



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

Wednesday, July 28, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Cassis, Member Greco, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson

Absent: Member Baratta (excused), Member Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Engineer; Tom Schultz, City Attorney; Rod Arroyo, Traffic Consultant; Doug Necci, Façade Consultant

PLEDGE OF ALLEGIANCE

Member Cassis led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Member Gutman moved that Planning Commission revise the Agenda to allow for the reconsideration of the motion from July 14, 2010, regarding the adoption of the proposed 2010 Amendments to the Master Plan for Land Use. Member Gutman suggested that be considered prior to the Public Hearings.

Member Cassis asked that the Sign Ordinance be added under Matters for Consideration.

Moved by Member Gutman, seconded by Member Meyer:

VOICE VOTE ON THE REVISED AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

Motion to approve the July 28, 2010 Planning Commission Agenda incorporating the changes made by Member Gutman and Member Cassis. *Motion carried 7-0.*

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that the second reading of the Text Amendment related to open-air businesses in the Town Center District was approved by the City Council.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. RECONSIDERATION OF THE APPROVED MASTER PLAN

Amended Agenda item for the reconsideration of the Master Plan as brought forward by Member Gutman.

Member Gutman stated that the one item that the Planning Commission had left open on the approval of the Master Plan was related to the Special Planning Project Area. Member Gutman believes the Planning Commission should make a determination regarding what land use should be there and he is interested in hearing the other Commissioner's thoughts on this.

Member Lynch asked if the discussion is on whether or not we should leave the Master Plan as is or change it to something other than Special Planning Project Area. The discussion at the previous Planning Commission meeting where the Master Plan was considered was that an applicant was coming in with a project and should the Planning Commission change the Master Plan in order to accommodate that project.

Attorney Schultz answered, to some extent, yes. But more pointedly is that in the 2004 Master Plan, this area was designated as a Special Project Planning Area with no particular land use designation. There were some recommendations as part of this most recent Master Plan update, but since there wasn't a consensus at the previous Planning Commission meeting regarding the land use for this area, the motion was to leave it as a Special Planning Project Area. The attorney's office suggests whether there is a pending rezoning or not, at this time the Planning Commission should pick a designation and take some action for that area and not just leave it open for further study. The Planning Commission does have options, including choosing a designation or allowing time for additional study to determine the appropriate land use.

Member Lynch agreed that there should be future land use designation for this area and asked what the recommendation of the Planning Division was.

Deputy Director McBeth stated that the Planning Division had a long standing recommendation for office and industrial uses for the property. There had been a lot of discussion back and forth at the Master Plan and Zoning Committee and three options were presented. The other option that was discussed in more detail was community commercial uses for the property. Both of those were laid out for several months and those would still be open for consideration by the Planning Commission. The Planning Division could also provide some more information for the Planning Commission at a subsequent meeting if the Planning Commission would like some additional information and to have the issues laid out again.

Member Lynch asked if the recommendation of the Planning Division is industrial and commercial.

Deputy Director McBeth explained that the plan currently showed a designation of Special Planning Project Area. The Planning Commission would be choosing a land use designation for the property at this point. The designation the Planning Division was recommending was a combination of office and industrial.

Member Lynch asked if the Planning Commission designated the property for office and industrial uses, in line with staff's recommendations, would it prevent someone from coming in and suggesting they have a better land use for the land. Member Lynch does not want to prevent someone from developing the property.

Deputy Director McBeth stated an applicant can come in at any point and propose any land use, any zoning on a piece of property. The Planning Commission in the past has been open to consideration of those issues.

Member Lynch stated that it has been the history of this Planning Commission to make accommodations and revise things if it makes sense for the City and the community.

City Attorney Schultz stated that is a two step process. The first would be to actually vote on whether or not to reconsider the first approval. So, your first motion would be, "I move that we reconsider our last approval motion from the previous meeting to approve the Master Plan." The Planning Commission would vote on that and then an approval motion of the entire Master Plan if that is what the Commission chooses.

Moved by Member Lynch, seconded by Member Cassis:

Motion to reconsider the previous approval of the Master Plan for Land Use.

City Attorney Schultz stated the motion to reconsider has to be made by someone in the majority vote at the previous Planning Commission meeting where the Master Plan was approved. Member Lynch was not present, so the reconsideration motion would need to be made by someone who voted for the Master Plan at the previous meeting.

Moved by Member Gutman, seconded by Member Meyer:

ROLL CALL VOTE ON THE MASTER PLAN RECONSIDERATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

Motion to reconsider the previous approval of the Master Plan for Land Use. *Motion carried 7-0.*

Moved by Member Lynch, seconded by Member Cassis:

ROLL CALL VOTE ON THE MASTER PLAN APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER CASSIS:

Motion to approve the entire Master Plan with the Special Planning Project Area designation to be replaced with a future land use designation for office and industrial uses as presented by staff. *Motion carried 5-2 (Nays: Gutman, Meyer).*

PUBLIC HEARINGS

1. NOVI CROSSING, SP10-06 WITH ZONING MAP AMENDMENT 18.696

Public Hearing of the request of Ten & Beck, LLC, for Planning Commission's recommendation to the City Council for rezoning of property in Section 20, west of Beck Road and north of Ten Mile Road, from R-1, One-Family Residential District, to B-3, General Business District with a Planned Rezoning Overlay (PRO). The subject property is approximately 24.3 acres. The applicant is proposing a retail center totaling approximately 37,000 square feet with 17 acres of the site remaining open space.

Planner Kapelanski stated that the applicant is proposing the rezoning with PRO of a parcel located on the north side of Ten Mile Road, west of Beck Road. The applicant has proposed rezoning approximately 7 acres of the parcel from R-1, One-Family Residential to B-3, General Business with a Planned Rezoning Overlay. The remaining 17 acres will continue to be zoned R-1. To the north of the property is the Greenwood Oaks subdivision. To the west is the Warrington Manor subdivision. To the south are Ten Mile Road and single-family homes and to the east are Beck Road, Briar Pointe Plaza and Briarwood Village.

The subject property is currently zoned R-1 and bordered by R-1 zoning to the north, west and south. To the east is R-1 zoning and B-1 zoning.

The current Future Land Use Map designates the subject property for single-family residential use. This site was included in the recent Master Plan update adopted in 2008. At that time, an extensive amount of study and public involvement was done and the single-family designation was affirmed not only for this parcel, but also for the surrounding parcels and the southwest quadrant in general.

