

CITY OF NORTHVILLE
Planning Commission
October 20, 2015
Northville City Hall – Council Chambers

1. CALL TO ORDER:

Chair Wendt called the meeting to order at 7:30 p.m.

2. ROLL CALL:

Present: Steve Kirk
Dave Mielock
Christopher Miller
Matthew Mowers
Mark Russell
Anne Smith
Jeff Snyder
Jay Wendt

Absent: Carol Maise (excused)

Also present: Jim Allen, Mayor Pro Tem
Patrick Sullivan, City Manager
Sally Elmiger, Planning Consultant
Craig Strong, Chief Building Official

3. APPROVAL OF AGENDA:

MOTION by Russell, support Snyder, to approve the agenda as presented. Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: September 15, 2015

Motion by Kirk, support Russell, to approve the September 15, 2015 minutes as published. Motion carried unanimously.

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION: None.

B. CITY COUNCIL:

Mayor Pro Tem Allen said that bids had come in higher than expected for the Rayson Street project so the City was going to combine this year's and next year's projects, in order to reach an economy of scale that would result in better pricing.

C. PLANNING COMMISSION:

Commissioner Mielock asked about the possible rezoning of the R-2 zoning districts along Grace Street. This had been a subject of significant discussion during Master Plan review. Planning Consultant Elmiger said that she would follow up on this at a later meeting.

Commissioner Russell addressed the gravel lot attached to the Pizza Cutter, which was serving as a parking lot even though it did not meet parking lot standards. City Manager Sullivan said that he would have Department of Public Works Director Gallogly follow up on this. Commissioner Russell wondered if there was anything in the Ordinance or the Property Maintenance Code that would require the property to be maintained. Chief Building Official Strong said the Property Maintenance Code would address some maintenance issues; he could not address the specific property being discussed because he had not assessed it.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None

7. PUBLIC HEARINGS

Proposed Text Amendments pertaining to Arbors/Pergolas.

Planning Consultant Elmiger gave the background for this agenda item, referencing the document: *AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NORTHVILLE TO DEFINE ARBORS, PERGOLAS AND TRELLISES AS ACCESSORY STRUCTURES, AND TO PERMIT THEM WITHIN A CERTAIN SIZE IN THE FRONT YARD SETBACK OF A LOT.*

Planning Consultant Elmiger explained that language was proposed to be added to the Ordinance that defined arbors, pergolas and trellises as accessory structures. In addition to the definitions, language was proposed to regulate these structures in front yards, allowing them to be in a front yard. Only one such structure would be allowed in a front yard, with a maximum area of 32 square feet and a maximum height of 9 feet. The structure could not be located in a right of way and could not interfere with the visibility at an intersection or a driveway.

Chair Wendt opened the public hearing on this item at 7:38 p.m. Seeing that no public wished to speak, Chair Wendt closed the public hearing at 7:39 p.m.

Commissioner Kirk spoke to the City's ability to police these structures. Much responsibility fell on residents to help enforce the proposed amendments, which amendments did make the standards more clear.

Commissioner Russell agreed, saying that the onus would be on homeowners to make sure they conformed to the ordinance. The majority of enforcement would probably be initiated via resident complaints.

Chief Building Official Craig said that what they had needed was clarification on how these structures fit into the ordinance, so that when a complaint was received clear standards were set forth.

In response to a question from Commissioner Russell, Chief Building Official Strong said these items had to be defined as accessory structures because they could impede vision, etc., could represent a safety hazard, and needed to meet requirements of the Fire Code.

Motion by Russell, support Smith, to recommend to City Council approval for Text Amendment modifications for 26.02 and 18.04.

Chair Wendt asked for a roll call vote.

Russell	yes
Snyder	yes
Smith	yes
Miller	yes
Kirk	yes
Mielock	yes
Mowers	yes
Wendt	yes

Therefore, the motion carried unanimously.

Proposed Text Amendments pertaining to Garden Ornaments.

