

CITY OF NORTHVILLE  
Planning Commission  
September 5, 2017  
Northville City Hall – Lower Level

**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  
Mark Russell  
Ann Smith  
Jeff Snyder  
Jay Wendt

Absent: none

1 vacancy

Also present: Sally Elmiger, Planning Consultant  
Jim Gallogly, Department of Public Works Director

**3. APPROVAL OF AGENDA:**

**MOTION by Mielock, support by Maise, to approve the agenda as published.**

**Motion carried unanimously.**

**4. MINUTES OF PREVIOUS MEETING:** August 15, 2017

**Motion by Kirk, support by Russell, to approve the August 15, 2017 minutes as published.**

**Motion carried unanimously.**

**5. AUDIENCE COMMENTS:** None.

**6. REPORTS:**

**A. CITY ADMINISTRATION:** None.

**B. CITY COUNCIL:** None.

**C. PLANNING COMMISSION:**

In response to a question from Chair Wendt, Planning Consultant Elmiger said Poole's Tavern was seeking approval from City Council for a new awning. The next step would be for Poole's to come before the Planning Commission and HDC for their respective approvals.

In response to a further question from Chair Wendt, Planning Consultant Elmiger said that the City Attorney was reviewing possible ways forward regarding Dr. Engerer's rezoning request to allow senior living at his current location.

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

**7. LOT SPLIT  
711 N. CENTER STREET (MILLER/BAZZI)**

Commissioner Snyder disclosed that he had a business relationship with Mr. Miller. In response to questions from the Commission, Commissioner Snyder explained that he and Mr. Miller were involved in a joint venture involving a house. This project had nothing to do with tonight's application, and would not come before the Planning Commission.

The Commission's consensus was that Commissioner Snyder did not need to be recused for this agenda item.

Mike Miller, Miller Gerecke Building Company, LLC, Northville MI, was present on behalf of this application, which was an application to split a single parcel into Parcels A, B, and C, in order to construct three new homes. The existing residential structure, garage and associated driveway would be demolished.

Each proposed parcel was a minimum of 12,000 square feet, with Parcel A being larger due to the vacation of the Baseline right-of-way. However, the additional square feet attached to that parcel did not constitute buildable land – it could be used for yard only.

Mr. Miller acknowledged that there were grade issues with the property. Still, the application as presented met the requirements for a lot split. Later they would look at mitigating grade issues.

Planning Consultant Elmiger gave the review for this application. Access to the properties was an acknowledged challenge, and the applicants had looked at a number of different configurations. The design presented this evening did meet ordinance requirements and was doable, as long as the applicants worked with the DPW Director to make sure the visibility on the 2 northern driveways allowed people using the sidewalk and the road to see and be seen by someone exiting the driveways.

The DPW Director had noted that the sanitary sewer would need to be extended to the new properties; it was unclear how the sanitary sewer was connecting to the existing house.

One condition of approval could be that all the dimensions of the proposed lots be shown on the plans. Also, the applicant should be aware that when the lots were developed a tree removal permit would be required.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said the retaining wall would need to be removed for the 2 northerly driveways to be constructed. Again, the applicant would

need to work with the DPW Director regarding the grades and how appropriate visibility at the bottom of the driveways would be accomplished.

Commissioner Kirk asked how much of the wall they were planning on removing. Mr. Miller said they would only know the extent of the wall removal when they discovered more completely how the wall was constructed.

Commissioner Kirk was concerned about the 15% grade in terms of cars sliding down the driveways in the winter. The sidewalk was the only sidewalk for school children and pedestrians coming from North Center. The line of site for the driveways would be challenging, especially if some of the soil were removed to lessen the grade, creating a tunnel-like effect. He would like to see one driveway accessing all 3 homes. He noted that Oakland County would have to give pre-approval for the new curb cuts.

Planning Consultant Elmiger explained that the *City of Northville Manual of Uniform Criteria and Design Standards for Construction* required that if a separate access were not provided for each lot, 2 lots could have a shared driveway, but 3 lots required a private road, and in that case each lot had to be a minimum of 12,000 square feet excluding the road easement. Therefore the applicants were showing a separate access drive for each lot.

Commissioner Kirk suggested accessing Parcel A off Base Line Road, and constructing a shared drive for Parcels B and C.

Planning Consultant Elmiger said that suggestion was a possibility. Tonight the applicants had brought a plan that met the requirements of a lot split. If the lot split were approved, the applicants would work with the DPW Director to provide the most appropriate access.

Mr. Miller agreed that there were safety concerns regarding this parcel. How they conquered the grade issues would be critical to successful development. With that in mind, Mr. Miller showed the Commission a plan the applicants had initially drawn up, which showed a single driveway accessing the 3 lots. The primary entrance would be to the north, with an existing access for the duplex to the south also being utilized. However, as previously explained, the original plan did not meet lot split requirements.

