

**CHARTER TOWNSHIP OF NORTHVILLE  
PLANNING COMMISSION  
September 24, 2019**

**DATE:** September 24, 2019  
**TIME:** 7:00 PM  
**PLACE:** Northville Township Hall  
44405 Six Mile Road

**APPROVED:** October 29, 2019

**CALL TO ORDER:** 7:04 PM

**ROLL CALL:**

**Present:** Lisa Anderson, Timothy Guerriero, Erik Lark, George McCarthy, Fred Shadko,  
Tim Zawodny

**Excused:** Jayne Watson

**Staff:** Jennifer Frey, Township Planner  
Tom Casari, Director of Public Services  
Pete LaMourie, Traffic Engineering Consultant

**Approval of Minutes:**

Planning Commission – August 27, 2019

**MOTION by McCarthy, support by Guerriero, to approve the August 27, 2019  
Planning Commission meeting minutes as published.**

Voice vote:           Ayes: All  
                              Nays: None

**Motion approved unanimously.**

**Correspondence:**

One letter received regarding New Business Item 1:

- Charles Yessaian, 19230 Fry Road, opposing both the rezoning and the day care project, due to traffic concerns.

Three letters received regarding Old Business Item 1:

- Amanda Brown, 19754 Fry Road, opposing an entrance off of Fry Road due to traffic concerns on 7 Mile, and safety concerns regarding cut-through traffic through the neighborhood.
- Terry Boboige, 17970 Fry Road, supporting the special land use request. Asked for a tastefully designed exterior.
- Carolyn Bush, 19880 Fry Road, opposing the special land use request due to traffic concerns, especially at the Fry and 7 Mile Road intersection. Asked to have the neighborhood kept residential.

**Brief Public Comments:**

John Sprader, 19754 Fry Road, spoke about the need for traffic mitigation and road improvements on Seven Mile Road, including consistent sidewalks and bike lanes. Seven Mile was dangerous and getting worse.

**New Business:**

- |                        |  |
|------------------------|--|
| <b>1. PREZ19-0002</b>  | <b>Rezoning Request</b>  |
| <b>Representative:</b> | <b>Jeffery Schmitz, JS Capitol</b>                               |
| <b>Property Owner:</b> | <b>JS Northville, LLC</b>  |
| <b>Location:</b>       | <b>40724 Seven Mile Road</b>                                     |
| <b>Request:</b>        | <b>Rezone from R-1 (Single Family Residential to OS (Office)</b> |
| <b>Action:</b>         | <b>Recommend to Board of Trustees</b>                            |

Township Planner Frey explained that tonight's request was for a recommendation to the Board of Trustees; the Board of Trustees would make the final decision to approve or deny the rezoning request.

Referring to her September 6, 2019 letter, Township Planner Frey explained that this request was to rezone the property located at the northwest corner of 7 Mile & Smock from R-1 (Single Family Residential) to OS (Office Service).

Township Planner Frey reviewed the request, applying criteria for rezoning as found in Section 43.5:

- 1. Consistency with the goals, policies and future land use map of the Charter Township of Northville Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.*

The future land use map identified the property (a vacant lot) as single family residential. The parcels to the west were zoned office, then general business further west on 7 Mile Road. Due to the location of the property at the corner of 7 Mile and Smock, the rezoning could make sense, in that the transition to single family would occur at a street rather than mid-block between Fry and Smock. To the east, the existing and future land use was single family residential until Home Depot. Except for one lot, the single family residential lots to the east were developed with homes.

- 2. Compatibility of the site's physical, geological, hydrological and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.*

The current single family zoning would result in less development impact on the site than the proposed office zoning. Both zoning classifications required a 50-foot setback to the adjacent single family lot to the north. Of the existing vegetation, many of the trees were identified as being in poor condition. All regulated trees were required to be replaced if

the site developed as non-residential. If the site was developed as residential, the building footprint, driveway and 10 feet beyond were exempt from tree replacement.

- 3. Evidence that if the current zoning is enforced, the consequent restriction will preclude the use of the property for any purpose to which it is reasonably adapted and that the application of the current classification amounts to confiscation of the plaintiff's property.*

The applicant stated that the subject parcel would be challenging to develop as a single family lot fronting on 7 Mile Road.

