



# City of Plymouth Planning Commission

## Regular Meeting Agenda

### Wednesday, August 12, 2020 – 7:00p.m.

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
Phone 734-453-1234  
Fax 734-455-1892

Join Zoom Meeting

<https://us02web.zoom.us/j/87155238349?pwd=cm0xSU5VUWlQV09yWDdadXpBRHlzZz09>

Meeting ID: 871 5523 8349

Passcode: 433709

Statement of explanation of the reason why the public body is meeting electronically: On March 10, 2020 the Governor of the State of Michigan declared a State of Emergency across the State of Michigan under section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 – 421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL10.31 – 33. These sections provide the governor with broad powers and duties to cope with dangers to this state or to the people of the state.

As a part of the response to the emergency, the Governor has deemed it reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to conduct public business during this emergency. Due to the emergency situation and the request of the Governor to not gather in groups of 10 or more it is necessary for some public boards to meet electronically.

1. **CALL TO ORDER**
  - a. Roll Call
2. **CITIZENS COMMENTS**
3. **APPROVAL OF THE MINUTES**
  - a. Approval of the July 8, 2020 Regular Meeting Minutes
4. **APPROVAL OF THE AGENDA**
5. **COMMISSION COMMENTS**
6. **PUBLIC HEARING**
  - a. **PUD 15-01:** 550 N. Holbrook, Starkweather School, (PUD Amendment)
  - b. **Amendment to Zoning Ordinance** Section 78-297: Rooftop Dining Ordinance
7. **OLD BUSINESS**
8. **NEW BUSINESS**
9. **REPORTS AND CORRESPONDENCE**
10. **ADJOURNMENT**

*Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.*

*Persons with disabilities needing assistance with this should contact the City Clerk's office at 734-453-1234 Monday through Friday from 8:00 a.m. -4:30 p.m., at least 24 hours prior to the meeting. An attempt will be made to make reasonable accommodations.*

# City of Plymouth Strategic Plan 2017-2022

## GOAL I - QUALITY OF LIFE

### OBJECTIVES

1. Support the neighborhoods with high-quality customer service
2. Engage in collaboration with private entities and surrounding municipalities to implement the [Joint Recreation Master Plan](#)
3. Improve communication with the public across multiple platforms
4. Maintain a high level of cleanliness throughout the City
5. Support and host a diverse variety of events that foster community and placemaking

### ONE YEAR TASKS 2020-21

- Liquor/marijuana license review
- Rooftop seating review
- Adopt Downtown Development Authority (DDA) Master Plan and identify funding sources for implementation
- Begin implementation of Kellogg Park Master Plan with fountain replacement
- Establish format & requirements for public parks sponsorship
- Resident education programs on zoning basics, ordinance change and update, services, and recycling
- City webpage - create city-wide F.A.Q. "Index" page and push out link
- Increase social media presence – 1k new followers/subscribers/etc.
- Review and evaluate City truck routes
- Complete update to Special Events Policy

## GOAL II - FINANCIAL STABILITY

### OBJECTIVES

1. Approve balanced budgets that maintain fiscal responsibility
2. Advocate for increased revenue sharing with the State of Michigan
3. Encourage and engage in partnerships, both public and private, to share costs of services and equipment
4. Address the issue of legacy costs
5. Seek out and implement efficient and effective inter-departmental collaboration
6. Market our successes to attract new economic and investment opportunities

### ONE YEAR TASKS 2020-21

- Actively promote and participate in the 2020 census
- Explore internal and external supplemental funding of legacy costs
- Target revenue enhancements for large-scale capital projects, including grants and millage
- Assist the Michigan Municipal League (MML) in facilitating and increasing support for state revenue sharing initiatives
- Redesign Capital Improvement Plan and evaluate future funding process for Equipment Fund
- Create a rate card for payment in lieu of paid parking
- Develop financial plan for public safety model
- Identify cost estimates, timeframe and potential funding sources for central parking deck
- Complete road bond sale – phase one

## GOAL III - ECONOMIC VITALITY

### OBJECTIVES

1. Continue to support and improve active, vibrant downtown branding
2. Support community and economic development projects and initiatives
3. Support a mix of industrial, commercial and residential development
4. Reference the [Master Plan](#) in economic decision-making

### ONE YEAR TASKS 2020-21

- Continued administration of development projects and proposals including Wilcox Mill, Saxton's, Pulte, Starkweather School, Lumber Mart, and various residential builds
- Branding – consistency across all communications (email, letterhead, agenda)
- Provide annual process and risk-management training to all boards and commissions
- Continue implementing Redevelopment Ready Community (RRC) plan to achieve certification
- Develop list of transitional properties and utilize Michigan Economic Development Corporation (MEDC), Wayne County, others to market
- Explore marketing partnerships (schools, Chamber, hotels, available publications etc.)

