

CITY OF NORTHVILLE  
Planning Commission  
May 16, 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  
Jeff Snyder  
Jay Wendt

Absent: Anne Smith (excused)

Also present: Ken Roth, Mayor  
James Allen, Mayor Pro Tem  
Patrick Sullivan, City Manager  
James Gallogly, Director Department of Public Works  
Sally Elmiger, Planning Consultant

**3. APPROVAL OF AGENDA:**

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

**4. MINUTES OF PREVIOUS MEETING: May 2, 2017**

**Motion by Kirk, support Snyder, to approve the May 2, 2017 minutes as published.  
Motion carried unanimously.**

**5. AUDIENCE COMMENTS: None.**

**6. REPORTS:**

**A. CITY ADMINISTRATION:**

City Manager Sullivan said that at last night's City Council meeting the Council heard the first reading for Article 18 General Provisions, which eliminated the ordinance language that allowed a property owner whose lot adjoined an alley to add half of the alley area to the lot in applying lot area requirements.

City Manager Sullivan continued that the Council also had a 2<sup>nd</sup> reading and adopted Chapter 74 Streets, Sidewalks and Other Public Places, Article III Sidewalks, in the Code of Ordinances. This ordinance regulated sidewalk accessibility during construction.

**B. CITY COUNCIL:**

Mayor Pro Tem Allen asked who on the Commission would like to receive the Planning and Zoning News. Commissioners Russell and Wendt indicated they would like to receive this.

**C. PLANNING COMMISSION:** None.

**D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS:** None.

**7. SIDE CONDOMINIUM REVIEW: MARINO – 528 RANDOLPH**

Commissioner Russell indicated he had a conflict of interest in this matter and asked to be recused.

**MOTION by Snyder, support Miller, that Commissioner Russell be recused from discussion on Agenda Item 7.**

**Motion carried unanimously.**

Commissioner Snyder indicated he also had a conflict of interest and asked to be recused.

**MOTION by Kirk, support Maise, that Commissioner Snyder be recused from discussion on Agenda Item 7.**

**Motion carried unanimously.**

Commissioners Russell and Snyder left the dais.

Referring to the Carlisle/Wortman review letter dated July 6, 2016, and revised May 10, 2017, Planning Consultant Elmiger gave the review for this application. The Commission had approved a two-lot site condominium project for this property in July 2016. Now the applicant had come back with a significantly different lot configuration, although it was still a 2-lot site condominium project. The new plan needed preliminary review and approval, with the next step being a final approval.

Planning Consultant Elmiger said their recommendations and conditions on this proposal were the same as the last one. Essentially the conditions were:

- The applicant would need to coordinate the driveway access off Randolph Street with the City DPW Engineer.
- The applicant would need to provide sidewalks along the entire frontage of Randolph Street for Parcels D-1 and D-2 and coordinate sidewalk construction with the DPW Director.
- The location and design of utility connections for sanitary sewer and water line service would need to be coordinated with the City DPW Director.
- The applicant would need to provide Master Deed documents for City Attorney review prior to submittal of the final site condominium application to the Planning Commission.
- The applicant would need to provide certification from FEMA/MDEQ regarding the floodplain amendment prior to final site condominium approval.

- There was a chain link fence along the whole area of both units. The ordinance did not permit a fence in front of a house unless the parcel was at least 2 acres in size. Therefore the chain link fence would need to be removed from Unit 1, because it was less than 2 acres.

Bob Langan, 128 N. Center Street, Northville MI was present on behalf of this application. He noted that as already mentioned the original plans had been conceptually approved. However, it was important from a design perspective to improve the road view by building a stone wall. They had worked hard on how to articulate that to the BZA and get a variance, but they kept bumping their heads against the fact that this was a self-created situation. Reconfiguring the plan brought both parcels into conformance with the Zoning Ordinance. This change was not only consistent with what the owners wanted, but also the City would benefit from the beautiful stone wall. The need for a variance was eliminated.

They could resolve the issues in the Carlisle/Wortman review letter. Outstanding documents would be submitted as soon as they were drafted. The FEMA floodplain map was in the period for public objection. Regarding the fence, there was an approximately 60-foot portion on Randolph that still had the cyclone fence on it. This was the area where they did not propose to put the stone wall, north of the Randolph Drain. While they would like to keep the fence, it was not currently shown on the plans.

Commissioner Kirk asked if the plans met the requirement for a land survey mentioned in the DPW review. Planning Consultant Elmiger said it did.

Commissioner Mielock noted that in the site plan application the box was checked for final approval. However, tonight they were only doing preliminary site plan review.

Mr. Langan asked if the chain link fence could be allowed to stay on parcel 1 as a pre-existing structure. Planning Consultant Elmiger said it would not be allowed to stay because they were creating a new lot.

