

CITY OF NORTHVILLE  
Planning Commission  
May 15, 2012  
Northville City Hall – City Council Chambers

**1. CALL TO ORDER:**

Chairman Wendt called the meeting to order at 7:36 p.m.

**2. ROLL CALL:**

Commissioners:	Present:	Jay Wendt - Chairman Charles Jerzycke Chris Gazlay Carol Maise Dave Mielock Marc Russell Anne Smith
	Absent:	Jeff Snyder (excused) Steve Kirk (excused)
	Also Present:	Mayor Pro Tem Allen Patrick Sullivan – City Manager Don Wortman – Planning Consultant

**3. MINUTES:**

**Motion by Russell, supported by Smith,** to approve the April 3, 2012 minutes as published.  
*Voice Vote: Ayes: All. Nays: None. Motion Unanimously Carried.*

**4. AUDIENCE COMMENTS:**

None

**5. REPORTS:**

- A. City Administration: None
- B. City Council: Mayor Pro Tem Allen said the Liquor License Review Committee will meet on Thursday, May 17, 2012 at 7 p.m. in the Council Chambers relative to the cigar bar matter. He added that City Council would be honoring Planning Commissioner Charles and Pat Jerzycke on Monday, May 21, 2012 for their involvement in the community over the years. He invited the Planning Commissioner to attend.

Planning Commissioner Russell inquired whether there would be any repairs to Rayson Street at the corner of Hutton, under the new construction.

City Manager Sullivan stated that repairs would be made to Rayson Street.

- C. Planning Commission: Chair Wendt noted that this was Planning Commissioner Jerzycke's last Planning Commission meeting. He said Planning Commissioner Jerzycke and his wife were relocating to the great West. He thanked Planning Commissioner Jerzycke for all his efforts on the Planning Commission.
- D. Other Community/Government Liaisons: Planning Commissioner Maise said the community/government groups have yet to convene.

**6. APPROVAL OF THE AGENDA:**

**Motion by Gazlay, support by Russell,** to approve the agenda as published.  
*Voice Vote: Ayes: All. Nays: None. Motion Unanimously Carried.*

**7. PUBLIC HEARING:**

**CBD OVERLAY DISTRICT**

Mr. Wortman recalled that Planning Commission held a public information meeting on February 7, 2012, to discuss the proposed Zoning Text Amendment and Zoning Map Amendment. He said this evening's meeting is the Planning Commission's Public Hearing regarding same, and upon their consideration, they would make a recommendation to City Council. Mr. Wortman said that City Council has the authority regarding any action or adoption relative to the Central Business District Overlay.

Mr. Wortman explained that the Central Business District Overlay is an overlay zone that would apply to the parcels along North Center Street from Randolph Street, north of Walnut. He said a Zoning Text Amendment and Zoning Map Amendment were under consideration. Mr. Wortman recalled that when the Planning Commission updated the Master Plan several years ago, Center Street was specifically identified as an area that was desirable for study for possible zoning amendments. Mr. Wortman provided a presentation regarding the Central Business District Overlay.

**Presentation overview:**

- North Center/Main Street characteristics
- Existing zoning regulations
- Proposed zoning regulations
- Review process

**Objectives of the Zoning Amendments:**

- Create an attractive entryway to downtown Northville
- Promote mixed-use/redevelopment opportunities
- Provide appropriate buffers to nearby residential

Mr. Wortman pointed out that while Center Street and Main Street were both zoned Central Business Districts, the Planning Commission recognized notable distinctions between the two streets. He described and compared the following **Site Characteristics:**

Main Street

- Buildings placed up to sidewalk
- Common building walls
- Three to five stories in height
- No mid-block driveways
- Public parking (DDA)
- No first floor residential

North Center Street

- Buildings 10' to 20' back from sidewalk
- No (or limited) common building walls
- One to two stories in height
- Numerous individual driveways
- No public parking (outside of DDA)
- First floor residential (single-family homes)

Mr. Wortman said the Planning Commission wants to encourage redevelopment in the community, yet they recognize the residential parcels immediately behind many of the commercial parcels on North Center Street. He said the Planning Commission wants to provide appropriate buffers for the nearby residential parcels.

