



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

October 5, 2011 | 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 Anthony, Member Baratta, Member Gutman, Chair Pehrson, Member Prince

Absent: Member Greco (excused); Member Lynch (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristin Kolb, City Attorney; Mark Spencer, Planner; Dave Campbell, Planner, David Beschke, Landscape Architect; Nathan Bouvy, Engineer

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA.

Motion to approve the October 5, 2011 Planning Commission agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

Chair Pehrson stated that they have four public hearings items this evening and we will be combining the Suburban Low-Rise sections, which are public hearings 2, 3, and 4 on the agenda, into one public hearing. If anyone in the audience wishes to speak about that matter, please wait until that public hearing comes up. Chair Pehrson asked if there is anyone who would like to address the Planning Commission on any matter other than the public hearings at this time. Seeing no one, Chair Pehrson closed the first audience participation and asked if there was any correspondence.

CORRESPONDENCE

Member Gutman stated that we do have correspondence which relates to the zoning ordinance text amendment and other correspondence.

Deputy Director McBeth stated that there was one letter received from the law firm of Barris, Sott, Denn & Driker regarding potential property development that has not yet come before the Planning Commission for consideration. Staff has also received that letter and we will be replying and copying the Planning Commission with the City's answer to the questions raised in that letter.

Member Gutman stated there was also a letter about rezoning signs posted on Beck Road by Eleven Mile.

Chair Pehrson stated that it was the email provided relating to the zoning ordinance text amendment. Deputy Director McBeth agreed that it relates to one of the public hearings.

Chair Pehrson said the Planning Commission will hold that until the items come forward.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that at the City Council meeting of September 26, 2011, the City Council approved the First Reading of the Site Plan and Development Manual update that the Planning Commission had recently reviewed and forwarded a favorable recommendation.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no items on the Consent Agenda.

PUBLIC HEARINGS

1. NOVI CORPORATE CAMPUS PARCEL 8 SP 11-39

Public hearing before Planning Commission of the request of Novi Corporate Park V LLC for Novi Corporate Campus Parcel 8 for Preliminary Site Plan, Woodland Permit, and Stormwater Management Plan approval. The subject property is located on the north side of Dylan Drive, east of West Park Drive within Novi Corporate Campus, which is north of Twelve Mile Road and west of the CSX railroad tracks in the Section 9. The property totals 8.34 acres, and is zoned of the parcel is OST, Planned Office Service Technology. The applicant is proposing a speculative 34,260 square foot office/warehouse building.

Planner Campbell stated that the applicant is proposing to construct a 34,260 square foot speculative office/warehouse building on lot 8 in the Novi Corporate Campus development on the north side of the Dylan Drive cul-de-sac east of West Park Drive and north of Twelve Mile Road on an 8.34 acre site. The subject property is bordered by a detention pond and vacant City-owned land to the north, vacant parcels within Novi Corporate Campus to the southwest, Toyota Boshuko America to the southeast, Nitto Denko Auto Inc. to the east, and NuMatics to the west. The northeast corner of the subject property borders the CSX railroad tracks.

The subject property is zoned OST, Office Service Technology. The site is bordered by OST zoning to the east, west, and south, and I-2, General Industrial to the north, northwest, and northeast.

The future land use map indicates Office Research Development Technology for the subject property and for those to the south, east, and west, and Industrial Research Development Technology to the north.

Planner Campbell stated that the planning review indicated the applicant is generally in compliance with the standards of the Zoning Ordinance and recommends approval of the Preliminary site Plan contingent on items being addressed on a revised Final Site Plan. Necessary revisions pertain to parking lot design and pedestrian connectivity, lighting, and signage.

The engineering review recommends approval of the Preliminary Site Plan, contingent upon items adequately addressed on a revised Final Site Plan.

The traffic engineering consultant's review recommends approval of the preliminary site plan, subject to items being satisfactorily addressed on a revised Final Site Plan, as well as the issuance of a Planning Commission waiver of same-side driveway spacing requirements.

The Landscape review recommends preliminary and final site plan approval, contingent on items to be addressed on final Stamping Sets.

The proposed development will impact regulated woodlands. 51 regulated trees are proposed to be removed, and 57 replacement trees are proposed. 15 trees will be planted on-site, and the applicant proposes to pay into the City's Tree Funds for the remaining 42 replacement trees. The City's woodland

consultant notes that the proposal will require a City of Novi Woodland Permit and recommends approval of the preliminary and final site plan contingent on items being address on the final Stamping Set.

There are wetlands on the subject property, north of the proposed area of development. Impacts to this wetland were previously permitted when the roads, storm water facilities, and infrastructure was installed for Novi Corporate Campus. Proposed development will cause temporary and permanent impacts to the Natural Features Setback of both natural and mitigation wetlands. These impacts have been compensated for by establishment of a conservation easement for remaining woodlands and the mitigation wetland. Proposed work will require a Natural Features Setback Authorization from the Wetland Consultant. The City's wetland consultant recommends approval of the preliminary and final site plan with additional items to be addressed on stamping sets.

The City's Façade Consultant has determined that the proposed building materials are in full compliance with the façade standards of the City's Zoning Ordinance.

The Fire Marshal's review contains no outstanding items and recommends Preliminary and Final Site Plan approval.

Planner Campbell stated that the applicant's engineer and architect have submitted response letters collectively addressing comments contained within each review letter. The applicant's representatives are here to answer any questions you may have and I am also available for questions.

Chair Pehrson asked the applicant if he wished to address the Planning Commission at this time and he answered no.

Chair Pehrson stated that this is a public hearing and if there is anyone in the audience who would like to speak about this particular matter, please step forward.

Seeing no one, Chair Pehrson asked if there was any correspondence.

Member Gutman stated that there was no correspondence.

Chair Pehrson then closed the public hearing on this matter and turned it over to the Planning Commission.

Chair Pehrson asked Mr. Beschke about the conservation easement that was addressed inside the packet and he wanted to verify that it was relevant to the entire campus, so there is no need for that conservation easement to come forward to the Planning Commission with any additional language.

Mr. Beschke said that was correct.

Member Baratta asked about the distance between the driveway of parcel 6 and parcel 7.

Mr. Bouvy answered Member Baratta in saying it was a distance of 75 feet from the same side frm the west curb and it is 46 feet on the east side.

Member Baratta asked if this was parcel 6 to 7, between the two existing buildings.

Mr. Bouvy said it was the two existing buildings, being parcel 7 to the west and parcel 9 to the east.

Member Baratta asked if there is a driveway for parcel 6 that goes right into that cul-de-sac, it looks close to parcel 7 which is the building just to the north of parcel 6 and east of parcel 8. Member Baratta asked what is the separation distance from that driveway. It appears to be within that 75 foot range. Member Baratta wondered if the Planning Commission had previously granted approval on the driveway separation distances.

Mr. Bouvy answered Member Baratta in saying he thought that the approval must have been previously granted.

Member Gutman stated that he thought this project was in order and would like to make a motion.

Motion made by Member Gutman and seconded by Member Baratta.

ROLL CALL VOTE ON MOTION TO APPROVE THE PRELIMINARY SITE PLAN, SP11-39 MADE BY MEMBER GUTMAN, SECONDED BY MEMBER BARATTA:

In the matter of the request of Novi Corporate Park V LLC for Novi Corporate Campus Parcel 8 SP 11-39, motion to approve the Preliminary Site Plan, subject to the following: a) Waiver of the City's same-side driveway spacing standards for both proposed driveways on the north side of Dylan Drive; and b) The conditions and items listed in the staff and consultant review letters being addressed on a revised Final Site Plan. This motion is made because the plan is otherwise in compliance with Article 15, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. Motion carried 5-0.

Motion made by Member Gutman, seconded by Member Baratta.