## GOAL IV - SERVICE AND INFRASTRUCTURE

### OBJECTIVES

1. Support administration and staff by providing professional development opportunities, supplying resources, and maintaining a commitment to recruitment, retention and succession planning
2. Support and deliver safe and responsive emergency services
3. Maintain a sophisticated and responsive technology to communicate and manage data
4. Continually record, maintain, update, and improve City infrastructure

### ONE YEAR TASKS 2020-21

- Administration to make parking recommendation to City Commission by end of first quarter
- Implement updates to parking system according to direction given by City Commission
- Actively engage employees for further career development for succession planning with special focus on the depth of Cultural Center staffing
- Continue Asset Management Plan
- Review Insurance Services Office (ISO) Report and International City/County Management Association (ICMA) Study & begin meeting to discuss viable options for the future delivery of emergency services
- Approve third version of agreement on sanitary sewer with Western Township Utilities Authority (WTUA) based on delay by Wayne County
- Develop multi-modal transportation policy to City Commission
- Implement 2020 street repairs
- Restore Commercial Motor Vehicle (CMV) enforcement
- Continue geographic information system (GIS) mapping of the City
- Define process/educate citizenry/pursue adoption/Implement form-based codes

**2019 Planning Commission Goals**  
**Adopted May 8, 2019**

1. Develop a Master Plan Overview Presentation and present to all City Boards and Commissions to gain alignment and commitment towards utilization during and prior to their respective decision making. This goal will be led by Comm. Saraswat and assisted by Comm. Hawthorne, Comm. Kehoe, and Chair Sisolak.
2. To create the new zoning districts that are necessary in order to bring the zoning map in line with the master plan and to update the permitted uses matrix. This goal will be led by Comm. Kehoe and assisted by Comm. Joy and Comm. Offerman.
3. Collaborate with the City Commission and other City boards to create a comprehensive non-motorized plan and implement tactical steps as opportunities are identified. This goal will be led by Comm. Myslinski.
4. Research the use of form-based codes and overlay districts in the appropriate areas identifying appropriate incremental changes for a pilot implementation of form-based coding principles. This goal will be led by Comm. Silvers along with Comm. Adams and Chair Sisolak.



# City of Plymouth

## Planning Commission Meeting Minutes

Wednesday, July 8, 2020 – 7:00 P.M.  
Online Meeting – Zoom

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City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
Phone 734-453-1234  
Fax 734-455-1892

### 1. ROLL CALL

Chair Sisolak called the meeting to order at 7:02 P.M.

PRESENT: Hollie Saraswat, Tim Joy, Shannon Adams, Adam Offerman, Scott Silvers (arrived at 7:15), Jennifer Kehoe, and Karen Sisolak.

ABSENT: Joe Hawthorne, Chuck Myslinski

Also present was John Buzuvis, Community Development Director; Sally Elmiger, Planning Consultant; and Kelly O'Donnell, City Commission Liaison.

### 2. CITIZEN COMMENTS

None.

### 3. APPROVAL OF MINUTES

a) Comm. Joy, supported by Comm. Adams, made a motion to approve the June 15, 2020 regular meeting minutes, as presented.

MOTION APPROVED 6-0

### 4. APPROVAL OF AGENDA

Comm. Kehoe, supported by Comm. Joy, made a motion to approve the agenda, as amended, to change agenda item #6 SP20-01 from New Business to Public Hearing.

MOTION APPROVED UNANIMOUSLY 6-0

### 5. COMMISSIONER COMMENTS

None.

### 6. PUBLIC HEARING

#### a) SP20-01: 555 Forest, Zoned B-2 – expansion of a liquor serving establishment

Ms. Elmiger presented her review. She explained the project requires site plan review and special land use review because the project includes expansion of a liquor serving establishment. She requested clarification on standing area adjacent to the bar and if there would be changes to the occupancy. Ms. Elmiger explained the proposal meets the special land use standards and recommended approval.

Dean Rovinelli, applicant, presented the project. He explained the standing area is 50 to 60 square feet to the left of the bar.

#### Public Hearing

Chair Sisolak opened the public hearing at 7:13 PM.

There were no public comments.

Chair Sisolak closed the public hearing at 7:14 PM.

## Board Discussion

Comm. Kehoe asked about the sequence and timing of the Planning Commission approval and construction project.

Mr. Buzuvis explained that prep work and interior demo may occur prior to Planning Commission approval.

Comm. Kehoe expressed concern with the calculation of the existing parking spaces. She asked for clarification on the five unmarked parking spaces and if parking in those unofficial spaces would make the remaining 29 traditional spaces inaccessible.

Mr. Rovinelli explained that the parking lot is only accessed by the alley because the gates off Main Street remain closed. He explained by closing the gates they gained approximately six parking spaces.

Comm. Kehoe was concerned that those additional spaces were unmarked and unable to be used by patrons. She did not believe they counted as usable spaces.

Mr. Rovinelli agreed the additional spaces could be marked.

Comm. Kehoe asked if they qualified as legal parking spaces according to the ordinance.

Ms. Elmiger explained the approximate sizes of the spaces and she believed there was enough space to properly mark them.

Mr. Rovinelli explained that he could provide an exact gross floor area, if necessary, to calculate the number of parking spaces required.

Comm. Joy asked if the Planning Commission could require the applicant to purchase additional parking spaces.

Ms. Elmiger explained that there is a specific number of parking spaces related to the business that must be provided on-site and it was determined to be 34.

Comm. Offerman clarified that gross area for each business that uses the lot could be calculated and fewer spaces could be required.

Ms. Elmiger explained that the lot as it is currently striped accommodates 29 spaces, where 34 spaces are required based off estimated gross floor area.

Mr. Rovinelli believed that the required spaces would be reduced. He asked if there was any priority given to their business because it was established five years ago.

Comm. Adams explained the Planning Commission may approve a reduced number of spaces, but that the City Commission may not approve their reduction.

Comm. Saraswat explained the Commission considers parking requirements intentionally and with much thought.

Comm. Silvers asked about the standards for bars and about upgrades to ADA compliance.

Ms. Elmiger explained ADA compliance is not handled by the zoning ordinance but may be required in the Building Code.