**Current Zoning Regulations:**

Central Business District (CBD)

Allowed uses: Food stores, restaurants, retail, furniture stores, beauty salons, professional offices, banks, etc.

Maximum height: 3 stories (42 feet)  
Front yard setback: 0 feet  
Side yard setback: 0 feet  
Rear yard setback: 20 feet (for deliveries)

**Proposed Zoning Regulations:**

Mr. Wortman said the allowed uses were the same, with the addition of first-floor residential uses. He said this was an important distinction.

Central Business District Overlay (CBD-O)

Allowed uses: Food stores, restaurants, retail, furniture stores, beauty salons, professional office, banks, residential uses, multi-family residential, assisted living, housing for the elderly

Maximum height: 2 ½ stories, 30 feet  
Front yard setback: 10 feet  
Maximum front setback: 15 feet (notes importance for sight visibility)  
Side yard setback: 0 feet

Rear yard setback: 20 feet

Mr. Wortman said the big difference is the height and the front-yard setback.

Mr. Wortman reviewed the **Central Business District Overlay Setback/Height Requirements and Screening/Landscaping Requirements**

**CBD-O Design Regulations:**

- Shared driveways / collective parking encouraged (up to 30% reduction in parking requirement)
- Clear zones for sight visibility
- Residential buffering (screening fences, landscaping)
- Parking lot screening
- Architecture (with new design standards)

**Public Hearing**

Chair Wendt opened the Public Hearing at 7:50 p.m.

Lori Rogala, 465 Grace Street, said her property abuts the commercial parcels on Center Street. She said she was happy the Planning Commission was focusing on efforts to improve the area, but expressed concern regarding increased traffic and lack of parking. She said there was significant overflow parking on Lake, Rayson and Grace Streets. She expressed concern regarding safety relative to cars parked on the north side of Lake Street. She expressed concern regarding the creation of new areas of business, the need for more parking, and noted that on her block they have 12 kids under the age of 10. Ms. Rogala spoke to the many challenges relative to having a residential property that abuts a commercial district.

Diana Klein, 331 N. Center Street, expressed her opposition to the proposed Central Business District Overlay plan, emphasizing that it would de-value her property significantly. She said she always intended to go to three stories in height; she has sufficient parking in her parking lot; she does not want to share with her neighbors; and the proposal would remove over 6K square feet of potential usable space, if approved. She said she felt the Planning Commission meeting minutes from February were not correct, and should have reflected a resident's comment relative to the Central Business District Overlay opening "the City up to liability."

Rick Birdsall, 1030 Portsmere Court, said he represented a number of other property owners on North Center Street. He expressed concern with the proposed Central Business District Overlay removing cubic footage, not square footage, and would thus diminish property owners' returns on their investments. He spoke to the potential for five acres ready to be developed, and the proposed zero lot line, would dramatically reduce what could happen in this area. He said the proposal was "too quick," and he expressed caution regarding over-planning instead of letting it evolve. He said the City has the opportunity to create a shining star.

Dr. Joe Sinkwitts, 101 Maplewood, said he owns 311 North Center Street. He concurred with Mr. Birdsall and Ms. Klein, that the Central Business District Overlay proposal would diminish property values. He said it was a step backwards in zoning.

Gary Klein, 331 North Center Street concurred with Ms. Klein, Mr. Birdsall and Dr. Sinkwitts. He said the proposal was bad for the City because it stunted the possibility for any positive change in the area; the appearance of the north entrance would not change; there is already mixed use in the subject area; and the proposal does not promote redevelopment because no one will want to buy something they cannot expand upon. He said buffers already exist between the commercial and residential properties. He shared square footage values, per Oakland County, and said the proposal was unreasonable, and negatively impacts the value of his property. He said the parking problems will remain if the proposal goes through; and he mentioned parking credits.

Planning Commissioner Jerzycke clarified that there are no parking credits ~~in Northville~~ on North Center Street.

Mr. Klein continued to express his opposition to the proposal; he said he was opposed to any movement of the sidewalks; and he encouraged the Planning Commission to not recommend the proposal to City Council.

