



**LINCOLN PARK PLANNING COMMISSION**  
CITY HALL – COUNCIL CHAMBERS 1355 SOUTHFIELD ROAD  
LINCOLN PARK, MICHIGAN

**March 11, 2020 at 7 p.m.**

## **AGENDA**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Approval of Previous Minutes**
- V. Approval of Agenda**
- VI. Old Business**
- VII. New Business**
  - A. Public Hearing: Screening Wall Alternatives Ordinance Amendment
- VIII. Policy Review and Discussion**
  - A. Waste Management Ordinance Amendment
- IX. Education and Training**
  - A. Site Plan Review Training: April 21, 2020
- X. Reports from Department and Other Boards and Commissions**
- XI. Public Comments**
- XII. Comments from Planning Commissioners**
- XIII. Adjournment**

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**CITY OF LINCOLN PARK  
COUNTY OF WAYNE, STATE OF MICHIGAN  
PLANNING COMMISSION MEETING OF FEBRUARY 12, 2020**

A Planning Commission meeting of February 12, 2020, Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan was called to order at 7:00 p.m. by Mr. Kissel, Commencing with the Pledge of Allegiance.

**PRESENT:** Palmer, Horvath, Graczyk, Persinger, Kelsey, Kissel, LoDuca

**ABSENT:** Briones

**EXCUSED:**

**ALSO PRESENT:** Leah DuMouchel, John Meyers, Lillian Ross, Carlos Ross, Michael Braskich

**APPROVAL OF MINUTES**

**a.** January 8, 2020

Motion by Kelsey to approve minutes with corrections, support by Persinger

**MOTION CARRIED**

**APPROVAL OF AGENDA**

Approve agenda as submitted

**OLD BUISNESS:**

None

**NEW BUISNESS**

**A. SITE PLAN REVIEW: 4032 FORT ST; CARRY - OUT RESTAURANT -**

The applicant proposes a new carryout restaurant in a vacant half of an existing building; the subject parcel was previously a barber shop and the adjacent business (4030 Fort St.) is a mobile service provider. The site is located on Fort St.

The Site plan shows a 3-yard dumpster abutting the neighboring building to the south, with no indications of the required screening. The dumpster appears to encroach on the walkway between the parking area and t rear door and may encroach further once repositioned for pickup service.

There is no ideal accommodation for trash on this small site. Possible plastic storage bins to hold the refuse between pickups, which may offer a compromise between loose bagged trash which is accessible to rodents, and a heavy encroaching dumpster which impedes access to the building.

Discussion regarding the storage and removal of trash

Mike Braskich, began with some comments of the business and suggestions regarding the trash receptacle and dumpster access.

It is recommended to go with a dumpster for the location with the option of the 96-gallon trash can. The hours of business will be 10am to 6pm with two full time employees and one part time in the summer. The main entrance will be the front of the building.

There is no dine in, only pick up.

Motion by Kelsey to recommend approval of site plan PPC19-016, proposing carryout restaurant at 4032 Fort St. and consisting of the revisions from Planner in letter dated February 12, 2020, based on the finding that the proposal substantially complies with the requirements of 1296.01. This approval is conditional upon the submittal, within 4 days of the date of this report, of a revised Site Plan resolving the items noted and subject to administrative and approval, support by LoDuca

## **MOTION CARRIED**

### **POLICY REVIEW AND DISCUSSION**

#### **A. Screening Wall Alternatives Ordinance Amendment**

Development review staff have noted that the cost of implementing the solid masonry wall requirement has been cited by potential applicants in several instances as the primary factor in choosing not to proceed with the development proposal. It is also frequently challenging to implement smaller sites; in no recent case have all three protective measures (wall, greenbelt, and landscaper screen) been implemented.

In preliminary discussion, the Planning Commission has reinforced the value of screening requirement, citing protection of privacy and relief from visual and auditory clutter for those residents living closest to the City's commercial corridors.