- 4. Compatibility of all uses permitted in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of the use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning.*

Both the existing and proposed zoning required a 50-foot setback to adjacent residential use to the north. An office would generate more traffic than a single family home and less traffic than a day care, which was permitted as a special land use in the current R-1 zoning district. The relatively small parcel size located on a corner would be a limiting factor for any non-residential development.

- 5. Capacity of the township utilities and services sufficient to accommodate all of the uses permitted in the requested district.*

Township utilities and services could adequately accommodate the proposed office use.

- 6. Capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*

The traffic study provided by the applicant concluded that traffic generated by the site, including both the day care and the office uses, could be mitigated with the proposed road improvements on 7 Mile and at the 7 Mile/Fry intersection. The Township's traffic consultant Pete LaMourie was available to answer questions this evening.

- 7. Apparent demand for the types of uses permitted in the requested zoning district in the township, and surrounding area, in relation to the amount of land in the township, and surrounding area, currently zoned and available to accommodate the demand.*

The applicant had indicated that the proposal would fill a need for smaller office buildings.

- 8. Whether the boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the zoning district.*

The size of the property could accommodate the proposed development. If the rezoning was approved, a full site plan submittal would be required and would be reviewed for compliance with all zoning requirements.

9. *If a rezoning is appropriate, the requested zoning district shall be more appropriate from the township's perspective than another zoning district.*

If rezoning from single family residential was favored, the office zoning district was the most appropriate because it was the least intensive and matched the zoning of the abutting parcel. Typically, the transitions between zoning districts occurred at a road rather than mid-block.

Township Planner Frey concluded her review.

Referring to his September 13, 2019 review letter, Traffic Engineering Consultant LaMourie said that the applicant had been required to complete a traffic impact assessment. That study was based on the combined uses of the office on this site and the proposed day care to the west. Findings showed that improvements would be needed as follows:

- A separate right-turn lane on the southbound Fry Road approach to 7 Mile Road.
- Westbound right-turn deceleration lanes on 7 Mile Road at both the proposed 7 Mile driveway and at Fry Road.

With those improvements in place the projected extra traffic would be mitigated to service level D, which was deemed acceptable in suburban areas.

Commissioner Shadko asked if the new signal at 7 Mile and Pierson Road would have an impact on either eastbound traffic stacking or the creation of gaps to provide opportunities for vehicles to turn on to 7 Mile from Fry Road.

Traffic Engineering Consultant LaMourie said that any time a signal was installed, the goal was to make sure traffic on the main street continued to flow smoothly, and be better than the side street. The expectation was that the signal would ensure there were no long queues on 7 Mile Road, although there might be queues on the side street. Also, a signal created more gaps in the traffic stream.

Chair Zawodny asked if a traffic generation study had been done on the basis of the entire block being zoned OS and developed as office use. Traffic Engineering Consultant LaMourie said that had not been studied.

Discussion continued regarding current and projected service levels, and how levels of service A through E were defined. An A level of service (LOS) was the best, and an F LOS was the worst. Table 4 in the provided traffic assessment gave *Level of Service Criteria (Unsignalized Intersection)*. LOS D was considered the minimum acceptable LOS in suburban areas, with LOS E or F requiring mitigation. The results of the LOS analyses for the intersections at 7 Mile Road and Fry Road, 7 Mile Road and proposed Driveway #1, and 7 Mile Road and proposed Driveway #2 were shown in Tables 5 through 8.

Commissioner Anderson noted that the traffic counts in the traffic study were taken June 26, 2019. Should there be a supplement to those counts now that school had started?

In response to further questions from the Commission, Traffic Engineering Consultant LaMourie gave the following information:

- Counts involving school traffic were particularly important when a school was in close proximity.
- Observations had been taken during peak hours.
- When Traffic Engineering Consultant LaMourie had visited the site this evening at 5:30 p.m., there were no noticeable delays as long as those predicted in the traffic impact assessment. Traffic coming south on Fry Road had a 5-15 second delay. Most of the traffic he observed came from the existing day care on Fry.
- The traffic impact assessment study had taken into account the proposed daycare to the west, next to Fry Road, as well as the office use on the subject site.
- The traffic impact assessment followed established procedures.
- There were minimum separation requirements between opposing driveways.

