

CITY OF NORTHVILLE
Planning Commission
September 19, 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
Jeff Snyder
Donna Tinberg
Jay Wendt

Absent: Ann Smith (excused)

Also present: Ken Roth, Mayor
Pat Sullivan, City Manager
Sally Elmiger, Planning Consultant

3. APPROVAL OF AGENDA:

MOTION by Mielock, support by Russell, to approve the agenda as published.

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: September 5, 2017

Motion by Russell, support by Mielock, to approve the September 5, 2017 minutes as published.

Motion carried unanimously.

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan reported that at the September 18, 2017 City Council meeting, an appeal had been heard regarding the lot split approval for Dubuar Road (lots 376 and 377), granted by the Planning Commission on July 19, 2016. The attorney for the owner appealed the motion condition that the owner had to provide a financial guarantee for construction of the proposed road and the retaining wall. This

condition was a continuation of a 2002 court-ordered agreement with the prior owner, Mr. Bauss. That agreement said the City would extend water and sewer to the east property line, and that Mr. Bauss would extend the road and the retaining wall. When the property was sold, the new owner, Dr. Prose, assumed the terms of that agreement. Dr. Prose's attorney had argued that it was the City's responsibility to build the wall and retaining wall to the east property line. The Council upheld the decision of the Planning Commission to approve the lot split with conditions as stated. Dr. Prose's next step, should he want to proceed, would be to appeal to the Circuit Court.

B. CITY COUNCIL: None.

C. PLANNING COMMISSION:

Chair Wendt introduced new Planning Commissioner Donna Tinberg.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. SITE PLAN REVIEW

157 E. MAIN STREET – POOLE'S

Planning Consultant Elmiger gave the background for this site plan application, which was to complete the last phase of development for the outdoor seating area by installing an approximate 630 square foot glass awning over the area east of Poole's Tavern. The seating area was city-owned property that had been leased to Poole's for a 25-year period. The paving and deck area was approved through a Minor Site Plan approval process, but it was determined that the awning structure required review and approval by the Planning Commission.

The applicant had provided information requested in the September 12, 2017 Carlisle/Wortman review memorandum. The City Council, which had to approve any changes and improvements to the property since it was city-owned, approved the improvement at their September 5, 2017 meeting. The City Clerk had a copy of the insurance policy for 2017, thus providing proof of insurance. The only remaining step for the applicant after tonight's meeting was to get Historic District Commission approval.

John Casey, 16804 Lochmoor Circle East, Northville, MI, was present on behalf of this application. Robert Clark, 6055 Jackson, Ann Arbor MI, owner of Four Seasons Sunrooms, was also present.

Mr. Casey explained that they were seeking approval to finish Phase 2 of their outdoor restoration with the installation of a glass awning. They were renovating the building's exterior, including painting, installing new Mansard roofs, etc., and the requested awning would offer shelter from rainstorms.

Chair Wendt asked why this application went before the City Council before it came to the Planning Commission.

City Manager Sullivan explained that the lease required that City Council approve any leasehold improvements, which they did, but Council did not approve the actual design or installation of an awning; the applicant had to seek normal approvals from the Planning Commission and the Historic District Commission.

Commissioner Kirk asked if adding a permanent installation to city property would result in a default purchase of that property.

City Manager Sullivan said this was a leasehold improvement only. The long-term lease enabled Poole's to make a major investment in the property. At the same time, the City had the right to cancel the lease if a later situation warranted it, but the City would also have to reimburse Poole's for the depreciated value of their leasehold improvements.

Commissioner Kirk noted that when parkland was sold it had to be put to public vote. City Manager explained that this was designated open space, and not parkland.

Chair Wendt asked if the leaseholder paid taxes on this property. Usually city-owned property was not taxed. Mr. Casey said the agreement stated that they would pay any incurred taxes.

