

CITY OF NORTHVILLE
Planning Commission
November 7, 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
Donna Tinberg
Jay Wendt

Absent: None

Also present: Pat Sullivan, City Manager
James Gallogly, Director of Public Works
Sally Elmiger, Planning Consultant

3. APPROVAL OF AGENDA:

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

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: October 3, 2017

Motion by Kirk, support by Smith, to approve the October 3, 2017 minutes as published.

Motion carried unanimously.

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan reported that at last night's meeting the City Council heard the first reading of the amendments to the PUD ordinance, and they adopted for circulation to the neighboring communities the recommended changes to the Master Plan.

B. CITY COUNCIL: None.

C. PLANNING COMMISSION:

Commissioner Kirk asked about a sign at the new Munro – formerly Tuffy – location. Planning Consultant Elmiger said she would ask the Building Official to take a look at the sign.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. THE CADY PROJECT – LOT 170 – CADY STREET

Commissioners Mielock and Russell asked to be recused because of their involvement in this project.

MOTION by Kirk, support by Maise, that Commissioners Mielock and Russell be recused from discussion of The Cady Project – Lot 170 – Cady Street.

Motion carried unanimously.

Referring to her review letter dated November 1, 2017, Planning Consultant Elmiger gave the background to this application for Final Site Plan approval for the Cady Project. She was recommending final site plan approval, with the following conditions and determinations:

Conditions:

- The applicant work with the City to create an updated agreement that included (a) dedication of 12-feet to City for the Cady Street right-of-way, (b) Purchase of 24-feet to east of subject site, (c) Maintenance of plantings on City-owned property in five-foot buffer to east of building, (d) Dedication of 10-feet to west of subject site to be included as public spaces in public parking lot; construction of new parking spaces to met parking requirements, (e) Installation and maintenance of underground stormwater structure in public parking lot to east of building; City to grant easement for storm structures on City-owned land, and (f) easement across easterly public parking lot to access residential parking garage and cantilever of building over City-owned property.
- The Cady Street design and the utility connections be approved by the DPW Director.
- The applicant obtain approval from the Historic District Commission.

Determinations:

- The Commission should decide if parking in the side yard was acceptable. That was not necessarily permitted in the Zoning ordinance but the Commission could waive that requirement and allow it if they thought it was appropriate.
- The Commission should decide if it concurred with the proposed screening of the parking spaces to the west of the building.
- The Commission should decide if it agreed that loading and unloading could occur to the lot west of the building.
- The applicant would be providing updated landscape plans; these had been reviewed and did meet mitigation requirements for tree removal.

Planning Consultant Elmiger concluded her review.

Dave Mielock, Mielock Associates, Inc., 114 Rayson, Suite 2c, Northville MI was present on behalf of this application. Mark Russell, 114 Rayson, landscape architect, Andrew Daily, 300 East Cady Street,

owner of the development, Andrew Wozniak, 55800 Grand River Ave, New Hudson MI, civil engineer, and Greg Presley, 108 N. Center Street, architect, were also present.

Mr. Mielock explained that since the last time they had been before the Commission and received Preliminary Approval on August 1, 2017, they had been before the Historic District Commission and received comments there. They would be before the HDC again this month, where they hoped to receive approval for this project.

Utilizing overhead slides, Mr. Mielock reviewed the subject site, explaining how they were working out agreements with the City for parking on the east and west of the proposed building, with the agreements involving purchasing some of the City property on the east in exchange for giving the City some of their land to the north, thus allowing the City to widen Cady Street so that it aligned with Cady Street to the west. Widening Cady Street would allow parallel parking on both sides of the street.

Mr. Daily reviewed the various easement agreements that were being worked out with the City and other property owners. Those agreements called for new public parking spaces on the west, with the applicants having air rights over those spaces, the 10 feet along the northern property line that would become part of the City's right-of way, use of Lot 169 for ingress and egress to their garage, the development of public parking spaces on the east, a purchase agreement with the City, an agreement with Barbara's Salon for a construction easement, the improvement of the city parking lot, etc.

Mr. Mielock emphasized that this had been a complicated project to put together, and he asked that the Commission grant approval this evening conditioned on the agreements being finalized.