ROLL CALL VOTE ON MOTION TO APPROVE THE WOODLAND PERMIT, SP11-39 MADE BY MEMBER GUTMAN, SECONDED BY MEMBER BARATTA:

In the matter of the request of Novi Corporate Park V LLC for Novi Corporate Campus Parcel 8 SP 11-39, motion to approve the Woodland Permit, subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because it is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

Motion made by Member Gutman, seconded by Member Anthony.

ROLL CALL VOTE ON MOTION TO APPROVE THE WOODLAND PERMIT, SP11-39 MADE BY MEMBER GUTMAN, SECONDED BY MEMBER ANTHONY:

In the matter of the request of Novi Corporate Park V LLC for Novi Corporate Campus Parcel 8, SP 11-39, motion to approve the Storm Water Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan submittal. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

2. ZONING ORDINANCE TEXT AMENDMENT 18.253 FOR PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT

Public hearing for Planning Commission's recommendation to the City Council for an Ordinance to Amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance to add Article 23B, PSLR, Planned Suburban Low-Rise Overlay District; to amend at Article 24, Schedule of Regulations, Section 2400 Height, Bulk, Density and Area by Zoning District; and to amend at Article 25, General Provisions, Section 2509 Landscape Standards: Obscuring earth berms and walls, right of way buffers, and interior and exterior landscape plantings; Section 2519 Performance Standards and Section 2520 Exterior Building Wall Façade Materials.

Planner Spencer stated that tonight the Planning Commission is asked to hold three simultaneous public hearings and to review and make a recommendation to City Council on three items. 1) A zoning text amendment to create a new Planned Suburban Low-Rise Overlay zoning district. 2) A sign ordinance amendment to provide sign standards for the new overlay district. 3) A zoning map amendment to place the overlay district on the zoning map.

The Suburban Low-Rise concept was developed during the City's Master Plan review in 2009 and a set of goals and implementation strategies supporting this concept were incorporated into the 2010 Master Plan update. Adoption of these amendments will implement the Plan's goals. During the Master Plan Review, the properties located between Beck and Wixom Roads near Eleven Mile Road were extensively studied. The review concluded that properties located between the high intensity development near Grand River and single family neighborhoods could be developed with moderate intensity office, institutional and multiple-family residential uses to provide a transition between the two areas. Further, it concluded that by using a set of form based standards that would limit the scale of development, require buildings to include single family design features, require landscape buffers from the main roads and only permit access off of local streets, the transitional area could maintain a single family residential character.

Planner Spencer stated that the review also concluded that new moderate scale and intensity development in the area could increase City tax revenues beyond that which would occur if the properties were developed as currently zoned. In addition, if the area was developed for moderate density residential, the additional dwelling units would increase the demand for retail, office and industrial floor space in the City and attract more young families and seniors to the City. The review further concluded that with relatively minor improvements, the public infrastructure is adequate to serve the proposed development of the area. As with any increase in development intensity, the City may need to increase its overall sewer treatment capacity and some road improvements may be needed before total build-out of the area is reached.

As drafted, Planner Spencer explained that these ordinance amendments will create a new Planned Suburban Low-Rise Overlay district. This overlay district would permit an expanded set of moderate intensity residential, office and institutional uses, subject to meeting a set of form based design standards but only after the property owner receives City Council approval for a Planned Suburban Low-Rise Concept Plan and Development agreement. Until such time, the property would continue to be regulated by the provisions of the existing underlying zoning district. After a development agreement and concept plan are approved, projects would go through the normal site plan review process with the Planning Commission.

The Concept Plan, at a minimum, would establish the location of utilities, drainage facilities, new streets, and non-motorized transportation facilities. The Concept Plan could also propose the location of open space, parking, buildings, uses, landscaping and façade elements. It could also depict proposed deviations from ordinance regulations and development phases. The Planned Suburban Low-Rise Development Agreement would set the approved uses and terms of the rezoning, and incorporate the Concept Plan. The Development Agreement could limit or eliminate any of the underlying district uses, including detached single-family residential.

Since the location of the proposed Overlay district is buffered from neighboring single family residential by parks, schools and section line roads, and along with the form based requirements to maintain a single family residential character, is unlikely that the proposed rezoning will have any negative impacts on neighboring properties.

Planner Spencer said, in April, the Implementation Committee reviewed the draft text. Since then, Staff has had a number of meetings with property owners and stakeholders in the area and subsequently made a few revisions to the text, taking into consideration their comments. In September, letters were sent to each property owner in the area to be rezoned explaining the rezoning and text amendments. Also, since the public hearing notices were sent out and the rezoning signs were installed, staff has had a number of discussions with property owners and other stakeholders in the area.

At this time, the Planning Staff recommends that the Planning Commission make three positive recommendations to City Council: 1) On the proposed Planned Suburban Low-Rise Zoning text amendment 2) On the proposed Sign ordinance amendment. 3) And on the proposed Zoning Map amendment, all for the reasons listed in the Planning Reviews and on the rezoning motion sheet.

Chair Pehrson opened up the matter to the audience for the public hearing. Chair Pehrson asked the audience to please note there is a three minute time limit to individuals speaking on their own behalf. If speaking for a group, time is limited to ten minutes.

Ms. Amy Glen came forward and said she lives on Eleven Mile Road since 1987. She wishes she had never agreed to let them pave the road. She does not think Eleven Mile Road is suitable for this low-density plan. The road was not designed for it and she does not think the ordinance will keep the residential character that she is used to. Ms. Glen said that she is already dealing with traffic from the school, and football games that go on during the weekends. This property is not suitable for this and she thinks the City is pushing for more of the commercial character of Grand River into an area of spacious lots that has been farm land. Eleven Mile Road is not a subdivision and she said she lives there because of that. This type of zoning will dramatically change the character of the road. People already do not obey the 25 miles per hour speed limit on this road. Ms. Glen understands the issues with transition, but that is going to put a lot more pressure on Eleven Mile Road than what is already there. Ms. Glen thinks the City underestimates the impact that the development is going to have on the rest of the neighbors. Also, Ms. Glen says that she lives about a one-half mile down the road and did not receive a notice on this.

Mr. Gregory Gallo of 48000 Eleven Mile Road received the notice and saw the posting. He said his elderly neighbors and he have the following questions: First, in the letter we received from the city, a paragraph on page 2 states, *the overlay approach avoids making any existing uses non-conforming. There are currently several existing single-family residential homes in the affected areas and these homes would be permitted to remain until redevelopment is contemplated.* Mr. Gallo asked, what does this mean? Does that mean the City is going to use eminent domain at some point? Number two, Mr. Gallo asked, who is going to pay for the sewer upgrade that will be necessary to accommodate the building of additional properties on land that is in large part a swamp or has a very high water table? Has an EPA or DNR Study been completed for the environmental impact that this land development will have? Who will pay for the studies and upgrades and increase of taxes - mileage proposals or the property developer? Mr. Gallo asks this because during the last phase of the Providence Hospital Development, the members of the Planning Commission assured the homeowners that run-off from this development would be contained on hospital property. Since the main hospital was completed, there is water behind Mr. Gallo's property that was never present in the past and now approximately 40 feet behind his property line has been encroaching ever since the completion of this phase of the development. At times, the hospital or its contractors ran portable pumps for days and all night long when periods of rain were particularly heavy. Pumps could be heard from 1 to 1 ½ miles away.

Mr. Gallo's third question, Section 2303, B, part 7 allows medical offices including laboratories and clinics. How will medical waste from these facilities be disposed of? Will or have federal guidelines for proper disposal of medical waste been adhered to? In other words, the EPA , OSHA and the agency for toxic substances and diseases registry has guidelines – will those be adhered to if these facilities are going to be allowed to be built? Number four, will low-income or Section 8 housing be permitted as part of this rezoning? It appears so when he looks at Part 4, E of Section 2303 B. Mr. Gallo lists this one as a comment, but, it looks like in one of the worst economic periods in Michigan's history, retail properties less than one mile from the proposed development have fewer than 20 percent occupancy rate. With many commercial and retail and residential properties in foreclosure, who would pay to develop this property?