Commissioner Maise asked if the previous approval was still valid. Planning Consultant Elmiger said the previous approval was still valid, but did not apply to the site plan presented this evening.

Mr. Langan said that they would like to preserve the right to go to the BZA to keep the fence, on the grounds of safety. Planning Consultant Elmiger said an approving motion could be conditioned on the removal of the front yard fence in front of Unit 1, or the applicant receiving a variance for the fence.

Planning Consultant Elmiger advised that Section 18.14.a.4 Condominium Development Standards read: *For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.*

Chair Wendt reiterated that tonight was a preliminary review only. The applicants would have to return to the Commission for final site plan review.

Mr. Langan asked about process. Would the applicants appear before the BZA before returning for final site plan review? Planning Consultant Elmiger said the applicants could go to the BZA before or after final site plan review. If they went after final review, the approval would be conditioned on either the applicants getting a variance or removing the fence.

Commissioner Maise suggested that if the BZA were inclined to grant a variance for the fence based on security and safety, they also had the ability to require a more decorative fence there.

Commissioner Maise asked if the sidewalk was going to be along the entire frontage. Planning Consultant Elmiger said that was the case.

In response to a question from Commissioner Maise, DPW Director Gallogly said he was comfortable with the driveway access.

In response to a question from Chair Wendt, Planning Consultant Elmiger said that some of the plan sheets were dated August 12, 2016. The sheet with the dimensions was dated May 8, 2017.

**MOTON Mielock, support by Snyder, 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 Condominium Plan proposed for 528 Randolph Street, dated August 12, 2016 and May 8, 2017, meets the required standards and findings for Preliminary Approval pursuant to Section 18.14 – Condominium Development Standards of the Zoning Ordinance, and approves with conditions the Preliminary Site Condominium Plan. The Preliminary Site Condominium Plan approval is granted with the following conditions:**

- 1. Concerns noted in the City Planner’s review dated May 10, 2017.**
- 2. Removal of the existing chain link fence in the front yard of Unit #1, or applicant to receive a variance for said fence or alternative fence to be constructed.**

Chair Wendt asked for a roll call vote:

<b>Mowers</b>	<b>yes</b>
<b>Maise</b>	<b>yes</b>
<b>Wendt</b>	<b>yes</b>
<b>Kirk</b>	<b>yes</b>
<b>Mielock</b>	<b>yes</b>
<b>Miller</b>	<b>yes</b>

**Therefore the motion carried 6-0-2 (Russell, Snyder recused).**

Commissioner Mielock instructed the applicants that for final site plan review all drawings should be signed and sealed.

Commissioners Snyder and Russell rejoined the Commission.

## **8. DISCUSSION**

### PLANNED UNIT DEVELOPMENT (PUD) PROCESS

Planning Consultant Elmiger said that the Commission had asked her to look at the Zoning Enabling Act to determine if some of the steps in the PUD process could be eliminated. A review of the Zoning Enabling Act showed that the second public hearing that was conducted by the City Council could be eliminated, as well as the requirement for City Council to approve the final PUD and Site Plan. Proposed revisions to ordinance language before the Commission this evening reflected those possibilities. The applicant would first come before the Planning Commission, where a public hearing would be held. After the public hearing, the Planning Commission would make a recommendation to City Council regarding the PUD and the Preliminary Site Plan. City Council would act upon that recommendation – either favorably or unfavorably. If City Council moved to approve the plan, the approval would give the

applicant the ability to come back to the Planning Commission for final site plan approval, where the process would end.

Planning Consultant Elmiger presented another possible shortening of the process: the original PUD eligibility hearing before the Commission could be combined with preliminary site plan review. However, that language was not in the revisions before the Commission this evening.

Commissioner Miller asked if combining PUD eligibility and preliminary site plan review could be at the applicant's option, depending on their confidence in their proposal. Planning Consultant Elmiger said the ordinance could be worded that if the applicant preferred, at their own risk they could combine the two steps.

Commissioner Maise said combining the steps was similar to the Special Land Use Site Plan Process.

Planning Consultant Elmiger said other language changes were meant to clarify that the Planning Commission was making a recommendation to City Council on the Preliminary Site Plan and the PUD, with the final approving authority being the City Council.

City Manager Sullivan explained that the recommendation to streamline the PUD process originated with the consultant who was brought in to help update the DDA Master Plan. The consultant had advised that if the City wanted to invite developers to redevelop areas in the City, the PUD process should be simplified as much as possible, including eliminating steps and allowing the developer to submit more conceptual plans prior to receiving PUD eligibility.