Comm. Silvers wanted a more flexible review of the required parking space because the business that existed there prior to the proposed expansion utilized the same lot.

Mr. Rovinelli explained that with the expansion, Barrio is adding approximately eight additional seats.

Comm. Kehoe, supported by Comm. Offerman, made a motion to approve SP20-01 for site plan and special land use with the condition that the parking lot is appropriately striped and that the Building Official's approves the striping job and that the appropriate number of spots for the floor plan is met, to be reviewed administratively.

MOTION APPROVED UNANIMOUSLY 7-0

## 7. OLD BUSINESS

### a) PUD 15-01: 550 N. Holbrook, Zoned PUD – amendment to add eight parking spaces

Ms. Elmiger presented her review. She explained the project adds eight parking spaces onto the green space, which was approved as one of the public benefits. She did not believe the amendment was consistent with a single-family residential PUD.

Mark Menuck, applicant, presented the project. He believed the greenspace was enhanced by the addition of the parking and other landscaping proposed. He asked for clarification why the project did not meet the 15-foot buffer requirement, as 20 feet was provided.

Ms. Elmiger explained that the parking spaces would be on land used for residential, and as such would not meet the requirements.

Mr. Menuck explained the parking spaces meet the size requirements now. He explained the specific changes to the size of the park, the parking area, and the proposed landscaping.

### **Citizen Comments**

None.

### **Board Discussion**

Comm. Kehoe asked about the plan to connect to Hines Park.

Mr. Menuck explained that he has provided the area as an easement for 20 feet, but Wayne County is the entity who would ensure the connection (access) to the parkland.

Comm. Kehoe did not believe the proposal allowed for the open park area like was originally intended and functioned more as a path or accessway to Hines Park.

Comm. Saraswat asked who the park is intended to serve. It was confirmed the park is intended to be used by the single-family residents. She asked why that was considered as a public benefit in the original proposal.

Comm. Kehoe explained the public benefit was really to provide access to Hines Park.

Mr. Menuck explained he could not build on the county property even if he wanted.

Comm. Kehoe explained that the usability and versatility of the park would be lost if it was only a path. She worried that it would not be usable because it was not visible from the street.

Comm. Saraswat did not believe the original park plan was a public benefit and that it should not be treated like one.

Comm. Silvers explained the area is primarily the grassy space over the required stormwater retention area. He explained the area would be used by and for the development, not for the public at large. He believed that the proposal moves where people would potentially congregate from the side yard to the rear yard. He preferred having a larger, contiguous area of land at the rear of the property to accommodate a future connection to Hines.

Comm. Saraswat was not concerned about losing this amenity as a public benefit because there were still two other public benefits with the project. She asked for the guidelines to amend a PUD.

Ms. Elmiger explained that a PUD amendment should be consistent with the approach or purpose of the original PUD and should meet the PUD standards. She recommended having a public hearing.

Comm. Silvers asked for renderings that show what the gateway would look like.

Ms. Elmiger explained that the information needs to be provided on paper for the public hearing, so the Commission has an accurate record of what is being requested.

Comm. Saraswat, supported by Comm. Joy, made a motion to set a public hearing for 550 N. Holbrook PUD amendment with the condition that the Planning Commission be provided complete renderings to review including a view of the proposed gateway.

MOTION APPROVED UNANIMOUSLY 7-0

### **b) Rooftop Dining Ordinance**

Chair Sisolak asked about the parapet definition.

Comm. Silvers suggested defining walls and parapets because they are different.

Chair Sisolak asked which zoning districts would permit rooftop dining. It was clarified that the B-2 district was the only district where rooftop dining was a special land use, which would be limited to downtown.

Mr. Buzuvis explained that the hours of operation might not be able to be restricted via ordinance because it

located on private property. He explained that hours of operation are governed by the Michigan Liquor Control Commission (MLCC).

Comm. Silvers asked how the Commission felt about provision “g” related to live music.

Comm. Kehoe worried that allowing live music would increase the noise coming off rooftops.

Comm. Adams agreed and explained he hears everything from Kellogg Park.

Comm. Saraswat suggested restricting the hours of live music on the rooftop.

Ms. Elmiger explained the noise ordinance should cover most concerns about loud, live music.

Comm. Silvers suggested allowing the MLCC to control whether live music was permitted on the rooftop.

Comm. Kehoe asked for clarification about the allowed height of 42 inches.

Mr. Buzuvis explained the intent is to prohibit a 6-foot-tall privacy fence from being installed.

Comm. Silvers did not agree with that provision. He believed it was too limiting. He wanted to see a minimum established for safety but did not want it to be only 42 inches.

Ms. Elmiger suggested amending the language to say the rooftop dining must be enclosed by a building wall or a parapet or fence that is a minimum of 42 inches tall.

The Board discussed the meaning of the “open side” and enclosure of the rooftop by adjacent taller buildings.

Mr. Buzuvis explained he would confirm that 42 inches is acceptable by the Building Code.

Chair Sisolak explained next step would be to set a public hearing and she requested administrative confirmation about the hours of operation from the MLCC and changes to the height minimum, as discussed.

Comm. Silvers, supported by Comm. Adams, made a motion to set a public hearing for the rooftop dining ordinance with the changes, as discussed.

MOTION APPROVED UNANIMOUSLY 7-0

## **8. REPORTS AND CORRESPONDENCE**

Mr. Buzuvis told the Board to stay tuned for next month’s meeting. He stated the meeting may be on Zoom, it may be in a local park, or it may be in the Commission Chambers.

