

CITY OF NORTHVILLE
Planning Commission
January 16, 2018
Northville City Hall – Lower Level Meeting Room
215 West Main Street

1. CALL TO ORDER:

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

2. ROLL CALL:

Present: Carol Maise
Christopher Miller
Dave Mielock
Steve Kirk
Ann Smith
Jeff Snyder
Donna Tinberg
Jay Wendt

Absent: 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 Kirk, support by Maise, to approve the agenda as published.

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: December 5, 2017

Motion by Tinberg, support by Maise, to approve the December 5, 2017 minutes as published.

Motion carried unanimously.

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION: None.

B. CITY COUNCIL: None.

C. PLANNING COMMISSION:

Chair Wendt said he had three things he wanted to add to tonight's discussion:

1. Technology. The Commission needed to address technology, including solar panels, windmills, LED signs, etc., with an eye to preserving the look of the City.
2. Murals. What was a sign and what was a mural? Those terms needed to be defined.
3. Minutes of the meetings. The ZBA packets should include relevant minutes from the Planning Commission meetings.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. PUBLIC HEARING: MASTER PLAN

Planning Consultant Elmiger gave the background for this agenda item. The proposed changes to the Master Plan included:

1. Downtown: Encouraging re-development of existing upper floors in the downtown as residential uses as a secondary use on each site. The residential density in the downtown be governed by the existing minimum unit size for multi-family structures and the zoning requirements of the downtown core.
2. Cady Town – Cady Street Sub Area. Eliminate the prohibition of first floor residential. Encourage incentives in the Zoning Ordinance for first floor commercial.

Those changes had been sent to neighboring communities and Wayne and Oakland Counties for comment, as required by the Planning Enabling Act (PA33 of 2008). Oakland County had provided comments: their determination was that the proposed changes were not inconsistent with the master plans of surrounding communities.

The next step was tonight's public hearing, after which the Commission would need to consider any comments provided and decide if changes were necessary; there was, however, no obligation to incorporate the comments into the Master Plan.

If there were no changes, the Commission could pass a resolution approving the amendments, and forward the document to City Council for acceptance.

Chair Wendt asked for any comments.

Aaron Cozart, Horton Street, explained that he was Chair of the Economic Development Committee of the Downtown Development Authority (DDA). Committee members included other DDA members, representation from the Historic District Commission, the Planning Commission, and others.

The Economic Development Committee reviewed the proposed changes in the Master Plan and had comments regarding the Cady Town – Cady Street Sub Area as follows:

- The Master Plan should include recommendations regarding what ground floor residential would look like.
- The Master Plan should encourage a sense of unique neighborhood identity; and have areas available for civic use, such as parks, walkways, etc.
- The Master Plan should better illustrate how first floor commercial was being incentivized. Mixed use and first floor commercial should be strongly encouraged.

DDA Director Ward asked the impetus for the proposed change to first floor residential.

Planning Consultant Elmiger explained that three developers had come to the City with proposals for that property. All had said that first floor residential was essential to an economically viable project.

DDA Director Ward thought the Foundry Flask area needed to have its own sub area designation. Without that, the proposed change to first floor residential covered Center to Main Streets. The Northville Downs was currently under option; the developer in that case was seeking more than 400 residential units on the 50-acre site. The Foundry Flask site could hold another 200 units. That was a lot of residential, in addition to adding first floor residential for the entire length of the Cady corridor.

Planning Consultant Elmiger noted that Cady Street except for Foundry Flask already had Transitional Mixed Use called out in the Master Plan, under *Preferred Land Use: Mixed Use/Planned Development*, and this included first floor residential. Only the Creative Mixed Use area – Foundry Flask – prohibited first floor residential. That was the site of the proposed change.

DDA Director Ward was concerned that while under *Opportunities/Constraints* the City could provide zoning incentives in exchange for mixed use developments which offered first-floor commercial/retail/office and upper level residential, a developer could use a Planned Unit Development tool to offer a completely residential project with added density. She was concerned that the proposed language lacked teeth and would not result in the best outcome.