Chair Zawodny acknowledged John Sprader, 19754 Fry Road, who asked if there was a site plan.

Township Planner Frey explained that the question before the Commission for this agenda item was whether or not to recommend rezoning to the Board of Trustees. The next agenda item involved the special land use request for the daycare. No site plan could be submitted for review before the rezoning and special land use was decided.

Mr. Sprader asked why a driveway was being considered off the side street rather than just utilizing access from 7 Mile Road.

Traffic Engineering Consultant LaMourie said the traffic study had provided a rough site plan that included a driveway off Fry Road and a driveway off 7 Mile. Township Planner Frey reiterated that the Commission was not reviewing or approving a site plan this evening. However, in the immediate area, there were several businesses that had access off a public side street; that was not uncommon. Traffic Engineering Consultant LaMourie said the trend and goal of most access management plans was to provide access from side streets, because that increased safety by reducing the number of conflict points on the main road.

Chair Zawodny invited the applicants to make their presentation.

Members of the development team present this evening included:

- Jeffery Schmitz, JS Capitol, 155 Romeo Road, Suite 300, Rochester MI
- Michael Labadie, Rowe Professional Services Company, 27280 Haggerty Road, Suite C-2, Farmington Hills MI
- Ron Rader Jr., TDG Architects, 79 Oakland Avenue, Pontiac MI.
- Michael Peterson, Nowak & Fraus, 46777 Woodward Avenue, Pontiac MI

Mr. Schmitz said that in 2017 a special land use and site plan was approved with a child care center on the corner of 7 Mile and Smock and a medical office building on the corner of 7 Mile and Fry. He had purchased the site and the approved site plan. After discussions with Township Staff, he had proposed improvements to the original plan, in order to build something better than what had already been approved.

Mr. Schmitz emphasized the original site plan approval was still active, and he could develop the site under that approval. However, he wanted to flip-flop the uses on the site because moving the child care center closer to Fry would provide better traffic flow. The child care center would be enlarged slightly, and the size of the office building would be decreased slightly. They were proposing to make off-site improvements on Fry Road and 7 Mile Road that were not required under the currently approved plan. Emergency vehicle access was also improved.

Utilizing a PowerPoint presentation, Mr. Rader made the following points:

- An elevation of the proposed office building showed an intimate architectural style that was complementary to the residential neighborhood.
- The office building would no longer be a medical building, and would be on the east side of the overall site that would be shared with Premier Academy.
- The total site was approximately 3.36 acres.
- They had developed a site plan that had not yet been submitted to the Township. The office space on the east would be approximately 7200 square feet, with the Premier Academy on the west.
- The site plan showed the planned deceleration lanes – one off Fry and one off 7 Mile Road, a shared driveway for both uses, and widening Fry Road into 3 lanes.
- The site would be accessible on all 4 sides by emergency vehicles.
- Dimensional standards such as setbacks and other ordinance standards were met by the plan.
- The tree buffer would be maintained and supplemented.

Mr. Rader reviewed the 9 criteria for rezoning. As outlined in his September 11, 2019 letter, they believed the criteria were met. He specifically called out the following:

- The rezoning was consistent with the goals, policies and future land use map of the Master Plan. Other office uses were in close proximity, especially with the Twenty21 development immediately to the south.
- The requested rezoning was compatible with the site's physical and environmental features. Trees in ill health would be removed and the buffer to the north would be enhanced.
- The trend was to develop more intimate office environments allowing for dedicated customer service, with warm, natural materials and plenty of daylight.
- The office building would have 3 entry points, and could have up to 3 tenants.

In response to a request from Commissioner Lark, Township Planner Frey explained that the previous owners had been granted special land use and site plan approval, with a day care at Smock and 7 Mile and an office building at Fry and 7 Mile. After a public hearing, the original special land use approval for the day care location at Smock and 7

Mile had been granted, conditioned on there being no access drive to Smock Road. Those approvals were still valid.

