

CITY OF NORTHVILLE
Planning Commission
May 1, 2018
Northville City Hall – Council Chambers

1. CALL TO ORDER:

Chair Kirk 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

Absent: None
One vacancy

Also present: Ken Roth, Mayor
Pat Sullivan, City Manager
Sally Elmiger, Planning Consultant
Brent Strong, Building Official

3. APPROVAL OF AGENDA:

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

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: April 17, 2018

Motion by Russell, support by Mielock, to approve the April 17, 2018 minutes as published.

Motion carried unanimously.

5. CITIZEN COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION: None.

B. PLANNING COMMISSION: None.

C. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

Chair Kirk asked everyone for their support as he assumed the duties of the Chair.

7. DISCUSSION

TEMPORARY USES – DRAFT ORDINANCE LANGUAGE

Referring to her April 24, 2018 memorandum, Planning Consultant Elmiger gave the background for this discussion item. The Planning Commission had discussed temporary uses at its April 17, 2018 meeting. At that meeting changes to the draft language had been suggested and the Commission had also requested comments from the Building Official. Tonight's draft contained the following changes as requested by the Building Official:

- Permits were eliminated for portable on-demand storage structures and dumpster roll-off containers. The ordinance was re-arranged so that it was organized by uses: temporary uses that didn't require a permit and temporary uses that did require a permit. The Building Official granted all permits referred to in this section.
- Language was added that would allow the Building Official to require buffering, screening, setbacks or other techniques if a temporary use was located next to a residential property. That language was added for seasonal sales, temporary outdoor special events, and mobile food stands, trailers and vehicles.
- The term *temporary outdoor special event* was better defined.

In addition to those changes, changes that had been suggested by the Planning Commission were also incorporated in the draft presented this evening.

Commissioner Mielock referred to Section 18.22.2.1.b, which allowed up to 2 portable on-demand storage pods if the Building Official had issued a building permit. Did that mean the permit was issued for something other than on-site storage? Planning Consultant Elmiger said the permit referred to was for work being performed on the property. City Manager Sullivan added that the intent was to serve properties that were being remodeled due to basement flooding or something of that nature, when the contents of the home needed to be stored in a pod.

Chair Kirk wondered if 90 days was sufficient for a long-term use such as a flood or fire. Commissioner Maise thought there might be situations where the pods were needed before the actual building permit was pulled.

Building Official Strong pointed out that the property owner could have 1 pod without a permit; it was only when 2 pods were placed on the property that a building permit ~~needed~~ was needed.

Building Official Strong said the draft language eliminated the 90 day rule in the case of emergency use: *In the event of flood damage, fire damage, asbestos removal or similar catastrophes or emergency repairs, the Building Official may allow up to two (2) portable on-demand storage structures during the period of emergency use.*

Commissioner Mielock commented that later in sub-paragraph 18.22.2.1.b the draft language read: *Time extensions may also be granted by the Board of Zoning Appeals.* Was it necessary to involve the BZA? Would it be appropriate for the Building Official to grant extensions? Commissioner Snyder suggested capping an extension at 30 days, or allowing only one extension.

Commissioner Maise asked about timing generally. Building Official Strong said that a building or renovation project could take more than 2 years. Pods were more desirable than dumpsters. However,

generally for larger projects, a builder wanted access to the site, and utilizing a long-term storage unit was cheaper than leasing a pod.

Planning Consultant Elmiger said that in the case where an extension might be appropriate, if the extension were to be granted by the Building Official, it would be helpful for the ordinance to have standards regarding when and for how long an on-demand storage structure could be extended past the 90 days allowed.

Commissioner Tinberg suggested that the Building Official grant extensions contingent on satisfactory progress toward repairs. Building Official Strong said that in the case when a project dragged on, the building permits would lapse and the pods would no longer be permitted.

Commissioner Russell suggested separating out the information on emergency catastrophic repairs from non-catastrophic repairs. Commissioner Tinberg further suggested separating 18.22.2.1.b. into 3 bullet points: 1) portable on-demand storage structure that could be used for 90 days. 2) 2 portable on-demand storage structures when a building permit is in force for repairs, and 3) catastrophic situations where pod use was not time-limited.

Building Official Strong reiterated that it was less expensive for property owners to lease a storage unit for long-term projects. Also, insurance companies would not cover the cost of a POD, but they usually would cover the cost of a storage unit.

Planning Consultant Elmiger explained that the 90-day portable on-demand storage units were not subject to an extension by the Building Official. If a homeowner wanted to keep a storage unit longer than 90 days they would need to seek relief from the BZA.

Mayor Roth asked about the section on food truck licensing (18.22.3.e). What would the process be for a food truck vendor? Planning Consultant Elmiger explained that the Ordinance would not list procedures, which would be set through the Building Department permit process, or fees, which would be set by City Council.

