



LINCOLN PARK PLANNING COMMISSION

January 13, 2021 at 7 p.m.

REMOTE MEETING VIA ZOOM

Call: 1 646 558 8656

Web: www.zoom.us

Meeting ID: 891 7842 9715

Participant ID is #

AGENDA

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of Previous Minutes**
- IV. **Approval of Agenda**
- V. **Old Business**
 - A. 2020 Planning Commission Annual Report
- VI. **New Business**
 - A. Election of Officers
- VII. **Policy Review and Discussion**
- VIII. **Education and Training**
 - A. Michigan Winter Cities Planning and Development – Michigan Association of Planning and Michigan Economic Development Corporation. Workshop, tools, and resources to help our community thrive during the cold winter months. January 14, 2-3:30 pm plus self-paced segments and guidebook. \$20
<https://www.planningmi.org/assets/COVID19/MAP%20MEDC%20Winter%20Cities%20Program%20Brochure%20January%202021.pdf>
 - B. Citizen Planner Online – Michigan State University Extension. Self-paced version of the gold standard of Commissioner training. \$275. https://www.canr.msu.edu/michigan_citizen_planner/
- IX. **Reports from Department and Other Boards and Commissions**
- X. **Public Comments**
- XI. **Comments from Planning Commissioners**
- XII. **Adjournment**

The City of Lincoln Park will provide necessary reasonable auxiliary aides and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park MI 48146; 313-386-1800 ext. 1296

**CITY OF LINCOLN PARK
COUNTY OF WAYNE, STATE OF MICHIGAN
PLANNING COMMISSION MEETING OF DECEMBER 17, 2020**

A Planning Commission meeting of December 17, 2020, via Zoom for Lincoln Park, Michigan was called to order at 6:07 p.m. by Mr. Kissel, Commencing with the Pledge of Allegiance.

PRESENT: Palmer, Kissel, Horvath, Persinger, Duprey

ABSENT: Briones, Loduca

EXCUSED: Graczyk

ALSO PRESENT: Leah DuMouchel, John Meyers, Lillian Ross, Matt Yanda, Maureen Tobin, Liz Gruden, Anthony Sircjl, Foxhall host, Tracey Yrebrough, Mites Herch

APPROVAL OF MINUTES

Moved by: Persinger to approve the minutes as submitted

Supported by: Duprey

MOTION CARRIED unanimously

APPROVAL OF AGENDA

Moved by: Persinger to approve the agenda as submitted

Supported by: Duprey

MOTION CARRIED unanimously

OLD BUSINESS

(A) Site Plan Review: 3387 Fort Street – Plumbing Contractor

Site plan was reviewed by Leah DuMouchel with proposed motion to City Council:

I move that the City of Lincoln Park conditionally approve the site plan numbered PPC 20-008, proposing a plumbing contractor establishment at 3387 Fort Street and consisting of the pages and revision dates found under 'Site Plan Documents' above, based on the finding that the proposal substantially complies with the requirements of §1296.01. This approval is conditional upon the submittal, within 45 days of the date of this report, of a revised Site Plan resolving the items noted above under "Conditions to be addressed before final approval" and subject to administrative review and approval and satisfactory completion of each of the items noted above under "Conditions of Approval."

Moved by: Horvath to accept proposal

Supported by: Persinger

MOTION CARRIED unanimously

(A) PUBLIC HEARING: 3387 Fort Street – Plumbing Contractor

Public Hearing opened at 6:23 pm

No public comments

Public Hearing closed at 6:24 pm

(B) SPECIAL LAND USE: 3387 Fort Street – Plumbing Contractor

Proposed Motion: that the Lincoln Park Planning Commission grant Special Land Use Approval for Plumbing Contractor Establishment at 3387 Fort Street, as requested in PPC 20-008, based on an affirmative finding of compliance with the criteria set forth in Section 1262.08 of the Lincoln Park Zoning Code.

