CITY OF PLYMOUTH

201 S. Main
Plymouth, MI 48170
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PLANNING COMMISSION - REGULAR MEETING MINUTES

Wednesday, March 9, 2016

The regular meeting was called to order at 7:00 P.M. by Chairperson Mulhern.

1. ROLL CALL

MEMBERS PRESENT: Jennifer Frey, Jim Frisbie, Jennifer Kehoe, Charles Myslinski, Joseph Philips, Conrad Schewe, Scott Silvers, Karen Sisolak and Jim Mulhern

OTHERS PRESENT: John Buzuvis, Community Development Director
Sally Elmiger, City of Plymouth Planner

2. CITIZEN COMMENTS:
None.

3. APPROVAL OF MINUTES
A motion was made by Comm. Philips supported by Comm. Schewe, to approve the meeting minutes from the February 10, 2016, as amended.
MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF AGENDA:
A motion was made by Comm. Schewe supported by Comm. Kehoe, to approved the agenda as presented.
MOTION CARRIED UNANIMOUSLY.

5. PUBLIC HEARINGS:
None.

6. NEW BUSINESS:

1. CHANGE OF USE: From Office to Dance School/Studio

SP16-01 Pure Barre Plymouth
585 Forest
Zoned: B-2- Central Business District
Applicant: Paul Salloum, Owner

Sally Elmiger, Planner, explained the applicant proposes a change of use to operate an exercise business on the first floor of an existing building. This business uses a ballet barre and offers a 55-minute, isometric workout to classes with 10-15 participants. This use is more similar to a dance school/studio than a typical gym. Dance schools are a permitted use in the B-2, Central Business District and requires additional five on-site parking spaces (without the use of public parking) and an additional one space per employee.
The applicant will need to provide the following information:

1. The amount of employees at largest shift.
2. To accommodate the parking requirements- obtain an agreement with adjacent property owner (within 300 feet), permitting use of excess parking spaces, and written information indicating that excess spaces are not required for the adjacent property owner's use.
3. To provide a description of how refuse will be handled.

Paul Salloum, Owner/Applicant, spoke about the parking issue and explained back in 1988 he Received a C of O with a document showing he has nine parking spaces. Mr. Salloum stated that if needed, he can obtain an additional five parking spaces. Mr. Salloum explained he has a letter of parking use from the B Ella Bridal Store Owner, located directly behind them, that currently has fourteen parking spaces. The bridal store hours are 10-6 pm, closed on Sunday & Mondays with Thursday evenings until 8PM. Mr. Salloum explained the only tenant of his, lives upstairs and is gone from 7-7PM and also gone on the weekends. Mr. Salloum spoke about owning other businesses with twelve extra parking spaces but they're not within the 300 feet. Mr. Salloum felt the new tenants can't afford the cost of five parking spaces at $10,000 each. Mr. Salloum also explained that the new business will be using the existing dumpster currently located on site.

Rebecca Lictawa & Elizabeth Hynes, Pure Barre Plymouth tenant, explained that a total of two people would be the maximum employees on site at one time. Ms. Lictawa explained their business experience and explained the business will be more of an exercise class with Pilates equipment using the ballet bar.

Sally Elmiger, Planner, explained to the applicant that the City Commission will determine if they have enough parking or will need more. They will determine how many spaces are required with B Ella Bridal and if there will be enough parking for both businesses. The bridal shop needs nine and the applicant needs five, without the maximum number of employees. Ms. Elmiger explained that the 736 square foot use of the studio will allow fifteen (15) people maximum, per the building code.

The Planning Commissioners had discussion regarding the following subjects:

1. Comm. Kehoe asked how the parking is acquired for the downtown businesses? Ms. Elmiger explained there is opportunity for the property owner to buy parking spaces from the City(these spaces will remain with the building as businesses come and go), Mr. Buzuvis explained as businesses change and intensify, "Payment-in-Lieu-of" (formally: parking credits) can be added onto the existing credits. Such as the 789 W. Ann Arbor Trail development used the payment in lieu of for sixteen parking spaces. "Payment-in-lieu-of" money is held in escrow by the DDA, to be used by the DDA (such as the purchase of Saxton's property).

2. Comm. Frisbie asked about the document stating that one parking space is missing and then asked if those spaces provided by the B Ella Bridal Store could apply to the five? Mr. Buzuvis explained Yes, if we can confirm them, and there maybe two ways to resolve the parking problem.
3. Comm. Philips asked the applicant to provide a legal document stating the parking spaces are available for use.
4. Comm. Schewe asked if the document of five parking spots given from the owner of B Ella Bridal Store would be recorded with the County. Ms. Elmiger responded that it could be, and possibly adding language for any future owner to modify the document as needed.

