

**CHARTER TOWNSHIP OF NORTHVILLE
PLANNING COMMISSION
October 29, 2019**

DATE: October 29, 2019
TIME: 7:00 PM
PLACE: Northville Township Hall
44405 Six Mile Road

APPROVED: December 3, 2019

CALL TO ORDER: 7:05 PM

ROLL CALL:

Present: Lisa Anderson, Timothy Guerriero, Eric Lark, George McCarthy, Fred Shadko, Jayne Watson, Tim Zawodny

Excused: None

Staff: Jennifer Frey, Township Planner
Tom Casari, Director of Public Services
Ernest Essad, Township Attorney

Approval of Minutes:

Planning Commission – September 24, 2019
Planning Commission Study Session – October 15, 2019

Commissioner McCarthy asked that his comment, . . . *the short answer was "no."*, on page 9, line 397 in the September 24, 2019 draft minutes be clarified to better represent his intent when answering a question about potential commercial development on the north side of 7 Mile Road going toward Haggerty Road: that the probability was highly unlikely that those properties would ever be rezoned, but it was not totally impossible.

MOTION by Shadko, support by McCarthy, to approve the September 24, 2019, and October 15, 2019 Planning Commission meeting minutes, with the change in the September 24 minutes as noted above.

Voice vote: Ayes: All
 Nays: None

Motion approved unanimously.

Correspondence:

Chair Zawodny acknowledged correspondence from Brian & Liz Buckmaster, 19677 Maxwell, regarding Item 1 under Old Business.

Brief Public Comments:

- John Sprader, 19754 Fry Road, reviewed issues that had impacted the 7 Mile and Fry Road area (Grand View Acres) over the last 40 years, and asked for follow-up regarding some of those issues, including whether oil drilling in the neighborhood was prohibited into perpetuity and if records existed regarding the Phillips Road easement. He commented that some residents preferred to live on unpaved roads with no streetlights.
- Kathy Huyck, 19717 Maxwell Road, also spoke to the history of Grand View Acres, and emphasized neighborhood action when Northridge Meadow Apartments were constructed. She said that the Grand View Acres neighborhood did not exist by accident, but through the hard-fought efforts of its residents.
- Gail Horalek, 19477 Smock, addressed issues regarding Item 1 under Old Business, and noted that in the past the residents had fought having a daycare at the edge of the neighborhood.

Old Business:

- | | | |
|----|-----------------|--|
| 1. | PSLU17-0001 | Special Land Use Extension |
| | Representative: | Jeffery Schmitz, JS Capitol |
| | Property Owner: | JS Northville, LLC |
| | Location: | 40724 Seven Mile Rd |
| | Action: | Extension of the Special Land Use for a Child Care |
| | Center | Approve, Approve with Conditions, Postpone, Deny |

Chair Zawodny explained that this application was a request to extend the special land use that received final approval in October 2018 for a child care center at 40724 Seven Mile Road.

Township Planner Frey said that originally the Planning Commission reviewed the site plan for the office and child care center component, with review of the special land use criteria for the child care center component only. The Township had followed required process and notification for approvals at public meetings. Tonight's request was limited to a request for an extension of the special land use at 7 Mile and Smock Road only; the site plan extension request would be reviewed administratively, as authorized by the zoning ordinance.

Throughout the following discussion and the public hearing, the following section under Article 30 Special Land Uses was referenced:

Section 170-30.8 Extensions:

A single one-year extension may be approved by the Planning Commission. Requests for extensions must be made in writing prior to the expiration date of the approval. An extension shall be granted if the applicant provides evidence that the use and site plan have a reasonable likelihood to be established during the one-year extension period. The applicant may be required by the Township to submit a new site plan if the Township finds there have been applicable amendments to this chapter since the special land use was approved.

Township Attorney Essad explained that the property had been granted a special land use approval in October 2018. The applicant had made a request for extension in writing prior to the one year elapsing. Therefore the Planning Commission would need to make a determination whether or not there is a reasonable likelihood that the use which was approved will be established in the following year.

The ordinance did not include exact standards as to what *reasonable likelihood* meant. There were more exact standards in Michigan case law as to what the *establishment of a use* means: the applicant is proceeding with a project, and the more construction and the more money spent the more established the use is. Tonight the Commission needed to hear from the developer exactly what steps he plans on taking in the next 12 months to establish the use, such as pull building permits, tap into water/sewer lines, construct the foundation, get the building up, and so on. Whether or not the developer has financing and/or a tenant, and whether he has entered into contractual arrangements relying on the special land use is also important. Those are all factors the Commission should consider.