There is one small wetland on the site that would be impacted and that has been deemed non-essential. There is also one landmark tree located near the intersection of Beck Road and Ten Mile Road.

The Planning Staff has recommended denial of the proposed rezoning with PRO as the rezoning is not

consistent with the recommendations of the future land use map. Additionally, the request does not meet the standard used for PRO approval: That the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the PRO. Please see the staff memo dated July 22nd for additional information on this standard. There are also a number of concerns related to the concept plan itself. The applicant has offered 17 acres of open space to be graded, seeded and irrigated and donated to the City. A memo from the Parks Department has been included in the packet commenting on this proposed benefit.

The Landscape Review does not recommend approval of the proposed concept plan noting additional information is needed before a full review can be done.

The Wetland Review recommends approval noting minor wetland impacts. The Woodland Review recommends approval and recommends that the applicant avoid impacts to the existing landmark tree if possible.

The Traffic Review does not recommend approval of the Concept plan and Traffic Study noting there are substantial concerns with the methodology and data. The Traffic Review also notes several issues regarding the layout of the site itself. Rod Arroyo of the City's Traffic Consulting Firm, Birchler Arroyo is here to address any traffic questions.

The Engineering Review indicates there will be an increase in utility demands if the property is rezoned. Additional information on the stormwater facilities and on-going maintenance of those facilities is required to support the feasibility of a retention basin.

The Fire Review does not recommend approval as a 50 foot outside turning radius is required.

David Goldberg came forward representing the applicant, Ten & Beck, LLC, the owner of the property. Mr. Goldberg stated he has a lot of material to cover and nothing will be repetitive. Mr. Goldberg noted the applicant's team wished to address some of the concerns noted at the Master Plan and Zoning Committee meeting and introduced the individuals on hand: planning consultants Brad Staeder and Robert Kramer, engineering and planning consultant Duane Bennett and traffic consultant Dick Beaubian.

Mr. Goldberg explained that the applicant has owned the property for about 12 years now and has gone through several versions of the plan with the City in trying to move forward and develop the property. Over the years the applicant has heard comments from some of the current Planning Commissioners as well as their predecessors, and has gone a long way towards incorporating those changes. The plan being presented now is the best thus far and essentially the plan the most sound and prudent for the City in its totality and for the surrounding areas and the applicant consider this the best chance at working with the City to get an approval.

Mr. Goldberg noted an alternative plan has been included in the package as well. The alternative plan is to leave the site as it is with 17 acres dedicated to single family homes and then split off the 5 acres on the corner and leave that as a site for future development. This is not the preferred development plan. The owner would rather make use of the 5 acres on the corner now and develop it in conjunction with the City in a logical, prudent matter that addresses a lot of the aspects of the Master Plan, which has gone through some changes over the years.

Brad Straeder stated that Planner Kapelanski did a good job of going over the characteristics of the site including the small wetland and one landmark tree. There were previous requests in the last decade generally for some type of commercial, shopping center or grocery stores with B-2 zoning for the entire site and that did not progress anywhere. The alternative if the PRO is not approved is to develop 22 lots. It would leave the corner open for future development. Given the housing market the owner would really have to look at a mid-price housing product on those lots. The PRO proposal is a win-win for the developer,

for the City and for the neighbors. The PRO proposes a neighborhood center, a much smaller scale center than what has been talked about for the last decade with 17 acres of seeded, irrigated, open space dedicated to the City.

The owner wanted to focus on what it would take to make a successful neighborhood center. One criteria was location at a major intersection. The characteristics of Beck Road have changed with this interchange and Providence and all the development going down through Northville Township. It is the major transportation connector from I-96 through M-14 down to Michigan Avenue and to the I-94 area. That wasn't the case many years ago. This site serves the adjacent neighborhoods and is near pathway connections so there can be pedestrian traffic to partially reduce the number and length of vehicular trips.

Mr. Straeder continued noting typically these centers are much bigger than what is shown and in most cases right up against the single family homes with a much more limited buffer. The nearby neighborhoods are usually very stable and the property values stay consistent and the centers are very successful because they are notched in with the neighborhood. Mr. Straeder showed examples of neighborhood shopping centers from Bloomfield, Bloomfield Township, Troy and Canton Township.

One of the advantages of the PRO is it gives the City the advantage of tying the site plan and the amenities to the rezoning approval. There are engineering details and fire department and all the typical details to work out, but the concept has kept access away from the intersection. The driveways are 370 feet and 475 feet from the intersection. The City's standard is 230 feet, so these are well beyond where typical driveways would be located to help minimize the impacts. The parking areas are dispersed just to break it up and be more inviting aesthetically. There are generous perimeter berms and landscaping. One of the things that came out of the resident surveys the applicant conducted is the need for more walking and biking opportunities. This plan not only provides more pathways along Beck Road and Ten Mile Road, but also a very extensive pedestrian system within the center. The center also uses high quality design materials.

Mr. Straeder presented renderings of the concept plan showing what the corner could look like with a prominent building at the corner and some kind of center or Novi welcome sign with consistent design amenities throughout the project. Mr. Straeder showed an illustration of the outdoor café including generous green areas and trees. One landmark tree may be lost as a result of the development. It would be replaced with an extensive amount of landscaping and a friendly shopping center design that's very inviting to pedestrians.

One of the concerns is the look of and width of the buffer between the center and the residential neighborhood. The plan shows a very substantial buffer via park. On the northern property line from the PRO property line the closest neighbors would be 370 feet away and going westward along Ten Mile, the neighbors would be almost 600 feet away, so there is a very generous buffer area provided by the park.

Mr. Straeder showed some modeling the applicant has done to show what the view of the center would be from the closest residential homes from the first and second story of typical homes both on the north and the west side. Mr. Straeder pointed out the berms and landscaping and building heights shown. The view of the center would be very subtle as there will be a wide expansive greenspace. So again, very different from the proposals for this property in the past and even different if there were single family homes built at the rear property line.

Mr. Straeder noted as part of the PRO's public benefit, 17 acres of open-space would be seeded, graded and irrigated and donated to the City. It's a relatively flat piece of property and it would be very inviting for the kind of needs that the Parks Department noted in their letter. That is a great benefit that can be provided as part of the PRO. Other amenities include the additional ROW needed along Ten Mile Road and Beck Road for any future improvements, the water-main improvements and certainly job creation and tax base.

