

CITY OF NORTHVILLE  
Planning Commission  
August 1, 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  
Dave Mielock  
Christopher Miller  
Ann Smith  
Jeff Snyder  
Jay Wendt

Absent: Carol Maise (excused)  
Marc Russell (excused)  
1 vacancy

Also present: James Allen, Mayor Pro Tem  
Patrick Sullivan, City Manager  
Jim Gallogly, Director of Public Works  
Brent Strong, Building Inspector  
Sally Elmiger, Planning Consultant  
1 Resident

**3. APPROVAL OF AGENDA:**

**MOTION by Mielock, support Kirk,** to amend the agenda as follows:

- Hear Item 9 *Final Site Plan Review: 528 Randolph* before Item 8: *Preliminary Site Plan Review: The Cady Project*
- Add new Item 10: *Formal motion for Temporary Use – 236 S. Center Street*
- Change Original Item 10 to Item 11: *Discussion*
- Change Original Item 11 to Item 12: *Adjournment*

**Motion carried unanimously.**

**4. MINUTES OF PREVIOUS MEETING: June 20, 2017**

**Motion by Kirk, support Miller,** to approve the June 20, 2017 minutes as published.  
**Motion carried unanimously.**

**5. AUDIENCE COMMENTS: None.**

**6. REPORTS:**

**A. CITY ADMINISTRATION: None.**

- B. CITY COUNCIL:** None.
- C. PLANNING COMMISSION:** None.
- D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS:** None.

**7. LOT SPLIT**

There was no application under this agenda item.

**8. FINAL SITE PLAN REVIEW: 528 RANDOLPH**

Planning Consultant Elmiger gave the background for this application, which was for final site plan approval for a 2-unit site condominium at 528 Randolph. Per the preliminary approval by the Planning Commission, the applicant had provided the FEMA map amendment to the flood plain and the Master Deed and Bylaws for the site condominium.

Outstanding issues included:

- The site plan showed a sidewalk along Randolph Street; a slight adjustment needed to be made to the sidewalk in order to extend it all the way to the west boundary of Unit 1.
- There was a note of + or – (plus or minus) 88.5’ on the plans that should be explained.
- The applicant should provide updated legal descriptions on the site plan.

After resolution of the above items, Carlisle/Wortman was recommending Final Site Condominium approval conditioned on:

1. The applicant work with the DPW Director on driveway access and utility connections.
2. Review of the Master Deed and Bylaws by the City Attorney.

Commissioner Snyder disclosed that he had a business relationship with the ~~architect~~ applicant, and asked to be recused.

**MOTION by Mielock, support Kirk** that Commissioner Snyder be recused from this agenda item. **Motion carried unanimously.**

Commissioner Snyder left the dais.

Bob Langan, 128 North Center Street, was present on behalf of this application. David Marino, 528 Randolph Street, was also present. Mr. Marino distributed revised drawings that contained the accurate legal description of the property, along with the adjustment that showed the sidewalk running the entire length of Randolph Street.

Regarding the plus or minus 88.5 feet, Mr. Marino said the architect originally suggested ending the wall at the detached garage. However, after conversation with Mr. Marino, the architect had added the optional 88 feet. Mr. Marino was committed to extending the wall from the east property line to the guardrail on the Randolph Street drain. They would remove the word *optional* from the plan.

Mr. Marino noted that the Historic District Commission had given conceptual approval for this plan.

In response to a question from Commissioner Mielock, Mr. Marino said HDC’s conceptual approval included a condition that the chain link fence along Randolph Street be removed, unless the applicant obtained a variance from the BZA allowing the chain link fence to remain.

Mr. Langan further explained that the cyclone fence would be removed and replaced by the wall along Unit 2. For Unit 1, they were still undecided as to whether to seek a variance in order to allow the cyclone fence to remain there. At this point the plan was to completely remove the cyclone fence.

Hearing no further discussion, Chair Wendt indicated he was ready for a motion.