Township Attorney Essad continued that the establishment of the use within 12 months does not have to be an absolute certainty; it has to be a reasonable certainty. It is therefore incumbent upon the developer to give the Commission assurances and/or evidence that he fully intends to establish the use within the next 12 months. If the Commission becomes convinced that the developer has given sufficient reliable information that the use will be established within 12 months, the Commission *shall* grant the extension; the decision is not discretionary.

Commissioner Lark asked if evidence needed to be provided beyond verbal assurances that the project has a reasonable likelihood of being completed within a year.

Township Attorney Essad said that the more the applicant produced in terms of assurance, the better. For instance, a copy of a lease agreement and construction financing would carry weight. Completed construction plans that are permit-ready would also be significant. Again, the ordinance did not include specific standards.

Commissioner McCarthy commented that the project had to be started, but not necessarily completed, within the year.

Township Attorney Essad said that was correct. Additionally, under state law, special land use approvals can become vested rights to the developer/property owner the further along the project goes. For instance, a project that was half done and then something happened – labor shortages, material shortages, economic disaster, etc. – that prevented the developer from moving forward for a period of time, the developer's vested right in the special land use would not be negated unless he intentionally abandoned it.

Commissioner Anderson pointed out that the applicant had listed 2 parcel ID numbers in his written request, the parcel that had a prior special land use approval, and the adjacent parcel, which was part of the overall development project. Tonight's discussion only related to parcel #77-003-01-0084-000, even though at the September 24, 2019 meeting the Commission conditionally approved a special land use for the adjacent parcel for the same use.

Township Planner Frey said that was correct.

Commissioner Anderson reiterated that for tonight's discussion the Commission needed to determine whether the applicant had established that they were going to make reasonable progress establishing the special land use on the single parcel at 7 Mile and Smock, identified by parcel ID #77-003-01-0084-000. The Commission was not looking at the entire project of child care center combined with office building.

Township Attorney Essad said that was correct.

Commissioner Guerriero asked if the Commission could approve an extension of less than one year. Township Attorney Essad said the ordinance spoke to one year only, allowing for a single one-year extension.

Commissioner Anderson asked if the special land use approval lapsed, could the applicant request a new special land use approval for the same or similar request. Township Attorney Essad said under that circumstance the applicant would need to ask for a new special land use approval, as though the prior approval never existed. It would be a brand new process.

Chair Zawodny invited the applicant to make his presentation.

Tom Ryan, 2055 Orchard Lake Road, Sylvan Lake, attorney for the applicant, was present on behalf of this application for extension of a special land use. Owner Jeffery Schmitz, 1248 W. Predmore Road, Oakland Township, was also present.

Mr. Ryan thanked Township Attorney Essad and the Commission for their discussion of process. The 2nd parcel listed in the written request was for an extension of the site plan for a medical office building, which was in process of being reviewed administratively.

Because the parcel at Smock and Fry had a special land use approval, the Planning Commission had the authority to grant a one-time, one-year extension of that approval, if the Commission deemed it appropriate. The subject property was completely owned by his client, the financing was in place for planned improvements, and a lease agreement had been signed. Those documents could be provided as privileged information.

Mr. Ryan continued that it was his client's intent to develop this property as a child care center and the adjoining property as a medical office building at the same time, with one construction effort. All necessary permits would be processed and progress would

be made within the next 12 months. In other words, his applicant did have the wherewithal and desire to begin the project within the next year, with completion thereafter. Also, Mr. Ryan believed under state law they would have 5 years to finish the project, although it would not take nearly that long.

Commissioner Lark asked Mr. Ryan if he agreed with the standards for granting an extension as laid out by the Township Attorney. Mr. Ryan said he did agree.

Commissioner Lark said some of the materials the Commission had received seemed to indicate the project needed to be substantially completed within one year. Did the project need to be substantially completed, or only permits issued?

Township Attorney Essad explained the standard the Commission needed to use was the one in the ordinance: *An extension shall be granted if the applicant provides evidence that the use and site plan have a reasonable likelihood to be established during the one-year extension period.* Again, the ordinance did not define exactly what that meant, although it did sound like the applicant had all the things in place necessary to commence the project. The reference to *substantially complete* came out of Michigan case law, and referred to vesting of the right to the special land use, as previously explained.

