patio area. There would be a wall in between units. For end units, there would be a wall a minimum of 3 feet high.
- Were there any limitations or boundaries in terms of how much of a rooftop area could be used? Planning Consultant Elmiger said there were no limitations; the entire rooftop could be used.
- Regarding the condominium documents, things such as quiet hours, materials and other things on rooftops, and limiting any decorative overhang from the rooftop should be included.

Commissioner Snyder asked when adding what constituted a fourth floor living area, was there an issue with capacity and fire regulations? Were multiple access points required? Mr. Mielock said these things were not required for a single-family residence, and this was true of all zoning districts. Even though the town homes appeared to be connected as one building, they were reviewed as individual units themselves. There was a two-hour firewall between units, and this extended right up to the rooftop patio areas. The units were not sprinklered because the firewalls were provided.

Planning Consultant Elmiger asked the following questions:

- Would there be a mailbox cluster? Mr. Mielock said there would not be a mailbox cluster. The post office felt the development was small enough that mail delivery could be door to door.
- What about the future status of the streetlight that was being removed? Mr. Mielock said they were not replacing that streetlight. They felt the lights on the outside of the buildings and underneath the canopies would provide enough ambient light. The existing streetlight was a decorative Victorian-style light. They were hoping that the lights on the building would suffice.

Commissioner Kirk noted that the lights on the buildings could be turned on and off by the residents.

Commissioner Snyder asked about lights over the entrance driveway. Mr. Mielock referred to the photometric plan, and showed where the light fixtures at the entrance would be located. They were trying to create a down-lit appearance, and were keeping light levels lower than a commercial development. He showed a cut sheet of the column-like light they wanted to use, which would direct light down and then disburse through some vents in the fixture. The lights were consistent with the architecture.

Commissioner Kirk asked if there would be a stop sign before the sidewalk on the egress side. Mr. Mielock said there would be a stop sign there.

Commissioner Maise noted that Planning Consultant Elmiger had wondered if there would be any special paving across the driveway. Planning Consultant Elmiger clarified that she had asked if there were going to be any other streetscape amenities; the applicant had responded that they would add these in if they could.

Planning Consultant Elmiger reminded the Commission of the things they would need to consider:

- The front setback variability.
- The tree removal mitigation being an administrative process.
- Whether or not the 12 trees in the vehicle use area were necessary.
- If the proposed light levels on the interior drive were acceptable.

Commissioner Snyder asked if the light levels were a concern. Planning Consultant Elmiger said in some areas the light levels were lower than required; the Commission had the ability to approve something lower if they felt this was appropriate. This was not a parking lot; it was a vehicle use area.

Mr. Mielock said they had included some downlights on the northeast unit. There were no coach lights planned. The one foot-candle requirement in the ordinance was more for a parking lot, not for something like this interior driveway.

Commissioner Miller thought it was fine that the lighting level be provided at a more residential level.

Chair Wendt asked if the lighting would be metered through the Condominium association. Mr. Mielock said this would be the case. The more public lighting would be part of the common area. The lights attached to the units themselves would become part of that specific unit.

Planning Consultant Elmiger said the City Attorney would review the condominium documents.

Mr. Mielock pointed out that the timing of having the condominium documents at the time of final site plan submission was not realistic. It was possible to have a Part A draft for final site plan submission, but Part B couldn't be provided. At the time of submission final drawings were not completed, and Part B required those drawings in order to create the Part B documents.

Commissioner Maise said that some ordinances required a draft of the condominium documents, with final documents being submitted later.

Mr. Mielock said the development team had discussed how the condominium documents had to be structured, especially in regards to what would be allowed on the rooftop patio areas.

Chair Wendt commented that often condominium documents would not allow anything on the decks during the winter season, for instance from November 1 to April 1.

Mr. Mielock said the applicants were seeking to lease space downtown to serve as the sales office for this development. They wanted the sales center to be close to the site. They had met with DTE on site today.

City Manager Sullivan asked if staff had ever reviewed condominium documents. Planning Consultant Elmiger said staff had reviewed the Corner House documents, as well as the City Attorney.

City Manager Sullivan said it was important that the Planning Commission make it clear what they wanted to see in the documents.

Discussion followed. Chair Wendt didn't think condominium document review was the Planning Commission's responsibility. Commissioner Maise said that often documents would be presented in draft form, with final approval being given administratively. Commissioner Snyder said that interested buyers would certainly want to see finished documents. Commissioner Miller wondered if the Planning Commission was equipped to review what was essentially a legal document.

Commissioner Smith asked what the price point was for these units. Mr. Smith said they would be marketed at \$275.00 per square foot. Most of the people who had expressed interest were retirees with grandchildren nearby. Some had homes in other states and wanted these units as a second home. The 3-bedroom units would have 2,200 to 2,600 square feet.

