

CITY OF NORTHVILLE
Planning Commission
October 7, 2014
Northville City Hall – City Council Chambers

1. CALL TO ORDER:

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

2. ROLL CALL:

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

Absent: none

Also present: James Allen, Mayor Pro Tem
Patrick Sullivan, City Manager
Don Wortman, Planning Consultant

3. MINUTES OF PREVIOUS MEETING: September 16, 2014

Commissioner Maise noted that page 5, first full paragraph, line 4 should be amended to read: “that faced Mary Alexander Court,”

Motion Russell, support by Mielock, to approve the September 16, 2014 minutes as amended.
Motion carried unanimously.

4. AUDIENCE COMMENTS: None

5. REPORTS:

A. CITY ADMINISTRATION: None

B. CITY COUNCIL:

Mayor Pro Tem Allen said that last night City Council had voted to recommend approval of the North Center Brewing Company to the Michigan Liquor Control Commission. In response to questions from Commissioner Russell and Chair Wendt, Mayor Pro Tem Allen explained that the parking agreement for this business was a separate issue and had already been resolved. City Manager Sullivan further explained that the Brewing Company had agreements with neighbors for the 7 additional spaces as required by the Planning Commission.

C. PLANNING COMMISSION: None

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None

6. LOT SPLIT: 247 WEST STREET

Referencing the Consultant's letters of September 8, 2014 and September 30, 2014, Planning Consultant Wortman reviewed the proposed lot split, located at 247 West Street, in the R-1B, Second Density Residential District. The Applicant was Marilyn Johnson, and the action requested was the division of Lot 480.

Specifically, the proposal was to divide the existing parcel into two parcels: parcel A on the north and parcel B on the south. The current lot contained an existing residential structure, shed, detached garage and associated driveway. The existing house and shed were proposed to remain on Parcel B, while the detached garage on Parcel A was proposed to be removed. A new 12 foot wide driveway was proposed on the south side of the existing house, but the applicant had not indicated if the existing driveway would be removed.

Planning Consultant Wortman reviewed process as required by the Northville Lot Split Ordinance (No. 6-93-B). Under this Ordinance, any real property proposed for division must conform to the City of Northville Zoning Ordinance and be reviewed and approved by the Planning Commission.

Regarding R-1B standards for area, width, height and setbacks, Planning Consultant Wortman said that both lots would meet area and width standards. Regarding setbacks, the existing residential house on proposed parcel B was a legal non-conforming structure with regard to its front setback, and the proposed lot split would not increase this non-conformity. Side and rear setback requirements were met for this proposed parcel. Setbacks for proposed parcel A were not part of tonight's application, but the proposed parcel did have the potential to meet required setbacks.

Planning Consultant Wortman pointed out the following concerns with the proposed lot split:

- 1) The applicant had not indicated if the existing driveway on Parcel A would be removed. The existing pedestrian access to the porch was provided via this driveway. How would access be provided to the front porch after the lot split? The porch might have to be re-oriented to the front yard and a new sidewalk might need to be constructed. Additional information should be provided regarding the existing driveway and porch access.

Driveway access for Parcel B must be coordinated with the City Building Department and DPW Director prior to obtaining a driveway/right of way permit. Additional information must be provided regarding the existing driveway on Parcel A and the proposed means of porch access.

- 2) Because an accessory structure could not be located on a lot without a primary structure, the existing garage on proposed Parcel A would have to be removed, and a financial guarantee or other stipulations to ensure demolition or resolution of garage would have to be provided. However, it was of some concern that the proposed lot split would result in parcels that did not have room for a traditional garage.
- 3) This proposed lot split would require review by the Historic District Commission. Removal of the overhang over the front porch, and removal of the garage would require a demolition permit from the HDC.

Utility connections for both parcels needed to be coordinated with the DPW director, and an application for tree removal was required when for building permit(s) applications were submitted.

Planning Consultant Wortman said his recommendation was to postpone action on this request until these issues were resolved and pending Historic District Commission review. However, the Planning Commission could also grant a conditional approval for this lot split if that was their desire.

Planning Consultant Wortman added that the lot split would need positive review by the City Assessor, Also, before Wayne County would record the lot split, issues regarding the existing garage and the porch overhang would need to be resolved.

If action on this request were postponed, Commissioner Russell asked that a tree survey be brought to the Planning Commission when the application was again heard.

In response to a question from Commissioner Smith, Planning Consultant Wortman said that he had not calculated lot coverage for proposed Parcel A.