Commissioner Kirk asked if Poole's was planning on enclosing the seating area in the future. Mr. Casey said they would not enclose it. Their intention was to keep customers a little warmer on cool nights and cooler on warm days. During the day, the glass awning would block 95% of the UV, and 98% of the heat, yet would allow light through the awning.

Chair Wendt asked if the taxes were included in the actual lease. City Manager Sullivan said taxes were in addition to the lease.

Commissioner Snyder asked if the canopy would be enclosed in the winter. Mr. Casey said it would not be enclosed.

Commissioner Snyder asked if the permanent canopy impacted the use in terms of occupied space. Mr. Casey explained their seating would not change. It would remain outdoor seating, and all furniture would be removed in the winter months.

In response to a further question from Commissioner Snyder, City Manager Sullivan said the seating would continue to be defined as outdoor seating.

Commissioner Maise said the awning would allow Poole's to use the area earlier in the spring and later in the fall. Mr. Casey said that while this was the case, they would follow all outdoor seating regulations.

In terms of appearance, Mr. Clark pointed out the fluted look on columns; this followed the lines of the City's street lamps.

Chair Wendt was concerned with the permanent nature of this awning. All other uses in the City removed their outdoor decks, etc., during the winter. In this case, the awning could not be removed. Would other businesses want to install permanent features like this one?

Mr. Casey said outdoor seating for seasonal use had the restriction that nothing could be anchored. He explained the process they had gone through regarding the lease and obtaining appropriate permits for this application. He emphasized that they wanted to remodel the building and bring something of value to the City and to their specific location.

Commissioner Russell was concerned that Poole's would not be required to remove the seating in the winter. Planning Consultant Elmiger said the lease required the outdoor seating be seasonal, and that the furniture be removed in the winter.

Commissioner Russell asked if Poole's would be required to follow the same time frames as other restaurants that utilized outdoor seating. Was the Commission creating special circumstances that would create precedence going forward? When was their outdoor seating season exactly?

Commissioner Maise said heaters under the canopy would allow the seating to be used on warm days in February, for instance.

Mr. Casey reiterated that the furniture would be removed in winter.

Chair Wendt asked if parking would be affected by this permanent awning structure. Planning Consultant Elmiger explained that the City did not require parking for outdoor seating, regardless of whether they had a permanent canopy or not. Again, the applicants had specifically stated they weren't going to install curtain walls of any kind, including clear plastic.

Commissioner Kirk wondered if the restaurant were sold, would new owners be able to install curtain walls.

Mr. Casey said any new owner would assume the lease with its restrictions.

Mr. Casey emphasized that the awning was for summer use. There was no benefit to outdoor dining during the winter months, and the furniture would also deteriorate if left outdoors all winter.

Commissioner Russell asked about the notation on the drawings that showed 16x42-inch existing footings ready to receive the columns. Additionally the City Council had already approved the awning.

Planning Consultant Elmiger explained that the footings were approved during Minor Site Plan approval. Mayor Roth added that the Council had only approved the agreement to modify the premises through the leasehold, but had not actually approved the awning per se or its design.

In response to questions from Commissioner Mielock, Mr. Clark said the glass awning would be double tempered and laminated. Poole's would be responsible for all maintenance; this would be detailed in the agreement with the City. They were also doing other work: the Mansard roof would be redone with Hardie Board shingles and would be trimmed out. The entire building would be cleaned, sanded and painted.

Planning Consultant Elmiger noted that the Historic District Commission would review the design. On March 15, 2017, the HDC had approved the paving, rails and deck in conjunction with the previous Minor Site Plan review, and had as part of their discussion also addressed outside storage of any type, including trash cans and furniture. Tomorrow night the HDC would look at the canopy.

Commissioner Russell asked where the gutter that terminated at the slope of the roof would discharge. Mr. Clark said that downspouts would go underneath the deck to an area with pea stone gravel with dirt below that. Commissioner Russell pointed out that when the ground froze the discharged water could form ice. Mr. Clark said that with the pitch of the roof and gutters there was no way a puddle and/or ice pond would accumulate.