Price comparisons for buffer materials were provided for Brick, Landscape and Durasol. The safety of the alternative materials was discussed.

The following language is proposed for consideration:

"If, in the opinion of the Planning Commission, the provision of both the wall and greenbelt would serve no good purpose, the Commission may accept either the greenbelt or the wall between the residential use and the business or industrial use. In cases where the screening is located along a rear property line and is not highly visible from a public right-of-way, the Planning Commission may permit the wall to be constructed of a decorative recycled rubber soundproofing alternative such as Eco-Wall."

### **EDUCATION AND TRAINING**

#### **A. Site Plan Review Training: April 21, 2020 – Tuesday 5:30pm – 8:30pm**

The location is TBD by John Meyers.

### **REPORTS FROM DEPARTMENTS AND OTHER BOARDS AND COMMISSIONS**

None

### **PUBLIC COMMENTS**

None

**COMMENTS FROM PLANNING COMMISSIONERS**

None

**ADJOURNMENT**

Moved by Kelsey to adjourn, support by Graczyk

**MOTION CARRIED**

Meeting adjourned at 8:07 PM

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**MICHAEL HORVATH, Secretary**

City of Lincoln Park Planning and Development

## Ordinance Text Amendment: §1294.28, Screening

*March 11, 2020*

The purpose of this memo is to recommend changes to the screening requirements of the City of Lincoln Park Zoning Code.

### Background

§1294.28(a) of the Lincoln Park Zoning Ordinance has the following screening requirement in order to protect residential properties:

“Where a Business or Industrial District abuts directly upon a Residential District, a landscaped greenbelt meeting the requirements of Section 1296.03, Landscaping Standards, shall be provided and maintained along its entire length by the users of the business or industrially zoned property.

In addition, such Business or Industrial District shall be screened from such contiguous, residentially zoned district by either a building housing a permitted use or by a solid masonry wall, ornamental on both sides, and not less than six (6) feet in height above grade, between the required greenbelt area and the commercial or industrial use. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building.

Such greenbelt area shall meet the requirements of Section 1296.03, Landscaping Standards, and be a strip of land not less than fifteen (15) feet in width, planted and maintained with evergreens such as spruce, pines or firs, at least five (5) feet in height, so as to create a permanent buffer within one (1) year following approval of the development by the City.

If, in the opinion of the Planning Commission, the greenbelt would serve no good purpose, the Commission may waive such requirement and provide only the wall between the residential use and the business or industrial use. ”

Development review staff have noted that the cost of implementing the solid masonry wall requirement has been cited by potential applicants in several instances as the primary factor in choosing not to proceed with a development proposal. It is also frequently challenging to implement on smaller sites; in no recent case have all three protective measures (wall, greenbelt, and landscape screen) been implemented.

In policy discussion, the Planning Commission has reinforced the value of the screening requirement, citing protection of privacy and relief from visual and auditory clutter for those residents living closest to the City’s commercial corridors. After considering several options, the Commission determined that it would be acceptable to permit a wall constructed of a new material called Eco-Wall, a sound barrier material made from recycled rubber which has the appearance of brick or stone at a considerably thinner depth. The Commission also determined that allowing the applicant to choose between the wall and the landscape buffer would provide an acceptable level of buffering. The proposed amendment offers these options, and

clarifies the greenbelt specifications to remove potential conflict between this section and §1296.03, Landscaping Standards.

