

CITY OF NORTHVILLE
Planning Commission
September 20, 2016
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
Matthew Mowers
Mark Russell
Anne Smith
Jeff Snyder
Jay Wendt

Absent: Carol Maise (excused)
Christopher Miller (excused)

Also present: Ken Roth, Mayor
Patrick Sullivan, City Manager
Sally Elmiger, Planning Consultant

3. APPROVAL OF AGENDA:

Motion by Kirk, support Mowers, to approve the agenda as published.

Motion carried unanimously.

4. MINUTES OF PREVIOUS MEETING: September 6, 2016

Motion by Mielock, support Russell, to approve the September 6, 2016 minutes as published.

Motion carried unanimously.

5. AUDIENCE COMMENTS: None.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan said that the City Council had recently adopted guidelines for Board and Commission appointees. The guidelines, which would be distributed soon, included such things as minimum attendance of 75%, how to handle conflict of interest situations, how to handle conduct at meetings, prompt response to email or other contact, etc. The guidelines referenced the City of Northville Standards of Conduct and Ethics Resolution. They would not replace by-laws.

Chair Wendt reviewed Commission procedure for recusing a member who had a conflict of interest, and asked whether that member could speak from the audience. Planning Consultant Elmiger read from the By-Laws: *The excused member(s) shall not participate as a Commissioner in the discussion of an agenda item but may speak as an authorized agent for the applicant as part of the applicant's presentation.*

Commissioner Kirk asked if a recused member who was in the audience could be asked questions by the Commission. Planning Consultant Elmiger said she thought the recused member could answer a question if asked by the Commission.

B. CITY COUNCIL: None.

C. PLANNING COMMISSION: None.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None.

7. DISCUSSION

FRONT YARD PAVEMENT

Planning Consultant Elmiger gave the background for this item, explaining that the original discussions on front yard driveways had evolved into proposed language on front yard pavement generally. They had researched what other communities did to regulate pavement in front yards, and discovered that not many communities regulated pavement in residential districts, and even fewer regulated pavement in front yards, though she did find one community – Birmingham – that did this.

Communities that regulated what they called impervious surfaces did so in one of 3 ways:

1. Combined impervious surface and lot coverage in one regulation.
2. Separated impervious surface and lot coverage regulations.
3. Separated open space and lot coverage regulations, with an emphasis on the open space aspect of the requirement. Birmingham used this approach.

The City of Northville's approach was actually similar to Birmingham's. Northville had a 35% minimum requirement for landscaping, which was similar to having a minimum open space requirement.

Birmingham also had a minimum open space requirement – 65% – for the required front yard. The Planning Commission's discussion had centered on limiting the pavement to 35% in the required front yard, but essentially the two approaches ended up with the same result.

Chair Wendt asked if gravel were considered an impervious or pervious surface. Planning Consultant Elmiger replied various ordinances defined impervious surfaces broadly, others got very specific. Gravel was generally considered impervious, but this was also something for the Commission to decide. What was the goal of the ordinance? Appearance of the impervious surface? Storm water management?

Commissioner Smith noted that the Building Code did not permit new gravel driveways, but existing gravel driveways were grandfathered.

Roundtable discussion included:

- Nonconforming driveways went with the property, i.e., new property ownership did not negate grandfathered status.
- A home that resulted from a lot split on Randolph appeared to have a front yard almost entirely paved. Homes on Wing Street had very little front yard. How were these situations addressed?

Was the Commission contributing to variance requests by allowing the creation of difficult situations?

- New home construction that maximized their footprints reduced opportunity to create other impervious surfaces.
- When front yard limits were exceeded, could pervious solutions, such as pervious driveways, be required?

The Commission directed Planning Consultant Elmiger to bring new draft language regarding this issue back to the Commission. The logical extension of current ordinance language would be to limit pavement in the front yard to 35%.

