

CITY OF NORTHVILLE
Planning Commission
March 6, 2018
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
Christopher Miller
Ann Smith
Jeff Snyder
Donna Tinberg
Jay Wendt

Absent: Dave Mielock (excused)
Mark Russell (excused)

Also present: Pat Sullivan, City Manager
Ken Roth, Mayor
Sally Elmiger, Planning Consultant
Lori Ward, Director, Downtown Development Authority

3. APPROVAL OF AGENDA:

MOTION by Miller, support by Tinberg, to approve the agenda as published.

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: February 20, 2018

Motion by Kirk, support by Smith, to approve the February 20, 2018 minutes as published.

Motion carried unanimously.

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION: None.

B. PLANNING COMMISSION: None.

C. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. PUBLIC HEARINGS:

Planning Consultant Elmiger explained that the purpose of tonight’s public hearing was to hear and discuss draft text amendments to the Zoning Ordinance, and to make recommendations regarding those amendments to City Council.

General Commercial District (GCD) – Special Land Uses

Planning Consultant Elmiger explained that the proposed change to Sec. 11.03, Special Land Uses (General Commercial District), was relatively minor. The phrase *no more obnoxious or detrimental to the surrounding area* regarding a use not listed would be eliminated, and language would be added that referred to the Special Land Use standards in Section 16.01(d) for unlisted uses.

Chair Wendt opened the public hearing at 7:03 p.m. Seeing that no one came forward to speak, Chair Wendt closed the public hearing at 7:04 p.m.

Commissioner Kirk said that the proposed language made enforcement easier.

MOTION by Kirk, support by Maise, that the Planning Commission recommend to City Council the approval of the ordinance amendment for Section 11.03 *Special Land Uses* as presented.

Chair Wendt called a roll call vote.

Maise	yes
Smith	yes
Kirk	yes
Snyder	yes
Miller	yes
Tinberg	yes
Wendt	yes

Motion approved unanimously.

Special Land Use Process

Planning Consultant Elmiger explained that the proposed changes to Section 16.01, Special Uses, and Sections 16.14, Mineral Mining, changed references from the City Clerk to the Building Department. The change would require that submission information be directed to the Building Department, and also clarified the process an applicant had to follow if a special use was suspended or revoked: the applicant would have to follow the same process they had followed originally.

Chair Wendt opened the public hearing at 7:07 p.m. Seeing that no one came forward to speak, Chair Wendt closed the public hearing at 7:08 p.m.

MOTION by Maise, support by Tinberg, that the Planning Commission recommend to City Council approval of the ordinance amendments to Section 16.01, *Special Uses*, and Sections 16.14, *Mineral Mining* as presented.

Chair Wendt called a roll call vote.

Maise	yes
Smith	yes
Kirk	yes
Snyder	yes
Miller	yes
Tinberg	yes
Wendt	yes

Motion carried unanimously.

Fences

Planning Consultant Elmiger explained that the proposed changes to Section 18.09, Fences (Residential) would allow privacy fences along the property line of homes in a back or side yard that abutted certain highly traveled roads, as illustrated.

Chair Wendt opened the public hearing at 7:09 p.m. Seeing that no one came forward to speak, Chair Wendt closed the public hearing at 7:10 p.m.

In response to questions from Commissioner Kirk, Planning Consultant Elmiger said additional roads could be added as development occurred, although any changes would have to go through this same approval process. There was not a specific formula used to identify the highly traveled roads.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said she would make sure the streets were named consistent with the Act 51 map for the City.

Commissioner Miller thought the proposed changes addressed major areas of concern for residents, and relieved both an administrative burden and the burden for residents who needed the privacy fences at the stated locations.

MOTION by Miller, support by Maise, that the Planning Commission recommend to City Council approval of the ordinance amendments to Section 18.09, *Fences* as presented.

Chair Wendt called a roll call vote.

Maise	yes
Smith	yes
Kirk	yes
Snyder	yes
Miller	yes
Tinberg	yes
Wendt	yes

Motion carried unanimously.

Site Condominium Development Standards

Planning Consultant Elmiger explained that the proposed changes to Section 18.14, Condominium Development Standards, changed the timing of when an applicant must submit draft condominium documents to the Planning Commission and City Attorney in the planning review process. This change allowed an applicant to submit draft condominium documents to the City Attorney for review after the Planning Commission granted preliminary approval. Previously the ordinance required that the documents be finalized at this stage, which wasn't practical.

