

CITY OF NORTHVILLE  
Planning Commission  
December 5, 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: Carol Maise  
Christopher Miller  
Mark Russell  
Ann Smith  
Jeff Snyder  
Jay Wendt

Absent: Steve Kirk (excused)  
Dave Mielock (excused)  
Donna Tinberg (excused)

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

**3. APPROVAL OF AGENDA:**

Chair Wendt asked to have two discussion items added to the agenda: (1) Pubs vs. Restaurants, and (2) Moving, Flashing and Scrolling Signs.

**MOTION by Maise, support by Smith, to amend the agenda to include discussion items *Pubs vs. Restaurants* and *Moving, Flashing and Scrolling Signs*.**

**Motion carried unanimously.**

**4. MINUTES OF PREVIOUS MEETING: November 7, 2017**

**Motion by Russell, support by Miller, to approve the November 7, 2017 minutes as published.**

**Motion carried unanimously.**

**5. AUDIENCE COMMENTS: None.**

**6. REPORTS:**

**A. CITY ADMINISTRATION:**

City Manager Sullivan said that at the November 20, 2017 City Council meeting the amendments to the PUD Ordinance were approved and those were being published.

City Manager Sullivan asked that the Planning Commission schedule future discussion regarding the Master Plan and the McDonald/Ford Property. While a Sub-area had been created for that property, it had never been re-zoned, and therefore was still zoned General Commercial. Perhaps a zoning and/or an overlay district could be created that reflected the uses envisioned in the Master Plan for that area.

Chair Wendt asked that this be included as an agenda item for the next meeting.

**B. CITY COUNCIL:** None.

**C. PLANNING COMMISSION:** None.

**D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS:** None.

#### **7. SITE PLAN REVIEW: 158 E. MAIN STREET (Project Name: 160 Main)**

Planning Consultant Elmiger gave the review for this application for an amendment to Final Site Plan Approval. The Planning Commission had reviewed this project in August. Tonight the applicants were returning with some requested changes. In terms of the original approval, the following conditions still needed to be satisfied:

- The applicant needed to obtain Council approval for making a cash payment in lieu of providing the four (4) additional parking spaces required.
- If the Planning Commission deemed it appropriate, the Building Official would review the site photometrics during the building permit process.
- The Building Official would also review signage when a sign permit application was submitted.

The plans presented this evening showed an approximately 72-square foot outdoor walk-in cooler added to the rear deck, placed within the required 20-foot rear yard setback. The Planning Commission had the ability to waive the setback requirement if the property backed up to a public right of way, which this property did (Mary Alexander Court).

Planning Consultant Elmiger recommended approval for the requested change, including waiving the 20-foot setback requirement. The remaining conditions from the August motion should be included in any approving motion.

Commissioner Russell suggested that an approving motion also limit any additional encroachment of other development within the setback.

Brian Maiorana, 36167 Parklane Circle, Farmington Hills MI, and William Carpenter, A3 studios Architects, 1441 E. Maple Road, Suite 312, Troy, MI were present on behalf of this application.

In response to questions from Commissioner Maise, Mr. Maiorana said they did not have a picture of the proposed outdoor cooler. It would be completely encased with a vinyl type coating with fencing around all sides. The color would match the building, and the cooler would be as inconspicuous as possible.

Chair Wendt was concerned about noise from the condensing unit interfering with the pleasure of outdoor diners from the existing outdoor seating from the neighboring restaurant. Additionally people sat outside for concerts during the summer months.

Mr. Maiorana said the decibel level should actually improve, as the 2 condensers currently located outside the restaurant were older. The new condenser would be a more efficient and quieter unit, and would be behind an enclosure.

Commissioner Snyder suggested having the Building Official check the condenser specifications for ordinance compliance regarding noise.

Mr. Maiorana said he thought he could get a letter from the other restaurant owner supporting this change.

In response to questions from Chair Wendt, Mr. Maiorana said they would not be using the rear door to service customers outside; the rear door led to an ADA-compliant elevator. If they wanted to use a door for service, it would be the new door closer to the front.

Seeing that discussion had ended, Chair Wendt asked for a motion.

