

CITY OF NORTHVILLE
Planning Commission
March 21, 2017, 2017
Northville City Hall – Council Chambers

1. CALL TO ORDER:

Chair Wendt called the meeting to order at 7:30 p.m.

2. ROLL CALL:

Present: Steve Kirk
Carol Maise
Christopher Miller
Matthew Mowers
Anne Smith
Jeff Snyder
Jay Wendt

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

Also present: Ken Roth, Mayor
James Allen, Mayor Pro Tem
Patrick Sullivan, City Manager
Sally Elmiger, Planning Consultant
Brent Strong, Building Inspector
Lori Ward, Downtown Development Authority Director
8 residents

3. APPROVAL OF AGENDA:

**Motion by Mowers, support Kirk, to approve the agenda as published.
Motion carried unanimously.**

4. MINUTES OF PREVIOUS MEETING: February 21, 2017

Motion by Maise, support Smith, to approve the February 21, 2017 minutes with the following amendments:

- p. 3, 4th paragraph from the bottom:
Commissioner Kirk noted that the definition of basement would probably cause confusion among appraisers, in terms of how total square feet was calculated residents who received appraisals that calculated square feet differently.
- p. 8, 4th paragraph from the bottom:
~~Discussion was had~~ Brief discussion followed regarding what the Engerers would do if their application were denied.

Motion carried unanimously.

5. **AUDIENCE COMMENTS:** None.

6. **REPORTS:**

A. **CITY ADMINISTRATION:** None.

B. **CITY COUNCIL:**

Mayor Pro Tem Allen said that at last night's City Council meeting ordinance changes as recommended by the Planning Commission at their February 21st meeting had been approved at a first reading. The second reading would be April 17.

There had been some discussion at City Council regarding permitting home delivery as well as take-out restaurants in the Central Business District, although home delivery restaurants did offer a more intensive use in terms of required parking spaces. This might be brought up for future discussion.

C. **PLANNING COMMISSION:** None.

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

7. **DISCUSSION**

Senior Living

Referring to her memorandum dated March 15, 2017 and the document entitled *Senior Living – Draft Ordinance Amendments*, Planning Consultant Elmiger gave the background for this discussion, which focused on the definitions of various types of senior facilities and what districts should permit these facilities.

Definitions for three types of senior living facilities that reflected increasing levels of care included:

- Independent Senior Living had kitchen facilities, and met the definition of a *dwelling unit*.
- Assisted Senior Living offered each resident their own room, including a bedroom and bath, but no kitchen facilities. The residents ate in a communal dining room. Therefore, their rooms were *not* considered dwelling units.
- Continuing Care Retirement Community could provide 24/7 care, including memory care. Care included assistance with everyday living, such as bathing, dressing, eating, as well as offering medications.

Many retirement communities would have all 3 types of care within their campus.

None of the definitions included nursing care. Even though medications were dispensed to residents, this was not considered a nursing or medical action. The ordinance included a definition for *Convalescent or Nursing Home* that provided nursing care.

The proposed definitions replaced the term *housing for the elderly* that was currently in the zoning ordinance, but which had never been defined.

Planning Consultant Elmiger had made suggestions as to which zoning districts might appropriately permit senior living facilities. In general, senior living facilities were appropriate in zoning districts that

included multi-family residential uses. She also included one or more of the senior living facilities in districts that currently permitted housing for the elderly.

Mayor Pro Tem Allen cautioned that this discussion needed to be about more than Northville Senior Living, owned by the Engers. The City needed to recognize that any inclusion of a senior living facility in any zoning district, including CBD, would not be business-specific, but would be open to any outside businesses, including large faceless corporations. If any regulation stated that 20 units was a threshold, there would need to be strong reasons to support that threshold. Other cities appeared to limit senior living to districts with multi-family uses.

Planning Consultant Elmiger agreed that the Commission did need to look at this issue from the whole-city perspective. The 20-unit threshold was based on a State definition that said that nursing homes could allow for a home for the aged for 20 or fewer people, as part of a larger nursing home. Whether the 20-resident threshold was appropriate in the present instance would be up to the Commission.

Commissioner Maise said that the 20-unit threshold applied to all kinds of care, including foster homes, etc. When a facility had more than 20 residents, it became congregant care.

