

**City of Howell
Planning Commission
May 15, 2019
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, Robert Spaulding and Erin Britten.

COMMISSIONERS ABSENT: Jan Lobur and Chelsea Dantuma.

ALSO PRESENT: City Manager Shea Charles, Community Development Director Timothy Schmitt and Deputy City Clerk Deanna Robson.

GUESTS: Tom Halm, Rose Fodor, Matt Heron, Martin Haller, Dennis McDonald, Kate and Marv Stein, Michelle Freeman, Russell Hudson, Chris Clausen, Lauren Huetteman, Lena Ellis-Boatman, Mary and John Croskey, Kyle Evans, Leslie Berg, Fauna Tucker, Brian Webb, Nancy Gohl, Veronica Jablonski, Judith Parrott, Gary Straub and Gary Markstrom.

APPROVAL OF MINUTES, APRIL 17, 2019 REGULAR MEETING

MOTION by Vukonich, SUPPORT by Proctor, “To approve the April 17, 2019 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 City Council requested that the Planning Commission prepare an update to the Comprehensive Plan, incorporating the Howell Futures Plan. Staff will present an outline for this task at the June 19, 2019 Planning Commission meeting.

Many projects, including Maple Manor, Lake Trust Credit Union, Heartland Dental, IHA Medical, Howden Meadows and Town Commons, are currently under construction or will begin construction in the very near future.

PUBLIC HEARINGS

#19-06 – TOWN COMMONS – PLANNED UNIT DEVELOPMENT - FINAL PLAN REVIEW

Chairman Streng opened the Public Hearing at 7:04 p.m.

Community Development Director Schmitt provided an overview; noted that the Commission has previously discussed a preliminary version of the plans; and stated that, because this was a major

amendment, the final plan review and public hearing are required under the PUD ordinance. Staff met with the applicant several times and worked through some concerns. Mr. Schmitt reviewed the site plan review from Carlisle Wortman Associates, Inc., noting the proposed changes.

David Straub, COO of Mayberry Homes, 1650 Kendale Blvd., Suite 200, East Lansing, introduced Gary Markstrom from TetraTech and informed the Commission that positive adjustments have been made to the plans including: a mid-block connection between Findlay Drive and Cecil Drive for connectivity to the park and walkways; increased front yard setbacks; and maintaining, and occasionally increasing, rear yard setbacks.

Kyle Evans, 1803 Bainsbridge, member of the Board of Directors for Town Commons Home Owners Association (HOA) introduced Matt Heron, Hirzel Law, 37085 Grand River, Farmington. On behalf of the HOA, Mr. Heron requested: construction access off of Henderson Road in order to reduce the impact to roads in the development; a traffic calming structure or stop sign to slow down traffic for safety purposes in the through-fare so that the area would not be viewed as a route for non-residents to bypass main roads; Americans with Disabilities Act (ADA) compliant sidewalks without curbs; and design continuity and landscaping. He also asked Mr. Straub about Phase III and maintenance of the common elements.

Mr. Straub responded that Mayberry Homes: would consider utilizing Henderson Road for construction traffic; anticipated building in phases; would work with their engineer and try to make minor changes to discourage speeding traffic; sidewalks would be constructed in compliance with City code/ordinance; new homes will be included in the current HOA; Mayberry Homes does not own the property referenced for Phase III; and home designs would not be limited to what was presented, but would be compatible in design and color to existing homes in the development.

Community Development Director Schmitt stated that the City would agree that construction access should be from Henderson Road after the completion of Phase II-A.

Mr. Heron asked if the parks would be part of the development's open space or if there would be added amenities. Mr. Straub responded that the landscape plan was for open space with no additional amenities.

Rusty Hudson, 1719 Town Commons, expressed concern that the new areas of the development had deviated from the original plans, which included park amenities. Mr. Evans requested park amenities, and also commented that the neighborhood was losing money in association fees and the City was losing tax revenue due to planned development changes.

Leslie Berg, 502 Kimball, inquired about Phase III and Mr. Straub responded that Mayberry Homes did not own Phase III and had no interest in the property. Chairman Streng added that any request that deviated from the original plans would have to go through the PUD process. Ms. Berg voiced her concern that existing townhome residents have experienced difficulty purchasing and selling homes due to legal questions about the viability of their investment and warranty issues. She requested that the developer work with the HOA to resolve the issues. Discussion followed

and Chairman Streng suggested that the legal counsel for the HOA work with legal counsel for Mayberry Homes.

Judith Parrot, 1721 Bainsbridge, expressed her disappointment regarding the changes in home colors and designs from those originally built in the neighborhood and voiced her concerns about safety issues in terms of traffic patterns.

Chairman Streng commented that he hoped that the discussion at the meeting would encourage the homeowners and the developer to meet and resolve the concerns, adding that the request would move forward for City Council approval as long as it met all of the ordinance requirements.

Brian Webb, 508 Kimball, voiced his displeasure with Mayberry Homes; the lack of color and architectural variety in the style of homes constructed; traffic; roads; and lack of neighborhood amenities.

John Croskey, 1807 Garfield, requested traffic calming structures to slow vehicles and discourage drivers from cutting through the neighborhood.

Lauren Huetteman, 1824 Gilmore, conveyed her dislike of front-facing garages in the newer homes; disappointment in the lack of architectural diversity in new home styles; and distrust of the developer.

Commissioner Spaulding inquired about egress onto Henderson Road and Community Development Director Schmitt confirmed that more than one entrance was needed for safety. Chairman Streng suggested the installation of traffic calming structures.

Chairman Streng closed the Public Hearing at 8:03 p.m.