Mayor Roth was concerned that the regulations set forth in the draft document would discourage food trucks completely. While the City didn't want to encourage unfair competition with brick and mortar restaurants, food trucks could energize the business district, as discussed last month. Also, locations that used food trucks frequently, such as the Winery, were going to be hurt by the new regulations.

Planning Consultant Elmiger said that the draft language was taken from the ordinances of 5-6 different communities that regulated food trucks. The idea was to get enough information from the vendors to make sure they met certain requirements, and for the vendors to be clear as to how they could operate in the City.

Commissioner Maise wondered how many restaurant owners had expressed opposition to food trucks in the downtown area. She had heard comments from both sides of that issue; bringing people downtown seemed to have a net positive result. Mayor Roth said any time there were special events where food was being sold outside of brick and mortar restaurants, comments were made about permanent restaurants paying taxes and having a capital investment, while food vendors did not.

Mayor Roth was concerned about how the City could allow flexibility. For instance, sometimes a food truck might not show up at the Winery, and then calls were made to find another food truck for that day.

Commissioner Maise felt it was important that food truck vendors were licensed, had liability insurance, etc., and the proposed regulations would ensure that.

Mayor Roth said one alternative was to have mobile food vendors register at the beginning of the season only, demonstrating proof of insurance and health department registration at that time.

City Manager Sullivan asked what the Commission was trying to accomplish with the ordinance. As written, one individual food truck could come no more than 3 times per year and locations were also limited to using food trucks no more than 3 times per year.

Planning Consultant Elmiger said she had drawn from the more stringent ordinances; as written the Winery as a location could indeed only have food trucks 3 times a year. Right now food trucks were not regulated at all. The draft language regulated how many times a location or an individual vendor could operate food trucks in the City, for how long, and also limited the number of individual food truck permits to 10 at any one time.

Mayor Roth thought the language would prohibit operations that had been ongoing for a number of years.

Commissioner Maise continued to think that food truck and temporary outdoor event registrations were a way to protect public health and safety. The registrations offered a trigger to make sure property taxes had been paid and if a location had a Certificate of Occupancy, and also to make sure properties where food trucks were located were clean and safe.

Mayor Roth thought the health and safety needs could be met by a once a year registration, at the beginning of the season, with a fee attached. Also, limiting food truck operations to 3 times a year would significantly impact the Winery, where food trucks had been utilized for over 4 years, every week during the season, 3 times a week, and often there were 2 food trucks at a time.

Commissioner Tinberg supported an annual permit for food trucks and for hosting properties.

Commissioner Maise noted that North Center would also be impacted by the new regulations.

Building Official Strong commented that food trucks should apply for a business license just like other businesses had to do.

Discussion followed as to whether food trucks at private parties should also be registered with the City.

Planning Consultant Elmiger suggested that the language be simplified to say that food trucks were permitted uses in specific districts, per the registration process, and then put all the rules and regulations in the registration process. Tonight it was important to decide where food trucks should be allowed.

Commissioner Russell supported allowing food trucks in every district, including CBD and residential, as churches were in residential districts.

Commissioner Mielock agreed with allowing food trucks in all zoning districts. He felt the yearly registration should require a fee. He liked the idea of regulations that required the vendor to have insurance, a business license, and to meet health department standards.

City Manager Sullivan commented that if food vendors were required to have insurance through the City's insurance company, naming the City as an additional insured, the process might be cost-prohibitive.

Building Official Strong noted that he could enforce all zoning ordinance requirements on the property owner.

Planning Consultant Elmiger said the regulations could be dealt with later, as they would now be an administrative process. She asked for direction on where food trucks should be allowed.

The consensus of the Commission was to allow food trucks in all zoning districts.

Planning Consultant Elmiger summarized that the ordinance would show food trucks as being allowed in any zoning district, as permitted via a registration process through the Building Department.

Chair Kirk asked about the provision that allowed the Building Official to require buffering, screening, setbacks, or other techniques to minimize impacts of temporary special events that abutted residential properties. Planning Consultant Elmiger said that the Building Official had requested that section in order to allow flexibility to protect residential properties when appropriate.

Commissioner Tinberg said that at the last meeting, the Commission wanted to expand the time limits for seasonal sales by non-profits to 30 days, 4 times a year. That meant a location, including a church in a residential neighborhood, could have seasonal sales 120 days a year, or approximately 1/3 the year. She suggested allowing seasonal sales 4 times a year, up to 30 consecutive days, but not to exceed 75 days in a calendar year.

The consensus of the Commission was to make that change, to allow seasonal sales by non-profit organizations on private property 4 times a year, up to 30 consecutive days, but not to exceed 75 days in a calendar year.

Commissioner Tinberg pointed out that the draft language required the sale to be conducted on private property owned or leased by the non-profit entity conducting the sale. What if a mother's club, for example, wanted to hold a flower sale on the VFW lot? Planning Consultant Elmiger said the club could lease the property for \$1.00. However, language could be added that the sale be held on property with the permission of the property owner.

