

**VILLAGE OF FRANKLIN
PLANNING COMMISSION**

**Minutes of Meeting
February 15, 2012**

I. MEETING CALLED TO ORDER

The regular meeting of the Village of Franklin Planning Commission was called to order by Chairman Al Beke 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, Calvin Cupidore, Connie Ettinger, David Goldberg, Mike Heisel, Dean Moenck (arrived at 7:49 p.m.)

Absent: Mary Hepler (excused)

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

III. ADOPTION OF AGENDA

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

Beke requested the order of the Bed and Breakfast and Sign Ordinance Review agenda items be reversed with the consensus of the Commission in agreement.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Heisel

Nays: None

Absent: Hepler, Moenck

Motion carried.

IV. ADOPTION OF MINUTES

A. Regular Meeting of January 18, 2012

Motion by Heisel supported by Cupidore to approve the minutes for the regular meeting of January 18, 2012 as modified.

Commissioners requested the second to the last sentence in the final paragraph under IX-C be revised and provided suggested text as follows: The Chair indicated that he would respond to Lamott, thanking him for his input, clarifying that they are considering this issue because it was a Council directive, and advising him that he should raise his objection to Council. The Commission noted they are not focused on the Snow House concern. Goldberg requested IX-A be revised to reflect singular tense.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Heisel

Nays: None

Absent: Hepler, Moenck

Motion carried.

V. COUNCIL LIAISON REPORT

Sullivan noted that it had been a short Council meeting with nothing discussed that was Commission related and provided an overview of Council considerations as follows: Approved demolition application for house on Brandingham; authorized bond consultants to prepare bond refinancing authorizing resolution for one bond; use of Tri-party funds on an eligible project was discussed with Council deciding not to participate and to use Village funds on local roads instead of a County owned road; appointed Hansen to Legal Committee; appointed new Plumbing and Mechanical Inspectors; appointed Kelda as the Deputy Clerk; amended fee schedule relative to tree removal permit to facilitate collecting payment of the required final tree inspection; and discussed in closed session written attorney client privileged communication.

Discussion ensued relative to Tri-party funds with Sullivan advising Act 51 funds are derived from gasoline taxes and can only be spent on roads, Act 51 funds are anticipated to decline and are not likely to

cover DPW, local road improvements/maintenance, and roadside improvements such as necessary tree removals in the future, Village was asked to commit to a project or have its share of reserved funds disbursed to other communities with eligible projects. Sullivan noted that Tri-party (Village, County and County Road Commission) each cover 1/3 of the cost of an eligible Village project with the County and the Road Commission setting some funds aside each year to cover their portion of a future eligible Village project. In the Village the only eligible project would be a mill/overlay of 13 Mile Road at a Village cost of approximately \$93,000.00. Council decided the Village's road funds were better spent on local roads not a county owned road and therefore declined to participate in a Tri-party project. Discussion continued regarding closed session and Planning Commission vacancy with Sullivan providing an update.

A. Main Street Franklin Update

None. It was noted that Hansen normally provided the Update.

VI. BUDGET EXPENDITURE REPORT

A. Budget Update

Commissioners noted the budget is appropriately on track.

VII. PUBLIC COMMENTS

- **Mira Stakhiv, 26750 Crestwood Drive**, introduced herself to the Commission, advised she has submitted a resume for the Commission vacancy which she distributed to Commissioners, provided a brief overview of her professional background and Village contributions, and noted she is a very middle of the road type person and is open to all ideas.

Moenck arrived at 7:49 P.M.

VIII. UNFINISHED BUSINESS

A. Medical Marihuana Report

Goldberg referred to correspondence in the packet prepared by municipal Attorney, Thomas J. McGraw, and noted it is a very thorough and educational analysis of Medical Marihuana issues from the perspective of those opposing Michigan's Medical Marijuana Program.

B. Bed and Breakfast Ordinance Review

Doozan provided an overview of the revised Bed and Breakfast (B & B) Overlay District regulations (regulations) advising that a Definitions section has been added, "overlay district" and "primary function" have been defined within the context of the regulations, and references to "commercial kitchen" have been struck as there is no clear-cut definition. Doozan noted a B & B with four (4) or fewer sleeping rooms does not have to comply with the barrier-free code with respect to parking or building modifications and sleeping rooms on the second floor are not required to have a secondary means of access according to the State Residential Code. Doozan referred to the submitted revised map of the Overlay District Boundaries (map) and provided a brief overview. Discussion ensued regarding sleeping rooms (size) and map with Commissioners reviewing the boundaries as presented and noting the underlying residential zoning requirement. Commissioners discussed the pros and cons of including commercial property and noted that a commercial property interested in becoming a B & B would need to have the property rezoned to residential and have the map amended to include that property in it (could be one step process) as lesser intensive uses are not included in the zoning ordinance and the downtown zoning excludes residential uses. Heisel noted that geographical boundaries are non discriminatory and non arbitrary which he is comfortable with. The consensus of the Commission was to double check the map, eliminate the dotted lines and move forward with the revised map.

Commissioners reviewed the regulations as follows:

1259.05: Referenced section should be Section 1259.06;

1259.02 (c): Add "occupied by the bed and breakfast establishment" after principal dwelling;

1259.03: Change “provides the opportunity” in second paragraph to “identifies the area in which the opportunity to develop” ;

1259.05: Change text to read “B -1, Bed and Breakfast Overlay District...”;

1259.06 (a): Clarify suitable primary functions that are required to be in principal building;

1259.06 (b): Cross-reference to Village lighting standards;

1259.06 (f): Cross-reference to Village sign standards;

1259.06 (k): No change; and

1259.0 Site Plan Review: Correct to 1259.7.

Commissioners discussed the next step with the consensus being for Doozan to revise the regulations/map based on tonight’s discussion and to schedule a public hearing at the next meeting. Stakhiv inquired about parking concerns with it being noted those issues would be part of a site plan review.