Comm. Kehoe asked for an update on the Saxton’s project.

City Comm. O’Donnell explained the PUD rezoning and PUD agreement was approved at the Monday, July 6 City Commission meeting.

Comm. Joy asked about the parcel owned by Mark Wira.

Mr. Buzuvis explained it is not impacted by or included in the sale of the property.

Chair Sisolak reminded the Board the Pulte Open House is Saturday, July 18.

## **9. ADJOURNMENT**

Hearing no further business, a motion was made by Comm. Joy, supported by Comm. Offerman to adjourn the meeting at 8:54 PM.

MOTION APPROVED UNANIMOUSLY 7-0



# City of Plymouth Planning Commission Public Hearing Notice

Wednesday, August 12, 2020 - 7:00 p.m.

Location to Be Determined Based on Executive and Health Orders for Social Distancing/Gatherings

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
Phone 734-453-1234 x 232

The City of Plymouth Planning Commission will hold a Public Hearing at the Regular City of Plymouth Planning Commission meeting on Wednesday, August 12, 2020 at 7:00 P.M. Location of the meeting will be determined based on Executive and/or Health Orders and may take place in the Commission Chambers of City Hall, 201 S. Main Street, Plymouth, MI.; via Zoom, or in a public park

*Alternate Location or Zoom Meeting possible per the Governor's Executive Order related to gatherings / social distancing.*

**Visit <http://plymouthmi.gov/AgendaCenter> in advance of the meeting for location information or call 734-453-1234 x 232**

*Public Hearings will be Held for the Following Items:*

Planned Unit Development Amendment:

PUD 15-01 550 N. Holbrook Starkweather School  
Zoned: Planned Unit Development (PUD)  
Applicant: Curtis Building Plymouth

Amendment to Zoning Ordinance Chapter 78, Article XXIII. – Special Uses  
Section 78-297 Rooftop Dining

All interested persons are invited to attend.

In compliance with the Americans with Disabilities Act, the City of Plymouth will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing, to individuals with disabilities. Requests for auxiliary aids or services may be made by writing or calling the following:

Maureen Brodie, ADA Coordinator  
201 S. Main Street  
Plymouth, MI 48170, (734) 453-1234, Ext. 234

Published: Sunday, July 26, 2020



**CITY OF PLYMOUTH**  
**COMMUNITY DEVELOPMENT**  
201 South Main Street Plymouth, MI 48170  
Ph. 734-453-1234 ext. 232  
Website: [www.plymouthmi.gov](http://www.plymouthmi.gov)

TO: Planning Commissioners  
FROM: Greta Bolhuis, Assistant Community Development Director  
DATE: August 6, 2020  
RE: PUD15-01: 550 N. Holbrook Public Hearing

The City of Plymouth Community Development Department set a public hearing to review PUD15-01 PUD Amendment at the direction of the Planning Commission from their July 8, 2020 meeting. As of August 6, the City has not yet received updated information related to this agenda item.

Even though additional information was not provided, the Planning Commission must act on the public hearing. The first option is to postpone the public hearing to a date certain. The second option is to hold the public hearing to receive any public comment. At the conclusion of the public hearing the Commission may choose to approve, approve with conditions, postpone, or deny the PUD amendment.

The submission package that was provided for the July 8 meeting has been included again for the public to review.

Should you have any questions regarding this agenda item, please contact me directly.

**Starkweather School  
Revised Submittal for Park Area**

Based on discussions from the last hearing, where the Planning Commission allowed for a tabling of the request to clarify and address certain issues, we (Curtis-Plymouth and Parkview Properties) submit the following:

1. **Signed letter from certified engineer**, spelling out the requirements for any parking over the storm structures.
  - This letter was suggested by Sally Elmiger in her review but was not obtained timely for the Planning Commission hearing
2. **Parking lane depth** – 20' (req'd) vs 18' (proposed). This submittal revised the proposed parking to the requisite 20' depth.
3. **More usable park space** – The point was made that the proposed additional area was not usable as “park” space due to its slope. We included this area due to i) its natural features and ii) the fact that it plateaus so that it could be used as a sitting area for the benefit of views to Hines Park and the surrounding area.

However, taking Planning Commissioners' comments into account, Parkview Properties added a large, contiguous, flat area for the benefit of a more usable and accessible park.

- The additional park area is roughly 8,247 square feet
  - The overall park area is now X square feet, increasing the park by almost 30% and very usable open space as well as natural features
4. **Screening and/or other plantings**
    - a. As depicted on the revised plan, a row of arbor vitae would be planted along the property line of lot 19 and the parking area.
    - b. The plan shows for screening along the entire property line of lot 19. We would propose either a vinyl or wooden fence but leave the Planning Commission to determine what it requires for adequate screening

Other notables:

- The parking area over the storm structures would be subject to and limited by any and all Wayne County requirements
- Site lighting on the parking lot would be improved and take into consideration the amount of light cast on the single family
- The 20' easement for the benefit of access to Hines Park remains

**TRANSMITTAL SHEET**

Anthony S. Nestor, P.E.  
1071 Thorn Ridge Drive  
Howell, Mi 48843  
Phone: 810-217-9156

Date: 3-16-20	Number of pages (w/ cover ) 1
To: Mark Menuck – Curtis Builders, Mi.	From: Anthony Nestor, P.E.
Regarding: Starkweather Site in Plymouth, Mi. 409 Plymouth Drive- Plymouth, Mi.	

