



PLANNING COMMISSION

MINUTES

CITY OF NOVI

Regular Meeting

August 12th, 2020 7:00 PM

Remote Meeting

45175 W. Ten Mile (248) 347-0475

In accordance with Executive Order 2020-154, this meeting was held remotely.

CALL TO ORDER

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

ROLL CALL

Present: Member Avdoulos, Member Dismondy, Member Ferrell, Member Gronachan, Member Lynch, Chair Pehrson

Absent: Member Maday

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Madeleine Kopko, Planning Assistant; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Elizabeth Saarela, City Attorney; Pete Hill, City Environmental Consultant;

PLEDGE OF ALLEGIANCE

Chair Pehrson led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Ferrell and seconded by Member Gronachan.

VOICE VOTE TO APPROVE THE AUGUST 12, 2020 PLANNING COMMISSION AGENDA MOVD BY MEMBER FERRELL AND SECONDED BY MEMBER GRONACHAN.

Motion to approve the August 12, 2020 Planning Commission Agenda. *Motion carried 6-0.*

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee reports.

CITY PLANNER REPORT

There was no City Planner report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There was nothing on the Consent Agenda.

PUBLIC HEARINGS

1. BECK NORTH UNITS 4 & 52, JSP 20-12

Public hearing at the request of Dembs Development for Preliminary Site Plan, Woodland Permit and Storm Water Management Plan approval for a new 31,617 square foot speculative building for warehouse/office uses. The subject property is approximately 3.49 acres and is located in Section 4, north of West Road and west of Hudson Drive. The site is zoned I-1, Light Industrial District and is located in the Beck North Corporate Park.

Planner Bell said the subject property is in Section 4 north of West Road, on the west side of Hudson Drive. The parcel is approximately 3.5 acres and is currently vacant. The parcel is zoned I-1 Light Industrial as are the surrounding properties. Bordering the property to the west is the City of Wixom, and is also zoned for light industrial uses. The Future land use map indicates Industrial Research Development Technology for this area. There are some woodland and wetland areas present on the western portion of the site. There is an existing conservation easement protecting the wetland in the southwestern corner of the site as well as some woodland areas.

The applicant is proposing to construct a new building just over 31,600 square feet in floor area. The potential tenant is unknown at this time, but expected to be a warehouse use with accessory office. The site would have two driveways off of Hudson Drive. The applicant requests same-side driveway spacing waivers due to the proximity of the proposed driveways to existing driveways to the north and south. The site plan as proposed would require a total of 41 parking spaces. The applicant has proposed 52 spaces with a future parking expansion of 32 spaces shown if needed by a tenant.

Storm water would be collected by a single collection system and discharged into a previously constructed basin serving the corporate park properties. The plan will avoid impacts to the wetland area of the site. The tree survey provided indicates forty trees were surveyed, eight of which are less than eight inches in diameter and therefore not regulated. Twenty-four trees would be preserved while a total of sixteen regulated trees are proposed for removal. The applicant has indicated no credits would be planted on-site, but rather a payment into the City's Tree fund will be made for the required twenty-five woodland replacement credits.

Planner Bell continued to say the applicant has requested a Section 9 waiver for the overage of CMU on all facades. Our façade consultant supports the waiver request because the combination of materials will enhance the overall design of the building, and similar waivers have been approved for other projects in this area.

Landscape review identified a deficiency in parking lot perimeter trees. However the applicant indicates in their response letter that this will be corrected in the Final Site Plan.

The Planning Commission is asked tonight to hold the public hearing and approve or deny the Preliminary Site Plan, Woodland Permit and the Storm Water Management Plan. Representing the project tonight are Glenn Jones from Dembs Development and engineer Tom Gizoni from Alpine Engineering. Staff and environmental consultant Pete Hill are available to answer any questions.