Mr. Wozniak explained the proposed storm water system on the site, which included underground storage not only for the subject property but also for the existing parking lot as well. Storm water which was currently undetained would now go into a pretreatment system which would clean the water before it was discharged into the storm sewer system. The agreement with the City required that they collect the storm water from their site and also bring the parking area and current driveway into compliance. They would install the system, resurface the affected areas, and then the condominium owners association would be responsible for maintaining the storm water retention system.

Mr. Mielock showed photographs of views from all directions that provided context and setting for this building. He noted that based on the Commission's comments in August, they had moved their proposed building 10 feet north, so that there was a 10-foot setback to the south. Their hope was that any future development to the south also be required to have a 10-foot setback, so there would be a 20-foot distances between the buildings, thus avoiding the need for firewalls.

Mr. Mielock explained that on the east side they would be redoing a portion of the City's parking lot, and would provide a 5-foot landscape buffer between the back of the curb and the building. Even though that was City property, the developers would maintain the buffer, which would protect the building from cars parking too close to it and perhaps hitting it, and also would soften the look of the building.

Mr. Russell addressed landscaping on the site. Two Linden trees would be removed at the north portion where two new parallel parking spaces would be provided. Those would be replaced with 2 street trees.

Mr. Russell said he had met with DDA Director Lori Ward; no Cady streetscape guidelines had been formalized. The developers were attempting to provide a streetscape that would model an appropriate streetscape for the area.

The trees, plant material and ground cover along Cady Street would be planted within an elevated 4” high concrete planter curb to give the plant material a more viable growing area than would be seen in a tree grade. An area had been provided near the Cady Street entrance to include an amenity such as a sculpture or other pedestrian element.

The trees along the west side would be 7-8 foot tall arbor vitae, clipped and maintained uniformly. As already mentioned those would provide a buffer to the cars parking there.

Mr. Russell explained the location of interior landscape areas, the trees that were being removed, and the location and type of replacement trees, as indicated on the proposed landscape plan. Sheets L1, L2 and C3 had been amended to show to show the notes required in Planning Consultant Elmiger’s review.

Mr. Mielock emphasized that they were creating a walkable streetscape that would serve as a start for an entirely new rhythm on Cady Street.

Mr. Mielock pointed out that there would be two storefronts for office and commercial use on the first floor. The condo owners – 2 on each of the 3 remaining floors – would have a private entry, with elevators opening directly onto their private spaces. Parking for the residents would be underneath the building; all new developed parking would be public. Rooftop terraces would be provided, and rooftop equipment would be screened.

Mr. Mielock reviewed the 4 elevations, with the north elevation facing Cady Street providing the pedestrian scale in front, with vertical elements then moving upward. Brick and limestone or limestone-type materials would be used. The drop in grade on the south elevation was camouflaged by the tree buffer there. The west elevation contained the balconies, with public parking below.

The east elevation was the most changed from the previous presentation. The HDC had asked that every other vertical element be removed. They were trying to achieve a warehouse look. This was the side that faced the City’s parking lot, and could conceivably be developed with another building that could be built right next to it, so there were no windows on this façade. However, they had carried some design elements from the front of the building, giving continuity to the overall structure.

Mr. Mielock showed the previous and new design of the east elevation.

Mr. Mielock noted that they had chosen higher 14-foot ceilings for the four floors rather than building 5 stories. They were under the allowable height for this zoning district, and the extra height of the floors would emphasize the luxury-oriented approach of this development, as well as provide space for the ductwork.

A photometric study had been provided.

Mr. Mielock showed samples of building materials, though these had not yet been finalized. He explained that they were not trying to copy what already existed in the Historic District, but were creating a unique building that would stand on its own, yet would use some of the elements in the Historic District.

Commission Miller said that the changes since Preliminary Site Plan Approval appeared to be refinements in the proposed development and landscaping as well as work on the easements, agreements, etc.

Mr. Mielock said that since August, Mr. Wozniak had met with DPW Director Gallogly, Mr. Russell had completed the landscape plan, and significant negotiations had taken place regarding the easements, and purchase and maintenance agreements.

Commissioner Miller said he agreed with the changes made to the east elevation, where most of the verticals had been removed. Mr. Daily commented that they were looking at having the mural installed there that had originally been proposed for another location in the City.

