

CITY OF NORTHVILLE
Planning Commission
January 20, 2015
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: Steve Kirk
Dave Mielock
Christopher Miller
Matthew Mowers
Mark Russell
Anne Smith
Jeff Snyder
Jay Wendt

Absent: Carol Maise (excused)

Also present: James Allen, Mayor Pro Tem
Patrick Sullivan, City Manager
Don Wortman, Planning Consultant

3. MINUTES OF PREVIOUS MEETING: December 16, 2014

Motion Mielock, support by Smith, to approve the December 16, 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 proposed Cady Street Overlay District and 2) a proposed text amendment to the Zoning Ordinance regarding medical marihuana.

Cady Street Overlay District

Using the overhead projector, Planning Consultant Wortman led the discussion regarding the proposed Cady Street Overlay (CSO) District. He explained that on September 16, 2014 the Planning Commission held a first public hearing on the CSO District. Tonight’s public hearing had been scheduled, and new legal notices given, because of adjustments that had since been incorporated, including:

- As a result of DDA concerns, first floor residential use in some areas had been amended.
- More consistency in design standards on both sides of Cady Street (north and south sides). These changes resulted in the creation of CSO-1 (Cady Street Overlay 1) and CSO-2 (Cady Street Overlay 2).
- Height adjustments, with some lots going from 4 stories to 3 stories, and also better defined and stricter criteria regarding bonus height provisions.
- Setback adjustments.
- Less reliance on residential and commercial uses, as discussed at the joint City Council/Planning Commission meeting on November 17, 2014. The tax base had been broadened to include research & development and industrial uses within the CSO District, especially the PR-1 (Performance Regulated Industrial) area.

Planning Consultant Wortman continued that the proposed CSO District was the result of anticipated new development along Cady Street, the Racetrack area, and the Foundry Flask area. The changes were driven by recommendations from the Joint Committee report and also policies and visions within the 2014 Master Plan for Future Land Use. Planning Consultant Wortman further explained that the policies represented in the CSO District would be incorporated within the Zoning Ordinance.

After showing the proposed boundaries of the CSO District, Planning Consultant Wortman explained what an overlay zoning district was: In an overlay zoning district, the principal uses of the underlying districts were permitted by right; an overlay district “overlaid” the underlying district with additional regulations and permitted uses. Nonconformities would not be created or result from the overlay district. All existing uses would be allowed to continue; additional uses would also be permitted.

Planning Consultant Wortman then pointed out the boundaries of the CSO-1 and CSO-2 areas. He explained the major difference between the two was that first floor residential was not allowed in CSO-2. Proposed densities and uses were as recommended in the 2014 Master Plan.

The CSO district allowed for a mixed-use transition zone between the downtown core and future residential uses to the south, and also for creative mixed use in the Foundry Flask area. The CSO district would allow a unique mix of land uses designed to serve the commercial and residential needs of the community in an attractive, well designed, and functional environment. It was further designed to regulate the location of parking, regulate building height to achieve appropriate scale, and encourage the development of a pedestrian-friendly environment.

Height standards had been carefully researched and discussed, and varying heights were permitted depending on the location of a parcel, ranging from 3 stories to – with the bonus height provision – 5 stories or 65 feet. The bonus height would be permitted if a developer met 3 of 6 criteria, listed within the draft ordinance.

Planning Consultant Wortman reviewed setbacks within the CSO District, especially emphasizing that front yard setbacks for the north side of Cady Street were zero to 10 feet, with first floor residential maintaining a ten-foot minimum front setback. However, the 10-foot minimum front yard setback could be waived or modified by the Planning Commission if certain design alternatives, as listed in the ordinance, were incorporated into the project.

First floor residential on the south side of Cady Street would require a minimum fifteen-foot front yard setback, with a maximum of 20 feet.

Graphics had been provided within the CSO ordinance to further illustrate the CSO standards, including setbacks, building height, landscaping and right-of-way/easements.

Planning Consultant Wortman said that parking within the CSO District would be subject to the requirements of Section 17.02. Cash in lieu of parking (Section 17.03) would not be permitted unless approved by City Council or previously established with CBD underlying zoning (Section K. 1).

The Ordinance also included design and architectural standards.

Planning Consultant closed by explaining process, which was that the Planning Commission would deliberate on the proposed CSO District and then make a recommendation to City Council. Tonight's public hearing was part of this overall deliberative process, and comments from the public were welcomed. After a recommendation to City Council was made, the Council would have a first and second reading of the draft ordinance.

Chair Wendt opened the public hearing.