## Proposed Zoning Code Text Amendment

### Marked changes

“Where a Business of Industrial District abuts directly upon a Residential District, such Business or Industrial District shall be screened from such contiguous, residentially zoned district by one of the following methods:

- i) A building housing a permitted use
- ii) A solid masonry wall, ornamental on both sides, and not less than six (6) feet in height above grade. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. In cases where the screening is located along a rear property line and is not highly visible from a public right-of-way, the Planning Commission may permit the wall to be constructed of a decorative recycled rubber soundproofing alternative such as Eco-Wall.
- iii) A greenbelt area not less than fifteen (15) feet in width, planted and maintained with one (1) evergreen such as spruce, pines or firs, for every 8 lineal feet of boundary. Trees shall be at least five (5) feet in height, planted in a staggered row 12’ on center so as to create a permanent buffer within one (1) year following approval of the development by the City. All other installation details shall be in accordance with the requirements of 1296.03, Landscaping Standards. ”

### Proposed version

“Where a Business of Industrial District abuts directly upon a Residential District, such Business or Industrial District shall be screened from such contiguous, residentially zoned district by one of the following methods:

- i) A building housing a permitted use
- ii) A solid masonry wall, ornamental on both sides, and not less than six (6) feet in height above grade. Such walls shall be constructed of the same materials as that of the main or principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. In cases where the screening is located along a rear property line and is not highly visible from a public right-of-way, the Planning Commission may permit the wall to be constructed of a decorative recycled rubber soundproofing alternative such as Eco-Wall.
- iii) A greenbelt area not less than fifteen (15) feet in width, planted and maintained with one (1) evergreen such as spruce, pines or firs, for every 8 lineal feet of boundary. Trees shall be at least five (5) feet in height, planted in a staggered row 12’ on center so as to create a permanent buffer within one (1) year following approval of the development by the City. All other installation details shall be in accordance with the requirements of 1296.03, Landscaping Standards. ”

## Proposed Motion

To amend Section 1294.28 of the Lincoln Park Zoning Code to permit specific substitutions for the requirement of a masonry wall to screen commercial and industrial properties from abutting residential zones, namely decorative recycled rubber soundproofing material such as Eco-Wall and 15-foot greenbelt planted with 1 five-foot evergreen for every 8 lineal feet of boundary

City of Lincoln Park Planning and Development  
**Best Practices Review: Waste Management**

*March 11, 2020*

The City of Lincoln Park Zoning Ordinance does not specifically address waste management requirements for a development. The Ordinance merely requires trash receptacle locations to be shown and the method of screening, if applicable (§1296.01(f)(2)(M)). Issues of waste management have recently come up during the site plan review process; for example, a site's conditions may not allow for the placement of a dumpster due to a small parcel size. Furthermore, depending on the site's use, an operation may not generate enough waste to warrant a dumpster. Therefore, waste management will vary depending on the site. Regardless, the Zoning Ordinance should have a clear requirement for trash management so that developers know what is expected and so that the City has the legal justification for any requirements.

**Best Practice Research**

The City of Ypsilanti recently adopted a new Zoning Ordinance, and it has a section devoted to trash receptacles and dumpsters:

*Sec. 122-608. Trash receptacles and dumpsters.<sup>1</sup>*

*Any new or altered commercial use, including residential uses with three or more units, which requires zoning compliance review and has an outdoor trash storage area must comply with the following requirements:*

- (a) No outdoor trash storage area may be located in any front yard or any required side yard setback which is adjacent to a street, unless there is no alternative as established by the City Planner or the Planning Commission. In no instance may any trash receptacle or dumpster be located within or block a designated parking space.*
- (b) Any outdoor trash storage area must be limited to normal refuse which is collected on a regular basis and must be maintained in a neat, orderly and sanitary condition. This maintenance is the responsibility of the owner of the premises on which the containers are placed.*
- (c) Adequate vehicular access must be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking spaces or entrances to or exits from principal buildings nearby.*
- (d) All trash storage areas must be on a paved pad, and must be screened with an enclosure at least one (1) foot taller than the dumpster.*
- (f) Where a dumpster is the primary means of collecting refuse, the trash storage area must be on a concrete pad, and screened with an enclosure at least six feet in height. The enclosure must be of a*

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<sup>1</sup> City of Ypsilanti. Zoning Ordinance. Chapter 122. 2019.