A motion was made by Comm. Frisbie, supported by Comm. Philips to approve SP16-01, 585 Forest, Change of Use, conditioned upon the deficient parking spaces being satisfied.
YES FREY, FRISBIE, KEHOE, MYSLINSKI, PHILIPS, SCHEWE, SILVERS, SISOLAK AND MULHERN.
NO NONE.
MOTION CARRIED UNANIMOUSLY.

2. Discussion of Potential Ordinance Amendments for:

   1. Elimination of double fences on property lines

Comments from the audience
Adriana Jordan, 970 Sutherland, spoke about two issues that arose after a new home was recently built next door to hers. In addition a home recently built behind her put up a solid fence alongside her existing fence creating a one-foot gap between the fences. Ms. Jordan explained the double fence gap has leaves/weeds accumulating and can be seen on her side of the fence. Also the new home's grade is now one foot higher, (a curb and French drain were installed by the builder to prevent rain water from going into her basement) but with the install of the curb she now can no longer mow her lawn in that area and needed to add additional landscaping on her side of the driveway. Ms. Jordan stated the weeds are her major complaint, explaining her yard abuts three fence areas that have created huge weed areas that can grow up to two feet tall.

Ms. Elmiger spoke about researching other Communities and most of the Communities allow each property owner to have a fence. Ms Elmiger described the one exception was Pittsfield Township, requiring each property owner to give permission on the shared property line of a fence, if no agreement can be made between both parties, then the property fence would be moved two feet away from property line, but Pittsfield Township does have much larger lots than here in Plymouth. Ms. Elmiger has spoken to Plymouth's building inspector asking if this was a large problem in the City and Mr. Strong responded No, that it was not.
Ms. Elmiger suggested researching this topic more and returning with some suggestions.

Planning Commission Comments:
Comm. Frisbie asked if the double fence has grass and debris growing up to twelve inches or more couldn't the property owner be cited? Mr. Buzuvis responded that, it is an Ordinance violation that could be resolved through the City's Ordinance Officer.
Comm. Kehoe asked Ms. Jordan what was her suggestion to remedy the double fence issue? Ms. Jordan suggested looking up the City of Dearborn's Ordinance against the weed issue.
Comm. Kehoe asked what would a property owner do if they move into a home with an existing chain link fence that the new property owner does not care for? Ms. Jordan responded that both parties would need to sign off on the request for a new fence on the property line and if she had been asked to sign off on this fence next door, she could have then suggested a wooden fence, instead of the shiny vinyl fence.
Comm. Silvers spoke about some communities that require the shared fence owners to both pay for the fence replacement or if a new neighbor puts in a fence alongside an existing fence they are deemed "spike fences" but also felt even if the fence is put two or three feet away there would still be a weed problem.
Comm. Myslinski spoke about new fencing being double sided, so that no hardware would be visible and our current fence ordinance suggests facing the good side towards the neighboring property. Comm. Myslinski felt with the double fence it would create a uniformity in each property owner's back yards due to preference of types of fences by each individual property owner being allowed to choose a fence to suit their taste.
Comm. Frisbie stated that the property owner will have to maintain the weeds occurring between the fences, (even if it means taking the fence down to accomplish it) but there should be an amount of separation so that it can be maintained by the property owner.
Mr. Buzuvis stated some property owners put down the weed preventer fabric with rocks and spray the rocks occasionally to kill the weeds.
Comm. Schewe was against the double fence, and suggested removing her cyclone fence and therefore adding to her own property.
Comm. Frisbie suggested making the separation between fences wide enough to maintain the weeds or the property owner will have to remove the fence each time to maintain the weeds located on their property, and stated the City has an Ordinance to maintain the weeds between the fences or the property owner gets cited.
Comm. Myslinski spoke about a situation in Dearborn where the neighbors could not come to an agreement on the fence type, and that fence was one style on one side with the other side different, but both attached to the same support posts that are on the same property line.
Comm. Sisolak spoke about wanting to grandfather for existing fences, so that if the Ordinance changes it would not make the existing fence owner have to change their fence.
Comm. Philips would like only one fence allowed along the property line.

Sally Elmiger, Planner, to return with some suggestions for fences at the next meeting.