Mr. Straeder stated one of the questions the residents have asked is how this development will impact property values. A document from Oakland County prepared in 2007 showed single family homes adjacent to a park have higher appreciation than other single family homes, by about 3%. The only better is to live next to a river or water body. But, being next to a park increases property values.

Dick Beaubian, from Hubbell, Roth and Clark came forward to go over the traffic study noting he has responded to each of the comments in the review letter and revised the traffic study accordingly. There are two basic things one looks at with traffic issues. One is the capacity. This intersection at Ten Mile Road and Beck Road has added some right turn lanes. By examining the background traffic that one can expect to be added to the intersection and the traffic from this site, the peak hour level of service does not change. There's SCATS traffic control at the intersection that can adjust signal timing and so the level of service does not change and the traffic impact in that respect is manageable.

Mr. Beaubian noted the other key traffic issue is access. In this case, the driveways are 350 feet and 400 feet away from the intersection and getting that driveway movement away from the intersection reduces the potential for conflicts and crashes. This is a real plus in the site plan.

Mr. Straeder stated the team would be available for questions.

Chair Pehrson opened the public hearing and invited the audience to comment.

John Kuenzel of 23819 Heartwood in Novi came forward and stated he is the president of the Echo Valley Homeowner's Association. On behalf of the Board of Directors and the 105 families of the Echo Valley Estates Subdivision, Mr. Kuenzel wishes to state to their opposition to any change from residential zoning to commercial zoning in the southwest quadrant, and more specifically to the request by the petitioner of Ten & Beck, LLC a corporate entity of Aspen Group for commercial zoning on residential property at the northwest corner of Ten Mile and Beck Roads. Some of the concerns in Echo Valley are as follows:

1. No new commercial development is needed. Briar Point Plaza, on the northeast corner has three vacancies and has rarely been filled in its 20 years of existence. There are a dozen commercial vacancies near Grand River Avenue and Beck Road. The commercial development Copperwood, on Ten Mile Road, just west of Napier Road in Lyon Township has been abandoned with 11 commercial vacancies. Its new Rite-Aid Drug Store failed in less than one year. The new commercial development near Grand River Avenue and Wixom Road has announced reduced prices as it begs for tenants.
2. More commercial development would change the residential character of the area. There would be more noise, more lights and more traffic and there is already trouble exiting the subdivision in the mornings.
3. The corner itself would become more dangerous. The intersection at Ten Mile Road and Beck Road is a blind intersection. Aspen is proposing a drive-thru restraint, cars cresting Beck Road going west on Ten Mile road will have driver's turning out from the restaurant just 370 feet in front of them. At the legal limit of 45 mph, those cars would be on top of them in about 3.5 seconds.
4. This commercial proposal violates the Master Plan for Land Use for the City of Novi. This parcel of land was included in the Master Plan review in 2008. Hundreds of residents spent many hours contributing input to this Master Plan. To grant this commercial development would ignore the wishes of the vast majority of the participants who want the southwest quadrant of the City to remain residential.
5. The main beneficiaries of this development scheme would be the Aspen Land speculators. They would make a lot of money on this change of zoning on their land and it would make it easier for them to get a zoning change on the southeast corner of Ten Mile Road and Beck Road which they also own. The Planning Commission should reject this commercial proposal by Aspen Group and to very carefully assess any further proposals which they might make to attempt to

isolate the corner. Mr. Kuenzel appreciates the hard work and dedication of the Planning Commission and the Planning Division of the City of Novi as they work to preserve the excellent quality of life which in the City.

Mark Barsamian of 47602 Greewnich Drive in Greenwood Oaks Subdivision came forward in opposition to the rezoning. Mr. Barsamian has lived in Greenwood Oaks for 18 years and cannot remember how many times he has had to come to the Planning Commission meeting and speak in opposition to rezoning the corner. Mr. Barsamian's feelings haven't changed and he doesn't think his neighbor's feelings have changed either. Mr. Barsamian and his neighbors moved here because that area was zoned R-1, residential and if he had wanted to live somewhere where there was a neighborhood center on the corner, he would have, but he came here specifically because he wanted to be away from that and that is what the Master Plan promised he hopes the Planning Commission will follow it.

Kim Capello of 24406 Nantucket who also lives in Greenwood Oaks Subdivision came forward noting he has been there 18 years and has gone through all of the requests for the rezoning that some of his neighbors have. He is not going to repeat the comments previously made in regard to the need of a center at that location, because the need is not there. Mr. Capello has seen an upscale market at Briarwood go out of business; a video store and a small health club go out of business. There are not only vacancies there, but three of the units there are used up by a kidney dialysis center and that is something that normally does not occur as a use in a neighborhood center. There is no need for a neighborhood center at this location. The nearby residents can go up to Kroger at Grand River Avenue. When Kroger wanted to go in at Grand River Avenue and Beck Road, that land was specifically rezoned for retail use. The only thing enticing about this new project, and this is not the first time that it was offered by this group, is the 17 acres of open space. The applicant is giving some open space which isn't really valuable open space because it is not wooded and it is just an open field. Mr. Capello grew up in Royal Oak and goes back and sees the neighborhood parks. They are not maintained in Royal Oak. The smaller communities had those neighborhood parks that Mr. Capello would ride his bike to and always find a baseball game on any day of the week in the summer. That does not occur anymore. Today's kids aren't looking for neighborhood parks. Royal Oak and Berkley come to the County and say, take the neighborhood parks over because we cannot afford to maintain them. Novi does not want to take on that type of a small 17 acre park and the only use it has for practice soccer fields. The City would then have to create parking lots and fields and maintain those fields. It is not worth it for that minimal use on 17 acres for the City to assume that responsibility. There's not been a need in 18 years for a center there and there's not a need today.

Alex Feinstein of 47541 Greenwich Drive in Greenwood Oaks came forward and noted he is on the subdivision's Board of Directors. He has been living in Novi since 1999 and feels it is the best place to live because of the location, prestigious area, low crime rate, good and predictable local government and good public schools. It takes a lot of time and exceptional effort of the local government and residents to build the great City of Novi. It takes just one wrong step to destroy the unique City atmosphere. The rezoning for the northwest corner of Ten Mile Road and Beck Road will have a very big negative impact on the whole area. It will reduce the property values of the surrounding subdivisions as well as increase traffic on Ten Mile Road and Beck Road. The residents of the City of Novi did not propose that rezoning mentioned. Big business wants to do commercial in the middle of the residential area and many great cities lost their identity and unique value because of the unlimited business development. Novi should not be one of them. Say no to the rezoning proposal at the northwest corner of Ten Mile Road and Beck Road.