**MOTION by Mielock, support Miller**, that based upon the information received from the applicant and reflected in the minutes of this meeting, the Planning Commission finds that the Final Site Condominium Plan proposed for 528 Randolph Street, dated July 25, 2017, meets the required standards and findings for Final Approval pursuant to Section 18.14 – Condominium Development Standards of the Zoning Ordinance, and approves with conditions the Final Site Condominium Plan. The Final Site Condominium Plan approval is granted with the following conditions and information items that must be provided:

1. Coordinate the driveway access off Randolph Street with the City DPW Director.
2. Condition approval on review of Master Deed and Bylaws by the City Attorney.
3. Coordinate location and design of utility connections for sanitary sewer and water line service with the City DPW Director.
4. Cyclone fence to be removed unless a variance is obtained from the BZA for it to remain.

**Motion carried 5-0-1. (Snyder recused.)**

Commissioner Snyder rejoined the Commission.

## **9. PRELIMINARY SITE PLAN REVIEW: THE CADY PROJECT**

Commissioner Mielock disclosed that he had a conflict of interest as he was associated with The Cady Project, and asked to be recused.

**MOTION by Kirk, support Miller**, that Commissioner Mielock be recused from this agenda item. **Motion carried unanimously.**

Commissioner Mielock left the dais.

Planning Consultant Elmiger gave the background for this application, which was a proposal for a 4-story mixed use building on the south side of East Cady Street, with retail and office on the 1<sup>st</sup> floor, and 6 residential units on the upper floors. She noted that this was the first full site plan proposed since the adoption of the Cady Street Overlay District. This project would set the standard for future development along the south side of Cady Street.

Because the site was small, the applicant was purchasing portions of City parking lots on either side of the site. They were also dedicating 12 feet at the front of the site for Cady Street right-of-way. This would enable realignment of East Cady Street with West Cady Street at North Center.

Outstanding issues included setbacks, number and location of parking spaces, and streetscape amenities.

Regarding setbacks, the front of the building was set back from the proposed right-of-way line by 10 feet. While the Ordinance did require a 10-foot front yard setback, Planning Consultant Elmiger recommended that the setback be measured from the existing rather than the proposed right-of-way. When measured this way, the building could be shifted forward to the proposed right-of-way line. To make sure this

worked, the applicant should provide a cross section of East Cady Street between the parking structure and the front face of the building to make sure there was enough room for the travel lanes and sidewalk and streetscape amenities that were envisioned for that part of Cady Street.

The Ordinance also required a 20-foot rear setback, but it did allow the Planning Commission to modify that setback if it found that no good purpose could be served by requiring such a setback. Because there was a vacant lot behind the subject parcel, Planning Consultant Elmiger suggested that the subject site have a minimum 10-foot setback from the rear. There were currently windows along the rear façade. Additionally, it was prudent for the two abutting properties to share the setback. If the Planning Commission agreed to shift the building forward 10 feet, the 10-foot rear setback would have no impact on the proposed size of the building.

Regarding the number of parking spaces, 19 spaces were required and 19 spaces were shown. However, the Fire Chief was asking that the entryway to the residential parking spaces underneath the building be at least 20 feet wide. This might eliminate one of the surface spaces on the west side of the building. The Planning Commission had the opportunity to modify the required parking spaces if they felt the project met the parking standards in Section 17.01.

The Cady Street Overlay District required that all parking be located in the rear yard. The 7 spaces to the west were in the side yard. Again, the Planning Commission could modify the Cady Street Overlay Design Standards if they felt the project met the standards in Section 10.06. Planning Consultant Elmiger supported the proposed location of the western parking spaces because this was an expansion of an existing lot, and the driveway was being shared with that existing lot.

Regarding the streetscape amenities, more detail would be provided at Final Site Plan approval. The cross section mentioned earlier would demonstrate whether or not there was enough space to include the appropriate amount of sidewalk and greenspace that was envisioned for the south side of Cady Street.

Planning Consultant Elmiger concluded her remarks by recommending the applicants be given more time to respond to the review comments by providing illustrations and updated plans.

City Manager Sullivan pointed out that the parking spaces on the west side of the building were shown as being only partially on the applicant's property. In order for those spaces to be counted as 7 complete spaces, the applicants would need to purchase approximately 10 feet from the City at that location. They already had an option to purchase about 24 feet to the east. While they had discussed amending that option to include purchasing 10 feet on the west, that decision had to be made by City Council. The spaces could not be finalized before City Council's action.