Planning Consultant Elmiger said the proposed ordinance was written in such a way as to differentiate foster care from senior living.

Building Inspector Strong pointed out that egress and other requirements changed as a facility housed more people.

Commissioner Mowers said that the Master Plan didn't contemplate senior living in the CBD District. However, the Master Plan did call out senior or multi-family living at the Old Village School site. He agreed with Mayor Pro Tem Allen, in that R-3 and R-4 zoning districts permitted nursing or convalescent care. Senior living was an undefined term currently. A previous proposal for senior living in the CBD District was very controversial among city residents as well as among members of the Commission. The vision for the CBD district did not seem to include senior living facilities, and he felt that senior living should be tailored toward where nursing and convalescent homes were currently permitted in the zoning ordinance.

Commissioner Kirk sought clarification as to who the residents would be in senior living facilities that might be placed in the CBD District. Regarding Northville Senior Living, wouldn't a number of those residents still be able to get out and utilize downtown businesses and be a part of the community? It was important to value seniors who lived in senior housing facilities as important members of the community.

Commissioner Snyder was concerned with emergency vehicle access to a senior living facility in the CBD District, especially as there were perpetual activities in the downtown area.

Commissioner Miller thought the City should strive for consistency. It was perhaps not surprising that senior housing had been left out of the Master Plan, but perhaps now was the time to address that oversight in order to have a consistent approach to this issue.

Chair Wendt said this discussion should be neutral in terms of which business might be involved.

Commissioner Mowers reiterated that six months ago there was a definite rejection of having senior housing in the CBD District. Had something changed since then?

Discussion focused on emergency vehicle needs, especially during downtown events. Senior housing tended to need emergency vehicles more frequently, and the residents could be less ambulatory than office personnel, for instance.

Commissioner Mowers pointed out that housing for empty nesters who wanted to downsize was different than senior living facilities. The latter would likely require a higher amount of medical emergency services. He reiterated that he thought R-3 and R-4 zoning districts were already designated to have nursing and convalescent care, and he thought those zoning districts would be appropriate locations for senior housing facilities as defined in the proposed language presented this evening.

Commissioner Miller asked how the number of residents was determined for each of the categories in the proposed ordinance. Planning Consultant Elmiger explained that *Independent Living* had no number of residents requirement. Independent living would be like any other dwelling units where anyone of any age could live. For *Assisted Senior Living*, the number 20 was identified as already described above, utilizing State definitions. However, under the State's definition, the 20 or fewer residents in a home for the aged had to be connected to a licensed nursing home.

For *Continuing Care*, again there were no number requirements. Continuing care facilities were generally on a larger scale on a large campus that might have a number of buildings.

Planning Consultant Elmiger emphasized that facilities that did not provide nursing care did not have to be licensed in Michigan, as long as the room and board was provided by an entity different than the entity that was providing the care.

Commissioner Miller asked if in each of the zoning districts where senior living facilities were permitted, could those facilities be large? Planning Consultant Elmiger said they could be large.

Commissioner Maise asked if the City had the ability to adopt requirements that were similar to state licensing requirements. Planning Consultant Elmiger said that she would need to research this question. However, any facility could request licensing by the State. Also, if complaints were received, the State could investigate and require that a facility be licensed, if appropriate.

Commissioner Maise asked if regulating senior living facilities would open up the City to also regulating day care or other care centers.

Planning Consultant Elmiger said this might be true. Other types of care facilities would include adult care, but would not necessarily be senior living. She felt the foster care section of the Ordinance also could be reviewed. However, tonight the Commission was looking at senior living facilities only.

Planning Consultant Elmiger said that tonight's questions focused on whether the Commission liked the draft definition language. Did they think the definitions appropriate, and did they agree with the districts that would allow senior living facilities as special or permitted land uses in the various districts suggested? Were the uses consistent with the intent of the ordinance regarding the districts? Districts that didn't allow any residential at all were not being considered. The proposed categories were typical of development proposals the City was receiving.

Planning Consultant Elmiger said that housing for the elderly was currently a permitted use in the CBO District. If a district allowed multi-family it probably should also allow *independent* senior living.

However since the CBO currently listed *housing for the elderly*, should it or should it not include the other categories of senior living facilities?