Mark:

In discussion with that has a recently installed UDS system (7-2019) originally planned as a greenbelt area.

There was a request if this area could be transformed into a parking area.

The easiest answer is yes - As a 114 inch UDS system requires 18 inch of compacted engineering soils above the pipe to achieve IIS-20 loading.

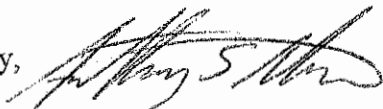
The system was approximately installed in July of 2019 as the final design was approved and permitted by Wayne County Permit office. The UDS system consists of 12 gauge Aluminized Type II coated 114 inch diameter CMP with the amount of non-organic soil cover over the system will vary between 3.5 feet (NW end) to 2.0 feet of soil cover (Outlet manhole).

Minimum cover over 114 inch CMP UDS must be 18 inches of compacted engineering materials and add the thickness of the bituminous concrete pavement over system for minimum cover requirements.

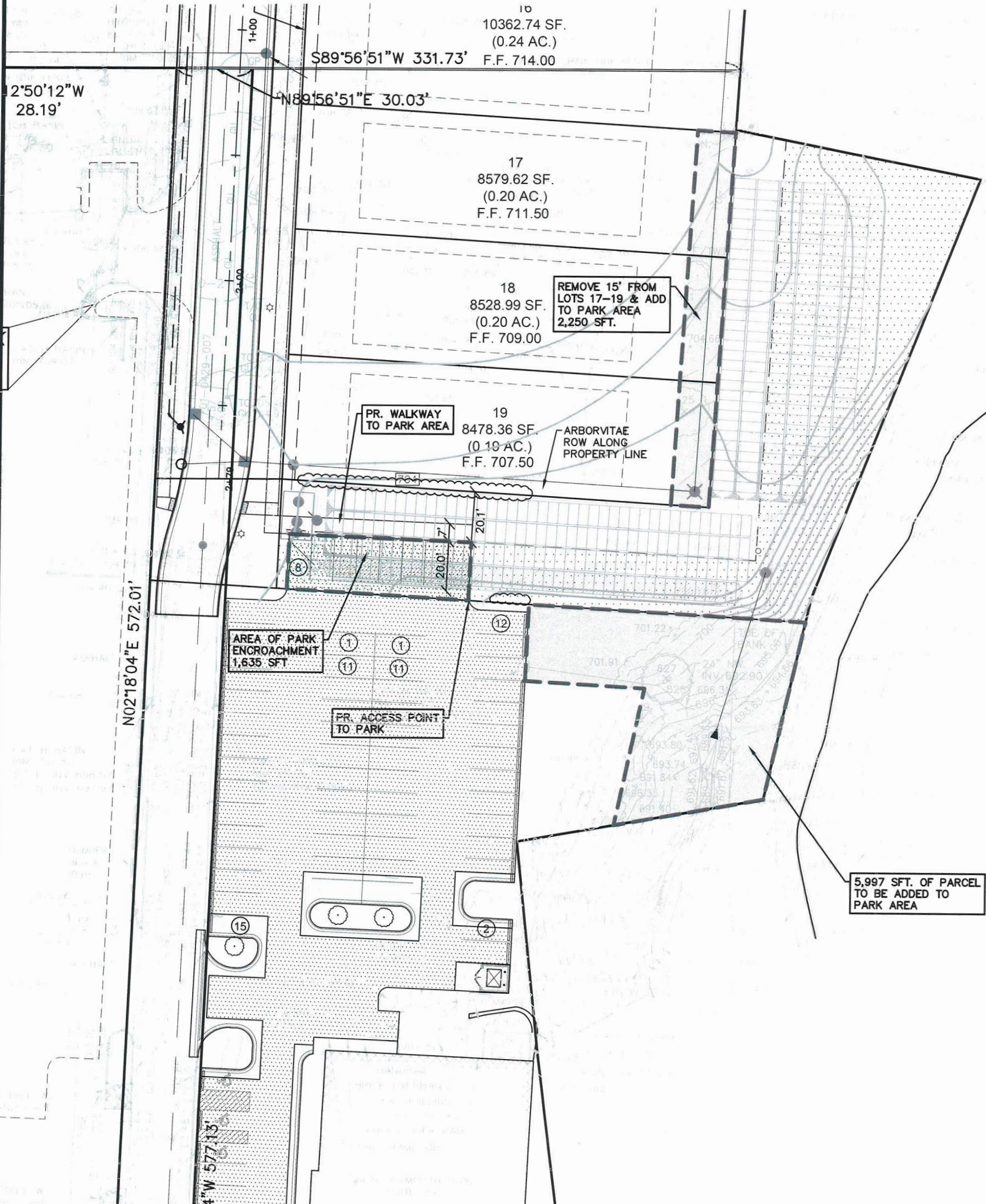
For placing trees and over vegetative species over the UDS system, we recommend a barrier layer be placed between the system and the plant species such as a 40 or 60 mil one-piece HDPE liner. The liner design and extent and other details is generally based on the plant size and species, as designed and submitted by the Landscaper or Licensed Arborists.

Please contact me at (810) 217-9156 if you have additional questions regarding this subject.

Sincerely,



Anthony S. Nestor, P.E.  
Regional Sales Engineer  
Contech Engineered Solutions, LLC.