Chair Wendt opened the public hearing at 7:20 p.m.

DDA Member Greg Presley, Presley Architecture, 108 N. Center Street, commented that four years ago the multi-disciplinary citizen group looked at Cady Street and determined that including first floor commercial would be good, but also as the street flowed east first floor residential seemed to be appropriate in some cases. However, the Sub Area plan did not make that distinction. The citizen group saw the Cady Town – Cady Street area as a separate entity, serving as a gateway to the community on the east side, with its own unique character and sense of identity. Public space/civic space was very important, and first floor commercial by its nature provided that civic space. First floor residential did not promote civic space. Right now there was more incentive for a developer to utilize a PUD, build 4-5 stories and create as many residential units as possible, with all the green space dedicated to the residents living in that area only. But this was the City's warehouse district, and treating it as a warehouse district would be a great identifier. To lose the first floor commercial would be a lost opportunity to create a real neighborhood in Cady Town.

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

In response to a question from Chair Wendt, Planning Consultant Elmiger said that all the developers who had come forward with plans for this area had only limited commercial included in their concept plans. Additionally, too much commercial use there would compete with the downtown. There was also concern that with the new commercial development at 7 Mile and Haggerty Roads, commercial development at the Foundry Flask site might not be economically viable.

Chair Wendt spoke to the time taken to develop the Master Plan and the Overlay Zoning Ordinance for this area. After all that planning, he would hate to see developers tell the City what to do.

Planning Consultant Elmiger said that Foundry Flask had been vacant for 20 years. It was important to provide some flexibility for development, including allowing a portion of the property to have first floor residential.

City Manager Sullivan added that the current Master Plan prohibited all first floor residential in the Foundry Flask area, a 4-acre site. An overlay ordinance specific to that area could incentivize first floor commercial, but some first floor residential should be allowed. Perhaps discussion could center on the right mix of commercial and residential as proposed in an overlay ordinance.

Commissioner Snyder noted that if the proposed changes were not made, a developer could still seek flexibility by proposing a PUD for the site. He noted that the site presented other challenges, including the sewer line well off the right of way, and contamination. He was not convinced that the prohibition of first floor residential was the only reason for the site not being developed. While he agreed that it might be beneficial to allow some type of residential, developers already had that option via a PUD agreement.

Planning Consultant Elmiger pointed out that one PUD standard was that uses needed to be consistent with the underlying zoning. The PUD could not be used to circumvent the Zoning Ordinance. City Manager Sullivan explained that the Zoning Ordinance should be consistent with the Master Plan, and right now the Master Plan prohibited first floor residential.

Commissioner Maise was concerned that the City be aware of any legal difficulties in its Master Plan and overlay language.

Commissioner Snyder thought some of the site's unique challenges might be used to justify variances.

In response to a question from Commissioner Snyder, City Manager Sullivan said he thought it too restrictive to prohibit all first floor residential.

Commissioner Mielock asked if the proposed language would allow a developer to build exclusively first floor residential in the area, without any first floor commercial. Planning Consultant Elmiger said that could be addressed in the Zoning Ordinance. The Master Plan statement was broad enough to give flexibility, allowing a developer to propose a completely residential, completely commercial, or a mixed use project.

Commissioner Kirk remained concerned that the goal for mixed use had no teeth, especially if a PUD could be used. Even without a PUD, the new language would allow all residential or all commercial.

Planning Consultant Elmiger reiterated that any development had to be consistent with the Master Plan and the Zoning Ordinance would provide teeth. City Manager Sullivan stressed that the City didn't have to accept a PUD plan just because one was proposed.

Commissioner Maise was concerned that a plan would come in under straight zoning, and would have to be approved. City Manager Sullivan said an overlay ordinance would have specific requirements for the area.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said that the three proposals they had seen had all been PUDs. All had been very conceptual in nature, but had included a majority of residential use.

