

CITY OF NORTHVILLE
Planning Commission
June 5, 2018
Northville City Hall – Council Chambers

1. CALL TO ORDER:

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

Chair Kirk noted that on May 21 Jay Wendt had been honored by City Council for his 40 years of volunteer service to the City.

2. ROLL CALL:

Present: Steve Kirk
Carol Maise
Christopher Miller
Mark Russell
Ann Smith
Jeff Snyder
Donna Tinberg

Absent: Dave Mielock (excused)
One vacancy

Also present: Pat Sullivan, City Manager
Sally Elmiger, Planning Consultant
Lori Ward, Downtown Development Authority Director
Brent Strong, Building Official

3. APPROVAL OF AGENDA:

Discussion led by Building Official Strong was added as Agenda Item 6A.

MOTION by Russell, support by Maise, to approve the agenda as amended.

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: May 15, 2018

Chair Kirk asked that the first sentence on Page 3 be clarified. The sentence was changed to read: Robertson Brothers was proposing 60 townhomes, with 1.52 acres of dedicated open space, including a 50-foot buffer that they had agreed to provide to the Wayne County park to the west.

Motion by Tinberg, support by Maise, to approve the May 15, 2018 minutes as amended.

Motion carried unanimously.

5. CITIZEN COMMENTS:

None.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan reported that on May 21st City Council had approved changes to the zoning ordinance as recommended by the Planning Commission:

- Article 18 General Provisions – Fences
- Article 16 Special Uses
- Article 11 General Commercial District – Special Uses
- Various Articles – Senior Living Facilities
- Article 18 General Provisions – Site Condominiums

Also, on June 5, 2018 City Council had approved:

- Zoning Map Amendment and Conditional Rezoning Agreement for 129 N. Wing Street

B. PLANNING COMMISSION: None.

C. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

6A. DISCUSSION: BUILDING OFFICIAL STRONG

Building Official Strong explained that the Ordinance was silent on tarps. Recently the Court had ruled that a utility trailer full of items covered by a tarp was fully enclosed storage, and was therefore not blight under the Ordinance. Building Official Strong believed that tarps were intended to be used temporarily, and it was not the intent of the ordinance to allow a tarp to cover items that would otherwise be considered blight.

The consensus of the Commission was for Planning Consultant Elmiger to research whether tarps should be addressed in the Code or the Ordinance. If tarps should be addressed in the Zoning Ordinance, Planning Consultant Elmiger should draft appropriate language for the Commission's review.

City Manager Sullivan also suggested reviewing the language regarding what trailers could be stored on a residential property. Commissioner Miller agreed, saying that the current ordinance language allowing multiple types of trailers might be too proscriptive, when a more general statement might actually be open to less interpretation.

7. PUBLIC HEARINGS

MASTER PLAN AMENDMENT

Planning Consultant Elmiger explained that the purpose of tonight's hearing was to receive public input on the proposed changes to the Cady Town – CadyStreet Sub Area Plan. There were also minor changes to the South Center Sub Area, along with clarifying language to the goals for Downtown regarding residential uses on the second floor.

Planning Consultant Elmiger summarized the changes to the Cady Town Sub Area:

- Height limits would be regulated by the Zoning Ordinance, but height variability could be considered through the PUD process.

- The *Creative Mixed Use* area had been changed to require a mixed-used project. A residential-only project in this area was not desirable, but a single-use residential building in a mixed-use project that had multiple buildings was acceptable.
- A statement about first floor residential in key locations had been removed; that decision would be addressed by the zoning ordinances. References to the New Victorian and Belanger buildings were also removed, and a broader statement that new buildings should be compatible with existing surrounding buildings had been added.
- Text changes recommended by City Council had been included.

The draft language was distributed to surrounding communities and counties. The City received one response, from Oakland County, and they didn't have any comments.

Tonight's public hearing was the next step. Following the public hearing, and if the Commission was comfortable with the language, it would adopt the Master Plan changes by resolution, which would then be presented to the City Council. Council would then formally accept the changes.

In response to a question from Chair Kirk, Planning Consultant Elmiger said it was not unusual not to hear comments back from surrounding communities.

Chair Kirk opened the public hearing at 7:25 p.m. Seeing that no one came forward to speak, Chair Kirk closed the public hearing at 7:26 p.m.

Chair Kirk noted that if for some reason the Belanger Building was ever demolished only the car wash and the wood shop would be nearby to provide a standard for compatibility.

Commissioner Maise asked about reclassification of flood plains. City Manager Sullivan said that developers often discovered during the survey process that the flood plain was smaller than that shown on FEMA maps.