Commissioner Kirk asked about signage for the new public parking spots. City Manager Sullivan said the City would be installing those signs. Commissioner Kirk thought that because the public spaces were partially under the building, people might not realize they were available. Also, would this be unlimited or timed parking, such as 2-hour parking?

City Manager Sullivan said the plan was for unlimited parking. Signage would be clear that the spaces were public.

Commissioner Kirk was concerned about a handicapped person in a wheel chair or perhaps someone who was blind navigating the front of the building. He felt they would be in danger of going right into a raised berm or into the drop-off of the sidewalk where the new parking was.

Discussion followed. The raised curbs were ADA compliant. Mr. Mielock pointed out that the area right by the curb and street was only 2-feet wide and not really designed to be walkable at that point. T Commissioner Kirk said that was only clear to a sighted person. Did the planters have to raised, for instance?

Mr. Mielock thanked Commissioner Kirk for these comments and said he would take them into consideration, especially as they developed the engineering drawings for the area. They would also work with DDA Director Ward as they developed the streetscape there.

Commissioner Maise said she had some of the same concerns regarding the new parallel parking spaces in front of the building. She asked for further clarification as to what was public and what was private parking. Mr. Daily reviewed the new parking spaces that were part of this development, and noted that the public spaces would benefit businesses in the area.

City Manager Sullivan said that a condition of approval needed to be that the developer paid their share of upgrading the water main from 4” to 12”.

Chair Wendt asked when construction would begin. Mr. Daily said they would begin in early spring.

Chair Wendt indicated he was ready to entertain a motion.

Motion by Miller, support by Maise, that the Planning Commission grant Final Site Plan Approval for The Cady Project, dated October 13, 2017 and November 7, 2017 (Landscape Plans) based on the information received from the applicant, and the discussion reflected in the minutes of this meeting, because the Site Plan meets the required standards and findings for Final Approval pursuant to Article 19 – Site Development Plan Procedural and Approval Process of the Zoning Ordinance, and approves the Final Site Plan with the following conditions:

- A. The applicant to work with the City to amend the agreement with the City that includes the following:**
 - a. Dedication of 12-feet to City for Cady Street right-of-way.**
 - b. Purchase of 24-feet to east of subject site.**
 - c. Maintenance of plantings on City-owned property in five-foot buffer to east of building.**
 - d. Dedication of 10-feet to west of subject site to be included as public spaces in public parking lot; construction of new parking spaces to meet parking requirements.**
 - e. Installation and maintenance of underground stormwater structure in public parking lot to east of building; City to grant easement for storm structures on City-owned land.**
 - f. Easement across easterly public parking lot to access residential parking garage and cantilever of building over City-owned property.**

- B. Applicant to work with the DPW Director with comments from the DDA Director to finalize design for changes to E. Cady Street.**

- C. Proposed parking in side yard meets the standards of 10.06(s) and the applicant’s description of loading/ unloading activities in the parking lot to the west of building acceptable.**

- D. Proposed screening of parking spaces on west side of building is acceptable.**

- E. Defer review of utility connections to DPW Director.**

- F. Approval by the Historic District Commission.**

- G. The developer will include their portion of the cost of upgrading the water main from 4” to 12”.**

Chair Wendt asked for a roll call vote:

| | |
|----------------|------------|
| Kirk | yes |
| Maise | yes |
| Miller | yes |
| Smith | yes |
| Snyder | yes |
| Tinberg | yes |
| Wendt | yes |

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

Commissioners Mielock and Russell rejoined the Commission.

8. 2018 PLANNING MEETING SCHEDULE

After brief discussion of the tentative 2018 Planning Commission schedule provided by City Clerk Massa, Commissioner Maise offered the following motion:

MOTION by Maise, support by Russell, to accept the calendar schedule as provided with the elimination of the January 2, 2018, July 3, 2018, and January 1, 2019 meetings.

Motion carried unanimously.

9. DISCUSSION

TEMPORARY USE APPROVAL PROCESS

Chair Wendt explained that this discussion item originated with the recent temporary use approval process for Guidobono Building Company when they wanted a temporary use of a house on Center Street to be used for their business. This was the first application of this type that he could remember.

