



City of Plymouth Planning Commission

Regular Meeting Agenda

Monday, June 15, 2020 – 5:15p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/85888255456?>

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

Join Zoom Meeting

Website: <https://us02web.zoom.us/j/85888255456?>

Meeting ID – 858 8825 5456

Password PC2020

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, MCL 10.31 – 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. Pledge of Allegiance
 - b. Roll Call
2. **CITIZENS COMMENTS**
3. **APPROVAL OF THE MINUTES**
 - a. Approval of the May 13, 2020 Regular Meeting Minutes
4. **APPROVAL OF THE AGENDA**
5. **COMMISSION COMMENTS**
6. **OLD BUSINESS**
7. **NEW BUSINESS**
 - a. Public Participation Plan
 - b. Multi-Modal Transportation Policy
 - c. Rooftop Seating Ordinance
8. **REPORTS AND CORRESPONDENCE**
9. **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.

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.



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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

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City of Plymouth

Planning Commission Meeting Minutes

Wednesday, May 13, 2020 – 7:00 P.M.
Online Meeting – Zoom

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

1. ROLL CALL

Chair Sisolak called the meeting to order at 7:00 P.M.

PRESENT: Chuck Myslinski, Hollie Saraswat, Joe Hawthorne, Tim Joy, Shannon Adams, Jennifer Kehoe, and Karen Sisolak.

ABSENT: Adam Offerman, Scott Silvers

Also present was Greta Bolhuis, Asst. Community Development Director; John Buzuvis, Community Development Director; Sally Elmiger, Planning Consultant; Nick Moroz, Mayor Pro-Tem, and Kelly O'Donnell, City Commission Liaison.

Greta Bolhuis explained the rules and overview of the online meeting format.

2. CITIZEN COMMENTS

Ellen Elliott, 404 Irvin, commended the Planning Commission and their efforts to adopt the Master Plan in 2018. She explained that work is allowing the DDA to ensure their plan is cohesive and matches the Board's efforts.

3. APPROVAL OF MINUTES

a) Comm. Joy, supported by Comm. Hawthorne, made a motion to approve the April 8, 2020 regular meeting minutes, as amended.

ROLL CALL VOTE: MOTION APPROVED UNANIMOUSLY 7-0

4. APPROVAL OF AGENDA

Comm. Hawthorne, supported by Comm. Joy, made a motion to approve the agenda, as presented.

ROLL CALL VOTE: MOTION APPROVED UNANIMOUSLY 7-0

5. COMMISSIONER COMMENTS

Comm. Saraswat explained she recently visited Birmingham and it made her appreciate the efforts of the Board to limit home sizing and massing through the floor area ratio ordinance in the past few years.

6. OLD BUSINESS

a) RZ20-01: 900 York, Zoned: I-1, Proposed: R-1

Ms. Elmiger presented her review letter. She explained that the subject property contains two parcels which is made up of three lots. She explained the southern lot in the southern parcel is zoned I-1, Light Industrial, and is proposed to be rezoned to R-1, Single Family Residential. Ms. Elmiger explained the proposed rezoning is consistent with the Master Plan. She expressed concerns about the existing light industrial use across the street and the use of the right-of-way as parking spaces. She recommended the project for rezoning.

Pam and Charlie Supernois, applicants, presented their case. Ms. Supernois explained she spoke with the light industrial business prior to purchasing the property. She explained that business receives approximately one delivery per day and operates until approximately 3:00 PM. She explained the business parks vehicle in the right-of-way because its available and is rarely used as a turnaround, which was what it was purchased for when

the road was closed and turned into a dead end. She explained that according to City records the property appears to have always been vacant.

Citizen Comments

Chair Sisolak opened the public hearing at 7:15 PM.

Steve Korpus, 290 E. Pearl, asked if the property will be developed as rentals.

Ms. Supernois replied that their plan is to build a single-family home for Charlie adjacent to the duplex.

Ms. Elmiger clarified that if the property is rezoned to single-family then multi-family residential or apartments generally considered "rentals" would be prohibited.