Chair Wendt opened the public hearing at 7:15 p.m.

Joelle Sarkozy, 672 Thayer Boulevard, was concerned that site condominium developments were being allowed to conform to lesser requirements than a regular platted subdivision, and the condominium developments were changing the look of her neighborhood, as well as others. Neighborhoods that had charm and character from older style homes, including bungalows, colonials, cape cods, etc., now seemed to be being filled with subdivision-type homes. Her neighborhood was not in the Historic District and thus did not have that protection. She asked who set the standards for site condo developments.

Commissioner Maise explained that the condominium development standards were set by the State; condominium developments had the same dimensional requirements as platted subdivisions. Planning Consultant Elmiger added that Northville's ordinance language regarding site condominium developments was adopted in 1993.

Commissioner Smith said certain lot splits had taken place that put two or more homes on a property that previously only had one home on it. Those were not site condos, and the homes were built according to ordinance specification.

Seeing that no one else came forward to speak, Chair Wendt closed the public hearing at 7:18 p.m.

MOTION by Kirk, support by Miller, that the Planning Commission recommend to City Council approval of the ordinance amendments to Section 18.14, Condominium Development Standards, as presented.

Chair Wendt called a roll call vote.

Maise	yes
Smith	yes
Kirk	yes
Snyder	yes
Miller	yes
Tinberg	yes
Wendt	yes

Motion carried unanimously.

Senior Facilities

Planning Consultant Elmiger explained that the amendments regarding senior housing added new language that permitted special senior living facilities – Assisted Living and Continuing Care Retirement Community – to the multi-family residential districts. Assisted Living facilities with 20 or fewer residents would be permitted uses in R-3 and R-4 Districts. Assisted Living facilities with more than 20 residents

would be special land uses in the same districts. Continuing Care Retirement Community, which was a facility that had various levels of care for seniors, would be a special land use in R-4.

For the special uses, language regarding minimum lot sizes and development standards had been added. The parking requirements for senior housing had been reduced.

The new language also clarified that upper floor residential in the Central Business District (CBD) was a secondary use to commercial uses, and upper floor residential had been changed from a use permitted by right to a special land use. Last, the CBD Overlay District list of uses had been changed to remove Assisted Living and Housing for the Elderly.

Chair Wendt opened the public hearing at 7:21 p.m. Seeing that no one came forward to speak, Chair Wendt closed the public hearing at 7:22 p.m.

MOTION by Tinberg, support by Miller, that the Planning Commission recommend to City Council approval of the ordinance amendments regarding senior housing as presented.

Chair Wendt called a roll call vote.

Maise	yes
Smith	yes
Kirk	yes
Snyder	yes
Miller	yes
Tinberg	yes
Wendt	yes

Motion carried unanimously.

8. SITE PLAN REVIEW: 135 N. CENTER – CENTER STREET GRILLE

Referring to her review letter dated January 26, 2018, Planning Consultant Elmiger gave the background for this agenda item. The owner/lessee of The Center Street Grille, 135 N. Center, wanted to install an outdoor cooler behind the building. The location for the cooler was currently housing 4 parking spaces. The applicant also wanted to re-work the back deck and install an interior ramp at the front door in order to make the building barrier-free.

Outstanding issues included:

- Sheet 3 showed “secure storage” under the existing stairway, but no further information was given as to how that would be accomplished. Was this part of the proposal?
- What was the proposed distance between the cooler and the building to the north – the old church building? There was no information on the drawing. Was there enough space between the back of the cooler and that wall to do any maintenance on the wall if necessary?
- Loading/unloading should be shown on the plan.
- The proposed fence was shown as vinyl; the ordinance required it be constructed of wood.
- City Council would need to approve construction of a barrier-free ramp on City-owned property.
- The proposal included 2 lots with 2 different property identification numbers. While this could be considered one zoning lot under its current configuration, what would happen if the lot with the

proposed cooler was sold separately, thus creating an ordinance violation? The two lots should be combined.