Commissioner Mowers commented regarding the minutes of the August 17 meeting and the development of this issue generally. He felt it was the Commission's purpose to bring issues like this forward, to evaluate ordinances and to recommend changes, and this was so stated on the City's website. The Commission had been discussing lot coverage for almost a year, originally stemming from a discussion regarding driveways, breezeways, accessory structures, and other coverage issues. At that time it was thought that these issues could be resolved by regulating driveways, but the effort to come up with appropriate ordinance language became unwieldy. However, the continued discussion was important, and the ordinance information from Birmingham was instructive.

Commissioner Mowers said that there was already a 35% maximum lot coverage. Was there a breakdown in enforcement of this limitation? Additionally Commissioner Mowers felt there absolutely should be a discussion regarding impervious surfaces. Renovations in Cabbagetown, for instance, continued to bring this issue forward. He asked that Planning Consultant Elmiger create some specificity in existing ordinance language regarding this issue. There should be a standard that could be followed.

City Manager Sullivan clarified that the current lot coverage requirements of 30% or 35%, depending on property size, did not include pavement, but only the building envelope. There was a current 35% landscaping requirement, but "landscaping" was not defined. Additionally, the 35% landscaping requirement applied to the entire lot and could be achieved by placing most landscaping in side and rear yards. Current ordinance requirements did not stop paved front yards.

Discussion centered on the Birmingham ordinance, which did require 65% open space in the required front yard. Birmingham's ordinance defined "open space" as anything that was not a building, structure, or impervious surface.

Commissioner Russell thought permeable pavers could be permitted as acceptable storm water design.

Planning Consultant Elmiger suggested regulating *paved* surfaces rather than *impervious* surfaces.

Commissioner Mielock liked the way Birmingham's ordinance emphasized the positive requirement for 65% open space. This information should be required on submitted plans, so the Building Official did not have to calculate it.

Commissioner Mowers asked how curb cuts were allowed. City Manager Sullivan explained that Public Works Director Gallogly would use engineering standards for curb cuts. Driveways did not require a building permit. Perhaps this should be changed.

Planning Consultant Elmiger summarized the discussion as follows:

- The Commission liked the approach of requiring 65% open space.
- Landscaping needed a definition.
- Paved surface needed to be defined.

LOT COVERAGE AND COVERED PORCHES

Planning Consultant Elmiger said it was unclear as to whether covered porches should be included in lot coverage. The current Building Inspector did include covered porches in lot coverage. However, there had been pushback against this interpretation, as the definition of floor area counted covered porches at 50%. The Ordinance did not address porches in lot coverage formula, and some thought that the 50% calculation for floor area should also apply to lot coverage. A prior Building Inspector accepted this interpretation. The current Building Inspector did not.

Planning Consultant Elmiger explained that the logic behind counting porches at 50% was to encourage porch construction. However, one issue with this interpretation was that new construction maxed out the building envelope when porches were not included in lot coverage, and then later the owners would decide to enclose the porch.

Commissioner Russell thought covered porches should be counted at 100%, as was the current practice.

Discussion was had regarding the trend toward having porches, whether there was a carrot in the ordinance for this or not. Counting porches at 50% lot coverage invited abuse.

The consensus of the Commission was that covered porches should be counted 100% toward lot coverage.

Additionally, lot coverage definitions under various situations, including cantilevered projections, should be as clear as possible. Sometimes 2nd floors did not follow 1st floor footprints.

Planning Consultant Elmiger said she would check with the Building Inspector to see if language regarding cantilevered projections could be clarified.

In response to a question from Commissioner Mowers, Planning Consultant Elmiger said each case was decided on its own merits, without precedence. Commissioner Mowers asked that this be explicitly stated in Planning Commission documents.

TAKE-OUT RESTAURANTS IN THE CENTRAL BUSINESS DISTRICT

Planning Consultant Elmiger said that take-out restaurants were listed as both a permitted use or a special land use in the Central Business District. Take-out restaurants were also permitted in other zoning districts, specifically Local Commercial District and General Commercial District.