Commissioner Anderson asked the applicant to address traffic issues on the site.

Mr. Schmitz said he understood the importance of traffic management, which was why they agreed to make off-site improvements. He reiterated that he had purchased the property and the approved site plan, and he could develop that plan without going through this process. However, he felt the proposed changes would be better for everyone.

Township Planner Frey said the proposed improvements would also address drainage issues.

In response to a request from Commissioner McCarthy, Township Planner Frey further explained the two-step process required for the proposed change in site plan. The new location for the child care center would require a new special land use approval, and the new location for the office building would require rezoning the property from residential to office. The first agenda item, which would include a public hearing, was the rezoning request.

If the developer was successful in obtaining a rezoning, as well as a new special land use on the current OS property, he would then submit a site plan for approval.

Commissioner Shadko asked if the process would affect the validity of the original site plan. Discussion then focused on whether any of tonight's actions would nullify the previous site plan approval. Township Planner Frey advised that the applicant could revert to the originally approved site plan at any point during the process.

Mr. Labadie pointed out that that the choice was between similar uses with similar footprints, except that the original site plan had no road improvements, while tonight's proposal did include road improvements. Per the level of service tables in the traffic assessment report, the original site plan showed southbound Fry Road with a service level E. The proposed plan improved that level of service to D.

In response to a question from Chair Zawodny, Mr. Labadie said a medical office use would result in more trips during the day than a non-medical office use.

Mr. Schmitz said the footprints for the original approval and the proposed changes were within about 300 square feet of each other. Their child care center would be bigger, due to the addition of a gymnasium and a cafeteria/kitchen. The original approved school had about 180 students; their proposed school would have roughly the same enrollment.

Chair Zawodny pointed out that both the original development and tonight's proposed development totaled approximately 22,000 square feet.

Chair Zawodny opened the public hearing at 8:11 p.m.

- Art Peper, 19450 Smock, addressed traffic issues on 7 Mile Road, including the future impact of the new Cooper-Standard building, the number of existing traffic lights between Haggerty and Pierson Road, and the lack of enforcement regarding existing directional traffic signs from other commercial businesses whose traffic exited onto 7 Mile Road. Also, 7 years ago during the “*stop annexation*” time, the Township made a commitment that there would be no additional commercial development on the north side of 7 Mile. Last, he had waited up to 3 minutes to turn left off Smock Road onto 7 Mile Road.

Traffic Engineering Consultant LaMourie said that the applicant's traffic assessment study was required to include trip generation analysis of any approved projects that had not yet been constructed.

- Emma Rich, 39346 Donald Street, Livonia, employee at the existing day care on Fry Road, addressed the difficulty of turning left from Fry on to 7 Mile Road.
- Thomas Hughes, 19767 Maxwell Road, also addressed traffic concerns, especially the difficulty turning left onto 7 Mile Road during peak periods.
- Jim Royster, 19304 Fry Road, also addressed traffic concerns. He thought that 180 students at the proposed child care center would result in 720 new vehicle trips per day at the Fry Road intersection, calculated by multiplying the number of students by 4 trips each – 2 in, 2 out – per day.
- Karen Peper, 19450 Smock, also addressed traffic concerns, including the wait time to turn left from Smock onto 7 Mile Road and traffic lights that were not synchronized. She felt a deceleration entry lane would make left turns even more difficult.

Commissioner Shadko said he understood the residents' frustrations about turning left onto 7 Mile Road. Was it possible the new signal at Pierson would help that situation? Traffic Engineering Consultant LaMourie said the light would create entry gaps for westbound traffic.