**NF**  
**ENGINEERS**  
 NOWAK & FRAUS ENGINEERS  
 46777 WOODWARD AVE.  
 PONTIAC, MI 48342-5032  
 TEL. (248) 332-7931  
 FAX. (248) 332-8257

**RECEIVED**

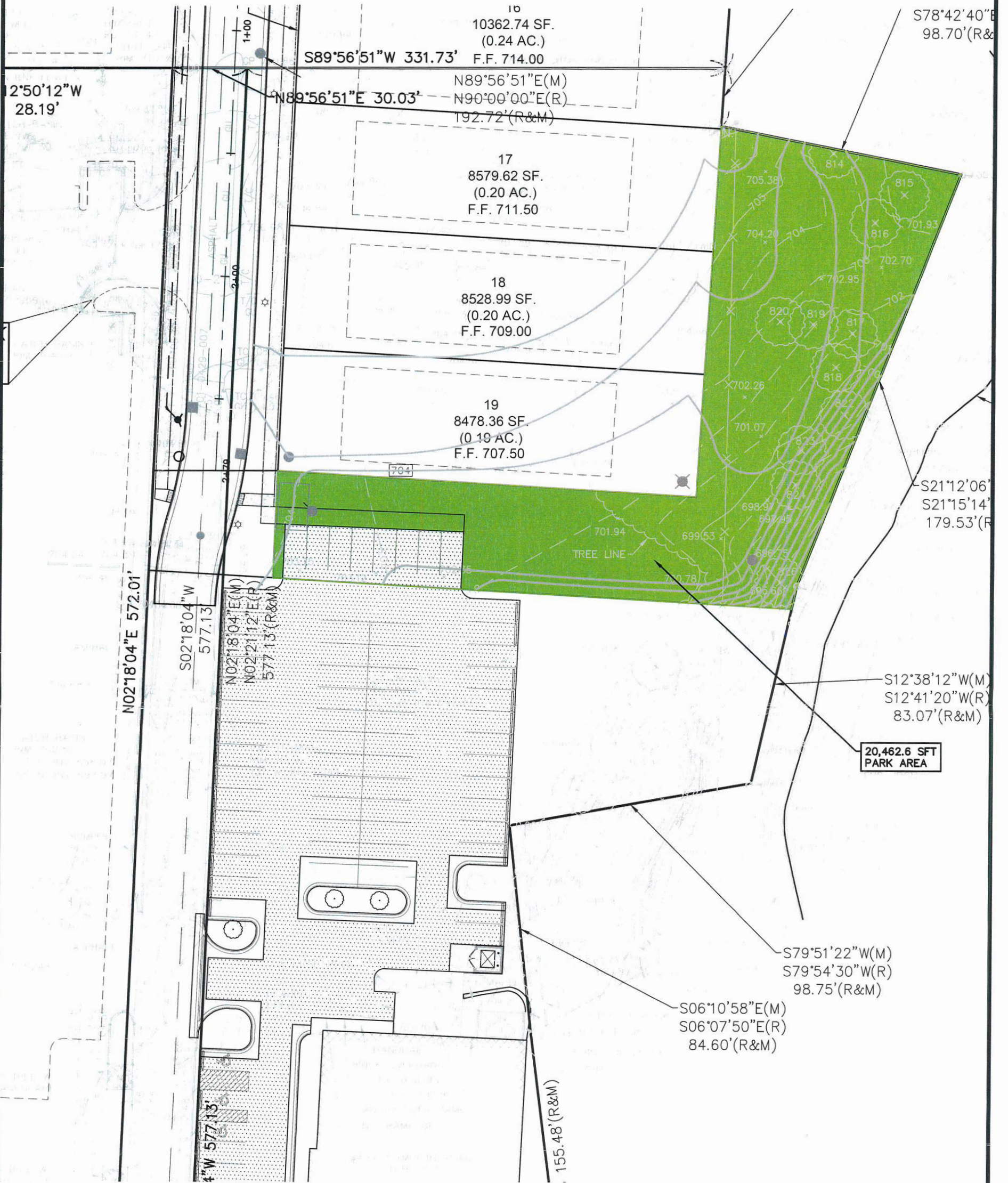
JUN 15 2020

CITY OF PLYMOUTH  
 COMMUNITY DEVELOPMENT

Starkweather School  
 PUD 15-01 550 N. Holbrook  
 PUD Amendment Review  
 PC Mtg 7/8/20