Tom Parrish of 24311 Lynwood Drive came forward noting he is also on the Board for the Greenwood Oaks Homeowners Association 1 & 2 and speaks for them, representing 56 homes in the area. He is opposed to this rezoning and wanted to say that Mr. Kuenzel did a wonderful job in summarizing his feelings. Members of the subdivision met with the representatives of the Aspen Group several years ago. The principal of Aspen was there and said he would like to put an end to this and make this one last proposal. He was tired of arguing this and would stay with residential if this proposal was denied. Obviously, that did not happen and he has decided to spend more money on a great group of people here to try and convince the City

otherwise. The residents at that time made their voices heard that they did not want this. Mr. Parrish appreciates the Planning Commission's time and effort and stated they have done a great job with the zoning and should keep it that way.

George Ouman of Greenwood Oaks came forward and stated he lived on a property that is adjacent to the subject property. He is one of the original residents of Greenwood Oaks and had met with the Aspen Group when they first bought the property and suggested what the proposed development would be. At that time, Mr. Ouman tried to work with them but there was a gentleman who literally threatened everyone at the Greenwood Oaks Association who showed up saying that this is the plan and they should approve it or he will make it commercial or industrial. This is how it has been ever since they bought this property and Mr. Ouman lives adjacent to it. He has a half acre lot that he has to maintain according to the standards of the City. Then there is a person next to him who owns 23 acres of land for twelve years and is trying to make money out of it. He is trying to bring in commercial and Mr. Ouman does not want that. Aspen Group now is trying to bring in smaller homes and Mr. Ouman does not want that. He does not like that the property owner has 6 foot long weeds on the subject. Mr. Ouman has seen foxes, raccoons, snakes and rabbits and they all creep onto his property. Mr. Ouman would like to know why does this person with 23 acres does not have to maintain his property. Mr. Ouman does not want \$200,000 homes next to his property, which is valued at \$500,000. There is plenty of commercial elsewhere and the City has done a great job rejecting it year after year. Maybe there is a way to get a sidewalk going and some landscaping and hold this person to the same standards that the City holds its residents to.

Mike Bart of 47640 Warrington Drive in Warrington Manor noted his subdivision has 11 lots and borders the whole west end of the subject property. Novi has a lot of empty retail space. Mr. Bart moved here 18 years ago because it was semi-rural and if he wanted to move near a commercial area, he would have. He would like the area to stay as it is.

Chair Pehrson asked Member Greco to read the correspondence into the record.

Member Greco stated he would state the name of the individual responding or making comment and indicate generally object or approval unless he needed to read further to understand the persons comments.

1. Denise and Michael Balon, 47825 West Ten Mile Road (Objects)
2. Qiong Mei, 47629 Wellesley Court (Objects)
3. Louis Achille, 47590 Greenwich Drive (Objects)
4. Patricia Ann Dominick, 47940 Cedarwood (Objects)
5. Min Weng & Hong Chen, 47577 Greenwich Drive (Objects)
6. Enamul Haque & Sultana Haque, 47553 Greenwich Drive (Objects)
7. Brenda McCloskey, 47607 Greenwich Drive (Objects)
8. Brian McCloskey, 47607 Greenwich Drive (Objects)
9. Lynne Coleman, 47114 Scarlet Drive South (Objects)
10. Finhas Hasan, 47139 Scarlet Drive South (Objects)
11. Melinda Bush, 47643 Greenwich Drive (Objects)
12. Catherine & Michael Hapanowicz, 24254 Warrington Court (Objects)
13. Marilyn & John Woodruff, 47619 Greenwich Drive (Objects)
14. Richard & Lynne Meyer, 47506 Greenwich Drive (Objects)
15. Erin Torimoto, 47565 Greenwich Drive (Objects)
16. Suzanne Weaver, 23851 Heartwood (Objects)
17. Robert Weaver, 23851 Heartwood (Objects)
18. John & Diann Tymensky, 48246 Cedarwood (Objects)
19. Melissa & John Agosta, 48025 Rushwood (Objects)
20. Angeline Napierkowski, 23928 Woodham (Objects)
21. Dr. Sharon Ostalecki, 23915 Forest Park Drive (Objects)
22. Jerome Ostalecki, 23915 Forest Park Drive (Objects)

23. Charles J. Haffey, 23842 Woodham (Objects)
24. Carol Ringvelski, 24359 Nantucket (Objects)
25. Dennis Ringvelski, 24359 Nantucket (Objects)
26. Karen Grabowski, by email, President of the Greenwood Oaks Homeowners Assoc. 1 & 2 (Objects)
27. Alexander Finestein, 47541 Greenwich Drive, (Objects)
28. Michael & Gayle Bart, 47640 Warrington Drive (Objects)

Chair Pehrson closed the Public Hearing and noted City Attorney Schultz had something to say about the previous motion, relative to the reconsideration of the Master Plan.

City Attorney Schultz apologized for the distraction. The Planning Commission needed 6 votes to approve the Master Plan. Only five members voted for approval and he does not know if anyone would want to change their vote. If not, the option exists to just postpone the approval or denial for a couple of weeks. In order to reconsider the Master Plan approval, the Novi Crossing PRO would need to be tabled, very briefly, with a motion to table the current item and deal with the prior item and come right back to the current item.

Moved by Member Gutman, seconded by Member Meyer:

ROLL CALL VOTE ON MOTION TO TABLE MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

Motion to table Novi Crossing, SP10-06 with Zoning Map Amendment 18.696. *Motion carried 7-0.*

CONSENT AGENDA - REMOVALS AND APPROVAL (CONTINUED)

1. RECONSIDERATION OF THE APPROVED MASTER PLAN

Amended Agenda item for the reconsideration of the Master Plan as brought forward by Member Gutman.

Moved by Member Gutman, seconded by Member Meyer:

Motion to postpone reconsideration of the Master Plan until the next Planning Commission meeting.