Moved by: Persinger to accept proposal

Supported by: Duprey

MOTION CARRIED unanimously

NEW BUSINESS

None

POLICY REVIEW AND DISCUSSION

None

EDUCATION AND TRAINING

- A. Michigan Winter Cities Planning and Development – Michigan Association of Planning and Michigan Economic Development Corporation. Workshop, tools, and resources to help our community thrive during the cold winter months. January 14, 2-3:30 pm plus self-paced segments and guidebook. \$20
<https://www.planningmi.org/assets/COVID19/MAP%20MEDC%20Winter%20Cities%20Program%20Brochure%20January%202021.pdf>
- B. Citizen Planner Online – Michigan State University Extension. Self-paced version of the gold standard of Commissioner training. \$275.
https://www.canr.msu.edu/michigan_citizen_planner/

REPORTS FROM DEPARTMENTS AND OTHER BOARDS AND COMMISSIONS

None

PUBLIC COMMENTS

Discussion of the building with John Meyers

COMMENTS FROM PLANNING COMMISSIONERS

ADJOURNMENT

Moved by: Duprey to adjourn

Supported by: Persinger

MOTION CARRIED unanimously

Meeting adjourned at 6:33 p.m.

MICHAEL HORVATH, Secretary

City of Lincoln Park Planning and Development

2020 Annual Report: City of Lincoln Park Planning Commission

February 1, 2021

The following report is based on the requirements in §1220.08 of the Lincoln Park Zoning Ordinance.

SUMMARY OF ACTIVITIES

The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the City Council related to planning and development. The City Manager shall prepare the Capital Improvements Program Plan.

Administration

Officer Elections. The following officers were elected in January 2020: Kevin Kissel, Chair; Joseph Palmer, Vice Chair; Mike Horvath, Secretary.

Member Appointment to Zoning Board of Appeals. Commissioner Horvath was appointed to serve on the Zoning Board of Appeals. It is important for the Planning Commission to have representation on this board in order to inform the ZBA proceedings with the PC's intent, and to report back to the PC on issues of appeal which should be addressed through regulatory adjustments.

Training. The City's regular Planning Consultant (Beckett & Raeder, Inc.) provided two training sessions in 2020: 1) A 3-hour training session on site plan review for members of the Planning Commission; and 2) a 3-hour training session for the Zoning Board of Appeals, and Planning Commission members were welcome to attend. Both sessions were Michigan Association of Planning (MAP) training modules and were conducted remotely via Zoom.

Annual Review of the Development Review Process. In compliance with the Redevelopment Ready Communities program with which the City of Lincoln Park is engaged, the Commission set aside time at its December meeting to consider its development review process. 2020 was a unique year for development review as all meetings and administration moved rapidly to an online format early in the year due to the Coronavirus pandemic. The City and applicants alike adapted extremely well, however, and the online format proved to serve certain meetings, such as pre-application meetings, better than in-person ones. The forced move to an online platform also shed light on the fact that the City must be prepared for technology-based review meetings. The Planning Commission anticipates that the newly updated site plan review chapter will greatly improve the development review process for both City staff and applicants. Additionally, the Commission believes it important to have design and development standards that both meet the community's needs and are up-to-date, especially as new people move into the City.

Development Review

Site Plan Review. The following site plans were approved in the City in 2020.

- 4032 Fort – Carryout Restaurant
- 3476 Fort – Massage Therapy
- 804 Southfield – Fuel Station Expansion and Retail

- 970 Fort – Auto Sales and Service
- 1519 Southfield – Taco Bell
- 3387 Fort – Plumbing Contractor

Special Land Use. The following Special Land Uses were approved in the City in 2020.

