



CITY of NOVI CITY COUNCIL

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Agenda Item 1
October 22, 2007

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.220, to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, at Article 16, TC and TC-1, Town Center Districts, to permit instructional centers. **Second Reading**

SUBMITTING DEPARTMENT: Community Development - Planning ^{Buch}

CITY MANAGER APPROVAL: PWA for CJP

BACKGROUND INFORMATION:

The Community Development Department recently received a request from Jonathan Brateman to amend the permitted uses in the TC and TC-1, Town Center districts. Mr. Brateman is requesting a modification to the ordinance to allow instructional centers for such uses as music, art, dance, crafts, martial arts, exam preparation and similar instruction. The appropriate section to add this language would be to Section 1601, Principal Uses Permitted.

Staff has reviewed the language provided by the applicant and has not identified any concerns regarding the proposed text amendment. The proposed language for instructional centers in the TC districts was initially requested to be identical to the language already provided in the B-1, Local Business District, Section 1301.8. It is noted that this use also carries over to the B-2 and B-3 districts, but instructional centers are not currently listed in the TC districts as a permitted use. The Town Center districts already permit a number of commercial uses and recreation centers that would be compatible with the proposed instructional centers.

The Planning Commission reviewed the proposed language at a public hearing on September 5th and issued a positive recommendation to the City Council for the proposed text amendment. The City Council approved the first reading of the proposed Text Amendment on October 8, 2007, with a request to expand the uses to include additional types of continuing education and tutoring. The language has now been modified to include these expanded uses. An excerpt of the draft City Council meeting minutes is attached.

Earlier this Summer, a similar text amendment request was approved by the City Council to allow instructional centers in the NCC, Non-Center Commercial district. That request had initially included modifications to the daycare provisions for that district, but the daycare part of the request was subsequently withdrawn by the applicant. The Planning Commission and staff were not in support of the daycare modifications since the proposed language would add a fifth class to the daycare provisions of the ordinance that would only be found in one district, and the provisions would have been very difficult for the City to enforce. Considerable additional discussion ensued regarding the daycare use after the NCC text amendment was approved by the City Council. Staff prepared a memo with an interpretation of the daycare provisions for the proposed ENA School which was proposing to locate in the Grand Oaks Center (see attached memo dated September 24, 2007). After further discussion, the applicant modified the request for the tenant modifications which would limit the use of the facility to school-aged children until special land use approval is granted for the daycare facility. At this time, permits for the tenant modifications for ENA have been issued so it is expected that the school will be able to open at the Grand Oaks Center in the near future.

While the TC, Town Center text amendment request before City Council at this time does not include any modifications to the daycare provisions, staff would like to point out that the TC districts currently permit daycare facilities, subject to the provisions of Section 1102.4. Based on the department's interpretation of the ordinance regarding the NCC district, and the fact that the TC

districts currently have standards for review of daycare facilities, staff does not believe that any further modifications to the standards for daycare facilities are needed at this time.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.220, to amend Ordinance No. 97-18. as amended, the City of Novi Zoning Ordinance, at Article 16, TC and TC-1, Town Center Districts, to permit instructional centers. **Second Reading**

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 07 - 18 - 220

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 16, TC AND TC-1, TOWN CENTER DISTRICTS, TO PERMIT INSTRUCTIONAL CENTERS

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 16. TC and TC-1, Town Center Districts, at Section 1601 Principal Uses Permitted, is hereby amended to read as follows in its entirety:

In the TC and TC-1 Town Center Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided for in this Ordinance:

1. [Unchanged.]
2. [Unchanged.]
3. [Unchanged.]
4. [Unchanged.]
5. [Unchanged.]
6. [Unchanged.]
7. [Unchanged.]
8. [Unchanged.]
9. [Unchanged.]
10. [Unchanged.]
11. [Unchanged.]

12. [Unchanged.]

13. [Unchanged.]

14. Instructional Centers, such as schools for dance, music, language, arts, or general education; tutoring centers; private schools that offer courses in business, real estate, accounting, information systems, and similar instructional uses.