Chair Wendt asked if the Commission felt they were ready to move forward.

Commissioner Maise said she thought they should see the proposed changes holistically, with the proposed Master Plan changes and the language of any proposed overlay district together. She felt that good points had been made during public comment, and those points should perhaps be incorporated before moving forward. Her fear was that a developer could come in with a straight zoning proposal, and unless the overlay zoning district had been written carefully, the City would end up with a project it didn't like but couldn't deny.

Commissioner Mielock agreed. He noted that he had always been opposed to first floor residential on the Cady Street Corridor at least down to Hutton Street. He believed the Foundry Flask area should have a residential component, but this was already available in the PUD process. He would like to make sure the language in the Master Plan and the proposed overlay ordinance provided the needed flexibility while not allowing a straight residential development.

Commissioner Miller agreed. He felt that making a revision in the Master Plan to support the flexibility to offer some first floor residential was a good step, but this should be done in a more comprehensive manner, including discussion of how to address the flexibility in an overlay ordinance. He felt it was critical to consider the audience comments made this evening.

Commissioner Kirk added that if a development were allowed to be all residential, the Commission would have to revisit the public spaces/public identity of the area. This was especially important in light of the possible development of the Northville Downs area.

Planning Consultant Elmiger said there were many design standards in the overlay district for the Downs area, including those calling for open space and parks, public amenities, streetscaping, etc.

A brief discussion followed regarding process. Planning Consultant Elmiger could develop ordinance language and bring that to the Commission. A new public hearing would not need to be noticed unless the proposed changes to the Master Plan were significant enough to warrant that. However, if the proposed language was significantly changed, the entire process would have to be repeated, including again sending the Master Plan amendments to neighboring communities for comment.

MOTION by Tinberg, support by Maise, that the Planning Commission postpone action on the proposed Master Plan language, in order to give the Commission time to discuss a proposed overlay district that would address the items brought forward this evening by the DDA Economic Development Committee Chair Cozart, and the comments made by DDA Director Ward and DDA Member Presley, as reflected in the minutes of this meeting.

Chair Wendt asked for a roll call vote:

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

Motion carried unanimously.

8. LOT SPLITS

711 N. CENTER

Mike Miller, Miller Gerecke Building Company, LLC, Northville MI, was present on behalf of this application. Mr. Miller explained that in September he had received Planning Commission approval for a lot split with individual access to the three new lots provided by individual driveways. After receiving variances from the Board of Zoning Appeals in December in order to construct a private access road, he was returning to the Planning Commission for review of the alternative access proposal using the private road. The new proposal would help with the safety of children walking from Amerman and Hillside Schools, as well as anyone else walking down Center Street.

Commissioner Snyder noted that he had a business relationship with Mr. Miller, and asked to be recused.

MOTION by Kirk, support by Maise, to recuse Commission Snyder from this agenda item.

Motion carried unanimously.

Planning Consultant Elmiger explained that essentially the Planning Commission was reviewing the same lot split they had reviewed in September, with the only change being the construction of the private road, which could be built with shallower slopes and fewer curb cuts than the original plan. She did consider the private road option to be the safer alternative. The DPW Director had asked for information regarding the retaining wall on the plans and this had not yet been provided. The Planning Commission could either table the request or offer a conditional approval based on the plans for the road and retaining wall meeting City standards, and receiving approval from the DPW Director or City Engineer.

In response to a question from Commissioner Maise, Mr. Miller said the existing house would be razed.

In response to a question from Commissioner Miller, Mr. Miller said tonight's action would be their last approval before moving forward with the project.

Commissioner Kirk asked how the new walkway to the west would connect to the existing walkway. Mr. Miller said that they planned on tying in to the existing sidewalks. The applicants planned on meeting with the School Board to see if the Board would allow the relocation of part of their sidewalk to accomplish this. The applicants were moving the sidewalk back from the street 3-4 feet, though the DPW Director had wanted to see 5-6 feet. In any event, this would be a significant safety improvement.