Member Cassis stated that it is not just the twelfth hour and one minute, it is the twelfth hour and two weeks. To not adopt this Master Plan after the Planning Commission has discussed it and discussed it for over a year and a half is crazy. Recently a representative of a parcel seeking rezoning came forward and asked the Planning Commission to change the Master Plan in relation to their rezoning.

Chair Pehrson stated that while he agrees with some of Member Cassis's sentiments, right now the Planning Commission is at a stalemate given the number of members that present, so it is strictly a numbers vote.

City Attorney Schultz reiterated this is a vote to postpone consideration, not a vote to deny the Master Plan.

ROLL CALL VOTE ON THE POSTPONEMENT MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

Motion to postpone reconsideration of the Master Plan until the next Planning Commission meeting. *Motion carried 5-2. (Nay- Pehrson, Cassis)*

PUBLIC HEARINGS (CONTINUED)

1. NOVI CROSSING, SP10-06 WITH ZONING MAP AMENDMENT 18.696

Public Hearing of the request of Ten & Beck, LLC, for Planning Commission's recommendation to the City Council for rezoning of property in Section 20, west of Beck Road and north of Ten Mile Road, from R-1, One-Family Residential District, to B-3, General Business District with a Planned Rezoning Overlay (PRO). The subject property is approximately 24.3 acres. The applicant is proposing a retail center

totaling approximately 37,000 square feet with 17 acres of the site remaining open space.

Moved by Member Gutman, seconded by Member Cassis:

ROLL CALL VOTE ON THE MOTION TO REOPEN NOVI CROSSING MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER CASSIS:

**Motion to reopen consideration of Novi Crossing, SP10-06 with Zoning Map Amendment 18.696.
*Motion carried 7-0.***

Member Lynch stated that he had some questions and was confused. The traffic consultant for the developer and the traffic consultant for the City seem to be saying opposite things.

Traffic Consultant Arroyo stated that from what he heard presented and from what he has read in the correspondence, the applicant has revised their traffic impact study to address Birchler Arroyo's concerns. Those revisions have not been submitted for review. Traffic Consultant Arroyo cannot comment on whether his concerns have been addressed. The applicant has indicated they believe they have, but Traffic Consultant Arroyo cannot verify it because he has not been given the opportunity to review the revised study.

Member Lynch asked if the letters used to identify level of service (A, B, C, D, E, F) are like a grading scale.

Traffic Consultant Arroyo answered that F is not very good.

Member Lynch said it sounds like this intersection cannot handle this new development.

Traffic Consultant Arroyo answered that the level of service corresponds to delay. For example, if there is over 80 seconds of delay, the level of service would be F. The applicant has indicated that they have made some changes and those changes are resulting in some different findings, but that cannot be verified at this time.

Member Lynch stated the applicant indicated they would be making changes to the signal timing. How would that affect the traffic queue?

Traffic Consultant Arroyo stated that the signal at that intersection is responsive. It is a SCATS signal that has the ability to adapt to real time demand, but there are a number of issues that are impacting what the forecast traffic volumes are likely to be and there are different input variables that will determine what the actual level of service is forecast to be.

Member Lynch said his understanding of the traffic review report was that the development was going to create a problem at that intersection information lacking that was needed to complete the analysis.

Traffic Consultant Arroyo stated that his concerns were with the traffic impact analysis and the site concept plan itself. In the event this plan moves forward, there are some improvements that can be made and Traffic Consultant Arroyo would like to see those in a revised plan.

Member Lynch stated that after reading through the reports, it seems that if commercial is developed there, there's probably a need for extending or making more generous right and left turn lanes.

Traffic Consultant Arroyo said there were right turn lanes added several years ago at the intersection of Beck Road and Ten Mile Road, which definitely improved the situation. That is certainly a key improvement one would make in a situation to try to address traffic that is exceeding the capacity of the intersection. The question remains, with the traffic added from this development and with background traffic and any

improvements in place, what will the level of service be?

Member Lynch asked City Engineer Ivezaj to explain what an REU (residential equivalent unit) is and what it costs.

City Engineer Ivezaj answered an REU is equivalent to one residential unit or 3.2 people. It is the amount of demand that is on the system for sanitary, sewer, water and electricity for one single family home.

Member Lynch read in the engineer's report that the current zoning R-1 would yield approximately 10 REU's and the proposed zoning would yield 106 REU's. That is a huge increase. Does that mean the City would have to buy more sewer capacity and what would that cost?

City Engineer Ivezaj explained that if the City gets developed out completely, there is already a situation where the City does not have sufficient sewer capacity. The City is still in the process of negotiating with Wayne County to determine how the City is going to get that additional capacity. But any additional demand put on the system right now is an additional amount the City would have to acquire.

Member Lynch asked who pays for the additional capacity.

City Engineer Ivezaj answered the City taxpayers would pay for that.

Member Lynch asked Deputy Director McBeth if the subject property has been zoned R-1 for decades.

Deputy Director McBeth answered she thought that was correct and the Master Plans have generally recommended residential land uses for that property.

Member Lynch said he drove down Beck Road today from I-96 and to M-14 to see what the character of the area was. The overall strategy of the Master Plan is to have intense commercial around Grand River Avenue and I-96 and then less and less intense as you move south. It looks like Plymouth and Northville have same type of strategy. Commercial in this area just doesn't seem to fit in. The applicant's presentation was very well done and they showed new R-1 homes that are priced in the mid to upper \$200,000's. There is no landscaping shown.

Deputy Director McBeth stated that there would be certain landscaping requirements even associated with single family homes with regard to street trees.

Member Lynch asked if there was anything in the Ordinance that says you cannot put a \$50,000 home next door to a \$1,000,000 home.

Deputy Director McBeth stated that generally the zoning ordinance doesn't regulate based on the value. There is an ordinance which you are familiar with which is the Similar/Dissimilar Ordinance which is pretty closely regulated by our façade consultant who looks at the homes in the area and assures that the homes either along a street or in a particular area are consistent with the other homes.

Member Lynch stated that he knows this property has been a problem for the applicant and he does have a right to develop his land. Member Lynch does not see a reason why the owner cannot develop residential in that area. Member Lynch is looking at the fire problems, utility demand problems, sanitary sewer problems and traffic problems as well as the Master Plan designation. There are a lot of people who bought their homes assuming they were going to live next to residential because of the Master Plan. Member Lynch cannot approve rezoning the subject property to commercial does not see a fit or a need in the area. As far as the park area, who is going to maintain that? Member Lynch appreciates the applicant coming in and still believes it is a residential area and the property fits very nicely with the surrounding area. If the property owner wants to build homes, he should. Member Lynch cannot support

commercial in this area at this time.