1. Finished grade must match the original grade

Sally Elmiger-Carlisle Wortman, Planner, spoke about new homes with higher elevations then the existing homes and a new proposed Ordinance change, (used recently for the City of Northville; initiated for new homes that seem too large for the neighborhood), to accomplish first floor elevations that will fit in with the neighborhood. Ms. Elmiger found that the builder instead of digging deeper, builds up higher, creating a new home much taller, that is not in step with the existing homes. The new Ordinance would require using the adjoining properties existing elevations along with the new first floor elevations.

The following would be required by the builder:

1. The new first floor elevation would be determined by using the existing grade, (not the built up grade),
2. The building height would be determined by an average grade plane (averaged six foot out each side, then divided by four),
3. Require a certified grading plan from the builder, with a maximum grade, no more than 25 % adjacent to the home, with language-for flexibility of the building official for steep lots.

Ms. Elmiger suggested looking at a number of items such as:

1. The percentage of impervious surface
2. Floor area ratios
3. The lot coverage reduced to 30 % or a sliding scale
4. The infiltration of rain water

Mr. Buzuvis explained the current Ordinance states that what you do on your own property cannot adversely impact your neighbor's property. The City currently requires a certified grade survey showing the planned route of storm drainage and Brent Strong, building inspector, already uses the (six foot out) average grade plane and regarding drainage, when the final inspection is being done, Mr. Strong looks at the downspouts extenders being pointed towards their own property instead of the neighbor's property. The downspouts and sump pumps can also be directed into the storm drainage with a reduced rate for the tap in fee.

Planning Commission Comments:

Comm. Schewe felt when the new homes are built they are changing the existing characteristics of the neighborhood and encouraged the rainwater to remain on the site instead of going into the storm water system, if possible.

Comm. Philips would like to measure at the house wall, instead of using the average.

Comm. Myslinski spoke about drainage from new driveways, that are created by slopes measured from the new wall, creating a problem.

Comm. Schewe would like this Ordinance looked at to prevent the foundation's grade starting two feet up, instead of using the average/or existing grade plane.

Comm. Schewe spoke about lot coverage exclusive from driveways, patios, etc., and suggested instead including them in the total lot coverage.

Comm. Frey spoke about the unintended consequences of these changes.

Comments from the audience
Adriana Jordan, 970 Sutherland, talked about the problem of rainwater from the neighbor's driveway running against her basement window and neighbors that have most of the backyard taken up by brick pavers. Comm. Kehoe responded the Ordinance changes are a process that takes time and that Ms. Jordan will need to address these complaints to be cited with the Ordinance Officer.
Mike Vaz, 1075 Roosevelt, wanted to discuss sheet flow caused from a grade change of new construction. Mr. Vaz felt the new construction changed the existing grade to a higher grade causing the sheet flow and felt it was a totally unacceptable situation and would like the Commissioners to consider the impact of sheet flow and new construction grades impact onto a neighbor's property, before there is an incident.

7. OLD BUSINESS:

1. Zoning Ordinance Amendments 78-43 and 78-53, Front Porches in front setback (new and existing homes)

2. Ordinance Revision- Adjacent Driveways

3. Ordinance Revision- Porte Cocheres

Sally Elmiger-Carlisle Wortman, Planner, explained the first three ordinance changes (above) were revised, the old language is in red and the new language is in blue. Ms. Elmiger explained the language was revised with images based upon the previous month's discussion, the front porch exception was added to single & two- family dwellings and the modifications to the residential driveways were also added. Ms. Elmiger suggested putting the words if you want a Porte Cochere, within the side yard setback, it must meet the standards.

There was discussion amongst the Commissioners regarding the Porte Cochere requirements:
Comm. Myslinski suggested keeping three of the four images, and removing the one showing two columns.
Comm. Philips would like the language added, if the Porte Cochere is located outside of the side yard setback the owner could build whatever type of Porte Cochere they would like within Ordinance allowance.
Comm. Silvers felt this Ordinance was changed to allow you to maximize your lot by allowing the roof & columns to be in the side yard setbacks. Comm. Philips suggested adding for Porte Cochere's within side yard setbacks, "on lots 60 feet wide or less", to the Ordinance.
Mr. Buzuvis stated and " If the lot is greater than 60 feet it (Porte Cocheres) cannot occupy any part of the setback.
Comm. Philips suggested changing the wording on page 3, 11.a. 2nd line (highlighted in red) to: "or retain an existing ordinance conforming garage at the rear" and also on Page 5, adding "a minimum nine foot clear width driveway", for clarity.