Mr. Miller continued that tonight their goal was to make sure the lot split met ordinance requirements. Later they hoped to present a modified plan such as the one originally envisioned, even though it might require BZA approval.

Planning Consultant Elmiger said any variance request would need the DPW Director's blessing, as he would not approve a design he did not feel was safe.

Chair Wendt asked how far back the right-of-way was from the brick wall. DPW Director Gallogly said he thought the property line was close to the wall.

Chair Wendt was also concerned that the sidewalk was not only dangerous now, but would be more so with the curb cuts as proposed this evening. He would like to see the sidewalk moved back from the street as part of any proposed site plan. Perhaps the wall could be removed completely.

Mr. Miller said he would work with the DPW Director on this issue. He was not averse to removing the wall.

Chair Wendt commented that drainage issues on this steep lot would also have to be resolved. Mr. Miller said their intentions were to soften the grade but not change the direction of flow; they would develop effective storm water management, perhaps utilizing riprap or dry wells to slow the water down before it entered the City's system.

Commissioner Russell asked about existing utilities. Planning Consultant Elmiger said connecting to utilities would require the DPW Director's approval.

In response to a question from Commissioner Russell, Planning Consultant Elmiger said a tree survey would not be required until the applicants actually knew what trees would be removed.

Commissioner Russell pointed out that if the proposed lot split met ordinance requirements, other discussion regarding driveway design, wall removal, etc., was irrelevant. Perhaps the only relevant consideration was regarding safety.

After further discussion regarding driveway location, Planning Consultant Elmiger said that the Commission was not approving driveways this evening. They were only being asked to approve the lot split, which could be accessed as shown.

Commissioner Smith expressed some reservation, as this parcel was at the entrance of the City. It was a beautiful lot, highly elevated, and she wished there were a way to exert more control over what happened there.

Discussion followed regarding access management standards, development standards, etc. Planning Consultant Elmiger emphasized that the application was not for a site plan, but for a lot split. Additionally, in this instance the applicants would not need to return to the Commission for site plan approval.

Commissioner Mielock asked if all the surrounding parcels were R-1B. Mr. Miller said the duplex next door to the south was in the R-2 District. However, the school was R-1B.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said the Land Division Act only allowed the Commission to look at 4 criteria: depth to width ratio, meeting the minimum width of the local municipality, meeting the area required by ordinance, and each parcel had to be accessible. The proposed lot split met those 4 criteria. The City Zoning Ordinance did require more in terms of what had to be on the plans.

Chair Wendt said he thought there were a lot of unanswered questions regarding the development of the lots. Commissioner Russell said he agreed, but tonight they were only looking at the lot split.

In response to a question from Commissioner Smith, Planning Consultant Elmiger said the topography would only come into play if it prohibited access.

Commissioner Miller said although the stated concerns were important, they were not within the Commission's purview this evening. In terms of the parcels themselves, the proposed lots far exceeded the dimensional minimums required. Also, the front setback was proposed to be 55 feet, well beyond the 25 foot required setback.

Commissioner Maise read from Sec. 78-161 of the City Code: *The purpose of this article is to regulate and control the division of acreage parcels, lots or platted parcels within the city in order to ensure that the minimum standards of the city zoning ordinance are met and the public health, safety and welfare are protected.* However, while Commissioners were concerned with safety, the Land Division Act did not list that as one of the 4 criteria.

Mr. Miller said the original vision and plan for the parcels did address public health and safety issues. In fact, all the issues brought up this evening were addressed in the original plan. However, that plan did not meet ordinance requirements, and the applicants were planning on pursuing that plan via Board of Zoning Appeals action. Also, the property's investor had purchased the duplex next door, taking any conflict with the southern driveway – if a single driveway were allowed – out of the equation. Additionally, they would be willing to look at Commissioner Kirk's suggestion to use Baseline to access Parcel A. Mr. Miller thought everyone was on the same page; it was just a matter of how best to accomplish the finished product.

Commissioner Smith asked how Mr. Miller thought he was going to accomplish a better plan.

Mr. Miller replied that as stated, after they obtained the lot split, they would try to get their original plan or something close to it approved via BZA action.

Commissioner Snyder pointed out that once the lot was split the investor could sell the resulting lots to individual owners, and then it would be up to the owners to fend for themselves regarding the grade issues.

Commissioner Maise quoted from Section 78-167 of the City Code, *Standards of Approval: No parcel shall be created unless accessibility is provided by either a public road or a private road constructed on a permanent, unobstructed easement. All private roads shall be constructed in accordance with the city engineering standards. Further, Where access is provided by a private road or driveway, proof that the road or driveway has been constructed and approved by the city engineer shall be provided prior to final approval.*

Planning Consultant Elmiger noted that those standards had to be met or a bond paid.

Commissioner Smith asked if any variance request could contain a Commission recommendation regarding health and safety. Planning Consultant Elmiger said this would be possible.