Commissioner Kirk asked if there could be some kind of small barrier or curb for the sidewalk. Mr. Miller said he didn't know if that would be possible.

Commissioner Mielock noted that this was a lot split discussion only. While landscaping could be discussed, and hopefully the applicant could work out something with the School, tonight's decision was specific to the lot split.

MOTION by Mielock, 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 private road proposed to serve three lots located at 711 N. Center Street, as shown on plans dated December 20, 2017, meets the required standards and findings for private roads pursuant to Chapter 78-Subdivisions and Land division, and approves the proposed private road with the following condition:

- A. Applicant to work with the DPW Director/City Engineer to prepare engineering plans for the private road and any necessary retaining walls that meet the standards of the *Manual of Uniform Criteria and Design Standards for Construction*, and other requirements determined by City Staff to ensure a safe travel way.**

Chair Wendt asked for a roll call vote:

Miller	yes
Smith	yes
Mielock	yes
Kirk	yes
Maise	yes
Tinberg	yes
Wendt	yes

Motion carried 7-0-1 (Snyder recused).

Commissioner Snyder rejoined the Commission.

390 MAPLEWOOD

Referring to her review letter dated January 9, 2018, Planning Consultant Elmiger explained that the Guidobono Building Company had submitted a request for a pre-application meeting with the Planning Commission to discuss access to three existing lots in the Oakwood Subdivision. Guidobono would like to build three new homes on these lots, but would need to provide access to the two back lots. Because the lots were part of a subdivision, the Subdivision Ordinance would guide the review of the development proposal. The Subdivision Ordinance allowed an applicant to request this informal meeting with the Commission to discuss a sketch plan of the proposal.

Because the three platted lots had been combined under one parcel identification number, the lots would also have to be split for construction to go forward.

City staff was still investigating the ramifications of building a public road, especially in light of the DPW Director's internal review regarding the extent of the utilities that would need to be constructed.

Commissioner Smith disclosed that she had sold the Guidobono Building Company this piece of property.

MOTION by Tinberg, support by Mielock, to recuse Commissioner Smith from this agenda item.

Motion carried unanimously.

Commissioner Smith left the dais and joined the audience.

Planning Consultant Elmiger referred to the comments in her January 9 review, specifically regarding how the proposed development would impact the current heavily wooded neighborhood.

Ed Funke, Guidobono Building Company, was present on behalf of this application, as was Eric Guidobono, owner. Mr. Funke said they were here to receive input from the Commission. They had purchased the property knowing it had originally been platted as 3 lots. They had met with the DPW Director and discussed extending Horton Street by creating a hammerhead just south of the property, between lots 82 and 83. There was a significant elevation drop from Maplewood to the southern lot – about 12 feet that would need to be filled. Water, sewer, and storm drainage would have to be extended.

Their intention would be to face the new homes to the Horton Street extension. The corner lot at Maplewood and Horton would be larger than the original plat, to accommodate its 2 front yard setbacks. All lots would meet dimensional requirements. In the DPW Director's internal review the comment had been made that Horton would be extended all the way to Hill Street. However, Mr. Funke had later email correspondence regarding the construction of a hammerhead as already described; he could send that correspondence to the Commission. The applicants would, however, need to extend storm water drainage and sanitary sewer all the way down to Hill Street.

In response to questions from Chair Wendt, Planning Consultant Elmiger pointed out the boundaries to Maplewood Park, which was owned by the City.

Discussion followed regarding the history of the property, the city-owned Maplewood Park, and the infrastructure improvements that would have to be made for this development to proceed. The cost of all infrastructure improvements would be borne by the developer, and the new road would be a public road.

Mr. Funke said that since they were paying to make the public improvements, they would want some protection from anyone else tapping into the improvements without reimbursing Guidobono for that right.

Commissioner Kirk asked about issues with snow removal at the hammerhead. Mr. Guidobono said he didn't think this would be a problem, and was not a problem on Scott Court where a similar design was used.