Sheila York, 443 Grace Street, said people move to Northville is because of the character. She said there were many residential houses in the subject area, and not many commercial developments in the subject area, compared to Main Street. She said Northville does not need a huge entranceway because 'this is the country;' and it would be disappointing to change the character of the town.

Jeff Grauer, 453 Grace Street, said the character of town is why he moved to Northville, and the businesses that abut his property are 'Monday through Friday businesses.' He described the elevation, and that it resulted in the abutting businesses looking down upon his property. He said if allowable height was increased, it would make that situation worse and reduce his privacy further. He said parking is an issue and would become a serious issue if the proposal went through; and property values would decrease if there were bigger buildings around them. He said the subject area is a combination of city and residential.

Ted Mitchell, 339 North Center, said all these existing things were present when people bought their houses; a three story building could have been built before; the character is what it is; it has been zoned that way; it shouldn't be changed, and it should remain the way it is.

Diana Klein, 331 North Center Street, spoke again, and emphasized that she understood the concerns of the residents. She said that a commercially zoned property can go up to three stories in height, but that the Planning Commission and City Council make decisions relative to available parking; and building size is determined by the governing bodies. She said that those who have been parking up and down the residential streets 'should be policed better.'

Nancy Darga, 516 North Center Street, expressed concerns as a North Center Street resident who lives across from Hiller's. She noted tremendous change in this corridor; that she lost most of her front yard; most properties around her have gone commercial; and most improvements have been visual and added a lot of continuity to the street. She commended the Building Department for their efforts regarding landscaping.

Ms. Darga said she was torn on the issue, and spoke to the intent of the Central Business District Overlay to enhance the cohesiveness of the street front. She said the proposed setback of 10 feet will add some continuity and visual integrity to the street, as in the downtown area; and rear

parking would improve safety and pedestrian synergy. She said the area must be made commercially viable to attract quality investors. She said a 10 foot setback provides needed cohesiveness; a barrier between commercial and residential was needed; and the residents should be given the first concern in terms of approvals of proposals.

Ms. Darga said referencing Complete Streets was good, and encouraging pedestrian friendliness was the best way to go. She said encouraging joint parking and eliminating the amount of curb cuts was wise, and that all neighbors should get along. She said she supported the overlay district in a way, but felt an attractive, commercially viable street front was vital. She encouraged bicycle friendliness in terms of zoning; supported the landscaping requirement of every 40 feet; and expressed concerned regarding signage, which she said can have more of a visual impact than the actual architecture.

Chair Wendt closed the Public Hearing at 8:22 p.m., as there were no further comments.

Planning Commissioner Mielock disclosed that he is a property owner in the proposed Central Business District Overlay, and said asked the Planning Commission to recuse him from this particular discussion.

Planning Commissioner Russell also disclosed that he is a property owner in the subject district and asked that the Planning Commission recuse him from this discussion.

**Motion by Maise, support by Jerzycke**, to recuse Planning Commissioners Mielock and Russell from the discussion regarding Central Business District Overlay.  
*Voice Vote: Ayes: All. Nays: None. Motion Unanimously Carried.*

Planning Commissioners Mielock and Russell joined the audience following the motion.

Planning Commissioner Maise inquired about any legal ramifications of reducing the allowable building height.

Mr. Wortman said the properties were largely constrained by the parking situation; and that parking is a requirement on-site. He said to do a three-story building, there was the PUD option. He said the Planning Commission has recognized the parking issue. He said the allowable height right now is three stories; and 42 feet, which is unique to more of a main street area.

Planning Commissioner Maise expressed concern regarding the larger parcels, and assembling them; and if there would be any concerns from this potential change.

Mr. Wortman said if there was an assemblage of parcels, they would have more room for development.

Discussion took place regarding Center Street Square and parking options.

Planning Commissioner Jerzycke said underground parking was not outlawed. He wondered if the constraints on parking potentially increased the parking problem, or could it help to resolve the parking issue in the residential area.

Mr. Wortman said the existing Ordinance requires off-street parking and there should not be overflow onto adjoining residential streets.