Township Attorney Essad said that the ordinance set forth a relatively low standard for the applicant to meet. The applicant had stated that he owned the property, had financing, had a signed lease, had an intention to move forward, and had financial incentive to do that.

Township Attorney Essad gave further information regarding a vested right to a special land use, and when that vested right might be litigated in terms of substantially complete or substantially built standards, and explained standards regarding abandonment.

For tonight's purposes, the Commission needed to come to a conclusion regarding the reasonable likelihood that the developer will establish the use within the next one year. Beyond what the Township ordinance said, state law determined establishment of a special land use as being a vested right to the owner if the owner lawfully comes in possession of the special land use permit and then acts upon it in a substantial way. There were a number of cases that dealt with what substantially completed meant. The closer a developer was to the end of a project, the more likely the court would find that there is a vested right for that developer to continue.

Commissioner Lark asked for clarification regarding how long the applicant would have to complete the construction. Did the developer have 5 years?

Director of Public Services Casari said he believed that as long as a developer was making progress and scheduled inspections every 6 months, the building permit would remain active.

Mr. Ryan reiterated that they had the intent and the financial wherewithal to establish the project within one year.

Commissioner Guerriero asked if the signed lease and financing were for a daycare center at 7 Mile and Smock, and an office building at 7 Mile and Fry. Mr. Ryan said that was the case.

Commissioner Guerriero pointed out that the applicant currently had a revised site plan and special land use proposal pending before the Township Board. Was the applicant now abandoning that plan in favor of the original plan?

Mr. Ryan said the revised plan was not being abandoned. The applicant was making sure that the original approval did not lapse, in case the revised plan didn't work out.

Commissioner Guerriero asked if the signed lease had a contingency included that would allow the tenant to get out of that lease if the revised plan was approved, or would allow the tenant to move to the new location, if the uses were flip-flopped as requested under the revised plan.

Mr. Ryan said that was the case. In response to further questions from Commissioner Guerriero, Mr. Ryan said the tenant would take possession of the property regardless of the final location. The same financing was in place regardless of the final location of the two development projects. That was evident in the supporting documents.

Commissioner Guerriero asked why the supporting documents weren't submitted prior to tonight's meeting.

Mr. Ryan said that as he was only recently retained, and the documents had personal information that had not yet been redacted.

Commissioner Guerriero said that the standard clearly required the applicant to submit reasonable evidence of his intention to proceed. However, the Commission only had statements from counsel.

Mr. Ryan explained that many boards would accept statement of counsel followed up by the documents. The documents could be submitted tomorrow to Township counsel.

Commissioner Lark asked if a memorandum of lease had been recorded. Mr. Ryan said it had not.

Commissioner Anderson said she had similar questions as those asked by Commissioner Guerriero. Had building permits been pulled or plans submitted for final engineering approval?

Mr. Schmitz said that he would immediately, right now, forward the commitment letter from his financial provider, his financial statements to support that commitment, as well as the lease and any amendments to the lease, to township staff. He said with the

revised submittal they had tried to flip flop the uses on the site and make some adjustments to them. In either case, they intended to start construction this spring on the project.

Mr. Schmitz further explained that approximately 9 months ago he had a check and building permits ready to submit, but after meeting with the Township Planner, had decided to try to switch the location of the uses. Based on the push back received to the revised application, he was asking for an extension for the original special land use, and they were ready to submit for a permit immediately if they chose to do that.

Chair Zawodny asked if there had been any interaction with the County regarding the permitting process. Mr. Schmitz said approximately 9-10 months ago they received the few revisions the County requested at the same time that they had a land clearing/soil erosion permit. They had not moved forward because he wanted to see if the uses could be flip flopped, thereby improving site ingress and egress.

Commissioner Anderson asked again if final engineering approval had been received for their plans. Mr. Schmitz said they had not received final engineering approval; they had not submitted their final engineering plans to Wayne County. However, the engineering plans had been completed based on Wayne County's recommendations for modifications. The applicants also had their final construction documents ready to submit for the child care center; those had been ready for approximately 9 months.

In response to a question from Commissioner Shadko, Mr. Schmitz said if the uses were able to be flip flopped, the building sizes would also change. They had added a gymnasium and a cafeteria to the child care center building. Their tenant for the medical building didn't need 12,000 square feet, and that building was proposed to be reduced to 7,000 square feet. The change would result in single tenants for both uses.