In response to further comments from Commissioner Kirk, Mr. Funk said the right of way would likely need to be cleared of trees in order to run the sewer and water lines to Hill Street.

Commissioner Tinberg pointed out that this development would require significant tree removal, significant change in elevation, as well as adding a public road. Trees would have to be cleared to construct the three homes. How would this not significantly change the character of the neighborhood? How did this fit with the goal of the Master Plan to preserve the character of the City's neighborhoods?

Mr. Funke said that trees would have to be removed to construct the road and add other infrastructure. All of the construction would impact privately owned land. However, the addition of the sidewalk down Horton Street would make the public park more accessible.

Commissioner Snyder asked who owned the lots on the other side of the Horton Street right-of-way. Mr. Funke explained the ownership of those properties: they were under single ownership and were buildable lots. The property owner there had no interest in participating in this development. The proposed homes would not cross-drain across Horton to those properties.

Commissioner Maise summarized that this was a public right of way with no current improvements, but the lots being discussed were buildable lots. The applicants were proposing to put in improvements in order to build on the lots.

Mr. Funke said his understanding was that the Planning Commission needed to approve the road being built to city standards, and would need to approve the necessary lot splits.

The Commission discussed the necessity of clear cutting the trees in order to install the road. The City Council might also deliver comment on this proposal since the work being done was within a public right of way.

Commissioner Maise said if the City had intended that the sites never be developed, there should have been an attempt at City ownership. Chair Wendt commented that the area had mature growth 60 years ago.

Mr. Funke asked for direction from the Commission.

Chair Wendt said that the Commission would need to see more information, including construction details and utility hookups. Planning Consultant Elmiger added that the City would be looking into questions regarding constructing the road and operating within the City's right of way.

Chair Wendt ended the discussion.

Commissioner Smith rejoined the Commission.

9. DISCUSSION

ELECTRONIC MESSAGE SIGNS – ORDINANCE INTERPRETATIONS

Referring to her memorandum dated December 22, 2017, Planning Consultant Elmiger gave the background for this discussion item. At the December 5, 2017 Planning Commission meeting, she was asked to review current provisions that regulated electronic message signs throughout the city. This topic had come up due to the new electronic message sign at the Methodist Church on Eight Mile Road.

Electronic message signs were internally illuminated, with a digital message display that could be changed using a computer program. They differed from a static sign where the message never changed, or must be manually changed. Signs were regulated in Article 21 of the Zoning Ordinance.

Electronic message signs were referred to in the ordinance as *electronic changeable copy* signs, *digital message centers*, or *LED* signs. Electronic message signs were permitted in all zoning districts, but were prohibited in the Historic District, except for signs that said *OPEN*. Their size and number were regulated based on the form they took – freestanding, wall, window, etc. There were also limits on permitted light levels as well as prohibitions on flashing, rotating or moving signs, except for electronic signs that provided the current time or temperature.

Proposed changes included:

- Definition of flashing, rotating and moving signs.
- Digital billboards on highways could only change every 8 seconds and that change had to be less than 1 second long.

- Better definition of time/temperature signs.

It came out in discussion that the Methodist Church sign had stopped flashing, moving or rotating, and now appeared to conform to the ordinance.

Regarding the definition of time/temperature signs, perhaps this regulation was a remnant of technology that no longer existed and the definition could be eliminated altogether.

The consensus of the Commission was that signs should not flash, move or rotate, and that electronic messages could be changed from static message to static message per a set amount of time. Planning Consultant Elmiger would return with proposed language in order to accomplish this.

Commissioner Kirk asked that the Building Official also give his input.

FENCE REGULATIONS – ORDINANCE AMENDMENT

Referring to her memorandum dated January 11, 2018, Planning Consultant Elmiger gave the background for this discussion item. At its December 5, 2017 meeting, the Planning Commission considered new ordinance provisions that would allow a homeowner the option of erecting a privacy fence along a “busy” street. Two comments were made:

- Use a term other than “busy” to describe the streets being addressed.
- In the illustration of a home with its side abutting a highly-traveled street, move the permitted location of a fence to the front face of the house.