Motion by Goldberg supported by Cupidore to schedule through proper Village procedures a public hearing to consider the proposed Bed and Breakfast ordinance at the March meeting.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Heisel, Moenck

Nays: None

Absent: Hepler

Motion carried.

Clerk Pulker was requested to make the necessary arrangement for the public hearing.

C. Sign Ordinance Review

Beke led a discussion relative to revisions to the draft sign ordinance as follows:

Existing nonconforming signs: Beke referred to submitted memorandum from Sullivan regarding the Sign Survey. Commissioners reviewed the pros and cons of changing dimensional requirements to bring more nonconforming signs into compliance with Sullivan noting the Sign Board of Appeals (SBA) can review on a case-by case basis and it would be difficult to employ a one-size fits all type approach. Cupidore inquired as to merchant involvement with Sullivan noting Main Street was advocating on behalf of the merchants and the merchants would have the opportunity to provide input after a draft is fleshed out. Sullivan provided an update as to the Cranbrook sign noting that hopefully this will be resolved this year as they are working on the final design with the MS Design Committee. Commissioners discussed sandwich board signage (businesses and events) at length noting negative aesthetic and placement concerns as well as the temporary look as being problematic. Goldberg noted the specific reasons and guidelines that drove the inclusion of temporary signs and noted the actual use of some of these signs seems to have exceeded those reasons/guidelines. The benefit to the Library of its sign (which it brings in at night) was noted. Sullivan noted, Laspezia is waiting for the sign ordinance to be adopted prior to moving towards something more permanent. A suggestion was made to consider revising the penalty provisions. Additional ground signs for businesses located in the back of the property were discussed with Sullivan advising as to the controlling proposed language which would require a demonstrated need and a decision made that the proposed sign is not detrimental to the character of the area. Couf-Cohen noted the benefits of clean and neat directional signage for businesses situated in a less than obvious location. Commissioners discussed real estate “sold” signs with the consensus being to continue to enforce prohibition.

Commissioners reviewed the Main Street recommended guidelines for background purposes and Sullivan advised the Historic District Commission approves design for a sign in the Historic District.

Commissioners discussed the proposed ordinance as follows:

Need to clarify definitions of temporary, portable and promotional signs. Doozan noted promotional and portable are subcategories of temporary signs. It was suggested to consider defining by whether a permit is required or not v. temporary, portable and promotional.

Items discussed relative to the temporary sign table were:

- Real Estate signs – prohibit adding sold sign (consensus to keep prohibition);
- Some temporary signs say no permit required;
- Some promotional signs say permit required;
- Table provides the specificity;
- Community event sign is unique for duration;
- Dimensional concerns – restrict to maximum height to three (3) feet signs such as real estate, political, etc; and
- Enforcement concerns/strategies such as incorporating conditions for permit refusal and revocations; Enforce; Add language back in that permit can be revoked if consistently found to be out of compliance or after specified number of tickets are issued.

Sign Board of Appeals:

Commissioners discussed the SBA composition with the consensus being to keep the current Zoning Board of Appeals as the SBA as they require HDC input and Main Street Design Committee as the starting point for signage.

Variance for secondary ground sign was suggested as a means of addressing signage for businesses without frontage.

Illuminated signs: Has to be indirect, shielded light.

No public hearing required.

Stand alone ordinance (not under the zoning ordinance) as that would limit nonconforming issues.

Beke suggested adding a half hour review of the Bylaws at the next meeting after the public hearing on the Bed and Breakfast ordinance, followed by a page by page review of the Sign Ordinance with HDC and Main Street input provided, and requested Commissioner comments be provided to Sullivan.

IX. UPCOMING MEETING DATES

A. Next Regular Meeting Date: March 21, 7:30 P.M. (if needed)

X. ADJOURNMENT

Motion by Moenck supported by Cupidore to adjourn the meeting.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Heisel, Moenck

Nays: None

Absent: Hepler

Motion carried.

There being no further business, the meeting adjourned at 9:45 P.M.

Respectfully submitted,

Lori D. Rich, Recording Secretary

Eileen H. Pulker, Clerk

Village of Franklin Planning Commission February 15, 2012 Meeting

To Do List

- 1) Minutes: Revise IX – A and C of the January 18th minutes.**
- 2) Main Street Update: Who can provide an update?**
- 3) Bed and Breakfast Ordinance:**
 - a. Review boundaries; eliminate dotted lines, etc.
 - b. 1259.05: Change section referenced to 1259.06
 - c. 1259.02 (c): Add “occupied by the bed and breakfast establishment” after principal dwelling;
 - d. 1259.03: Clarify that the map identifies the properties for which the opportunity to develop a B & B exists;
 - e. 1259.05: Reference should be B-1, Bed and Breakfast Overlay District;
 - f. 1259.06 (a): Clarify suitable primary functions that are required to be in principal building;
 - g. 1259.06 (b): Cross-reference to Village lighting standards;
 - h. 1259.06 (f): Cross-reference to Village sign standards;
 - i. 1259.0 Site Plan Review: Correct to 1259.7; and
 - j. Schedule public hearing at March meeting.
- 4) Revisions to Sign Ordinance:**
 - a. Keep prohibition on adding sold signs to real estate signs;
 - b. Add revocation language back in;
 - c. Restrict temporary signs (real estate, political, etc. to maximum of three feet);
 - d. Sign Board of Appeals to be the Zoning Board of Appeals;
 - e. Commissioners provide specific comments to Sullivan; and
 - f. Page by page review at next meeting.
- 5) Bylaws Review:**
 - a. Half hour discussion at next meeting after public hearing