Planning Consultant Elmiger reviewed the definition of take-out restaurants in Section 26.02.151.

Commissioner Mowers suggested changing the definition as follows: *are generally primarily carried away ...*

Round table discussion followed. Requiring take-out restaurants to be a special land use would make them more difficult to exist in the CBD. However, take-out restaurants included such things as donut

shops, yogurt shops, deli/sandwich businesses, etc. These types of operations fit in the CBD. On the other hand, take-out restaurants such as some pizza operations required more parking than could easily be had in the CBD and therefore would be naturally limited.

The consensus of the Commission was to allow take-out restaurants in the Central Business District as permitted uses. Additionally, the consensus of the Commission was to leave the definition of take-out restaurants as it stood.

WALL SIGNS IN CENTRAL BUSINESS DISTRICT

Planning Consultant Elmiger said that in the Central Business District (CBD) every *business site* was allowed one wall sign. If there were a second means of access, such as a rear parking lot or an alley, a second wall sign was permitted. However, the square footage of that wall sign was deducted from the permitted square footage of the main sign. Another provision said that if there were a second building façade not on a street frontage a sign up to 12 square feet was permitted.

Business owners with rear entranceways wanted to have 12 square foot signs in the rear, without having to deduct the square footage from the front sign.

Planning Consultant Elmiger asked the Commission to interpret whether the 12 square foot sign was really intended for a second wall but not a second means of access. Did the Commission want to keep the requirement to reduce the sign in front in order to have a sign at a rear access?

Planning Consultant Elmiger further explained that these two provisions were confusing. Additionally, the provision that required the sign reduction did not require one sign to be primary: an allowed 32 square foot sign could be split so that there was a 16 foot square foot sign in front and a 16 square foot sign in the rear, or even a 12 square foot sign in front and a 20 square foot sign in the rear. Building Inspector Strong thought it made more sense to require all 2nd signs to be 12 square feet, without affecting the size of a front sign.

For the sake of maintaining correct scale on front façades, Commissioner Mielock was in favor of the change as suggested. Commissioner Snyder agreed.

Commissioner Russell asked if the rear sign should be correlated to having a rear access door. Planning Consultant Elmiger said this also needed to be decided. For instance, the Wok restaurant wanted a rear sign, though they did not have a rear access door. They did, however, have many customers coming from the rear parking lot. Since they were permitted a 12 square foot sign on a second façade, they were permitted a sign on the rear.

After discussion including issues of scale, various locations in the CBD, and whether or not signs should only be permitted where there was a second access door, the consensus of the Commission was to allow 12 square foot signs in the rear without requiring a reduction of the main sign, but only where there was an access door or a façade fronting an alley or parking lot.

Planning Consultant Elmiger said she would bring back draft language regarding this to the Commission.

PUD PROCESS FLOWCHART

Planning Consultant Elmiger referred to a revised flowchart: *City of Northville PUD Process*, which clarified process for PUD (Planned Unit Development) applications.

In response to a question from Planning Consultant Elmiger, City Manager Sullivan explained that City staff scheduled a public hearing for City Council once the PUD application had been through the Planning Commission process. This would need to be changed on the flowchart.

Mayor Roth asked if there was a definition of what had to be included in a public hearing. Planning Consultant Elmiger said there was probably information regarding this in the Zoning Enabling Act. Otherwise the same rules applied that applied to other public hearings: public notice, open meetings, etc.

Commissioner Russell asked if conceptual site plans were part of the PUD application requirements. City Manager Sullivan said there was a checklist as part of the application for PUD eligibility, and that was included.

Planning Consultant Elmiger said she would bring the flowchart back with the changes regarding the City Council public hearing, and she would also bring the current flowchart, so the Commission could compare old with new.

SCHEDULE OF REGULATIONS FOOTNOTE 11

Planning Consultant Elmiger said the Local Commercial District had two footnotes in the Schedule of Regulations for side and rear yards: #10 and #11.