- Keith Graham, 19170 Smock, asked what other uses would be permitted if the subject site was rezoned to OS. He was also concerned about traffic issues on 7 Mile Road, especially east bound traffic during peak hours.
- Mike Shaw, 19405 Fry Road, expressed disappointment that there was a previous approval for this site which was still in effect, so that the residents were being given two bad choices. He felt the 300-foot notification requirement did not effectively notify the affected residents. He also was concerned about traffic; day care traffic was concentrated at peak times.
- Jennifer Harrison, 19356 Fry Road, was concerned about cut-through traffic through the residential neighborhood, which did not have street lights or sidewalks.
- Armin Russenberger, 19355 Smock, also remembered a promise that there would be no more businesses on the north side of 7 Mile, because of the development on the south side of 7 Mile Road. He was also surprised that a special land use and site plan had already been approved for this site.
- Gail Horalek, 19477 Smock, felt that the previous approval was done on the “down-low.” They had fought a daycare a few years ago and won. She opposed the

rezoning of residential to commercial when there were other available vacant commercial lots on 7 Mile Road. She agreed with other comments already made.

Township Planner Frey explained that the parcel at the corner of Fry and 7 Mile had been zoned OS for a long time. Every property owner had a right to develop their property under current zoning regulations. Previous hearings were held in compliance with the open meetings act, in an open and transparent process, in compliance with zoning laws. The property was vacant, and as such represented opportunity for development.

Township Planner Frey said she was not aware of previous conversations regarding future commercial development on the north side of 7 Mile Road. However, property owners did have a right to develop their property as currently zoned, and the previous approval for this site complied with the zoning regulations as applied to the site.

- Speaking again, Ms. Peper asked how long the property at Fry and 7 Mile had been zoned OS.

Township Planner Frey said that property had been zoned OS for decades, via litigation brought by the property owner which resulted in a court ordered rezoning.

- Speaking again, Mr. Sprader gave some history of the commercial development for this area. He asked if every property going toward Haggerty Road could be zoned commercial, whether or not it was currently a residential property.

Commissioner McCarthy said there are several properties in the area referenced, many are developed as single family homes and are adjacent to other single family homes and residentially zoned parcels. There are a lot of factors that would have to occur in order for all the properties to be rezoned and it is unlikely to happen but we cannot commit to saying it will never happen.

- Ashley Peper, 19450 Smock, also addressed traffic concerns. Was the traffic from vendors who would be coming and going at the Cooper-Standard site taken into consideration?

Traffic Engineering Consultant LaMourie said the traffic impact assessment provided by the applicants used the Institute of Traffic Engineers' *Trip Generation Manual*, consistent with traffic impact assessments completed throughout the area and the country. The vendors would have been taken into consideration.

- Continuing, Ms. Peper remained concerned that the vendors were not taken into consideration. She also spoke to the quiet privacy offered by the affected neighborhood, which would be negatively impacted by this development. Since the child care center would have a cafeteria and a gym, was this a daycare or a school? Last, how could an R-1 property have a daycare as an approved use? She also felt the 300-foot notification did not reach all the affected residents.

Township Planner Frey explained that a child care center was a permitted use in both R-1 and OS districts as a special land use, which could be approved if it met certain criteria as outlined in the ordinance. The original daycare approval went through the special land use process for its approval. Notifications went out in compliance with state requirements. The agenda was publicly published on the website, and distributed via the Township's public email list. The special land use and rezoning were also published in a local newspaper.

- Rosa Russenberger, 19355 Smock, said they had come this evening not understanding that a previous plan had already been approved. She was baffled by the process, and felt the original daycare approval process was underhanded. The impact on the neighborhood could not be adequately predicted. She felt the residents should have been allowed more of a say regarding the original approval.
- James Royster, 19304 Fry Road, was concerned about added traffic that would result from new residential development in the City of Northville, which was currently under consideration. There were also other planned developments on 7 Mile in the Township. Could 7 Mile Road be turned into a boulevard?
- Speaking again, Ms. Horalek said that 15 years ago the residents opposed a day care at Pierson and 7 Mile Road. She agreed that the 300-foot notification was not enough.
- Frank Carlsen, 19229 Pierson Drive, was concerned about traffic for the reasons already stated. The Pierson and 7 Mile traffic light would be the 4<sup>th</sup> traffic light from I-275 heading west to Pierson, or less than a mile. Did the previous approval involve a rezoning? He opposed the rezoning requested this evening.