Member Greco stated that he has had the opportunity to deal with this property and the one that is south of it. Each time the Planning Commission deals with it Member Greco hears the frustration from the residents having to come and address these issues each time. Member Greco applauds the individuals who come out. The residents care about their community. With respect to the project to itself, the owner has hired very able and talented people to come up with a plan that appears enticing, but again, it is not something that Member Greco can support. With regard to comments from the residents, Member Greco noted he grew up in New York in a relatively rural area and in his childhood, he remembers riding bikes and playing ball. Now going back to that same area, there are a lot of buildings and houses. Eventually, these vacant spaces do get taken up, especially when they are owned by a private individual and they are entitled to develop the property. If the Aspen Group comes to the residents with proposals in the future, they may have to be careful with what they wish for because if a whole bunch of residential homes go into that site, it will change what they are looking at in their backyards. Given the comments from the residents and the Master Plan, Member Greco cannot support the project.

Member Meyer asked Deputy McBeth if there were requirements for owners to maintain their property. Are there any ordinances that indicate that property owners should at least clear the land so there are no 6 foot weeds?

Deputy Director McBeth answered there are certain maintenance standards, primarily directed toward the rights-of-way, to make sure those areas are kept cut.

Member Cassis stated that this matter has been brought before the Planning Commission for a long time and the same statements have come out from both sides. There was some kind of a tradition or some sort of mutual arrangement among developers in the old days where a person develops a large amount of homes and leaves the corner to possibly in the future make it commercial. That has been the history of many housing developments. This was the history of this particular situation before the Planning Commission. However, history and development don't stay still. The City has maintained the residential zoning and residential future land use for this corner. With that background and the Master Plan designation and for the many reasons stated by staff, Member Cassis will not approve of this petition. It is a very radical change of a Master Plan going from residential to commercial.

Member Gutman stated that most of his colleagues have made comments that he agrees with. With respect to the developer, this is the best plan that has been presented so far.

Moved by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON THE DENIAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

In the matter of Novi Crossing, SP10-06 with Zoning Map Amendment 18.696, motion to recommend denial to the City Council to rezone the subject property from R-1 (One-Family Residential) to B-3 (General Business) with a Planned Rezoning Overlay, for the following reasons: (1) The benefits expected to accrue from the proposal do not clearly outweigh the reasonable foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering and environmental principals because: (a) The proposed rezoning would be contrary to the current recommendations of the Master Plan for Land Use and Future Land Use map, which recommends single-family uses for the property; (b) The southwest quadrant of the City is low-density residential in character and a rezoning to commercial use would not be in concert with the goals and objectives of the Master Plan for Land Use, specifically, "Continue to protect the character of the southwest quadrant of the City as this area is home to the majority of the vacant land in Novi;" (c) Recent land use studies have indicated that the City currently has a surplus of land planned for retail activities to meet the highest predicted retail space demand through 2018; (d) The proposed concept plan presents a number of concerns including loading space

screening and location, drive-up window layout, parking lot setbacks and layout, inadequate information on the proposed landscaping and the distance of the proposed drive-through restaurant from the adjacent residential zoning; (e) Revisions to the submitted Traffic Study are required before traffic impacts can be adequately analyzed; and (f) Further information is needed regarding the location of and on-going maintenance of stormwater facilities; and (2) The proposed PRO will not integrate the proposed land development project with the characteristics of the project area and will not result in an enhancement of the project area as compared to the existing zoning and such enhancement would be likely to be achieved in the absence of the PRO because: (a) The area surrounding the proposed development and throughout the southwest quadrant of the City is primarily low-density residential development and an additional commercial development would detract from and disrupt this carefully maintained character; and (b) Typical development under the existing R-1 zoning would require sidewalks and pathways be installed and could result in a large amount of preserved open space, in the form of residential yards. *Motion carried 7-0.*

2. MAPLE MANOR, SP08-09 AND ZCM10-37 WITH ZONING MAP AMENDMENT 18.682

Public Hearing on the request of Evangelista Development, LLC, for Planning Commission's recommendation to the City Council of a revised Concept Plan associated with a rezoning request from RA, Residential Acreage with a Planned Unit Development (PUD), to RM-1, Low-Density, Low Rise Multiple Family Residential with a Planned Rezoning Overlay (PRO) and revised Preliminary Site Plan approval. The City Council previously granted approval of a Concept Plan and Rezoning Petition and the Planning Commission previously granted Preliminary Site Plan approval. The subject property is located in Section 2, at the southwest corner of Fourteen Mile and Novi Roads on 3.88 acres. The applicant is proposing a 49 unit, 51,396 square foot, two-story convalescent (nursing) home building. Previously approved was a 76 unit, 56,643 square foot, three-story convalescent (nursing) home building.

Planner Kapelanski showed the location map and stated that the applicant is requesting revised approval of the PRO concept plan, and preliminary site plan. The site is located at the southwest corner of 14 Mile Road and Novi Road and the applicant is proposing a 51,396 square foot convalescent home.

A rezoning with Planned Rezoning Overlay was recently approved for this site rezoning the property to RM-1 with a PRO. The applicant has proposed to alter the approved concept plan and preliminary site plan. Instead of the previously approved three-story 58,000 square foot building, the applicant is now proposing a two-story 51,396 square foot building with a partial basement. There are no changes to the building footprint or site layout.

Marcus Evangelista, General Counsel for Evangelista Development stepped forward and indicated John Windsel from J.W. Design, the project's architect is also here. The project description was accurate and complete. This project has previously received unanimous approval from the Planning Commission and the City Council.

Mr. Evangelista explained that the reason they were here is simply to request permission to change the building from a three-story building to a two-story building. This will result in a lower square footage reducing the size from 56,643 square feet to 51,396 square feet and reducing the number of rooms from 76 rooms to 49 rooms and reducing the number of beds from 91 beds to 85 beds. Overall, the intensity and the impact on the property will be reduced. Everything else will remain the same including the footprint, landscaping, engineering, retaining walls, detention and façade. Financial concerns are the main reason this change has been requested. Constructing a three-story building is much more expensive and more expensive to operate. Mr. Evangelista's company currently owns a similar facility in the City of Wayne and has a very strong track record with the State, is five star rated by Medicare and received a perfect score with zero citations from the State. They will bring the same high-quality standards to Novi and add to the tax base and add over 125 new jobs.

