

CITY OF NORTHVILLE
Planning Commission
June 6, 2017
Northville City Hall – Council Chambers

1. CALL TO ORDER:

Chair Wendt called the meeting to order at 7:00 p.m.

2. ROLL CALL:

Present: Steve Kirk
Carol Maise
Dave Mielock
Christopher Miller
Mark Russell
Ann Smith
Jeff Snyder
Jay Wendt

Absent: Matthew Mowers (excused)

Also present: Ken Roth, Mayor
James Allen, Mayor Pro Tem
Patrick Sullivan, City Manager
Sally Elmiger, Planning Consultant

3. APPROVAL OF AGENDA:

**MOTION by Maise, support Russell, to approve the agenda as published.
Motion carried unanimously.**

4. MINUTES OF PREVIOUS MEETING: May 16, 2017

**Motion by Kirk, support Mielock, to approve the May 16, 2017 minutes as published.
Motion carried unanimously.**

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan initiated a discussion regarding Redevelopment Ready Communities (RRC), a program sponsored by the Michigan Economic Development Corporation (MEDC). One of the recommendations that came out of the DDA Strategic Plan process was that Northville investigate becoming a Redevelopment Ready Community. The MEDC provided training and resources for communities to look at their ordinances, procedures, training, staffing, etc., with the goal of trying to facilitate redevelopment and make the process of redevelopment as streamlined and consistent and practical as possible.

City Manager Sullivan explained that he was attending RRC training. The next step in the process was a self-evaluation of zoning ordinances to see what could be improved. While he was not sure that Northville would complete the full certification process, he did think that the required self-evaluation and examination of processes would be beneficial and the City would be moving forward with this soon. He would keep the Commission advised of progress in this area.

Commissioner Kirk asked if the RRC program targeted certain areas. For instance, did the program target economically depressed areas especially?

City Manager Sullivan said RRC was for any area that was dealing with redevelopment, and encouraged the examination and improvement of related processes. Northville was somewhat unique with its large historic district, parking credits, development layers, etc. However, the PUD process being discussed later at tonight's meeting was a case in point. Could the PUD process be streamlined by eliminating a step or two?

Commissioner Maise noted that RRC had a funding component also although she didn't know if Northville would qualify for that.

City Manager Sullivan said that Northville was not a Community Development Block Grant entitlement community and this did limit the number of programs the City could qualify for, but there were programs available nevertheless. Eventually the City would need to make a determination as to whether to seek full RRC certification or not.

Commissioner Maise said she had professional experience with the RRC in another community, and they were not finding the certification process burdensome.

Commissioner Russell asked what was gained by becoming certified. City Manager Sullivan explained that certification provided certain benefits regarding MEDC grant programs, but in reality there would only be one or two programs for which Northville could qualify, and these were not necessarily totally certification-dependent. In order to qualify for those programs, the City would have to pass a resolution, complete the self-evaluation, and then report its progress toward certification.

B. CITY COUNCIL: None.

C. PLANNING COMMISSION:

Chair Wendt welcomed students from Northville High School who were in the audience.

Chair Wendt asked for an update regarding process for the Senior Living of Northville proposal, which had been tabled at a past meeting. Planning Consultant Elmiger said after discussing this issue with City Manager Sullivan, they had decided to look into the possibility of creating some type of overlay zone for that part of downtown where Senior Living of Northville was located.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS:

In response to a question from Commissioner Maise, Mayor Roth said the DDA had approved the Strategic Plan and would now forward the Plan to City Council.

Commissioner Russell asked if there was anything regarding the Northville Downs in the Strategic Plan. Mayor Roth said there was a recommendation to provide more detail for that area to give potential developers a better idea of what was envisioned. Nothing granular had been addressed other than some recommendations for potential zoning changes.

City Manager Sullivan noted that there was a suggestion to consider allowing another story as an incentive in the PR-1 District. This would affect the Foundry Flask area.

Commissioner Maise said that the Strategic Plan was focused on evaluating certain design aspects that would enhance the downtown area, including decorative features, site amenities, and different ways to attract development, including increased flexibility in some areas.