<https://cityofypsilanti.com/DocumentCenter/View/1881/CODE-OF-ORDINANCES-City-of-Ypsilanti---2019>



*solid brick or masonry wall on three sides with an 80% opacity wooden swing door on the fourth side.*

The City of Ann Arbor's Unified Development Code also specifically addresses waste management. The location of refuse containers and enclosures is a required site plan item (§5.29.6(F)(6)b)), and the code also mentions the use of curb carts for solid waste (§5.29.6(A)(4)(c)).<sup>2</sup> The City of Ann Arbor permits commercial trash carts for businesses within the Downtown Development Authority. According to the City's website, "the City of Ann Arbor has entered into a franchise agreement with Waste Management of Michigan to collect refuse dumpsters and roll-off containers from commercial, industrial, and institutional sites throughout Ann Arbor."<sup>3</sup>

The City of Raleigh, NC has a "Solid Waste Collection Design Manual." This manual provides for the following:<sup>4</sup>

- "Small businesses or offices located in an area that is primarily residential, may be allowed curbside collection service by the City, and curbside recycling service, provided that refuse generation in the building does not exceed 2 individual 96-gallon rollout containers." (B-3)
- Curbside collection of 96-gallon rollout containers is permitted in the Central Business District, including non-residential properties. This requires special approval by the City. (B-3)
- Site plans must show how standard 96-gallon rollout refuse containers will be stored. (C-2)
- "Collection devices must not be located in any street yard, transitional protective yard or tree protection area." (C-5)
- "Commercial and residential developments may be exempted from [individual trash receptacle requirements] if they enter into a shared refuse collection facility agreement with a neighboring business. A copy of this agreement must be submitted as part of the site plan approval package and must specify the location and maintenance responsibility for the shared facilities." (C-6)

## Recommendation

The City of Lincoln Park could amend its Ordinance to provide for greater clarity in terms of waste management. Below is proposed language for two amendments: (1) to the site plan requirements in §1296.01(f)(2)(M); and (2) adding a section in §1294: Provisions Relating to All Districts, outlining trash receptacle and dumpster requirements (to be §1294.41).

### Proposed Amendment to §1296.01(f)(2)(M)

*(M) ~~Trash receptacle locations and method of screening, if applicable.~~ Waste Management Plan that includes trash receptacle locations and method of screening, if applicable. Trash receptacles and dumpsters*

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<sup>2</sup> City of Ann Arbor. Unified Development Code. Chapter 55. 2018.

<https://www.a2gov.org/departments/planning/Documents/Planning/UDC%20-%20Final%20Published%207-18.pdf>

<sup>3</sup> City of Ann Arbor. Trash. Accessed 13 February 2020. <https://www.a2gov.org/departments/trash-recycling/Pages/Trash.aspx>

<sup>4</sup> City of Raleigh. Solid Waste Collection Design Manual. 2005.

<https://cityofraleigh0drupal.blob.core.usgovcloudapi.net/drupal-prod/COR26/SolidWasteServicesDesignManual.pdf>

*must conform to the screening standards outlined in §1296.03(g), and all trash receptacles and dumpsters must conform to the standards and requirements outlined in §1294.41.*

Proposed §1294.41

*1294.41 TRASH RECEPTACLES AND DUMPSTERS*

- (a) No outdoor trash storage area may be in any front yard or any required side yard setback which is adjacent to a street, unless there is no alternative as established by the Planning Commission. In no instance may any trash receptacle or dumpster be located within or block a designated parking space.*
- (b) Any outdoor trash storage area must be limited to normal refuse which is collected on a regular basis and must be maintained in a neat, orderly and sanitary condition.*
- (c) Adequate vehicular access must be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking spaces or entrances to or exits from principal buildings nearby.*
- (d) Small businesses or offices may be allowed curbside collection, per approval of the Planning Commission.*
- (e) Commercial and residential developments may enter into a shared refuse collection facility agreement with a neighboring business. A copy of this agreement must be submitted as part of the site plan and must specify the location and maintenance responsibility for the shared facilities.*