There was discussion regarding if the rear garage was non-conforming (not meeting the setbacks) should they still get the front yard setback allowance or not. It was decided that the applicant should not need to go to the Zoning Board of Appeals for the allowance if they had a non-conforming garage.
Comm. Myslinski suggested changing the wording on page 2. (10) & page 6, to: "four foot behind" , (removing "covered porch") and in no case be closer than 30 feet to the front property line.
Ms. Elmiger clarified this sentence to be: "Attached garages shall be located at least four feet behind the front façade of the residential dwelling but in no case shall be closer than 30 feet to the front property line."
There was discussion regarding front porches on new and existing homes.

4. Zoning Ordinance Amendments 78-21-Definitions, 78-191- Notes to Schedule, 78-205-Residential Entranceway, 78-208- Residential Fences, 78-260- Regulations, 78-270-Off –Street Parking Requirements, and 78-291, Automobile Car Wash.
(Required Yard and Non-Required Yard modified to setback)

Tabled to next month's meeting.

8. Reports and Correspondence:

Master Plan Review Update

Mr. Buzuvis spoke about receiving the updated scope of work for the Master Plan review from Carlisle /Wortman & Assoc., and it is currently under review.
Ms. Elmiger stated that it is required to review the Master Plan every five years, the sub-committee determined some changes were needed to be made such as how the document is organized and how it relates to the lay person, with these and the other proposed changes this proposal was put together to make these changes.

Chair Mulhern spoke about the Open Meetings Act and the sub-committee meetings held may need to be publicly posted prior to the meetings. John Buzuvis and Sally Elmiger to research the requirements for this. Comm. Philips suggested automatically scheduling the Master Plan meetings each month that can be cancelled; as needed.

9. Commissioner Comments:

Comm. Frey asked if the City has Engineering and/or Design Standards and would this be a more appropriate location for changing certain requirements that do not seem to be zoning. Mr. Buzuvis stated for single family they do not, but Commercial does. The City Engineer was also suggested to also look at new residential requirements.

Sally Elmiger asked the Commissioners to consider what topics they would wish to be trained on, so that they could be done at one of the regular meetings.

Comm. Frisbie would like listed on the next Agenda: Discussion of our roles and responsibilities and should health, safety and welfare be the key to our work? Comm. Frisbie asked Mr. Buzuvis how many open construction permits does the Community Development Department have for residential.

Comm. Schewe disclosed that the Company he works for has under contract the 909 Sheldon Road building.

Mr. Buzuvis stated the Starkweather lofts are currently doing their underground work and the Starkweather school project is currently processing the PUD Agreement.

Chair Mulhern would like the following discussed at next month's meeting:
Floor area ratio, massing, existing maximum height calculation, design guidelines for new residential homes.

Comm. Frisbie made a motion, seconded by Comm. Philips, to approve the 2016 Planning Commission Goals:

1. **Deliver to the City Commission a revised & modernized Master Plan and collaborate with City Commission on the Capital Improvement plan process.**
2. **Recommend a sustainable reforestation plan.**
3. **Review Residential, Single Family Ordinances.**
4. **Review Lighting Ordinances for required updating.**
5. **Develop and participate in new and ongoing Planning Commissioner training.**

To be attached to future agendas.
YES FREY, FRISBIE, MYSLINSKI, PHILIPS, SCHEWE, SILVERS, SISOLAK AND MULHERN.
NO NONE.
MOTION CARRIED UNANIMOUSLY.

Comm. Philips spoke about new home heights being unchanged but the average grade which may have made it appear much taller than most new homes. Comm. Philips supplied information illustrating the different roof types, showing the perceived heights. There was discussion regarding the different type of roof structures and possible changing the height according to the type of roof. The Commissioners discussed different new builds and also various types of roofs within the City.

Public Comments:
Michael Vaz, 1075 Roosevelt , Citizen was not at podium and comments were not able to be transcribed.
Adriana Jordan, 970 Sutherland, talked about a City Ordinance that allows homes to increase their height with wider lots and explained in Dearborn their Ordinance has an actual maximum height.

10. MOTION TO ADJOURN

A motion was made by Comm. Frisbie and supported by Comm. Silvers to adjourn.

Meeting adjourned at 10:21 PM.

Respectfully Submitted,
Marleta S. Barr,
Community Development Department,
Office Manager