Chair Zawodny asked that the discussion focus on the current request for special land use extension.

Commissioner Watson said she had not participated in the initial approval for the special land use, but it did seem to her that the most recent application that proposed flip flopping the uses presented a new tenant, a new set of plans, and a new design over what was previously approved.

Township Planner Frey explained that there was an approved site plan for the office use at 7 Mile and Fry and the child care center at 7 Mile and Smock. The child care use at 7 Mile and Smock was also subject to the special land use that was the topic of tonight's discussion, and which was contingent on receiving the extension requested this evening.

The revised proposal was separate, and was in the process of going through rezoning, special land use approval, and site plan approval. The new version could not be placed retroactively on the site, using the previously approved site plan and special land use approval, because of the changes in size, footprint, and location.

Commissioner Watson asked if the original child care center footprint was smaller than the newer version. Mr. Schmitz explained that the revision enlarged the child care facility. The newer proposal was a little different than the original approval, but not greatly different.

Commissioner Anderson said she understood what the applicant was trying to accomplish. What she was wrestling with was making the determination that the applicant was reasonably likely to establish the original special land use on its original parcel within the next year, when the Planning Commission had just had a lengthy meeting last month discussing the proposal to flip flop the uses so that the applicant could proceed with a special land use on the other parcel. It was difficult to reconcile making a determination of reasonable likelihood when the applicant's stated intent was to move forward with constructing a child care center on the other parcel.

Mr. Schmitz acknowledged that if he had understood how difficult this process would be, he would never have submitted a revised proposal.

Mr. Ryan pointed out that the parcel, and the entire site, was Mr. Schmitz' property. Mr. Schmitz had the financing, and he was demonstrating his interest. If the revised plan did not work out and this extension was granted, he would implement the original plan. He was not disinterested in the property. The fact that he would like to do something else was not the issue being discussed this evening, although it did help show how interested Mr. Schmitz was in developing the property and moving forward with that development in one year. The original special land use should be extended because it had already been approved by the Planning Commission, and the only question was whether the original plan would be built, or the revised plan. Mr. Schmitz was interested and ready to move forward; the uses would be established on this property within one year.

Chair Zawodny summarized that the Township's process included the expectation that once the project was started it would continue until completion, with inspections called for at least every 6 months. The State would give 5 years to complete the project, and there was an exception for an unforeseen economic disaster.

Director of Public Services Casari agreed, and said that if work suspended for 6 months or more, the building permit could be nullified.

Chair Zawodny opened the public hearing.

The following residents spoke against granting the special land use extension:

- John Sprader, 19750 Fry
- Laura Kelley, 19851 Smock
- Mark Peper, 19450 Smock
- Chris Hall, 19650 Pierson Drive
- Carol Lawrence, 19782 Pierson
- Ed Huyck, 19717 Maxwell

- Ashley Pieper, 19450 Smock
- Clarissa Russenberger, 19355 Smock
- Jim Thompson, 19820 Marilyn Street
- Gayle Horalek, 19477 Smock
- Sue Woodsum, 19880 Smock
- Rosa Russenberger, 19355 Smock
- Brian Stimach, 19801 Smock
- Kevin Biondo, 19355 Fry

The residents spoke about the following:

- Traffic concern issues including having entrances on side streets, child care center clients parking on residential streets and using the residential neighborhood for alternative routes, existing traffic conditions which were severe and already causing back-ups when residents tried to turn east on 7 Mile Road, the impact of Standard Cooper when that facility opened, etc. Traffic issues were the major concern presented this evening.
- Two residents spoke about traffic studies that they had done in their neighborhood, and referenced documents submitted to the Township. By their calculations, the child care center would generate 800 trips per day.
- FOIA requests were referenced, along with concerns that it was difficult to get all the data to make appropriate and intelligent arguments. Could the request be tabled to make sure the process was done right, and not just fast?
- Was appropriate process being followed? It appeared that the original application filed by a previous developer had an incorrect parcel ID number, and the signature of the owner's representative had been missing.
- Could the Commission approve the extension conditionally, with additional requirements? If so, what kind of conditions could be attached to an approval?
- Residents were concerned about traffic and other conditions that had changed since the original approval. Could changed conditions be taken into account when deliberating whether to approve the extension?
- Residents questioned whether the original special land use approval had met standards for approval, including 170.30.4.C. *Traffic Impact Standards*, and Section 170.30.4.D. *Impact on Public Services*.
- The applicant had not submitted appropriate documentation.
- Several residents questioned why the developer would want to continue with the project when the surrounding neighborhood was so opposed to it.
- Issues of noticing were raised – the 300-foot notice requirement did not reach everyone.
- Lack of development in the last year did not encourage someone to think development would go forward in the next 12 months.
- Several residents were concerned that the Commission had not considered the residents' quality of life when the original approval was granted.
- There were questions about terminology. How was *reasonable* defined? Did *shall* mean *must*?
- If the developer was pursuing another development configuration, was it reasonable to think he was going to begin construction under the original approval in the next 12 months?