Mayor Roth added that there was some discussion regarding flexibility and mixed use requirements for first floor developments; this had been an issue in the past.

Commissioner Russell asked if the Strategic Plan would initiate any review by the Planning Commission regarding any sub-area plans.

City Manager explained that there were a number of recommendations that were directed toward City Council and the Planning Commission. Staff would distribute those recommendations; some of the recommendations would require ordinance changes and others would not.

7. SIDE CONDOMINIUM REVIEW: 236 S. CENTER – TEMPORARY OFFICE USE

Planning Consultant Elmiger explained that this request was to use a single family residential home on South Center Street as an office for a 12-month period. The Zoning Ordinance did allow the Board of Zoning Appeals to consider such a request after the Planning Commission commented on it. Tonight's charge was for the Planning Commission to provide comments to be forwarded to the Board of Zoning Appeals regarding this temporary use.

An analysis of the standards the BZA would use for this request was included in the Commissioner's packets.

The first standard regarding temporary uses was that the use did not constitute a change in the basic uses permitted in the district or on the subject site. Planning Consultant Elmiger had looked at the permitted uses in the R-2 Residential Zoning District, as well as existing land uses surrounding the parcel. Home occupations were a permitted use in this district and in her opinion, the small number of employees using the site, with no activities or changes to the outside of the building being proposed, and no additional traffic that would be generated by the proposed use, rendered the temporary use consistent with the home occupation standards in Section 18.15.

Further, since the office would only have 2 onsite employees, with occasional visits from 3 other employees who worked off site, the requested use was similar in scale and intent as a home occupation. Therefore Planning Consultant Elmiger did not consider the use a change in the basic uses permitted in the district.

Regarding other zoning requirements, as already noted no changes to the exterior of the building were proposed, and other than the front yard setback the building and site met all the zoning requirements for an R-2 property.

Regarding parking, there were 4 spaces available at the rear of the site, either on pavement or in the garage, and this should be sufficient for this use. There would be 2 people in the office on a daily basis, with 1 or 2 more occasionally. If there were ever a need for more than 4 spaces Planning Consultant Elmiger recommended that the excess cars be parked off site. The Zoning Ordinance prohibited parking on the grass.

Regarding lighting, Planning Consultant Elmiger recommended adding a residential light at the rear door, so that there was at least some light for the parking area in the back.

Planning Consultant Elmiger said that the property was screened on the west and south boundaries, which had either a garage or significant vegetation that would screen the parking area from the neighbors. There was a privacy fence about two-thirds of the way down the north boundary, but it did not continue toward the rear garage where the parking lot was. She recommended the fence be continued to screen this area.

In response to a question from Commissioner Kirk, Planning Consultant Elmiger said there were 2 spaces in the parking area to the south, one along the north boundary, and there was also a one-car garage.

Commissioner Kirk pointed out that the aerial showed 4 cars parked on the south side. Planning Consultant Elmiger explained that in that photo 2 cars were being parked in the grass.

Chair Wendt invited the applicant to speak.

Ed Funke, Guidobono Building Company, PO Box 331, Northville MI was present on behalf of this application. He explained that they were currently working out of a sales trailer on 8 Mile Road near Garfield, and since they were down to just a few lots in that neighborhood they needed to relocate their office and vacate the trailer. They had recently purchased a property at 341 E. Main with the intention of converting that into their office. As they were discovering whether they could renovate that space or whether they needed to demolish it, they would like to use their South Center property for temporary office space.

Mr. Funke continued that currently the South Center property was leased to people who were building a home with Guidobono Building Company, and they would be moving out this month. Guidobono would like to occupy the first floor only as office space. Their office hours were primarily 9 to 5, and the two individuals in the office were himself and Mr. Guidobono's wife, Renee. Mr. Funke was responsible for sales and marketing for Guidobono, and Mrs. Guidobono handled administration. Additionally they had a project manager and a laborer. Mr. Guidobono was at the office daily, but not all day, as he was usually in the field. Their project manager and laborer were out all the time. Saturdays might see very light use as Mr. Guidobono might use the space or there might be client meetings. Generally speaking, they never had any type of meetings on Sunday.