Township Planner Frey said tonight was the first time a rezoning request was being heard for the property at Smock and 7 Mile. The previous approval had involved a special land use only. Because the applicant wanted to flip the uses, they had to request rezoning for this property.

- Continuing, Mr. Carlsen was also concerned about the extra 720 vehicle trips in and out of the proposed child care center. Also, past experience showed that traffic simulations were not always accurate. He opposed the rezoning request.

Seeing that no one else came forward to speak, Chair Zawodny closed the public hearing at 9:05 pm and invited the applicant to address the comments made.

Mr. Schmitz reiterated that he did not know the community had issues with this development when he purchased the property and its approved site plan. He made the following points:

- The child care center would be for children 6 weeks to kindergarten age, which met the definition of a daycare under state law.
- They were not a play-based system, but rather were education-based.
- The gymnasium allowed the children to play inside during inclement weather.
- Regarding traffic, his staff had performed traffic counts at their existing facilities, including counts at 15 minutes intervals during peak hours. Between 7 am and 9 am there were a total of 91 cars. Between 4 and 6 pm, 81 cars.

- Not all of their students were full time; ½ of the school was Montessori, offered for half as well as full days. The rest of the students worked from the Abeka curriculum.
- 80% of the students lived within a very few miles; their parents were already using the main roads, including 7 Mile. They would not be adding traffic to 7 Mile Road.
- He had purchased the property for \$1.5 million, packaged and ready to go. It was his vision to make the changes. Flip-flopping the uses made better sense, especially regarding traffic flow.
- The roads involved, including the neighborhood roads, were all Wayne County roads. Under the current plan, Wayne County had asked if they would grant additional easements so that 7 Mile Road could be widened in the future; the applicants had granted this request. The new plan showed the additional setback.
- As a developer, he was doing everything he could to help with traffic mitigation.

Chair Zawodny brought the matter back to the Commission for further discussion.

Commissioner Anderson asked what uses would be permitted if the subject site were rezoned to OS. Township Planner Frey said that permitted uses were primarily office uses, and would not allow retail or fast food, etc. The development envelope would be limited by the size of the parcel itself, and the required setbacks of a corner lot.

Chair Zawodny asked about the comments made regarding previous statements by Township representatives limiting commercial development on the north side of 7 Mile. Township Planner Frey said she could not address that issue. The older request for a day care on the north side of 7 Mile may have been for a parcel located mid-block, which would have been much less compliant with the Master Plan and the established development than the current proposal.

Commissioner Shadko said that while he was not on the Board or Commission in 2008 when annexation hearings were held, he remembered that there were statements of preference made regarding commercial uses expanding on 7 Mile to Haggerty Road. He did not remember actual promises, however.

Township Planner Frey said that if property owners made requests such as was occurring this evening, the Township was obligated by law to follow through the process.

Commissioner McCarthy said he had been on the Commission for 19 years and did not remember promises made by the Commission regarding commercial development on 7 Mile Road.

Commissioner Shadko said that tonight the public had spoken strongly about traffic issues on 7 Mile Road, and also about their desire not to have commercial development on the properties between Smock and Fry. However, that was not what was being discussed this evening. Tonight the Commission was discussing a rezoning request. If the Commission did or did not recommend rezoning to the Board of Trustees, the development would still go forward. The rezoning would at least allow traffic mitigation not required by the original approval, and also provide for further site plan review.

Chair Zawodny acknowledged the concerns brought forward during public comment. Staff and Commissioners had already spent time trying to assess the situation, including sitting at Fry and 7 Mile, monitoring traffic there. The Commission was trying to do the right thing in a deliberate, unrushed process. The concerns brought forward at tonight's meeting and in August about traffic, ice in the winter, and the overall character of the community had to be balanced with development that would go forward in any event. The amended plan, if moved forward, would allow examination of details during site plan review that could not be discussed otherwise. Last, after sitting at Fry and 7 Mile, watching people make left turns as best they could, he had concerns about adding the proposed entrance off 7 Mile Road, which could very well be more dangerous than the use of the side roads.