Discussion took place regarding the following:

- Prior discussions relative to 36 foot high versus 42 foot high building heights, and that it would be difficult to determine its impact upon property values;
- Decreasing the ceiling height of each story, without decreasing the amount of people that could use the space;
- Square footage and use;
- Buildings sustaining themselves relative to adequate parking

Planning Commissioner Gazlay said that continuity was important in an area with so many varied uses. He said the input received provides the Planning Commission with good guidelines as to the expectations to make the area pedestrian friendly. He said the Planning Commission has discussed safety in terms of sidewalk proximity and curb lines, etc., and in light of the narrow road, he said he would not encourage the consideration of a bicycle lane.

Planning Commissioner Gazlay emphasized the importance of having general guidelines as a whole. He reflected on heading north on Center Street, and the mix of buildings, and that it was not a bad view. He said that if developed at two to five story buildings, the roof lines would not be attractive, and the view coming south would be impacted. He spoke to the future need for screening of mechanicals. He said he did not think a three-story, 42 foot high building would be out of place, and that economics would determine whether it was buildable in terms of parking requirements, or the combining of lots. He said with rear parking, pedestrian traffic will come from their vehicles, not from walking down the street. He said it would not create a tunnel effect. He said the PUD option was always an alternative. He said he would vote for a 42 foot building height.

Planning Commissioner Maise spoke to the comparisons done regarding the residential on the east side of North Center Street. She asked if the Planning Commission had the ability to include language relative to any height issues and it being driven by parking needs.

Mr. Wortman said that type of language could be too discretionary for an overlay, but a PUD could work in that scenario.

Discussion took place regarding renderings relative to properties and parking, and the issue of height.

Mr. Wortman said parking was the constraint, and in the analyses he did, increased building height was not possible.

Planning Commissioner Smith concurred with Planning Commissioner Maise. She spoke to the diverse topography in the subject area, and the potential flood zone. She said there were many constraints in the area. She said if the 42 foot building height was constrained by the parking availability, there would be no tunnel effect in the area. She said she also concurred with Ms. Darga as well, relative to the potential for a lesser quality development if there is a minimal return on investment.

Discussion took place regarding the sales of homes that abut commercial districts.

Planning Commissioner Jerzycke said he favored keeping the building height at 42 feet; and a potential developer would be encouraged to assemble more than one parcel in order to build. He spoke to the importance of including enough language regarding buffering in the Ordinance.

Mr. Wortman recalled in previous discussions that if the building went higher, a larger setback could be required, i.e. setback has to be twice the height of the building.

Planning Commissioner Maise said while PUDs provide a level of negotiation, she wanted to ensure that reviews were on a case-by-case basis to protect any neighboring residential properties. The 'as determined by the Planning Commission' was more for the landscaping.

Discussion took place regarding setbacks in the proposed Central Business District Overlay. It was noted that parking counts for a portion of the building setback calculation.

Chair Wendt said that one answer to parking is shared parking, and there were other areas where shared parking could be developed. It was clarified that shared parking is voluntary and a choice by the property own, who can removed themselves from the agreement if desired.

Discussion took place regarding procedures.

**Motion by Maise, support by Jerzycke**, that the Planning Commission recommend the draft language for Article II relative to the Central Business District Overlay, to the City Council with the following changes:

- Page three: That the maximum building height remain at the current standard of three stories (42 feet);
- That the Planning Consultant includes language that would address graduated rear-yard setback based on building height.

Planning Commissioner Gazlay pointed out that the proposed Central Business District Overlay opens up another opportunity for property owners in that it allows for first floor residential uses. He said this opens up another opportunity for property owners.

City Manager Sullivan said the proposed recommendation to City Council was clear in respect to height, but not to the rear yard setbacks. He suggested Planning Consultant Wortman bring something back to the Planning Commission before any recommendation was sent to City Council.

Planning Consultant Wortman stated that the proposal was written at 2.5 stories in height and a setback of 20 feet. He suggested that three stories in height could have a setback of 25 feet. He said he was suggesting a graduated calculation, based on the number of feet in height. He gave some examples, and said he could prepare a chart for Planning Commission review.

Discussion took place regarding procedure with a motion on the table; and tabling the motion.