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Deleted: for music, art, dance, crafts, martial arts, exam preparation

15. Other uses similar to the above uses subject to conditions noted.

16. Accessory structures and uses customarily incidental to the above permitted uses.

Part II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Part III. Savings. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

Part IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Part V. Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS
____ DAY OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the _____ meeting of the Novi City Council held on the _____ day of _____, 2007.

MARYANNE CORNELIUS – CITY CLERK

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 07 - 18 - 220

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 16, TC AND TC-1, TOWN CENTER DISTRICTS, TO PERMIT INSTRUCTIONAL CENTERS

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7. [Unchanged.]
8. [Unchanged.]
9. [Unchanged.]
10. [Unchanged.]
11. [Unchanged.]

12. [Unchanged.]

13. [Unchanged.]

14. Instructional Centers, such as schools for dance, music, language, arts, or general education; tutoring centers; private schools that offer courses in business, real estate, accounting, information systems, and similar instructional uses.

15. Other uses similar to the above uses subject to conditions noted.

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Part II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Part III. Savings. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

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MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS
____ DAY OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

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2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

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MARYANNE CORNELIUS – CITY CLERK

**DRAFT CITY COUNCIL MEETING MINUTES
EXCERPT OCTOBER 8, 2007**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
DRAFT – MONDAY, OCTOBER 8, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul

Consideration of Zoning Ordinance Text Amendment 18.220, to amend Ordinance No. 97-18. as amended, the City of Novi Zoning Ordinance, at Article 16, TC and TC-1, Town Center Districts, to permit instructional centers. First Reading

Mr. Pearson said this had been requested by Mr. Brateman on behalf of several property owners to look at some of the language for the TC, TC-1 and what the allowed uses were. He said the Planning Commission held a Public Hearing and made a positive recommendation for this item.

Mr. Brateman said he had previously appeared before Council and they granted a revision text amendment to the NCC Ordinance seeing the benefit to the community of having instructional centers in the NCC District. In 1997 the Council amended the text of the B-1 Ordinance to allow instructional centers in B-1. At that time, there was no incentive for anyone to say “you know anything that you can do in the B-1 you can do in the TC-1 Ordinance”. He said so at that time the TC-1 Ordinance should have also been amended to include instructional centers but there was no incentive on the appellant who was a B-1 property owner to make that statement. He said now, as a broker marketing a TC-1 property, he had a dance school that wanted to open an establishment in TC-1 property. He said they called the City and the City said they couldn’t do that in TC-1, and they said why not, and were told that it was stated explicitly in the B-1 Ordinance but it didn’t state it explicitly in the TC-1. Mr. Brateman said the people in the Planning Department said there must have been some reason it wasn’t included in the TC-1, and the reason was when it was amended in 1997 no one showed an interest to amend it.

Mr. Brateman said let’s look at the merits of having instructional centers in TC-1. He said they were trying to do was create a downtown, and the more people that came for the instructional center whether dance, math, etc., the more people would be availing themselves to the services in the area, and it would bring instruction to the residents. He said this was consistent with what was done when the B-1 Ordinance was amended, and consistent with the goal of creating a viable downtown, and no useful purpose would be served in denying this.

Mayor Pro Tem Capello commented that he was in favor of it and thought it made sense. He wanted to see Section 14 expanded, and maybe talk about tutoring, continuing education such as there was in accounting or real estate. Also education

enhancement, including instructional in training centers so it was much broader than the small scope that was in B-1.

CM-07-10-304 Moved by Capello, seconded by Margolis; CARRIED UNANIMOUSLY: To approve Zoning Ordinance Text Amendment 18.220, to amend Ordinance No. 97-18. as amended, the City of Novi Zoning Ordinance, at Article 16, TC and TC-1, Town Center Districts, to permit instructional centers. First Reading

DISCUSSION

Member Paul said the very last paragraph said “Based on the department’s interpretation of the ordinance regarding the NCC district, and the fact that the TC districts currently have standards for review of daycare facilities, staff does not believe that any further modifications to the standards for daycare facilities are needed at this time”. She asked that he comment on that. Mr. Rumble said he wanted to make sure there was no confusion on what was going on in the NCC district request and the TC modification request tonight. He thought there was an issue earlier about the difference between a child care situation and an instructional center before this came up previously. Member Paul asked if he was supportive of the text amendment and he said he was.

