

CITY OF NORTHVILLE
Planning Commission
April 17, 2018
Northville City Hall – Council Chambers

1. CALL TO ORDER:

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

2. ROLL CALL:

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

Absent: None.

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

3. APPROVAL OF AGENDA:

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

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: April 3, 2018

Motion by Russell, support by Miller, to approve the April 3, 2018 minutes as published.

Motion carried unanimously.

5. CITIZEN COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan reported that at last night's City Council meeting Council approved the first reading of proposed ordinance amendments to:

- General Provisions – Site Condos
- General Provisions – Fences
- Article 16 – Special Uses

- Special Land Uses – General Commercial District
- Senior Living Facilities

Council also approved the recommended changes to the Master Plan for circulation to surrounding communities; those changes were sent out today. As soon as the 42-day period was up, a public hearing would be scheduled for the Planning Commission.

City Manager Sullivan also reported on issues raised at the last meeting:

- The house with mechanical units on the roof was being repaired after a fire; permits were pulled and the mechanical screening would be put back in place as the repair work went forward.
- The house with solar panels did pull a mechanical permit for the panels, as well as for the installation of a geothermal system.

B. PLANNING COMMISSION: None.

C. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. PUBLIC HEARING: 129 N. WING REZONING

Planning Consultant Elmiger explained that the applicant was returning for a public hearing on the conditional rezoning request for 129 N. Wing. The conditions offered by the applicant were:

- Rezone from General Commercial District to R-1B, First Density Residential District.
- The uses on the site would be limited to single family residential, family day care homes, family foster care homes, and accessory uses, subject to Section 18.04 of the Zoning Ordinance.
- Development on this site would be limited to the submitted site plan dated January 30, 2018.

The Historic District Commission (HDC) approved the same set of plans at the February 21 meeting.

Planning Consultant Elmiger advised that the action requested this evening was for the Commission to make a recommendation to City Council.

Greg Presley, Presley Architecture, 108 N. Center Street, Northville was present on behalf of this application. He explained that they wanted to return the historic property to its original use as a single family residential home. Although the other properties on Wing Street had served the purpose of adapting old houses to commercial re-use, this property had two unique aspects:

1. It didn't have a commercial re-use, and was currently a multi-family use and therefore the rezoning request was for a downzoning: going from a denser use to a less dense residential use.
2. The property was contiguous with the R-1B District on two sides. This request would result in the edge of the GCD zoning district moving from the property's west property line to the property's south property line.

Mr. Presley said the Historic District Commission had liked the idea that the applicants were adjusting the house by putting the porch on the Dunlap side and changing the address so that the home would be part of that neighborhood. The HDC also appreciated that about 85% of the historic structure was being saved, and that the garage would be detached. The entire project won their support.

Mr. Presley concluded that he hoped the public would agree that this project and rezoning was good for the residential Historic District and good for the community.

Chair Wendt opened the public hearing at 7:07 p.m.

Bill Stockhausen, 218 W. Dunlap Street, applauded the effort to save the building and preserve the character of the neighborhood. He especially liked that the applicants were not creating a bigfoot home on the property. He was in favor of the request.

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

Chair Wendt noted that a letter had been received from Jim and Martha Nield, 320 West Street, West Deer Creek LLC, in support of the application.

Commissioner Kirk asked what would be put in place of the original chimney, which was being removed. Mr. Presley said the same brick would be used in place of the chimney. A new chimney with a fireplace would face Dunlap Street. The old mechanical system would be updated with 90% efficient units, and would be exhausted horizontally.

Commissioner Kirk asked about the front door that was being removed. Mr. Presley said the HDC had approved new window systems for that façade; they were keeping the fabric of the original building on 3-1/2 sides.

Mr. Presley added that the subject property along with nearly all the historic homes in that area of Wing Street really didn't work as GCD properties, as they didn't meet parking requirements and could not meet parking requirements without actually demolishing the structures. In the case of their property, there had been several prospective owners who tried to bring in a GCD use but could not because the property would not meet standards without tearing the home down.

Commissioner Kirk asked if any changes had been made in the plans since the February meeting. Mr. Presley said no changes had been made.