Dan Johnson, 135 N. Center, was present on behalf of this application. He made the following points:

- There was 18” between the next building and the proposed structure. The property owner of that building had confirmed that was enough room to do maintenance on the brickwork. The cooler would be about the same distance from the building as the new staircase was.
- They needed the cooler because the Center Street Grille had only 3100 square feet, with a 42” hallway in the rear that was used by customers to come in and out or to use the bathrooms. Currently deliveries were also made in that hallway, causing traffic jams. By putting the cooler outside in the back, deliveries could be dropped off and picked up in the fenced area, without the drivers ever coming into the building.
- An EIFS fascia and wrap would be added to the cooler to match the building. The cooler would also have a Mansard roof to match the building.
- The old stairs had included storage underneath for the returnables. The applicant had planned to replicate that but the storage there did not meet fire code; therefore they were going to use the fenced area for storage.
- Because the staircase encroached on the existing ramp, it was not ADA compliant; the ramp had to be moved to the south in order to become compliant, and in order to remove trip hazards from the area. The asphalt there was pitched aggressively, and was difficult to navigate.
- The entire ramp would be built on City property. They would meet any insurance requirements necessary to build there.

Chair Wendt noted that the applicant would have to go before the Historic District Commission for approval of this work. He felt the Planning Commission could not give final approval without first hearing from the HDC.

In response to a question from Commissioner Snyder, Planning Consultant Elmiger said that downtown deliveries could be made anytime.

Commissioner Snyder pointed out that the plans said the cooler would be painted metal. Mr. Johnson said they would correct the plans to show that the cooler would be covered with EIFS, which would then be painted to match the building.

Commissioner Maise asked for clarification regarding the number of parking spaces that would be lost. Planning Consultant Elmiger said 2 spaces would be lost, but with the City’s credit system the applicants would have one extra space, even after losing the 2 spaces.

Commissioner Maise asked if there was any other way to have an ADA compliant ramp without building it on City property. Mr. Johnson said they had looked at every option, and this was the only solution they had found.

Commissioner Maise asked if the City would receive any reimbursement for the use of their property. City Manager Sullivan said he thought this specific type of arrangement was unique.

In response to comments from City Manager Sullivan regarding possible configurations of parking spaces, Mr. Johnson explained that the ramp extended into the parking space closest to the staircase. They also had to put a 5-foot square landing in front of the ramp for wheelchair accessibility, which removed another parking space. If they were to move the cooler closer to the staircase they could save one space,

but the cooler would then block the natural light from the tenants in the neighboring building. They had worked out the placement of the cooler with the owner of that building, to be as least disruptive as possible.

In response to a question from Chair Wendt, Mr. Johnson said his landlord supported this request.

Commissioner Kirk asked if the owner would combine the two lots. Mr. Johnson said he would.

In response to a question from Commissioner Kirk, Planning Consultant Elmiger said the ordinance required that the fence be wood.

Commissioner Tinberg asked if the location of the stairwell or the location of the cooler required that the ramp be on City property. Mr. Johnson said both situations required the requested ramp location. He noted that after he had constructed a new deck the landlord had installed the new staircase, which took out one of the ramp rails, making the existing ramp noncompliant by almost 8”.

Chair Wendt asked about the noise level of the cooler. Mr. Johnson said it would be whisper quiet – the cooler was very quiet and efficient.

Commissioner Snyder was concerned about the durability of the EIFS material, especially with dolly traffic and bicycle riders in the vicinity. Mr. Johnson said they would probably install a bollard in that area.

Commissioner Maise was concerned the EIFS would look strange next to the brick. Downtown Development Director Ward said the HDC would look at that situation.

The consensus of the Commission was that this application should return to the Planning Commission for final approval, after being heard by the HDC.

Commissioner Tinberg asked if the inconvenience to the customers was the impetus behind putting a ramp on City property. Mr. Johnson said the main impetus was to have an ADA-compliant ramp. Commissioner Tinberg asked if the cooler was not placed outside, would there be room for the ramp without putting it on City property. Mr. Johnson said because of the way the staircase was built, the ramp had to be pushed out onto City property. The ramp was a separate issue from the cooler.

Commissioner Tinberg asked if the landlord had not been sensitive to the issue of the ramp when he built the stairwell. Mr. Johnson said that in the end, the final location of the stairwell had ended up a little differently than first envisioned. The new stairwell added about 20% space over the last one. The old stairwell had been in very bad shape and was rusted out.

Chair Wendt said he would like to see something from the landlord. Mr. Johnson said he could get a letter of consent. It was noted that the landlord’s signature was on the application, and would have to be on the application to combine the two lots.

Stating that his preference was for a preliminary approval, Chair Wendt indicated he was ready for a motion.

