

CITY OF NORTHVILLE
Planning Commission
December 6, 2016
Northville City Hall – Council Chambers

1. CALL TO ORDER:

Chair Wendt called the meeting to order at 7:30 p.m.

2. ROLL CALL:

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

Absent: Steve Kirk (excused)
Mark Russell (excused)

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

3. APPROVAL OF AGENDA:

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

4. MINUTES OF PREVIOUS MEETING: September 20, 2016

**Motion by Mowers, support Smith, to approve the September 20, 2016 minutes as published.
Motion carried unanimously.**

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan said he would like the Planning Commission to think about the following question: Both the Community Master Plan and the Downtown Strategic Plan, which the DDA was currently working on updating, addressed the need for increasing residential density close to downtown as one of the strategic objectives in the City. The last community Master Plan update included sub-area plans along Cady Street, with separate sub-areas for the Foundry Flask and McDonald Ford areas.

The Foundry Flask and McDonald Ford sub-areas did not permit first floor residential. City staff had met with potential developers who wanted at least some mixed use/first floor residential for those two sites. Additionally, the DDA Strategic Plan projected – based on a market analysis – that downtown could accommodate another 50,000 square feet of retail space.

The Foundry Flask and McDonald Ford sites totaled approximate 7.5 acres. If first floor mixed use was developed there, a good portion of the 50,000 square feet could be offered. While the Cady Street Overlay District did not require first floor mixed use, there was an assumption that mixed use would be utilized.

City Manager Sullivan concluded that his question was whether the Planning Commission wanted to revisit the discussion of Foundry Flask and McDonald Ford sub-areas in order to perhaps allow first floor mixed use/residential. He reminded the Commission that they had originally recommended this, but City Council had changed things so that first floor mixed use/residential was not allowed. It might be time to open this up again for further discussion, as more information had come to light, and as the membership of City Council had changed. Any new discussion would need to originate at the Planning Commission level.

City Manager Sullivan suggested that perhaps a mixed-use application could be incentivized, i.e., additional density or additional height could be offered if mixed use was proposed.

Commissioner Mielock wondered if the Commission should first receive some direction from City Council before proceeding. Commissioner Mowers agreed.

Chair Wendt said that the Commission was open to discussing this question, and perhaps a joint meeting of City Council and Planning Commission could be scheduled regarding this issue.

Commissioner Mielock mentioned that after having worked on a couple of projects on Cady Street and gone through actual situations using the new CSO District zoning requirements, he had some real world experience and thought there might be a deficiency in trying to achieve the desired residential density of 10-25 units per acre. He was going to put together some information for the Commission for a later discussion, but basically he felt the desired density was impossible to achieve under the current ordinance.

Commissioner Maise said there were incentives built into the CSO district regulations that gave developers more flexibility in terms of zoning standards. Commissioner Mielock said there were incentives for a fifth floor but no real incentive for achieving the desired density.

Mayor Pro Tem Allen said that unless a developer got a big parcel they would never achieve the desired density because there would not be enough parking. Commissioner Mielock agreed, saying that the requirement for self-parking was a real limitation.

City Manager Sullivan said that one of the sites might resolve itself because the City might see a Planned Unit Development (PUD) application for the Foundry Flask area, and this would include some mixed use/residential. However, the City might want to consider just changing the ordinance regarding first floor mixed use, rather than forcing an applicant to go through the PUD process.

B. CITY COUNCIL: None.

C. PLANNING COMMISSION: None.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. LOT SPLITS

760 SPRING DRIVE

Planning Consultant Elmiger gave the background for this proposal, which was for a lot split application for an existing parcel located at 760 Spring Drive. The applicant was proposing to reconfigure three lots (8, 9 and 10) into two parcels (Parcel A and Parcel B), and build two new houses on the newly created parcels. The current lot contained an existing residential structure, attached garage and associated driveway. Those structures would be demolished. The proposed parcels met all standards and requirements of the Zoning Ordinance and Land Division Act for size and configuration.

Planning Consultant Elmiger asked the applicant to clarify what the purpose was of the easement on the eastern boundary of the proposed lots.

Commissioners Snyder and Smith disclosed that they had had past business dealings with the applicant, but nothing current. It was the consensus of the Commission that this did not constitute a conflict of interest.

Mike Miller, Mike Miller Building Company, 629 Fairbrook Street, Northville MI 48167, was present on behalf of this application. Mr. Miller said the two parcels resulting from this lot split would best utilize the property and also didn't push the homes too close to the street. The proposed corner lot was larger in order to meet all setbacks and dimensional requirements of having two front yards.