Chair Sisolak closed the public hearing at 7:18 PM.

Board Discussion

Comm. Myslinski asked if the applicant would try and construct a home in the area "behind" the turn-around area of the right-of-way. The applicant explained the primary goal is to construct a home adjacent to the existing duplex.

Comm. Myslinski asked how the parcels could be split with the jog in the property line. Mr. Buzuvis explained that the parcel could be split, and the second parcel could contain the area behind the right-of-way turn around.

Comm. Myslinski asked how a parcel that does not conform to the zoning requirements could be sold. Mr. Buzuvis explained that the condition has existed for many years and the City cannot prohibit a parcel from being sold because it does not meet the current ordinances.

Comm. Myslinski asked if the owner of the duplex is the same as the former owner of the vacant parcels. The applicant confirmed that it was not the same owner. Comm. Myslinski expressed concern over the encroachment of the duplex's driveway onto Ms. Supernois's property. Ms. Supernois explained that problem-solving and discussions will need to occur with the duplex owner to resolve the driveway encroachment.

Ms. Elmiger explained that a boundary reconfiguration must occur for the parcels to be buildable.

Mr. Buzuvis clarified that the turnaround is not a parking lot, it is right-of-way and access and curb cuts can be created off it.

Comm. Myslinski explained as a property owner in the area, he believed that the area had been designated as parking for the light-industrial business.

Mr. Buzuvis explained that the City does not have any records that reflect the area as dedicated parking for the business.

Comm. Kehoe clarified that the front property line would begin at the backside of the turnaround. It was confirmed this is correct. She asked the applicants if they intend to build as far from the railroad tracks as possible. Ms. Supernois explained they do not have a finalized plan yet and they have considered multiple different orientations.

Comm. Hawthorne stated he had the same questions as Comm. Myslinski regarding the parcel reconfiguration.

Ms. Elmiger clarified that the City cannot approve a land reconfiguration that creates non-conforming parcels. She stated that if a non-conforming parcel was proposed, then a variance would be required.

Chair Sisolak clarified that the parcel reconfiguration would be handled administratively. It was confirmed this was correct.

Chair Sisolak believed that if the existing light-industrial business moved out, there is an element of buyer-beware due to the existing zoning of light industrial.

Comm. Myslinski, supported by Comm. Adams, made a motion to recommend the proposed rezoning to the City Commission for approval. The case is RZ20-01: 900 York, Currently Zoned I-1, Proposed Zoning R-1.

ROLL CALL VOTE: MOTION APPROVED UNANIMOUSLY 7-0

7. NEW BUSINESS

None.

8. REPORTS AND CORRESPONDENCE

Mr. Buzuvis explained the Governor extended virtual public meetings through the end of June 2020.

Comm. Myslinski asked for an update on the status of Saxton's. Mr. Buzuvis explained the City has received the revised site plan and engineering plan and will be reviewed internally. He explained that once that is completed the PUD will be presented to the City Commission for approval.

Comm. Myslinski asked for an update on the status of the former Lumber Mart PUD. Mr. Buzuvis explained the PUD owner is interested in selling the project to a buyer who could complete the project in a more-timely fashion.

9. ADJOURNMENT

Hearing no further business, a motion was made by Comm. Myslinski, supported by Comm. Joy to adjourn the meeting at 7:45 PM.

ROLL CALL VOTE: MOTION APPROVED UNANIMOUSLY 7-0

DRAFT

ADMINISTRATIVE RECOMMENDATION

To: Planning Commission
From: John Buzuvis, Community Development Director
Greta Bolhuis, AICP, Asst. Community Development Director
Date: June 3, 2020
Re: Adoption of Public Participation Plan (RRC)

BACKGROUND:

The City of Plymouth has been working towards Redevelopment Ready Communities (RRC) Certification since 2017. The City's Baseline Report was presented by the RRC Planner on September 4, 2018 and Mayor Wolcott signed the resolution of intent to proceed on September 17, 2018.