Motion by Kirk, 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

Preliminary Site plan proposal, located at 135 N. Center Street and as shown on plans dated January 26, 2018, meet the required standards and findings for Preliminary Site Plan approval pursuant to Article 19 – Site Plan Review of the Zoning Ordinance, and approves the Preliminary Site plan with the following conditions:

- 1. Obtain City Council approval of construction of the barrier-free ramp on City-owned property.**
- 2. Show loading/unloading area on the site plan.**
- 3. Proposed fence to be made of wood.**
- 4. Approval of HDC.**
- 5. Provide proof of combination of the lots.**

Chair Wendt called a roll call vote.

Maise	yes
Smith	yes
Kirk	yes
Snyder	yes
Miller	yes
Tinberg	yes
Wendt	yes

Motion carried unanimously.

9. DRAFT ORDINANCES: CADY STREET OVERLAY

Referring to her memo of March 2, 2018 and a table entitled *Cady Street Density Study, March 1, 2018*, Planning Consultant Elmiger gave the background to this agenda item. She explained that at the February 6th Planning Commission meeting, she was asked to research other communities for density limits in or near downtown areas. Because density was closely tied to parking and height, she looked at those provisions as well.

Planning Consultant Elmiger said that those communities that had a special assessment district (SAD) that was used to supply public parking permitted higher densities than those communities that didn't have a special assessment district. Communities with a SAD allowed an average of 31 dwelling units per acre; communities without a SAD allowed an average of 21 dwelling units per acre.

The Cady Street area currently permitted up to 25 dwelling units per acre.

Planning Consultant Elmiger said she divided the communities the same way: with a parking SAD and without a parking SAD. She also looked at residential parking requirements. Those communities with a SAD required between 1 and 1.5 spaces per residential dwelling unit. Those communities also reduced or eliminated parking requirements for the commercial portion of a mixed-use building.

Communities without a parking SAD required 1.5 to 2.5 spaces per dwelling unit. Most of those communities also had a way of reducing this requirement or making a payment in lieu of parking spaces.

The Cady Street Overlay required parking standards per Section 17.02 of between 2-3 spaces per dwelling unit, depending on the number of bedrooms.

Regarding maximum heights permitted in or near downtowns, there was no discernable difference between communities with or without a parking SAD. Also, similar to Northville, most communities permitted 3-5 stories on average.

One distinction that communities made with a mixed-use area was if the area should be predominantly commercial or predominately residential. That same decision needed to be made regarding the Cady Street area.

Northville did encourage predominantly commercial areas without specifically stating it by prohibiting first floor residential in some areas. Northville also had some specific mixed-use areas. But the definitions were open-ended, and therefore somewhat unclear.

Planning Consultant Elmiger suggested that the Cady Street area should be predominately residential. The Downtown Retail Study said the City could absorb an extra 50,000 square feet of commercial within the next 10 years, and all of that 50,000 square feet could be located on the Foundry Flask area if first floor commercial was required.

Regarding density, it seemed reasonable to increase the maximum density to 30 or 35 dwelling units per acre, after first looking at the residential property requirement.

Regarding commercial property, ground floor commercial could be incentivized. A number of communities did not have any parking requirement for their commercial use in a mixed-use building, or they allowed payment in lieu of building spaces. Those were two things that could not be done in Northville, and perhaps should be considered.

Planning Consultant Elmiger didn't recommend any changes in height requirements in the Cady Street Overlay District – there were already 2 ways an applicant could increase the height of a building: (1) Two properties on the south side were designated for the 5-story bonus. (2) If an applicant were to provide the specific architectural features that were outlined in the Cady Street Overlay, they could have additional height on any property in the District.

Discussion followed:

- First floor residential carried the risk of walking by someone's living room window at ground level.
- In the past, the DDA was firmly against having first floor residential. Now it seemed the argument was that the area wouldn't be developed without first floor residential.
- Discussion included having a mixed-use product, but at what percentage?
- The retail market study called for 50,000 square feet of new commercial space, and a boutique hotel.
- The 50,000 square feet would be supported by Northville's *trade area*, which included parts of surrounding communities.
- Developing the property as all residential might change the dynamic of how much commercial could be supported, though even 1,000 new residents might not move that dynamic much, as again, the commercial area would be supported by a trade area.

Commissioner Snyder said he wasn't sure he would be interested in allowing first floor residential in the Foundry Flask area. A developer could come in with a plan that would squeeze in as many units as possible, but that might not be the best thing for the City.

Planning Consultant Elmiger asked what the Commission thought about incentivizing 1st floor commercial with parking waivers or reductions in parking requirements or being able to pay in lieu of building parking.