Commissioner Maise was concerned that the lot split would result in a situation where a future owner would need to seek Board of Zoning Appeals (BZA) approval in order to construct a garage on either parcel. By allowing the lot split, was the Planning Commission creating a situation where a hardship could be claimed? Finding room for a new garage would be especially difficult on proposed Parcel B.

Referring to DPW Director Gallogly's September 25, 2014 site plan review, Commissioner Maise asked about site distance issues for the proposed driveway for proposed Parcel B, and the grading issues for proposed Parcel A. Planning Consultant Wortman said these issues would be reviewed by the Building Official. If proposed construction did not meet City standards, the construction could not go forward.

Commissioner Mielock was also concerned that this proposed lot split would create parcels where an owner could claim hardship regarding meeting Zoning District standards. How would the BZA know this was a self-created hardship? Planning Consultant Wortman said that meeting setback standards, etc., would be the responsibility of the property owner. Commissioners Maise and Smith wondered how the BZA would know the hardship was self-created, especially if a request came before the BZA years from now.

City Manager Sullivan thought the Commission needed to make sure proposed Parcel B met lot coverage standards before this proposal could move forward.

In response to a question from Chair Wendt regarding the 6-foot drainage from the proposed driveway to the street, Planning Consultant Wortman said that again this would have to meet standards, and would be reviewed by Public Works Director Gallogly.

After a brief discussion regarding process, including Planning Consultant Wortman's recommendation to delay action, Chair Wendt recognized Louis F. Ronayne, of Ronayne Associates, 107 N Center Street, Northville, who was present on behalf of the applicant. Applicant Marilyn Johnson, 247 West Street, Northville, was also present.

Mr. Ronayne reviewed process with the Commission. He had thought all criteria and standards had been met regarding this proposed lot split, and that a decision would be made this evening.

Mr. Ronayne addressed outstanding concerns as follows:

- A drainage issue at a neighboring home was caused by a crack in the basement. Questions regarding grading would be addressed by Department of Public Works Director Gallogly.
- Proposed Parcel A had plenty of room to put a house with an attached garage similar to other homes in the area.
- Any home constructed on Proposed Parcel A would conform to other homes in the neighborhood and would meet Historic District requirements.
- Old photographs of the home – presented by Mr. Ronayne – showed the home without a porch. Modifications to the porch as presented this evening would not change the historic nature of the home.

Chair Wendt said that the Planning Commission could not deviate but had to strictly follow the ordinance. He was not sure the Commission had enough facts to make a decision this evening. One minor item was that the Commission needed a copy of the most recent tax bill.

During discussion regarding the tree survey, Commissioner Russell clarified that a tree survey needed to show species and size of trees on the site. Mr. Ronayne said he understood that, but a tree survey was actually not required until plans for a new home on the site were submitted. Planning Consultant Wortman directed the Commission's attention to *Chapter 90 Vegetation* of the City Code.

Commissioner Maise addressed the *Engineering Comments* in the DPW Director's September 25, 2014 review of this proposal. Was the Applicant prepared to address these comments? Mr. Ronayne said they had come prepared to discuss the items called out on page 6 in the September 30 Carlisle/Wortman review letter and engineering issues would be resolved when a site plan was presented for new construction.

Discussion followed regarding application and review process. Commissioner Maise explained that the Commission needed to make sure that the proposed lot split would result in two viable, buildable lots.

City Manager Sullivan noted that all the review materials, including consultant and staff review, were available online. It was suggested that future Applicants be notified that the entire meeting packet would be available online before the meeting.

Planning Consultant Wortman said that he had been able to calculate that proposed parcel B was under the maximum 30% lot coverage, though the shed might have to be removed. Any future garage would also have to meet maximum lot coverage guidelines.

Commissioner Russell summarized the discussion as follows:

- Proposed parcel B conformed to maximum lot coverage limits. Proposed parcel A met area and width standards and was therefore a buildable lot. New construction would have to meet standards, including setbacks, and also have to conform to maximum lot coverage limits.
- The driveway issue would be addressed by the Building Official and/or the DPW Director.
- Utility connections were shown on the drawings.
- The water main tap on the parent parcel would service both proposed parcels. An easement or other accommodation (such as a new tap) would be needed.
- The financial guarantee or other stipulations to ensure demolition or resolution of the garage would be predicated on positive action by the Historic District Commission.
- The proposed lot split, if approved, would need to be recorded at Wayne County.