Throughout the public comment period, Chair Zawodny asked Township Attorney Essad to comment on the issues being raised, and Township Attorney Essad made the following points:

- Some of the residents appeared to be asking the Commission to revisit the special land use and site plan approval that was granted over a year ago. However, those approvals were in place. If the developer did pursue a change such as flip-flopping the uses, everything would be re-opened. Right now there was an approved site plan and special land use, and the developer was requesting a one-year extension. Issues that had occurred post-closing, or other information brought forward since that time, could not be discussed as part of the extension request, unless some sort of fraud was perpetrated, which did not appear to be the case. The developer had the right to request the extension.
- Township Attorney Essad had received this evening via email the documentation mentioned earlier, and it appeared that the financing and lease documents were in place. The representations made by Mr. Ryan appeared to be confirmed.
- Traffic issues brought forward could not be considered this evening, in that no amendment to the site plan was being requested.
- The ordinance called for an up or down vote on the extension. The ordinance did not provide the Commission the authority to add new conditions to the site plan for an extension of the special land use.
- The Commission needed to make a factual determination on whether there is a reasonable likelihood that the developer will establish the use within the next 12 months, and based on that determination take the up or down vote. The issue before the Commission was a narrow one.
- The parcel ID number that was incorrect in the original submission had been corrected during site plan review. Also, the representative's signature was missing as mentioned, although the owner did provide his signature. A sentence in the application stated the application is void *only* if the applicant fails to remit the application fee. Through the course of site plan review a number of submittals were made which essentially cured any defect in the original application. There was no legal impediment based upon missing or incorrect data contained in the original application; missing or incorrect data had been cured, waived or corrected during the special land use and/or site plan process. The Commission could move forward to approve or deny this request for extension this evening.
- The ordinance did not permit opening up issues that were gone through during the original site plan and special land use approvals. The only new situations that could be considered were whether the Commission *finds there have been applicable amendments to this chapter since the special land use was approved*. This question had been researched and there had not been amendments to the ordinance that affected this project or the commission's ability to approve the extension. Granting the special land use extension would not be impeded by the ordinance itself, and the Commission did not have the authority to go back and relook at the issues discussed this evening.
- The law works this way: If something is not in the ordinance (the law), it does not exist. The Commission can't create new requirements that are not in the ordinance.

- In legal terms, *shall* means *must*.

Township Attorney Essad reiterated that the only issue before the Planning Commission was whether or not there is a reasonable likelihood that the special land use will be established during the one-year extension. Everything else, from the inception of the project through the date of the approval of the site plan and special land use was settled and the Commission could not re-look at that, because the ordinance did not give them that authority.

Chair Zawodny said that while the Commission appreciated the comments being made and the concerns about traffic brought forward not only at this meeting, but also at a previous Commission meeting and before the Board of Trustees, this evening the Commission had a very specific charge relative to the ordinance requirement regarding the applicant's request for a one year extension of the original special land approval.

Chair Zawodny closed the public hearing and brought the matter back to the Commission.

Commissioner Shadko asked the Township Attorney to again clarify the meaning of the word *shall*.

Township Attorney Essad reiterated that *shall* means *must*. Again, the only issue before the Commission tonight is whether or not the Commission is convinced that the developer has a reasonable likelihood to establish the use he was granted under the special land use. Given the information provided, that the developer bought the property, paid for it, has signed tenants, has created a single construction project to get both buildings built at the same time, has a lease in place conditioned on the building being completed, and has his financing in place – the last two items received this evening via email – it is now up to the Commission to determine whether or not someone would do all that, have his plans almost shovel ready, and not be likely to establish the use over the next year.