Glenn Jones, Director of Development with Dembs Development, said the building is set up as a speculative construction project. We do have several parties interested in it, but unfortunately cannot mention names right now. The model for speculative buildings that we've been doing as of late seems to work very well. We just recently finished up Unit 54 which is around the corner from here and was also a speculative building. We brought a very good user for that building to Novi,

Hexagon Metrology, who's now moved into the building. The Section 9 waiver that we are applying for was pre-approved by the City's façade consultant and fits the model of the park and Beck North. The building is very complimentary to all the other facilities within our park. With that said I'll turn it back over to answer any questions you may have.

Chair Pehrson said this is a public hearing, if anyone would like to address the Planning Commission you may do so now.

Seeing no one in the audience wised to speak and there being no written correspondence, Chair Pehrson closed the audience participation and turned it over to the Planning Commission.

Member Avdoulos said this project is pretty straight forward and all the City Departments recommend approval so I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN FOR PROJECT JSP 20-12 BECK NORTH UNITS 4 & 52 MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

In the matter of Beck North Units 4 & 52 JSP20-12, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. A waiver from Section 11-216.d.1.d of the Code of Ordinances to allow same-side driveway spacing less than 125 feet *because the lot configuration does not allow for alternative placement, which is hereby granted;*
- b. A Section 9 façade waiver is requested for the overage of CMU (75% maximum allowed, 98% on South, 98% on West, 81% on East and 81% on North façade proposed) *because the combination of materials proposed will enhance the overall design of the building, which is hereby granted;*
- c. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Gronachan.

ROLL CALL VOTE TO APPROVE THE WOODLAND PERMIT FOR PROJECT JSP 20-12 BECK NORTH UNITS 4 & 52 MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONAHCAN.

In the matter of Beck North Units 4 & 52 JSP20-12, motion to approve the Woodland Permit based on and subject to the following:

- a. The regulated tree count shall be updated to reflect all trees determined to be subject to regulation under the Woodland Protection Ordinance by the City's environmental consultant as indicated in the applicant's response letter;
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE STORM WATER MANAGEMENT PLAN FOR PROJECT JSP 20-12 BECK NORTH UNITS 4 & 52 MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

In the matter of Beck North Units 4 & 52 JSP20-12, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. 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 6-0.*

2. CASA LOMA, LOT 4, PSP20-0052

Public hearing at the request of Compo Builders Inc. for consideration of a request for a Woodland Use Permit at 47685 Casa Loma Court. The property is known as Lot 4, Casa Loma Subdivision, which is located on the west side of Beck Road, north of Eight Mile Road in Section 32 of the City. The applicant is proposing to remove twenty-six woodland trees in order to construct a single family residential structure.

City Planner McBeth said as you know, the subdivision Casa Loma is located north of Eight Mile Road and west of Beck Road in Section 32. Unit 4 has submitted for building permits to the Building Department for a new construction for a residence. It is the last lot that is available in the development. The applicant's plans show the removals of twenty-six woodland trees in order to provide space to construct a single family residential structure, a swimming pool, a driveway, and other features. The memo included in the packet notes that twenty woodland trees are located within the building area shown on the overall development plan and six woodland trees are outside of the building area. However, those trees are located within areas of the property that need to be graded to allow for future construction of the proposed home and the swimming pool.

The City's Environmental consultant, Pete Hill, reviewed the request and prepared a review letter dated July 27, 2020. Two inspections were done of the lot on June 26, 2020 and then again on July 27, 2020 to compare information given by the applicant's engineer with the field conditions. Some woodland trees remain on the southern edge of the property, but the inspections reveal that the north part of the lot already has been cleared of the woodlands. The south side of the property contains a conservation easement that is shown on this exhibit and signs noting the buffer are also in place at this time.

The Planning Commission reviewed the plans for Casa Loma in 2005 and granted a woodland use permit which included the preservation of large portions of the existing woodlands in the open space particularly on the west side and in some instances on individual units within that subdivision. These areas would be addressed at the time of building permits as requested for the individual units. The approved plans for the Casa Loma Subdivision also include building areas identified for each unit. Generally, it's a rectangular area showing the required minimum building setback for the future placement of the home on each unit. Staff has completed an analysis of the trees recently removed from Unit 4 and found that twenty trees were within the identified building area and six trees have been removed outside of the building area.