**MOTION by Russell, support by Maise, that based upon the information received from the applicant, and reflected in the minutes of this meeting, the Planning Commission finds that the amendments to the Final Site Plan for the “160 Main” project and submitted drawings dated November 13, 2017, meets the required standards and findings for Final Approval pursuant to Section 19.05 – Site Development Plan Standards of the Zoning Ordinance.**

**The Planning Commission also waives the 20-foot rear yard setback requirement in order to place the walk-in cooler in the proposed location at the rear of the property. Any additional developmental placement of elements in the rear yard setback must be approved by the Planning Commission.**

**Based on these findings and waiver, the Planning Commission approves the Final Site Plan amendments with the following conditions:**

- A. Applicant obtains City Council approval of payment in lieu of constructing the required four (4) parking spaces.**
- B. Building Official review and approve the photometrics of the proposed lighting during the building permit process.**
- C. Building Official review and approve signage once the sign permit application has been submitted.**
- D. Applicant present specifications of the proposed condensing units to the Building Official for approval of ordinance compliance for noise.**

Chair Wendt asked for a roll call vote:

<b>Maise</b>	<b>yes</b>
<b>Miller</b>	<b>yes</b>
<b>Russell</b>	<b>yes</b>
<b>Smith</b>	<b>yes</b>
<b>Snyder</b>	<b>yes</b>
<b>Wendt</b>	<b>yes</b>

**Motion carried unanimously.**

## 8. DISCUSSION

### TEMPORARY USE PROCESS PROPOSED ORDINANCE

Referring to her November 10, 2017 Memorandum and the document entitled *Temporary Use Approval Process* (rev. November 10, 2017), Planning Consultant Elmiger gave the background to this discussion item.

At its November 7, 2017 meeting, the Planning Commission discussed revisions to ordinance language that required the Planning Commission to comment on requests for temporary buildings and/or uses before the topic was brought to the Board of Zoning Appeals (BZA). During that discussion, the Commission considered several additional questions:

1. *Should the Building Official have the authority to permit a temporary residence in an emergency situation?* Most other communities did give the Building Official authority to permit an emergency temporary residence, and draft language was included to allow this authority.
2. *Did Section 18.22, Temporary Structures, conflict with the BZA's authority to permit temporary structures used during construction?* BZA approval was only necessary for construction-related structures such as asphalt or concrete plants. Language was added to the BZA section that clarified construction trailers/offices were permitted by the Building Official, per Section 18.22.
3. *Are outdoor sales permitted by a Peddler's License?* There were two licenses granted by the City: a Peddler's License and a Solicitors and Canvassers License. With the Peddler's license, sellers could go from place to place to sell things, but they were specifically prohibited from using a "stationary location." With the Solicitors and Canvassers License, sellers took orders for future delivery, although non-profit organizations were excluded from this requirement. Neither of these licenses seemed to relate to such things as Christmas Tree or Pumpkin sales (outdoor seasonal sales).

The question was whether outdoor seasonal sales should remain under the jurisdiction of the BZA, or if new language should be added permitting City staff to review and approve seasonal sales. The draft language presented this evening left seasonal sales under the jurisdiction of the BZA.

In response to a question from Commissioner Russell, City Manager Sullivan said the City Council approved special events. City Manager Sullivan thought that in the past, City Council had also approved Peddler's licenses for Christmas tree sales and sunglasses sales (at Ford Field).

City Manager Sullivan asked Planning Consultant Elmiger to check with the City Attorney regarding any possible free speech issues with the prohibition of Peddlers using a stationary location. Also, how were food trucks addressed?

Planning Consultant Elmiger said that her perception was the Commission did not want the Ordinance to permit food trucks.

Commissioner Maise thought food trucks might be unintentionally permitted if the language was vague enough to allow them.

Planning Consultant Elmiger summarized action items from the discussion. She would speak to the City Attorney regarding prohibiting people who had a Peddler's License from operating from a stationary location, including sidewalks. She would also come up with a different process than ZBA approval for

Christmas tree and pumpkin sales, and check to see if City Council would be the approving body for any sales on public property.

Commissioner Maise suggested coming up with a checklist for temporary uses including sales. The checklist could include such items as: was the Certificate of Occupancy current, were taxes on the property paid, what kind of crowds would be generated, how parking would be handled, etc.

City Manager Sullivan said that there should also be a time limit on the temporary use. Also, in some instances a deciding body such as the BZA or Planning Commission needed to be involved, in order to give the community a voice in which temporary uses were allowed.