Chair Wendt opened the meeting up for public input.

Charles Lapham, 18412 Blue Heron, spoke in favor of the Engerer's business, Senior Living of Northville. He felt this small facility truly had something to offer, was affordable, and the people living there felt that it was their home. He urged the Commission to visit the facility before they voted on this issue.

Janis Carlson, Northville resident, said her mother was a resident at Senior Living of Northville. She had been one of the first residents to move in there, after she experienced unexpected mobility issues. They found the facility to be a great place that was also affordable, and she was able to take her mother outside to enjoy the downtown area.

Dennis Engerer, Senior Living of Northville owner, gave some history of the facility. It had started out as independent living but had evolved into senior living care. The facility was small and unique – 16 beds, and had the further benefit of the physical rehabilitation facility next door. They catered to both short and long-term residents. He spoke to the need to have more affordable senior living facilities in the area. He felt there was a place for small facilities such as his in the CBD. Also, it was difficult to fill office space, but there was a huge demand for senior living in the town center, and seniors should not be relegated to communities further out.

Dennis Engerer said that the City needed to decide whether or not there was a place for these facilities, even in the downtown area. The residents loved the place – it was their home. He felt the Commission could craft an amendment specific to their situation.

Joe Engerer, Howell, said his preliminary research showed other cities were allowing senior living facilities very close to their town centers. Ann Arbor and Plymouth allowed senior living very close to their downtown area. He felt there was not a demand for this space as office use, but there would continue to be a demand for affordable senior living.

Commissioner Maise commented that the Commission had not really discussed Senior Living of Northville this evening. Was this an accessory or primary use?

Commissioner Mowers said he felt the Engerers were providing a great service. However, the Commission needed to look at this request from a more global perspective. He had 3 comments:

1. Would Planning Consultant Elmiger research what other communities were doing with senior living placement?
2. Noting that recently there had been joint meetings with other city councils, boards and commissions, it was important to define exactly what the community wanted in the CBD District.
3. The DDA's charge was to help develop the downtown area. Would permitting this use enhance their goals for Northville going forward? The Commission needed to know what was available in other zoning districts, and what the City wanted to accomplish in the CBD District.

Commissioner Mowers continued that the Commission needed to provide a clear policy, and any approved use needed to fit with the plans for the district. This should not be about accommodating one specific use, but should take into account the plans for the entire district and the City.

Planning Consultant Elmiger said Mr. Engerer had several alternatives. She had advised that the first thing Senior Living of Northville should do was to discover what the Commission's thoughts were on having assisted living in the CBD, and whether or not the Commission would consider modifying the zoning ordinance so as to specifically allow this use, and thus render it conforming. If the Commission did not look favorably upon this proposal, Mr. Engerer could pursue other options.

Commissioner Snyder said the Commission needed to take time to make this decision, which should include Master Plan review. He suggested the Commission table this matter.

Resident and BZA member Michelle Aniol, 402 Yerkes, asked what other options had been presented to Mr. Engerer. Commissioner Maise said those had been discussed in general terms, and included a use variance and a text amendment.

Planning Consultant Elmiger said that the question of whether assisted living should be permitted in the CBD was an outstanding question, carried over from when a previous proposal had come to the City for the Foundry Flask area. Before Mr. Engerer pursued a variance it was appropriate for him to ask the Planning Commission to decide the broader question as to whether the City would permit assisted living in the CBD district.

Ms. Aniol noted that the discussion had transitioned from the different types of senior housing to an affordability question. She did think Northville was pricing itself out of the market – it was difficult for current residents to downsize and stay in Northville, which was growing ever more expensive. She felt that if the emotion and specific individuals were taken out of this equation, the Commission was looking at a housing question. What studies had been completed regarding housing, in addition to the market analysis study completed last year? Such a study would help inform a decision, so that it was not made just on who the person was that brought this application. Senior care of some sort needed to be a use permitted in the City, maybe even in the CBD. How many emergency runs had been utilized for this facility in the past? She favored getting further information and having more intense discussions so that the best decision could be made for the City, not just for this individual business.

