

**VILLAGE OF FRANKLIN
PLANNING COMMISSION
Minutes of Meeting
September 19, 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, Calvin Cupidore, Connie Ettinger, David Goldberg, Peter Halick, Mary Hepler, Dean Moenck

Absent: Mike Heisel (excused)

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

III. ADOPTION OF AGENDA

Beke requested that Agenda items VII A and B be reversed.

Motion by Beke supported by Moenck to approve the Agenda as revised.

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

Nays: None

Absent: Heisel

Motion carried.

IV. ADOPTION OF MINUTES

A. Regular Meeting of July 18, 2012

Motion by Ettinger supported by Moenck to approve the Minutes for the regular meeting of July 18, 2012 as submitted.

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

Nays: None

Absent: Heisel

Motion carried.

B. Regular Meeting of August 15, 2012

Moenck requested that Kochensparger be referred to as Jim Kochensparger.

Motion by Couf Cohen supported by Hepler to approve the Minutes for the regular meeting of August 15, 2012 as revised.

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

Nays: None

Abstain: Cupidore

Absent: Heisel

Motion carried.

V. BUDGET EXPENDITURE REPORT

1. Budget Update

Commissioners discussed the budget and suggested the operational budget in the first column be broken down into the two sub categories (Planning Consultant/Secretarial Services) and the \$2,200.00 in the second column be appropriately realigned.

VI. PUBLIC COMMENTS

Chairman Goldberg noted there are a couple of items dealing with the downtown and the Commission will be considering the completeness of the application for New Business Agenda item A with no intention for public or applicant comments as a public hearing will be scheduled for this matter, to be held, hopefully, at the Church.

Chairman Goldberg requested public comments with no one from the public responding.

VII. UNFINISHED BUSINESS

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

Chairman Goldberg noted public hearings for Agenda items A and B were held last month and requested Doozan to provide a brief overview.

Doozan provided a brief synopsis of the public hearing and discussion noting that three (3) amendments would be required: Statement of Purpose, Permitted Uses, and Parking Requirements (not part of the public notice, therefore not part of tonight's considerations; can be revisited; current option if one is not meeting the requirements is to seek a variance) and the two (2) key questions for the Commission's consideration are: Principal Permitted v. Special Approval Uses for residential in the C-1 district and multiple family residential v. single family. Commissioners discussed the special approval process and criteria for consideration, the pros and cons of multiple family residential being permitted, and rental occupancy concerns.

- Bill Finnicum, Finnicum Brownlie Architects and resident in the Historic District noted several ways in which second floor residential would be healthy for the downtown (eyes on the street, feet on the street at night, consumers, vibrancy, etc.), there are a limited number of buildings in which multiple family would be feasible and recommended they be permitted subject to site plan and design review, the Village could consider creating minimum square footage requirements, and the Village could consider a Landlord type ordinance to address rental occupancy concerns.

Discussion ensued regarding the following: **Parking** – adequacy on normal days as well as high volume days; any commercial use will have some busier days; parking requirements are based on professional standards/guidelines; dedicated parking for tenants (site plan and property owner issues); review standards in other downtown and suburban settings (Doozan provided an overview on parking concerns noting the drawbacks associated with large parking lots that are only filled 5 or 6 days a year); consideration is whether commercial and residential can co-exist. **Residential Use** - limited number of properties for which multiple family would be feasible currently but the future is unknown; special land use approval requires Council (elected officials) to approve, enables creativity and best controls a rental use the Village does not currently have; variances will be sought for these residential uses; limited number of occupants due to space limitations; should density be regulated; other Village single family zoning requirements including minimum cubic footage; after site plan approval the plans would need to comply with the Building Code; text considerations (should “subject to other ordinances” be included or is it implied); history of downtown properties being utilized as residential; desire to create thoughtful and sound legislation and not an entitlement; use variances does not exist; numbering typos.

Motion by Cupidore supported by Couf-Cohen to recommend amending sections 1256.01 and 1256.02 of the Franklin Zoning Ordinance as presented subject to the numbering scheme being corrected, to include single family residential on the second floor when the first floor is occupied as a Commercial Business (C-1).

Commissioners were polled for their position with Beke and Hepler noting they are in favor of utilizing the special approval process (process was reviewed) for all residential uses in the C-1 district. Discussion ensued regarding the Statement of Purpose with Doozan noting the proposed amendment includes residential as the current language is focused on commercial and with Moenck noting referencing the Master Plan is not needed in individual items as they are the guidelines in general with the consensus

being the language as presented is acceptable. Beke and Helper noted they could support this if the use was approved as part of a special land use process.