Commissioner Russell continued that it appeared that the proposed lot split would meet Zoning Standards. No tree survey had yet been received.

Discussion followed regarding whether the Planning Commission should postpone action or approve the lot split with conditions. It was the consensus of the Commission that the proposal could be moved forward, contingent upon positive action by the Historic District Commission. Commissioner Maise requested that the record of the meeting include the discussion regarding the size of the proposed parcels, and the need for future owners to continue to meet zoning standards, including setbacks, etc. It was not the intent of the Commission to create a hardship situation that had to be resolved by the BZA. Present and future owners should understand that the parcels were created at the request of the owner, and any hardships thus created would be considered self-created. Though both proposed lots conformed to the Zoning Ordinance, the resultant area might require a small garage or no garage, for instance.

Chair Wendt indicated that he was ready for a motion.

MOTION by Mielock to approve the Lot Split for 247 West Street into two parcels – Parcel A and Parcel B – with the following conditions:

- That the Historic District Commission approve removal of the existing garage on Parcel A.
- That the Historic District Commission review the porch on north side of the existing house.

Commissioner Russell asked for the following conditions to be added, and Commissioner Mielock accepted these additions to the motion:

- Resolution of all items called out in the Carlisle Wortman review letters of September 8 and September 30, 2014.
- Resolution of all items called out in the internal Site Plan reviews of September 3 and September 25, 2014.

Commissioner Maise said she would support the motion, which now read:

MOTION Mielock, support by Maise, to approve the Lot Split for 247 West Street into two parcels – Parcel A and Parcel B – with the following conditions:

- That the Historic District Commission approve removal of the existing garage on Parcel A.
- That the Historic District Commission review the porch on north side of the existing house.
- Compliance with all items called out in the Carlisle/Wortman review letters of September 8 and September 30, 2014.
- Compliance with all items called out in the internal Site Plan reviews of September 3 and September 25, 2014.

A roll call vote was taken as follows:

Russell:	yes
Snyder:	yes
Smith:	yes
Kirk:	yes
Mielock:	yes
Maise:	yes
Mowers:	yes
Wendt:	yes

Therefore the motion **carried unanimously**.

DISCUSSION:

CADY STREET OVERLAY

Planning Consultant Wortman led this discussion item, noting that some revisions had been made to the proposed Cady Street Overlay (CSO) District. Specifically the proposed CSO District was now divided into CSO 1 and COS 2.

The CSO 2 District would include those properties north of Cady Street and west of Church Street as shown on “Figure 5 Cady Street Overlay District Boundary” in the proposed ordinance, and was so depicted in both the text and graphics included within the proposed Overlay District. Properties in the CSO 2 District would not be allowed first floor residential units.

Planning Consultant Wortman explained that the advantage of dividing the CSO District into two separate sub districts was that the same design standards would apply throughout the entire CSO area, including the north and south sides of Cady Street.

Planning Consultant further explained that the next step for the Planning Commission was to make a recommendation to City Council. Since a public hearing had been held on September 16, 2014, and since tonight’s proposed changes were a result of that public hearing and did not further enlarge the CSO District boundary, no further public hearing was necessary.

In response to a question from Commissioner Russell, Planning Consultant Wortman noted that there had been a clerical error regarding paragraph f in the Commissioners’ handouts for this proposed district, in that paragraph f included only 3 instead of 6 standards that would help a project qualify for a height bonus. Planning Consultant Wortman handed out a corrected document.

Commissioner Russell initiated a discussion regarding spacing of canopy trees in the district. Proposed Section 10.06.n required streetscape features along “Cady Street, Center Street and Main Street,” with “At least one (1) canopy tree shall be provided for each forty (40) lineal feet.” Commissioner Russell wondered if this standard should be “each 30 lineal feet.” Planning Consultant Wortman said the existing standard along north Cady Street was 40 feet. After further discussion regarding balancing the requirement for canopy trees with the need for sign visibility, it was the consensus of the Commission to keep the standard at “each forty (40) lineal feet.”

Referencing discussion from the September 16, 2014 Planning Commission meeting, Commissioner Kirk said he remained concerned that a future building on the south side of Cady Street at the corner of Church Street would provide a visual wall.

Again referencing discussion from the September 16, 2014 Planning Commission meeting, Commissioner Kirk asked if the 3 story, 36 feet height limit should include lots 75 and 76. Discussion followed; it was the consensus of the Commission that this change would provide appropriate visual and real elevation step-down, and that lots 75 and 76 should be color-coded blue (3 Stories – 36 Feet).