Commissioner Snyder was concerned that type of incentivization could lead to oversupply. Where would people park if parking spaces were not required?

Discussion followed regarding allowing commercial applications to use street parking, and to have payment in lieu of parking spaces, to be used for a parking structure.

City Manager Sullivan said that a PUD could include a parking deck, with the community benefit of allowing some public parking. But with density limits in the Master Plan a parking deck was not an option. If 25 units per acre was in the Master Plan, that could not be exceeded no matter what plan was brought forward.

Discussion was held regarding the parking situation with the two City-owned decks, and the parking needs of the New Victorian. Meeting parking needs was critical for any new development.

If the prohibition against first floor residential was lifted for the Foundry Flask area, and if the Master Plan instead included a ratio for mixed use, with the possible addition of a parking structure, other options could be encouraged. The Cady Street Overlay District also allowed for shared parking for mixed use.

Aaron Cozart, chair of the Economic Development Committee of the DDA, asked about public space or green space that would help create identity in the Cady Town and Foundry Flask area. Could credit be given for including those amenities? City Planner Sullivan said public space could be considered in a PUD.

After further discussion, Planning Consultant Elmiger asked if the Commission was interested in increasing the density in the Cady Street area to something greater than 25 units per acre, if parking could be worked out.

Commissioner Snyder was not in favor of increasing density in the area.

City Manager Sullivan asked if the Commission was amenable to taking density out of the Master Plan to allow flexibility in a PUD application.

Commissioner Miller favored that approach. While he didn't want to fix a problem that perhaps did not exist, he did favor giving an opportunity for a more flexible approach.

Mayor Roth explained that the current density requirements were driving developments toward extremely large, expensive dwelling units. If the City would like to see some diversity in housing, and if the density requirements were removed from the Master Plan, at least there would be an opportunity for other types of development under a PUD request.

Commissioner Snyder was concerned about having a high-density project that could be developed as a matter or right and then also allowing high density to the south. It seemed short sighted to allow more density at Foundry Flask without reviewing the racetrack area at the same time.

Mayor Roth suggested limiting higher density development to properties fronting Cady Street.

City Manager Sullivan said that while the Cady Street Overlay allowed 5 stories, 5 stories were impossible to achieve under the current density requirements because of the parking requirement. If the City was committed to mixed-use housing with smaller units, the density limit requirement needed to be changed or removed from the Master Plan.

Planning Consultant Elmiger noted that some communities regulated density by not mentioning it. In those communities, density was regulated by dimensional requirements via a form-based code. It would be relatively easy to change the language in the CSO District to make it a completely form-based code document.

Commissioner Maise agreed, saying that density fell into place with form-based zoning.

Commissioner Kirk asked about ingress and egress with higher density development.

City Manager Sullivan said the intent was always to have higher density and height on Cady Street and step it down toward the south. Planning Consultant Elmiger added that this was laid out in the Master Plan.

Further discussion was had regarding eliminating the density restriction in the Master Plan. Perhaps the density requirement could be eliminated in the area that was shown in the land use plan on Cady Street only, and leave the density requirements as they were to the south. That would give flexibility for a developer to bring in a PUD request that would address parking, provide mixed-use, etc.

Planning Consultant Elmiger suggested developing draft language in the Master plan that would remove the density language from the Cady Street/Cady Town area. She would also remove the prohibition against first floor residential for the Foundry Flask area.

A discussion of process and timing followed. While the new Master Plan changes were moving through the process, the Commission could work on amendments to the CSO ordinance.

After further discussion regarding having a possible joint meeting among the Planning Commission, the DDA and City Council, in the interest of time it was the consensus of the Commission that Planning Consultant Elmiger would put together the draft Master Plan amendment language, circulate that for informational purposes to City Council and the DDA, and lead a discussion regarding the proposed changes along with a summary of form-based zoning at the next City Council and DDA meetings. She would then bring feedback back to the Planning Commission.

Planning Consultant Elmiger summarized that the new language would include a Master Plan amendment to the Cady Street Overlay, taking the density requirement out while still including the same changes already approved in the past, specifically calling for mixed uses and removing the prohibition on 1st floor residential on the Foundry Flask site.

Chair Wendt closed the discussion on this item.

10. DISCUSSION: None

11. ADJOURN

MOTION by Kirk, support by Maise, that the meeting be adjourned at 8:43 p.m.

Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 03/20/2018