Planning Consultant Elmiger summarized that the Commission (1) wanted her to look at other communities in terms of where and what kind of senior housing was allowed. Also (2) would assisted senior living help or hurt what the DDA was trying to accomplish in terms of downtown development? Last (3) she would research as to whether there were any regional housing studies, specifically in terms of housing needs.

DDA Director Ward said that they had just finished a residential and retail market study for the downtown area; she could review that and see if any special consideration had been given to senior housing. That study was on the DDA's website.

Commissioner Kirk said that the use being discussed this evening was tied to the physical therapy facility that was next to it. This seemed to be a unique use.

Planning Consultant Elmiger asked if all the residents of Northville Senior Living required physical therapy. Mr. Engerer said that all the residents did not need or use the physical therapy component. Some of the residents were simply seeking a place to live.

Commissioner Maise asked if this would be an issue if the apartments had small kitchens in them. Planning Consultant Elmiger said in that case each unit would be a dwelling unit, and the use would be permitted.

Mr. Engerer said they had considered converting each unit to a small independent dwelling unit, but there was not as much demand for those types of units. He also felt using the space as office space would not be successful.

Chair Wendt said that more investigation needed to be done before a decision was made.

MOTION by Maise, support Smith, to table action on including senior housing/assisted living in the Central Business District.

Maise	yes
Mowers	yes
Kirk	yes
Smith	yes
Wendt	yes
Miller	yes
Snyder	yes

Therefore the motion carried unanimously.

Front Open Space Requirement on Residential Lots

Planning Consultant Elmiger said that last month the Commission had a public hearing on the requirement that 65% of the front open space from the front property line to the front setback line in a residential district be free of pavement. In reviewing this information, it was brought to her attention that there was a provision in the ordinance that allowed an uncovered porch or paved terrace in the front yard in a residential lot up to 10 feet into the front yard setback. Questions were:

- 1) Should an uncovered porch or paved terrace be considered pavement with the new 65% requirement?
- 2) If the uncovered porch or paved terrace was considered to be pavement, lots that were very narrow or where front yard averaging had been applied often resulted in a front setback less than 25 feet. In those situations there could be a very small front yard. Therefore the pavement requirement as stated made it difficult for someone who had a very narrow lot or whose house was set close to the street to accommodate a modest-sized driveway and a front walk with the 65% requirement.

Planning Consultant Elmiger said that she had analyzed lots of various widths to calculate how much of the front yard could be used for paved surfaces, including driveways, sidewalks, uncovered porches and paved terraces. Narrow lots (less than 60-feet wide) had small front yards, even if the house was set back the required 25 feet. This problem seemed to be exacerbated by the “front yard averaging” provision allowed in the R-1B District. In addition, some of the existing lots in R-1B were very narrow, and were developed before the existing 25-foot front yard setback requirement was adopted. Therefore, some of those properties had very small front yards.

Planning Consultant Elmiger referred to the chart entitled *Lot Coverage/Landscape Area Analysis: R-1B*. There were lots that had 30 to 50 foot widths that would be too small to have a decent sized driveway and a sidewalk. The chart also showed lots with a 17-foot setback and a 10-foot setback.

Planning Consultant Elmiger suggested that undersized lots in the R-1B District might be allowed more lot coverage than regular sized lots, perhaps 50%. Such a solution might allow room for a driveway, sidewalk, and a covered porch.

Another course of action would be to require the owners of small lots to seek a variance.

Commissioner Snyder commented that almost all smaller lots had alley access and did not need a front yard driveway.

Commissioner Miller suggested that the new 65% requirement apply only to lots with a 60-foot width or greater. Any lot width less than 60 feet would still be allowed an 18-foot driveway width, with the rest of the front yard devoted to green space. All lots should have the 10-foot porch allowance that did not count toward paved surfaces.

Commissioner Snyder said that kind of change might encourage a two-car front facing garage in the front on narrow lots.

Chair Wendt spoke to the need for the Ordinance to encourage the traditional character of the City.

Commissioner Mowers said that it was important to define green space as not paved. Planning Consultant Elmiger said that pavement was defined as anything, whether permeable or nonpermeable, that covered the surface of the ground, such as concrete, blacktop, asphalt, brick pavers, stone, gravel, etc. Landscaped area was defined as area of ground surface that had been planted with live material, such as grass, ground cover, trees, shrubs, etc., along with natural materials such as woodchips and mulch, in combination with live plant materials.