Commissioner Russell was not convinced that ice would not form. He would rather see the gutter's downspouts tie into the storm sewer system or discharge on the landscape area immediately to the east.

Mr. Clark said that if that were requested, they could do it. Mr. Casey added that there was access to the area beneath the deck via boards that were designed to be pulled off.

Commissioner Snyder asked about signage. Mr. Casey said that was a separate process. The HDC would approve the signs. Brief discussion followed about possible sign placement and design.

Chair Wendt indicated he was ready for a motion.

MOTION by Miller, support by Maise, that based on the information received from the applicant, and reflected in the minutes of this meeting, the Planning Commission finds that the Final Site Plan proposed for 157 E. Main St., dated September 11, 2017 meets the required standards and findings for Final Approval pursuant to Article 19 – Site Development Plan Procedural and Approval Process of the Zoning Ordinance, and approves the Final Site Plan with the following conditions:

- 1. The proposal obtains approval from the Historic District Commission.**
- 2. There would be no means of adding any curtains or screens to form walls for the canopy.**

Chair Wendt asked for a roll call vote.

Miller	yes
Maise	yes
Russell	yes
Kirk	yes
Mielock	yes
Snyder	yes
Tinberg	yes
Wendt	yes

Therefore the motion was approved unanimously.

8. DISCUSSION

Noting that he had not been present for the approval of the September 5 minutes, Commissioner Kirk pointed out that for the vote listed on page 7, Commissioner Snyder was listed twice and Commissioner Smith was omitted. The recording secretary indicated she would make the appropriate correction.

Commissioner Kirk said that after the September 5 meeting, Department of Public Works Director Gallogly had brought to his attention that contrary to Commissioner Kirk's comments regarding Oakland County's jurisdiction over Center Street as that related to the lot split application for 711 Center Street, Oakland County actually had nothing to do with that street.

Planning Consultant Elmiger said there would be a public hearing at the October 3 meeting for the changes in the Planned Unit Development ordinance. She would also bring some of the ordinance clarifications and modifications requested by the Commission for discussion at that meeting.

City Manager Sullivan noted that the Commission had previously discussed reconsidering the prohibition of first floor residential in the Foundry Flask Site. That prohibition had not been in the Planning

Commission's original recommendation, but had been added at City Council's direction after Master Plan discussions and approvals in 2014. Since that time, the prohibition of first floor residential had been an impediment for developers who had been interested in developing the site. Therefore the City Council had voted to refer this matter back to the Planning Commission for further discussion and study. City Manager Sullivan would like to have Planning Consultant Elmiger provide draft language for the overlay ordinance and the Master Plan that would allow first floor residential, if a developer desired.

Discussion included:

- The area discussed was on the south side of Cady Street, within the boundaries of the current Foundry Flask area.
- City Council had originally supported prohibiting first floor residential in order to encourage something other than residential use on this parcel and thus diversify the tax base.
- The site's challenges, including environmental contamination, location in a flood plain, obsolete structures, and sewer location made redevelopment costly. Developers who were interested in the site wanted to put residential there.
- Developers had talked about providing public access by the river.
- Allowing first floor residential outside of a PUD agreement might create density issues. Even with a PUD, PUD agreements looked to the underlying zoning requirements as a guideline.
- Perhaps there should be a discussion regarding this proposed change before time was spent putting together ordinance language. On the other hand, proposed ordinance language could help generate ideas and discussion.
- Perhaps height could be reduced if first floor residential were desired.
- The site should allow both types of development: with or without first floor residential.
- Parking could be placed over sewer infrastructure.

Planning Consultant Elmiger said allowing first floor residential in the Foundry Flask area could be a discussion item at the next meeting; she would provide the relevant sections in the Master Plan.

9. ADJOURN

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

MOTION by Kirk, support by Maise, to adjourn the Planning Commission meeting at 7:49 p.m.

Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as submitted 10/03/2017