Bruce Michael, Trowbridge Companies, 2617 Beacon Hill Drive, Auburn Hills MI, said that they were the contract purchasers of the Foundry Flask property. They had previously informally presented a concept of a town home community with rear-loaded garages, incorporating first floor commercial, with apartments above. Mr. Michael said the prohibition against first floor residential for the area, as presented this evening, might stop the development from going forward. Because this site was deeper than others in the CSO District, the ability was limited to make mixed-use buildings with non-street frontage work. Trowbridge Companies opposed the prohibition against first floor residential in the Foundry Flask area.

As there were no further comments, Chair Wendt closed the public hearing.

In response to a question from Chair Wendt, Mr. Michael gave some further details to the proposed Trowbridge development of the property. The proposed town homes would be 2-1/2 stories. One apartment building would be 4 stories – commercial on the first floor front, parking in the back, with 3 floors of residential use.

Commissioner Mielock suggested that Front Yard Setback (page 10-18 of the draft ordinance) should be changed to read:

1) Placement of all bedrooms on the second floor or above; and/or

In response to a question from Commissioner Mielock, Planning Consultant Wortman said that under k. 1) (Parking – page 10-23 of the draft ordinance) those properties on the south side of Cady Street to the left of the racetrack (RTD Zoning) could buy parking, as those properties were in the previously established CBD Zoning District.

From the audience Mark Mouland, 429 Biel Beal, Northville, asked if a pathway or other family-friendly amenity was planned along the river. Planning Consultant Wortman said the idea of a riverfront pathway

was identified in the Master Plan. Tonight’s draft ordinance for the CSO District did include the following language:

m. Riverfront Amenities. Planned Unit Development (PUD) projects on properties abutting the Middle Rouge River shall incorporate public amenities along the riverfront, such as but not limited to walking trails, enhanced shoreline design amenities, seating areas, bicycle racks, decorative lighting, and open space area.

Planning Consultant Wortman said that with this language it was hoped that riverfront amenities would be part of future development.

Chair Wendt added that it was also hoped to have a continuous pedestrian pathway all the way to Hines Park.

Commissioner Russell asked Planning Consultant Wortman to address Mr. Michael’s concerns regarding the proposed prohibition of 1st floor residential in the PR-1 Zoning District; this prohibition was a result of the joint meeting with the City Council on November 17, 2014.

Planning Consultant Wortman said that he had met with Mr. Michael a few days ago and informed him of the change in the proposed ordinance. Mr. Wortman further explained that much of the rationale for this change was motivated by interest on City Council to have a broader tax base. Council felt that there was an over-reliance on residential use in the proposed District, and they wanted to do more to encourage research & development, office and retail type uses, etc. The PR-1 area was identified as an area where first floor non-residential could be maintained.

In response to a question from Commissioner Russell, Planning Consultant Wortman said that a developer could bring a Planned Unit Development (PUD) forward, and first floor residential could be requested as part of that. Also, if Mr. Michael was proposing a 4 or 5-story building, this would also be a deviation from the Zoning Ordinance.

Planning Consultant Wortman emphasized that a PUD might open the door to greater heights and first floor residential in the PR-1 Zoning District area, but approval was by no means a certainty.

Seeing that there were no further comments, Chair Wendt said he was ready to entertain a motion.

MOTION Russell, support by Smith, that the Planning Commission recommend approval to the City Council the Zoning Text Amendment to amend the Zoning Ordinance of the City of Northville for the purpose of creating section 10.06, The Cady Street Overlay Zoning District as presented this evening, and with appropriate modifications in sections 2.01, 15.01 and 15.02, and with the following correction:

- **Front Yard Setback (page 10-18 of the draft ordinance) should be changed to read:**
1) Placement of all bedrooms above the first floor; and/or

Roll call vote was as follows:

Russell	yes
Snyder	yes
Smith	yes
Miller	yes
Kirk	no

Mielock	yes
Mowers	yes
Wendt	yes

Therefore the motion carried 7-1 (Kirk opposed; Maise absent).

Medical Marihuana

Planning Consultant Wortman explained that the second item being held for Public Hearing this evening was the Zoning Text Amendment for regulating the use and possession of medical marihuana, consistent with the Michigan Medical Marihuana Act.

Planning Consultant Wortman said that the proposed amendment stated that uses contrary to federal, state, or local regulations were expressly prohibited, subject to the limitation and in accordance with the State Act. The zoning text amendment 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.

Planning Consultant Wortman said that the proposed text amendment also added new definitions, and these definitions were consistent with the State Medical Marihuana Act. Additionally, he had consulted with the City Attorney, who was also in agreement regarding the specific language of the text amendment.

Chair Wendt opened the public hearing at 8:05.

Barbara Moroski-Browne, 116 High Street, Northville MI, asked why the City wanted to prohibit dispensaries/provisioning centers.