Mr. Miller said all City requirements had been met, and they had cleared this proposal through the city's department heads. Regarding the easement, he had called the surveyor, Jekabson & Associates PC, today and asked about the easement, and the surveyor said the easement was not actually on these properties. They would submit new drawings showing that the easement did not affect this lot split.

Commissioner Mielock noted that the new drawings should have the surveyor's seal affixed.

In response to a question from Commissioner Mielock, Mr. Miller said there was no mortgage attached to these properties.

In response to a question from Commissioner Maise, Mr. Miller said that driveway locations were not finalized. There was a high probability that the corner house driveway would be off of Spring Drive to the east and away from the corner.

MOTION by Maise, support Smith, that the Lot Split for 760 Spring Drive be approved, with the following conditions:

- **The Certificate of Survey be signed and sealed.**
- **Any outstanding issues in the November 22, 2016 Carlise/Wortman review letter be resolved.**

Chair Wendt asked for a roll call vote:

| | |
|----------------|------------|
| Mowers | yes |
| Snyder | yes |
| Smith | yes |
| Wendt | yes |
| Mielock | yes |

| | |
|---------------|------------|
| Maise | yes |
| Miller | yes |

Therefore the **motion carried unanimously**.

610 RANDOLPH STREET

Planning Consultant Elmiger gave the background for this proposal, which was for a lot split application for an existing residence located at 610 Randolph Street. The applicant was proposing to split lot 457 into four parcels (Parcels A, B, C and D), and build four new houses on the newly created parcels. The current lot contained an existing residential structure, detached garage and associated driveway. Those structures would be demolished. Access would be off Randolph Street, with each unit having its own driveway. The units met all standards and requirements of the Zoning Ordinance and Land Division Act for size and configuration.

Planning Consultant Elmiger was concerned that the slopes were very steep directly adjacent to Randolph Street, and this especially impacted Lot A's accessibility. Also, there appeared to be an issue regarding storm water management, especially in terms of Lots A and B. While storm water management was not a requirement of the Land Division Act, it was a concern of the Planning Commission, and Mr. Dickerson should give information regarding storm water management this evening.

Randy Dickerson, P.O. Box 651, Northville, MI was present on behalf of this application. Regarding Lot A, he envisioned cutting the grade down, opening up the front yard, putting in a garage, and then the basement and then a 1.5 story home on top of that, with an elevator running from the garage all the way up. He commented that it would be relatively easy to take the dirt out and build a retaining wall. He thought the home's design could reflect Northville's historic character.

Chair Wendt asked about storm water management on the site. Mr. Dickerson said there was an existing storm drain; he planned to do a swale in front to control the water and tie it into the storm drain. In response to a further question from Chair Wendt, Mr. Dickerson said that while Public Works Director Gallogly had not approved this water control plan, Director Gallogly had seen the lot split proposal and had no problems with it. Mr. Dickerson noted that he had some flexibility in home placement on the proposed parcels.

Commissioner Smith asked Mr. Dickerson if he could meet setback requirements with the plan he just described. Mr. Dickerson said he could meet all setbacks.

Chair Wendt asked if the existing house would be removed. Mr. Dickerson said it would be.

Commissioner Mowers said that the Commission was consistently concerned about creating lots where the height of one lot was significantly higher than the neighboring lot. While this might not be something that could be considered this evening, he was concerned with creating issues for one of the proposed lots.

Planning Consultant Elmiger said that the applicant would not be able to drain water from one lot onto another lot. Mr. Dickerson said water would not be drained from one lot to another.

Commissioner Smith said the Planning Commission had looked at two other projects for this site that did not go forward because of grade issues. Planning Consultant Elmiger pointed out that those projects involved putting in a private road and that caused different grading issues, along with taking up

significant space. Additionally, the former application was for a site condominium plan, resulting in more parcels than this current application.

In response to a further question from Commissioner Smith regarding Lot A, City Manager Sullivan said that engineering approval would have to be granted to the Building Inspector's satisfaction before building permits would be issued, just as they would for any house on a hill. However, the ordinance did not require engineering review prior to a lot split for individual homes.

Chair Wendt noted that the Commission's concern arose out of problems created by poor water management in another steeply graded area of the City, East Street. Mr. Dickerson said they could control the water on the subject site, and this site was nothing like East Street. The limit for driveways was a 16% grade. Whatever was designed would have to meet that requirement.

Commissioner Mowers said that if they granted the lot split tonight based on the standards already noted, what happened if someone came to the City and said they couldn't build on one of the lots due to the grade, and they needed a variance? The Board of Zoning Appeals had strict standards and would likely not grant this.

City Manager Sullivan noted that after the lot split, the applicant would not have to return to the Planning Commission for site plan approval, but they would need to obtain permits and approvals from the Building Department.