Roll call vote on CM-07-10-304

**Yeas: Margolis, Mutch, Nagy, Paul, Landry,
Capello, Gatt
Nays: None**

APPLICANT'S REQUEST

Fax from Jonathan Brateman Properties

July 25, 2007

TO: George Keros
FROM: Jonathan Brateman

SEE ATTACHED
CHECK FROM
GEORGE KEROS
AUTHORIZING MY
REPRESENTATION. JB

Please note that "Instruction Centers" is included in the B-1, but not included in the TC and TC-1 ordinance. I am asking for \$ 500 each from major property owners in the area to file a text amendment change for the TC and TC-1 zoning district, in which you are a part. By succeeding with this, we won't have to proactively file a variance or seek a text amendment when you have a potential tenant.

I was successful doing this for the NCC district.

Please refer to both websites:

www.bratemanproperties.com and

www.municipalapplicationconsulting.com

Thank you.

Total Pages (including this) : 5

Jonathan Brateman Properties

Phone (248) 477-5000

Fax: (248) 477-8730

email: JBrateman@aol.com

Text Change Sought as an Amendment to the Novi Zoning Ordinance:

Article 16. TC AND TC-1 TOWN CENTER DISTRICTS

14. Instructional Centers for music, art, dance, crafts, martial arts, exam preparation and similar instruction.

Renumber points 14. and 15. to points 15. and 16.

PLEASE REFER TO HIGHLIGHTED AREA ON PAGE 4.

ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Sec. 1600. Intent.

The TC and TC-1 Town Center Districts are designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts.

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and facade design, residential dwelling units, and setback standards are intended.

Sec. 1600A. Definitions.

The following definitions shall apply in the interpretation of this Article.

Mixed-Use Building: A single structure containing two or more principal uses, e.g. retail and multi-family, with uses physically attached either vertically or horizontally.

Mixed-Use Development: A development plan containing both residential and non-residential land uses on one or more parcels of land, submitted together on a single approved site plan, having coordinated design, access and circulation, landscape and streetscape amenities, pedestrian connections, and similar unifying features, where such plan, once approved, may not be modified thereafter without approval of the City through site plan amendment. To qualify as a "mixed-use development," a project must meet the following requirements:

1. Non-residential uses shall comprise at least twenty (20) percent of either 1) the net site area or 2) the total gross floor area of all buildings and not be considered accessory to another principal permitted use.
2. A development with both conventional multi-family and senior, age-qualified, or independent multi-family uses shall not be considered mixed-use unless a non-residential use is also included.
3. A performing arts facility, unconditionally dedicated to the public use, under a separate agreement with the City, shall be considered a second use, provided that it is a fully enclosed structure with a minimum of 500 seats.

(Ord. No. 18.204, Pt. I, 7-10-06)

Sec. 1601. Principal Uses Permitted.

In the TC and TC-1 Town Center Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided for in this Ordinance:

1. Any principal use permitted in the B-1 District as follows:
 - a. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other specialty food products (excluding all restaurants), drugs, dry goods, clothing and notions or hardware. Retail sales may be conducted outdoors on sidewalks, provided: (1) at least six (6) feet of sidewalk width is clear for pedestrian traffic; and (2) all merchandise and equipment is kept indoors during non-business

hours.

b. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners.

c. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

d. Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices and real estate offices.

e. Professional services including the following: offices of doctors, dentists and similar or allied professions.

f. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.

g. Off-street parking lots.

2. Any principal use permitted in the B-2 District as follows:

a. All retail business, service establishments or processing uses as follows:

(1) Any retail business whose principal activity is the sale of merchandise in an enclosed building.

(2) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.

(3) Restaurants or other places serving food or beverage, except those having the character of a drive-in or having a drive-through facility.