Mayor Roth suggested that if a temporary use was short term, i.e., 24 to 72 hours, it could follow one process. If it were longer term, another more complete process could be followed. There needed to be language and a mechanism to control noxious uses.

Commissioner Russell emphasized the need for simplicity, where possible. If it were possible to get a permit from City Staff, that should be allowed. Commissioner Maise cautioned against all temporary uses being subject to a simple permit procedure. Some temporary use requests benefited from notification, neighbor input, and the public hearing compelled by an application to the BZA.

Commissioner Miller noted that any temporary use covered by a Peddler's or Solicitor's license already did not have to go to the BZA.

Referring to the draft language presented, Mayor Roth suggested striking ~~natural~~ from Section 25.04.e.1., so that such things as gas explosions, for instance, would not be exempted.

Commissioner Maise said that Romulus regulated temporary uses as follows:

- A separate section for food truck regulations.
- Any large temporary uses such as batch plants and concrete crushers were heard by the Zoning Board of Appeals. The Zoning Board also heard requests for temporary uses on vacant land.
- Anything that was an accessory use to an existing use with a building was handled administratively.
- All temporary uses on public property were heard by City Council.

Discussion was held on what could be a temporary use at the Northville Downs. The only thing permitted there by ordinance was the racing of live horses and other customary things like stables, etc. Any special events or temporary uses held there had to be approved by City Council.

Planning Consultant Elmiger said she would research the issues raised, and return with amended draft language.

### FENCE REGULATIONS

Referring to her October 30, 2017 memorandum, the October 30, 2017 handout *Fence Regulations* that included draft language and schematics, and aerial views of properties along 8 Mile Road, Planning Consultant Elmiger gave the background for this discussion.

At the October 3, 2017 meeting, the Commission considered new ordinance provisions that would allow a homeowner the option of erecting a privacy fence along a “busy” road. During the discussion, the following comments were made:

1. New fences should not impede the line of vision at an intersection.
2. Concerns over allowing a six-foot tall fence along a local residential street.

There were some residential lots in the City whose rear yard faced a busy street. The back yard adjacent to the street was classified by the Zoning Ordinance as a front yard, and the Ordinance did not permit a privacy fence in front yards. Therefore those properties were not permitted a privacy fence in what effectively was a back yard abutting a busy street.

The illustrations in the handout addressed 2 different versions of this problem:

1. *Through properties.* Homes on interior lots that faced a local residential street with the busy street at their back yard.
2. *Corner lots.* Homes on corner lots that faced a local residential street, with either their side or rear yard facing a busy street. Corner lots with the rear yard facing a busy street had 3 front yards: front, side, and rear yards all faced a street.

Planning Consultant Elmiger showed examples of both scenarios on the aerial map of 8 Mile Road. Current ordinance language required that fences in front yards (by definition any yard that faced a street) could not go beyond the front face of the house along the street. The new draft language addressed that issue by permitting fences to enclose a portion of the yard behind the back of the house, as shown by the red dotted line in the illustrations provided. Properties on a through property would treat the yard facing the busy street as a normal back yard, and properties on corner lots would be allowed a fence on a greater portion of their yard, with the configuration depending upon whether the back of the house abutted the busy street, or the side of the house abutted that street.

Noting that the illustration with the side of the house abutting a busy street only showed the fence going to the rear line of the home, Commissioner Russell suggested moving that allowed location to the front line of the home. That would give the home more privacy from the busy street, and would also hide any generator or air conditioning equipment on that side of the home.

City Manager Sullivan suggested using different language than *busy street*. Street labels as used in the Master Plan (primary, secondary, tertiary), or as used by the Department of Public Works could be substituted.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said per ordinance fences had to be constructed with the smooth, or pretty, side out. Other than that materials were not regulated except in the Historic District. Subdivisions probably had their own requirements in their deed restrictions, which the City did not enforce.

Planning Consultant Elmiger said she would return with changes in the draft language to incorporate the changes discussed.