Motion by Kirk, support by Russell, that based upon the information received from the applicant, and as reviewed in the Carlisle/Wortman report dated February 13, 2018, and also as reflected in the minutes of this meeting, the Planning Commission finds the request to conditionally rezone 129 N. Wing Street from General Commercial District (GCD) to First-Density Residential District (R-1B), received by the City on January 30, 2018, meets the factors found in Section 29.02 of the Zoning Ordinance and recommends approval to the City Council.

The voluntary conditions offered as part of the rezoning request include:

- 1. Uses permitted on this site are limited to single-family residential, family day care home, family foster care home, and accessory uses subject to Section 18.04 of the Zoning Ordinance.**
- 2. Development on this site is limited to the plans, dated January 30, 2018, that were submitted as part of the rezoning request, and that were approved by the Historic District Commission at their February 21, 2018 meeting. Development per these plans will include renovations to the existing home and construction of a detached garage.**

Planning Consultant Elmiger noted that the conditional rezoning had to be recorded in the deed so future owners knew what uses were permitted on the site and what the conditions of the rezoning were. The applicant would have to record the information with the deed in the County, as required by the Zoning

Ordinance. Within 30 days of approval by City Council, the applicant had to make a statement regarding the conditions and prove to the City that they recorded it with the County. Section 29.02 outlined that procedure, and by including Section 29.02 in the motion, that procedure was also included.

Chair Wendt asked about the letter from Jim and Martha Neild, which also noted that *the attached map is not totally correct*. Planning Consultant Elmiger explained that the public hearing for this request had been delayed in order to properly notice it with the correct map.

Chair Wendt asked for a roll call vote.

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

Motion carried unanimously

8. DISCUSSION:

TEMPORARY USES – DRAFT ORDINANCE LANGUAGE

Referring to her memorandum dated April 11, 2018, Planning Consultant Elmiger gave the background to this discussion item. As discussed at the March 20 Planning Commission meeting, she researched and drafted ordinance language for the following temporary uses, to be reviewed and approved by the Building Official:

- Extra recreational vehicle storage
- Temporary seasonal sales on private property
- Temporary outdoor special events on private property
- Food trucks outside of special events

The draft ordinance required an application and possibly a fee for the temporary uses. The fee had been added per the March discussion and because the Building Official would be taking time to review quite a few different temporary uses.

Standards for temporary emergency residences had also been added. That was something the Building Official currently approved. However, research showed other communities had standards for emergency temporary residences, and therefore those had been added for discussion this evening. The standards included such things as where the temporary emergency residences could go on a site, for how long, that they had to be hooked up to public utilities, etc.

The seasonal sales section was limited to non-profits selling perishable items like Christmas trees, flowers, pumpkins, etc. Non-profits would have to seek relief before the Board of Zoning Appeals before selling nonperishable items such as sunglasses, etc. Those sales were limited to the commercial districts, with a cap on the length of the sale and how many sales one group could have each year.

Outdoor special events could be held on any property in any district, in order to allow churches in residential districts to host special events. However, the Commission might want to discuss whether they wanted to allow outdoor special events on single-family lots.

The definition of a special event that was used was the definition in the special events policy used when City Council approved a special event on public property; this definition could be included in the Ordinance.

The food truck section was quite extensive. Mobile food trucks were permitted in any zoning district except the Central Business District, where brick and mortar restaurants often had an issue with food trucks. There were limits on the number of days that a food truck could occupy a private area, when they could operate, and the number of times they could operate each year. There was also a limit of 10 mobile food vending permits issued at any one time. Operation requirements included set up and storage, sanitation, noise limitations, lighting, signage, etc.

Last, the BZA section for temporary uses was included, in order to direct the reader to this new section. The requirement for Planning Commission to comment prior to BZA consideration of temporary uses was eliminated.

In response to a question from Chair Wendt, City Manager Sullivan said that garage sales benefiting non-profits required a garage sale or yard sale permit only.

Regarding the change from City Manager to Building Official approval for extra RV storage, City Manager Sullivan pointed out that the process, which allowed a temporary 30-day permit or an annual permit, had no standards and required no notice to the neighbors. He felt such requests should go to the BZA.

Planning Consultant Elmiger said that most communities did not allow extra RV storage at all. If the Commission didn't want those exceptions to be granted administratively, that section could be deleted and the RV ordinance would be treated like any other, with any relief granted via BZA action.