Regarding the traffic count, the idea that 720 trips would be generated by the proposed child care center needed some perspective; using that type of calculation the existing day care should have 320 trips. Yet the existing day care was listed in the traffic impact assessment as generating 70 trips per day, and that was validated by on-site visual review.

Chair Zawodny continued that he was trying to weigh all the concerns discussed, including the fact that the proposed child care center would have more students than the one previously approved. The Commission was here to listen to the public, to the applicant, and then to make a decision; he was not sure he was ready to do that this evening.

Commissioner Guerriero said that he understood the investment people made in their homes, their neighborhoods and their way of life. He had experienced similar changes in his own neighborhood. However, the Commission had to deal with facts, one of which was that the Commission was faced with a situation where there was an approved plan that could go forward immediately. That earlier approval had not been granted in a vacuum; residents came for the public hearing, and the public input resulted in the entrance being from Fry, with no entrance on Smock. On the other hand, tonight the developer had brought an amended approach that would flip-flop the uses, that would provide off-site traffic mitigation, and would require site plan review and approval. The proposed zoning change required that the Commission make a recommendation to the Board of Trustees, who would make the final decision. He thought the developer had offered good faith improvements to the original approval.

In response to a question from Commissioner Shadko, Township Planner Frey explained that tonight's options were 1) to postpone a decision, if specific additional information was necessary, or 2) recommend approval or denial to the Board of Trustees. The Township Board would then make the final decision on the rezoning request.

Commissioner Shadko said he would like to know what the effect on traffic would be to have entrances off Fry and Smock, and no entrance on 7 Mile Road.

Township Planner Frey said that discussion would be a site plan issue, should a new site plan be submitted. The Township could not accept a site plan submittal until zoning was in place that would allow it to go forward.

Commissioner Shadko revisited the discussion as to how long the old site plan would be valid. Could both site plans be valid at the same time, so that the applicant could then make a choice as to which site plan he would use going forward?

Township Planner Frey explained that if the property were rezoned, the owner or future owner(s) could submit a plan that would include any of the uses permitted under OS zoning. However, the old approval was still in force, including the special land use and the approved site plan. The day care could be permitted as a special land use in OS and R-1 districts.

Mr. Schmitz said they would be unwilling to give up the current site plan approval and building permit application. They were, however, willing to work with the residents and Wayne County to construct a plan that worked for everyone.

In response to a question from Commissioner Lark, Township Planner Frey said the elimination of the access to Smock was a condition of the prior special land use approval. If there was a new plan in place, the site could be reviewed in totality, including an access off Smock.

Township Planner Frey emphasized that the plans shown on the developer's presentation were working drawings that had not been submitted to the Township for review.

Commissioner Anderson said that if the rezoning were approved, and the developer decided to sell, another developer could come to the Township with plans for two office buildings side-by-side.

Mr. Schmitz reiterated that he was unwilling to give up his current site plan approval by going through this process. He felt that the proposed changes enhanced the site, but if they did not go forward, he would not give up the approvals now in place.

Chair Zawodny reviewed process for both agenda items this evening. It came out in discussion that conditions could not be placed on a rezoning request; an offer of a use-specific or site plan-specific rezoning request had to come from the applicant. A special land use could be approved with conditions.

Regarding the question of how long the original site plan approval would be in effect during this process, the recommendation was to seek attorney opinions, both at the Township level and by the applicant, preferably before the rezoning request was heard by the Board.

After further discussion regarding the advantage of the Commission having the ability to review a new site plan, as well as the ability to attach conditions requiring traffic mitigation to a new special land use approval, the consensus of the Commission was that



Chair Lark suggested requiring an evaluation regarding opening an access off Smock, in addition to or instead of the access off 7 Mile Road, with the site plan submittal.

Traffic Engineering Consultant LaMourie said that evaluation would require a revised traffic impact assessment, which would also offer the opportunity for additional traffic counts to be taken when public school was open.

Commissioner Shadko asked if the Fry Road access should be located further north, to give greater separation between that access and the access to the existing day care on Fry. Traffic Engineering Consultant LaMourie said that potential change had already been discussed with staff.

Commissioner Guerriero suggested conditioning the special land use approval on the Board approving the rezoning request. Additionally, perhaps the special land use could be tied to detailed site plan review.