Seeing that there were no further comments, Chair Kirk indicated he was ready to move forward, and Commissioner Tinberg offered the following resolution:

City of Northville, Michigan

Memorandum of a Resolution adopted at a regular meeting of the Planning Commission of the City of Northville, Michigan held in the City Hall, on June 5, 2018.

PRESENT: Steve Kirk, Carol Maise, Chris Miller, Marc Russell, Anne Smith, Jeff Snyder, Donna Tinberg

ABSENT: Dave Mielock

The following resolution was offered by Commissioner Tinberg, and supported by Commissioner Maise:

WHEREAS, the City of Northville Planning Commission recognizes the need to formulate and adopt a City Master Plan including establishment and support of a Land Use Plan as described in this document and in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, as amended.

WHEREAS, the Planning Commission identified the need to amend the City Master Plan so that the Cady Town – Cady Street Subarea Plan reflected the following:

- 1) Enable the Planning Commission to consider proposals for first floor residential, and require projects with residential uses to be mixed-use projects;
- 2) Allow the Planning Commission to consider incentives for projects that have commercial/retail/office on the first floor and residential above;
- 3) Use the zoning ordinance to govern height, and allow flexibility through the Planned Unit Development process;
- 4) Remove density limits on properties abutting Cady Street and use dimensional requirements to regulate density; and
- 5) Eliminate references to specific locations and responsible party for site design and public amenities.

WHEREAS, the Planning Commission also identified the need to amend the City Master Plan so that the South Center Street Subarea Plan is modified to remove density limits on properties abutting Cady Street, and eliminate a reference to the City regarding streetscape improvements.

WHEREAS, the Planning Commission also identified the need to amend the City Master Plan so that the document supported renovation and re-development of existing upper floor residential units in the downtown as a secondary use, as well as providing density guidelines for such residential use.

WHEREAS, the staff at the Oakland County Economic Development and Community Affairs Department reviewed the amendment and found that the amendment was not inconsistent with the plan of any surrounding communities that received notice of the draft plan.

WHEREAS, a copy of this Master Plan amendment has been forwarded to the City Council for acceptance.

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The City of Northville Planning Commission hereby adopts by resolution the amended Master Plan, dated June, 2018 including the Future Land Use Map.
- 2) A certified copy of the Future Land Use Plan portion of the Plan will be forwarded to Oakland County and Wayne County for filing.
- 3) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Kirk, Maise, Miller, Russell, Smith, Snyder, Tinberg

NAYS: 0

ABSENT: Mielock

RESOLUTION DECLARED ADOPTED 7-0 (Mielock absent, 1 vacancy)

ELECTRONIC MESSAGE SIGNS TEXT AMENDMENTS

Planning Consultant Elmiger explained that at the March 20, 2018 Planning Commission meeting, the Commissioners moved to set a public hearing for draft ordinance language prohibiting electronic changeable copy signs in the City. The public hearing was to be scheduled in combination with other ordinance amendments, and was therefore being heard this evening.

Planning Consultant Elmiger further explained that this ordinance amendment added a definition of an electronic changeable copy sign or digital message center. It also prohibited those types of signs in all zoning districts. The static *Open* signs were still permitted.

Chair Kirk opened the public hearing at 7:32 p.m. Seeing that no one came forward to speak, Chair Kirk closed the public hearing at 7:33 p.m.

Commissioner Maise asked if there was a definition of *historically appropriate* as referenced in 21.01.d.6)(b)(i)1. Planning Consultant Elmiger said the interpretation of *historically appropriate* was up to the Historic District Commission, which was charged with following the City Of Northville’s Historic District Design Standards, as well as the Secretary of Interior Standards.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said that some examples of historically appropriate signs might be a neon sign for an optometrist’s office, or a projecting sign in the shape of a product being sold.

Chair Kirk asked if the sign ordinance addressed flat screens, such as televisions. Planning Consultant Elmiger said if the flat screen showed a static sign such as *Open* it would be allowed. Commissioner Maise asked about the small flat screens on gas pumps. Planning Consultant Elmiger said if those signs were seen from the street, they would fall under the regulation. She referred the Commission to the proposed definition in 21.01.b.(9).

Discussion followed regarding flat screens located on the outside of buildings. As long as the TV screens were not advertising a service provided on the premises, they would not be considered as signs.

MOTION by Russell, support by Smith that the Planning Commission recommend to City Council approval of the ordinance amendments to Section 21.01 Sign Regulations as presented.

Chair Kirk asked for a roll call vote.