Dave Mielock, Mielock Associates, Inc., 114 Rayson, Suite 2c, Northville MI was present on behalf of this application. Andrew Daily, 300 East Cady Street, owner of the development, and Architect Greg Presley, 108 N. Center Street, were also present.

Mr. Mielock referred to 19.04.4.a of the Zoning Ordinance: Preliminary Site Development Plan.

*The purpose of a preliminary site development plan was to permit the applicant to obtain basic agreement regarding the most optimum location of a building(s), points of ingress and egress to the site, and an indication of other likely improvements necessary to facilitate preparation of the final plan. At this stage, details of landscaping, site grading, drainage, etc., are not required unless concurrent preliminary and final site plan approval is requested.*

Mr. Mielock said the Planning Commission would not see engineered drawings this evening. For instance, the applicants had a conceptual storm water management plan that did not yet include grading. They were seeking preliminary approval, including the setback change recommended by Planning Consultant Elmiger regarding shifting the building forward and providing a 10-foot rear setback.

Utilizing overhead slides, Mr. Mielock further described this project. The site was located directly east of the parking lot that was behind the hair salon on the corner of Cady and Center Streets. The City lot was to the east. The 24 feet being purchased from the City was shown in green. In exchange for City property, the property owner was giving the City approximately 12 feet of right-of-way along the north side of the parcel, thus allowing East Cady Street to be better aligned with the portion on the west side of Center Street. The necessary 12 feet along the west side of the building for the 7 parking spaces was also shown.

Mr. Mielock gave further details regarding this proposal. It was their intent to regrade from the existing curb all the way to the building. They were proposing a storm water management plan with underground holding tubes under the parking lot, to be installed as the parking lot was redeveloped and regraded into a new lot. That would take care of the storm water coming off the new development as well as picking up the storm water on the City's lot, which currently did not have a storm water management plan.

Mr. Mielock noted that there would need to be a maintenance agreement for maintaining the proposed storm water management system.

Mr. Mielock pointed out how the building would shift if the Planning Commission accepted Planning Consultant Elmiger's suggestion to move it 10 feet toward Cady Street. Leaving a 10-foot setback in the rear, and assuming any developer of the vacant parcel to the rear would also have a 10-foot setback, would provide a 20-foot setback between the buildings.

Mr. Mielock pointed out the 2 lease retail spaces in front at the first floor grade level, along with 12 secured parking spaces at that level. There was a stairwell and elevator to access the condominiums above.

Mr. Mielock explained that he had talked to Fire Marshall Westfall regarding the comments about requiring a 20-foot-wide entryway to the parking spaces and the Fire Marshall had retracted that requirement, which had actually resulted from a misunderstanding, as the Fire Marshall had not understood that those were fully-sprinklered covered spaces.

Continuing to utilize overhead slides, Mr. Mielock and Mr. Presley made the following points:

- There were 3 levels with 2 units – north and south – on each level.
- There were no windows shown on the east side, though if the City maintained a public right-of-way there they might eventually put windows on that façade. All other exposures had windows.
- Each unit had a balcony. North unit balconies faced due west, and south unit balconies wrapped around the corner.
- Required means of egress were provided: elevators as well as 2 sets of stairs. Each unit had what amounted to a private access.
- The north units were approximately 3200 square feet; the south units were approximately 3500 square feet.
- There were some architectural bump-outs to provide interest and character.
- Rooftop access would be provided for at least 4 of the units. They were considering access for all 6 units.
- Mechanicals would also be on the rooftop, appropriately screened.

- About 2/3 of the rooftop would be green roof.
- The north elevation showed the 2 leased spaces on the ground floor with center entry. Materials would be reminiscent of what was found downtown, but in a more modern vocabulary. The penthouse was basically an over-run of the stairs and elevator. While the Cady Street Overlay District allowed 5 stories, they were planning 4 stories, with increased floor dimension for the top 3 floors, providing high ceilings. At this elevation they were at 56 feet at the highest point, with another 4 feet for the parapet.
- The south elevation was a little higher because the grade dropped from Cady Street to the south about 6-7 feet.