Mr. Gallo's sixth question is, has anyone from the City Council received a campaign contribution from Providence Hospital or an employee of the hospital? Mr. Gallo's last question: is anyone on the City Council or Planning Commission a paid real estate or legal consultant and receiving compensation from the hospital, or from any of its subsidiaries, or related to any contractor who stands to gain from this development? In summary, Mr. Gallo said he is opposed to this development.

Mr. Lee Lewis has lived at 49225 W. Eleven Mile Road for 21 years. Mr. Lewis is in the area that is immediately impacted in terms of the overlay. Novi Road has seen significant changes in the past 21 years and he has lived with most of the changes. The school is another area that has changed. Mr. Lewis

said, the school changes were a good move from his standpoint being an educator, but, more importantly, it provides a great deal of activity for students and children up and down Eleven Mile Road. Mr. Lewis said, we have a number of people that use the sidewalks up and down Eleven Mile Road. The school has added a significant amount of traffic. Being an issue with students, he is concerned with the new developments that are proposed for the east end of Eleven Mile that were discussed tonight. Mr. Lewis is concerned with the traffic and traffic patterns. In addition to that, he is concerned with the overall plan. If you were to drive down any of our major roads such as Grand River Avenue from Wixom down to Meadowbrook, or take Twelve Mile from Beck Road down to Meadowbrook, you are going to notice an abundance of vacant commercial land and also an abundance of vacant buildings with for lease signs. With all of those commercial properties vacant right now, such as Main Street area, Novi Town Center or Fountain Walk, there are vacant properties in commercial areas. Mr. Lewis said that he has no idea why anyone would agree that we should develop more commercial or light industrial lands of any nature, and especially down Eleven Mile Road. Eleven Mile Road is a quaint road. It has homes on it, farmhouses, deer run across the road regularly, and it is a road that has a sidewalk the entire length of it. Children walk up and down it every day of the week, along with bikers and joggers. It is a country setting and not a commercial setting. It is not a setting made for what we're considering in this particular plan. Mr. Lewis said, he doesn't live close enough to be notified by mail for any of this, even though he lives across from the school on two acres. After talking to individuals around as the developers are talking, Mr. Lewis is not sure who they talked to. He is in the area and did not know anything about it. Mr. Lewis is against it 1000 percent. He thinks it is the wrong move for Novi at this particular time.

Mrs. Diana Canup of 47201 Glamorgan in Pioneer Meadows Subdivision came forward and said that she is the President of Pioneer Meadows Association which is directly across from the corner of Eleven Mile and Beck Road. She said no one in her subdivision that she is aware of received a letter. Her understanding is that the school property is not included in this. She asked if this correct: the 9 acres that the school owns is not included in this request.

Planner Spencer stated that the school district property that is near the southwest corner of Beck and Eleven Mile is not in this petition, only Mr. Bosco's property.

Mrs. Diana Canup explained that adjacent to Mr. Bosco's property are all vacant properties that he owned. No one in her subdivision had any inclination of this planned zoning change until the signs went up. Mrs. Canup called the Department and no one could tell her what was included in a PSLR. Mrs. Canup is still not sure she understands from the description of what the gentlemen from the Planning Department gave, what is included in the district. Mrs. Canup asked, is this strictly multiple housing and low-rise housing or is there any light industrial or any commercial? Mrs. Canup said, no one can tell me. She asked two gentlemen here tonight and they said we cannot tell you, you will have to talk to the Commissioners. She would like to know what exactly is in a PSLR. - What type of zoning is it and what does that include?

Mrs. Canup said she was born and raised in Novi, and stays quite aware of what is going on in the city. Mrs. Canup was on the Parks and Recreation Committee for 20 years and her husband was on the Planning Commission as well as the Zoning Board of Appeals for 35 years. Mrs. Canup said, we are aware of what goes on in this community and would like to stay that way, but, we do not know what a PSLR is and we have never seen or heard of it. No description was sent to anyone in our neighborhood. We are very concerned. If it is residential and maintains a very private situation, Mrs. Canup said, none of us will be concerned.

But, for 35 years of the 40 years that the city has been a city, everyone has thought that down Ten Mile, down Beck Road, down Eleven Mile - not to have any commercial type buildings put on the corner of Ten Mile and Beck. Everyone has told the city and the Planning Commissions and the ZBA for 35 to 40 years to put commercial on Grand River Avenue. Everything there is beautiful and it works for everyone in that quadrant of our city. Mrs. Canup said, if this particular zoning includes any of that, there are going to be a lot of unhappy people from all of the newer subdivisions and the older subdivisions that are in that portion of the town. None of us are aware of what this is. When people do not know what is going on,

they get angry. Mrs. Canup wants an explanation and if it makes sense and if it's logical to the zoning that is already there, there won't be a problem. If people cannot ask questions and get answers, it makes them feel very uncomfortable and very concerned as she is at this very moment.

Pioneer Meadows sets directly across from this property and Mrs. Canup said we were never given any information about it. How do we go about getting information of property that is up for sale in that particular quadrant and has been zoned residential? Mrs. Canup says she knows the rule for notifying is 300 feet, but a subdivision that does not have any residential on that 300 feet, as the other people stated, were not aware of this. Mrs. Canup said maybe the rules have to be changed for the benefit of everyone and so people understand that the job the City is doing is for the benefit of the community. Mrs. Canup said, before she leaves here tonight, she would like a very thorough explanation of what is in a PSLR so she can take it back to the 100 homes in her subdivision and explain it to them so the residents can make their own decisions on how they feel about this.

Mrs. Bonnie Lewis came forward and said her husband just spoke. She is an educator and a teacher. Having seen kids coming in and out of that school district, she said that you don't want to start opening businesses with parking lots behind them. She said that the kids run track along Eleven Mile as well as walk to school. When there is parking behind buildings, we are risking some of our safety as well as the student's safety. She said you hear on the news how kids are abducted when you have parking behind buildings. Middle school kids will find anyplace to sneak out or hide. She worries about their safety with this type of development. Mrs. Lewis said, she is all for business, but houses are different when you have businesses there and kids are subjected to those environments. Mrs. Lewis sees the soccer fields filled and says we are known as one of the best cities to raise a family. Mrs. Lewis wants that to continue.

Mrs. Dana Bates of 25928 Sierra Drive said she is a resident in the Pioneer Meadows Subdivision directly across from the farms at Eleven Mile and Beck. She said she actually looks down the street directly to the farm. There was a comment on how this was not going to cause impacts and how it is buffered from the residential, and that anything going on there is not really going to impact the resident's that live there. Ms. Bates said she certainly thinks that a change in that land to some sort of offices would certainly have an impact on our view of the neighborhood. She said that her other concern is that we have a lot of open office and commercial in the City of Novi. She wondered why are we adding when we don't have everything full that is currently out there. Also, to speak to what Diana Canup was talking about with the Suburban Low Rise, Mrs. Bates was confused with that as well. Mrs. Bates called the office earlier in the week and tried to get a definition, but it was just too vague to her. She said she does need to understand what it means and what it is going to look like. It sounds like it could go a couple of different ways and she would like a better understanding. Also, Mrs. Bates said that she is concerned with traffic and what it is going to do with an already congested area at Eleven Mile and Beck.