Kirk	yes
Maise	yes
Miller	yes
Russell	yes
Smith	yes
Snyder	yes
Tinberg	yes

TEMPORARY USES TEXT AMENDMENTS

Planning Consultant Elmiger explained that on May 1, 2018 the Planning Commission moved to set a public hearing for new ordinance language that addressed administrative review and approval of certain temporary uses.

The proposed ordinance language covered three categories of temporary uses:

1. Mobile Food Vending, which allowed food trucks to operate in any zoning district as long as the vendors and property owner were registered with the City. Registration would be required annually. The Building Department would develop the registration process.
2. Temporary uses that would be reviewed and allowed by the Building Official. Those uses were associated with the construction process, including:
 - Portable on-demand storage structures
 - Dumpster roll-off containers
3. Temporary uses that required a permit, which was reviewed and approved by the Building Official. The permit application and process would be developed by the Building Department. The temporary uses that would require a permit included:
 - Temporary construction building or office
 - Emergency temporary residence
 - Seasonal sales of perishable items by non-profit entities on private property
 - Temporary outdoor special events on private property to which the general public was invited.

All other temporary uses would be reviewed by the Board of Zoning Appeals.

The proposed amendment also removed the requirement that the Planning Commission must comment on applications to the BZA for a temporary use.

Chair Kirk opened the public hearing at 7:42 p.m.

Downtown Development Authority Director Ward asked if food vendors could only be on private property. Planning Consultant Elmiger explained that food vendors operating on public property would be part of a special event approved by the City Council. A food truck could not park in a public parking space without City Council approval.

In response to comments from City Manager Sullivan, Planning Consultant Elmiger said the registration process would be developed by the Building Department. The goal was to make the process easy while ensuring that food trucks were licensed, insured, etc.

Commissioner Tinberg commented that the process would ensure the food vendors had gone through some preliminary screening.

Commissioner Maise asked if in the future the City wanted to limit the number of food trucks, could that be decided via administrative policy, or would that type of regulation come back to the Planning Commission for an ordinance amendment. City Manager Sullivan thought appropriate restrictions should be in the Ordinance and not be completely left to the Building Official's interpretation.

Commissioner Russell said that at the previous meeting, the Planning Commission had deliberately chosen not to restrict food trucks. If a problem arose, the Commission could address it, or the problem could be addressed in the registration procedure.

Commissioner Maise said one purpose of the registration process was to gather information. Building Official Strong added that the registration process could also be used as an enforcement tool.

Commissioner Russell asked hypothetically if the Downtown Development Authority wanted to have food trucks on every other Wednesday, would that be an event? Planning Consultant Elmiger said that could be considered a special event. However, as long as City Council provided the Building Official with an action granting permission for the food trucks *as their own event*, they would be allowed. Food trucks coming in on their own and utilizing public property without City Council approval would not be allowed. Council could provide specific or blanket approvals for food trucks, or could approve them as part of special events.

Downtown Development Authority Ward was concerned that the process not be too cumbersome. She reviewed process for including food trucks in special DDA events. A food truck that wanted to set up business on the same night as a special event would not be able to do so, unless they had gone through the registration process first.

In response to a question from City Manager Sullivan, Planning Consultant Elmiger said that in the original draft food trucks had been prohibited in the Central Business District. However, at the last meeting the Commission had decided to allow food trucks in all districts. Commissioner Tinberg added that there weren't many private properties in the Central Business District that had enough space to accommodate a food truck.

Chair Kirk closed the public hearing at 7:52 p.m.

Commissioner Russell felt the draft language allowed desired flexibility.

Chair Kirk asked about enforcement when a food truck was not registered. Planning Consultant Elmiger said information for food truck vendors could be posted on the City's website. Discussion followed as to whether the burden of understanding the City's regulation rested on the vendor, and whether posting regulations for this specific use set a precedent for other similar uses/activities.

City Manager Sullivan said as far as he knew the City had never received complaints about food trucks. Building Official Strong said currently the only locations using food trucks were the North Center Brewery, the Cider Mill, and special events approved by City Council.

Downtown Development Authority Director Ward said she sometimes received calls from businesses wanting to use mobile foot carts as an accessory use to their restaurants, and she also fielded calls from interested food truck owners who wanted to participate in the City's special events.

Chair Kirk indicated he was ready for a motion.

MOTION by Maise, support by Russell that the Planning Commission recommend to City Council approval of the ordinance amendments to Section 26.02 Definitions and Section 18.22 Temporary Structures *and Uses*, as presented.

Chair Kirk asked for a roll call vote.