A discussion of how the ordinance was organized followed, including:

- A sketch plan should be required at the eligibility hearing stage, especially if the applicant was not planning on combining preliminary site plan review with the eligibility hearing.
- A pre-application hearing was always required as a first step. The sketch plan should be available at that hearing.
- If an applicant were confident in their proposal, they could if they desired combine the preliminary site plan review with the eligibility process.
- The ordinance did not seem sequential and seemed cumbersome to read. One way to organize the ordinance sequentially would be to reflect the following timeline: the first step was the pre-application meeting. The second step involved understanding the PUD regulations. The third step would be to review procedures, and then last, the applicant would be ready to move to PUD eligibility.
- The ordinance was now written so that the standards were first, and then process was addressed. It could be re-arranged so it followed a more linear timeline.
- A flowchart was already included in the ordinance.

Commissioner Mielock commented that other than the steps for PUD eligibility and rezoning, the review process was no different than a normal site plan review.

Commissioner Russell reiterated that during eligibility qualification, a sketch plan would be presented.

Commissioner Mielock asked what Mayor Roth and Mayor Pro Tem Allen thought of the proposed changes in terms of eliminating the public hearing at the Council level.

Mayor Pro Tem Allen said that once the public hearing was held at the Planning Commission level, he did not see the point in holding another public hearing before Council – this seemed like an unnecessary delay in the process.

Mayor Roth said that as long as City Council had the opportunity to review and give input to the project he was comfortable with removing the public hearing before the Council. He liked the idea that an applicant didn't have to go through multiple repetitive steps.

Commissioner Kirk asked if the PUD eligibility standards were from the State or City. Planning Consultant Elmiger explained that the eligibility standards were similar to requirements in many communities in Michigan. The eligibility requirements would have been reviewed by the City Attorney, who would have related them back to the Zoning Enabling Act. She recommended that the City Attorney review the new language before there was a public hearing. The PUD process was fairly well described in the Zoning Enabling Act and the City Attorney should be comfortable with the modifications.

Commissioner Kirk initiated a discussion regarding the requirement for *a recognizable and material benefit to the ultimate users of the project and to the community*. Often the question was raised about how a project demonstrated benefit. Was community benefit financial in terms of increased tax base?

Planning Consultant Elmiger pointed to examples of community benefit in the ordinance. After establishing that without PUD flexibility a development could not be accomplished, community benefits might include such things as long-term protection and preservation of natural resources, long-term protection of historic structures, or a nonconforming use could to a material extent be rendered more conforming. The PUD allowed a more desirable development that couldn't be accomplished under straight zoning.

In response to further comments from Commissioner Kirk, Planning Consultant Elmiger said a financial benefit in general was not one of the listed standards. Rather a benefit would demonstrate preservation of unique aspects of the site or provide a public space for public gatherings, such as a pavilion or some kind of plaza area, thus offering something that was going to energize the street.

Commissioner Kirk said that to him, a material benefit was something that was tangible. The argument was sometimes made that a project would reduce the value of someone's property. How could that hurdle be cleared?

Planning Consultant Elmiger said each PUD was unique and different. Again, the benefits should be something that couldn't be demanded under straight zoning. For instance, under their PUD plan the CVS drug store had to provide public parking.

Commissioner Kirk asked about the first paragraph of Section 20.08, which referenced the ability of the Planning Commission to grant an extension if the final site plan was not submitted for final approval within 6 months following Council approval. Should that extension be defined? How many extensions would be allowed?

Planning Consultant Elmiger said that a PUD's final site plan should come to the Commission within a reasonable time frame. A 6-month extension could be appropriate, with only 1 such extension allowed.

Commissioner Mielock said that under that same paragraph, language should be included that clearly put the responsibility to meet time limits on the applicant. An applicant should not depend upon reminders from the City.

Planning Consultant Elmiger said she would modify the proposed language and bring it back to the Commission, and if the Commission was satisfied with it she would forward it on to the City Attorney.

OTHER DISCUSSION:

Chair Wendt asked that in the future, when motions were conditioned upon resolution of issues in the consultant's review letter, those issues be specifically stated in the record. He thought it important to make it easier for the public to access the record, including the specific conditions of any motion.

Mayor Roth suggested keeping the language currently used, with a modifier that said: *with conditions as proposed by Carlisle/Wortman. See attachment for conditions.* Otherwise some motions might be interminably long.

Planning Consultant Elmiger said she could include an attachment that listed outstanding issues.

Commissioner Miller suggested attaching the review letter as it was. The motion could spell out which conditions in the review letter should be met.

**9. ADJOURN**

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

**MOTION by Russell, support Kirk, to adjourn the Planning Commission meeting at 7:55 p.m. Motion carried unanimously.**

Respectfully submitted,  
Cheryl McGuire  
Recording Secretary

Approved as published 6/6/2017