

City of Howell
Planning Commission
March 21, 2018
611 E. Grand River Avenue
Howell, MI 48843

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, Erin Britten and Jeannette Ambrose.

COMMISSIONERS ABSENT: Jan Lobur and Robert Spaulding.

ALSO PRESENT: Community Development Director Timothy Schmitt and Deputy City Clerk Deanna Robson.

GUESTS: City Attorney Dennis Perkins, Kimberly Bowlin Hamman, Ghassan Abdelnour, Marcus Evangelista, Mike and Nancy Cleland, Jack and Nancy Smith, Dora Cox, Carol Silcox, and Marc and Nicole Ward.

APPROVAL OF MINUTES, FEBRUARY 21, 2018 REGULAR MEETING

MOTION by Ambrose, SUPPORT by Proctor, “To approve the February 21, 2018 regular Planning Commission meeting minutes as presented.” MOTION CARRIED (5-0).

CALL TO THE PUBLIC

None.

STAFF REPORT

Community Development Director Timothy Schmitt stated that the 2017 Planning Commission Annual Report was provided in the same format as the previous year, with roughly the same number of permits in 2017 as in 2016. He offered to make any formatting changes that the Commission would like.

Chairman Streng requested that an asterisk be placed in the Enforcement Action column with an indication that no applications required any enforcement actions.

Mayor Proctor inquired about the vacant gas station at Barnard and Grand River. Mr. Schmitt responded that the project approvals have expired; the City continues to maintain the property and bill the owner for maintenance; and staff will verify that the owner is current with his tax payment. Mayor Proctor requested that staff provide options to spur the development on the property for the April meeting.

Commissioner Ambrose inquired about the size of the Lennox sign on the Bramlett Heating & Cooling property, and Mr. Schmitt confirmed that the sign size is within ordinance requirements.

PUBLIC HEARING

**#17-26 – VACANT HIGHLAND – SITE PLAN AND SPECIAL LAND USE –
EVANGELISTA DEVELOPMENT ASSISTED LIVING FACILITY**

Chairman Streng opened the Public Hearing at 7:07 p.m.

Community Development Director Schmitt introduced the agenda item, noting that the layout of the property was essentially the same as presented at the February meeting with some changes in elevations. The applicant informed staff that he has been working with Gallery Park regarding the needed community enhancements. While the applicant responded to the issues that could be resolved, four items will require variances: 1) the height of the building; 2) the accessory structure on the northwest corner of the site; 3) the perimeter setback requirement of 100 feet; and 4) front yard parking.

Mr. Schmitt recognized the letter received on March 19, 2018 from Henrietta Olechowski of 330 Brigg, adding that staff believes that the concerns outlined therein have been addressed with changes made by the applicant.

Marcus Evangelista, Evangelista Development and Maple Manor, stated that Maple Manor is family/physician owned and operated; has locations in Wayne and Novi; and is Medicare five star rated. The facility will provide a continuum of care including sub-acute and short-term rehab, as well as assisted living and senior living. He added that the facility will create 100 new jobs to the area and increase the City's tax base. A joint community feature with a pond, as well as a gazebo for the nursing side and a gazebo for the condominium side will be constructed.

Ghassan Abdelnour, GAV & Associates, Inc., 24001 Orchard Lake Road, Suite 180A, Farmington, 48336, informed the Commission that the average height of the building will be approximately 23 feet; adding that they are trying to keep the first floor area closer to the neighboring subdivision and the higher floors closer to the highway. He displayed the brick, limestone and stone materials that will be the outside façade, adding that dark gray shingles are planned for the roof to create a residential look. Shrubs will be used for screening, with a pond and gazebos in the public areas.

Nancy Smith, 352 Brigg, inquired about landscaping. Mr. Schmitt displayed the architectural drawings, adding that landscaping will be required for occupancy.

Nicole Ward, 240 Brigg, informed the Commission that she is on the board for the Gallery Park condominium association and that Gallery Park had not been contacted by the applicant and had not approved use of the parcel of land owned by Gallery Park and adjacent to the proposed development. Mr. Schmitt responded that staff will not issue building permits until the designs are on the appropriate site and provide some form of easement if they are offsite. Ms. Ward added that she would welcome contact from the applicant. Mr. Evangelista stated that he has spoken with Tom Elkins many times; there has been no official written agreement; he wanted to present a design to the City; and Mr. Elkins would present the design to the Gallery Park board after City approval. Mr. Schmitt confirmed that permits will not be issued without Gallery Park board agreement, adding that the plans are completely buildable without the Gallery Park parcel.

Chairman Streng closed the public hearing at 7:26 p.m.

