

CITY OF NORTHVILLE  
Planning Commission  
November 4, 2014  
Northville City Hall – Lower Level – Meeting Room A

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

Present: Carol Maise  
Dave Mielock  
Matthew Mowers  
Mark Russell  
Anne Smith  
Jeff Snyder  
Jay Wendt

Absent: Steve Kirk (excused)

Also present: Lori M. Ward, DDA Director  
Don Wortman, Planning Consultant

**3. MINUTES OF PREVIOUS MEETING: October 7, 2014**

**Motion Mielock, support by Mowers,** to approve the October 7, 2014 minutes as published.  
**Motion carried unanimously.**

**4. AUDIENCE COMMENTS: None**

**5. REPORTS:**

- A. CITY ADMINISTRATION:** None
- B. CITY COUNCIL:** None
- C. PLANNING COMMISSION:** None
- D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS:** None

**6. PUBLIC HEARING**

Chair Wendt explained that the purpose of tonight's meeting was to hold a public hearing on 1) the Master Plan and 2) a proposed text amendment to the Zoning Ordinance regarding air conditioner condenser units and emergency generators.

**Master Plan**

Using the overhead projector, Planning Consultant Wortman led the discussion regarding this item. He explained that the Planning Commission had been working on the draft Master Plan for several months, the City had completed its State-required 63 day review period by surrounding communities, and

comments had been received back. The next step in the process was to hold tonight's public hearing. Following the public hearing, the Planning Commission's charge was to adopt the Master Plan, and then present it to City Council for acceptance. However, a joint meeting for the City Council and the Planning Commission to discuss the proposed 2014 Master Plan updates as well as the proposed Cady Street Overlay District was scheduled for November 17. Planning Consultant Wortman recommended that the Planning Commission postpone action on the draft Master Plan until after that joint meeting.

Planning Consultant Wortman explained that the City of Northville had a long history of planning, including the 1991 and 2000 Master Plans, along with the update of 2008. The Northville Downs Study was completed in 1995, and numerous modifications to the Zoning Map and important recent flood plain studies also formed part of the City's planning history, along with the DDA's Downtown Strategic Study, completed in 2006.

Planning Consultant Wortman continued that the Master Plan provided long-term guidance for land use decisions throughout the City, and articulated a vision and charted a blueprint for the City's future development, especially regarding vacant and transitional properties. Additionally, the Michigan Planning Enabling Act (P.A. 33 of 2008) required local units of government who had adopted a Master Plan to review that plan every five years. The City's most recent Master Plan update was completed in 2008 and adopted as an amendment to the 2000 Master Plan. Therefore in 2013 the process was begun to again update the Master Plan.

A Notice of Intent was sent to City Council in the fall of 2013, and a Joint Committee was appointed by the City Council to especially make recommendations regarding future land use of the Northville Downs property. This Joint Committee consisted of members of the Planning Commission (Wendt, Mielock, Traxler), the Downtown Development Authority (Case, Riley, Presley), the Northville Central Business Association (Ferrara), the Historic District Commission (Hoffman, Argenta), the Northville Board of Education (Roth, Hige) and resident Michelle Aniol, who was present this evening. The Joint Committee had completed its report in January 2014.

The Planning Commission had completed its draft Master Plan in July 2014 and forwarded the draft to City Council, who approved the Plan for distribution to surrounding communities, as already noted.

In order to comply with State Statute the draft Master Plan included such things as:

- A complete street design including non-motorized traffic, with frequent references to the City's Non-motorized Plan.
- Recommended zoning map adjustments.
- Coordination with the Capital Improvements Plan.
- A review by surrounding communities.

One of the major objectives of the Master Plan was to develop neighborhood planning sub-areas where like patterns of housing were found. The six major sub-areas called out by the Master Plan were:

1. Cider Mill Area
2. North Center Street Area
3. Cady Town/Cady Street Area
4. South Center Street Area
5. Racetrack Area
6. Seven Mile/South Main Area

Planning Consultant Wortman said that each of these sub-areas had specific policy recommendations and preferences for land use. Form-based design standards were used as guidelines. For example, the Cider Mill sub-area was identified for future residential development, perhaps under a Planned Unit Development (PUD). The North Center Street sub-area reflected preferred land use mix and desired enhancement. The Cady Town/Cady Street sub-area included desired height and other standards, such as zero setbacks, and these standards were rolled into the newly proposed Cady Street Overlay District. The South Center Street sub-area reaffirmed residential as the preferred land use while incorporating the area as a main gateway into the City. Recommendations for the Racetrack sub-area resulted mainly from the Joint Committee report. The Seven Mile/South Main sub-area contained vacant and transitional lands, and recommendations for future land use were made.