(4) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.

(5) Business schools and colleges or private schools operated for profit.

b. Private clubs, fraternal organizations, lodge halls and similar organizations.

3. Offices and office buildings.

4. Public and quasi-public uses such as municipal offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities and fraternal organizations.

5. Indoor commercial recreation facilities such as health clubs, hand ball and racquet ball facilities, pool and billiard establishments, bowling alleys, tennis, batting, archery and soccer facilities.

6. Outdoor theaters, plazas, parks, public gathering places, including those along a river walk, and like public facilities.

7. Hotels.

8. Reserved.

9. Financial institutions, provided that such institutions shall not have drive-thru teller or ATM facilities as the principal use of the premises.

10. Residential dwellings, provided the following conditions are met:

a. Single family detached dwellings shall meet requirements for the R-4 District.

b. Multiple housing dwelling units and attached single family units (i.e., cluster housing, duplex, townhouse) shall meet requirements of the RM-1 District and/or cluster housing option as modified herein.

In a multiple-family development within the TC and TC-1 Town Center Districts the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of

c. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.

d. All buildings fronting onto a publicly dedicated roadway shall have non-residential uses on the first floor.

e. Off-street parking shall either be provided within the building, within a parking structure physically attached to the building, or in a designated off-street parking area within three hundred (300) feet of the building.

f. Open space as set forth in Section 2400, Footnote (f) shall be provided for each multiple dwelling unit. The dimensional requirements for roof-top open space may be modified where such dimensions cannot be met due to the size of the building.

11. Day Care Centers and Adult Day Care Centers provided that all of the conditions contained within subsection 1102.4 are met.

12. Microbreweries, subject to the following conditions:

a. Brewery production shall not exceed twenty thousand (20,000) barrels per year.

b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.

c. There shall be compliance with standards at Section 2519, Performance Standards. Steam condensation units shall be required on all venting.

d. There shall be included a restaurant having a minimum seating occupancy of at least one hundred twenty-five (125) persons which shall provide full lunch and dinner meal service for consumption by patrons while seated on the premises, and not merely sandwiches and snacks. (See also definition of Restaurant (sit down)).

e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.

f. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with standards at Section 2507.2.

g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.

h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.

13. Brewpubs, subject to the following conditions:

a. Brewery production shall not exceed two thousand (2,000) barrels per year.

b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage

shall be totally within walls of establishment.

c. There shall be compliance with standards at Section 2519, Performance Standards.

d. There shall be included a taproom/restaurant having a minimum seating occupancy of at least one hundred twenty-five (125) persons which shall provide full lunch and dinner meal service for consumption by patrons while seated on the premises, and not merely sandwiches and snacks. (See also definition of Restaurant (sit down)).

e. No more than fifty (50) percent of total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.

f. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided.

14. Other uses similar to the above uses subject to conditions noted.

15. Accessory structures and uses customarily incidental to the above permitted uses.

(Ord. No. 2004-18.167, Pt. XII, 4-5-04; Ord. No. 18.204, Pt. IV, 7-10-06; Ord. No. 18.211, Pts. III, IV, 12-4-06)

Sec. 1602. Schedule of Regulations/Required Conditions.

The following standards shall apply to all uses permitted in the TC and TC-1 Districts:

1. *Site Plans.* For all uses permitted in the TC and TC-1 Town Center Districts, site plans shall be submitted for preliminary approval by the Planning Commission, in accordance with the provisions of this ordinance and other applicable ordinances. In those instances where the site under development is five acres or more in area, preliminary site plan approval shall be by the City Council after review and recommendation by the Planning Commission.

