

**VILLAGE OF FRANKLIN
PLANNING COMMISSION
Minutes of Meeting
August 15, 2012**

I. MEETING CALLED TO ORDER

The regular meeting of the Village of Franklin Planning Commission was called to order by Chair David Goldberg at the Franklin Village Office Building, 32325 Franklin Road, Franklin, Michigan, at 7:30 P.M.

II. ROLL CALL

Present: Al Beke, Karen Couf-Cohen, Connie Ettinger, David Goldberg, Peter Halick (arrived at 7:33 P.M.), Mike Heisel, Mary Hepler, Dean Moenck

Absent: Calvin Cupidore (excused)

Also Present: Planning Consultant Christopher Doozan-McKenna and Associates, Village Administrator Amy Sullivan, Village Clerk Eileen Pulker

III. ADOPTION OF AGENDA

Beke suggested changing the order of Unfinished Business agenda items A and B.

Motion by Beke supported by Ettinger to approve the agenda as revised.

Ayes: Beke, Couf-Cohen, Ettinger, Goldberg, Halick, Heisel, Hepler, Moenck

Nays: None

Absent: Cupidore

Motion carried.

IV. ADOPTION OF MINUTES

A. Regular Meeting of July 18, 2012

- Couf-Cohen noted a typo on page 3, 4th paragraph, with the consensus being to add “For example” before Music on the Green and Farmers Market.
- Hepler noted the discussion under VII Special Report, A, (page 2 – first full paragraph), should be modified as follows: “Discussion ensued noting that the “charette results and design and sustainability guidelines” would have to be formalized as part of the Master Plan and codified for them to be put into effect.”

The Village Clerk was requested to revise the minutes and add to the Commission’s next agenda for consideration.

V. BUDGET EXPENDITURE REPORT

1. Budget Update

Goldberg noted there are two budgets to consider as this is a transitional meeting.

- 2011-2012 final year end budget. Goldberg noted the budget shows that all funds were spent without going over budget. Discussion ensued.
- 2012-2013 budget moving forward, July 1, 2012 – June 30, 2013. Goldberg advised that Council approved the revisions to the McKenna contract (“Contract”) and noted the budget will cover the Contract and secretarial services and little else. Discussion ensued regarding effective date of the Contract, amount of the Contract, accruals, and including line items with Clerk Pulker noting the packet was assembled prior to the Contract approval and Commissioners will receive an itemized corrected budget at their next meeting. Beke inquired if the Commission should approach Council requesting consideration to update the Master Plan with Goldberg noting his intent is to initiate a discussion at the end of the meeting regarding items the Commission might want to move forward on and this is one of those items. Discussion ensued regarding the budget.

VI. PUBLIC COMMENTS

Goldberg noted this is for non-agenda items with no one from the public responding. Goldberg thanked Beke for his service to the Commission as Interim Chair.

VII. PUBLIC HEARING

To Receive Citizen Input Regarding the Following:

1. Proposed Re-Zoning Application to Change the Zoning from P, Vehicular Parking District to C-1, Commercial, for the property located at 32749 Franklin Road behind the Smile Builders Building.

Chairman Goldberg opened the Public Hearing at 7:44 P.M.

Goldberg noted the Planning Consultant, Chris Doozan, would be asked to provide a synopsis of his review and report on the Application to be followed by the Applicant providing a brief presentation on the zoning merits of the Application.

Doozan referred to his correspondence dated July 18, 2012 and highlighted the following:

- Overview of request;
- Purpose is to allow the use of an existing historic barn for commercial/residential use which would require a text amendment to the zoning ordinance;
- Site description;
- Compatibility between land uses is a concern which is minimized by the small scale of proposed land use and orientation of the barn entrance away from the residential property;
- Incompatibility with Master Plan. Future Land Use Map and Master Plan are considered the most important determinants as to whether a rezoning request is appropriate, however it is not unheard of to approve a zoning request where it is inconsistent with the Future Land Use Map. Doozan noted the Zoning Enabling Act requires a review of the Master Plan at least every 5 years after adoption of the Plan and the desired course of action would be to follow up soon with a review of the Master Plan; and
- Findings: Rezoning may be achievable, would correct an inequitable situation, would not create special privileges, would not set an inappropriate precedent because of unique conditions on the property, and amendments to the Zoning Ordinance can ensure compliance with C-1 zoning requirements.

Applicant, Dan Costello noted Doozan's summary reflects many of the reasons he is making this request and added that adaptive reuses of historical properties have to be pushed, as there is no reason to maintain the property and this is an opportunity to address a situation where the property is zoned for a use it can't be used for (parking).