Mr. Karl Wizinski of 26850 Wixom Road said he is a 35 year resident of Novi, living on Wixom Road for 25 years. He said he his property is currently bounded on the north by Target and by heavy industrial behind, with his property currently zoned R-1 (Residential). Mr. Wizinski said he has been a part of the process of this new zoning overlay for over two years and has attended many, many meetings. There has been a lot of work and thought behind what land uses to include, how do you buffer and what is good transition zoning between heavy commercial such as on Grand River, Target, Sam's Club, the hospital and residential across the street from us versus Island Lake. Mr. Wizinski thinks this is a good plan. Right now there are no plans in front of the Commission and all we are talking about is an overlay. Mr. Wizinski said, we are not talking about specific plans. He is aware of the process and what it takes to get plans approved, and there is a lot of process to this after it is rezoned to an overlay. Mr. Wizinski said that he is very supportive of this and has worked on it for over two years.

Seeing no one else wishing to speak, Chair Pehrson asked if we had correspondence.

Member Gutman stated that we do have correspondence:

- Ken and Donna Henderson, 46771 Crestview Drive, are appreciative of the new signage that

indicated what this is about. They do not want to see further development in the area and do not need more homes, commercial, or retail going up in places that are not currently developed as such. There are far too many vacant buildings in the area.

- Ms. Bernice Klebba, 26566 Anchorage Courtt, objects to it - there is too much traffic and too many schools. She wants to save the wetlands and wildlife.
- Mr. Allan Burton, 48100 W. Eleven Mile Road, objects to it. He also objects that Novi can tell residents that they cannot live in their home anymore and have to move. There is too much vacant land with no homes on property already.
- Mr. Charles Bilyeu, 26548 Anchorage Court, objects to it. He says the proposal will increase traffic and lighting in a primarily residential area, that the proposed general definition for allowed development is too broad and that the proposed amended property usage would result in a devaluation of neighboring properties.
- Ms. Chei Long Tsai, 29144 Creek Bend in Farmington Hills, approves of this.
- Mr. Gregory Gallo lives at 48000 Eleven Mile Road, stated he will outline his comments at the public hearing.

Chair Pehrson then closed the audience participation/public hearing portion and turned it over to the Planning Commission for consideration.

Planner Spencer stated that if the Commission would like, he could address several of those questions and concerns.

Chair Pehrson said we will get to that and we would like to start out by just a couple of process questions. Chair Pehrson asked Ms. McBeth for purposes of clarity, how long have we been working on this particular zoning overlay relative to the Master Plan. He also asked what the impact is relative to when we go out to provide notice to the different community members and what is the relative range we go out to? Is there process inside that, which could be changed relative to some of the other neighboring subdivisions?

Deputy Director McBeth stated that on this particular concept which was to develop a transitional area between the more intense uses along Grand River and the less intense residential uses to the south, the idea was first discussed as part of the Master Plan for Land Use Review which went on for over a year in 2009 and 2010. These text and map amendments have been in the process and in the works for the last several months. So, for about two years this concept has been under review and under consideration. The idea was always to think about the residential character of the area, and think of additional uses that might provide a transition between Providence Hospital and the less intense uses to the south.

Deputy Director McBeth explained that Planner Spencer could go over again what those particular uses are and the way the ordinance was framed: the ordinance was intended to not to make any uses non-conforming that are currently there. If people have a house they could continue to live in a house even if this overlay district is approved. Residents could continue to make improvements to that home and it would still remain a permitted use. It is only when people elected to add additional uses that they would need to come again in front of this body and requests the additional uses. The plan would also go to the City Council and then go through the site plan review process.

For the meeting this evening, staff sent out a number of notices to the property owners as required by the ordinance including all the property owners within 300 feet of the boundaries of the properties subject to the rezoning. There are also five rezoning signs that were placed out along the edges of the properties to help identify the changes to more members of the public. Staff has been taking numerous calls and answering questions over the last couple of weeks since the signs were placed. The record shows that 61

letters were mailed as required public hearing notices to the adjacent property owners. The staff has also been working with the property owners that are directly affected and mailed letters specifically to those property owners to bring them up to speed on the progress that the Planning Commission has made and the additional progress that staff has made on developing the ordinance. So, that is the usual process and 300 feet is the typical boundary for providing notices. This public hearing was also published in the Novi News as required by the ordinance. The three public hearings notices were placed in the newspaper about 15 days ago.

Chair Pehrson asked Planner Spencer to take them through the concept of the overlay and, relative to what the zoning that is there right now, to describe what permitted uses are possible in that area, and then what the overlay would add relative to future uses.

Planner Spencer explained that if he could he would go into the Master Plan process that occurred with this concept, staff felt that we did a tremendous outreach during that process. We had public meetings, open houses and we had home owner association mailing list with invitations to attend and inquire about the concept. During that process, that is when we developed this concept. Along with this concept the whole study area was reviewed. The areas on the south side of Eleven Mile were master planned still for single-family residential, but the intensity increased to 3.3 dwellings units per acre and equivalent our R-4 zoning district. The Oberlin rezoning that was recently passed took into account that part of the master plan process and those properties were rezoned to that higher intensity single-family residential. For the properties being reviewed this evening, currently we have some single family uses on large lots and we have some vacant property. Providence Hospital owns the largest parcel in this entire area. On the southwest corner of Eleven Mile and Beck Road is the Bosco property homestead farm. Mr. Bosco and other representatives have been in to our office several times approaching and asking us if they can increase the development on that property to some form of low-impact office development.

Planner Spencer also explained that we have the Profile Steel property that is zoned I-2 (General Industrial) and that is the most permissive district that we have in the City. Staff would prefer to see that parcel developed more in keeping with the neighborhood uses. At one time, the City of Novi had a "Grand Plan" and that whole area was going to be industrial - new industrial uses were going to move out of the Novi Road area and be relocated over to part of the area under review. Profile Steel is a remnant of industrial uses that is still there and Cadillac Asphalt across the street was the other one. Under the proposed ordinance, Profile Steel and the existing single family homes are all permitted to stay. The large parcel that Providence owns is zoned R-3 and they could develop single-family homes with that density right now.

Planner Spencer stated that if anyone elects to use the development options under the proposed PSLR District, then they will enter into a Development Agreement. Applicants would lay out some roads and utilities on a concept plan. The city is going to have discretionary approval over that concept plan. That means that developers are not going to just be meeting a minimal threshold, they are going to have to meet a set of standards that is a higher bar than typical site plan review. The City would likely ask for things to be better than the minimum. The City will make sure that the plan incorporates certain details and will relate to the neighboring properties that are not being developed so there will be access provided for utilities and roads to those neighboring properties. There is a process that those developers will have to go through to accomplish that.

The other restraints on the use of this property under review are the natural features. There is an extensive amount of wetlands on the subject properties as well as regulated woodlands. This is especially the case between the ITC Corridor and Beck Road, mostly on the property that Providence Park owns. On the good side of that, there are a couple large Conservation Easements already in place on that property and some of that land is already protected from development. Woodlands and Wetlands are expensive to develop and most of the time. Staff and the Planning Commission will typically work with developers in conserving large portions of these natural features to provide habitat areas and to maintain those habitat areas while still facilitating development.

Planner Spencer explained that another already-approved piece that is soon to be underway is the Medilodge site. Even though the overlay is proposed to cover that property, it is subject to a PRO Agreement (Planned Rezoning Overlay Agreement) which will dictate the terms in which that land is developed.

Planner Spencer outlined the uses that could be included in the Planned Rezoning Overlay District are multiple-family, attached single-family residential up to a density of 7.3 dwelling units per acre and that is the maximum density that was permitted that was based on the Master Plan. In addition, the district allows offices, medical offices, community buildings, nursing homes, mixed-use live/work units (where the downstairs would be limited to professional offices or photography studios). Storefront commercial uses in general would be prohibited. Retail is prohibited; things that look storefront are basically prohibited. The recommended sign ordinance requirements are keeping the signs on a smaller scale than most office developments.

Chair Pehrson asked Planner Spencer what is not included in this Overlay District.