Planning Consultant Elmiger gave the background for this agenda item, referencing the document: *AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NORTHVILLE TO DEFINE GARDEN ORNAMENTS, AND TO PERMIT GARDEN ORNAMENTS WITHIN A CERTAIN SIZE IN THE FRONT YARD SETBACK OF A LOT.*

Planning Consultant Elmiger explained that the proposed language defined garden ornaments. The definition gave a number of examples to allow the Building Official to determine whether an item in someone's front yard was a garden ornament. The proposed language did allow as many garden ornaments as someone would like in their front yard as long as they met the definition of a garden ornament and as long as they were not in the visibility triangle of an intersection or impede the visibility from a driveway. Also, garden ornaments were not to be arranged so as to create a fence or barrier in the front yard.

Chair Wendt opened the public hearing at 7:46 p.m. Seeing that no public wished to speak, Chair Wendt closed the public hearing at 7:47 p.m.

Motion by Mielock, support Russell, to recommend to City Council approval for Text Amendments pertaining to garden ornaments as modifications for 26.02 and 18.11.12.

Chair Wendt asked for a roll call vote.

Russell	yes
Snyder	yes
Smith	yes
Miller	yes
Kirk	yes
Mielock	yes
Mowers	yes
Wendt	yes

Therefore, the motion carried unanimously.

8. DISCUSSION

BUILDING HEIGHTS

Referencing the memorandum from Carlisle/Wortman dated October 12, 2015, Planning Consultant Elmiger gave the background for this discussion item, which was continued from the September 15, 2015 meeting.

The October 12 memorandum addressed questions raised at the September 15 meeting:

1. *Do other communities change the front setback to mitigate how large a building appears?* No communities were found that changed the front setback for this reason. It appeared that most communities wanted to maintain the rhythm of the same front yard setback along a street. However, there were a number of communities similar to Northville that required a larger side yard setback for such things as a finished attic or a peaked roof with a window in it, depending on the height.
2. *Look at definitions of “basement” and “floor or ‘first floor’” in other communities’ ordinances.* Planning Consultant Elmiger provided a table showing various communities’ definitions of building height, basement, grade, and story. Several definitions were based on *finished grade* and some did not specify that term. Most ordinances refined the definition of *grade* by ~~have~~ having a definition of *finished grade* as well as *existing grade*.

Planning Consultant Elmiger said that changes to *grade plane* to include a specification of using the *existing grade* would help keep buildings closer to the existing grade. Referring to a handout that included proposed ordinance changes to Sections 15.01, 18.21 and Article 26 *Definitions*, and noting that this had also been distributed at the September meeting, Planning Consultant Elmiger pointed out some additional proposed language as color coded in blue, as follows:

2. First story elevation height for new construction shall match to the extent feasible first floor elevation height of contiguous residences. Any property owner/developer who intends to add fill above the height of the existing contiguous grades shall demonstrate to the Building Official that the additional fill is not detrimental to surrounding properties in terms of compatibility and drainage issues.

Essentially this said that a new building’s elevation had to be similar to adjoining buildings, while providing some flexibility where there might be significant topographical differences, for instance.

3. *In the table provided in September, is the “3,500 maximum floor area” actually in Royal Oak’s ordinance?* This was in Royal Oak’s ordinance. This was Royal Oak’s response to issues similar to those being faced in Northville, where builders and speculators were maxing out building sites and using the largest lot coverage possible. Royal Oak had done a floor area ratio analysis in all their neighborhoods, then calculated what the average floor areas would be in each of the neighborhoods, after first eliminating extreme outliers. This was accomplished by a task force that contained some planning commissioners and some residents, and took several years to accomplish. They arrived at the 3,500 square foot maximum not because this was the ideal size

but because it was the size that required the seal of an architect. This prevented a builder from maxing out a site with a spec house without an architect's seal and deliberately added a level of expense and complexity to the building process. This ordinance provision had been tested by a number of variance requests, some of which were granted if the lot was large and the neighborhood could accommodate a new larger home. Other requests were denied, especially for homes on smaller lots where larger homes would be out of character in the neighborhood. Royal Oak officials felt the ordinance was affective.