- 804 Southfield – Fuel Station Expansion and Retail
- 970 Fort – Auto Sales and Service
- 3387 Fort – Plumbing Contractor

Rezoning. There was one rezoning in the City of Lincoln Park in 2020, at 1805 J. A. Papalas. This property had been rezoned from General Industrial District (GID) to Municipal Business District (MBD) in 2019 in anticipation of a proposed mixed-use development. Development plans changed, and the applicant wished to include a medical marijuana growing, processing, and provisioning facility to the mix of uses, thus resulting in a need to revert to the original GID zoning designation. The rezoning application was originally tabled due to the City’s marijuana licensing regulations not being in place at the time of the rezoning consideration. Once timing was appropriate, the rezoning request was amended to include only one of the original parcels. The Planning Commission motion to recommend the rezoning to Lincoln Park City Council failed, but Council voted to approve the rezoning based on applicant testimony and the parcels’ history of GID zoning.

Zoning Amendments

Package Delivery Lockers. The City had been approached to permit the addition of package delivery lockers to certain commercial properties within the City. The zoning text amendment included the addition of a definition for a “package delivery locker” as well as the addition of design and installation standards for such lockers.

Screening Wall Alternatives. As a result of the solid masonry wall requirement consistently prohibiting development proposals, the City amended this requirement to add more flexibility and to provide more clarity. The zoning text amendment updated §1294.28 to include screening wall alternatives, such as an “Eco-Wall,” as well as to allow an applicant to choose between the wall and the landscape buffer instead of requiring both.

Waste Management. The Zoning Ordinance did not have specific requirements for waste management, and it became apparent that the City should have clear requirements for waste management so that developers know what is expected and so that the City has the legal justification for any requirements. The zoning text amendment added a requirement for a “waste management plan” as part of the site plan review requirements as well as design, placement, and ownership standards for trash receptacles and dumpsters.

Site Plan Review. There has historically been much confusion regarding the site plan review requirements in the Zoning Ordinance. This zoning text amendment reorganized and simplified the site plan review chapter (§1296.01) to be more concise and to more clearly define roles and responsibilities of both the City and the applicants, making the City’s development review process more transparent.

Lot Division. It came to development staff's attention that there was an inconsistency between §1224.06, Division of Lots, and §1294.32, Schedule of Area Regulations. The zoning text amendment eliminated these inconsistencies.

Signage Conflicts in the Zoning Ordinance. As a result of the newly adopted Sign Code in April 2020, there were several discrepancies and inconsistencies in the Zoning Ordinance. This zoning text amendment addressed these discrepancies in seven sections of the Zoning Ordinance and eliminated any conflict between the two ordinances.

Standards for Marijuana Businesses. In November 2019, voters in the City of Lincoln Park passed a referendum opting into permitting marijuana businesses in the City. The City Council adopted a police power ordinance governing the process and requirements for acquiring such a license, and the Zoning Ordinance is the tool for which to implement any standards. The zoning text amendment addressed four sections of the Zoning Ordinance and included definitions, the types of marijuana business permitted after Special Land Use approval in the General Industrial District, site design standards for such establishments, and parking requirements.

Policy Review and Study

Zoning Text Amendments. Prior to the consideration of any proposed zoning text amendment, the Planning Commission held a policy review and discussion, providing insight and feedback on all proposals. In 2020, the Planning Commission held policy review and discussions on the following zoning text amendments that were subsequently adopted by City Council: Screening Wall Alternatives, Waste Management, Site Plan Review, Lot Division, Signage Conflicts in the Zoning Ordinance, and Standards for Marijuana Businesses.

Redevelopment Opportunities Package. The City has been working on creating a Redevelopment Opportunities Package to market City-owned properties that are prime for redevelopment. This process is still in the beginning stages, but the Planning Commission held a policy review and discussion on the subject to become informed on the project.

Sign Revision Rollout. Beckett & Raeder, Inc. created a handout to distribute to the business community and relevant departments summarizing the updated sign ordinance that the City adopted in April 2020. The Planning Commission held a policy review and discussion to become informed on the status of the newly adopted Sign Code.