No one from the audience wished to address the Planning Commission and Chair Pehrson asked Member

Greco to read the correspondence.

Member Greco said he would state the name of the individual making comment and indicate generally object or approve unless he needed to read further to understand the person's comments.

1. Sam Compton, 295 Inlet Court (Approves)
2. Lewis Burmeister, 31132 Centennial Drive (Approves)
3. Ellen Wardwell, 104 Lake Village Drive (Approves)
4. Harold Pogats, 341919 Canterbury (Approves)
5. Elaine Chow, 30875 Jasper Ridge (Approves)
6. Steve Gruenow, 3800 Chilson Road (Approves)
7. Betty & Dennis Walstrom, 41897 Canterbury Drive (Approves)
8. Maria Stevens, 30673 Vine Court (Approves)
9. Joseph Sposita, 41999 Arrowhead Drive (Objects)
10. Albert L Dinkins, 41772 Independence Drive (Objects)
11. Teresa Moore, 265 Lake Village Drive (Objects)
12. Verna Joan Kulbaba, 31177 Livingston Drive (Objects)
13. Adam Prescott, 171 Neptune Drive (Objects)
14. Barbara Miller, 41794 Independence Drive (Objects)

Chair Pehrson closed the public hearing.

Member Lynch confirmed the project had already been approved and the applicant wished to decrease the size. Member Gutman stated this was previously approved as a much denser project. This is an improvement to many of the objections that the citizens originally had.

Moved by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON THE RECOMMENDATION OF CONCEPT PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

In the matter of SP08-09F/ZCM10-37, Maple Manor, motion to recommend approval of the Revised Concept Plan, for floor plan and building façade only, for rezoning petition 18.682 with the following considerations: a) The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area and by providing adequate access and utilities; b) The lower build height is more compatible with existing buildings in the neighborhood; and c) The revised Concept Plan reduces the proposed Ordinance deviations previously approved by City Council on September 28, 2009 and such changes are to be included in the revised PRO Agreement because it is otherwise in compliance with Article 6, RM-1 Low Density Multiple Family Residential District, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provision of the Ordinance. *Motion carried 7-0.*

Moved by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON THE REVISED PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

In the matter of Maple Manor, SP08-09F/ZCM10-37, motion to approve the revised Preliminary Site Plan subject to the following: a) For building façade and floor plan changes only; b) Planning Commission granting a Section 9 Waiver for the overage of asphalt shingles; c) City Council approval of the revised Maple Manor Concept Plan and PRO Agreement; and d) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan because it is otherwise in compliance with Article 6, RM-1 Low Density Multiple Family Residential District,

Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 7-0.

MATTERS FOR CONSIDERATION

1. USA 2 GO, SP 10-11A

Consideration of the request of USA 2 Go/Novi Mile, LLC, for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located in Section 16, east of Beck Road between I-96 and Grand River Avenue in the FS, Freeway Service District (with a Planned Rezoning Overlay). The subject property is 1.8 acres and the applicant is proposing a 6,870 square foot gas station with attached drive-through restaurant.

Planner Kapelanski stated that the applicant is proposing a 6,870 square foot gas station with attached drive-through fast food restaurant on the east side of Beck Road between I-96 and Grand River Avenue. The site is bordered by I-96 to the north, the Wixom ready-mix to the south, Michigan Laser to the east and Westmarket Square across Beck Road.

This matter was recently brought to the Planning Commission for a recommendation to the City Council for a rezoning with Planned Rezoning Overlay. The subject property is currently zoned OST, Planned Office Service Technology, but the City Council did conceptually approve the proposed rezoning with PRO and the Draft PRO Agreement, which rezones the property to FS, Freeway Service. The City Attorney and applicant are working on finalizing the PRO Agreement, which will be signed by the City and the applicant and recorded.

There are no regulated natural features on the property.

The Planning Staff recommends approval of the Preliminary Site Plan contingent on the finalization of the PRO Agreement. The applicant has agreed to address all of the comments in the Planning Review letter on the plan.

The Landscape Review does not recommend approval of the plan, noting the PRO Agreement required additional landscaping to be added to the I-96 and Beck Road frontages. The applicant has indicated they will add additional landscaping along the Beck Road frontage to conform to the PRO Agreement. The applicant has also indicated additional landscaping will be added to the north property line. However, staff does have some concern regarding whether or not MDOT has indicated landscaping can be placed in the I-96 right-of-way.

The Engineering Review, Traffic Review and Fire Review all recommend approval of the plan noting items to be addressed on the revised Final Site Plan.

The Façade Review recommends approval provided the applicant modifies the proposed canopy to meet the standards of the approved PRO Agreement and elevations. The City's façade consultant, Doug Necci is here this evening to address any façade concerns.

Blair Bowman came forward and stated that he would be available for questions and will work to abide by all the terms of the PRO Agreement and finalize that.

Moved by Member Meyer, seconded by Member Larson:

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER LARSON:

In the matter of USA 2 Go, SP10-11A, motion to approve the Preliminary Site Plan subject to the following: a) The PRO Agreement must be approved by the City Attorney and Administration, signed

by the City and the appropriate parties on behalf of the property owners/developers, and recorded as required by the PRO Ordinance to complete the rezoning before preliminary site plan approval shall be effective; b) The applicant revising the plan to conform to the approved concept plan; c) The applicant adding additional landscaping along the I-96 and Beck Road frontages and screening the loading zone as indicated in the Landscape Review Letter; d) The applicant revising the canopy elevations to conform to the approved concept plan; e) Permitting the sale of alcohol provided the plan meets the requirements of Zoning Ordinance Amendment 18.239 and subject to approval by the Liquor Control Commission; f) The conditions and items listed in the staff and consultant review letters being addressed on the revised Final Site Plan because it is otherwise in compliance with Article 18, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Moved by Member Meyer, seconded by Member Larson:

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER LARSON:

In the matter of USA 2 Go, SP 10-11A, motion to approve the Stormwater Management Plan, subject to: a) The PRO Agreement must be approved by the City Attorney and Administration, signed by the City and the appropriate parties on behalf of the property owners/developers, and recorded as required by the PRO Ordinance to complete the rezoning before stormwater management plan approval shall be effective; and (b) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

2. NOVI PLAZA, SP10-30

Consideration of the request of TS Quattro Company, Inc. for Preliminary Site Plan approval and a Section 9 Façade Waiver. The subject property is located at 41431 through 41563 Ten Mile Road, on the south side of Ten Mile Road, west of Meadowbrook Road, in the B-1, Local Business District. The applicant is proposing to redesign the front façade of the existing Novi Plaza.