Chair Zawodny again acknowledged the comments and concerns of the audience. He explained that the Commission was responding to a very specific procedural issue only. He asked if the Commission was ready to move forward.

Commissioner Shadko indicated he was ready to offer a motion, based on the information received this evening including the documents received by Township Attorney Essad via email on his phone.

MOTION by Shadko, support by McCarthy, that in the matter of PSLU17-0001 Special Land Use Extension, for the property known as 77-003-01-0084-000, located at the northwest corner of Smock Street and 7 Mile Road, the Planning Commission grant the application to extend the special land use for a child care center for one year.

Commissioner Watson expressed her appreciation for everyone's comments this evening. She said the Commission was in a tough spot because of the limits of the motion and what was being considered. The Commission was not given the option to make new determinations regarding the original special land use approval.

Commissioner Anderson said she would not support the motion. While she understood and respected Township Attorney Essad's comments, in her opinion the fact that new plans submitted for a different proposal were now before the Board of Trustees outweighed the fact that there was a lease agreement in place, etc. In her opinion there was not a reasonable likelihood that this use on this particular lot will be established within a year.

Commissioner Watson said she would vote no for reasons similar to Commissioner Anderson, and also because she had not participated in the original special land use vote and had questions regarding that decision.

Commissioner Guerriero said he would also vote no, for the reasons set forth by Commissioner Anderson.

Chair Zawodny said he would support the motion, for the reasons stated in tonight's meeting, and because he believed the ordinance requirements had been met for extension approval.

Roll call vote: Ayes: Shadko, Lark, McCarthy, Zawodny

 Nays: Anderson, Guerriero, Watson

Motion approved 4-3.

New Business:

- | | | |
|----|-----------------|--|
| 1. | PSCON19-0001 | Westridge Site Condominiums |
| | Representative: | Dewayne White |
| | Property Owner: | East Detroit Country Daycare LLC |
| | Location: | 17191 Ridge Road (Northwest corner of Ridge & 6 Mile Rds.) |
| | Request: | Concept Plan |
| | Action: | Recommend to the Board of Trustees |

Referencing her October 7, 2019 letter, Township Planner Frey gave the background for this request for a recommendation to the Board of Trustees for a concept plan for Westridge Site Condominiums, located at the northwest corner of 6 Mile and Ridge Roads, in an R-2 (single family residential) district.

The applicant was seeking approval under the lot clustering option (footnote BB in Article 18), which allowed the Township to reduce the R-2 district dimensional requirements in return for the provision of open space or preservation of natural

features and provided that the overall density (lot count) did not exceed what could otherwise be built on the property.

The base density for the site must be supported by a conventional alternative plan, which illustrated how many lots could feasibly and practically be constructed on the site meeting the dimensional requirements of the R-2 zoning district and compliance with other applicable ordinance regulations. The base density for the project was five single family lots meeting the R-2 standards.

Township Planner reviewed the 6-step process for cluster option approval, which ultimately would be approved by the Township Board.

Outstanding issues included:

Layout:

1. The limits for decks and patios should be identified. Decks and patios may encroach up to 16 feet into the required rear yard setback.
2. A 10-foot wide pathway was required along Ridge Road.
3. Units 3 and 4 could be angled around the cul-de-sac in order to provide additional spacing between units and opportunities to cluster trees between those units.
4. The detention pond was not permitted to be located within the Six Mile Road greenbelt. The high water mark should be identified and the 35-foot greenbelt should be identified on the east side of the entrance.
5. A gazebo was provided within the open space at the end of the cul-de-sac. Consideration could be given to enhancing the open space with garden plots for the residents, since there was not space for residents to have a garden at their unit. The garden area could provide a social and functional amenity. (This was an option, not a requirement.)

Woodland Replacement and Landscape:

1. Tree #30234 did not require replacement.
2. The meaning of the abbreviation "RPT" in the class column of the tree chart should be identified.
3. Street trees were required on Six Mile and on Ridge Roads. This requirement should be added to the landscape calculations and the plan.
4. The Ridge Road greenbelt plant material must be moved on-site. Only the street trees should be located in the right-of-way.
5. As shown, the proposed trees were located at the perimeter of the site. The locations of some trees should be adjusted to provide a more natural arrangement and privacy between units, giving a more clustered look.