#### SENIOR LIVING PROPOSED ORDINANCE

Utilizing a power point presentation and a handout *Senior Housing Density Examples*, dated November 30, 2017, Planning Consultant Elmiger gave the background for this discussion item. The PowerPoint presentation was organized into sections:

- What? *Definitions for senior housing.*
- Where? *Potential Zoning Districts*
- How? *Standards for senior housing developments*

## **WHAT?**

Senior housing could be divided into 4 categories:

- Independent Senior Living
- Assisted Senior Living
- Nursing Home
- Continuing Care Retirement Community

### *Independent Senior Living*

Independent senior living included dwelling units that included kitchens, just like any other multiple housing or dwelling unit. The only difference was the development was age restricted, usually to age 55 and up. Mostly units were 1 bedroom, but developments could include 2 or 3 bedroom units. Size usually ranged between 625 to 1500 square feet. No personal or nursing care was involved, and residents were self sufficient and active. Often communal experiences were provided, such as a communal dining room, social and recreational activities, etc. Residents could hire their own care if they so desired.

### *Assisted Senior Living*

Assisted senior living units did not include kitchens. The age restriction was older, often age 60 and up, with the average age being 75+. Size usually ranged from 380 to 980 square feet. Personal care, such as bathing, dressing, etc., was provided. Communal experiences such as a common dining room and common activities were provided. Facilities were separated into *small* (20 and fewer residents) and *large* (21 and more residents).

Planning Consultant Elmiger noted that the Foundry Flask area and the south side of Cady Street could have independent and assisted senior living developments. She was not recommending any type of senior living facilities in the downtown area.

### *Nursing Home*

Nursing homes were similar to assisted senior living, but provided the most intense, round-the-clock type of care.

### *Continuing Care Retirement Community (CCRC)*

CCRC communities provided all levels of care, from separate, independent-style cottage living, for example, to assisted living, and then to nursing care. Those types of facilities often provided a wide variety of communal experiences for their residents.

Planning Consultant Elmiger said there was no likely location for a CCRC in Northville, unless the racetrack was eventually developed in that way.

## **WHERE?**

Planning Consultant Elmiger recommended that senior living developments be included in the R-3, R-4, and PBO Districts, because R-3 and R-4 already allowed multifamily development, and PBO allowed multifamily as a Special Land Use.

In the R-3 District, Planning Consultant Elmiger recommended allowing up to 14 one-bedroom dwelling units per acre, based on dividing 1 acre by 1600 square feet to get 27 rooms, and then dividing the 27 rooms by 2 (for a one bedroom unit).

Based on the above calculations, Planning Consultant Elmiger made the following recommendations:

- In the R-3 District, which specifically allowed senior housing, allow both independent and small (20 residents or less) assisted living facilities, and possibly a large (21 residents or more) assisted living facility as a Special Land Use.
- In the R-4 District, all the uses permitted in R-3 were allowed. In the R-4 District, density was currently regulated by dimensional requirements. Therefore the recommendation was for independent and small assisted living facilities, with large assisted living and CCRC as Special Land Uses. R-4 had the highest density in the City and would be the most appropriate district for more dense uses.
- In the PBO District, other multi-family residential uses were already permitted as a Special Land Use. Independent senior living was recommended for this district, since independent senior living would be treated the same as multi-family for all 3 districts outlined.

Planning Consultant Elmiger showed possible R-3, R-4 and PBO locations for senior living on a zoning map of the City.

## **HOW?**

How should senior housing be regulated in the Ordinance?

### **Minimum Lot Size**

Currently the Ordinance required a 1-acre minimum for *housing for the elderly* in the R-3 District. However, housing for the elderly was not defined in the ordinance. Planning Consultant Elmiger considered housing for the elderly to be independent or assisted senior living, and suggested keeping the 1-acre minimum for that type of housing, and creating a 2-acre standard for large assisted senior living, and a 5-acre minimum for CCRC developments. Minimum acreages protected the City and its neighborhoods from small redevelopments of old homes into senior living facilities.

In the PBO District there was no existing minimum lot size, so the 1-acre minimum standard was being recommended for that district also.

### **Density**

In the R-3 District, the existing formula equated to 14 one-bedroom units per acre for independent living. There was no current density requirement in the R-4 District, and the recommendation was to use the 14 units per acre for independent living there also. A new density limit should be created for assisted living, nursing homes, and CCRC developments. The PBO District also had no density requirements, and the recommendation was to use the 14 one-bedroom dwelling units per acre for independent senior living, the only allowed senior living use in that District.

Planning Consultant Elmiger referred the Commission to the handout *Senior Housing Density Examples* which showed average dwelling units per acre for senior housing in nearby similar communities. The



averages reflected a slightly higher density than her recommendations (18 instead of 14 one-bedroom units per acre, for instance).