Commissioner Mowers said that just as nursing care and assisted living had been shown as a hole in the zoning ordinance, there was nothing in the zoning ordinance regarding the use of rooftop space. This needed to be addressed.

Planning Consultant Elmiger referred to Ordinance language regarding condominium documents:

...The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the City including without limitation; ongoing preservation and maintenance of drainage, stormwater retention, wetlands, woodlands, and other natural features; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities....

Commissioner Mowers indicated he was ready to make a motion.

MOTION by Mowers, support Smith, to grant final site plan approval for 314 North Center Street, subject to the completion of all items set forth the April 7, 2017 Carlisle Wortman letter under the heading *Recommendations*.

Mr. Mielock asked if the approval could be conditioned on those items being resolved before a building permit was issued.

Planning Consultant Elmiger noted that outstanding items included:

- Tree mitigation.
- Condominium documents
- Agreement with the City for the sidewalk

These things could be approved administratively.

Discussion followed regarding the form the motion should take.

Mr. Russell thought building permits could be issued and construction begun before all the items were actually resolved.

Mr. Smith said the financial institution involved would like a clean approval, without conditions.

After further discussion, the motion on the floor was withdrawn.

MOTION by Maise, support Smith, to approve the final site plan for 314 N. Center, with the following findings and conditions:

Relating to page 10 *Recommendations* of the April 7, 2017 Carlisle/Wortman letter, the Planning Commission makes the following findings:

- **Per paragraph A, and per Section 10.5.(p) the front setback requirement is waived, and the setback variability as shown on the plan is approved.**
- **Per paragraph F-2, the lighting level requirement is waived, and the lighting levels as shown on the plan are approved.**
- **Per paragraph D-1, the requirement for 12 additional trees in the vehicle use area are waived.**
- **Per paragraphs E-1 and 2, further streetscape improvements including those mentioned on page 8 of the review letter and the replacement of the streetlight proposed for removal be waived.**

Further, relating to page 10 *Recommendations* of the April 7, 2017 Carlisle/Wortman letter, the motion is subject to the following conditions:

- **Per paragraph B-1, the applicant must create a list of tagged trees removed during cleanup-clearing/grading, and provide this list and a proposed mitigation plan to the City for administrative review and approval.**
- **Per paragraph C-2, an easement agreement be provided between the developer and the City to locate a public sidewalk on private property.**
- **Per paragraph H, the condominium documents be provided for administrative review and approval.**

After discussion, Commissioner Maise said she did not want the motion to require that the conditions be met before the building permits were issued.

Chair Wendt asked for a roll call vote.

Mowers	yes
Maise	yes
Kirk	yes
Smith	yes
Snyder	yes
Miller	yes
Wendt	yes

Therefore the motion carried 7-0-2 (Mielock, Russell recused).

Commissioners Mielock and Russell rejoined the Commission.

At this time Commissioner Kirk made the following motion:

MOTION by Kirk, support Snyder, to re-open the public hearing in order to hear the last item under agenda item 7: Proposed Zoning Ordinance Amendment – Eliminate the exception to lots adjoining alleys

Motion carried unanimously.

Proposed Zoning Ordinance Amendment – Eliminate the exception to lots adjoining alleys

Planning Consultant Elmiger said that this topic came up because it was unclear based on the ordinance language whether or not the area of an alley should be or could be added to the area of a lot for all calculations that use lot area. It didn't say that the property owner could use the alley area just for confirming lot size, and it didn't say the owner could use the alley area just for calculating lot coverage. It just said that ½ of the alley area could be used for applying lot area requirements. This caused confusion. Previous building officials said the alley did apply to lot coverage. The current building official interpreted the ordinance differently. The interpretation could have different affects on different properties. For instance, there could be a positive affect for someone who was constructing a new home and the alley would provide them with additional lot coverage, so that a home could have a larger footprint. However, if a lot adjoining an alley was under the minimum lot size the owner would normally get 35%; adding the alley might move them up to meet the minimum lot size and therefore they would only get 30% coverage, resulting in a smaller footprint.

Another question was what line was used for setbacks? Was it the lot line? Did it have anything to do with the center line of the alley?

The last question was there were many properties that did not abut an alley. Why would the alley benefit only those properties that abutted an alley?

When this was discussed at last month's Planning Commission meeting, it was the consensus of the Commission to simply delete the language of 18.11.6 Lots Adjoining Alleys, and that was what the proposed amendment under consideration this evening did.

Chair Wendt opened the public hearing at 9:15 p.m. Seeing that no one came forward to speak, Chair Wendt closed the public hearing at 9:16 p.m.

Planning Consultant Elmiger called the Commission's attention to an email received from Joseph and Sondra Hoffman in support of the continued use of 1/2 the width of the alley for lot coverage calculations. This letter is attached to the minutes for this meeting.