Planning Consultant Wortman concluded that while he had highlighted the six sub-areas this evening, the Master Plan did articulate other long-range planning goals for the City.

Chair Wendt opened the Public Hearing.

Michelle Aniol, 402 Yerke, and Joint Committee member, confirmed that Sub-area 6, Seven Mile/South Main was so named because the road at that point was South Main, and not Northville Road. She also asked if there were projects within the Capital Improvements Plan that either reflected or were associated with some of the sub areas called out in the Master Plan.

Planning Consultant Wortman said that the Non-motorized Plan was reflected in the draft Master Plan. In terms of infrastructure, DPW Director Gallogly had articulated a long-range street plan for the City in a separate document, and in terms of policies and long-range improvements, the planning process did mesh with those plans.

Seeing that there were no other comments, Chair Wendt closed the Public Hearing.

Chair Wendt commented regarding proposed density levels in the Racetrack Area (Northville Downs). He was concerned that high density levels might exacerbate existing traffic problems, and the Commission needed to make sure that unwieldy traffic flow was not an unintended consequence of too-high density.

Chair Wendt recognized DDA Director Ward, who said that there appeared to be some interest by City Council in exploring uses other than residential for the Racetrack area, including Research and Development, Light Commercial, etc.

Discussion followed regarding financial return for various types of development. The DDA's position was that residential use would provide the most favorable tax return for the City and provide support for the downtown area.

In answer to a question from Resident Aniol regarding planning for alternative means of transportation, Planning Consultant Wortman said that a broad statement regarding alternative transportation was included in the Master Plan. Ms. Aniol spoke to the needs of Millennials to have some form of public transportation. Studies showed that young talent located where alternative transportation was available.

In response to a question from Commissioner Maise, Planning Consultant Wortman said the newly mapped flood plain portion of the Racetrack sub-area was in the Master Plan. Commissioner Maise was concerned whether the new FEMA flood plain maps were accurate. Planning Consultant Wortman noted that developers could have their own flood plain studies performed.

Seeing that there was no further discussion on the draft Master Plan, and noting that no further action would be taken until after the November 17 joint meeting with City Council, Chair Wendt introduced the next Public Hearing item.

### **AC Condensers/Generators**

Planning Consultant Wortman presented a draft revised text regarding proposed regulations for air conditioning condenser units and whole house emergency electrical generators. The proposed draft included modifications as suggested by the Planning Commission at the October 7<sup>th</sup> 2014 Planning Commission meeting. It also included shifting *Chapter 14, Article 4, Mechanical Code* to the Zoning Ordinance, as the proposed amendment contained regulations pertaining to placement on residential lots. The purpose of tonight's hearing was to hold a public hearing on this draft revised text.

Planning Consultant Wortman explained that currently Chapter 14, Article 4, Mechanical Code regulated the location of air conditioner condenser units, regulated screening, prohibited placement in a non-conforming side yard, and prohibited encroaching on required side yard areas.

Questions had arisen regarding appropriate regulation for permanent emergency electrical generators, which currently were not mentioned in the Code. These questions pointed out the need to regulate for location, screening and sound attenuation of the generators. City Manager Sullivan had suggested bringing regulation of air conditioner condenser units into the Zoning Ordinance, where whole-house generators and air conditioner condenser units could be addressed together in the same section.

The proposed text included definitions, regulations regarding sound attenuation, screening, and location of air conditioner condensers and generators in the rear yard and also in the side yard – though not in the required side yard. In the R-1B District, for instance, this would mean side yard placement at least 7 feet from the property line. Side yard locations would also have to be screened. However, the intent of the ordinance was to keep the location of generators in the rear yard.

In response to a prior written question posed by Historic District Commissioner Argenta, Planning Consultant Wortman said that generator placement was not intended to be allowed anywhere in the rear yard, but rather within 18" – 24" of the residential structure, though the draft ordinance might have to be tweaked in order to clarify this.

Chair Wendt clarified that this ordinance would only pertain to permanent generators, though portable ones were just as loud. Planning Consultant Wortman noted that temporary generators were regulated under Performance Standards (18.13) in the Zoning Ordinance.

Chair Wendt opened the public hearing.

John Argenta, 542 Morgan Circle, Northville, MI, and Historic District Commission member, said that while he was not here tonight to officially represent the HDC, he did want to mention that generator and air conditioner placement had become an issue in the Historic District. While the HDC was happy to see this issue addressed in the Ordinance, several commissioners wanted more detail regarding issues specific to the Historic District. For example:

- Could the Ordinance address districts in addition to R-1A, R-1B and R-2? There were non-residential districts in the Historic District where emergency generator and air conditioner unit placement was an issue.