In response to a question from Chair Wendt, Planning Consultant Elmiger said if the lot split were approved, and if the applicant did not record the exact configuration presented tonight with the County, he would have to return to the Planning Commission for further action.

In response to a question from Commissioner Russell, Planning Consultant Elmiger said that any approving motion should include the requirement to show the dimensions of all proposed boundaries on the plan, which was required under the City's Lot Split Ordinance. Also, moving the sidewalk further west away from the road could be a suggestion included in the motion.

Commissioner Miller indicated that he said he was ready to make a motion.

**MOTION by Miller, support by Russell, that based on the information received from the**

**applicant, and reflected in the minutes of this meeting, the Planning Commission finds that the Lot Split proposed for 711 N. Center Street, dated August 15, 2017 meets the required standards and findings for Lot Split approval pursuant to Chapter 78 – Subdivisions and Land Division, and approves the Lot Split with the following conditions:**

- A. Show dimensions of all proposed boundaries on the plan.**
- B. Provide information about the location of the sanitary sewer.**
- C. Coordinate utility connections with the DPW Director.**
- D. Applicant to work with DPW Director to ensure driveways to Parcels B and C are graded to provide sufficient visibility of N. Center Street and pedestrians on the sidewalk.**
- E. An application for tree removal will be required at the time of application for building permit(s).**
- F. Consider moving the sidewalk west away from the road as far as possible, in order to mitigate and address safety issues.**

Chair Wendt asked Mr. Miller if he could guarantee that they would do something with the sidewalk. Mr. Miller replied that he would do whatever was in his power with the sidewalk. In the event the sidewalk couldn't be moved for whatever reason, he would also entertain constructing some type of attractive barrier between the curb and the sidewalk as well.

Commissioner Mielock asked if there were a way to require that the applicant request a variance for a single road with one access before they requested anything else.

Planning Consultant Elmiger said that such a condition would indicate the lot split configuration was not doable, which was not an accurate statement. It did meet ordinance requirements. The motion could indicate that a private road was the Commission's preference, but could not require this.

Commission Mielock commented that the lot split worked two dimensionally – on paper. But in three dimensions, he felt the proposed lot split was allowing the property to be overbuilt. Two lots would be far better. In reality, this was not a good plan. Was Commissioner Miller open to adding another condition to the motion?

Commissioner Miller said he preferred to leave the motion as it stood, though he was willing to withdraw the motion if the Commission wanted to do something different.

Commissioner Russell said while he didn't disagree with Commissioner Mielock, he thought the information regarding the Commission's concerns could be available in the minutes, with the minutes then made available to the BZA. Although the proposed lot split met the letter of the ordinance, the Commission was very concerned with public health and safety regarding the proposed curb cuts.

After further discussion, Mr. Miller offered to accept a condition that required him to appear before the BZA within 90 days of the lot split being finalized with the original plan showing one curb cut as discussed this evening, or something very similar to it. That was already their intent.

Commissioner Russell said the applicant did not need to do anything to get approval for this lot split, which met ordinance requirements. He would vote against including such a condition.

Commissioner Snyder agreed, emphasizing that the discussion regarding safety would be a part of the record of this meeting.

Planning Consultant Elmiger said if the applicant did go before the BZA, her review would make clear the Planning Commission’s discussion this evening.

Chair Wendt called the vote.

|                |            |
|----------------|------------|
| <b>Miller</b>  | <b>yes</b> |
| <b>Maise</b>   | <b>yes</b> |
| <b>Snyder</b>  | <b>yes</b> |
| <b>Russell</b> | <b>yes</b> |
| <b>Kirk</b>    | <b>yes</b> |
| <b>Mielock</b> | <b>yes</b> |
| <b>Smith</b>   | <b>yes</b> |
| <b>Wendt</b>   | <b>yes</b> |

**Therefore the motion was approved unanimously.**

## **8. DISCUSSION**

### PUD Process – Ordinance Revisions

Planning Consultant Elmiger gave the background to this discussion item, explaining that the Commission had revised the PUD ordinance to provide a more clear description of the process and to eliminate City Council’s review of the final site plan. The new language required Council to review and approve a PUD application after receiving the Commission’s recommendation, with the final site plan returning to the Commissioner for final review and approval.

At the Commission’s request, the City Attorney reviewed the proposed language and had no comments at this time. The next step was for the Planning Commission to schedule a public hearing.

Commissioner Kirk pointed out that Item B, p. 14 should be corrected to show 5% of *two thousand five hundred* . . .

**MOTION by Russell, support by Maise, to set a Public Hearing to review Article 20 Planned Unit Development at the next available Planning Commission meeting.**

**Motion carried unanimously.**

## **9. ADJOURN**

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

**MOTION by Russell, support by Maise, to adjourn the Planning Commission meeting at 8:05 p.m.**

**Motion carried unanimously.**

Respectfully submitted,  
Cheryl McGuire  
Recording Secretary

Approved as published 09/19/2017