Commissioner Russell indicated he was ready to make a motion.

MOTION Russell, support Snyder, that the Planning Commission recommend to City Council approval of the Cady Street Overlay District as presented this evening, with the following amendment:

- Lots 75 and 76 should be color coded blue (3 Stories – 36 Feet) in the graphics.

Chair Wendt called the motion, and a roll call vote was taken as follows:

Russell:	yes
Snyder:	yes
Smith:	yes
Kirk:	no
Mielock:	yes
Maise:	yes
Mowers:	yes
Wendt:	yes

The motion **carried 7-1 (Kirk opposed)**.

Mayor Pro Tem Allen noted a discrepancy between Figure 5 and Figures 6 and 7 in the graphics, in that Figures 6 and 7 also needed to show the land sharing frontage with Main Street and East Cady Street (northeastern part of the CSO District) as color-coded blue. Planning Consultant Wortman said that he would correct this error.

GENERATORS/AIR CONDITIONING UNITS

Planning Consultant Wortman led this discussion, which was for a proposed zoning text amendment regarding air conditioning condensers and emergency electrical generators. The amendment addressed the location and visual/sound screening of air conditioning units and generators within the R-1A, R-1B and R2 Zoning Districts. Currently, regulations for air conditioning condensers were found within the general Code of Ordinances under Article IV., Mechanical Code. The Zoning Ordinance did not contain standards that explicitly addressed air conditioners or generators. The proposed text amendment incorporated the general Code standards and included additional standards, including visual screening, sound attenuation, and maximum decibel levels.

Planning Consultant explained process. The first step was for the Planning Commission to review this proposed zoning text amendment, and then to schedule a public hearing.

Chair Wendt initiated a discussion regarding noise levels. City Manager Sullivan wondered if whole house generators could meet the standard in proposed Section 18.24.b.2): “Generator sounds produced at full load shall be less than 65 dBA at the property line.” Planning Consultant Wortman thought that the standard was achievable, though at times acoustic panels or other sound screening might need to be installed. Mayor Pro Tem Allen wondered if the noise limitation at the property line was vertical and included noise levels in a neighbor’s second floor room. Commissioner Snyder agreed that second floor noise issues needed to be addressed.

Commissioner Kirk noted that permanent generators would automatically run once a month or so as a part of normal maintenance. The definition, which now read, “operated only during interruptions of electrical service” should be changed to reflect manufacturer’s recommended maintenance. Commissioner Russell wondered if “whole-house” generators should be specified. Planning Consultant Wortman said that

“whole-house” was a loosely applied term and not easily defined. The definition included “mounted on a foundation” and did not apply to portable generators. Commissioner Snyder thought “pad-mounted” might be an appropriate term.

Mayor Pro Tem Allen wondered if existing side yard condenser units could be replaced under this proposed text amendment. Would this be a pre-existing non-conformity? Planning Consultant Wortman said that a replacement should probably be permitted. Commissioner Russell suggested including a date for ordinance conformance within the text amendment, i.e., “from (date) forward.”

Commissioner Maise suggested inclusion of a diagram illustrating proposed Section 18.24.3)(a), which dealt with side yard locations and side yard setback requirements. If a homeowner had a nonconforming air conditioner condenser in a side yard, could a generator be placed next to that? Planning Consultant Wortman thought a new generator would have to be placed in a rear yard. City Manager Sullivan commented that because of required connections, condenser placement was somewhat more difficult than generator placement. Because an A/C condenser was in side yard did not provide immediate justification for a generator placement in the same side yard. Also screening was required if a condenser was placed in a side yard.

Planning Consultant Wortman explained that an advantage to placing this regulation in the Zoning Ordinance was that homeowners did have a process whereby they could seek relief from the ordinance through application to the Board of Zoning Appeals.

Planning Consultant Wortman said he would revise the proposed text amendment based on tonight’s discussion.

Other Discussion

In response to a question from Commissioner Kirk regarding the lot split heard earlier this evening, City Manager Sullivan said that he would follow up regarding process followed by City staff.

Planning Consultant Wortman said that tree surveys were not required until a building permit application was submitted for construction, and then only if trees were to be removed.

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

**MOTION Maise, support by Russell, to adjourn the Planning Commission meeting at 9:01 p.m.
Motion carried unanimously.**

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as published 11/04/2014