Commissioner Kirk asked about outdoor carpeting or products such as astro-turf. Planning Consultant Elmiger said that this would not be permitted.

Planning Consultant Elmiger asked what would happen if someone with a small lot wanted less than an 18-foot driveway and also a sidewalk.

Building Inspector Strong said he felt Commissioner Miller's suggestion of allowing an 18-foot driveway and leaving the rest as green space would be easy to administer.

Planning Consultant Elmiger explained that the Public Works Director had the ability to modify driveway dimensions based on individual lot descriptions. The minimum driveway width as listed in *The Manual for Uniform Criteria and Design Standards for Construction* for Northville listed the minimum width for a driveway as being 16 feet.

Commissioner Miller said his intent was to allow the minimum width required for a driveway; 16 feet seemed to be the appropriate driveway width based on the criterion just revealed.

Planning Consultant Elmiger summarized that any property with less than the required 60-foot lot width would be permitted up to a 16-foot wide driveway plus an uncovered porch or paved terrace up to 10 feet into the setback.

Commissioner Snyder asked if a property had an alley with a garage in the back, would that property still be entitled to a driveway in the front? If so, the resident could have 2 cars parked in the front, along with the garage with the alley access. This could result in paved front yards.

Planning Consultant Elmiger said the existing ordinance currently had a 35% landscaping requirement for the entire lot, not just the front. The proposed ordinance would require 65% landscaping in the front yard, but the 35% total yard requirement would be unchanged.

Commissioner Miller said that a property owner of a small lot with a garage with a driveway in the back and a driveway in the front would probably run afoul of the 35% overall landscaping requirement.

Commissioner Snyder asked why the Commission would want to make this change to allow parking in the front when a property owner already had alley access to the rear garage?

Planning Consultant Elmiger said without this change if someone did want parking in the front on a small lot, they would need to seek a variance. She was concerned with prohibiting someone with a narrow lot from putting a driveway in the front yard. Commissioner Snyder said he didn't want to prohibit access, but someone with an alley already had access. In the case of narrow lots with back alleys, perhaps the 65% front yard rule should still apply.

Planning Consultant Elmiger said she would draft new language based on tonight's discussion.

Site Plan Review Process

Planning Consultant Elmiger explained that when a recent site plan was brought to the Commission regarding a penthouse addition downtown, it was discovered that existing ordinance language didn't address the Planning Commission reviewing something that increased the height of a building. For instance, a large penthouse could be constructed as a partial third floor but might not require Planning Commission approval. Yet such an addition could have a significant impact on the downtown streetscape.

Separately, it was typical for a community to allow extension of a Preliminary and Final Site plan approval, within limits.

Therefore, some proposed modifications to Article 19 were suggested, that included:

1. Revise circumstances when Planning Commission or Administrative Review was required. Those changes would apply across all zoning districts to ensure that all properties were treated the same.
2. Add language to allow a developer to extend their Preliminary Site Plan approval.
3. Add language to require a developer who had been granted Final Site Plan approval to apply for and receive an extension before the approval expired.

Planning Consultant Elmiger reviewed proposed changes to Section 19, as provided to the Commission this evening. Among the changes was a clarification of what minor site development plans could be approved administratively. The proposed language also ensured that the Planning Commission would review a proposed increase in height to an existing building.

Commissioner Kirk suggested changing Section 19.04.3.a so that the Planning Commission Chair *may* be part of an administrative review, instead of *shall*. A Chair might not always be available to be part of such a review. City Manager Sullivan said that such applications were usually circulated among the respective parties, and meetings were not always held.

City Manager Sullivan spoke to the need to examine and perhaps change the formula for calculating parking for the downtown area. Owners who added a story in the downtown area might need more parking spaces, but the assumption under the current ordinance was that new floors would house office space, and no additional parking was necessary. However, this might not be the case.

Planning Consultant Elmiger said she would add downtown parking requirements in the event of an addition of an extra story to future discussion.

MOTION by Kirk, support Mowers, that the proposed changes to Section 19 as presented this evening be set for the next available public hearing.

Maise	yes
Mowers	yes
Kirk	yes
Smith	yes
Wendt	yes
Miller	yes
Snyder	yes

Therefore the motion carried unanimously.