Township Planner Frey reviewed other departmental comments as follows:

The October 7, 2019 Fire Department review included general comments as well as the following requirements:

1. One additional hydrant was required at the entry to the court from Six Mile Road.
2. The street naming of Westridge Ct. was not acceptable, as there was a Westridge Ln. with a Northville mailing address located at Eight Mile and Novi Road.

The September 18, 2019 Township Engineer memorandum included:

1. Wayne County cross section for residential roads should be added to the plans.
2. The landscape plan should not propose landscaping that would block the ability to remove and replace stone filters, or access any inlets; construction equipment must be able to operate. Prior to final acceptance the developer would need to re-excavate the sedimentation basin, and remove and replace both sets of stone filters.
3. The new 10-foot wide asphalt path along both frontages of the development to the property line needed to be identified and must conform to Wayne County's requirements, unless waived by the County. Wayne County had approved a temporary pedestrian system along 6 Mile until this site was developed; that must conform to Wayne County's requirements, unless waived by the County.

The September 30, 2019 lighting review from Stantec listed a number of things that needed to be identified and clarified.

The Traffic Engineer had no issues with the plan.

In response to a question from Commissioner Shadko, Township Planner Frey said a maintenance agreement would be required for the pathways.

Evan Priest, project engineer, Michael Priest & associates, was present on behalf of this application for a recommendation of a concept plan to the Township Board. Owner Dewayne White, 18782 Marblehead, Northville Township, was also present.

In response to questions from the Commission, Mr. Priest made the following points:

- He believed the notation RPT on the landscape list was a typo, and was not sure what it represented. He would make sure the question was cleared up on the resubmittal.
- They had no problems meeting any of the requirements listed in the Township Planner's review letter, or the letters from the other departments and consultants. They could rotate homes 3 and 4 in order to provide room for more landscaping, as suggested.
- Under the straight zoning parallel plan, the 3 homes on 6 Mile would each have their own driveways.
- The homes would be in the 2000 square feet range, and would be single family homes with attached garages. The targeted demographic would be people who wanted to step down from larger homes, or who wanted a home in this area in the summer/fall, and had homes elsewhere during the winter months.
- Price point would be around \$500,000.
- They were planning on side-entry garages, although that was not finalized.

Seeing that discussion had ended, Chair Zawodny indicated he was ready to entertain a motion.

Regarding parking:

- 607 parking spaces were now identified on the plan: the PUD listed 614 spaces. If the Commission agreed with the reduction they would need to make that specific recommendation to the Board.

Regarding landscaping:

- Some landscape notes and modifications needed to be added to the plan. Additionally, Township Planner Frey suggested that a tree such as red or sugar maple be planted in the median to provide fall color, rather than the oak tree shown.
- A sample material board and building elevations needed to be provided.

Township Planner Frey noted that the Fire Department had approved the plan with comments. The lighting consultant had listed outstanding issues. No other staff or consultants had any outstanding concerns.

Commissioner Shadko commented that sugar maples did not always thrive in the Township.

John Ackerman, Atwell, 2 Towne Square, Southfield, was present on behalf of this application. Charles Swanson, Humphreys and Architects, 121 W Wacker Drive, Suite 2000, Chicago, was also present, as was Howard Fingerroot, Village of Northville Lots LLC.

Mr. Ackerman distributed an updated cover sheet and site plan (revisions sheet 03) to the Commission.

Utilizing a PowerPoint presentation, Mr. Ackerman reviewed the proposed elevations for the Loft Apartments, and made the following points:

- They had no issues with the comments in the Township Planner's review letter, or the Fire Department memorandum.
- The Loft Apartments was a 4 story multi-family 283-unit building wrapped around a 4 story parking structure, with north and south amenity courtyards. There was a 2-story clubhouse fitness center on the southwest corner of the of the property, and on the north side there was a double-height amenity cave space.
- Regarding the parking, the plans now showed 461 spaces in the parking structure, a loss of 5 spaces in the structure due to column placement and layout design. Surface spaces had also been reduced by 4 spaces; those had to be removed to address fire department concerns. Two street spaces were added in the northwest corner, requiring reducing the size of an island. With those changes, they were requesting a change from 614 spaces in the PUD agreement, to 607 spaces. No spaces would be land banked.
- They would resolve lighting issues with the lighting consultant.

In response to questions from the Commission, Mr. Ackerman said there would be 2.1 parking spaces per unit.