Auto Service and Makerspace Overlay. There are limited industrial properties in the City, and the purpose of the Makerspace Overlay is to permit the "missing middle" section of manufacturing so that smaller-scale operations may occupy buildings outside of industrial areas without posing a nuisance to adjacent land uses. This is a novel idea and still taking form; however, the Planning Commission held a policy review and discussion about the Makerspace Overlay idea, possible definitions, and possible provisions.

Implementation of the Master Plan

The City adopted its updated Master Plan in November 2019. The new Master Plan has a robust action plan, and the City has made progress on implementing the following action items:

- *Remove parking minimums downtown and replace with accommodation based on evidence of demand* – businesses downtown are exempt from minimum parking requirements.
- *Maintain sidewalks so that they are safe and clean for all users* – all site plan reviews require that City sidewalks be brought up to City standards.
- *Host regular food truck events downtown* – the City is currently working on a food truck ordinance.
- *Adjust the zoning ordinance to permit ultralight-impact manufacturing in commercial zones (“maker spaces”)* – the Planning Commission has had a policy discussion on this topic.

Regional Correspondence

No requests were received.

Zoning Board of Appeals

The Zoning Board of Appeals participated in a three-hour training session in 2020.

The Zoning Board of Appeals reviewed three (3) dimensional variance requests in 2020. A dimensional (non-use) variance allows for a deviation from the dimensional (i.e. height, bulk, setback) requirements of the Zoning Ordinance. In order to grant a dimensional (non-use) variance, proof of practical difficulties must exist, and the request must meet all of the required standards outlined in the Zoning Ordinance.

1. 961 Moran Avenue

- Request: A 215 sq. ft. dimensional variance from the 40% lot coverage requirement in the Single-Family Residential District (§1294.32) to increase the lot coverage to 2,135 sq. ft. (Ordinance allows 1,920 sq. ft.).
- Rule being deviated from: 40% maximum lot coverage (§1294.32)
- Number of standards met: 4 of the 12 required standards were met
- Outcome: Approved

2. 1382 Fort Street

- Request: A dimensional variance from the standards for wall signs in the Central Business District (§1276.05: Standards According to Sign Type) to allow for a 600 sq. ft. painted wall sign and a 220 sq. ft. painted wall sign.
- Rule being deviated from: 100 sq. ft. maximum area of a wall sign (§1476.05 of the Sign Code)
- Number of standards met: 2 of the 3 required standards were partially met
- Outcome: Approved

3. 900 Fort Street

- Request: A dimensional variance to locate a pole sign further than 350 feet from a limited access interstate highway.
- Rule being deviated from: 350-ft. maximum distance to an interstate limited access freeway right-of-way (§1476.10(e)).
- Number of standards met: 1 of the 12 required standards was met
- Outcome: Denied

The Zoning Board of Appeals reviewed three (3) use variance requests in 2020. A use variance allows for a use of land that is otherwise prohibited in a zoning district. In order to grant a use variance, proof of an unnecessary hardship must exist, and the request must meet all of the required standards outlined in the Zoning Ordinance. Approval of use variance requests is typically quite rare as a use variance realistically functions as a rezoning request that avoids going before both the Planning Commission and City Council.

1. 2278 Fort Street

- Request: A use variance to allow for a used car sales establishment in the Neighborhood Business District, which is not a permitted use in the district.
- Rule being deviated from: Permitted uses in the Neighborhood Business District (§1276.02 and §1276.03)
- Number of standards met: 0 of the 4 required standards were met
- Outcome: Approved

2. 625 Southfield

- Request: A use variance to operate a powder coating business in the Municipal Business District.
- Rule being deviated from: Permitted uses in the Municipal Business District (§1278.02 and §1278.03)
- Number of standards met: 4 of the 4 required standards were met
- Outcome: Approved

3. 2075 Fort Street

- Request: A use variance to allow for a residential use in the basement of a commercial property in the Central Business District.
- Rule being deviated from: Residential use below a commercial use (§1280.02)
- Number of standards met: 1 of the 4 required standards was met
- Outcome: Denied