City Planner McBeth continued to say staff finds that the Planning Commission should consider the removal of those six trees as authorized by the subject woodland permit and the remaining trees may be approved administratively. The applicant's plot plan indicated that the area outside of the previously identified building area is proposed to be graded in order to allow the construction of the home and the swimming pool on that unit. Staff provides a favorable recommendation to the

Planning Commission for the woodland permit to authorize the removal of the trees the applicant is responsible for payment into the Tree Fund or the planting of such replacements on-site for the removal of all twenty-six regulated trees in amount totaling forty-seven woodland replacement credits. If the Planning Commission is so inclined this evening, a suggested motion for approval has been provided on the second page of the memo and as you know the applicant and builder, David Compo is present this evening.

David Compo, Compo Builders, said Barb's presentation was very thorough. We are ready, willing, and able to pay into the bonds required for those forty-seven replacements. We have the funds set aside to be able to do this and the property owners do not want to pay into the tree fund. I believe they will be planning on doing this in landscaping. However, there is no landscape plan at this time so it would be held by Novi pending that landscape plan approval by me as the developer and builder. Novi would then say to plant the trees after that, so it would be staying in your accounts until such time that the replacement trees are installed based on their landscape plan which will probably be available in a year from now based on the size of this particular home.

Chair Pehrson said this is a public hearing, if anyone in the audience who wishes to address the Planning Commission on this matter please do so now. Seeing no one in the audience wished to speak, Chair Pehrson asked for the written correspondence.

Planning Assistant Kopko said there was a letter received in objection from Ronald Bush, 21565 Beck Road, he objects to removing the protected trees because the site will now have a smaller building envelope than the other sites in the development and the original plan was to have a protected woodland area which gives value to the community. There was also a letter received from David Compo who is in support.

Chair Pehrson closed the public hearing and turned it over to the Planning Commission for their consideration.

Member Lynch said I appreciate the work you have done on this project. It's a beautiful subdivision. One thing that I am pretty consistent about is that I don't like the Tree Fund. However, I don't want you to plant the trees so close together that they are going to die. Do you have room on-site in that subdivision to replace the trees? My recommendation would be to keep as many trees on-site as possible without planting them so close together that they're going to die. I did see a landscape layout for the entire site, but I have to admit I didn't go through each of the documents.

David Compo said I believe there is based on each of these lots being between 0.8 and 1.4 acres. The lot that had the most trees was at the end of the subdivision, Lot 6, which is 155 feet wide. They were able to do their replacement trees and they were at about one-hundred replacements, to give you an idea. As a correction, the plan is not to pay into the tree fund, but to keep that in the account pending their landscape plan. I completely agree with you not to put too many trees on top of each other, but as the owner is going to have a pool I would imagine they want a privacy buffer for their rear yard which typically then you end up putting in some kind of border often evergreen, but, again, that will be determined by a good landscape company.

Member Lynch said so my understanding is you're going to keep the trees on site, unless they are so close together that they're going to die and you're going to put bond money aside just as an act of good faith. Is that a good assessment of what you're doing?

David Compo said that is accurate.

Member Lynch said okay, I have no issue with what you are requesting.

Member Gronachan said how is it that those six trees that were outside of the building area get cut down? I am a little confused on that because they weren't supposed to be cut, correct?

David Compo said there was a window for getting the tree clearing done. Those ones are outside because of the grades that it's going to have. If we would have left those trees there, the base part of the stump would have been buried by three feet of dirt and you would have to put in a bunch of wells around them. It would not have worked with the final grade. The home that's on the site there right now is going to be raised up to the existing grade probably by about six feet. There is no way to grade this without having those trees gone. As a matter a fact, the owner really wants to take down a few more trees based on the pool which are not regulated per the Ordinance, but they're not in any wetland setback or buffer and there's still a ton of trees in the back of this lot. It is probably one of the most wooded lots.