Commissioner Kirk asked if there would be windows on the south side. Mr. Mielock responded that they would put something there to allow for evacuation of carbon monoxide fumes, though that detail had not been completely worked out.

- The east elevation had a zero lot line. Architectural interest would be provided there, although eventually another building could be built flush with this one. The interior architecture also reflected that reality, with interior functions aligned on the east that didn't need windows.
- The west elevation showed the open balconies as well as the entry to the secure parking area, and the bays where there was exterior public parking.
- A cross section had been provided through to Cady Street, showing street measurements as well as measurements as they related to nearby buildings. Parallel parking was being proposed along Cady Street.

Commissioner Miller asked if the adjacent parcel owner was in agreement with the realigning of Cady Street. Mr. Mielock said that parcel was not part of this project.

Commissioner Miller spoke favorably about (1) getting Cady Street realigned, (2) adjusting the setbacks as recommended by Planning Consultant Elmiger, and (3) providing storm water management not just for this parcel, but for the adjacent parcel as well.

In response to questions from Commissioner Smith, Mr. Daily said the maintenance agreement regarding the storm water system would be between the City and the developer. The agreement would be part of the condominium bylaws, and the condominium association would assume responsibility. Mr. Mielock added that they would come up with a maintenance plan that would be part of final site plan approval.

In response to a further question from Commissioner Smith, Mr. Mielock explained that maintenance would involve regular cleanings of the storm water system, in order to make sure it was operating correctly. The final agreement would be part of the condominium documents.

Mr. Presley pointed out that the green roof would filter some of the storm water, thus enhancing storm water management.

In response to a question from Commissioner Kirk, Mr. Mielock said currently the parking on the west side was public parking and it would be maintained as public parking.

Commissioner Kirk asked about the design of the east elevation. Mr. Mielock said there would be some texture or pattern on the masonry on that side of the building. Mr. Presley added that they would probably change the material and color as well to get more nuance. Mr. Daily said their goal as developers was to

create the most architecturally preferred project, in order to bring a luxury experience to the owners and to give a better cast to the Downs as well as to set the standard along Cady Street.

Commissioner Kirk explained that he had earlier asked about windows on the south elevation as that was the elevation people would see as they came down the hill. Mr. Daily said they were committed to constructing a building that would set the standard for the area.

Mr. Presley discussed the possibility of the City continuing a walkway that came from the Town Square. The benefits of having a north/south pedestrian connector to the Downs area had been specifically discussed in the sub area plan, and the space to the east of the building could end up being a public space used for that purpose.

Commissioner Kirk noted that if that connector was a possibility, it was important to make the east side appealing. Mr. Presley said if the east property ended up being permanent public space they would most likely add windows to that elevation.

Commissioner Smith asked for further information regarding the green roof. Mr. Presley explained that the roof would be mostly planted with sedum, which was tightly woven and low maintenance. Water would filter through the sedum and go through to the substrate, which was about 2 feet thick. Whatever water was able to pass through the substrate would then go through regular storm water channels.

In response to further questions from Commissioner Smith, Mr. Presley said there would be patio space on the roof, for either 4 or all 6 of the condominium units. Mr. Daily added that the rooftop space would essentially be the residents' back yards.

In response to a question from Commissioner Kirk, Mr. Presley said a/c units would be outside the penthouse but would all be screened.

Commissioner Smith asked the size of the balconies. Mr. Presley said they would be about 300 square feet, with a 12-foot width. They were thinking of adding a fireplace feature to the balconies.

Mr. Mielock said the enclosed dumpster would be located on the ground floor, with chutes for each of the units providing for the vertical transfer of rubbish to the dumpster.

Mr. Presley addressed elevation level variations, due to the slope of the ground.

Mr. Presley pointed out a bike storage area on the ground level.