REPORT ON OPERATION OF THE ZONING ORDINANCE

In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall prepare an annual report to the City Council on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

Following the completion of the Master Plan effort at the end of 2019, the Planning Commission has been quite proactive in addressing several zoning issues. The Planning Commission reviewed and made affirmative recommendations to City Council on seven zoning text amendments in 2020. Additionally, specific zoning issues that have been identified through the course of the Planning Commission's development review procedures this year include:

Automotive Service Stations, Repair Centers, and Public Garages. These uses have been problematic at times in the City, leading to attempted regulatory solutions which have had varying degrees of success. Currently, a standalone ordinance section establishes development criteria for these uses, but its application has been inconsistent. A mandatory 5,000-foot setback between similar uses, likely intended to dilute the quantity of such uses, has been difficult to administer and has not produced the intended result.

The Future Land Use plan that accompanies the Master Plan identifies an overlay district permitting auto-related uses in an area of the City with the greatest concentration of such uses.

Automotive Service and Makerspace Overlay. There are limited industrial properties in the City, and the purpose of the Makerspace Overlay is to permit the “missing middle” section of manufacturing so that smaller-scale operations may occupy buildings outside of industrial areas without posing a nuisance to adjacent land uses. This is a novel idea and still taking form, but the Planning Commission held an initial policy discussion on the topic. It is possible that the Makerspace Overlay could be combined with the Automotive Service Overlay district identified in the Future Land Use plan.

Vehicle Sales. The City routinely receives requests for vehicle sales establishments. The Zoning Ordinance specifies standards for Automotive Service Stations, Repair Centers, and Public Garages; however, these standards do not include vehicle sales establishments. Because there are so many requests for such establishments in the City, it is important to have enforceable development standards to help govern the appearance and condition of these sites.

It has been recognized throughout the City’s development review team, including City Management, Economic/Downtown Development Director, Building Official, and Planning Consultant that the extent of changes required to make the Zoning Ordinance support the City’s desired vision is such that a full rewrite of the ordinance is warranted.

Monthly Planning Report

Serving & Planning Communities throughout Michigan

January 2021

Top
Story

Bill to reauthorize Michigan beach control clears House committee

"...the elevation-based high water mark on Lake Michigan and Huron was underwater for more than a year — 'that probably sounds crazy,' he said — and during that time, the state lost its ability to manage seawall or revetment construction above that elevation."

"Republican lawmakers have advanced legislation that would re-establish the state of Michigan's authority to manage development along the Great Lakes coastline as part of a bill that aims to simplify erosion protection permitting for homeowners at the beach.

On Thursday, Dec. 3, the House Natural Resources Committee approved S.B. 714, a bill sponsored by Sen. Roger Victory, R-Hudsonville, that aims to ease construction permitting requirements for beachfront property owners. An earlier version passed the Senate in January, but the House panel Thursday approved a substitute version supported by the Michigan Department of Environment, Great Lakes and Energy (EGLE), which opposed the previous version."

mlive.com. More information: <https://www.mlive.com/public-interest/2020/12/bill-to-reauthorize-michigan-beach-control-clears-house-panel.html>; also *Michigan legislature* <http://legislature.mi.gov/doc.aspx?2020-SB-0714>

Legal and
Legislative

Remote meetings, water shutoff moratorium to continue

Michigan House approves remote meetings for local governments until March 2021

"The Michigan House approved the bill 94-13 during its Dec. 16 session, while the Senate voted 36-1 on the measure Dec. 9.