Planner Spencer answered in saying the things that would not be included would be retail, industrial, single-family residential. If an applicant moves forward with some of the other options, new single family homes would likely be removed because the Master Plan asked for it to not be included.

Chair Pehrson asked that what you have listed here: professional services, retail sales, restaurants, hotels, motels, repair shops and private recreation and fitness facilities, theatres, drive-thru facilities, financial institutions and private clubs are all **not** permitted in this district.

Planner Spencer answered that is correct. The reason these uses were eliminated from the district was to help preserve the residential character. All of us have driven by office buildings that have a residential look. With the height requirement of 2 ½ stories or 35 feet, the expectation when you drive down Eleven Mile is that you are going to see the same roof lines that you currently see going through Island Lake. The height of 2 ½ stories is what we allow in a single-family residential district. So, those roof lines are going to be similar to residential. Peaked roofs are going to be required with overhangs on the roof. There is also a requirement for doors and for the front façade of the building and the facades of the building to undulate so you do not have one big slab of a building. If you look at it at a 90 degree angle or close to that, it is going to look very similar to looking at a row of single-family homes that are all set back the same 35 feet from the road. Those are the kind of things that were incorporated into the ordinance.

Chair Pehrson stated then, that this is truly a transitional area by which you have now added some other potential uses to keep the character of what is there for the new uses that might be coming in. Prior to this, was there an opportunity for a developer to put in something not of residential character?

Planner Spencer answered in saying only on the property that is zoned industrial with a caveat that we are assuming that the zoning follows the Master Plan. Further, there are permitted institutional uses in single-family districts such as churches, schools, funeral homes, daycare centers and there is a list of things that could have developed that are not similar to detached single-family homes.

Chair Pehrson stated that he wanted to go over the list of the questions and then turn it over to his colleagues.

Working from the bottom going up, there is such a thing in politics as ethics and the Commission is bound by that. One of the questions that were asked was if we've received financial payment of any kind from real estate firms for this consideration. Planning Commissioners make notice to the city of any financial dealings that we have in the city relative to property or other businesses. Those are public records for anyone to view. If there was anyone on this Commission, which we have had in the past, that had some affiliation with a property or some other business, and the Commission member did not feel comfortable being in the discussion because they might gain from this activity, then those members have requested recusal for themselves. That is a standard by which this Planning Commission works.

Chair Pehrson stated to his knowledge, the members of the Planning Commission are not elected so therefore we do not receive campaign contributions from anyone. Chair Pehrson doesn't and cannot speak for our City Council members, but anyone is free to donate to any member that is looking to hold an office. There is no one developing this property. This request is strictly for potential of zoning and potential of something coming in. There is not a developer waiting once this is passed or denied to start moving dirt with bulldozers at this time. Relative to Section 8 Housing, it is not the Planning Commission's purview to mandate who can and who can't live in these areas. If a developer builds a house, a low-rise condominium or multi-tenant facility and chooses to provide Section 8 housing, that is on a whole different plane. The Novi Planning Commission has no regulatory oversight on that issue.

As far as medical waste removal, anyone that builds a medical office facility has standards by which they have to deal with from the State and from the National/Federal level. That issue would be contained within their business operations on how they deal with that. Certainly, if a medical office has something like that as one of their byproducts, they have to live with the same standards that a hospital would or any kind of medical facility. Chair Pehrson said, we talked about the property for what the current is and what the future might be. Relative to the one question to the sewer upgrades and costs, Ms. McBeth or Planner Spencer could comment on that. Also, one of the questions was about the run-off from Providence Park and is that an ordinance issue.

Planner Spencer answered in saying that they were not aware of any drainage issues. Those properties were developed to ordinance standards with storm water detention on site and an outlet for the drainage. Typically we do hear some minor problems associated with lots of different developments because there are changes to drainage sometimes. As far as noise from pumping, as an example, when they are building the sewer line they are pumping because there is groundwater. That is a typical construction problem. As far as who pays for the construction, developers pay for it. Over the long term, the city does pay for added capacity if the city needs to acquire capacity for overall sewer discharge. Novi has been doing that since the first sewer line was installed and will be doing it as the city continues to grow. That is something that will not change.

Chair Pehrson asked whether it was with or without a PSLR that this goes on? This type of development could add additional burdens to that capacity sooner or anytime you increase intensity or development that could happen. Typically, the line extensions are paid for by individual developers. Those lines need to be extended to the property lines so the next guy can use them and they are sized accordingly. Sometimes special creative districts are created to help finance infrastructure on a larger scale.

Chair Pehrson asked relative to any of the projects that might come forward as a result of this Zoning Overlay, do they still have to go through Planning Commission, Woodlands, site plan reviews, and typical reviews we would do. This would also go through City Council for final approval, is that correct?

Planner Spencer answered in saying no - the part of that statement that is not correct is that the Concept Plan would have to go through and be approved through City Council. But, the site plan for each individual development would be approved by the Planning Commission and Final Site Plan would be an administrative review.

Member Anthony wanted to direct his questions to Planner Spencer. Member Anthony stated that he is very supportive to be open and transparent. With that in mind and to help clarify some of the concerns that were brought up, he is asking would the following be restricted or allowed in this area: 7-Eleven, gas station, liquor store, or a day-care.

Planner Spencer answered in saying that a 7-Eleven, a gas station and liquor store would not be permitted. A day-care would be permitted.

Member Anthony stated that the type of development we are looking for here is really a low traffic or a very subtle type of business. If a single-family subdivision were built in one of these low-density or vacant

areas, would that increase traffic on Eleven Mile?

Planner Spencer answered that it would increase some.

Member Anthony stated that the reason he brings this up is that he lives in a subdivision that is pretty close to the Novi elderly housing over on Meadowbrook. Surprisingly, that facility doesn't really generate a lot of traffic. The bulk of traffic was generated from the new subdivision that he lives in. Member Anthony stated whether the development is single-family residential or this low-rise suburban district, we still have an increase in traffic. The type of development here is not the type to bring in high traffic such as a liquor store or a gas station, such as a party store and things that we fear.

Member Anthony explained that we were looking at Ten Mile and Beck. One of the residents had mentioned that area, and when we look at retail, would that be allowed?

Planner Spencer answered no to Member Anthony.

Member Anthony stated that when we look at safety he thinks that putting in the sidewalks that the city has done will keep the kids off the street. Member Anthony stated that his kids have gone to the elementary, middle school and the high school and there seems to be police at every corner. He commends the Novi Police for the outstanding job they do. When it comes to medical waste and wetland, Member Anthony reiterates that these are all governed by not just Federal Law but State Law as well. For the earlier concern that we would be losing our wetlands, there is a requirement both in State and Federal level that the wetland's that are in this particular area require mitigation which means if you take a little bit, you are going to have to add twice the amount back. We do have protection of our natural resources within our city.

If the Planning Commission were not to pass this overlay, Member Anthony asked Planner Spencer about the area that is zoned industrial. Planner Spencer answered it being Profile Steel on Wixom Road. Member Anthony asked Planner Spencer if someone could construct on that property a tool and die shop or a stamping operation. Planner Spencer answered yes to the tool and die shop and the stamping operation. Member Anthony then said that what this overlay does is it now prevents that area from having loud industrial noise in a higher traffic industrial use. Planner Spencer said he would caveat that statement. The City would have to look at these specific site requirements on that particular I-2 piece. The use might not meet our setback requirements or meet the standards for a really loud use or open air use.

Member Anthony stated, in summing up, we're Novi and were going to grow. We are a community that is in high demand and that this transitional area from Grand River to our residential areas is being addressed. Member Anthony thanked the staff and said they did a wonderful job and the proposed ordinance really does create good transition. Some of the fears of increased traffic maybe somewhat overstated - you still have increase in traffic even with residential development. Member Anthony commends staff on what is a job well done.

