

**City of Howell**  
**Planning Commission**  
**February 20, 2019**  
**611 E. Grand River Avenue**  
**Howell, MI 48843**

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The regular meeting of the Planning Commission was called to order by Chairman Streng at 7:00 p.m.

COMMISSIONERS PRESENT: Paul Streng, Maryanne Vukonich, Mayor Nick Proctor, Robert Spaulding and Chelsea Dantuma.

COMMISSIONERS ABSENT: Jan Lobur and Erin Britten.

ALSO PRESENT: Community Development Director Timothy Schmitt, Planning Consultant Richard Carlisle and Deputy City Clerk Deanna Robson.

GUESTS: Gary Markstrom, David Straub, Russell Springborn, Matt Vetter, Patrick Cleary and Shea Charles.

**APPROVAL OF MINUTES, JANUARY 16, 2019 REGULAR MEETING**

**MOTION by Proctor, SUPPORT by Vukonich, “To approve the January 16, 2019 regular Planning Commission meeting minutes.” MOTION CARRIED (5-0).**

**CALL TO THE PUBLIC**

None.

**STAFF REPORT**

Community Development Director Schmitt stated that the staff report included all pertinent updates.

Chairman Streng noted that more data would be added to the 2018 Planning Commission Annual Report and brought back to a future meeting, and he encouraged Commissioners to send any comments to Mr. Schmitt.

Vice Chair Vukonich inquired about the site plan for 401 East Grand River and Mr. Schmitt responded that the appeal of the Planning Commission decision in January was included on the February 21, 2019 Board of Zoning Appeals agenda for review..

**NEW BUSINESS**

**#19-06 – TOWN COMMONS PHASE 2 – PLANNED UNIT DEVELOPMENT**

Community Development Director Schmitt informed the Commission that Carlisle Wortman reviewed the project and the proposed changes. The Commission was asked to provide feedback prior to final submission of the project plans.

Dick Carlisle, Carlisle/Wortman Associates, Inc., stated that the plans include significant positive changes: reduction in density from 119 to 70 units, with the denser portion closer to M-59; variations in lot layouts; removal of the extension of Proctor adjacent to Shiawassee; revision of the squared off area on Garfield; and reconfiguration of Cecil Park and the connecting street. Some issues that needed to be addressed were: assurance that the larger lots in the northern portion of the development remained compatible with Phase 1; maintaining the Neo-Traditional character of the development; larger homes with reductions in front and rear yard setbacks possibly resulting in less room for landscaping as well as potential conflicts with utilities; and shorter driveways and elimination of alleys potentially causing chronic problems with cars encroaching on sidewalk areas.

David Straub, Mayberry Homes Chief Operating Officer, also introduced Gary Markstrom from TetraTech to answer technical questions. Mr. Straub noted that Mayberry Homes purchased 46 home sites in the development in 2014 and has since sold 30 homes; the proposed amendment does not venture too far from the original plan; and one of the interior alleys was abandoned for increased marketability and to encourage pedestrian connectivity. In response to Mr. Carlisle's concerns, he stated that most of the homes that Mayberry has built and hopes to build are smaller than homes originally offered in Phase 1; the community was originally designed with setbacks that encouraged the homes to be closer on one side; 20 foot rear yard setbacks are requested to increase the distance between homes; 15 foot front yard setbacks are requested, where 24 feet is the current setback with front porches sometimes encroaching up to 8 feet; and 20 feet of setback in garages is average and sufficient for cars to park in driveways. He also noted that no variances have been requested for the architectural restrictions.

Mayor Proctor inquired if the proposed changes were based off market analyses and Mr. Straub confirmed, adding that with the shift in the market in 2006 and beyond, neo-traditional neighborhoods are no longer desired, and the buying public wants a traditional yard. Current designs force narrower homes with garages in the rear yards.

Commissioner Dantuma inquired about fencing or barriers between lots and Mr. Straub responded that fences are currently allowed in the development.

Chairman Streng noted that standard size extended cab pickup trucks would not fit in 20 foot garages and would block sidewalks if parked in driveways under the proposed plans. Discussion followed and Chairman Streng asked Mr. Straub to work with Mr. Carlisle and Mr. Schmitt regarding the issues of concern in the proposed plans for Phase 2.

The Commission concurred and the project was anticipated for final review at a future meeting.

#### **#19-07 – TOWN COMMONS PHASE 1 – PLANNED UNIT DEVELOPMENT MINOR MODIFICATION**

Community Development Director Schmitt introduced the agenda item, stating that the intent of the modification was to clean up the following two long-standing issues from Phase 1: removal of unit 119 at Pere Marquette and Ashfield; and separation of proposed future Development A from

proposed future Development B. The Development A parcel is 4,600 square feet in size; was previously approved for a 12 unit building; and is not owned by Mayberry Homes.