Senate Bill 1246 also makes minor changes to the remote meeting allowance. A meeting can be made virtual based on local ordinance, rather than the previous provision requiring local bodies to pass laws declaring a public emergency. Additionally, a state of emergency would have to be declared by the local body's 'chief administrative officer,' rather than the local governing body in a vote."

mlive.com. More information: <https://www.mlive.com/public-interest/2020/12/michigan-house-approves-remote-meetings-for-local-governments-until-march-2021.html>; also *Michigan legislature* <http://legislature.mi.gov/doc.aspx?2020-SB-1246>

Legislature gives final passage to bill halting water shutoffs through March 31

"Whitmer is expected to sign the legislation, which the House passed overwhelmingly, in a 96-9 vote, without debate. It extends a moratorium on water shutoffs for nonpayment of bills through March 31. The bill passed the Senate Dec. 10, in a 30-8 vote.

'Water affordability is a problem that plagues rural Michigan as well as my hometown of Detroit,' [Sylvia Orduño, a spokeswoman for the People's Water Board Coalition] said. ... '[R]esidents across the state need water to live and protect public health.'"

Detroit Free Press. More information: <https://www.freep.com/story/news/local/michigan/2020/12/17/water-shutoffs-moratorium-bill-passes/3937645001/>; also *Michigan legislature* <http://legislature.mi.gov/doc.aspx?2019-SB-0241>

News

Black Lives Matter sign citation leads to federal lawsuit against Grosse Pointe Shores

"Renaud said the city's sign ordinance allows for a maximum size of 7 square feet; the larger of Perkins' signs was around 16 square feet, he said."

"Upon further review of the language in the city's sign ordinance, [Shores City Attorney Brian] Renaud said the city decided to rescind the ticket because he said it wasn't clear that Perkins' sign fell under the ordinance at all. The ordinance specifically references political signs, garage sale signs, building/contractor signs, open house directional signs and home security provider signs, but it makes no mention of any other types of signs, such as social message signs like Perkins' sign or congratulatory signs for those who've recently graduated from a particular high school or college, for example. As a result, Renaud said, the city rescinded the ticket Dec. 7. Perkins filed his lawsuit against the city Dec. 8.

'The city's going to look at its ordinance to see if it needs to be fine-tuned,' Renaud said. '(The ticket) was not racially motivated. We're trying to do the right thing.'

Although the Shores is no longer pursuing legal action against Perkins over the sign, he said he still felt he needed to move forward with a lawsuit against the city because he said their actions constituted 'a violation of my free speech.'"

Detroit Free Press. More information: <https://www.candgnews.com/news/black-lives-matter-sign-citation-leads-to-federal-lawsuit-against-grosse-pointe-shores-119506>

Commentary

BRI has been following this story with interest, noting that press coverage has not so far mentioned the landmark 2015 Supreme Court sign case *Reed vs. Gilbert*. A shortcut for testing *Reed*-compliant regulations is whether the sign must be read in order to enforce it. The ruling has rendered many of the sign types above out of compliance: a sign must be read to know if it is political, for example. A sign code that satisfies *Reed* focuses solely on the number and dimensions of signs by land use type or zoning classification, and may help avoid free speech issues such as this one.

Training and Education

"On the Park Bench" Webinars

"On The Park Bench" is CNU's webinar series presenting interactive conversations with thought leaders in New Urbanism and allied industries, providing an opportunity for the audience to engage in real time. Powered by the Congress for the New Urbanism, Public Square and On the Park Bench are built to add depth and rigor to the practice of urbanism and improve our capacity for creating inclusive, resilient places—places that people love. All live On the Park Bench webinars qualify for one CEU credit from AICP; CNU-A members can earn one CEU credit for all live and recorded On the Park Bench webinars." Tuesdays.

- January 12: "Case Studies in Retrofitting Suburbia: Urban Design Strategies for Urgent Challenges." Author's Forum on Urbanism presents authors June Williamson and Ellen Dunham-Jones, interviewer David Dixon.
- January 19: "Pandemic Coding." Faced with budget shortfalls, growing to-do lists for routine tasks delayed by the emergency, and general uncertainty about a "new normal," how might governments address the uncertainty and respond effectively?

Congress for the New Urbanism. More information: <https://www.cnu.org/resources/on-the-park-bench>