Mr. Swanson reviewed the elevation renderings, making the following points:

- Detail had been added to the columns.
- They had added a grayer color for some of the cream accent color on the upper levels of the building. The roof was cleaned up, again utilizing the grayer accent color.
- They had cleaned up the drive entry, and changed the railings from white to black. The wing walls had been increased in size to more resemble a tower.
- In response to the concern that the Beck Road façade was too bland, they had added a tower to the northeast and northwest corners of the building. This added mass and gave a point of visual interest, anchoring the sides of the building.
- The elevations were unchanged at approximately 70% total masonry (36% stone, 34% brick).
- Regarding concerns about the fiber cement panel as a product, the sample board showed an unpainted sample. The panel would be painted on site. The material had a long warranty of 50 years.
- Regarding the eastern elevation/Beck Road facade, the added tower at the north corner brought a visual interest to the northeast corner. The balconies provided a visual break-up of the façade, and darkening the balcony rails added to the recessed look. There were vertical repeating stone elements, with the larger stone as shown on the sample board. With the wide planting buffer and the architectural elements as now provided including the towers on the corners, the Beck Road frontage presented an aesthetically pleasing façade.

In response to questions from the Commission, Mr. Swanson gave the following information:

- There would be towers on all 4 corners.
- They were showing preliminary transformer locations; ultimately there would be 3 transformers. DTE would finalize the locations. The transformers would be shielded with heavy landscaping, with one side open as required for access.
- The elevations showed brown on the west facing elevation but nowhere else.
- The garage door would match an accent color from the building doors.
- Trash would be collected via chutes. The trash compactor entry would need to be open for emptying, and could not be hidden. The goal was to not make it an aesthetic focus.
- Recyclables would go in bins, probably on the 1st and 3rd floors of the garage.
- The interior courtyards would be similar in color to the exterior elevations, but would have less masonry.
- No units would overlook the parking garages. Units that opened to the single-loaded corridor that led to the garage would face out. Some units would face into the main north and south courtyards.
- Some balconies purposefully showed creamy ceilings, which architecturally “popped up” the element. Those kind of roof transitions would be worked on as the project proceeded.
- Balconies of adjoining units would be divided by a fiber cement wall.

Discussion followed regarding further specific design elements and color choices, including variations of color as shown on the renderings as compared to the colors shown on the sample board. *Keystone gray* would be on the towers that contained lap siding. *Gauntlet gray* was on the darker corner towers. *Sedate gray* represented the darker of the two lighter colors, while the lightest color was *creamy*.

Commissioner Watson asked if Mr. Swanson had confidence that the colors in the rendering would be the colors actually used. Mr. Swanson said he had confidence in their color choices. It was difficult for renderings to provide an exact match for actual materials and colors.

Chair Zawodny noted that the Hardie reveal panel system product was 7/16", slightly thicker than the usual corner of 5/16".

Chair Zawodny asked how percentage of masonry was calculated. Mr. Swanson said the percentage of masonry did not include returns. All masonry would be terminated on an inside corner. For purposes of masonry calculations, only flat surface would be used.

Mr. Swanson asked that the substance of masonry percentage be accepted. If a specific percentage had to be adhered to, and something changed such as the removal of a door that would change the masonry percentage by a small amount, it could be difficult to deal with.

Commissioner Shadko asked if the towers included higher 4th floor apartment ceilings. Mr. Swanson said those ceilings were not higher. The tall parapet towers would be designed by a truss designer in order to handle snow loads. There would be enough dead space to give the truss depth to hold up snow drifts.

Commissioner Shadko asked how people would move in. Mr. Swanson said there were two 3,500 pound elevators, large enough to hold a couch. Two loading zones – on the far north and east sides – would be close to the large elevators.

In response to a question from Chair Zawodny, the applicants explained their storm water management, including exterior downspouts and internal pipe systems. The downspouts would match the railing color and provide a metallic accent that read throughout the building.

Chair Zawodny reviewed the issues in the Township Planner's letter and brought out in tonight's discussion. The consensus of the Commission appeared to be favorable regarding the elevations and materials presented this evening. The parking reduction to 607 spaces also appeared acceptable.

Mr. Swanson said they would plant a more tree that would provide more fall color in the median on Beck Road, as requested.

Voice vote: Ayes: All
 Nays: None

Motion approved unanimously.