2. *Height.* The maximum height of structures shall not exceed five (5) stories or sixty-five (65) feet in height, except in the TC-1 district as provided below:

a. Buildings within the TC-1 district may exceed five (5) stories or sixty-five (65) feet in height, but may not exceed five (5) stories and seventy-eight (78) feet in height. Buildings exceeding sixty-five (65) feet in height shall have a minimum of one hundred and fifty (150) feet of building frontage on a roadway no less than twenty-eight (28) feet wide, constructed in accordance with all applicable City standards.

b. Mixed-use buildings within the TC-1 district which are designed with retail or office uses on the first floor may be permitted an additional height bonus, subject to review and recommendation by the Planning Commission and approval by the City Council, as provided in subsection (e) below. For each additional floor of office or retail use above the first floor, an additional floor of residential use may be permitted, with the total building height, including all bonuses, not to exceed seven (7) stories or one hundred and four (104) feet. All other standards of the ordinance apply to the height bonus, including setback, parking, landscaping, density, and subsection (a) above.

c. Residential buildings within the TC-1 district which are not located on a publicly dedicated roadway may be permitted to have parking on the ground level of the building. Such parking level shall not count against the maximum story requirement. The parking inside the building must be aesthetically and effectively screened from view through architectural design, landscaping, or other means, from adjacent drives, walkways and buildings, and particularly from the street level view.

d. In all cases, the maximum height shall include all rooftop appurtenances, architectural features, skylights, or other such roof mounted building amenities.

e. For all buildings exceeding five (5) stories or sixty-five (65) feet in height within the TC-1

PLANNING COMMISSION MINUTES EXCERPT SEPTEMBER 5, 2007



PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson

Absent: Member Wayne Wrobel (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Karen Reinowski, Planner; Ben Croy, Civil Engineer; Dr. John Freeland, Wetland Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

Mr. Jonathan Brateman led the Planning Commission meeting attendees in the recitation of the Pledge of Allegiance.

PUBLIC HEARING

2. ZONING ORDINANCE TEXT AMENDMENT 18.220

The Public Hearing was opened on Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, for modifications to Article 16, TC and TC-1 Districts, Section 1601, Principal Permitted Uses, to allow instructional centers.

Planner Kristen Kapelanski stated that the proposed change to Section 1601, TC and TC-1 Districts, came from Jonathan Brateman. This new language would provide instructional centers such as music, art, dance, crafts and other similar uses to be permitted in the Town Center districts. Staff does not see any issues with the request at this time. This language is the same as the B-1, B-2 and B-3 Districts' language. Given the fact that the Town Center districts already provide for a number of commercial and recreational uses that would be compatible with the proposed uses, Staff has no objections.

Jonathan Brateman of Jonathan Brateman Properties addressed the Planning Commission. He provided the Planning Commission with some review materials. He said that the B-1 Ordinance was amended to include this use at the request of someone who owned B-1 property. That person did not ensure that the language was also added to the TC and TC-1 districts. This omission went on the radar.

Mr. Brateman said it was a community benefit to provide instructional centers. People of all ages can learn, explore and better themselves. This use would not result in a greater traffic pattern than a restaurant or ice cream store. No useful purpose would be served by denying increased education in the community. He sought the support of the Planning Commission.

Chair Cassis opened the floor for public comment:

- Mr. Hafeez Shaik, part-owner of the Main Market building: Has fielded several calls from prospective tenants regarding educational facilities. He has lost some prospects because of the omission of education facilities in the TC and TC-1 districts. This change would help him get more tenants for his building.

Chair Cassis closed the Public Hearing.

Member Pehrson thought the request was valid and that it posed no detriment. It achieves the goal of bringing people into the heart of the City. He didn't see a traffic problem with the request. This change brings the Ordinance up to date and addresses the changes in the marketplace.

Moved by Member Pehrson, seconded by Member Burke:

In the matter of Zoning Ordinance Text Amendment 18.220, motion to send a positive recommendation to City Council for the approval of the proposed text amendment.

DISCUSSION

Chair Cassis thought that this was an acceptable update to the City's Ordinance. He appreciated Mr. Brateman's expertise.

ROLL CALL VOTE ON ZONING ORDINANCE TEXT AMENDMENT 18.220 MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER BURKE:

In the matter of Zoning Ordinance Text Amendment 18.220, motion to send a positive recommendation to City Council for the approval of the proposed text amendment.
Motion carried 7-0.