Planning Consultant Wortman said the City desired not to have marihuana dispensaries/provisioning centers in commercial areas. Medical marihuana in the home as consistent with the State Statute would be allowed, but dispensaries or shops selling the material would not be allowed in commercial districts.

Ms. Moroski-Browne wondered about the research behind this zoning text amendment. She spoke to the benefits of medical marihuana for many people, and discussed the difficulty for legal users to obtain their product. She objected to the prohibition against dispensaries, especially if this was simply based on unfounded fears, and when many people in the community did need medical marihuana. She compared medical marihuana to alcohol, which was sold everywhere.

Mark Moulard, 429 ~~Biel~~ Beal Street, Northville, agreed with Ms. Moroski-Browne. More research needed to be done, especially research involving other communities including those in other states that had provisioning centers. He noted that his wife would benefit from medical marihuana availability.

Ms. Moroski-Browne said the will of the people had been to legalize medical marihuana. The state legislature had done everything it could to thwart that. Possibly the City should lead the way to allowing provisioning centers, with appropriate conditions.

Planning Consultant Wortman said that the proposed zoning text amendment would allow medical marihuana use in residential districts, in accordance with the State Act. Per the Act, a person could grow

marihuana in their own home, and a designated and licensed provider/caregiver could grow and sell marihuana for up to 6 clients, again in their own home.

Commissioner Russell said that he agreed there were people who wanted and needed medical marihuana, and who could benefit from it.

Planning Consultant Wortman said that there were cities in Michigan where people could go to provisioning centers to purchase medical marihuana. The City of Northville wanted to permit medical marihuana use consistent with the State Statute, but not allow provisioning centers in commercial districts. He pointed out that if the Planning Commission recommended approval of the zoning text amendment to City Council, ultimately it would be the Council's decision whether to adopt the proposed language or not.

At this time Chair Wendt closed the public hearing.

In response to a question from Commissioner Miller, Planning Consultant Wortman reviewed pending state legislation regarding this issue, especially regarding regulating potency and distribution of product. It was difficult to predict how the State would ultimately proceed.

In response to a further question from Commissioner Miller, Planning Consultant Wortman said that the proposed zoning text amendment would not put the City in conflict with the State.

City Manager Sullivan added that the proposed legislation at the State level would allow local communities to make their own decisions regarding whether or not to allow provisioning centers.

Discussion was held regarding City regulation of adult entertainment venues and how this compared – if it did compare – with regulating medical marihuana in the City. The similar issue was whether or not the City was engaged in exclusionary zoning. Planning Consultant Wortman explained that because medical marihuana was being permitted, in compliance with State Statute, in residential areas, the City was not engaging in exclusionary zoning.

Seeing that discussion had ended, Chair Wendt asked for a motion.

MOTION Kirk, support by Russell, that the Planning Commission recommend approval to the City Council the Zoning Text Amendment to amend the Zoning Ordinance of the City of Northville to regulate the use and possession of medical marihuana consistent with the Michigan Medical Marihuana Act, as presented this evening, based on draft language dated November 17, 2014.

Roll call vote was as follows:

Russell	yes
Snyder	yes
Smith	yes
Miller	no
Kirk	yes
Mielock	yes
Mowers	no
Wendt	yes

Therefore the motion carried 6-2 (Miller, Mowers opposed; Maise absent).

7. ELECTION OF OFFICERS:

**MOTION Russell, support by Smith to nominate Commissioner Wendt as Chair.
Motion carried unanimously.**

**MOTION Smith, support by Kirk, to nominate Commissioner Mielock as Vice Chair.
Motion carried unanimously.**

Discussion:

At the request of Commissioner Smith, City Manager Sullivan updated the Commission on the status of 247 West, Northville, where the owners had wanted to demolish a porch and garage. The Historic District Commission (HDC) had referred this item back to the applicant until such a time as the applicant could bring conceptual plans to the HDC after a potential buyer was found.

Mayor Pro Tem Allen said that the draft ordinance regarding air conditioner and generator units had received a first reading at City Council; the second reading would be at the next Council meeting.

Chair Wendt asked about a property on Natalie Road where construction was ongoing. The Zoning Map did not show a lot split that would be required in order for this construction to go forward; Chair Wendt remembered that a lot split had been denied for this property. Planning Consultant Wortman pointed out that the Commission did not yet have copies of the new zoning map, which did show a lot split for that property. City Manager Sullivan said he would follow up and make sure that a lot split was in fact approved.

Chair Wendt asked the Recording Secretary to request the City Clerk provide new zoning maps for the Commission.

8. ADJOURNMENT:

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

MOTION Kirk, support by Russell, to adjourn the Planning Commission meeting at 8:31 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as amended 3-17-2015