It then came out in discussion that the special land use needed to be acted on before site plan review. However, certain conditions could be added to a special land use approval regarding site plan submission.

Chair Zawodny suggested a study session to discuss schematic level drawings. Usually when a special land use was approved, the parameters of properties on all sides were known. Until the Board acted on the rezoning request, those parameters were still uncertain.

Mr. Schmitz said while they were willing to participate in a study session, he did not think a study session needed to occur before special land use approval.

After further discussion, and taking into consideration concerns and comments made this evening by the public and the Commission, Commissioner Anderson indicated she was ready to offer a motion.

Even though this agenda item was not a public hearing, Chair Zawodny said he would take public comment before there was a motion on the floor.

- Ashley Peper, 19450 Smock, was concerned about both parcels involved in this development being zoned OS, which might allow a big office development in the future. Would it be possible to void the OS zoning on the day care parcel?

Commissioners explained that if a large office project was proposed for both sites, the parcels would have to be combined, and any redevelopment would need to comply with zoning ordinances. Tonight's action would not affect the OS zoning designation for the parcel at Fry and 7 Mile Road. The Commission could not condition approval on a future reversion of zoning designation. The parcels were small; it was difficult to see a large office development occurring on the lots as sized.

- Mike Shaw, 19405 Fry Road, asked if with tonight's recommended rezoning, the special land use for a child care center could be denied, so that two office buildings might be constructed. The traffic from the child care center was the big issue tonight.

Commissioner Guerriero said that such a denial would only encourage the developer to develop the site under its current approval.

- Mr. Shaw reiterated that notification to residents was inadequate.
- Gail Horalek, 19477 Smock, also felt notification was inadequate, and thought the process was underhanded.

Commissioner Anderson said the Commission went above and beyond requirements to comply with the law, meet the needs of the community, and open the meetings to the public and listen carefully to public comment. The public also had responsibilities to look at agenda notifications sent out by the Township and stay abreast as to what was happening in the Township.

Chair Zawodny reviewed tonight's action, including the fact that if the Board of Trustees granted the rezoning request, there would be potential in the future for both parcels in this project to be developed as office uses, with or without a proposed combination of properties.

**MOTION by Anderson, support by McCarthy, in the matter of PSLU19-0001 – Special Land Use, Parcel ID# 77 003 01 0082 300 (7 Mile at Fry Rd.), to approve a Special Land Use for a Child Care Center, with the following conditions:**

1. Township Board of Trustees approval of the rezoning for the adjacent parcel at 40724 Seven Mile Road.
2. Traffic improvements presented this evening, including: 1) separate right-turn lane on the southbound Fry Road approach to 7 Mile Road, and 2) westbound right-turn deceleration lanes on 7 Mile Road at both the proposed 7 Mile driveway and at Fry Road.
3. Drainage at Fry and 7 Mile be improved to the Township's satisfaction.

Chair Zawodny said he would oppose the motion because there were unknowns in terms of whether the rezoning of the parcel at Smock and 7 Mile would be approved by the Board of Trustees; he was concerned regarding the order of the process.

Roll Call Vote:           Ayes: Anderson, Guerriero, Lark, McCarthy, Shadko

Nays: Zawodny

**Motion to approve carried 5-1 (Zawodny opposed).**

**Other Business:** None.

**Department Reports:**

Jennifer Frey, Township Planner

- None.

Eric Lark, Zoning Board of Appeals

- September Meeting Summary

Fred Shadko, Board of Trustees

- The Village at Northville Lofts summary. Denied request to reduce parking in the parking deck. Elevation changes for the lofts would be returning to the Planning Commission.
- Ordinance Amendments approved

Tom Casari, Director of Public Services

- 6 Mile and Beck Roads intersection improvements update
- Millennium Park paving update
- Fire station demolition complete

**Extended Public Comments:** None.

**Adjournment:**

**Motion by McCarthy, support by Guerriero, to adjourn the meeting at 10:36 pm.**

Voice vote:           Ayes: All  
                              Nays: None

**Motion approved unanimously.**