Footnote #10 said that a side yard setback was not required unless there were openings or windows in that façade of the building.

Footnote #11 referred to commercial buildings on a corner lot, and used the phrase *exterior side yard*, a term that was not defined in the ordinance. There was actually no such thing as an *exterior side yard*. On a corner lot there were two front yards, one rear yard and one side yard.

Planning Consultant Elmiger said she thought the intent of #11 was to provide a larger setback for residential properties than for non-residential properties when the LCD District was immediately adjacent. She had attempted to provide language that reflected the intent of this footnote, resulting in a 10-foot setback between a commercial building and a residential property. The only example of this situation she knew of was the Mobil gas station, which had a residential property directly to the north.

Commissioner Mowers pointed out that the chart showed a 10-foot setback for a side yard but a 20-foot setback for a rear yard.

Planning Consultant Elmiger said that it was unclear why the footnote was needed, since the ordinance clearly called for a 20-foot rear setback. Perhaps the footnote could be removed.

In response to a question from Commissioner Kirk, Planning Consultant Elmiger said #10 applied to interior lots, and #11 applied to corner lots.

It was pointed out that including the footnotes with the N/A abbreviation in the Schedule of Regulations was inconsistent with the rest of the Schedule. The Commission requested that Planning Consultant Elmiger review the entire Schedule for consistency.

Commissioner Snyder noted that #11 required a certain setback between zoning districts, not necessarily limited to a corner lot.

It was the consensus of the Commission to remove the modifier *corner* from #11, and the final version to read: *On a lot which has a side yard abutting a residential district, there shall be provided a setback of ten (10) feet in width from the residential property.*

DEFINITION OF BASEMENT

Planning Consultant Elmiger said there was an inconsistency between the definition of basement and the schematics provided to illustrate the definition. She provided language to resolve this inconsistency, so that the definition read, in part: *...so located that the vertical distance from the grade plane to the floor of the basement is greater than the vertical distance from the grade plane to the ~~ceiling~~ finished floor elevation directly above.*

Commissioner Russell asked how much a basement could extend above the grade plane. Planning Consultant Elmiger said it could extend 36". Commissioner Russell asked if the definition should reference that.

Commissioner Mielock asked how the definition would apply to a project that had individual condo units that were all attached and constructed on a slope, so that the grade plane changed. Planning Consultant Elmiger said she thought the entire building would be averaged in terms of grade plane.

The consensus of the Commission was to accept the language change as presented.

OTHER DISCUSSION

Medical Marihuana legislative changes

Planning Consultant Elmiger reported that the State Legislature had passed, but not yet sent to the Governor, new legislation for Medical Marihuana. If signed by the Governor, the new legislation would allow a community to pass an ordinance to allow/require 5 things, including a grow operation, a provisioning center, a safety analysis of medical marihuana, etc. Communities would be able to pass ordinances that permitted all or part of those things. The State would not license a facility unless the City also licensed it. A community could also choose not to have an ordinance or a licensing process. This gave more local control over more commercial type uses involved with medical marihuana.

Commissioner Mielock asked if discussion of these changes should start at the elected level with City Council. City Manager Sullivan said it was appropriate that changes in City ordinance start with a discussion by the Planning Commission.

Mayor Roth pointed out that the legislation was not yet out of conference. The House and Senate had two slightly different versions, and these had not yet been reconciled.

Requirement to have an attendant pump at gas stations

Planning Consultant Elmiger said there was ordinance language that required a gas station to have an attendant pump, i.e. gas stations had to have a dedicated pump where an employee came out and filled the

customer's gas tank. This seemed to be antiquated and should be removed. Mayor Roth asked if there would be ADA issues if the requirement for an attendant pump were removed. Planning Consultant Elmiger said she didn't think so.

The consensus of the Commission was to remove the requirement for an attendant pump at gas stations.

8. ADJOURN

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

MOTION by Mielock, support Snyder, to adjourn the Planning Commission meeting at 9:06 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published December 6, 2016