Mayor Proctor stated that, if approved by the Planning Commission, the PUD approval would be directed to City Council. He strongly recommended that a small group from the HOA and a representative of Mayberry Homes meet to resolve as many issues as possible. Commissioner Spaulding asked Mr. Straub to commit to the meeting and he confirmed. Mayor Proctor asked the HOA for their approval and they confirmed.

MOTION by Proctor, SUPPORT by Vukonich, “To recommend approval to the City Council for the Planned Unit Development Agreement and Final Site Plan (plan date: March 14, 2019) application (#19-06) from Mayberry Homes for the vacant property to the north and west of the existing Town Commons development, parcel id number 4717-26-200-003, to allow construction of Phase two of the development and all necessary infrastructure, subject to the following conditions:

- 1. The construction shall meet all current and applicable ordinance standards.**
- 2. Each sub-phase shall submit for construction plan review prior to construction and shall meet all applicable standards at the time of the construction.**
- 3. Modification of the plans to meet all applicable ordinance requirements as noted in the Staff and Consultant reviews.**

4. **Finalization of the Planned Unit Development Agreement prior to City Council’s review of the request, including the changes noted in the May 9, 2019 staff memo, unless changed by the Planning Commission.**
5. **All design standards, requirements, and conditions of approval from the original Town Commons PUD Approval shall remain in effect. Where conflicting standards exist, the specific standard outlined in the Phase 2 Development Agreement shall take precedence.”**

MOTION CARRIED (5-0).

Chairman Streng noted that the Commission’s recommendation would be referred to City Council for approval. Staff will provide information to Town Commons’ homeowners association (HOA) regarding the meeting date. Mr. Straub stated that he would be the Mayberry contact for the HOA.

Chairman Streng thanked the Town Commons residents for attending the meeting and providing feedback.

#19-11 – 2205 WEST GRAND RIVER – MCDONALD’S SIGNS – SPECIAL LAND USE

Chairman Streng opened the Public Hearing at 8:10 p.m.

Community Development Director Schmitt stated that the request was for a modification to the site plan special land use approved by the Commission in 2014 for drive through signage. He noted that the industry has moved to utilizing digital signs in drive throughs. The applicant proposed to install entirely digital signs for both lanes, with the digital messaging to exceed the four square feet permitted by ordinance. He added that the signs would be located in the rear of the property with a limited purpose and no advertising.

Martin Haller, 2205 W Grand River, McDonald’s Area Supervisor, introduced himself and informed the Commission that the digital menu boards were easier for employees to program and change than traditional drive thru signs.

Chairman Streng closed the Public Hearing at 8:15 p.m.

MOTION by Proctor, SUPPORT by Spaulding, “To approve the Special Land Use application (#19-11) for 2205 West Grand River Avenue, parcel id number 4717-34-200-007, to allow for two new digital menuboard signs that will be no more than 20 square feet and six feet height and two new digital presale signs that will be no more than 11 square feet and six feet in height for the existing McDonald’s restaurant, subject to the following conditions:

- **All temporary signs adjacent to the drive through lanes shall be removed and not permitted in the future.**
- **No video shall be permitted on any of the signs.**
- **No advertising permitted on any of the signs, other than for the restaurant.”**

MOTION CARRIED (5-0).

2019 – 2025 CAPITAL IMPROVEMENTS PLAN (CIP)

Chairman Streng opened the Public Hearing at 8:17 p.m.

Community Development Director Schmitt noted future changes including State Revolving Funds (SRF) and Drinking Water Revolving Funds (DWRF). He added that long range improvements to the Water Department should not have been included in the CIP and were removed from the final version.

Chairman Streng closed the Public Hearing at 8:19 p.m.

MOTION by Proctor, SUPPORT by Britten, “To approve the 2019-2025 Capital Improvements Plan.” MOTION CARRIED (5-0).

NEW BUSINESS

#19-12 – 1363 LAKESIDE – LOT SPLIT

Community Development Director Schmitt reminded the Commission that applications for lot splits at 1363 Lakeside have been requested several times in recent years, and a request to split 10 feet from the property was approved in 2016. The request under consideration was to split the remaining property at 1353 Lakeside into two separate lots of 65 feet, which does not meet City ordinance.

Chairman Streng stated that the Planning Commission does not have the authority to approve requests that do not meet the City ordinance. Once denied, the applicant can pursue approval through the Board of Zoning Appeals.

Tom Halm, 2130 West Grand River, Howell, stated that Ms. Fodor was informed by the real estate agent when she purchased the property that she could split the lot into two parcels. After the purchase was completed, she learned that she did not own the 10 feet that was split from the parcel in 2016. The applicant’s initial lot split request required ten foot variances, while the current request only required five. The split lots would match character of the neighborhood. He also noted that the ancillary driveway on proposed parcel split B would be removed from the plans.

MOTION by Proctor, SUPPORT by Vukonich, “To deny the land division application (#19-12) for 1363 Lakeside Drive, parcel id number 4717-25-403-019, to create a two new lots that are only 65 feet wide, which would be five feet short of the 70-foot standard and a vacant lot that would only be 8,276 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).

#19-13 – 309 EAST GRAND RIVER – SITE PLAN EXTENSION

MOTION by Proctor, SUPPORT by Vukonich, “To extend the site plan for 309 East Grand River, parcel id number 4717-36-307-040 and -059, subject to all the previously approved conditions of approval.” MOTION CARRIED (5-0).

MOTION by Spaulding, SUPPORT by Britten, “To excuse Commissioners Lobur and Dantuma from the May 15, 2019 Planning Commission meeting.” MOTION CARRIED (5-0).

**MOTION by Spaulding, SUPPORT by Britten, “To adjourn the meeting at 8:30 p.m.”
MOTION CARRIED (5-0).**

Deanna Robson, Deputy City Clerk