Referring to her October 27, 2017 memorandum, Planning Consultant Elmiger gave further background for this discussion item. She explained that this item had been discussed last month when several of the Commissioners were not present. When the Guidobono's asked for their temporary use, the Ordinance required that the Planning Commission weigh in with comment. During that process the consensus of the Commission was that there was no reason for the Commission to do this, and Planning Consultant Elmiger was asked to eliminate the language that required this step. Last month when she presented that ordinance modification, two questions were asked:

1. Did the Zoning Enabling Act say anything about temporary uses and who looked at them and weighed in on them, and
2. How did other communities review temporary buildings/uses.

The Zoning Enabling Act didn't specifically say who looked at temporary uses – whether it's the Board of Zoning Appeals or the Planning Commission. However the Act did say that the Board of Zoning Appeals shall decide matters referred to that body by the Zoning Ordinance. The City's Zoning Ordinance did grant jurisdiction over temporary uses to the BZA, and this was very consistent with other communities. Planning Consultant Elmiger had provided a table in her memorandum, which showed that most communities either ask the Zoning Board or city staff to approve or deny temporary uses. No other communities asked the Planning Commission to comment on temporary uses; eliminating that language was consistent with practice in other communities.

Commissioner Maise asked if temporary uses such as construction trailers could be approved administratively. Planning Consultant Elmiger said language could be added to include some uses that could be approved administratively.

Commissioner Kirk asked if the BZA knew criteria for uses, such as no parking on the grass. Planning Consultant Elmiger said all temporary uses had to abide by normal zoning requirements.

In response to further comments by the Commission, Planning Consultant Elmiger explained that temporary uses could not include durable structures. Any buildings used must be demountable. The site basically had to be used as is, and left in its original state.

In response to a question from Commissioner Maise, City Manager Sullivan said businesses who wanted to use the sidewalk for a sidewalk sale had to be approved by City Council.

Discussion followed. Christmas tree sales were approved via a peddler's license from City Council. Yet Christmas tree sales were also listed as temporary uses to be approved by the BZA. This needed to be cleaned up.

In response to a question from Commissioner Kirk, Planning Consultant Elmiger said a temporary use could only be for 12 months.

Commissioner Maise wondered if other requirements should be added as a condition of making an application, such as showing proof of liability insurance, property taxes paid, owner permission, and clear language that the site must be restored to its original state when the use was complete.

Planning Consultant Elmiger said the language in the current ordinance addressed some issues, such as returning the property to its original state.

Commissioner Kirk asked the definition of an event vs. a temporary use. City Manager Sullivan said those activities were defined in the general Code.

Discussion was held as to whether a temporary construction site would be allowed.

Planning Consultant Elmiger read from 25.04:

. . . which do not require the erection of any capital improvement of a structured nature. . . In classing uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land . . . or structures which do not require foundations, systems or sanitary heating connections.

Discussion was held as to whether or not to allow temporary housing after an emergency. For instance, should someone be allowed to use a camping trailer on a lot where the home had been destroyed.

Planning Consultant Elmiger said the ordinance read: *Permit temporary residences for a specified or time limited period.* Currently this would still require BZA approval. Perhaps language could be added to allow administrative approval for an emergency situation.

Commissioner Maise suggested adding a reference to Section 18.22 in Section 25.04. Section 18.22 talked about portable structures such as PODs, and also addressed temporary construction buildings or offices.

Commissioner Mielock cautioned about getting into a long process modifying the current ordinance, which had worked fine. The Guidobono issue was simply one of whether the Planning Commission should comment on temporary uses before the applicants appeared before the BZA.

Commissioner Miller agreed, saying that making an ordinance too detailed discouraged appropriate interpretation, and led to conflict.

Commissioner Kirk added that ordinances that were too detailed were often difficult to enforce.

Planning Consultant Elmiger said that based on tonight's discussion she would make some appropriate clarifying changes to the Ordinance, and return with those changes.

Seeing that discussion had ended, Chair Wendt closed discussion on this item.

Chair Wendt mentioned a current situation that called into question how a sign was defined. When was decorative painting advertising, and when was it simply an improvement?

After brief discussion, Chair Wendt asked for a motion to adjourn.

10. ADJOURN

MOTION by Russell, support by Snyder, to adjourn the Planning Commission meeting at 8:37 p.m.

Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 12/05/2017