Commissioner Russell said that with the proposed new housing coming into the City, more people might be looking for this type of permission.

Commissioner Kirk asked how construction trailers were regulated. Planning Consultant Elmiger said that the Building Official approved construction trailers as a temporary construction building or office.

Commissioner Miller said he agreed that the administrative approval for extra RV storage should be deleted and residents who wanted relief should go to the BZA. His intent was not to create hardship, but to create a proper process.

In response to a question from Commissioner Maise, Planning Consultant Elmiger said that if the BZA denied a request from a property that historically had an administratively given exception, that property owner would have to find somewhere else to store their RV.

In response to a further question from Commissioner Maise, City Manager Sullivan said that none of the current exceptions were grandfathered. Planning Consultant Elmiger said the section in the ordinance had been added in 2011. City Manager Sullivan thought the practice likely preceded that.

The consensus of the Commission was to remove the temporary and annual permit for RV storage and have anyone seeking relief go to the BZA.

Commissioner Tinberg noted that Section 18.21.1 referred to *immediate family*. Planning Consultant Elmiger explained that in order to store an RV on a property, the owner of the RV had to live there.

Regarding temporary outdoor special events on private property, Commissioner Kirk questioned whether allowing one special event a year on a property, for 3 consecutive days, was too restrictive.

Planning Consultant Elmiger said the frequency of special uses was a Commission decision. If a special use was on public property it would not be affected by this ordinance language, because City Council approved special uses on public property. These draft regulations were for private property only, such as a church ice cream social, etc. Also, seasonal sales were not a special event. Properties could have seasonal sales up to 10 days long three times a year. For instance, Christmas tree sales were a seasonal sale. A beer tent would be a special event. Private events, such as weddings, were not regulated by this ordinance.

Commissioner Miller suggested allowing a special use event 4 times a year. He suggested applying this restriction to both seasonal sales and temporary outdoor special events, i.e., 4 seasonal sales per year, and 4 outdoor special events per year.

Commissioner Russell asked why seasonal sales were allowed for 10 days and a temporary event was only allowed 3 days. Planning Consultant Elmiger explained that a special event was more likely to have significant activity and noise.

Commissioners wondered if 10 days was enough for seasonal sales events such as Christmas tree sales. Perhaps 30 days would be a more realistic time period.

In response to a question from Commissioner Mielock, Planning Consultant Elmiger said the draft language was a compilation and distillation from 4-5 other communities.

Commissioner Russell asked if a mobile food stand was a mobile food vending operation. Planning Consultant Elmiger said it was.

Commissioner Russell pointed out that a mobile food *vending* operation was actually not defined in the ordinance. The term used in the definition was *mobile food stand*.

In response to further questions from Commissioner Russell, Planning Consultant Elmiger explained that mobile food trucks did not have to get separate permits if they were part of a special event approval that went through City Council. The requirement for permits and the prohibition against parking in the CBD District was for mobile food trucks that were not part of a Council-approved special event.

In response to comments from Commissioner Maise, Planning Consultant Elmiger said she would make sure that health department approval for mobile food trucks was referenced in the ordinance. Also, for uses on private property, a stipulation could be added to the application that all property taxes and fees had been paid,

City Manager Sullivan asked if food trucks would be permitted in the part of the CBD Overlay District that was on North Center Street. Planning Consultant Elmiger explained that food trucks would be prohibited in all CBD Districts including the Overlay District, unless they were part of a special event.

City Manager Sullivan wondered if food trucks that were not part of a special event should only be prohibited in the downtown area. Downtown Development Authority Director Ward said that food trucks were seen on North Center from time to time.

Commissioner Kirk asked about block parties. Planning Consultant Elmiger said that block parties were special events approved by City Council, as they required that a street be blocked off.

Discussion was held regarding various food truck and potential food truck uses in the City.

Commissioner Russell asked whether a downtown restaurant that wanted to have a food truck associated with it could have one. City Manager Sullivan said this would not be allowed.

Commissioner Snyder asked to have Building Official Strong comment on the draft ordinance.

Commissioner Snyder addressed the need to regulate food trucks. While he used them when they were available, he did not see food trucks as being a big problem right now.