**MOTION by Spaulding, SUPPORT by Proctor, “To approve the minor Planned Unit Development modification for Town Commons Phase 1, removing one unit from the townhouse building at Ashfield and Pere Marquette and splitting the Proposed Future Development Area A from the overall Phase 2 parcel.” MOTION CARRIED (5-0).**

**#17-29 – 1026 EAST GRAND RIVER – SOAPY BUCKET CAR WASH – SITE PLAN MODIFICATIONS**

Community Development Director Schmitt informed the Commission that the request included relatively minor changes to the 2018 previously approved plans; the applicant received MDOT (Michigan Department of Transportation) approval for proposed work in the MDOT right of way; a small piece of property was purchased and added to the site to improve circulation around the building; and the vacuum units have been moved to one area of the site. Staff recommended removal of the front vacuum unit and slight changes to the setbacks.

Russell Springborn, 3535 High Hillcrest, Howell, noted his agreement with staff comments except for the modifications of the setbacks. He added that he had spoken with the owner of Abe’s Auto Glass at 1018 E. Grand River and obtained a letter (that had not yet been submitted for review by staff) that conveyed his preference for leaving the driveway open between the businesses. Mr. Springborn stated that he would like to maintain the original site lines for the driveway and curbs. Matt Vetter, Schafer Construction, Inc., Brighton, voiced his concern that if the current setbacks were reduced, fire trucks may have difficulty accessing the property.

Patrick Cleary, Boss Engineering, Howell, added that there were two waivers noted in the review letter: for the number of parking spaces and for the stacking space beyond the automatic bay. Mr. Schmitt stated that the second waiver was for the escape lane around the project, which was approved with the original site plan but needed to be re-authorized with the modifications.

Chairman Streng inquired if there was a setback issue in the zoning ordinance. Mr. Schmitt responded that the zoning ordinance required a five foot setback; the site would need a formal easement agreement with Abe’s Auto Glass for the west side; and a Board of Zoning Appeals (BZA) variance would be required for the east side. Discussion followed regarding the zoning ordinance; requests for approvals; and vacuum station layout.

Chairman Streng informed the applicant that, per the zoning ordinance, the Commission could not approve the setback on the east side – but a variance could be requested from the Board of Zoning Appeals. He also noted that the Commission could approve the setback on the west side of the property as long as there was an easement agreement. Community Development Director Schmitt noted that cross access easements are relatively common with connected driveways. Vice Chair Vukonich asked the applicant if Abe’s Auto Glass uses the area to display machinery. Mr. Springborn confirmed, for a certain number of hours per day, and added that both property owners would agree that the driveway area would be open two-thirds of the day. Chairman Streng asked Mr. Springborn if he thought that the owner of Abe’s Auto Glass would be willing to sign a cross

access easement agreement, and Mr. Springborn said that he was not sure especially since Abe's has placed equipment in the easement to prevent drivers from cutting through the parking lot.

Mr. Cleary noted that there were no real changes planned to the architectural materials. Commissioner Spaulding inquired about the emergency vehicle access to the site and Mr. Cleary responded that the recent property acquisition was intended to help that situation. Mr. Schmitt noted that the vehicle routes throughout the site were previously approved by the Commission.

**MOTION by Proctor, SUPPORT by Dantuma, "To approve the modified Site Plan application (#19-08) for 1026 East Grand River Avenue, parcel id number 4717-36-400-041, to allow for an expansion and renovation to the existing car wash on the site, including expanded vehicle maneuvering, subject to the following conditions:**

- 1. The proposed construction and use shall meet all applicable ordinance standards and permits shall be acquired for all work on the site.**
- 2. Planning Commission waiver for the required number of parking spaces on the site, four proposed, eleven required, subject to resolution of the setback along the eastern property line.**
- 3. Removal of the front vacuum unit.**
- 4. Planning Commission waiver for the lack of escape lane, with the finding that it will not have an adverse impact on public safety or convenience of patrons.**
- 5. There is no vehicle washing permitted on the site outside of the building.**
- 6. Vehicle sales shall not be permitted on the premises.**
- 7. No advertising signs may be placed onsite other than the permitted maximum wall and/or ground sign area per Article 7. The prohibited signs include banners and flags.**
- 8. The operations on the site shall comply with all provisions of Article 8 of the Zoning Ordinance.**
- 9. Subject to resolving the access issue with Abe's Auto Glass."**

**MOTION CARRIED (5-0).**

### **DONATION BINS**

Community Development Director Schmitt introduced the agenda item, stating that staff had been working on the topic and the ordinance was drafted at the Commission's request. It is similar to the City of St. Johns' ordinance, which had been created as a result of litigation. Three major items for Commission input were as follows: 1. Intent; 2. Identification after Licensing; and 3. Separation of Bins.

Commissioner Spaulding inquired about item (d) on page 5, which noted that the real property owner and permittee would be jointly and severally liable. Mr. Schmitt responded that this would allow the City to address violations in a similar manner to how they are addressed on rental properties.

Discussion followed regarding whether or not to restrict donation bins to 501(c) non-profit organizations, as well as the proposed distance between bins on separate properties.

The Commission concurred that the proposed ordinance be forwarded to the City Attorney for review.

**MOTION by Spaulding, SUPPORT by Vukonich, “To excuse Commissioners Lobur and Britten from the February 20, 2019 Planning Commission meeting.” MOTION CARRIED (5-0).**

**MOTION by Vukonich, SUPPORT by Proctor, “To adjourn the meeting at 8:25 p.m.” MOTION CARRIED (5-0).**

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Deanna Robson, Deputy City Clerk