Roll Call Vote:

Halick: Aye
Couf-Cohen: Aye
Beke: Nay
Ettinger: Nay
Goldberg: Nay
Hepler: Nay
Moenck: Nay
Cupidore: Aye

Motion Failed.

Motion by Ettinger supported by Goldberg to recommend amending sections 1256.01, 1256.02, and 1256.03 of the Franklin Zoning Ordinance as presented, to include single family residential on the second floor when the first floor is occupied as a Commercial Business (C-1).

Commissioners discussed the pros and cons of using the special land use approval process for all residential uses in the C-1 district with it being noted that Council will consider Commissioners comments/concerns when deliberating this amendment. Chairman Goldberg suggested Commissioners attend the Council meeting and present their individual thoughts.

Roll Call Vote:

Halick: Aye
Couf-Cohen: Aye
Beke: Nay
Ettinger: Aye
Goldberg: Aye
Hepler: Nay
Moenck: Aye
Cupidore: Nay

Motion Carried.

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

Chairman Goldberg introduced this item. Doozan provided a brief overview noting this pertains to rezoning from vehicular parking to commercial, allowing the use of a historical barn for mixed use commercial, and as part of this process a public hearing was required with Council making the final determination. Doozan provided details relative to the barn and property, noting it is located in a transition zone separating single family residential from the West and commercial from the East. Doozan reviewed items for consideration noting a review of the Future Land Use Map and Master Plan update should be considered and is recommended. Goldberg noted the item before the Commission is whether this particular property should be rezoned not whether the proposed use of the property (which would be presented at a later date) is appropriate.

Bill Finnicum, Finnicum Brownlie Architects, noted the main focus should be that in the fairly recent past this property was zoned parking with a structure on it creating a burden on the owner to maintain it to keep the historic heritage aspect for the Village but with no ability for the property owner to use it to generate revenue, which is an undue hardship and very unfair. From a zoning perspective, Goldberg agreed with Finnicum's analysis and noted the Commission should be prepared for the remaining property owners in a similar situation to come before the Commission. Commissioners discussed the proposed rezoning as follows: Master Plan perspective (Future Land Use Map designates this currently as parking, Goldberg to request Council for funds to conduct some measure of a Master Plan update with an enhanced focus on the downtown and perhaps the commercial corridor, the proposed rezoning is a

stand-alone issue and not tied to the Master Plan); does existing landscape/fencing buffer meet commercial zoning criteria (Doozan/Goldberg indicated it does).

Motion by Beke supported by Ettinger to recommend to Council the rezoning of the subject property (32749 Franklin Road, rear) from vehicular parking to C-1 commercial based on the findings in McKenna's memorandum dated July 18, 2012.

Discussion ensued with the importance of the Master Plan update being noted and Goldberg requested to request funding from Council and advise Council of the importance of revisiting the Master Plan.

Roll Call Vote:

Halick: Aye

Couf-Cohen: Aye

Beke: Aye

Ettinger: Aye

Goldberg: Aye

Hepler: Aye

Moenck: Aye

Cupidore: Aye

Motion Carried.

C. Consider Setting Public Hearing for Revised Site Plan for the property located at 32749 Franklin Road

Goldberg inquired as to whether Finnicum would like to make a presentation this evening or wait until the Public Hearing next month. Finnicum provided a brief overview of the changes implemented due to comments received from the Historic District Commission. Discussion ensued relative to distance from the sidewalk to the steps and building, tenant parking, and parking requirements.

Motion by Hepler supported by Cupidore to schedule a public hearing for the revised site plan for the property located at 32749 Franklin Road at the October meeting.

Beke suggested Doozan provide a summary (oral and written) at the public hearing as to what the Commission has the authority to consider and what it should be avoiding. Venue was considered with Pulker requested to check on the availability of the Church. Sullivan was requested to include the memorandum, application and site plan again in the October packet (Commissioners were requested to keep the application and site plan in tonight's packet).

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

Nays: None

Absent: Heisel

Motion carried.

D. Sign Ordinance Review

Goldberg noted the Commission reviewed the chart/schedule last meeting, the subcommittee did an excellent job in preparing the material for consideration tonight, and suggested Commissioners present their comments as opposed to a page by page review. Discussion ensued as follows:

Definitions: Couf-Cohen initiated a discussion as to whether the Commission should consider defining the character of the sign (purpose) as well as the construct of the sign as a subcategory.

Potential to address within the ordinance signage smaller than the minimum size (i.e. security alarm signs, beware of dog signs, etc.).

Cantilevered signs: Add definition.

Pole Signs: Keep and define.

Political Signs: Ordinance requirement to take down within 5 days after the election is a bit more restrictive than the 10 days suggested by the Attorney General; Consensus to change to 10 days.