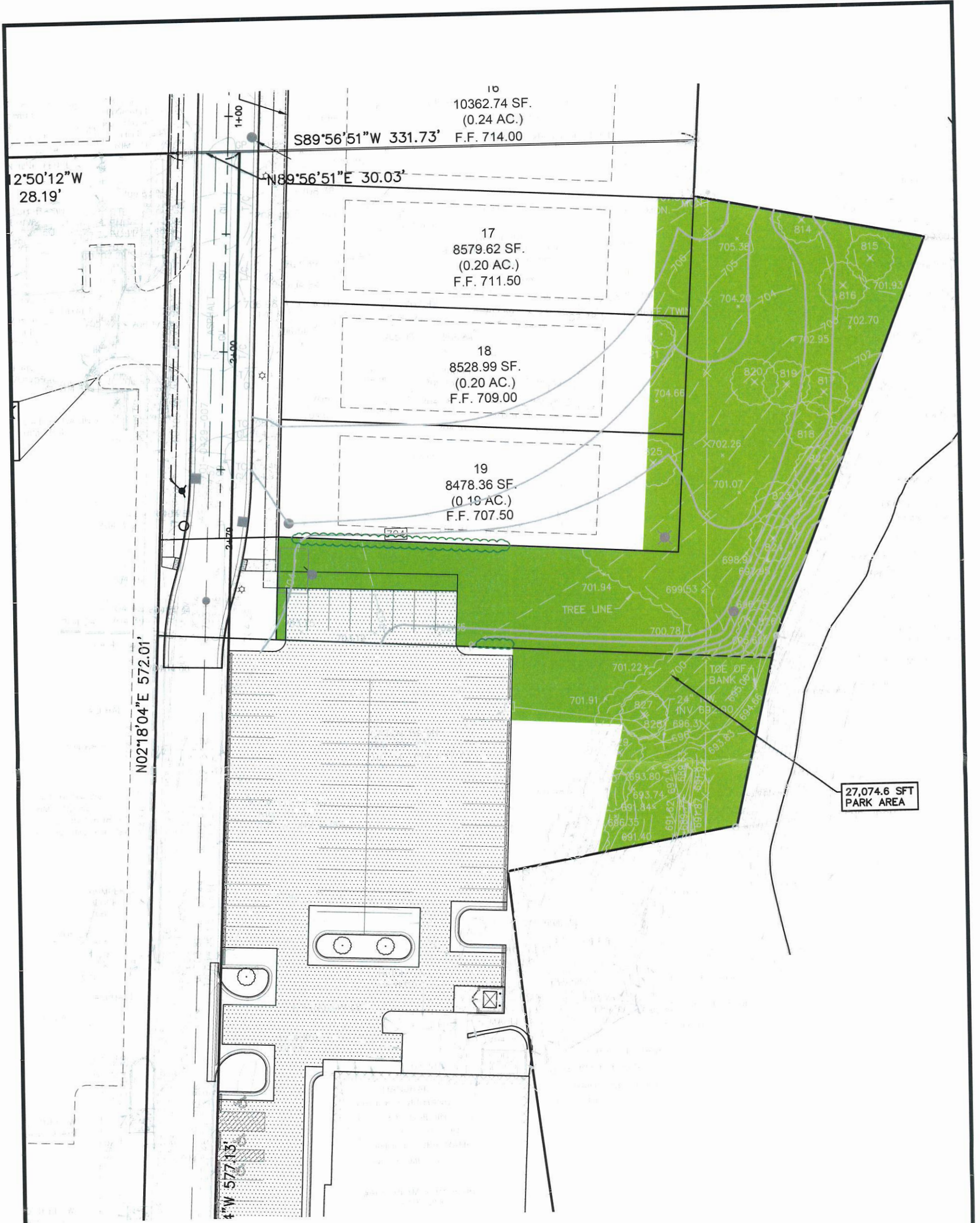


SCALE	REVISED	DRAWN	JOB NO.	SHEET
1"=30'	06-11-2020	RJJ	H145-02	1 of 1



NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

SCALE	REVISED	DRAWN	JOB NO.	SHEET
1"=30'	06-11-2020	RJJ	H145-02	1 of 1



27,074.6 SFT  
PARK AREA



**NF ENGINEERS**  
 NOWAK & FRAUS ENGINEERS  
 46777 WOODWARD AVE.  
 PONTIAC, MI 48342-5032  
 TEL. (248) 332-7931  
 FAX. (248) 332-8257

SCALE	REVISED	DRAWN	JOB NO.	SHEET
1"=30'	06-11-2020	RJJ	H145-02	1 of 1

## **ADMINISTRATIVE RECOMMENDATION**

To: Planning Commission  
From: John Buzuvis, Community Development Director  
Date: August 6, 2020  
Re: Rooftop Seating Ordinance Amendments Sec. 78-297

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**BACKGROUND:** The Planning Commission reviewed draft amendments to the Rooftop Seating Ordinance at their June and July meetings and set a Public Hearing to take comment on the proposed amendments for the August meeting. The Planning Commission requested the administration to add a definition for parapet as well as change the minimum height of any enclosure to 42" as a minimum. Additionally, the Planning Commission requested the Administration research if a Zoning Ordinance can restrict hours of operation as well as live music being played on a rooftop seating area, particularly one that serves alcohol.

A definition for parapet has been added to the language and the minimum enclosure height has been changed to 42" minimum which meets building code. The administration has confirmed with the Michigan Liquor Control Commission (MLCC) that we are able to, via ordinance and/or City Code to regulate the hours of operation for a rooftop seating establishment. Additionally, the City is also able to regulate live/music on the rooftop.

The Planning Commission should consider, when discussing hours of operation for the rooftop seating/dining that sidewalk cafes are permitted to operate until 11:00pm Sunday-Wednesday and 12:00am Thursday-Saturday. Patios must be clean and clear at 11:30pm and 12:30am respectively. The Noise Ordinance would be another enforcement tool if noise from rooftop dining became an issue. The commission may want to consider permitting the same operating hours for rooftop seating as for sidewalk cafes.

The Planning Commission will need to hold the Public Hearing to receive public comment. At the close of the public hearing the Planning Commission has the following options:

- Approve the language as amended, or with changes, and forward to the City Commission with a recommendation for review and approval
- Discuss and take no action on the proposed language and/or continue discussions at the next Planning Commission meeting

Please feel free to contact me directly if you have any questions.

**RECOMMENDATION:**

The administration recommends that the Planning Commission review the draft amendments, recommend changes as necessary and forward the enclosed language to the City Commission for review, approval, and enactment. A sample resolution is attached for reference.

Sec. 78-21. Definitions.