- Placement in the rear yard needed more detail, so that equipment could not be placed anywhere in the rear yard, including next to a property line. Language added for placement immediately adjacent, or as close as manufacturer's specs allowed, to the residential building would be helpful.
- A comprehensive, simple ordinance with a graphic such as the one from Bloomfield Township was instructive.
- Screening for the Historic District should allow for some flexibility: screening materials might include materials identical to those used on the main building, fences or appropriate masonry, or evergreen planting material, etc.

Planning Consultant Wortman said that the language could be modified and tightened to address the needs mentioned by Mr. Argenta.

Discussion followed regarding the draft amendment generally. Should the definition of a permanently placed generator allow for one that was not placed on a slab? Should the regulation regarding noise (65 decibels) read that the noise measurement would be taken at the property line *closest to the unit, at the ground level and 25 feet above*, to protect neighbors with second storys? Regarding the Historic District, should the lot sizes and the prohibition against increasing a nonconformity be addressed? In any event, a graphic illustration of the ordinance would help residents understand what was required.

Seeing that there was no further discussion, Chair Wendt closed the public hearing.

Planning Consultant Wortman recommended that no action be taken on this draft amendment this evening, so that he could make changes in the language for the Planning Commission to review before setting the proposed text amendment for a public hearing.

#### **DISCUSSION: Medical Marihuana proposed text amendment**

Referring to his memorandum of October 28, 2014 regarding *Medical Marihuana Ordinance*, Planning Consultant Wortman said that Carlisle/Wortman had been asked by City Manager Sullivan to develop zoning text amendments to regulate the use of medical marihuana in the City. A draft of the text amendment had been distributed to the Planning Commission prior to tonight's meeting. The proposed text amended the City's Zoning Ordinance to regulate the use and possession of medical marihuana, pursuant to the Michigan Medical Act, PA 2008, Initiated Law.

The proposed regulations were developed with guidance from the City Attorney and reflected the findings of recent Michigan Supreme Court cases. The Michigan Supreme Court found that local municipalities could not totally prohibit the growth and use of medical marihuana, but could adopt reasonable regulations based upon health, safety and general welfare. In light of these Court decisions, the draft text amendment stated that uses contrary to federal, state, or local regulations were expressly prohibited, subject to the limitation and in accordance with the Act. This type of provision prohibited dispensaries or provisioning centers but at the same time allowed possession, growth and cultivation of marihuana as permitted by State law and supported by the Michigan Supreme Court. Medical marihuana activities as defined in the statute would be restricted to residential zoning districts and residential uses within the CBD, CBD-O, and proposed CSO District.

The draft Ordinance included the following amendments to the City's Zoning Ordinance:

1. Add Section 2.07, Compliance with Law, to Article 2 (Zoning Districts and Mapping Interpretations) prohibiting uses contrary to federal, state or local law, subject to the exemptions of the Michigan Medical Marihuana Act.
2. Add Section 18.24, Medical Marihuana Activities, to Article 18 (General Provisions) regulating the uses and possession of medical marihuana. Medical marihuana activities would be permitted in all residential zoning districts and residential uses within the CBD, CBD-O and CSO districts, but prohibited in all other districts. Provisioning centers (dispensaries) were specifically prohibited.
3. Add appropriate definitions to Article 26 (Construction of Language and Definitions).

Planning Consultant Wortman said that after discussion, the Planning Commission's next step was to set this text amendment for public hearing.

Discussion followed, including:

- The section number duplicated the proposed section number for air conditioners/generators. One of these needed to be changed.
- Under 18.24 a., for ease of understanding the ordinance, clarifying language should be added: "Medical marihuana activities are permitted, *except as prohibited elsewhere in this section.* . ."
- Future state legislation might change what authority local governments have regarding dispensaries/provisioning centers. In the meantime, this text amendment seemed logical and appropriate.
- The Home Occupation Ordinance (18.15) would not be referenced in the Medical Marihuana Ordinance.
- Activities regarding medical marijuana could not take place in accessory structures.

After hearing the discussion, Planning Consultant Wortman said that he would make changes to the draft text amendment and then return it to the Commission for further comment before it was set for a public hearing.

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

**MOTION Mowers, support by Maise**, to adjourn the Planning Commission meeting at 8:28 p.m.  
**Motion carried unanimously.**

Respectfully submitted,  
Cheryl McGuire  
Recording Secretary

Approved as published 12/02/2014