Mr. Funke said they hoped to get in the East Main location sooner than later, but they had discovered that there were significant structural issues with that property and they were seeking the best way to move forward.

Mr. Funke concluded with a request that they be allowed to occupy 236 South Center for a year, after which they would move into their East Main location.

Commissioner Smith asked if the neighbor to the north was aware of what Guidobono wanted to do. Mr. Funke said he had not spoken to that neighbor about this, though they had spoken about other matters when Guidobono had purchased the home.

Commissioner Smith disclosed that her house was being built by Guidobono Building Company, and she stopped into their trailer regularly. She had never seen any significant business traffic there.

In response to a question from Commissioner Maise, Mr. Funke said no equipment or supplies would be stored on site.

Commissioner Maise asked if the building code required a specific number of parking spaces when a single family home was used for a business like this. Commissioner Russell said if this was going to be reviewed as a home occupation, then the normal office use requirements would not apply.

Commissioner Maise wondered about ordinance requirements regarding home occupations in terms of how many, if any, customers would be allowed at any one time.

Commissioner Russell said while he realized the Ordinance required that the Planning Commission needed to comment on this application, this was really a BZA issue.

In response to a question from Commissioner Kirk, Planning Consultant Elmiger said the issue tonight was the use in a single family home.

In response to a question from Commissioner Mielock, Mr. Funke said there would be no signage. The only change would be the installation of the rear porch light. Nothing would be stored on site. They had a company pickup truck but that was parked on whatever job site they were working on.

Commissioner Mielock said he had no trouble with this application. However, he encouraged Mr. Funke to be cognizant of the surrounding neighbors and of the single family aspect of this district. He summarized that the request was for 12 months with a possible extension.

Mr. Funke said the extension was available if they wanted to petition for it, but they really wanted to get into the Main Street location as soon as possible.

Commissioner Kirk asked if appraisers would be stopping by the office. Mr. Funke explained that they sent everything electronically. If they met with appraisers at all it would be on the job site.

Commissioner Kirk said he didn't have any issues with this request.

Commissioner Russell summarized the comments to be made to the Board of Zoning Appeals:

1. The office use does not constitute a change in the basic uses permitted in the district or on the property, and therefore the Planning Commission supports the Temporary Use proposed at this location.
2. The Planning Commission recommends that no cars be parked on the grass because it is not permitted by ordinance.
3. The Planning Commission recommends that a residential light fixture be installed at the back door of the house to provide additional lighting to the parking area.

The consensus of the Commission was to make these comments to the BZA.

Because this was not a review of office zoning, the issue of extending the existing privacy fence on the north property line to the west to screen the parking area from the house to the north was left to the Board of Zoning Appeals.

8. DISCUSSION

Regarding the case just heard, Mayor Pro Tem Allen said that the requirement for temporary use applicants to appear before the Planning Commission for recommendations to the BZA seemed an unnecessary step, and could perhaps be eliminated as the City worked to streamline its processes.

PUD PROCESS – ORDINANCE REVISIONS

Referring to the draft document *Article 20 Planned Unit Development*, Planning Consultant Elmiger said that based on conversation at the last Planning Commission meeting, she made the revisions that were being discussed this evening. Those revisions were shown in red text; the previous changes were shown in blue.

Planning Consultant Elmiger further explained that she had incorporated the PUD eligibility standards after the PUD eligibility review was mentioned. This provided more of a linear outline of what was required. Eligibility procedures would now allow an applicant to combine the PUD eligibility hearing with the preliminary site plan review. A developer would not have to utilize this one-step option, but could if they wanted to.

The last major change was that language had been added to permit the Planning Commission to grant extensions for both the preliminary and final plan review.

Commissioner Russell asked if the changes fell in line with City Manager Sullivan's training on Redevelopment Ready Cities.

City Manager Sullivan said they had not talked specifically about this change. However, eliminating steps where possible met the goal of making the process easier for the developer on the front end, assisting the developer to find out whether a project was PUD eligible before investing a lot of money. One proposed change was to eliminate the public hearing before City Council. Their thoughts were that anyone interested in a project would come to all the public hearings, and a required public hearing before City Council unnecessarily delayed a project by 1-2 months. Changing that requirement didn't eliminate a meeting, but it did eliminate the need to advertise for a 2nd public hearing.