Member Baratta said he is very familiar with this property because he jogs by the property 4 days a week. Member Baratta said when you are changing this to a different zoning district; he understands that this is a very organized method to protect that area from what it has today. The land today isn't protected other than some regulations for some residential, some industrial etc. Member Baratta said he knows a lot of people have worked very hard in this overlay district. Once something is built there, do they have to comply with any noise restrictions?

Planner Spencer answered that while it is under construction, the City does have regulations stating when they can start work and stop and typically they operate between 7:00am and 10:00pm and even more restricted on the weekends. After one of these uses are in place, particular site plans that come in will have to go through same noise standards that we have in our ordinance for locating those uses anywhere else in the city. So a school might have to do a Noise Impact Study.

Member Baratta asked if any of the townhouses have some waste, how would that be analyzed and how would that be reviewed?

Planner Spencer said if it were attached townhouses were built, they would have a common dumpster that would be inside an enclosure with a gate on it, property screened.

Member Baratta asked if there would be any buffers to the street.

Planner Spencer said yes, district is designed to a 50 foot buffer to the section line road right-of-ways. So, going down Eleven Mile 50 feet outside of the Right of Way would be all landscaped. Buildings would be back 50 feet, and the parking would be behind the buildings.

Member Baratta asked then it would give a feel of a residential community in essence?

Planner Spencer answered yes because on the local streets buildings would be setback a minimum of 30 feet with a maximum of 75 feet which is typically what we find in higher end residential districts in the city.

Member Baratta asked about the signage and if there is secondary use in the house, is signage allowed in this district?

Planner Spencer answered in saying, signage is not allowed in a house, if it is a single-family or multiple-family dwelling. In a mixed-use building where they are allowed to have a studio or office and it is a mixed-use building, then there would be a limited amount of signage available. Similar to what is allowed in other multiple-use office building or Town Center District buildings. Lighting on the signage would be reflective light versus internally lit signs, that would lower the intensity so signs are not as bright.

Member Baratta asked Planner Spencer then what you just said was that whatever sign we have is an external light and not internally lit which means the light is shining on the sign from outside the sign and it is not a contained unit.

Planner Spencer answered that was correct.

Chair Pehrson had a question on the Concept plan listed as an example for illustration only. Chair Pehrson asked why we would not want to include the things that say "may also include".

Planner Spencer answered that to keep this in the simplest form and to encourage development; we kept minimum requirements to a very minimum. The most important part of this is as far as the discretionary decision making is the layout of the roads and utilities to ensure that people are going to be able to walk, bike, drive around the community and design speeds of the road are going to be kept low. We are going to want to see traffic circles and speed control devices and methods to keep people driving a residential speed in these neighborhoods. The utilities will be in the minimum of the concept plan.

Chair Pehrson asked aren't all of those things that are listed as the "may also include" integral to really understand a community feel for what the building going to be, whether it is an open use, or if it is part of a development or adding to a phasing plan. Chair Pehrson said he thinks that everything that has come before the Commission where it is something relatively large, the question always comes about as what is the phasing relative to the plan. If this goes forward then what applicants have to provide and what they can use as optional, based on what I read here, I would like to see something other than "may also include" as far as the verbiage. No offense to any developers out there, but if I am a developer I may be lazy and I'm going to do the bare minimum to try to get through. I would try to convey an idea and if one of the big things that is there is the open-space plan, I should really want to make that part of this to really understand more of the transition between where we are and what we're trying to do.

Planner Spencer answered that in saying by requiring more things, then we limit flexibility of development.

Chair Pehrson stated that he is not telling them what to do, he is suggesting to them that they need to convey in graphics, words and music and dance in whatever format that they want - how they're going portray development on that property.

Planner Spencer stated that the flexibility he is describing - an example in a single family residential neighborhood you might have 50 different styles of houses. Some similar materials and a lot of different materials, different color brick, different color siding, different kind of residential features on their houses. If the plans start with just a road system and no lot lines and a basket of uses they could do, then as the need for that type of development matures and a developer comes along and wants to do one of those uses, he has got that whole basket of uses to choose from. He is not pre-platting something that will never happen or need to be amended a bunch of times because the market has changed.

Chair Pehrson said, the building footprint relative to where that building is on that parcel of land makes a huge difference whether or not it is acceptable. What I am asking for a developer to do - not to put the burden on them, and it is their property and they can do with it what they wish as long as it meets the ordinances - but at least from a concept point of view, I certainly would want to know how it faces, where it faces and things of that nature. Chair Pehrson said, again I am not telling them what to do, but asking them to provide it on the plan.

Planner Spencer explained that part of that is answered in the setbacks that are required. If setbacks are 30 – 75 feet and you have the road in place that is where the building is going to be. The maximum length of the building is 180 feet. If they are going to be building multiple-family or office buildings they are going to be pretty close to that because you don't want to build 2-unit multiple-families. Our thoughts were that basic minimums put in place are kind of going to frame how that is going to look without being design specific at that time. There are a set of form based standards that they have to comply with.

Chair Pehrson explained that we need to think about the words used there and "may" is way too ambiguous and there is too much leeway. Chair Pehrson said he thinks there could be a better word, but shall or may consider is too lenient.

Deputy Director McBeth stated another ordinance that was adopted 5 or 6 years ago, that what we refer to as the Roads and Utilities Ordinance, seeks a similar concept plan. When a developer comes in and just wants to put in the roads in and utilities and get the land ready for development that is why those just have the bare, basic requirements. One example was when Providence Park came in they put in the Ring Road and they didn't necessarily identify where the lot lines were going to be or what the uses would be. There was comfort with the Planning Commission because you knew the uses would fit into that zoning district and meet the setback requirements.

Chair Pehrson stated that at that time Providence did have a neat drawing showing the proposal in some representative mode so we kind of knew from the greensward to the buildings, how it flowed. Chair Pehrson remembers those presentations and everyone walked away with a sense of what was being proposed.

Deputy Director McBeth stated that was true and the plans presented at that time added a lot to the comfort level. Those features could certainly be added to this ordinance if the Planning Commission wants. The other thought in developing this ordinance was that if the applicant needs to come in with a lot of detail on the concept plan for Planning Commission's recommendation to City Council, if later they find another potential use or another type of building, the applicant has to start again and go through the process to amend that plan. So, I think again in the spirit of flexibility, the idea was just provide the basic information and if more is requested by the Planning Commission or staff, the applicant could choose to provide that.

Chair Pehrson said so long there is the understanding that in typical form when someone comes in front of

the Commission and we don't get the "warm and fuzzy", if we don't have that understanding, we typically will table it and make them go off and come back at the next meeting with something that gives us a little bit of feel for what it is. So, either we ask for it up front or we postpone the process and come on back in two weeks with a little more information. As long as they know the burden is on them to make us feel warm and fuzzy with that. I'm not designing the building for them, but there is a better way in which we can suggest that this is the kind of information we are looking for.

Planner Spencer asked if his main concern the natural resources on the site.

Chair Pehrson said he didn't know that you have a blank parcel right now. Regardless of setbacks, the building orientation, how that is and what that means, the proposed building locations relative to one of these neighbors could mean something. The open spaces and whether or not there is open-space relative to that type of building is important to me in order to say thumbs up, thumbs down. So long as they know, that within the ordinance there is going to be a lot more scrutiny on these kinds of overlays than they have in the past, and somebody from this side of the table or City Council is going to suggest something they have not thought about. That is the kind of input that we need to make sure we have. Chair Pehrson said, I am not going to design the building for them and I am not doing façade, but I want to know what the landscaping is and I want a get a sense of the essence of what that is, I am going to feel comfortable with it. But, if the developer just comes in and says on this particular parcel, given the lot lines that I have, I want to put this Ring Road in, and what do you think of that? Chair Pehrson said he is just going to walk away and say I don't have that warm and fuzzy feeling. That is what I am looking for this ordinance to do. If you can come up for a legal word for "warm and fuzzy", I suggest you do that.