Kirk	yes
Maise	yes
Miller	yes
Russell	yes
Smith	yes
Snyder	yes
Tinberg	yes

8. DISCUSSION

550 SEVEN MILE –SOUTH MAIN STREET OVERLAY – DRAFT ORDINANCE REVISIONS

As Commissioner Snyder owned part of the property under discussion, Commissioner Russell made the following motion:

MOTION by Russell, support by Tinberg, to recuse Commissioner Snyder from this discussion item.

Motion carried unanimously.

Commissioner Snyder left the dais.

Planning Consultant Elmiger explained that at the last Planning Commission meeting, the Commission discussed the properties designated Performance Related Industrial No. 1 (PR-1) and decided that to implement the vision in the Master Plan, the properties zoned PR-1 should be rezoned to the General Commercial District (GCD). This would guide any future redevelopment of those properties to a commercial (vs. new industrial) use. It would also allow the existing uses to operate, but not expand without a variance.

No changes had been made to the draft language provided earlier, except to eliminate references to PR-1 zoning, since PR-1 was going to be rezoned to General Commercial. If the Commission was satisfied with the draft language, the next step was to set the changes for public hearing.

Planning Consultant Elmiger further explained that Robertson Brothers, who had presented a conceptual plan for this site at the previous meeting, planned on returning to the Commission at the June 19 meeting to present revisions to their concept plan. This would not be formally reviewed because it was not yet a formal submission. The public hearing would be the 3rd Tuesday in July, after the Robertson Brothers presented.

The consensus of the Commission was to go ahead with the rezoning of the PR-1 properties to GCD.

Planning Consultant Elmiger directed the Commission's attention to Section 11.05.b.2), which stated, in part: *Residential uses shall not be located along the Seven Mile and South Main Street frontages unless part of a mixed-use project that has commercial on the first floor and residential above.* The only way for a developer to ask for a deviation was to request a Planned Unit Development.

Chair Kirk commented that the first floor was not considered a first floor when it was used for parking. Regarding height, did some communities regulate height only, and not stories? Planning Consultant Elmiger explained that stories had been getting taller, though none of the communities she worked with eliminated stories nor had they increased height.

Referring to page 1 of Planning Consultant Elmiger's May 16, 2018 memorandum, Commissioner Russell supported the draft language that added building height expressed in feet as well as stories in Table 11.1, as was done in the ordinance for all zoning districts.

Commissioner Maise asked if language should be added regarding encouraging creative solutions to parking. Planning Consultant Elmiger said the footnote under Table 11-1 encouraged ground level tenant parking by not counting the parking floor as a story with regards to building height, and would also permit up to an additional 5 feet in height.

Planning Consultant Elmiger said that many apartment complexes were adding separate garage units. Any carport or garages could be installed without affecting lot coverage, as there was no lot coverage requirement.

Commissioner Maise asked when a traffic study was required for a development of this type. Planning Consultant Elmiger said Section 19.j.1. stated:

...The Planning Commission will require a traffic impact study for a PUD, site plan, rezoning or special use, if either or both of the following situations occur:

- a. Proposed development which generates one hundred (100) or more directional vehicle trips (inbound or outbound) during the peak hour.*
- b. Proposed development which in the opinion of the City Engineer will generate significant traffic volumes, cause traffic safety concerns, or create burdens on the existing roadway network of the City.*

City Manager Sullivan asked when an increased level of service would require a traffic signal. Planning Consultant Elmiger said that would be an engineering standard, and the City Traffic Engineer would make that decision. The site plan process also gave the Planning Commission authority to require that the City Traffic Engineer analyze a site plan to see if a traffic study was necessary.

Commissioners Russell and Maise spoke to the existing traffic situation at Seven Mile and Main Street, which often backed up during peak hours.

Chair Kirk asked if the Commission could make a decision based on nearby future developments. Planning Consultant Elmiger said that future developments could be included in a traffic study.

Chair Kirk asked if the Commission could determine that a project was too big even if it met ordinance standards. Planning Consultant Elmiger said the Traffic Engineer could require a project to incorporate road improvements in order to be viable. At that point it would be up to the developer to incorporate turn lanes, traffic signals, etc.

Chair Kirk noted that the City's boundary ended just a few feet away from this overlay district. Even if the City didn't have control over anything beyond its border, the road system just outside the City had to

be considered. Commissioner Maise pointed out that a PUD rather than an overlay district would give the City greater ability to analyze traffic impacts.

Planning Consultant Elmiger said a project could be denied because it created an unsafe traffic situation, based on the Traffic Engineer's report.

The Commission continued to discuss traffic concerns at this corner. Perhaps the suggested units per acre in the overlay district should be based on what the traffic could handle, as well as taking into account the commercial development that would be part of a mixed-use development. A PUD would give the City more control over any development there.