Referring to the February 1, 2017 BZA minutes, Commissioner Mowers said that it was fairly clear that the applicant was asking to use Section 18.11.6 after the fact in order to keep a shed on his property. When there were conflicting zoning ordinances, the more strict of the two should apply. In the BZA case, the more strict interpretation was involved in the definition of *lot area*, which did not include 1/2 the width of the adjoining alley. The Building Inspector told the applicants up front that this would be an issue and the shed would need to be removed, but now the applicants were arguing a practical difficulty.

Commissioner Mowers said he felt the issue was a simple one. Ambiguity should be removed by deleting 18.11.6. *Lots Adjoining Alleys*, as presented. The definition of the lot line was what was defined on the plat – it did not extend into the alley.

Commissioner Smith asked if the alley in question was vacated. Planning Consultant Elmiger said it was not vacated.

City Manager Sullivan said he believed the ordinance language originated because of Cabbage Town, where approximately half the alleys were vacated, and half were not.

Commissioner Maise asked if the affected homes complied with minimum lot size without the 1/2 of the adjoining alley. City Manager Sullivan said he did not know.

Mayor Pro Tem Allen said that in the BZA case, the lot in question did meet minimum size requirements without the 1/2 of the adjoining alley.

Commissioner Mowers asked what the BZA decided in April. Planning Consultant Elmiger said that the BZA's decision was to follow the language in 18.11.6 and count the 1/2 of the adjoining alley. However, in that particular case it turned out there was a covered breezeway and covered porches that had not previously been included in the calculations, and the applicant would still need to seek a variance because they were now over coverage limits, unless their as-built drawings could show that the violation did not actually exist.

Commissioner Miller said he felt confusion should be eliminated by deleting 18.11.6, thereby ensuring that lot coverage requirements would be based on lot lines only.

Planning Consultant Elmiger said that any decision tonight would not impact the BZA case.

Commissioner Mowers felt that there could be an impact in that the BZA would know how the Planning Commission felt the ordinance should be interpreted.

Commissioner Kirk said that in days past a rear garage on an alley could be constructed right up to the lot line, which was one reason to give that homeowner a setback that included half the adjoining alley. Today the ordinance would require that a garage be set back 5 feet from the lot line.

Chair Wendt said they hoped to find the minutes from when Section 18.11.6 was adopted.

Commissioner Russell clarified that if an alley was vacated, the adjoining property owners did by law receive half the alley, and that should be counted in total lot area; the legal description of the property would also be amended. Planning Consultant Elmiger agreed. In the case being discussed this evening, the alley was not vacated.

Planning Consultant Elmiger said the City was sometimes reticent to vacate alleys as the alleys provided an easy way to access utilities.

Commissioner Mielock indicated he was ready to make a motion.

MOTION by Mielock, support Mowers, that the Planning Commission recommend to City Council approval of the deletion of Section 18.11.6 *Lots Adjoining Alleys* from the Northville Zoning Ordinance.

Chair Wendt asked for a roll call vote.

Mower	yes
Maise	yes
Mielock	yes
Kirk	yes
Wendt	yes
Smith	yes
Snyder	yes
Russell	yes
Miller	yes

Therefore the motion carried unanimously.

9. ADJOURN

As there was no further discussion, Chair Wendt asked for a motion to adjourn.

MOTION by Mowers, support Maise, to adjourn the Planning Commission meeting at 9:33 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 05/02/2017

From: Joseph Hoffman
To: Dianne Massa
Subject: Public Hearing - Tuesday, April 18th
Date: Monday, April 17, 2017 9:43:35 AM

Hello Dianne,

I am not able to attend the Public Hearing at the Planning Commission on Tuesday, April 18. Would you provide this email to commission members for me?

Thank you.

To the Planning Commission,

As you consider your decision to "eliminate the exception to lots adjoining alleys" as part of the public hearing tonight, I would ask that you consider our perspective.

We support the continued use of one-half the width of the alley for lot coverage calculations.

First, some background:

We have lived in our home at 625 Carpenter Street for the past 34 years. There exists a 1 foot wide alley on the back (west) side of our property that is used for daily residential traffic for approximately 10 homes.

We are also new owners (1 year) at 724 Carpenter Street. This lot has 16 foot alley easement on two sides (east and south) that are not used by traffic but for underground and overhead utilities.

Second, some points:

1. Alleys provide a substantial buffer on adjoining properties and using one-half of its width for lot calculation does not impinge on the overall neighborhood.
2. This accommodation has been in the Zoning Ordinance for many years and I suspect there has been little or no complaints about its use.
3. Residents may have purchased homes/lots adjoining alleys (we did) knowing that this accommodation could be used to provide flexibility in the location and scope of main structures and accessory buildings on their property.

Again, we support the continued use of one-half the width of the alley for lot coverage calculations.

Thank you for considering our perspective in your decision.

Sincerely,

Joseph and Sondra Hoffman
625 Carpenter Street
724 Carpenter Street
Northville, MI 48167

248-876-6856 (cell)