Planner Spencer said that we could look into that and one other product that Planning Commission has approved in the past which is similar to this plan is a site condominium for commercial or industrial uses. As an example, Beck North and they did have a natural resource, delineation and they had just enough mitigation provided on that plan to compensate for the road and utility construction and some hypothetical lot lines.

Chair Pehrson stated that now were talking about a commercial entity that is putting a bunch of rectangular buildings and fitting them into the topography so it doesn't mess with the wetlands and woodlands. Now, were dealing with people that who are going to come back to us in a year or two years, and complain - I can see out of my back window their back window. There are other things that were going to have to think about that we don't have to think about for Beck Corporate North Park. So, this is that transition space that we're using. Chair Pehrson said I think this PSLR is the right application for what we are trying to do, to go between the heavy use and the residential, but what I am looking for is a little bit insurance that when somebody on this side of the table makes a suggestion to a developer that says here is what you should do, that we will have a great warm and fuzzy feeling.

Planner Spencer answered in saying we will see what we can come up with that would accomplish that.

Member Gutman stated that we heard a lot of good comments from the good citizens of Novi. He thinks that is an important part of the process. One of our residents said tonight that when you don't know what's going on it sparks fear in people not to understand. Member Gutman wants to commend the Staff and the Commission for helping to clarify what's being attempted to accomplish here. This is an area that was thought out during the Master Plan process. The input of many citizens was received through many meetings and open forums, all so that it could be put together to better the community. I think when we all walked away from the Master Plan and Zoning Committee with this recommendation we thought this was a spectacular thing for the community and we applaud our wonderful staff, and this was a staff-created idea, but we all bought into it as it went along. Hopefully with what has been said tonight can allay the concerns of the citizens of Novi. This is a much easier use of a district than having those industrial uses that could have come into play here. I think this ordinance will provide for a uniform transition from certain aspects of Novi to other parts of it.

Motion made by Member Gutman and seconded by Member Baratta:

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL OF ZONING ORDINANCE TEXT AMENDMENT 18.253 FOR PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to recommend approval to the City Council for Zoning Ordinance Text Amendment 18.253 an Ordinance to Amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance to add Article 23B, PSLR, Planned Suburban Low-Rise Overlay District; to amend at Article 24, Schedule of Regulations, Section 2400 Height, Bulk, Density and Area by Zoning District; and to amend at Article 25, General Provisions, Section 2509 Landscape Standards: Obscuring earth berms and walls, right of way buffers, and interior and exterior landscape plantings; Section 2519 Performance Standards and Section 2520. Exterior Building Wall Façade Materials with the friendly addendum of language added by Chair Pehrson. Subject to including additional concept plan requirements to provide clarity to the design of the development for the following reasons listed in the Staff report. Recommendation for approval is subject to staff and the City Attorney's office modifying the text to include additional concept plan requirements to provide clarity to the design of the development at the conceptual plan stage of review. This motion is made for the following reasons: a) These amendments will fulfill the Master Plan for Land Use's implementation strategy to create a Planned Suburban Low-Rise form-based zoning district. b) The new Overlay District would permit an expanded set of moderate-intensity development opportunities that could benefit the City as a whole while protecting the property values of the neighboring detached single-family home neighborhoods by limiting the scale and maintaining a residential character to any new development. c) Moderate-scale and intensity development could increase City tax revenues beyond that which would occur if the properties were developed as currently zoned for detached single-family and general industrial uses. d) Moderate-density residential development could also increase the demand for retail, office and industrial floor space in the City and increase housing options that could help attract more young families and seniors to the City. *Motion carried 5-0.*

3. SIGN ORDINANCE TEXT AMENDMENT 11-100.41

Public hearing for Planning Commission's recommendation to the City Council for Sign Ordinance Text Amendment 11-100.41, an Ordinance to amend Chapter 28, "Signs", of the City of Novi Code to add regulations concerning the placement of signs within the PSLR, Planned Suburban Low-Rise Overlay Zoning District.

Motion made by Member Gutman and seconded by Member Baratta.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL OF CITY CODE AMENDMENT 11-100.41 MADE BY MEMBER GUTMAN, SECONDED BY MEMBER BARATTA:

Motion to recommend approval to the City Council for Sign Ordinance text amendment 11-100.41 an Ordinance to amend Chapter 28, "Signs", of the City of Novi Code to add regulations concerning the placement of signs within the PSLR, Planned Suburban Low-Rise Overlay Zoning District for the following reasons listed in the Staff report: a) The proposed sign standards strive to promote a residential character to the streetscape; b) The signage requirements are similar to those for properties in an office district with larger section line road setbacks and lighting restrictions to lessen the impact future signs could have on neighboring residential properties. *Motion carried 5-0.*

4. ZONING MAP AMENDMENT 18.700 FOR PLANNED SUBURBAN LOW-RISE OVERLAY DISTRICT

Public Hearing for Planning Commission's recommendation to the City Council to rezone property by Overlaying the PSLR, Planned Suburban Low-Rise Overlay District on Properties in the R-1, One-Family Residential; R-3, One-Family Residential; RA, Residential Acreage; RM-1, Low Density, Low-Rise Multiple-Family Residential; and I-2, General Industrial Districts. The Subject Properties are located in Section 17 and Section 20, north and south of Eleven Mile Road, east of Wixom Road and west of Beck Road.

Motion made by Member Gutman and seconded by Member Anthony:

ROLL CALL VOTE ON RECOMMENDATION OF APPROVAL OF ZONING MAP AMENDMENT 18.700, MOTION MADE BY MEMBER GUTMAN, SECONDED BY MEMBER ANTHONY:

In the matter of Zoning Map Amendment 18.700, City of Novi, motion to recommend approval to City Council to rezone property by overlaying the PSLR, Planned Suburban Low-Rise Overlay District on properties in the R-1, One-Family Residential; R-3, One-Family Residential; RA, Residential Acreage; RM-1, Low Density, Low-Rise Multiple-Family Residential; and I-2, General Industrial Districts for the following reasons: a) The proposal is consistent with the 2010 Master Plan for Land Use Future Land Use Map and land use goals; b) The PSLR Overlay District's set of moderate-intensity permitted uses will be compatible with neighboring single family uses because the District's "form-based" standards will require developments be of a moderate scale and single family residential character; c) Adequate infrastructure exists or is planned to support the uses permitted in the PSLR Overlay district; d) The permitted moderate-density residential development could increase the demand for retail, office and industrial for floor space in the City and provide additional housing options that could help attract more young families and seniors to the City; e) This proposed district is located where the natural and built environment provides defined borders to provide additional buffer and separation from one-family residential area. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. DUNKIN DONUTS & BASKIN ROBBINS FAÇADE SP11-40A

Consideration of the request of Dunkin' Donuts and Falguni Raval for Preliminary Site Plan approval and a Section 9 Façade Waiver. The subject property is located at 39415 W. Ten Mile Road, on the southwest corner of Ten Mile Road and Haggerty Road. Property is zoned B-1, Local Business District. The applicant is proposing to redesign the façade of the Dunkin' Donuts tenant space on the north end of a multi-tenant retail building.

Planner Campbell stated that the site is located on the southwest corner of Haggerty and Ten Mile Road. The site is bordered by a Jaguar dealership across Ten Mile Road to the north, a light industrial building across Haggerty road to the east (in the City of Farmington Hills), single-family homes to the south, and a restaurant (Moe's on Ten) to the west.

The zoning of the property is B-1, General Business. The site is bordered by B-3 zoning across Ten Mile to the north, R-4 zoning to the south, and B-1 zoning to the west. Across Haggerty to the east is LI-1 Light Industrial Zoning within the Freeway Overlay District within Farmington Hills.