Penal Provisions for offenders of the temporary sign ordinance specifically temporary – sandwich signs. Ettinger noted current problems with repeat offenders and enforcement concerns and provided an overview of her proposed penal provisions advising her starting point was Birmingham’s ordinance. Commissioners discussed penal provisions, which signs should be covered, and Charter limitations. Sullivan advised Staran will review and provide input.

1474. 20 (Open post signs): Add language allowing one reversible sign for any public entrance.

Projecting signs: Permitted.

Design Standards relative to background color: Consensus to keep as presented.

Non-conforming signage: Commissioners discussed how best to address these with the consensus being to allow 90 days for the signs to be brought into compliance.

Sign Board of Appeals: Zoning Board of Appeals.

Promotional Signs: Reference to Church has been removed. Discussion ensued with it being noted these have to promote a business or an event with events having a specific beginning and end time.

Professional Services signage: Finnicum inquired as to how these are addressed in the proposed ordinance with it being noted they are prohibited. Discussion ensued with Finnicum suggesting they should be restricted but allowed and noting community benefits of this signage.

Sullivan summarized the discussion noting the following changes: Pole signs permitted, cantilevered defined, political signs can remain up to 10 days after the election, add penal provisions to temporary sign portion of ordinance, allow for a reversible sign for each public entrance to a business, and establish 90 day time period for non-conforming signs to be brought into compliance.

Next Steps: Submit to Staran for a conceptual review and bring back in final draft for consideration at the October meeting.

E. Medical Marihuana Report

Goldberg noted he has nothing new to add to his last update.

VIII. NEW BUSINESS

A. Consider Rezoning Application for the property located at 32635 Franklin Road

Goldberg noted consideration as to whether to schedule a public hearing would have been a better label for this agenda item and noted this was sent to the Commission by Council per ordinance requirements. Suzanne Morrison, Esq., Rentrop & Morrison, PC, noted specific concerns relative to the insufficiency of the application and opined it is premature to schedule a public hearing as according to the checklist there are deficiencies that need to be addressed. Upon request, Morrison agreed to provide the detailed list to the Village Administrator.

Commissioners discussed the checklist and application in general in terms of ordinance requirements v. helpful information and noted concerns that these are used for both site plan reviews and rezoning matters which needs to be changed with Sullivan noting this is already being reviewed administratively.

Commissioners discussed the specific application as to its completeness including items on the checklist. Sullivan noted the Village has the missing page on the fence easement referenced by Morrison and the easement for the sewer line and suggested an option to move this forward could be to schedule the public hearing and cancel if legal advice to the contrary is received.

Motion by Hepler supported by Couf-Cohen to schedule a public hearing at the October meeting to receive public opinion on the Rezoning Application for the property located at 32635 Franklin Road subject to agreement from the Village Attorney that the Application is complete.

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

Nays: None

Absent: Heisel

Motion carried.

IX. UPCOMING MEETING DATES

A. Next Regular Meeting Date: October 17, 2012.

X. ADJOURNMENT

Motion by Ettinger supported by Moenck to adjourn the meeting.

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

Nays: None

Absent: Heisel

Motion carried.

There being no further business, the meeting adjourned at 10:30 P.M.

Respectfully submitted,

Lori D. Rich, Recording Secretary

Eileen H. Pulker, Clerk

Village of Franklin Planning Commission September 19, 2012 Meeting

To Do List

1) Budget:

- a. Break out operational budget into planning consultant/secretarial services.
- b. Realign second column.

2) Rezoning:

- a. Doozan to review parking standards in other downtown and suburban settings.

3) Zoning Text Amendment:

- a. Correct numbering.

4) Rezoning of Barn:

- a. Goldberg to advise Council of the need to update the Master Plan and request funding.

5) Revised Site Plan:

- a. Schedule public hearing for October meeting.
- b. In preparation for the public hearing, Doozan to provide a written summary of what the Commission can and shouldn't be considering.
- c. Pulker to check on availability of Church.
- d. Commissioners to keep relevant materials to avoid reprinting costs.

6) Sign Ordinance:

- a. Revise: Pole signs permitted/defined; cantilevered defined; political signs change from 5 to 10 days; add penal provisions; allow for reversible sign for each public entrance; non-conforming signs have 90 days to be brought into compliance.
- b. Submit to Staran for conceptual review.
- c. Bring in final draft form to October meeting.

7) Rezoning Application:

- a.** Schedule public hearing for October meeting.
- b.** Obtain list of deficiencies from Suzanne Morrison, Esq.
- c.** Sullivan – include two easements.
- d.** Staran to provide input as to the completeness of the application.