Goldberg noted the Commission is considering a rezoning of the property in totality to commercial uses and the Applicant's presentation is an example of one of the things that could be done.

Bill Finnicum, Finnicum Brownlie Architects, upon request, provided a brief overview and slide presentation of the architectural changes being considered for the building noting the request reflects the use of a valuable resource that has been denied to the property owner and to others in that parking district. Finnicum noted the benefits of the rezoning request and the goal of the architectural changes is to maintain the historic structure as is and make new elements reflective of today as opposed to imitating the original time-period per Department of Interior guidelines.

Public Comments:

- Suzanne McClow, Franklin Road, noted her concerns with the abutting properties, lighting, noise, and parking and opined she does not care for the look of the project.
- Jay Gardner, Evelyn Court, questioned what kind of commercial/residential uses are being considered and inquired if this rezoning request, if approved, would have a precedential impact on the Village as it is not reflective of the Master Plan with it being noted there would be no negative effect as each rezoning request stands on its own merits and the uniqueness of this situation. Gardner inquired as to how this request dovetails into the design guidelines in the charette (parking,

green zones, etc.) and noted his concern that this will lead to a change in the character of the area. Goldberg noted commercial uses in this case are limited due to site limitations (size of the parcel/structure). Gardner noted there are a lot of moving pieces and the difficulty in looking at one piece independently of the big picture.

- Sherry Sparks, Evelyn Court, supported Gardner's comments and noted the charette was sponsored by Main Street which as a result represents one group of people not the Village as a whole and her concerns with looking at one element independent of the big picture (plan for the downtown area needs to be thought through and/or presented).
- Judy Meade, Captain's Lane, noted concerns relative to parking, residential component, precedential impact, and noise.
- Pete Green, Carol, inquired as to impact on the pressure sewer system with allowable commercial uses if the rezoning request is approved with the site (size) limitations being noted.
- Diane Zielinski, Franklin Rd, owner of building abutting property directly to the North, noted the lack of information, parking concerns and concerns with the shared well with Goldberg noting that if the rezoning request is approved, Planning Commission, as part of the site plan review, would ensure all Village requirements are met.
- Mira Stakhiv, Crestwood, noted, if approved, one doesn't know exactly what commercial use will occupy the site, noted the small percentage of residents involved in the charette, expressed residential concerns, and opined the Village needs to get a solid response from the residents in terms of direction before it starts changing things.
- Marilyn Green, Carol, inquired as to whether the Village has the ability to remedy a building in disrepair with Goldberg noting that the Village has blight ordinances in place which have been utilized in the past. Green noted parking might not be an issue if Zeiben Mare were to expand to this site as it has a limited customer base and due to size limitations, no tenant is likely to generate considerable traffic and at first blush the zoning seems unfair and wondered if restrictions can be put in place to make this work. Discussion ensued regarding the barn and parking with Doozan noting vehicular parking is the only permitted use.
- Pat Burke – Franklin Ct, member Historic District Commission, noted while she was not at the HDC meeting where the barn was discussed, it is her understanding it received positive reviews. Burke noted this type of live/work adaptive reuse is what the State is looking ~~for~~for tax credits might be available, and opined that it is a charming addition to the Village.
- Diane Zielinski, Franklin Rd., noted that historically the barn had been used as a garage and car restoration facility. Goldberg inquired if abutting residential owners were present with it being noted none were present.
- Jim Kochensparger, Kirk Lane, provided a historical perspective relative to the zoning, noted he has experienced what he interpreted as taking away some of his property rights, noted residential in a commercial zone currently exists (buildings behind where Dr. Mullin used to be have had residents for a number of years), and inquired if the Village can limit the rezoning to specific commercial purposes. Doozan/Goldberg noted the Zoning Enabling Act doesn't allow the Village to impose restrictions, however, an applicant can offer conditions.
- Suzanne McClow, Franklin Road, provided a brief historical perspective on the zoning of the subject area.
- Bill Finnicum, Finnicum Brownlie Architects, noted technically if the rezoning request is approved, all uses under the C-1 designation would be allowed, however, from a practical perspective, any use would be subject to building standards and review by the Building Department, Planning Commission, Engineering, and such and in this specific case, the size constraints would make it unlikely to even consider and cost prohibitive to comply with all the demands.
- Jim Kochensparger, Kirk Lane requested clarification as to whether the Applicant is requesting straight rezoning or conditional rezoning with it being noted this is a straight rezoning matter.