Commissioner Mowers said he was concerned that the Commission was kicking this can down the road. He was concerned with just dealing with the lot split, when the created lots were going to have significant grade and topographical issues. The Commission had spent months discussing such things as above and below ground basements, height restrictions, retaining walls, etc. Tonight's application put all those discussions into focus.

Building Inspector Strong described process when looking at storm water runoff. The ordinance required that storm runoff be controlled on one's own property and not run to a neighbor's land, and he enforced this as (1) he examined initial site plans, (2) when the builder provided an as-built plan to get a Certificate of Occupancy, and (3) when Building Inspector Strong walked the property and made sure any structure was built to plan.

Commissioner Miller noted that they were looking at the feasibility of a lot split. From his reading of the plan, the average grade change from the street to the garage was shown to be 8 or 9%. This was not out of bounds as far as a range of what could be done.

City Manager Sullivan said he had asked the same question regarding topography and grade. One of the things the ordinance did allow was that a topographic study be a required submittal for this site. Not every lot split had to provide this, but this site was so required and the elevations were shown.

Commissioner Maise noted that the driveways created a need to back out onto Randolph Street, and these lots were close to the intersection there. Would prospective owners demand a t-turnaround?

Mr. Dickerson said he could provide turnarounds on the sites. There would be no backing out.

Commissioner Mielock said Northville was fortunate to have the topography it did, which created unusual circumstances resulting in unique building sites. He liked tonight's proposal, but he wanted to make sure

that Building Inspector Strong was comfortable with the t-turnarounds. He agreed with Commissioner Mowers in that he didn't want to approve a lot split that would create a situation that was going to end up before the BZA. Was there anything here that Building Inspector Strong could see that would create a difficult situation or that would require a variance?

Building Inspector Strong said that he did not see a situation where a variance would be required. He explained that Mr. Dickerson had already talked with him, and the building height on Parcel A might be an issue, which was why Mr. Dickerson might potentially build as he had described: with a garage, then a basement, then a story and a half above. Storm water could be dealt with. The plans showed 6,000 square foot houses on the properties. Perhaps on Parcel A that was more of a placeholder than anything else. If the house were more modest-sized, anything could be built, but the ordinance would need to be followed.

Commissioner Mielock said he appreciated Mr. Dickerson saying that certain things could be done, but after the lot split the lots could all be sold, and then the City would be dealing with an entirely different builder who had different skills or different goals.

Mr. Dickerson said approval could be conditioned upon he personally building the two "hard" lots: Parcels A and B. The other lots were simple, but those two lots would be fun, cool and different.

Commissioner Mielock asked about front yard averaging in this case. Would the averaging requirement necessitate smaller front yards than shown? Planning Consultant Elmiger explained that front yard averaging took into effect homes within 200 feet on the same side of the street; in this instance averaging would not apply, especially since greater setbacks than required were being proposed.

Chair Wendt said that a new ordinance might require a percentage of green space in the front yard; this would also have to be taken into consideration.

Mr. Dickerson said he would conform to all requirements.

Commissioner Smith asked if the Commission could require engineered drawings. Mr. Dickerson said those had been submitted. Building Inspector Strong said that the drawings as shown met the slope requirements for driveways.

Commissioner Snyder said as shown, the cars were backing onto Randolph. Mr. Dickerson said it would be simple to turn around and exit front first.

Mr. Dickerson said this lot split seemed simple and easy, with Parcel A being the "fun" lot. He would guarantee a beautiful result.

Commissioner Maise asked about the 4 to 1 ratio. Planning Consultant Elmiger said this ratio had been checked by the Assessor, who confirmed this application met the requirements of the Land Division Act.

Commissioner Snyder asked Building Inspector Strong if a turnaround could be required for the driveways, as traffic on Randolph at this location could be fast. Building Inspector Strong said that there was no ordinance requirement for this, though it would be a good idea. Mr. Dickerson said he was planning on installing turnarounds.

In response to a further question from Commissioner Snyder, Building Inspector Strong said anything on the right of way, including the curb cut, would need approval from the Public Works Director.

Commissioner Snyder asked again about the construction of a house on Parcel A. Mr. Dickerson said the garage and basement would be constructed first, and both would be under the grade. Then a 1-1/2 story home would be built above that. All the height requirements would be met.

Building Inspector Strong said the average grade plan from back to front would be used.

City Manager Sullivan asked about swale arrangements to control the water. Mr. Dickerson said they would absolutely do this, and would control the water as required. The gutters would be tied into the storm water drainage system.

Commissioner Maise asked about sidewalk installation. Planning Consultant Elmiger said a 5-foot wide flat sidewalk was required along Randolph Street, and this would fit in the right-of-way.