Best Practice 1 in RRC certification requires a public participation plan for engaging a diverse set of community stakeholders in the planning process. This plan defines outreach strategies and how the success of these strategies will be evaluated.

In summary, this plan identifies goals for public participation which includes involving all residents, educating the community, and utilizing a variety of engagement tools that are project specific. The plan recognizes key stakeholders the City should engage in the planning process. The communication toolbox and strategies for outreach highlight specific methods to obtain public participation and the minimum level of engagement required for planning issues. The plan is enclosed for your review.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Public Participation Plan and forward to the City Commission with a recommendation for approval and adoption. Should you have any questions please contact us directly.



City of Plymouth, Michigan

Public Participation Plan

**Last Updated:
June 1, 2020**

Overview and Purpose

The City of Plymouth believes that public input in planning and policy development processes is crucial to building consensus and buy-in from community stakeholders. The city seeks to engage the community and allow public input to inform planning and policy outcomes in a clear and consistent manner. The city recognizes that there is no one way of communicating and this plan identifies methods that make sense for the city today. This plan is intended to create a culture of collaborative visioning that enriches democracy by allowing community members to voice their ideas, not just their complaints. Public participation, when properly executed, builds community consensus and strengthens sense of place. By documenting and analyzing information on participation efforts, the City of Plymouth will be able to more objectively assess its efforts and adjust accordingly. This creates a dynamic and effective set of best practices the city may consult for future uses. Public participation is not a one-size-fits-all exercise. Certain strategies are more appropriate in some circumstances than others and a successful practice in one situation may not be as successful in another. This plan is intended to serve as an internal resource for ideas on how to best engage productive collaboration with stakeholders and the public.

Public Participation Goals

The City of Plymouth Public Participation Plan is based upon a set of objectives intended to guide city staff and elected and appointed officials' actions as they move through the planning and policy process:

- Involve all residents.
 - o Every resident in the City of Plymouth has an equal voice in planning and policy development. Several approaches are needed to give everyone a voice.
- Utilize effective and equitable engagement tools.
 - o Recognize that no single technique or approach will work in all cases. City staff and officials must consider the special communication needs of the public and use the best approaches to accomplish this objective. The city is committed to seeking new and innovative ways to engage and keep the public involved throughout the process.
- Educate the community.
 - o Effective participation in the decision-making process requires an understanding of land use and zoning issues and the framework for making local investment decisions. Ensure that planning related background information is easy to find and easy to understand. Planning professionals and officials should use photos, maps, diagrams, and other visual mediums that optimize public understanding of issues and concepts as often as possible.
- Develop and maintain staff expertise to inform and support participation.
 - o City staff understand the composition of the community that results in an open and welcoming environment. Staff is encouraged to convey issues and information in meaningful ways to various cultural groups. Staff should ensure equitable representation for all segments of the population and sectors of the economy.
- Provide a transparent record of public engagement.
 - o To properly capture the concerns, priorities, and vision of the public, city staff will develop a system to track the various techniques and mechanisms of public input. To maintain transparency and consistency, the City of Plymouth will share results of public participation efforts with the public.

Any third-party consultants hired by the city for assistance with any of the items noted in this plan will be required to adhere to the public participation strategies identified herein.

Public Participation Requirements

Basic requirements for public participation are mandated in state and federal laws for certain public projects and development reviews. The City of Plymouth boards and commissions shall follow the local and state laws below that outline public participation requirements. These laws set forth the minimum standards and the city must follow. The city seeks to exceed that minimum in each area for which they apply.