City Manager Sullivan said that a traffic engineer could not analyze the property when it wasn't yet zoned for future development. He felt the City should adopt the zoning and land use that was desired, and any developers would need to work within those parameters.

Commissioner Maise suggested further language regarding traffic in Section 11.05.d. Planning Consultant Elmiger suggested adding: *and can be accommodated by the existing road network*.

Commissioner Miller cautioned against adding such language specific for this one property, especially when the site plan review already required a traffic analysis and possible traffic study.

Planning Consultant Elmiger suggested language that allowed a density of *up to 15 units per acre* rather than a density of 10-15 units per acre. That way a lower density would be allowed, if a developer needed that. One way of calculating density was to separate out commercial and residential uses, and calculate the density for each component. Language could be added as to how density was calculated in a mixed-use project.

In response to a comment from Chair Kirk, Planning Consultant Elmiger said Section 11.05.g addressed driveways in mixed-use projects.

The consensus of the Commission was that new language should be brought back for further review before going to public hearing.

Planning Consultant Elmiger summarized that she would add a measurement in feet to Section 11.1, and add language regarding calculating density. The requirement for a traffic study was already outlined in Section 19.

Commissioner Smith asked why developers seemed to be resisting first floor commercial. Perhaps the increased traffic from first floor commercial argued against that requirement.

Planning Consultant Elmiger noted that first floor commercial required significant surface parking; the challenge of a mixed use development was to make sure parking for the different uses didn't interact negatively. Also, even though residential developments were popular right now, the question needed to be asked, if all the commercial land was developed residentially, where would commercial support for residential locate?

Commissioner Miller said the idea that developed at the previous meeting was that there wasn't a demand for commercial at this location. Further, developing a small commercial zone that was separated from the downtown commercial area was viewed as a negative. Also there was no other commercial for quite a

distance on Seven Mile Road going west. So the question had been asked as to why the City wanted commercial in that area.

Planning Consultant Elmiger asked Mr. Snyder if he wanted to add anything. Mr. Snyder said that developers needed to hear a consistent message.

Planning Consultant Elmiger pointed out that the language regarding a traffic study was already in the ordinance. The draft language was actually not much changed from the previous meeting.

Commissioner Tinberg thought the Commission should discuss the 3 options given on page 1 of Planning Consultant Elmiger's May 16 review letter:

1. Making the requirement for first floor commercial less proscriptive by eliminating the first floor requirement.
2. Allowing residential on the Seven Mile frontage in a certain location (near Wayne County park),
or
3. Allowing a certain percentage of residential along either (or both) frontages.

Planning Consultant Elmiger suggested that Section 11.05.b.2, could read in part: *Residential uses shall not be located along the Seven Mile and South Main Street frontages unless part of a mixed-use project.* ~~that has commercial on the first floor and residential above.~~ That change would add flexibility.

Commissioner Tinberg thought there seemed to be compelling reasons not to require first floor commercial in the area.

In response to a question from Chair Kirk, Planning Consultant Elmiger said that the overlay district required that most commercial parking be placed behind the building, screened from the road as much as possible.

Commissioner Maise asked if the desire for first floor commercial was based on appearance or on need. Was this about land use, or the look and streetscape of the development?

Commissioner Russell said the existing streetscape there read as commercial, and having a commercial corridor in that location would be a stronger use than residential; he didn't see Seven Mile Road as residential in that location. Mixed use, while challenging, offered an appropriate gateway design. The development and streetscape should add a pedestrian component to complement the commercial component.

Commissioner Maise summarized that the intent was to add both land uses, and then to put the land uses in the most appropriate location for those uses.

From the audience, Mr. Snyder spoke to the increased traffic that would result from future development at the Northville Downs.

Planning Consultant Elmiger asked if the Commission agreed that the property under consideration would benefit from a more urban appearance and streetscape, as well as a pedestrian component, as outlined by Commissioner Russell.

Commissioner Miller expressed hesitation in trying to impose a certain character on the Seven Mile and Main intersection.

Commissioner Russell thought in any event that the requirement for first floor commercial should remain. After brief further discussion, the Consensus of the Commission was to leave the statement regarding first floor commercial in 11.05.b.2) as presented, without removing the requirement for first floor commercial.

Planning Consultant Elmiger said she would bring changes back to the Commission on June 19.

9. ADJOURN

Seeing that there was no further discussion, Chair Kirk asked for a motion to adjourn.

MOTION by Russell, support by Maise, to adjourn the meeting at 9:03 p.m.

Motion carried unanimously.

Respectfully submitted,

Cheryl McGuire
Recording Secretary

Approved as published 06/19/18