Chairman Goldberg closed the Public Hearing at 8:30 P.M.

2. Proposed Amendment to the Village Zoning Ordinance to Allow Residential Uses in the C-1, Commercial District

Chairman Goldberg opened the Public Hearing at 8:30 P.M.

Goldberg noted this is a text amendment to the Zoning Ordinance and requested the Planning Consultant to provide an overview.

Doozan advised there are three (3) sections of the Zoning Ordinance which would require modifications: 1) Statement of Purpose; 2) Permitted Uses; and 3) Parking Requirements. Doozan provided additional information as outlined in his correspondence dated July 17, 2012. Doozan noted his recommendation is for the Commission to consider whether the residential (single family and multiple family) uses should be principal permitted uses or special approval uses and whether multiple family uses should even be permitted. Doozan further noted his review is based on the premise that single family uses would be principal permitted uses and multiple family uses would be special approval uses.

Goldberg reviewed what is being considered tonight is the thought of allowing residential uses in the second floor in the commercial district which would be applicable to up to 12 other properties including some barns. Goldberg noted if the proposed Amendment were to be adopted by Council, the Applicant would have to meet all the requirements of a residential structure to add the residential component to the barn.

- Jay Gardner, Evelyn Court, inquired if there was a requirement to be a commercial use on the first floor, with Goldberg answering in the affirmative and noting this would apply to buildings with a second floor that are zoned commercial and have a commercial use on the first floor. Discussion ensued regarding the barn on Dr. Mullin's parking lot and wondered if this Amendment would prohibit this from having a residential use with it being noted no, if there was a commercial use zoning on the first floor.
- Jim Kochensparger, Kirk Lane, noted that historically shopkeepers have lived above their business and provided examples, and wondered what has changed that makes that not permitted now. Discussion ensued with it being noted the historical perspective is relevant but the focus now has to be on moving forward and the Applicant's request is triggering other discussions.
- Bill Finnicum, Finnicum Brownlie Architects, opined the second floor residences occurred before the existence of a zoning ordinance and noted he is pleased the Commission is considering special use approval for second floor multiple family residential.
- Suzanne McClow, Franklin Road, noted she is not opposed.
- Mira Stakhiv, Crestwood, noted she thinks it is admirable for Mr. Costello to take on this project, the project has merit, the barn is in disrepair and historic barns need to be preserved, project will involve considerable expense, she is not opposed to the residential part, and expressed her concerns for the precedence and impact to neighboring residences (noise, lights, etc.).

Chairman Goldberg closed the Public Hearing at 8:45 P.M.

VIII. UNFINISHED BUSINESS

A. Consider Zoning Text Amendment regarding 2nd Floor Residential in Commercial District

Goldberg requested each Commissioner to share their comments/concerns/questions for the Applicant regarding residential uses on the second floor and recommended the Commission take no action on either of these matters tonight.

Couf-Cohen suggested a good top-down pictorial rendering would be beneficial with Sullivan noting one has been provided.

Ettinger noted she reviewed the plans, was impressed with the presentation and project, the project is a commendable use for the historic barn, visited the site, and supports the idea of second story single family residential.

Beke noted concerns relative to the numbering system for parking, noted he recommends special approval for all residential uses due to the size limitations and current ordinances requirements for single family dwellings based on cubic feet. Regarding parking, Beke noted concerns relative to the reduction in

parking requirements with Sullivan noting parking as a whole has not been noticed to the public and is not part of this discussion. Goldberg requested Doozan to provide a few examples of how other communities address the parking requirements for review at the next meeting.

Hepler noted similar concerns relative to the reduction in the parking requirements, noted she doesn't object to second floor single family residential, and expressed her desire to understand these issues better.

Heisel noted conceptually he is supportive of residential single family residential, noted similar parking concerns requesting clarification at some point, and opined from a vision perspective, residential above commercial is not unusual, seems to be the current happening, draws residents to those communities, and would be a good addition to Franklin's portfolio making Franklin more desirable.

Moenck noted he supports basically all that has been said, noted the historic perspective depends on whose history one is using, is supportive of single family residential for this site and multiple family residential for a site such as the Market Basket as this would attract more businesses to those main floors, and noted concerns relative to the reduction in the parking requirements.

Hallick noted this is a positive project, he doesn't see any negative consequences that wouldn't be covered by building codes and other requirements, parking requirements have to be resolved and quantified. Costello, upon request, noted on a day-to-day basis he doesn't have any parking concerns.