Member Gronachan said when the homeowner goes to build the pool, do they have to come back in front of us in regards to cutting more trees down or is this something they can just do and that will get replaced on-site?

City Planner McBeth said I believe the pool was accounted for in terms of the tree removals that had been done.

Environmental Consultant Pete Hill said I agree.

Member Gronachan said I'm in full support of all the trees being replaced on-site, I think this is a beautiful subdivision and I realize there are a lot of trees there. As long as they're not going to be put into the tree fund and that they're going to be part of the subdivision, I can support this.

Member Ferrell said I also agree with the last two speakers. As long as the trees are staying on-site, I have no issues supporting this request.

Member Dismondy said same with me. It is a very expensive neighborhood and I don't think they are skimping out on landscaping. I would imagine they are going to follow what they've done in the other units and everybody will be happy.

Member Avdoulos said I am also in agreement and I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Gronachan.

ROLL CALL VOTE TO APPROVE THE REQUESTED WOODLAND REMOVAL PERMIT MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.

**In the matter of Casa Loma, Lot 4, PSP20-0052, motion to approve the Woodland Use Permit.
Motion carried 6-0.**

3. TEXT AMENDMENT 18.293 – LANDSCAPE ORDINANCE AND LANDSCAPE DESIGN MANUAL

Public hearing for Text Amendment 18.293 to update Section 5.5 of Zoning Ordinance related to the Landscaping standards, and the Landscape Design Manual, in order to make modifications to the ordinance and manual in certain areas.

Landscape Architect Meader said we last revised the Ordinance in 2017 and those updates were more fundamental to try to reduce the overabundance of landscaping that our Ordinance

currently requires. The updates are small in nature, but there are some major items. The basic intent of the changes at this time are more uniform in street tree locations, we have a different system than most. In some municipalities there are no requirements for street trees along open spaces and most of our development types have a requirement for street trees. Around Twelve Oaks Mall there are not requirements along the private roads, so I tried to close that loophole in case a similar development comes along where they have private roads or access roads to allow for street trees to be required.

Another item is to reduce the needs for variances. Our ordinance is a little too restrictive. Then we have the item: greater sensitivity to ecological issues facing our community that is, again, closing some loopholes. The most important ones with the largest impact are the mixed-use development issue. We've had some cases in the TC District, where we had loading zones right next to residential and I wasn't comfortable with the idea that there was no real barrier between those two uses. Because it's the same zoning district there's no requirement to have any kind of barrier, but I thought that there should have been. It's my suggestion that we add this requirement for a six-foot wall between residential sections of a PUD or a mixed-use development and areas like parking lots or loading areas.

The next item is the street-tree issue. I wanted to add a requirement for open spaces and for certain development types that don't currently have a requirement. This one is to add a requirement for canopy trees around the southern, eastern, and western sides of detention ponds to help the water stay cooler because warm water that goes into the streams can negatively impact fish and other species that live in the streams. There's another situation where our Ordinance requires multi-family units to have landscaping on the front of the unit. There was a recent project where they declared the front of the unit to be away from the road so they didn't have to have any landscaping along the road which I thought was not the intent of the Ordinance. The intent should be to make the building fronts look attractive so this is to define the front of a building. We also don't have a requirement for street trees for single-family developments with no lot lines like Terra, for example, where they have units. We kind of made one up as we went along, so this is actually to codify that.