City of Plymouth Code of Ordinances

Michigan Open Meetings Act (Public Act 267 of 1976)

Michigan Planning Enabling Act (Public Act 33 of 2008)

Michigan Zoning Enabling Act (Public Act 110 of 2006)

Brownfield Redevelopment Financing Act (Public Act 381 of 1996)

Downtown Development Authority Act (Public Act 57 of 2018)

Key Stakeholders

The Public Participation Plan identifies important groups that can assist and enhance the public participation process. Additionally, it identifies groups that are not often engaged or involved in the planning process. The city expects this list to grow as more groups and individuals are engaged in the process. The following have been identified as key stakeholders:

- City Boards and Commissions
- Business owners
- Plymouth Chamber of Commerce
- Plymouth-Canton School District
- Plymouth Council on Aging
- Local service clubs (Rotary, Kiwanis, Lion's Club, etc.)
- Area places of worship
- Major local employers
- Local real estate professionals
- Local builders
- Potential investors
- Adjacent municipalities
- County, Regional, and State elected officials

Communication Toolbox

The City of Plymouth utilizes standard methods of announcing public meetings and other planning events. However, because these methods do not yield a consistent level of public participation, the city runs the risk of losing the involvement of identified key stakeholders. Therefore, the city has identified other tools that may be used to reach a broader audience. The methods listed below are not exhaustive and should be updated as needed.

Tier One: Basic methods

These basic methods will be utilized when advising the public of routine planning activities:

- Website posting at www.plymouthmi.gov
- Calendar event on the website
- Notification email send to members of the "City of Plymouth Meeting Agendas & Minutes" listserv
- Legal notice posted in the Plymouth Observer (all public hearings)
- Individual mailings to neighboring properties (when required – 300-foot boundary)

Tier Two: Enhanced methods

These enhanced methods will be used when trying to reach out to the community and ask for input on a broad range of planning, ordinance, and policy issues. These methods may require additional resources compared to the Tier One approaches. This may include one or more of the following:

- Community workshops: Presentation of information and solicitation of opinions and ideas from the public at large. The nature of the workshop will vary and depend on the project being proposed. This may include staff presentation of maps and exhibits and/or staff facilitation of discussion at different workstations.
- Social networking: Facebook, Twitter, Instagram
- Plymouth Pulse Newsletter (produced monthly)
- Individual mailings (beyond what is required)
- Newspaper paid postings
- Attachment to tax bills
- Fliers posted at community buildings (City Hall, Cultural Center, Library)

Tier Three: Active engagement methods

These active engagement methods will be used when trying to engage the community and ask for input on long-range planning and land policy issues. These approaches will typically be utilized for master plans and significant land use policy issues. These methods will require more resources than the first two tiers. This may include one or more of the following:

- Charrettes: A charrette is an intensive collaborative planning process that is typically held over a two to three-day period. It is used to develop and test concepts and designs in specific areas of the community. In a charrette, professionals provide design and strategic input while community members provide local information, feedback, and critique.
- Crowdsourcing: Crowdsourcing is the practice of obtaining information or input into a task or project by engaging many people typically via the internet and social media. It is used to solicit input on specific planning concepts and approaches.
- Focus Groups: Focus group meetings provide opportunities for stakeholders to provide input and to allow ideas and concepts to be tested.
- One-on-One Interviews: Interviews may be conducted in a one-on-one approach to gather specific input regarding planning topics. Interviews may be useful when soliciting input from someone directly impacted by planning activities or by someone with expertise in a certain area.

Strategies for Outreach

The Public Participation Plan allows the City of Plymouth to encourage and plan for public input, rather than simply reacting to it or requesting it because it is required.

The table on the following page illustrates the level of engagement applicable for the noted planning issues or activities. The level of notice may vary from project to project. This list will be refined as the Public Participation Plan is updated.

Planning Issues	Tier 1	Tier 2	Tier 3
Master Plan update	A	A	A
Zoning ordinance amendment	A	A	S
Corridor improvement/sub area plan	A	A	A
Recreation plan	A	A	A
Development project/site plan review	A	S	
Public hearings	A	S	
Regular meetings	A	S	
Special meetings	A	S	
Positive meeting mentions, awards, and honors	S	S	
A= Always, S=Sometimes			

Communicating Results

The intention of this plan is not simply to gather input from Plymouth stakeholders, but rather to engage the public in a multi-directional conversation. How the public comment influenced a process or project must be communicated. This demonstrates that the responses were heard and creates an environment of transparency. The following are examples of ways to communicate public feedback:

- Public meetings: All public meeting minutes are posted online after the minutes are approved. A hard copy of the minutes will be available in the appropriate City Hall department (Community Development or City Clerk).
- Surveys: When utilized, surveys will vary by planning project. Generally, a summary of the results will be posted online. A hard copy of the results will be available in the Community Development Department.
- Social networking: Staff in the City Manager’s office are responsible for monitoring the municipal Facebook and Twitter pages and will respond to planning related public posts within 48 hours, as needed.
- One-on-one interviews: General information will be shared with the public, but names and specific details of participants will be kept confidential unless otherwise requested.
- Community workshops/informational meetings: Notes and photographs will be taken during community workshops. These notes will be posted on the City’s website.

Evaluating Success

This plan shall be reviewed in the first quarter of even numbered years. Any updates that are required shall be presented to the Planning Commission for approval and then forwarded to the City Commission for final approval.

RESOLUTION

The following Resolution was offered by Commissioner _____ and seconded by Commissioner _____.

- WHEREAS The City of Plymouth has been engaged in the Redevelopment Ready Communities (RRC) certification process since 2017, and
- WHEREAS RRC Best Practice #1 requires the City of Plymouth to adopt a Public Participation Plan and to evaluate its outcomes, and
- WHEREAS The Public Participation Plan was reviewed by the Planning Commission, and
- WHEREAS The City Commission has reviewed the Public Participation Plan.

NOW THEREFORE BE IT RESOLVED THAT the City of Plymouth Planning Commission does hereby approves the Public Participation Plan and forwards the Same to the City of Plymouth City Commission for their review, approval and adoption.

ADMINISTRATIVE RECOMMENDATION

To: Planning Commission
From: John Buzuvis, Community Development Director
Date: June 3, 2020
Re: Multi-Modal Transportation/Complete Streets Policy

BACKGROUND:

The City Commission has included the development and adoption of a complete streets/multi-modal transportation policy as part of the 2020 City Strategic Plan. Enclosed is draft policy that is intended to be used, once adopted by the City Commission, in infrastructure project planning and improvements to roadways, pathways, and parks.

The policy includes several elements drawn from the 2018 Master Plan and draws from multi-modal transportation/complete streets policies from around the country. The enclosed policy is intended to serve as a reference and guiding document for decision making related to transportation planning moving forward.

Many of the elements of the enclosed policy are included in the 2020 infrastructure program with a "road diet" on Main-St. between Ann Arbor Trail and Ann Arbor Road with the addition of bike lanes and what may be considered a "road diet." The City Commission was very supportive of these concepts and work will begin this year on the project.

Ultimately the City Commission will approve and adopt the policy; however, the City Commission values the Planning Commission's expertise and feedback on the draft policy. Comments and feedback from the Planning Commission will be incorporated as necessary and the final draft will be forwarded to the City Commission for their review and approval.

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

For purposes of this section, “complete streets” are streets that safely accommodate all users of the right-of-way, including pedestrians, people requiring mobility aids, bicyclists and motorists.

In order to promote safe and efficient network of public streets for access by pedestrians, bicyclists, and motorists of all ages and abilities the City of Plymouth shall approach each transportation project and program as an opportunity to implement complete streets, especially in planning, design, and construction of public streets and sidewalks.

When planning various elements of transportation design, zoning ordinances, land uses, and improvements of existing city roadways, pathways, and parks the City shall give priority to the following:

- Safety of pedestrians, people requiring mobility aids, bicyclists, and motorists
- Street design elements that safely encourage and support walking, biking, and other modes of non-motorized transportation
- Context of the surrounding community as well as the broader needs of the City

Elements of complete streets to be incorporated into the design of infrastructure projects, where practical and appropriate, include but are not limited to:

- Sidewalk access and Continuity Improvements
- Pedestrian Refuge Islands
- Street Trees
- Lane and Crosswalk Restriping/Maintenance
- On-Street Shared Lane Markings
- On-Road Paved Shoulders
- Bicycle Features (bike repair stations, rest-areas, water fountains etc.)
- Pedestrian and Bicycle connections with adjacent communities