Outdoor dining patio means a temporary, street level, unenclosed, exterior area, adjacent to an existing restaurant, generally located in the right-of-way, that is used for seated consumption of food and/or beverages that is operated by the adjacent restaurant and is accessory to the restaurant use.

Rooftop dining means a temporary, unenclosed, exterior area, located on the roof of an existing restaurant at least one story above grade, that is used for seated consumption of food and/or beverages and is operated by the underlying restaurant and is accessory to the restaurant use.

Parapet means the part of any wall entirely above the roofline.

Sec. 78-102. B-2 Central Business Districts (4)

Rooftop dining subject to section 78-297.

Sec. 78-281. Special uses.

(b)(1)

Sec. 78-297. – Rooftop dining.

Rooftop dining is subject to the following:

- (a) Rooftop dining requires a special land use permit which is to be approved and issued by the City of Plymouth City Commission. This permit is subject to annual review by the City Commission. Permits for establishments serving alcohol shall be reviewed at the same time the establishment's liquor license is reviewed by the Local Liquor License Review Committee. A recommendation for the approval, renewal, renewal with conditions, denial, or postponement of action on the permit will be then forwarded to the City Commission by the Liquor License Review Committee. When this permit applies to restaurants not serving alcohol the annual review of the permit will be reviewed by the City Commission who shall take one of the following actions: approve, approve with conditions, renew, renew with conditions, deny, or postpone. This review will take place annually at the same time the City Commission conducts the annual liquor license review process. The city may revoke the special land use permit authorizing rooftop dining in accordance with the proceedings of subsection 78-281(g).
- (b) The rooftop seating area must be an extension of the interior dining that exists on same level, or a lower level or levels of the building.
- (c) No part of the rooftop dining operation shall exceed the height allowed in Section 78-190 (height overlay district).
- (d) The open sides of the dining area must be enclosed by a wall, parapet, -and/or fence that shall be a minimum of at a minimum 42 inches in height ~~high~~. In addition, a kick-

plate/guard that allows for the passage of roof water for drainage while preventing dropped items from falling off the roof onto the area below shall be installed. Required kick-plate guards shall not have openings which allow passage of a sphere four (4) inches (102mm) in diameter from the walking surface to the required kick-plate/guard height of six inches.

- (e) A restaurant may have a rooftop dining area and an outdoor dining patio. -
- (f) Rooftop dining area may operate between April 1 and November 1 and may be used only during operation hours of the applying establishment. Rooftop dining areas shall be allowed to begin service at 10:00 A.M. daily and service shall be permitted to continue until continue service until 11?:00 p.m., Sunday through Saturday and be closed and clear at 11?:30 p.m.
- (g) Live music on the rooftop dining area or any part of the rooftop of any building is prohibited. Any music played through speakers on the rooftop dining area must be sound-proofedsound proofed so as to prevent sound from being heard at the street level of the building with the rooftop seating area and surrounding area.
- (h) The design, operation, and use of the rooftop dining area must be approved by and certified with a seal by a qualified, licensed structural engineer and that individual must certify that the rooftop is capable of the live load to be utilized by the establishment and the design of the load.
- (i) The rooftop dining area must comply with all city codes and ordinances, as well as all applicable state and federal laws. Its seating shall be limited to the space on the approved plans, and in no case more the 50% of the existing gross floor area of the restaurant, and in accordance with the capacity limits established by the fire department.
- (j) No permanent components of the rooftop dining operation shall be visible from grade between November 1<sup>st</sup> and March 31<sup>st</sup> annually. Flooring, decking and other similar non-visible components are permitted to remain during this time period provided they are not visible from grade.
- (i) Temporary roof structures, walls, pergolas lighting or other components and structures associated with the rooftop dining operation shall be removed on or before November 1<sup>st</sup> annually unless permitted in (j)
- (k)-
- (l) Any establishment that develops rooftop dining must provide 50% of the off-street parking required by section 78-270 (10)(a).
- (m) Access to the rooftop dining area shall be through the interior of the restaurant. An exterior access may be allowed only as an emergency access for fire and life safety purposes.

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~~(n)~~(n) No televisions/monitors/screens shall be visible from the street level. No noise from televisions/monitors/screens shall be able to be heard at the street level.

~~(o)~~(o) Rooftop dining lighting shall be directed away from adjoining properties and streets and designed to minimize glare.

~~(p)~~(p) Any modifications to the plans submitted by the establishment for rooftop dining and approved by the city commission must be approved by the city commission before the same is made.

(Ord. No. 2014-02, § 3, 1-6-14)

Sample Resolution

*The following resolution was proposed by Commissioner \_\_\_\_\_ and Seconded by Commissioner \_\_\_\_\_.*

WHEREAS The City Commission of the City of Plymouth included reviewing and amending the Rooftop Dining ordinance as necessary as part of the City's 2020 Strategic Plan, and

WHEREAS The City of Plymouth Planning Commission has reviewed and amended the Rooftop Seating ordinance per the City Commission's request, and

WHEREAS The City of Plymouth Planning Commission has held a public hearing to take public comment on the amended language, and

NOW THEREFORE BE IT RESOLVED THAT The City of Plymouth Planning Commission approves the enclosed amended Zoning Ordinance amendments for Sections 78- 21, and 78-102

NOW THEREFORE BE IT FURTHER RESOLVED THAT The City of Plymouth Planning Commission recommends the City of Plymouth City Commission review, approve, and enact the enclosed amended language of Zoning Ordinance Section 78- 21, and 78-102