Landscape Architect Meader continued to say some of the minor changes include reducing the need for waivers, greenbelt issues, parking lot requirement revisions, and some building foundation landscaping. We did send the draft changes to nineteen landscape architects and we got five comments back. There was a suggestion about street trees. One of the landscape architects suggested that we do it like most other municipalities and that is to not do it by lot as we do it now. We have it by individual lot frontage. This is a lot easier to say street frontage divided by 35 and take out the clear vision zones and it ends up with the same effect. So I think that's a good idea. There was concern about the new requirement for the trees around the detention basin because there's already a tendency for them not to prep to find space for replacement trees. I wouldn't have a problem with them using woodland replacement trees on the site for this requirement. It would end up being a new requirement for people who don't have any need to put woodland replacement trees, so potentially it could be an unfair application so that's kind of an issue I would like you and the Council to discuss. I'm just looking at it from an ecological standpoint and the benefit it would provide. Then another item that causes some concern and confusion is that I just wanted add some wording to say you can't use densely planted areas for perimeter trees to compensate for other areas. All this is really saying is of course you can use the existing trees along there for this. What I don't want is when it's a densely planted area like this to say there's twice as many trees as you would need here to then say you don't need them around this other area because this is density, I don't think that's what we want. I think we want to have a ring of trees around the parking lot to help shade in and make it look better and if you allow the trees to count in this area to be used then you would be stripping the benefits from other areas. I think it just wasn't

understood that I was saying you can't use existing trees and that's not the case at all. We just want to use the extra trees for other parts of the property.

I also talked about what materials would be between the residential and nonresidential in the TC-District. There was a question about using existing plant material for the intent of street trees when they're in the area planted where the street trees would be. Another one of the minor changes is to add Japanese Knotweed to our list as something they need to take care of and Japanese Knotweed is another really bad invasive species. The concern was actually not that it would be added to the list, but how it would be maintained after two years. It would most likely take more than two years to treat and I don't have an answer to that at this time because this rule goes for two years so I think we could add it to the obnoxious weed ordinance for a start.

Chair Pehrson said this is a public hearing if anyone in the audience wishes to address the Planning Commission, you may do so now. Seeing no one wished to address the Planning Commission, Chair Pehrson asked for the correspondence.

Landscape Architect Meader said the correspondence was included in the list.

Chair Pehrson closed the audience participation and turned it over to the Planning Commission for their consideration.

Member Avdoulos said I appreciate all the work that went through with this. I know sometimes when applicants come into the City there are some Ordinances that seem difficult to work around. The first thing is that you do work with the applicants and I think if you look around the city and all the properties and developments we have, the landscaping along with the natural features really enhances a lot of the projects. I personally do not have an issue with any of the items that you presented and I was really appreciative that the proposals were sent to Landscape Architects-those who are going to be using the Ordinance for these projects. It's great to get feedback from them and it's great that you take that into consideration. I agree with you on some of those where you want to maintain the density of the perimeter trees and not use what's there to kind of infill for the areas that are empty.

Motion made by Member Avdoulos and seconded by Member Gronachan.

In the matter of Text Amendment 18.293 Landscape Ordinance and Landscape Design Manual motion to make a favorable recommendation to City Council.

Member Dismondy said I'm guessing that this is the best practices and we're bench marking with similar leading communities?

Chair Pehrson said that is correct.

Member Dismondy said I am in support then.

Member Ferrell said I would just like to thank Rick for all the work that he has put in. It definitely seems like he did a lot of research and I also agree that it's great that you contacted the other landscape companies that are going to be doing the work in the city. I definitely like the fact that you're being proactive with changing some of these Ordinances and changing some of the things to keep up with other communities and with the times. I'm in support of the items that you discussed.

Member Gronachan said I am very impressed with all the hard work on this packet. I read through

it and I am very grateful that you took into consideration that there would be less requests for variances. I'm blown away by the detail so great job and hats off to the staff that helped worked on this for Rick. I think it's been a long time coming and I'm in full support.

Member Lynch said first of all thank you, this is a tremendous amount of work that you did. This was very detailed and I want to put it up front that I absolutely agree with everything you've done. However, have you reviewed this with the Ordinance Enforcement Department? I think what my colleagues don't understand is that a lot of these, in fact I'd be surprised if any of these landscape ordinances ever get enforced by our Ordinance Department. So are we creating these ordinances for us or are they actual enforcement? For example, I absolutely agree with cooling these ponds, well what happens when the developer turns it over and these trees get cut down? The ordinance officers are not going to spend time enforcing that.