The averages also included 27 units per acre for assisted living/nursing care facilities, and 22 units per acre for CCRC developments. For Northville, Planning Consultant Elmiger recommended 20 units per acre for assisted living/nursing care developments, noting that units in this category were smaller, and parking needs were significantly reduced.

For illustration purposes, Planning Consultant Elmiger pointed out a 2.37 acre area on Hutton Street that could be redeveloped for senior housing, resulting in 33 one bedroom independent units, or 47 higher density units as just described.

A 7.5 acre area along 7 Mile would yield 105 one-bedroom units for independent living, and 150 units at the higher density level for assisted living.

Allen Terrace, an independent living facility, had 100 units, at 9 dwelling units per acre.

Current dimensional requirements (setbacks, heights, open space requirements, floor area ratio, etc.), in the 3 Districts should remain unchanged.

Regarding parking, Planning Consultant Elmiger used a document called *Parking Generations* developed by the Institute of Transportation Engineers. Their recommended standards were: Independent seniors: 1.5 spaces/unit. Assisted seniors: .5 spaces/unit. Nursing home 0.4 spaces/unit. In reality, even less parking would likely be needed, but it was good to require sufficient parking and even a little extra.

Planning Consultant Elmiger concluded her presentation by asking for feedback regarding her recommendations for:

- Zoning districts and permitted vs. special land uses.
- Minimum lot sizes for various senior housing options
- Density for assisted and CCRC housing options
- Parking requirements

Additional standards would likely be developed and discussed further in the process. Right now the basic questions needed to be answered: What was senior housing? Where could it be located? How dense could the developments be? Those were the 3 big questions.

Commissioner Miller thanked Planning Consultant Elmiger for her thorough presentation. He thought using the R-3 and R-4 Districts, including using their existing standards, made a lot of sense.

Chair Wendt asked about guidelines for homes for adults with disabilities, for instance. Planning Consultant Elmiger said those were different types of facilities similar to adult day/foster care, and could be discussed at a later date.

In response to a comment from City Manager Sullivan, Planning Consultant Elmiger said her recommendation was to take senior living out of CBD and CBD Overlay Districts, and move it to R-3 and R-4 Districts. She was not recommending any senior living facilities downtown.

Commissioner Russell reviewed possible locations for senior living developments in the City, as shown on the zoning map illustration.

City Manager Sullivan said that the Michigan State Housing Development Authority (MSHDA) was offering a Community Housing Data Assessment, utilizing a 90-minute meeting to assess future housing needs based on demographic projections for the community.

Commissioner Russell asked where they went from here. Planning Consultant Elmiger said that after discussion, she could come up with some draft ordinance language, which would then trigger new questions and discussion topics.

Commissioner Russell said he felt hesitant about including PBO as a possible location for senior living. Planning Consultant Elmiger explained that PBO already offered multifamily as a special land use, and independent senior living was being treated as a multifamily use.

Seeing that discussion had ended, Chair Wendt closed this discussion topic.

#### PUBS VS. RESTAURANTS

Chair Wendt said that Commissioner Kirk had asked the Commission to discuss any differences in parking for a brew pub vs. a brew pub with food. A brew pub in town had added serving food at its location.

City Manager Sullivan said that the brew pub in question had originally met parking requirements for a restaurant, though that should be verified.

#### MOVING, FLASHING, AND SCROLLING SIGNS

Chair Wendt said questions had arisen regarding the LED sign for the First United Methodist Church on 8 Mile road, and regarding ordinance regulations for LED signs generally.

The Church had received a variance for location and size in January 2017, but not for how often it could change. The sign changed so frequently that some felt it was flashing, yet according to the Building Official the refresh rate of the sign conformed to ordinance requirements.

Mayor Roth asked that a future discussion include an explanation of exactly what the Ordinance allowed, and also whether or not the Ordinance should be modified.

#### LIAISON APPOINTMENT

Mayor Roth noted that City Manager Sullivan had been appointed by the City Council to serve as Council liaison to the Planning Commission.

### **9. ADJOURN**

**MOTION by Maise, support by Russell, to adjourn the Planning Commission meeting at 8:58 p.m.**

**Motion carried unanimously.**

Respectfully submitted,

Cheryl McGuire  
Recording Secretary

Approved as published 01/16/2018