Mr. Mielock said they hoped they had answered questions that were in the Carlisle/Wortman report and asked for preliminary site plan approval this evening, so that they could continue negotiations with the City regarding purchasing properties. They would also start to put together the material palette in order to present to the Historic District Commission and they would complete the civil engineering drawings and the landscape drawings and tree survey for final site plan review to bring back to the Planning Commission.

In response to a question from Chair Wendt, Mr. Mielock said each unit would have separate mechanicals.

Commissioner Kirk expressed some reservation regarding approving side yard parking. He understood the Planning Commission had the option to approve this, but this was the first project in the Cady Overlay District, and he was concerned about setting a precedent.

Mr. Presley said they were parking 12 cars under and behind the building. The intent of the Cady development standards was to avoid parking lots up against Cady Street. In the current instance, the developable area was building, not parking lot. The existing parking lot was already 50 feet wide and they were adding 10 feet to that. They were also in the process of developing the landscaping plan that would screen all parking from the street – making the side yard parking invisible.

Commissioner Kirk commented that while this applicant might provide adequate screening, the next applicant might not do so. Also, he was not so much concerned about shielding from the east. His concern was that there was only a small opportunity to landscape on the west side.

Discussion followed regarding screening the parking spaces, obtaining a City agreement to purchase the appropriate amount of space, and providing an easement agreement with the City.

Commissioner Miller indicated he was ready to make a motion. The consensus of the Commission was to condition the motion on compliance with the Carlisle/Wortman review letter.

**MOTION by Miller, support Kirk**, that based upon the information received from the applicant, and reflected in the minutes of this meeting, the Planning Commission finds that the Preliminary Site Plan proposed as the Cady Project, located on the south side of E. Cady Street, dated May 16, 2017, meets the required standards and findings for Preliminary Approval pursuant to Section 19.05 – Site Development Plan Standards of the Zoning Ordinance, and approves with conditions the Preliminary Site Plan. The Preliminary Site Plan approval is granted with the following conditions:

- Full compliance with the Carlisle/Wortman report dated July 24, 2017.

**MOTION carried unanimously (5-0-1) Mielock recused.**

Commissioner Mielock rejoined the Commission.

#### **10. FORMAL MOTION FOR TEMPORARY USE – 236 S. CENTER STREET**

Planning Consultant Elmiger said at the June Planning Commission meeting the Commission had provided comments to be forwarded to the BZA regarding the temporary use at 236 S. Center Street. The Zoning Ordinance stated that the Board of Zoning Appeals shall only make their decision on a temporary use *after review and comment by the Planning Commission*, and that *the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.*

The question had been posed as to whether the comments should have been in the form of a formal motion. Since there was a question regarding this matter, Planning Consultant Elmiger suggested offering a formal motion that would incorporate the Planning Commission's comments.

**MOTION by Mielock, support Smith**, that based on the information received from the applicant, and reflected in the minutes of the June 6, 2017 meeting, the Planning Commission recommends that the Board of Zoning Appeals approve a temporary office use at 236 S. Center Street, as the office use

does not constitute a change in the basic uses permitted in the district or on the property. The Planning Commission makes the following recommendations:

1. No cars are parked on the grass because it is not permitted by ordinance.
2. A residential light fixture is installed at the back door of the house to provide additional lighting to the parking area.

**Motion carried unanimously.**

## **11. DISCUSSION**

### Pre-Application Meetings

Chair Wendt gave some background to this discussion item. For the Cady Street project he was invited to attend the pre-application as an observer. However, before the meeting started he was asked to leave, which he did. Because of this confusion, the Commission was being asked to comment on the desirability of having a Planning Commission member at pre-application meetings.

Referring to the July 26, 2017 Carlisle/Wortman memo *Site Plan Pre-Application Meeting Process* and the July 31, 2017 Carlisle/Wortman memo *Pre-Application Meeting – Open Meetings Act*, Planning Consultant Elmiger provided comments for this discussion.

Regarding pre-application meetings, the Ordinance read that *the City Planner, Building Official, Public Works Director, and other individuals as requested by the City Manager* attend the meeting. The purpose of a pre-application meeting was for the applicant to get feedback on technical issues from City Staff on how a proposal met or didn't meet the standards of the Zoning Ordinance, Building Code and other regulations.