The new illustration was shown on page 3 of the proposed Fence Regulations, revised January 11, 2018.

No new term had been found for “busy.” Instead, the reference was to *roads listed in 18.09.c.2.A*.

Commissioner Kirk asked how those roads were chosen. Planning Consultant Elmiger explained that the roads were chosen based on their pattern of development. The more modern developments had rear yards that faced heavily traveled roads, but in the traditional parts of town, houses almost always faced the street. Those traditional areas would require homeowners to seek a variance if they wanted to put a privacy fence along their street.

In response to a comment from Commissioner Maise, Planning Consultant Elmiger said the proposed changes would bring relief to homeowners. Several homeowners had already received variances in order to put a fence along a heavily traveled street.

Commissioner Kirk was concerned that the change would open the door to anyone asking for a fence along a busy street. Planning Consultant Elmiger explained that the new ordinance did not allow privacy fences in front of the house, but only along the side or rear.

Commissioner Kirk asked about Center Street. Planning Consultant Elmiger said that she was concerned about the effect of privacy fences in some areas, and what that would do to the streetscape. Again, areas with a more traditional layout such as Center Street would not be included in this change. If necessary, the language could be modified further to prevent a relaxation of that standard in traditional areas.

Commissioner Tinberg wondered if there could be a greenspace requirement of 24’ in between the fence and sidewalk.

Commissioner Maise indicated she was ready to make a motion to set this language for public hearing. The consensus of the Commission was to wait until several similar items were ready for public hearing before scheduling the hearing.

MOTION by Maise, support by Miller to set the proposed language changes for *Fence Regulations* (Rev. January 11, 2018) for a public hearing. However, the date of the public hearing can be scheduled at the discretion of the City Clerk and the City Planning Consultant, to allow for similar items to be heard at the same meeting.

Chair Wendt asked for a roll call vote.

Miller	yes
Smith	yes
Mielock	yes
Kirk	no
Maise	yes
Snyder	yes
Tinberg	yes
Wendt	yes

Motion carried 7-1 (Kirk opposed).

Chair Wendt acknowledged several students who were present this evening as part of a class assignment.

MCDONALD FORD SITE – IMPLEMENTATION OF MASTER PLAN

Commissioner Snyder disclosed that he owned the site being discussed.

MOTION by Kirk, support by Maise, to recuse Commissioner Snyder from this agenda item.

Motion carried unanimously.

Commissioner Snyder joined the audience.

Referring to her memorandum dated January 11, 2018, Planning Consultant Elmiger gave the background for this agenda item. During last month’s meeting it was mentioned that the Master Plan included residential land use goals and site design guidelines for the McDonald Ford site and the surrounding properties. To ensure the Zoning Ordinance was consistent with the Master Plan, some zoning changes should be considered.

The January 11 memorandum provided some background on the site, including acreage, an aerial photo, a description of some development proposals that had been discussed, adjacent existing land uses, and Master Plan goals for the site, along with existing zoning of this and surrounding sites.

Questions were listed on page 5 that could help clarify the potential direction of any zoning amendments:

- Was the assessment of the necessary zoning changes listed in the memorandum an accurate description of the goals of this effort?
- Did the Commission think a mixed-use project was economically viable in this area, in light of the large amount of commercial use recently developed at 7 Mile and Haggerty? The site was zoned for general commercial; residential was not allowed. Would commercial activity on this site draw commercial from downtown?
- Did the Commission envision this site as being all one use – all commercial or all residential – or was mixed use desired?
- How would this site be impacted by the racetrack redevelopment, and how was it impacted by the Master Plan vision for the opposite corner to this site for a park to open up the Rouge River, with single family development beyond that?
- There was a large vacant site just south of this one, zoned Performance Regulated Industrial (PR-1). There might be a combination project proposed for both areas.

So far, conceptual proposals for the site had been for a full residential product, not commercial development.