The City recognizes that not all modes of transportation can receive the same degree of accommodations on every street; however, the goal is for users of all ages and abilities to safely, comfortably, and conveniently travel across and through the community

ADMINISTRATIVE RECOMMENDATION

To: Planning Commission
From: John Buzuvis, Community Development Director
Date: June 3, 2020
Re: Rooftop Seating Ordinance Amendments Sec. 78-297

BACKGROUND:

The City Commission has included reviewing and amending the Rooftop Dining Ordinance (Sec. 79-297) in the 2020 City Strategic Plan. The current Rooftop Dining ordinance was adopted in 2014 and was initiated by the City Commission. Since that time a couple restaurant operators have begun the process for approval but as of this writing, we do not have any operating rooftop seating operations in town. The mix of restaurants in town has changed since the adoption of the original ordinance (attached) and the City Commission has requested that staff review the current ordinance, incorporate feedback from the administration and the City Commission and suggest amendments to update the ordinance to be more applicable and reflective of the current business market.

The attached draft amendments to the ordinance have been reviewed by the Administration and the City Attorney. The current ordinance language is included as well as a revised draft ordinance language for Planning Commission review. The ordinance is straightforward and many of the amendments focus on cleaning up language, allowing both sidewalk café and rooftop dining options, requiring some parking for rooftop dining etc.

The Planning Commission will need to review and discuss this enclosed draft language, recommend amendments and will need to schedule and hold a Public Hearing for the same.

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

RECOMMENDATION:

Staff recommends that the Planning Commission review the draft amendments, recommend changes as necessary and schedule a public hearing for the same.

DRAFT ROOFTOP DINING ORDINANCE

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.

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 and/or fence that shall be at a minimum 42 inches 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 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 on the rooftop dining area must be sound-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 accordance with the capacity limits established by the fire department.
- (j) Any establishment that develops rooftop dining must provide 50% of the off-street parking required by section 78-270 (10)(a).
- (k) 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.
- (l) 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.
- (m) Rooftop dining lighting shall be directed away from adjoining properties and streets and designed to minimize glare.
- (n) 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)

Sec. 78-297. - Rooftop seating at establishments serving alcohol.

CURRENT ROOFTOP DINING ORDINANCE

Rooftop seating at establishments serving alcohol is subject to the following:

- (a) Rooftop seating 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 and must be approved on an annual basis at the same time the establishment's liquor license is approved by the local liquor license review committee. The city may revoke the special land use permit permitting rooftop seating 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 the same floor or level of the building.
- (c) The rooftop seating area shall not be higher than the second floor of the structure.
- (d) The open sides of the dining area must be enclosed by a wall and/or fence that shall be at a minimum 42 inches 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) No establishment shall be eligible for a rooftop seating area if that establishment is located in a building that would qualify for and/or be able to have a street level outdoor patio.
- (f) The second floor of the rooftop seating area may not open for use before 10:00 a.m. and must close by 11:00 p.m. Sunday through Wednesday and must close by 12:00 a.m. on Thursday, Friday, and Saturday.
- (g) Live music on the rooftop seating area or any part of the rooftop of any building is prohibited. Any music played on the rooftop seating area must be sound-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 seating 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 patio seating 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 accordance with the capacity limits established by the fire department.
- (j) Any establishment that has been approved for rooftop dining may only use plastic or

paper drinking vessels for its outside service.

- (k) Any establishment that qualifies for and wishes to have rooftop seating must comply with all requirements of the City parking ordinance for the zoning district in which the establishment is located.
- (l) There shall be a minimum of two staff members assigned to the rooftop seating area during all hours of operation at all times.
- (m) There must be restrooms located on the second floor.
- (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) 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.
- (p) The same dining menu which is available for patrons using the inside of the restaurant must also be available to patrons using the rooftop dining area.

(Ord. No. 2014-02, § 3, 1-6-14)