After brief discussion, Commissioner Mielock indicated he was ready to offer a motion:

MOTION by Mielock, support by Tinberg, that the Planning Commission set the draft language for temporary uses, with changes as discussed this evening, for public hearing at the next available meeting.

Chair Kirk asked for a roll call vote.

Smith	yes
Snyder	yes
Russell	yes
Mielock	yes
Maise	yes

Miller	yes
Tinberg	yes
Kirk	yes

Motion carried unanimously.

SEVEN MILE – S. MAIN STREET OVERLAY – DRAFT ORDINANCE REVISIONS

As Commissioner Snyder owned property in the area being discussed, Commissioner Russell offered the following motion:

MOTION by Russell, support by Maise, to recuse Commission Snyder from discussion on this item as he owns property in this area.

Motion carried unanimously.

Commissioner Snyder left the dais.

Referring to her memorandum dated April 23, 2018, Planning Consultant Elmiger presented revisions based on the Commission’s comments at the last meeting, including:

- The Commission had been concerned that the Overlay District would allow for redevelopment of the underlying Performance Regulated industrial uses with new industrial type uses rather than transitioning that part of the City as the Master Plan envisioned.

There were 2 businesses in the area: a car repair facility and a monument manufacturing and retail facility.

One option was to prohibit any visible new industrial use in the area. Any new use would have to be in a completely enclosed building.

A second option that would require a more significant change would be to rezone the PR-1 parcels to General Commercial. That change would clearly give future owners or anyone that wanted to redevelop those parcels a clear message as to how the City wanted them to be redeveloped.

- Single-family uses were added as permitted uses adjacent to the Wayne County Park.
- Properties that fronted on either Seven Mile Road or South Main Street had to be all commercial, or mixed use with commercial on the first floor and residential above. Any property that abutted the right of way on those 2 streets would be included in those requirements.

In response to a question from Commissioner Russell, Planning Consultant Elmiger said that property adjacent the Wayne County Park meant abutting the property line of the Park. In response to a question from Chair Kirk, Planning Consultant Elmiger said the property lines were further east than Johnson’s Creek. Chair Kirk noted that Johnson’s Creek had a 50-foot easement on either side.

City Manager Sullivan emphasized that the draft language only addressed land uses. In response to a comment from Commissioner Maise regarding density, Planning Consultant Elmiger said there was very little flood plain on the parcels involved.

In response to a question from City Manager Sullivan, Planning Consultant Elmiger said the choice between (1) rezoning the area to General Commercial or (2) requiring any new industrial uses to be in completely enclosed buildings addressed the Commission's concern about bringing the area into consistency with the Master Plan. Without making one of those choices, the overlay district would allow a property owner to redevelop a PR property by replacing the current use with another industrial type use.

Discussion followed. If the properties were rezoned to General Commercial, the existing uses would become nonconforming, and could not expand unless they received relief from the BZA. There were reasons for property owners to hesitate regarding this kind of move, but there were also positive results for property owners. For instance, industrial properties generally sold for less than General Commercial properties. Also the owners would have options they would not have under the current zoning.

The possible rezoning could be discussed with existing property owners. On the other hand, normal process would simply be to publish the rezoning public hearing, and notify the property owners and others within the 300-foot limit as required by law.

Commissioner Maise was concerned regarding unintended consequences to the property owners resulting from rezoning the properties. From the audience, Jeff Snyder, Northville, MI, noted that the majority of the land involved was currently for sale.

Planning Consultant Elmiger further noted that currently it would be difficult to develop the Performance Regulated parcels with a Planned Unit Development, as the PUD would have to be consistent with the Master Plan. However, the parcels could be redeveloped by right without a PUD into a different industrial use.

Commissioner Maise said conditional rezoning was also possible.

After further discussion, the consensus of the Commission was that it was important to bring ordinance language into consistency with the Master Plan, and the Master Plan did not include industrial use anywhere. On the other hand, rezoning the PR parcels to General Commercial might have unintended consequences. Therefore it was also the consensus of the Commission to seek an opinion from the City Attorney regarding changing the zoning from PR to General Commercial.

Chair Kirk directed Planning Consultant Elmiger to seek an opinion from the City Attorney regarding the possible rezoning, and closed the discussion.

Commissioner Snyder rejoined the Commission.

8. ELECTION OF VICE CHAIR

Planning Consultant Elmiger explained that the Bylaws outlined the process when a Chair stepped down, as had recently occurred. The Vice Chair automatically became the Chair, and the Commission then elected a new Vice Chair.

MOTION by Maise, support by Kirk, to nominate Commissioner Russell as Vice Chair.

Motion carried unanimously.

9. ADJOURN

MOTION by Maise, support by Russell, that the meeting be adjourned at 8:27 p.m.

Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as amended 05/15/2018