Goldberg noted the Commission appears to be in agreement that the concept of single family residential is palatable and noted if the Commission decides to allow multiple family residential, he believes special land use is the appropriate vehicle and concurred with the concerns relative to the reduction in parking requirements. Doozan noted on further thought, residential parking should probably remain at 2.

Finnicum noted this is regarding a mixed use and provided additional clarification. Goldberg noted the requirements being considered are the parking requirements for the Village not just for the residential in the commercial district and suggested an approach might be to incorporate a separate parking standard for residential in the commercial district.

B. Consider Rezoning Application for the Barn at rear of 32749 Franklin Road

Goldberg, addressing Costello and Finnicum noted the Commission will not be taking action today and outlined specific additional information the Commission will need regarding the Application at the next meeting. Discussion ensued regarding the checklist and any other outstanding items with it being noted a separate application for rezoning as opposed to a site plan might be in order down the road.

C. Sign Ordinance Review

Goldberg provided a brief introduction and inquired as to how Commissioners would prefer to handle the review with the consensus being to start with the chart (Temporary Signs) with Sullivan reviewing the changes.

Discussion ensued regarding political signs, garage signs, community event signs, promotion portable, and business promotion signs. Commissioners discussed what classification the church preschool sign would fall under, enforcement strategies, and reviewed slides of signage presented by Pat Burke and Vivian Carmody. Burke noted the graphics on the Market Basket temporary sign makes it stand out in a jarring manner and suggested a chalk board sign for consistency purposes. Goldberg requested input from the Commission on whether clarification is needed on any particular section with Beke requesting clarification as to the number of signs that would remain non-conforming if this ordinance were adopted with Sullivan listing those that would remain non-compliant. Carmody noted that Zielinski is working with Main Street on a façade enhancement which would address the multi-tenant sign if she chooses to pursue the grant. Goldberg request Commissioners to read the ordinance and be prepared at the next meeting to move it forward without walking through it page by page. Heisel noted a page is missing.

D. Medical Marihuana Report

Goldberg provided an overview of two recent Court of Appeals rulings and summarized the result as being: (1) an ordinance cannot be adopted which is contrary to the Act; all an ordinance can do is to fill in the gaps, and (2) an ordinance cannot be adopted that prohibits the use of medical marihuana based on the

reason that it is illegal federally. Goldberg noted he will continue to monitor and bring updates back to the Commission.

IX. NEW BUSINESS

A. Consider Revised Site Plan for the Property Located at 32749 Franklin Road

Sullivan provided an introduction noting the requested action is to set a public hearing. Discussion ensued regarding the completeness of the application, Applicant's desire to move this forward, hardship, potential merit of rezoning, residential component in terms of use and approvals, conditional rezoning potential if the Applicant so chose to pursue this route, and parking concerns, with Beke requesting information as to what the property has been given for a variance.

Goldberg touched base on the Master Plan noting the Master Plan covers the entire Village and was updated five (5) years back, noted an update would not require much review, perhaps just looking at Helmandale/Telegraph Zoning and the Village Center and suggested going to Council advising that as Council is pushing critical elements to them such as bed & breakfast, barns, residential use in the commercial district, etc., funds need to be allocated for a Master Plan update/review as the Commission can't move forward acknowledging items are contrary to the Master Plan. Ettinger noted the Snow House will be on the agenda next month.

X. UPCOMING MEETING DATES

A. Next Regular Meeting Date: September 19, 2012.

XI. ADJOURNMENT

Motion by Beke supported by Hepler to adjourn the meeting.

Ayes: Beke, Couf-Cohen, Ettinger, Goldberg, Halick, Heisel, Hepler, Moenck

Nays: None

Absent: Cupidore

Motion carried.

There being no further business, the meeting adjourned at 10:02 P.M.

Respectfully submitted,

Lori D. Rich, Recording Secretary

Eileen H. Pulker, Clerk

Village of Franklin Planning Commission August 15, 2012 Meeting To Do List

1) July 18 Minutes:

- a.** Revise page 3 by adding "for example" before Music on the Green and Farmers Market;
- b.** Revise page 2 by adding "Discussion ensued noting that the "charette results and design and sustainability guidelines" would have to be formalized as part of the Master Plan and codified for them to be put into effect."

2) Zoning Text Amendment:

- a.** Doozan to provide examples of parking requirements in other communities.

3) Sign Ordinance Review:

- a.** Commissioners to read ordinance and be prepared to move this forward without doing a page by page review.