In response to questions from the Commission, Planning Consultant Elmiger said the 3,500 maximum floor area, defined as *useable floor area*, excluded unfinished attics, unenclosed porches, basements, breezeways, and attached garages. The ordinance was adopted by Royal Oak in 2014.

Commissioner Miller said he preferred performance criteria vs. proscriptive criteria. Stipulations regarding building massing would be an appropriate way to move forward. To limit square footage did not seem appropriate. Certainly 3,500 square feet seemed quite a small limitation. More important was building massing relative to lot size.

Commissioner Russell said that building grade remained an issue, especially as builders utilized daylight basements. Not only were there issues with massing, but also scale.

Commissioner Kirk wondered if including drainage in the new language gave builders a loophole to claim that drainage issues required inappropriate grade changes.

Commissioner Mielock wondered if the Building Official had the final say or could a builder seek a variance from the Board of Zoning Appeals. Chief Building Official Strong said that there was always the ability to appeal any element of the Zoning Ordinance.

Commissioner Mowers wondered how the language "to the extent feasible" would be defined or enforced. This seemed too subjective a requirement.

Planning Consultant Elmiger suggested adding language such as: "First floor elevation height of new construction shall be within X inches of neighboring homes."

Commissioner Mowers suggested changing the language from: ~~*shall match to the extent feasible to:*~~ *shall be consistent with first floor elevation height of contiguous residences*. This offered the Building Official a chance to approve an appropriate elevation in different circumstances, and gave enough guidance so that people couldn't say they weren't told, or didn't know.

Mayor Pro Tem Allen said that there were very few green lots in the City, and this language would mainly apply to homes that were being demolished so that new homes could be built. Could the language be tied into the existing grade of the existing home? Chief Building Official Strong supported this idea.

Commissioner Mowers supported adding definitions for *existing grade* as well as *finished grade*.

Planning Consultant Elmiger noted that the proposed language modified the *grade plane* definition to use the existing grade.

Mayor Pro Tem Allen said that building mass still had to be considered. If new construction was tied to the grade of the previous home, it would help keep the mass down.

City Manager Sullivan pointed out that right now the finished floor was permitted to be 6 feet above grade. More than 6 feet above grade was considered a story. Maybe this needed to be reduced.

Commissioner Miller asked that if the existing grade was averaged, whether level or sloping, what range was optimum for the first floor? Somewhere between 2 and 4 feet? This would automatically tie the grade to existing structures. City Manager Sullivan thought that four feet seemed appropriate, and would allow for an egress window.

Commissioner Mielock reminded the Commission of what constituted a story along Cady Street in the Cady Street Overlay District. Perhaps the definition of *story* should be different for residential and commercial structures. He thought the 6 feet for the definition of story came out of the Cady Street discussions.

In response to a question from Mayor Pro Tem Allen, Commissioner Mielock said that he liked the building heights as listed at the top of page 5 of the handout. The height limitations still allowed for substantial ceiling heights.

City Manager Sullivan addressed the loophole that walkout basements provided to the limitation that basements had to be half underground with no more than 6 feet above grade. Walkout basements were not subject to that limitation.

Commissioner Kirk confirmed that anything more than 50% below grade was considered a basement.

Commissioner Mielock said that the definition of *mezzanine* did not really define that term. The Building Code defined a *mezzanine* as an intermediate level between the floor and ceiling of any story and could not exceed 33% of the floor below. The Northville language allowed up to 66%.

Commissioner Miller pointed out that mezzanines were normally considered in commercial installations. Chief Building Official Strong agreed, and confirmed that commercial buildings could not have mezzanines more than 33% floor area, per the Building Code.

Commissioner Mielock initiated a discussion regarding lot coverage as calculated with open porches. Planning Consultant Elmiger said that one calculation claimed that the floor area of a house only included 50% of a covered porch and therefore lot coverage should only include 50% of a covered porch. She did not actually see that connection in the ordinance, but that calculation had traditionally been used in Northville.

Commissioner Mowers referred to Royal Oaks' definition of floor area, which excluded unfinished attics, unenclosed porches, basements, breezeways, and attached garages. That was zero percent for useable floor area for unenclosed porches. However, perhaps lot coverage should include all those things.