Planning Consultant Wortman said the Planning Commission could look at the graduation as a PUD, but they could not do that in the proposed Ordinance without knowing the proposed building calculations beforehand.

Planning Commissioner Maise rescinded the motion. Planning Commissioner Jerzycke concurred.

## **8. DISCUSSION**

### **WOODLANDS ORDINANCE - FEES**

Chair Wendt said a list of fees was provided regarding the Woodlands Ordinance. He said he thought the fees were grossly understated.

Planning Consultant Wortman recalled the prior discussion by the Planning Commission regarding penalties, and that the Planning Commission had agreed that the penalties were not brought into the Ordinance, and were not strict enough. He recalled that several years ago, the penalties were increased, but they became embodied in the City's fee schedule, and should be brought into the Ordinance, or something similar.

Mr. Wortman said Mr. Russell provided a schedule, which used a graduated penalty formula based on the size of the tree; i.e. the illegal destruction of a ten inch Maple tree would be one penalty, whereas the penalty for a 20 inch Maple tree would be higher fee. He said currently, the penalties are not clearly stated in Section 90-38, and should be corrected.

Mr. Wortman explained that the Building Official raised an interpretive issue, and referred to page CD 90:6, 3 a. He referred to situation wherein an Applicant wanted to construct a swimming pool. He read from the City code, "...where necessary for the location of a structure or site improvement, and when no reasonable or prudent alternative location for such structure can be had without causing undue hardship." He said that based on the language, Mr. Penn felt there was undue hardship and that the application should be granted. Mr. Wortman said this section needed clarification.

Mr. Wortman spoke to another issue relative to the exemption of the 15,000 square foot ~~box~~ lot, and or less; and whether that exemption was still applicable.

Chair Wendt said inquired about requiring the planting of trees within the City, to replace trees removed by Applicants.

City Manager Sullivan spoke to the requirement of having to replace a landmark tree, in exchange for the removal of a landmark tree.

Discussion took place regarding the following:

- Replacing trees within the city in exchange for removal of similarly sized trees from an Applicant's property;
- That this exchange language was included in the Woodland Ordinance and in the City Code, chapter 90;

- The tree fund;
- Private property, and rights-of-way;
- The value of replacement trees;
- That the fee schedule is reviewed annually by City Council;
- That trees funds can only be used for the purpose of tree replacement;
- That the Planning Commission reviews tree removal when it involves site plans, but otherwise, it goes to the Building Official for review (addressed in Section 90-4 regarded minor and major petitions)

Discussion took place regarding the issue, and that it was greater than simply a consideration of fees; and the lack of clarity could create confusion in the Building Department.

Discussion continued regarding the costs of trees, and that costs have risen considerably since the language was written in the Section, and as stated, it creates no community incentive.

Planning Commissioner Russell reviewed the fine scheduled in detail, and emphasized that the cost of tree replacements was far too low. He said he would like to see the fines as stringent as possible and they should be commensurate with the economy. He spoke to several ways to calculate the cost of trees. He said the fee structure and penalties need to be read together, not independently, and should direct that the replaced tree should be a 'tree in like kind.' (e.g.: a canopy tree cannot be replaced with an ornamental tree.) He said both ordinances were connected and must balance, and if a tree requires replacement, the value of the required replacement tree must be clearly stated by the City.

Chair Wendt suggested the City check with other communities relative to their handling of the issue. He reiterated that he felt the Ordinance should be stringent.

Discussion took place regarding which communities have Woodland Ordinances.

Planning Consultant Wortman said he would provide the necessary information to the Planning Commission, and would check with the Building Official for input regarding the interpretive aspect.

Planning Commissioner Mielock said it was important for the fee schedule to be separate from the City Code, so it can accommodate amendments without having to make changes to the City Code.

## 10. ADJOURNMENT

Chair Wendt and the Planning Commission thanked Planning Commissioner Jerzycke for his service to the community as a member of the Planning Commission. The Commission wished him well in his upcoming relocation.

**Motion by Gazlay, supported by Maise,** to adjourn the meeting at 9:22 p.m.  
*Voice Vote: Yeas: All. Nays: None. Motion Unanimously Carried.*

Respectfully submitted,

Cindy Gray  
Recording Secretary