City Manager Sullivan said currently there were no regulations regarding food trucks. If a food truck came into the City on Main Street in front of a restaurant, as long as they didn't park for more than 2 hours there was no prohibition or regulations. Currently food trucks were used at the Winery and North Center Brewing.

Planning Consultant Elmiger said that at the last meeting there appeared to be interest in allowing the 4 uses being discussed this evening. However, after seeing the draft language regarding the uses, the Commission might want to rethink whether they wanted to allow the uses as permitted uses. Perhaps all such uses should first be heard by the BZA, or perhaps they should not be permitted at all.

DDA Director Ward commented that they had found that food trucks downtown actually generated more activity. Food trucks did not detract from existing businesses, and represented a win-win for the downtown area. She had no problem with food trucks being allowed downtown, anytime. Food trucks often specialized – donuts, mac and cheese, etc. They added activity and offered more choices, drawing more people to the area. However food trucks did take up parking spaces and that would have to be addressed.

Commissioner Maise asked if the prohibition in the CBD district should be eliminated. Commissioner Miller thought that should be considered. He agreed that adding options could benefit the retail environment.

Commissioner Maise said that her research also showed that originally businesses would say they did not want food trucks, but when they were actually there the result was positive.

Commissioner Russell summarized that the draft language did not put a limit on the number of food trucks for a special event approved by City Council. However, for food trucks that wanted to do business in the City outside of a special event, no more than 10 permits would be granted at any time.

Commissioner Maise suggested attaching a fee to food truck permits for operation at a public event on private property. In the city where she worked, the fee was \$500.00. City Manager Sullivan suggested asking the Building Official for his input regarding a fee structure for food trucks. Commissioner Snyder noted that food truck operators didn't pay property taxes or for city services. A fee was appropriate.

Planning Consultant Elmiger summarized that she would ask Building Official Strong for his input on the new temporary use language, and she would also research how much other communities charged for a food truck permit, when food trucks were allowed.

SEVEN MILE – S. MAIN STREET – DRAFT ORDINANCE REVISIONS

Planning Consultant Elmiger gave the background for this discussion item. In January the Commission began a discussion regarding the need to make some zoning changes in the vicinity of Seven Mile and South Main, in order to make the zoning regulations consistent with the guidance in the Master Plan. After that discussion, the Commission asked that she draft some ordinance language to that effect.

Planning Consultant Elmiger said she used the goals in the Master Plan along with the Planning Commission's comments to create a new Overlay District called the Seven Mile/South Main Street Overlay. It was crafted to emulate the Cady Street Overlay and the Central Business District Overlay Districts, thus providing consistency in the Zoning Ordinance.

Referring to her memo dated April 12, 2018, Planning Consultant Elmiger directed the Commission's attention to the following:

- The proposed language allowed residential uses. However, along South Main, residential was only permitted on the second floor of a mixed use project. That would ensure a consistent commercial corridor along South Main.
- A desired density of 10-15 dwelling units per acre was included, and this was similar to the R-3 density, which was the least dense multi-family residential density. The two properties that abutted the Wayne County park, also zoned R-3, gave some direction regarding the appropriate density for this new overlay district. Someone with a PUD project could request a higher density.
- Regarding height, a provision was added so that the ground level of a building was not counted as a story if it was used for parking. Currently the Master Plan limited residential uses to 2 stories. The proposed language would allow a developer to propose townhouses with parking on the ground floor and 2 stories above that.
- A requirement was included that if an existing building was renovated and the renovation required a site plan review, parking lot screening and interior landscaping were also required. This would trigger parking lot improvements on older lots in the area.
- Potential public amenities that a PUD adjacent to the Wayne County park could incorporate included bicycle amenities for people using the nonmotorized trail.
- Since this area of town had no curbs, streetscape requirements included the idea that curb and gutters could be added as a storm water management technique. Perhaps the Commission might have other suggestions for streetscape amenities.

Planning Consultant Elmiger concluded that creating an overlay district would allow further design ideas, along with flexibility for land uses between the General Commercial and PR-1 underlying zoning districts.

Since Commissioner Snyder owned property in the subject area, the following motion was made:

MOTION by Mielock, support by Maise, to recuse Commissioner Snyder from discussion of this agenda item.

Motion carried unanimously.

Commissioner Snyder left the dais.