Lots Adjoining Alleys

Planning Consultant Elmiger said that the proposed changes to Section 18.11.6 *Lots Adjoining Alleys* and Section 26.02 *Definitions* were in response to questions that came up during a Board of Zoning Appeals case regarding lot coverage, and whether Section 18.11.6 applied to the lot coverage calculations.

Section 18.11.6 stated that the area of an alley adjoining a property would be added to the lot area, and did not provision this statement on whether or not the alley was vacated. Did this mean that the area in the alley adjoining a lot should be added for all calculations that referenced “lot area,” or just to determine if the lot met the minimum lot size for the district? Also, did this provision only apply to vacated alleys or to all alleys?

As written, this section was confusing and brought up several issues:

In calculating lot area alone:

1. If an alley was vacated, applying this provision made sense. However, if it was not vacated, the alley was within a public right-of-way, which was specifically excluded in the definition of lot area.
 - a. The ordinance also stated “if provisions were conflicting, the stricter shall apply.”
 - b. If an alley was vacated, the land area was automatically added to the adjoining properties, per the Land Division Act and Section 2.05.
2. If this provision also applied to other calculations that referenced lot area (i.e. lot coverage, etc.), it could have impacts that either benefitted the land owner or were detrimental to the land owner, such as:

- a. Adding the vacated area could allow for more building area on a site through lot coverage or floor area ratio.
- b. However, if the lot were undersized without the alley land, but became conforming with the alley land, then the applicant would only be allowed 30% lot coverage (vs. 35% if undersized).
- c. This could open interpretation as to where the “rear lot line” was actually located. Was it the rear property line, or the centerline of the alley? This could have implications on rear setbacks, and where to begin the measurement for grade plane.

Planning Consultant Elmiger thought the intent of the ordinance could not logically allow half of an alley that was city-maintained to be calculated as part of lot coverage.

City Manager Sullivan said he thought the intent of the ordinance was to apply to vacated alleys only. About half the alleys in Northville had been vacated. He suggested reducing the minimum amount of square footage in districts affected so that the alley never had to be counted in order to meet requirements.

Mayor Pro Tem Allen said that no alley should be counted toward lot coverage, unless it was vacated. He suggested striking Section 18.11.6 from the ordinance. Commissioner Miller agreed.

Building Inspector Strong said he always enforced lot size from the property line.

Planning Consultant Elmiger said the issue currently before the BZA needed an interpretation as to whether an alley was a road right-of-way. What had been the original intent of the ordinance? Tonight’s proposed language regarding the definition of *alley* cleared this up, if the Commission agreed.

The consensus of the Planning Commission was that an alley was a public road right-of-way.

Commissioner Mowers spoke to the need for the BZA to insist on practical difficulty as a standard for granting a variance.

Chair Wendt said the confusion had arisen because some home area calculations were done from the center of the alley. Some were not.

Planning Consultant Elmiger clarified that when an alley was officially vacated, the Land Division Act required that half of the alley width would go to each adjoining property.

MOTION by Mowers, support Maise, to set for public hearing at the next available date to discuss the deletion of Section 18.11.6 *Lots Adjoining Alleys* from the Zoning Ordinance.

Maise	yes
Mowers	yes
Kirk	yes
Smith	yes
Wendt	yes
Miller	yes
Snyder	yes

Therefore the motion carried unanimously.

Planning Consultant Elmiger said that City Council had requested that the Planning Commission discuss the prohibition regarding first floor residential units in the Cady Street Overlay District. Several developers had come to the City asking for first floor residential in the Foundry Flask Property. If the Foundry Flask area was developed as strictly commercial, it would eat up all the future square footage shown to be developable in the DDA's Strategic Plan.

Mayor Pro Tem Allen suggested that allowing first floor residential might be part of incentive-based development.

This issue would be discussed at a future meeting.

8. PROPOSED CHANGE TO MOVE MEETING TIME TO 7 P.M.

Chair Wendt asked the Commission's pleasure regarding changing the meeting time to 7:00 p.m. The consensus of the Commission was to make this change.

9. ADJOURN

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

MOTION by Maise, support Smith, to adjourn the Planning Commission meeting at 9:46 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 4/18/2017