Commissioner Mielock said that as the Downs property got developed, the residential there would support some commercial on this site. The City could be more proactive and develop an overlay on this particular site, with commercial development closer to Main Street and residential closer to the park. He felt the current GCD zoning restricted development on the site.

Chair Wendt agreed that if the Downs was all residential, commercial use on the McDonald Ford site would be supported by those new residents.

Commissioner Mielock said if the property were developed now, a residential development would get a better return on the investment.

From the audience, Mr. Snyder said that there had been zero interest in the property as a commercial development. There was interest in residential development.

Discussion followed regarding the impact that development of the Downs property would have on this site, along with any future development of the Foundry Flask area. Those developments could potentially add 600 residential units to the area, but right now that was speculative.

City Manager Sullivan said the goal was to have the Zoning Ordinance be consistent with the Master Plan. The Master Plan did not call for General Commercial on this site, but rather called for a combination of uses including residential.

Commissioner Kirk thought it made sense to allow some sort of residential on the site, including senior living or multifamily.

Commissioner Miller said the site did not lend itself to a cohesive commercial development, because of the railway on the east side, and the lack of a defining character there. Any commercial would have to be destination driven, which would be difficult to develop. He favored allowing residential. The Zoning Ordinance should be consistent with the Master Plan, while allowing for flexibility of development.

Commissioner Mielock suggested changing the PR-1 site, as having PR-1 zoning adjacent could depress developmental interest in the subject parcel.

Chair Wendt asked Planning Consultant Elmiger to return with ordinance language that would bring the site into conformance with the Master Plan, and to also look at the PR-1 site with that in mind.

Commissioner Kirk remained concerned about the impact of the development of the Northville Downs site. That development could be years away but the impact would be significant.

As discussion on this item had ended, Commissioner Snyder rejoined the Commission.

PLANNING COMMISSION MINUTES IN BZA PACKETS

Chair Wendt asked that relevant Planning Commission minutes be included in BZA packets.

Discussion followed. Planning Consultant Elmiger summarized Planning Commission action in her reviews, and gave the date of meetings when BZA cases had previously been heard before the Commission, so that BZA members could look those up. Chair Wendt pointed out that only approved minutes appeared on the website.

Did the Commission want BZA minutes when items came to the Commission that had previously been heard by the BZA?

Commissioner Maise thought that the DDA Economic Development Committee notes could also be circulated to the Commission and to the general public. DDA Director Ward noted that subcommittee minutes were posted online, and meeting notes were in the DDA packets.

MURALS

Chair Wendt said that recently the Farmers Market building had been painted with murals, and the sponsor's name had been included in large letters within the mural. This had come before the BZA for an interpretation of whether the letters of the name constituted a sign, and the BZA gave the interpretation that it was not a sign since there was no obvious commercial intent. The flag mural behind the Marquis Theater included the artist's name and phone number. The question was: what was a mural? What was a sign?

Planning Consultant Elmiger said the Ordinance did not include a definition of mural. Those who supported the BZA's interpretation did so because they didn't consider the words to be a commercial endeavor. They also were concerned with supporting people who sponsored artwork; there needed to be an appropriate way to have that sponsorship represented.

In the case of the Farmers Market mural, the BZA limited the interpretation to that mural and that building.

Regarding the flag mural, the name shown was not the sponsor's name but the artist's. What kind of recognition should artists receive?

Again, were murals art or were they signs?

City Manager Sullivan said he couldn't find any communities that allowed sponsors' names on murals.

General discussion was held regarding the necessity to rewrite the sign ordinance to conform with a 2015 Supreme Court ruling that said enforcement could not be based on what a sign said, but rather on size, placement, number of signs, etc., although a city might (this was unclear) be able to differentiate between commercial and non-commercial speech.

Regarding murals, Planning Consultant Elmiger said that she would discuss this matter further with City Manager Sullivan and the City Attorney.

10. ADJOURN

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

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

Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 02/06/2018