In response to comments from Commissioner Miller, Planning Consultant Elmiger explained that an overlay district would allow flexibility of use in this area, including a residential use, which would not otherwise be allowed under the current zoning.

DDA Director Ward asked if a building on South Main could be completely commercial. Planning Consultant Elmiger said it could be completely commercial, or could also have first floor commercial with residential above. First floor multi-family was also permitted along the Seven Mile frontage. (Section 11.05.b.1)

City Manager Sullivan asked if single-family development would be allowed on the Seven Mile side. Planning Consultant Elmiger said multi-family was more appropriate there.

Commissioner Miller felt the draft language was consistent with what the Commission had discussed earlier. The draft language allowed flexibility for residential spaces as well as maintained the commercial character along Main Street.

City Manager Sullivan asked if single family residential should be allowed next to the Wayne County park. Planning Consultant Elmiger said it was possible to allow single family there; right now the Master Plan called for mixed use.

In response to a question from Commissioner Russell, Planning Consultant Elmiger said there was no land use map for Seven Mile and South Main in the Master Plan.

Commissioner Miller said that if there was a way to allow single family adjacent to the Wayne County park it was probably not a bad idea, if such a use could be consistent with surrounding properties.

City Manager Sullivan commented that the planning challenge was that there was interest for a residential development on the site. But if the Downs site was going to be mostly residential, and the Foundry Flask site was going to be mixed use, including mostly residential, all the new residential use would likely create new commercial demand also.

Planning Consultant Elmiger asked if the Commission was looking for no first floor residential while seeking to attract a mixed use commercial and residential project.

Commissioner Russell said he would not want to see first floor residential on Seven Mile Road. He made further comments on this area being a gateway area, that the future circulation was as yet unknown, but as development went forward the whole area would receive more use. Traffic might have to be redirected onto other streets. The Commission needed to support a good mix of uses that would support the residential in the area.

Planning Consultant Elmiger asked if the Commission agreed with maintaining commercial frontage at least on the 1st floor on South Main.

Commissioner Russell thought the elements of the Seven Mile and South Main area, including the railroad tracks, encouraged commercial development.

Commissioner Mielock advised against basing development in this area on what might happen on the Downs site. A residential development that was ready to proceed should be heard on its merits.

Commissioner Russell asked what uses were being proposed in the potential overlay district. Planning Consultant Elmiger noted that with the overlay district, all the GCD uses could be available in the PR-1 District. Commissioner Maise cautioned against allowing an expansion of certain PR-1 uses.

Planning Consultant Elmiger said that the proposed overlay district removed some uses from the underlying zoning district. For instance, the Master Plan indicated a large-scale retail over 55,000 square feet was not appropriate for this area. Vehicular sales/repair/washes and gas stations were also removed, as the Master Plan stated vehicular-based uses were also not appropriate. However, the only use removed from the underlying PR-1 uses was solid waste processing, recycling and composting. PR-1 uses could be re-examined to see if any others should be removed, based on Master Plan guidance and on tonight's discussion.

City Manager Sullivan spoke to the need for zoning ordinance regulation for this area. Developers, including high-quality residential developers, were interested in the site and needed to know what was acceptable and what was not.

Planning Consultant Elmiger asked for direction from the Commission.

The consensus of the Commission was that an overlay district was appropriate for this area. Modifications needed to be made to the uses, and other aspects of the overlay language could be refined.

Planning Consultant Elmiger explained that the proposed overlay district would not modify the Master Plan. Like any other zoning changes, the Planning Commission would eventually make a recommendation to City Council, who would then make the final decision on adopting the new ordinance language. All properties in the South Main/Seven Mile Road sub area would be included. The properties on Seven Mile Road would be mixed use, either all commercial or with first floor commercial and residential above. Also, single family residential could be shown as a possibility adjacent to the Wayne County park.

Chair Wendt closed the discussion.

Commissioner Snyder rejoined the Commission.

OTHER DISCUSSION:

Chair Wendt offered his resignation from the Planning Commission, effective immediately. He had spent 40 years, or half his life, on the Commission and felt it was time to move on and allow younger people to serve.

The Commission offered many comments of thanks, commendation and appreciation.

9. ADJOURN

MOTION by Wendt, support by Russell, that the meeting be adjourned at 8:51 p.m.

Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published May 1, 2018