MOTION by Proctor, SUPPORT by Vukonich, “To approve the Site Plan and Special Land Use application (#17-26) from Evangelista Development for the vacant West Highland Road property, parcel id number 4717-25-100-005, to allow construction of a 125 bed assisted living facility, subject to the following conditions:

- 1. The construction shall meet all applicable ordinance standards.**
- 2. Modification of the plans to meet all comments in the Planning Review letter dated February 15, 2018.**
- 3. Modification of the plans to meet all comments in the Engineering Review letter dated March 15, 2018.**
- 4. Inclusion of community enhancement items on the final plans.**
- 5. Planning Commission waiver of the project perimeter setback of 100 feet to the north, northeast, and west, allowing for a reduced setback to the neighboring MXD zoned properties. (Section 6.22(b)(4)).**
- 6. Board of Zoning Appeals approval for all variances noted above, or modification of the plans to meet ordinance requirements.”**

Commissioner Ambrose confirmed that the developer will be required to include community enhancement items on the final plans, whether or not they are able to obtain consent from Gallery Park to use their property.

MOTION CARRIED (5-0).

NEW BUSINESS

#18-02 – 1363 LAKESIDE DRIVE – LOT SPLIT REQUEST (postponed from February 21, 2018 meeting)

Community Development Director Schmitt reviewed the request, adding that in 2016, the Planning Commission approved a lot split/combination of 10 feet with the adjacent property. The new/current property owner is requesting to split the lot and create a new vacant lot, which does not meet lot width and area requirements.

Kimberly Hamman, 5058 S. US Old 23, Brighton, MI 48114, stated that she is an attorney assisting the applicant; is seeking conditional approval subject to Board of Zoning Appeals approval; and has some concerns regarding the transfer of the property.

Mr. Schmitt and City Attorney Dennis Perkins confirmed that the request must be denied by the Planning Commission in order to go to the Board of Zoning Appeals for consideration.

Commissioner Ambrose asked Ms. Hamman about her concerns. Ms. Hamman responded that it was a complicated title issue, and she has concerns about the propriety of the previous land division and issues with the property ownership at the time of the lot split.

Mr. Schmitt stated that staff has reviewed the property record and City staff has done nothing untoward. Commissioner Britten confirmed with Ms. Hamman that the issue was with the title. Ms. Hamman also noted that she has concerns regarding the land division act. City Attorney Perkins confirmed that there is no issue with the City.

MOTION by Vukonich, SUPPORT by Ambrose, “To deny the land division application (#18-02) for 1363 Lakeside Drive, parcel id number 4717-25-403-019, to create a new vacant lot that is only 60 feet wide, which would be 10 feet short of the 70-foot standard and only 8,100 square feet in size, short of the 8,400 square foot standard in the R-1, Single-Family Residential zoning district. MOTION CARRIED (5-0).

#18-05 – 220 NORTH TOMPKINS STREET – SITE PLAN – LOT SPLIT REQUEST

Community Development Director Schmitt reviewed the plan and stated that the lot is located at the corner of McPherson and Tompkins, with a split requested for the vacant west portion of the parcel to create three lots as was originally platted in the late 1800’s. He received many inquiries when the parcel was for sale and communicated to all that splitting the parcel into three lots would not meet zoning requirements. Mr. Schmitt confirmed that the applicant could adjust the split from three lots to two lots to make it compliant.

Mike Clelland, President of MMC development and residing at 205 Pauline, informed the Commission that he was going to fix and sell the home; stated the he is trying to maximize his investment; noted that he will probably sell the lots if the split is approved by the Board of Zoning Appeals; and cited 66x132 foot lot sizes in the surrounding neighborhood and other areas in the City.

Mr. Schmitt confirmed that existing lots cannot become obsolete/non-conforming when the zoning ordinance changes; the parcel in question was combined from three lots at an unknown time in the past; and any possibility of grandfathering was lost when the lots were combined.

MOTION by Vukonich, SUPPORT by Britten, “To deny the land division application (#18-05) for 220 North Tompkins Street, parcel id number 4717-35-201-020, to create two new vacant lots that are only 66 feet wide and one new lot with an existing house that would only be 66 feet wide, all of which would be four feet short of the 70-foot standard in the R-1, Single-Family Residential zoning district.” MOTION CARRIED (5-0).

OTHER BUSINESS

MOTION by Vukonich, SUPPORT by Ambrose, “To excuse Commissioners Lobur and Spaulding from the March 21, 2018 Planning Commission meeting.” MOTION CARRIED (5-0).

MOTION by Ambrose, SUPPORT by Britten, “To adjourn the meeting at 7:51 p.m.” MOTION CARRIED (5-0).