Planner Kapelanski stated that the applicant is proposing to redesign the existing front façade at the Novi Plaza Shopping Center located on the south side of Ten Mile Road, just west of Meadowbrook Road.

The updates include changes in color and the addition of new materials, including a simulated stone base, a parapet and metal awnings. A Section 9 Façade Waiver is required for the overage of split faced c.m.u. The Façade Review recommends approval of this waiver provided the applicant incorporates a projected chamfered sill unit above the split faced c.m.u. and screens the existing rooftop equipment. The applicant has agreed to these provisions. The City's Façade consultant is here to address any additional concerns.

Moved by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

In the matter of Novi Plaza, SP 10-30, motion to approve the Preliminary Site Plan and Section 9 Waiver for the overage of split-faced c.m.u. subject to the following: a) Incorporation of a projected chamfered sill unit as a transition above the split faced c.m.u.; and b) Addition of extended parapets or other screening methods on the east and west facades to conceal roof appurtenances from view from Ten Mile Road and adjoining properties for the reason that the proposed façade will generally enhance the visual quality of the project, the color selections are carefully coordinated and will harmonize with both new and existing materials and because it is otherwise in compliance with Article 25 and Article 13 of the Zoning Ordinance and all other applicable provisions of the

Ordinance. Motion carried 7-0.

3. APPROVAL OF THE APRIL 28, 2010 PLANNING COMMISSION MINUTES

Moved by Member Larson, seconded by Member Gutman:

VOICE VOTE ON APRIL 28, 2010 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER LARSON AND SECONDED BY MEMBER GUTMAN:

Motion to approve the April 28, 2010 Planning Commission minutes. Motion carried 7-0.

4. APPROVAL OF THE MAY 12, 2010 PLANNING COMMISSION MINUTES

Moved by Member Larson, seconded by Member Gutman:

VOICE VOTE ON MAY 12, 2010 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER LARSON AND SECONDED BY MEMBER GUTMAN.

Motion to approve the April 28, 2010 Planning Commission minutes. Motion carried 7-0.

5. SIGN ORDINANCE

Amended Agenda item for discussion of the Sign Ordinance as brought forward by Member Cassis.

Member Cassis asked that the staff and City Attorney bring the Sign Ordinance to the Planning Commission for consideration of signs in the right-of-way. Member Cassis expressed concerns that political signs were being placed by campaign workers and then quickly removed by Ordinance Enforcement. He noted that it is a big job to place those signs and that hard work should not be so easily undone. Additionally, Member Cassis noted he was able to trace where those signs are deposited to the City's Department of Public Works facility where they were left outside in a pile. Perhaps those signs could be returned to the campaigns instead of thrown away.

Moved by Member Cassis, seconded by Member Greco:

Motion to direct staff and the City Attorney's office to provide information on a possible text amendment for signs in the right-of-way.

City Attorney Schultz wanted a clarification of the request and also provide some comments. The Sign Ordinance is not the Zoning Ordinance; it is a separate police power ordinance. Usually Sign Ordinance amendments are brought to this Commission after the City Council has decided what it wants to do with the Sign Ordinance because it does reference land use districts.

When the Council decides what it wants the Sign Ordinance to be, staff and the City Attorney's office bring it to the Planning Commission for their recommendation and proposed changes and then it goes back to the Council in the way a Zoning Ordinance amendment would. City Attorney Schultz believes amendments to signage in the right-of-way were enacted in 2006. Since that time, signs have not been permitted in the right-of-way.

City Attorney Schultz noted prior to that amendment, anyone could place a sign for a candidate in the right-of-way of any property even if the property owner objected. So the big change was that signs in the right-of-way are no longer permitted, except for some limited exceptions if there is no where else to put it. With regard to the enforcement, it is okay to talk about that as a policy question.

City Attorney Schultz noted plenty of communities leave signs in the right-of-way and some communities

don't. The reason that changed in 2006 was because there was getting to be a large number of signs in the right-of-way. The City works very hard to make sure that they are not stepping out of the right-of-way when they remove those signs. The City staff would be upset to know that people were thinking that they were not being even-handed or they were favoring one candidate over another.

In terms of where they put them at the DPW facility, that is a fair comment and staff can look at that. If those signs that are picked up are not placed in an appropriate area, that issue can be addressed. The City put an elaborate package together of a FAQ of where one can put the signs and if it is not clear, then staff would be happy to revise the document. To sum all this up, what City Attorney Schultz understands the motion to be is bring this to the Planning Commission at the first available opportunity and to remind everyone what the ordinance does, how it works and if there are comments, to get them to the City Council.

Chair Pehrson asked Deputy Director McBeth if it was typical that it would come to the full Planning Commission or would it be more typical for something like this to go to the Implementation Committee.

Deputy Director McBeth answered in saying that could be the choice of the Planning Commission, either case is fine with staff. Staff could bring it back through a packet like City Attorney Schultz was talking about. There was also a memo produced recently by Community Development Director Charles Boulard and that can be brought forward as well. It describes the process and what has been happening so far this election season.

Member Cassis added that he has the highest regard and admiration to everyone that is in the service or employ of this community.

ROLL CALL VOTE ON THE MOTION TO EXAMINE ORDINANCES REGULATING RIGHT-OF-WAY SIGNAGE MOVED BY MEMBER CASSIS AND SECONDED BY MEMBER GRECO:

Motion to direct staff and the City Attorney's office to provide information on a possible text amendment for signs in the right-of-way. *Motion carried 7-0.*

MATTERS FOR DISCUSSION

There were no Matters for Discussion.

SUPPLEMENTAL ISSUES

There was no Supplemental Issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch, seconded by Member Larson:

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER LARSON:

Motion to adjourn the July 28, 2010 Planning Commission meeting. *Motion carried 7-0.*

Transcribed by Juanita Freeman

November, 2010

Date Approved:

Richelle Leskun, Planning Assistant