Chair Wendt pointed out that the driveways would need extra asphalt/concrete, etc. New ordinance regulations might limit the amount of paved surfaces, but these lots needed extra concrete in order to provide safety exiting onto Randolph.

Commissioner Miller said that what was shown was basically a 2-car garage with a 25-foot approach. That would allow a driver to back out and turn around from one bay. From the other bay a driver might have to manage a 3-point turn in order to turn around.

Chair Wendt asked Mr. Dickerson if they weren't planning on 3-car garages. Mr. Dickerson said the houses shown were really big with over 3,000 square feet on the first floor. They weren't going to build houses that size; the engineer had just put those footprints in as placeholders. The houses could be moved back or forward to make everything work.

Commissioner Miller said he was not seeing that a lot of extra concrete would be necessary, except for perhaps Parcel B.

Commissioner Maise said that homeowners might demand extra concrete as they would want the extra convenience of turning around, and there was space to install this.

Commissioner Mowers said the issues were fundamentally different. Right now the Commission was talking about a lot split. All the other issues were out of the Planning Commission's hands. Where he had a problem was what they were supposed to do as a Planning Commission, and what they were supposed to empower Building Inspector Strong to do or not do. The Building Inspector said he was going to make sure that things were approved on the front and back end, as was his job. While there were other issues that should be discussed at a later time, in terms of topography and paved surface lot coverage, what the Commission was talking about tonight was a lot split, and his view was for the Commission to move on. As far as he could tell the lot split looked decent, and Building Inspector Strong would police this to make sure all City requirements were met.

Commissioner Snyder agreed. Still, the problem was that even in recent times there had been a breakdown in process after a lot split had been approved. The question was what could the Commission do to ensure corrections were made prior to the lot split approval?

Commissioner Mowers repeated that peripheral issues lay outside tonight's application. While he strongly supported discussion of those issues, tonight the Commission needed to talk about just this lot split, allow the applicants to move on, and deal with other issues separately.

Commissioner Maise said the Commission could not deny this lot split application. However, there was a benefit to talking about some of the issues, getting them on the record, and letting the applicant know those issues would have to be faced.

Mr. Dickerson said he promised to do the best he could do. He warrantied his homes for 7-8 years.

Commissioner Smith was concerned about adding 4 curb cuts to this section of Randolph Street. On the prior applications for this site, Public Works Director Gallogly had a problem with one curb cut. All the reasons that the other projects did not get approved had not gone away. It was nice to say that the builder could make it work but this was a difficult site - two projects could not get approved because it was so difficult.

Mr. Dickerson said those earlier projects were completely different than tonight's proposal.

Chair Wendt said his questions were regarding whether this development could work in terms of driveway placement and water run off.

Commissioner Smith said on East Street she had watched boulders coming down the street, sewers being blown up because of the rainwater, driveways replaced 3 times a year, and cars rolling across the street to crash into structures there.

Mr. Dickerson again said this location was not the same as East Street.

Chair Wendt indicated he was ready for a motion

MOTION by Mielock, support Snyder, that the Lot Split for 610 Randolph Street be approved, with the following conditions:

- **Any outstanding issues in the November 28, 2016 Carlise/Wortman review letter be met.**

Chair Wendt asked for a roll call vote:

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|----------------|------------|
| Mowers | yes |
| Snyder | yes |
| Smith | no |
| Wendt | no |
| Mielock | yes |
| Maise | yes |
| Miller | yes |

Therefore the **motion carried 5-2 (Smith, Wendt opposed).**

8. DISCUSSION

July 2017 Meeting Date

Since the 1st Tuesday in July 2017 fell on July 4, it was the consensus of the Commission to cancel the meeting on that date.

Other Discussion

Commissioner Mowers spoke to the interrelatedness of issues the Commission was already discussing: curb cuts, driveways, building heights, paved surfaces in front yards, etc., especially as those issues related to the second lot split approved this evening. While the Commission could wait to receive direction from City Council, he felt the Commission should be proactive, not reactive, regarding those things, and he suggested putting them back on an agenda in order to have a purposeful discussion.

Planning Consultant Elmiger said the next meeting would be on December 20, 2016. A request had come in to discuss a possible assisted living use in the Central Business District. A brief discussion followed regarding the definition of assisted living. The zoning ordinance did not define this term. Neither did the Building Code or the State, though there were definitions regarding what constituted a living unit.

Planning Consultant Elmiger would provide an analysis for the December 20 meeting.

9. ADJOURN

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

MOTION by Maise, support Mielock, to adjourn the Planning Commission meeting at 8:35 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published December 20, 2016