Planner Campbell explained that the applicant is proposing to reface their portion of a multi-tenant retail building, including all of the north side, and their portion of the east and west sides. The remainder of the building will remain the same, and no other changes to the site are proposed. The applicant is proposing an EIFS parapet with a cornice feature, two vertical elements faced with cultured stone, new paint, and a metal screen wall to screen existing rooftop mechanical equipment.

The proposal required review and recommendation from the Planning Staff and the Façade Consultant. The Planning review recommends approval of the Preliminary and Final Site Plan contingent on the applicant receiving a Section 9 Waiver from the Planning Commission. This recommendation is based on the review from the Façade Consultant, who notes that there is underage of brick and an overage of EIFS, ribbed metal, and fluted block, based on the facade materials standards of the Zoning Ordinance. Both Staff and the Façade Consultant agree the proposed changes will significantly improve the appearance of the existing building.

Chair Pehrson asked if the applicant would like to address the Planning Commission.

Mr. Chris Biggers with Foresta Architects came forward along with the Ms. Falguni Raval the owner of

Dunkin Donuts.

Chair Pehrson asked if there were any comments they wanted to make at this time.

Mr. Biggers wanted to comment that Dunkin Donuts is requiring the Franchise to upgrade to a 2015 prototype. Mr. Biggers said the prototype consists mainly of EIFS, painted horizontal Hardy Board siding and the orange band across the top. This orange will be in conflict with the ordinance. Mr. Biggers explained we had to seek a change from the prototype. He said there is a conflict between corporate identity and the ordinance and we have tried to comply with the ordinance. If you have seen the building, which includes fluted block and other elements, some elements we want to remove and try to upgrade. We also have sample of all the materials, including cultured stone, EIFS and color samples.

Motion made by Member Baratta and seconded by Member Prince.

ROLL CALL VOTE ON THE APPROVAL OF THE PRELIMINARY AND SECTION 9 WAIVER FOR DUNKIN DONUTS & BASKIN ROBBINS, SP11-40A, MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER PRINCE:

In the matter of Dunkin' Donuts & Baskin Robbins, SP 11-40A, motion to approve the Preliminary Site Plan and Section 9 Waiver, for the underage of brick and the overage of EIFS, ribbed metal, and fluted block subject to the following reasons: a) 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 2) 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 5-0.

Chair Pehrson asked what the timing would be in doing the façade.

Mr. Biggers answered the work is expected to commence immediately.

Deputy Director McBeth confirmed that the motion included the reasons stated in the staff and consultants review letters.

Chair Pehrson answered, yes it was.

2. SET PUBLIC HEARING FOR NOVEMBER 9, 2011 FOR RETAIL OVERLAY ZONING ORDINANCE TEXT AMENDMENT

Planner Spencer explained, to further the implementation of the Adopted 2010 Master Plan for Land Use, the Planning Staff is asking the Planning Commission to set a public hearing for November 9, 2011 to consider and make a recommendation to City Council on a set of Zoning Ordinance amendments that do the following:

The amendments would:

- a) Eliminate Article 23, the OS-2, Planned Office Service District;
- b) Amend Article 12 the OSC, Office Service Commercial District to add uses currently permitted by reference in the OS-2 District;
- c) Amend Article 23A the OST, Planned Office Service Technology District to add uses currently permitted by reference in the OS-2 District; and
- d) Amend Article 23A the OST District to add, subject to special conditions, a set of retail uses only for those areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the adopted Master Plan for Land Use.

During the 2009-2010 Master Plan Review process, the previously designated "Office" future land use definition was evaluated and the review recommended creating a new set of office land use definitions generally coinciding with the current zoning districts to establish a stronger vision for the future use of

these areas and to make them more appealing to investors. The review did not contemplate a use area to coincide with OS-2 since the only area zoned OS-2 was the residential Knightsbridge Gate development. The zoning for that development did not match the residential uses depicted in the Master Plan and approved by a Consent Judgment.

The Master Plan Review also studied properties along Grand River and east of Beck Road in detail. The review concluded that a limited amount of retail uses could be placed near the intersection of Grand River and Beck in a manner that would be compatible with the nearby office, commercial and light industrial land uses. The review proposed that by limiting the amount of land available for retail, the types of retail uses and access to the properties, the impact on nearby existing and planned retail uses and the road system would be minimal.

Planner Spencer continued, the 2010 Master Plan incorporated the new office future land use categories, a set of future land use map amendments and a set of objectives and implementation strategies related to the Grand River Avenue and Beck Road Study Area.

The four new Office land use areas are: a) "Community Office" to coincide with areas zoned OS-1; b) "Office Commercial" to coincide with areas zoned OSC; c) "Office, Research, Development and Technology" to coincide with areas zoned OST; d) "Office, Research, Development and Technology with Retail Service Overlay" use area included to permit an additional set of retail uses select office areas.

To start implementing these master plan amendments, the City rezoned the Knightsbridge Gate property from OS-2 to R-4, in May, 2011. With the OS-2 District no longer depicted on the Zoning Map, it is now appropriate to eliminate the District from the Zoning Ordinance. The Planning Commission's packet included a draft Zoning Ordinance amendment to eliminate the OS-2 District and to add OS-2 uses referenced as permitted uses in the OSC and OST Districts to these Districts.

Staff also proposes amending the OST District to add retail service uses as principal permitted uses subject to special conditions in areas designated in the Master Plan's Future Land Use Map as Office, Research, Development and Technology with Retail Service Overlay. The proposed retail services uses include fuel stations, car washes, restaurants (including drive-through) and convenience stores. All of the other uses permitted as principal permitted uses in the OST District would continue to be allowed.

The proposed ordinance conditions would also limit access to these properties from major roads and thus reduce conflicts on Beck Road and Grand River Avenue. The initial road work modeled after the Master Plan's Grand River Ave. & Beck Road Study Area Transportation Plan was begun with the USA2Go project.

Allowing for a limited amount of retail services to serve the employees and visitors of Office, Research, Development and Technology use areas may make the prospect of developing new businesses in the area more attractive and thus create greater potential for additional development and redevelopment in the nearby OST District.

At this time, the Planning Staff recommends that the Planning Commission set a public hearing for November 9, 2011 to consider and make a recommendation to City Council on the proposed amendments. If any of the Commissioners would like this matter to go before the Planning Commission's Implementation Committee before a public hearing is held, please let the Planning Staff know.

Motion made by Member Gutman and seconded by Member Prince.

VOICE VOTE ON MOTION TO SET A PUBLIC HEARING FOR NOVEMBER 9, 2011 FOR RETAIL OVERLAY ZONING ORDINANCE TEXT AMENDMENT MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER PRINCE.

Motion to set a public hearing for November 9, 2011 for the proposed Retail Overlay Zoning Ordinance Text Amendment. Motion carried 5-0.

3. APPROVAL OF THE SEPTEMBER 7, 2011 PLANNING COMMISSION MINUTES

Motion made by Member Gutman, and seconded by Member Baratta:

VOICE VOTE ON APPROVAL OF THE SEPTEMBER 7, 2011 PLANNING COMMISSION MINUTES, MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA.

Motion to approve the September 7, 2011 Planning Commission minutes. Motion carried 5-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda removals.

MATTERS FOR DISCUSSION

There were none.

SUPPLEMENTAL ISSUES

There were none.

AUDIENCE PARTICIPATION

Seeing no one, Chair Pehrson closed the last audience participation.

ADJOURNMENT

Moved by Member Baratta and seconded by Member Anthony:

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER BARATTA AND SECONDED BY MEMBER ANTHONY.

Motion to adjourn the September 7, 2011 Planning Commission meeting. Motion carried 5-0.

The meeting was adjourned at 9:03 PM.

Transcribed by:

Juanita Freeman, Account Clerk, October, 2011

Date Approved:

Richelle Leskun, Planning Assistant