The question was also posed if the Open Meetings Act permitted anybody to attend, ask questions, and provide comments at a pre-application meeting.

Planning Consultant Elmiger said she did not think the Open Meetings Act applied to pre-application meetings, as the group meeting was not a governmental body, but rather was simply a group of individuals meeting to discuss something. There were no decisions made at a pre-application meeting.

Commissioner Snyder asked if the fee charged for a pre-application meeting implied some sort of agreement or exchange. Planning Consultant Elmiger said this was not the case – the fee charged was just like any other review fee. Also, it was clearly stated on the application that the pre-application meeting was optional, except in the case of a Planned Unit Development. The meeting gave the applicant an opportunity to talk one-on-one with staff in order to get a good understanding of ordinance requirements.

Planning Consultant Elmiger continued that tonight the Commission was being asked to discuss whether it was appropriate for a Planning Commissioner to go to those meetings.

Chair Wendt said he personally thought a representative from the Planning Commission should be there as an observer, and in the past this had happened. It was important to get as many people as possible involved in order to make a good decision on projects brought before the Commission.

Planning Consultant Elmiger said the decision to not include a Planning Commission member was decided at the June 18, 2013 Planning Commission meeting. One reason given was: *Planning Commissioners having contact with applicants prior to regular meetings could create conflicts.*

Commissioner Miller supported the idea that no Planning Commissioner be present. The pre-application meeting was a good administrative function in order to share information. If a Commissioner were present there was the possibility of a conflict. Even under the best of intentions, a Commissioner might make comments that might give an applicant the impression they were not being treated fairly. Questions could arise in an applicant's mind regarding why a certain Commissioner was attending the meeting. The Commission had their opportunity to gather information, ask questions, and discuss plans at regular Commission meetings.

Commissioner Kirk said he could see both sides of this issue. Being part of the initial discussion offered the chance to get more information on the surrounding area and the intent of the developer. However, City Administration members present were not voting on the development. Having a Commissioner there could present a fine line and offer chances for conflict. Commissioners had the Master Plan and the Zoning Ordinance to guide them as they discussed plans at regular meetings.

Commissioner Mielock spoke to the helpfulness of the pre-application meetings, which saved significant time in the application process. He was in favor of having as many different people look at a project as was appropriate; he could also see opportunities for conflict.

Commissioner Miller said he thought the process as currently followed made complete sense.

Commissioner Snyder was concerned about conflicts of interest. Northville was a small city and there were often projects where Commissioners had to recuse themselves. What would the process be for recusal from pre-application meetings?

Commissioner Smith asked if the applicant had a say in who was at the pre-application meeting. Planning Consultant Elmiger said the City Manager decided who attended from the City, as outlined in the Ordinance. Often the applicants brought people from their project team to the meetings.

Commissioner Kirk said the input from a Commissioner could be valuable. Again, it was a fine line.

Chair Wendt thought any Planning Commissioner attending would be a silent observer.

Commissioner Miller spoke to the difficulty of inadvertently creating possible conflicts. Again, there were several scenarios that could lead applicants to feel they were being treated unfairly.

Chair Wendt summarized that the consensus of the Commission seemed to be to not have a Commissioner present at pre-application meetings. Unless the ordinance was changed, that would be the policy going forward.

#### Poole's Tavern Awning

Chair Wendt explained that a request for an awning at Poole's Tavern had come as a request for minor site plan approval. Because of the nature of the request, he felt the entire Commission should hear the application.

Planning Consultant Elmiger explained that per the Ordinance it was up to the City Manager, the City Planner and the Planning Commission Chair to determine if a proposal was major or minor. If one or more of those people thought the full Commission should hear the proposal, then that was what would be done. In this case, Chair Wendt felt the application should be heard by the Commission, and therefore the application would follow the process for a major site plan review.

**12. ADJOURN**

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

**MOTION by Kirk, support Snyder, to adjourn the Planning Commission meeting at 8:31 p.m.  
Motion carried unanimously.**

Respectfully submitted,  
Cheryl McGuire  
Recording Secretary

Approved as amended 09/15/2017