City Manager Sullivan pointed out the Grand Rapids definition: *60% green space*. A property owner could do whatever they wanted with the other 40%. Planning Consultant Elmiger said she would research this further.

Commissioner Russell said anything with a roof and/or impervious surfaces should be considered in lot coverage.

Commissioner Mowers talked about games that could be played with enclosed and unenclosed spaces, including using winter windows a good part of the year. Perhaps such a porch could be included in lot coverage but not useable floor space, whether enclosed or unenclosed.

Planning Consultant Elmiger asked about cantilevers, such as bay windows. The consensus of the Commission seemed to be that cantilevered architectural elements should count as lot coverage.

Commissioner Miller pointed out that it was important for the ordinance not to encourage houses that were pure vertical mass. Porches and other interesting features gave variety to a building and encouraged appropriate massing.

Commissioner Snyder asked about breezeways. Mayor Pro Tem Allen said that homeowners with breezeways tended to have detached garages, which was more in keeping with Northville character and encouraged rear yard use and neighborhood interaction.

Planning Consultant Elmiger said that she could research how other communities treated lot coverage and present a list of elements that could be considered.

Commissioner Kirk suggested looking at other village settings similar to Northville rather than dense urban settings.

Chair Wendt liked the Grand Rapids ordinance in terms of requiring a percentage of green space.

Commissioner Snyder said it was important to define how the existing grade was established.

Chief Building Official Strong explained current process, which required existing and proposed grade plans. A survey and a certified grade plan were required. What might need to be required were finished floor elevations of adjacent properties.

Planning Consultant Elmiger said that some definitions of grade included: *the elevation or surface of the ground or pavement as it exists prior to disturbance.*

Discussion returned to allowing a grade that was a certain amount from the average grade plane, such as 2 feet, or a range of 2-4 feet, with those who wanted more having to seek relief from the Board of Zoning Appeals.

Chief Building Official Strong explained that the grade was not measured right up to the building, but was measured 6 feet horizontally, as noted in the definition of *grade plane*.

Planning Consultant Elmiger directed the Commission's attention to proposed heights in R-1A Districts, as shown in the proposed modifications to Section 15.01 Schedule of Regulations and 15.02 Footnotes to the Schedule of Regulations.

City Manager Sullivan addressed the issue of small lots in Cabbagetown, where many of the lots would be below 6,000 square feet.

Mayor Pro Tem Allen remembered a study done by Planning Consultant Wortman of undersized lots in the City. If he remembered correctly, Cabbagetown had 25% undersized lots.

Planning Consultant Elmiger said the lot sizes in the proposed changes to 15.01 and 15.02 could be modified to better reference minimum lot sizes in the residential zoning districts.

Chief Building Official Strong said that perhaps the definition of story should remain as it was for commercial buildings, but changed for residential structures. The Building Code counted any story more than 50% out of the ground as a story.

Commissioner Miller noted that regulations for residential single-family homes were driven by aesthetics as well as other standards. City Manager Sullivan said the residential code dealt with one and two family dwellings and townhouses.

City Manager Sullivan suggested that the limitation for residential should be based on finished floor elevation, not the percentage of the floor out of the ground.

Chair Wendt asked Planning Consultant Elmiger to return to the Commission with further refined recommendations. The Commission thanked Ms. Elmiger for her good and detailed work.

Chair Wendt briefly reviewed some corrective work being done in and by the creek at St. Lawrence Estates. This work required that some trees be removed, with new trees planted in the arboretum at Hines Park. A new permanent sea wall type barrier was being constructed next to St. Lawrence Estates.

As the Corner House was going to be discussed at the next Planning Commission meeting, Commissioner Mowers asked to have the City Attorney review the condo association documents prior to that time.

9. ADJOURN

As there was no further discussion, Chair Wendt asked for a motion to adjourn.

**MOTION Snyder, support Kirk, to adjourn the Planning Commission meeting at 8:41 p.m.
Motion carried unanimously.**

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as amended 11/03/2015