Commissioner Maise said she liked the restructuring of the ordinance as presented. However, there seemed to be an inconsistency in how deviations were approved. Some paragraphs required approval by the Planning Commission *and* the City Council. On page 4, paragraph 5, reduction in parking spaces could be approved by the Planning Commission *or* City Council.

Planning Consultant Elmiger said this was unchanged from the current ordinance.

After further discussion regarding the implications of the language in paragraph 5, the consensus of the Commission was to change paragraph 5 to read that approval was required by the Planning Commission *and* City Council. This would be consistent with the rest of the Ordinance, and would avoid conflict in the

event that the Planning Commission might approve something City Council did not want, without Council having the ability to have a voice in the decision, or vice versa.

Mayor Roth asked if a flow chart would be included in the ordinance language. Planning Consultant Elmiger said she did have a flow chart but before she amended it she wanted to hear the Commission's response to the proposed ordinance changes.

Mayor Pro Tem Allen asked how the *and* language would work if something got denied by the Planning Commission but approved by City Council.

Planning Consultant Elmiger said this was always a risk. If the Planning Commission recommended approval of a project there was a risk that City Council would not like it. If the Commission recommended denial and the City Council liked it and approved it, then the plan would most likely come back to the Planning Commission with recommendations from the City Council, and the Commission would have to work with the applicant to make the project more palatable.

Commissioner Maise also noted that pages 9 and 10 had paragraphs that gave as possible actions *Refer back to the applicant*. This was Northville's policy but was not part of Roberts Rules of Order. Should other options such as tabling or postponing be listed?

Planning Consultant Elmiger explained some of the history of the *Refer back to applicant* option. Referring back to the applicant rather than tabling or postponing was a way of telling the applicant they needed to do something else without imposing a timeline.

Commissioner Maise suggested that the appropriate language might be to postpone *and* refer back to the applicant. This would be in line with parliamentary procedure.

Planning Consultant Elmiger said that *Refer back to the applicant* could take care of many situations, and that option inferred that there wasn't enough support on the Commission to approve a project. However, a postponement could be added as a possible action by the Planning Commission. Two options might be *postpone* or *postpone and refer back to the applicant*.

Commissioner Maise wondered what would happen if new information came out in a public hearing and the City needed to have more time to research a matter. Commissioner Russell thought a project could not be held up because the City had to provide more information. Under that situation an approval could be contingent upon the appropriate information being obtained.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said the bylaws required that Roberts Rules of Order be followed. Therefore it would be most appropriate to use *postpone*.

Commissioner Russell agreed that the language should be changed to *postpone*.

City Manager Sullivan noted that the language *Refer back to the applicant* was included in several places in the Ordinance and he thought it made perfect sense.

Mayor Pro Tem Allen said the City had been instructed by the City Attorney not to use tabling because of the strict timeline it would impose. There was no timeline when using *Refer back to the applicant*.

Commissioner Russell said making a change to the ordinance every time *Refer back to the applicant* was used seemed unnecessary, as this option had been used for many years in Northville. Perhaps the phrase could simply be defined under Definitions.

Commissioner Maise supported using the phrase *postpone and refer back to the applicant*. However, she understood the difficulty of changing the entire ordinance.

City Manager Sullivan asked about including an option to *Table to date certain in order to obtain information*. Using this option would avoid having to re-advertise an item.

Planning Consultant Elmiger said she would put in *Table* with an explanation, and then ask for the City Attorney's input.

Commissioner Kirk thought *table* meant a project was basically dead. *Postpone* offered the ability to postpone until something else happened – a date, further information, etc.

Planning Consultant Elmiger said she would make changes based on tonight's conversation, forward the draft to the City Attorney for his review, and then bring it back to the Commission to schedule a public hearing.

For the benefit of the students attending this meeting, Chair Wendt introduced the City Officials present.

9. ADJOURN

As there was no further discussion, Chair Wendt asked for a motion to adjourn.

MOTION by Kirk, support Maise, to adjourn the Planning Commission meeting at 7:55 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 6/20/2017