Chair Pehrson said let's work on the part that we have control over. Beth, can we address the concerns for Member Lynch relative to compliance?

City Attorney Beth Saarela, said yes, it's our plan to have a study session to discuss how ordinance enforcement is decided on and pursued. There should be a Planning Commission study session on that issue soon.

Member Lynch said well I'm trying to relate this to something that happened to me at Ford. We had thousands and thousands of specifications and thousands of Ordinances and we basically did them to please ourselves because a lot of them we never used and in this particular case I have information that the ordinance enforcers enforce other items. They don't have time for this. I'm just raising the question why are we even doing this if it's not enforceable?

Chair Pehrson said again, that's out of our jurisdiction right now. I'm not disagreeing. If we have an issue let's bring it up with Beth during this session so if there needs to be better enforcement or control let us do that.

Member Lynch said okay, were not going to resolve this right now but it is something that we need to think about, don't you think?

Chair Pehrson said these are existing documents that are being revised. They're not brand new regulations other than trying to bring them into the twentieth century. I don't know that I necessarily agree with the idea that this is something new that were never going to be able to resolve.

Member Lynch said I'm just saying the current ordinances are not enforced.

City Attorney Beth Saarela said most of the properties in the city that are subject to the Ordinance are in compliance and typically enforced. As you said, there are literally thousands of properties in the city and there are many issues that have to be enforced. Our intent is to have a study session and talk over with everybody how and what types of enforcement mechanisms we may want to see and how to focus on why its focused on the way it is at this point. So it's not that it's not enforceable. It is enforceable; it's just that the way it's enforced with all the thousands of landscape plans in the city typically are only enforced when something is brought to the attention of the city and if it's not corrected.

Member Lynch said can we make this study session sooner than later because as we approve these new projects a lot of times what we do is we try to resolve conflict between adjacent home owners, the developer, and some of the Ordinance items before it goes to city council. I think city council appoints us to be reasonable about where were requesting of the developer and to be conscious

of the neighboring homeowners and try to resolve this conflict before it gets to them. I think we've done a great job at that and typically what we do is we add landscaping, right? Hasn't that been our history? I've been here for over a decade and that's exactly what we do and what we tell everyone that's in these meetings, we tell irate people, and taxpayers, and homeowners that are worried about all this stuff not to worry about it were going to put these additional plantings, were going to buffer.

Chair Pehrson said I think we get the gist, I don't think we will solve this tonight.

ROLL CALL VOTE TO MAKE A FAVORABLE RECOMMENDATION TO APPROVE THE LANDSCAPE DESIGN MANUAL AND ORDINANCE UPDATES TO CITY COUNCIL MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.

In the matter of Text Amendment 18.293 Landscape Ordinance and Landscape Design Manual motion to make a favorable recommendation to City Council. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. INTRODUCTION TO TEXT AMENDMENT – FACILITIES FOR HUMAN CARE

Set public hearing for Text Amendment 18.294 to update Section 4.65, Facilities for Human Care, to allow facilities for human care in the OST, Office Service Technology District throughout the City of Novi on sites consisting of not less than four and a half acres except general hospitals.

Planner Carroll said we have a proposed text amendment to the City of Novi's Zoning Ordinance requested by the applicant, Bowers and Associates. The applicant currently owns the Novi Tru Hotel site which is located south of Thirteen Mile Road and east of M-5. The site is zoned OST, Office Service Technology, and the newly proposed use to this site is a principle permitted use which is an assisted living facility. The applicants, Mr. Bacall of Elite Hospitality Group and Scott Bowers of Bowers and Associates are present on tonight's call and will expand on this request once I'm finished with this presentation. On my screen you can see a map I put together showing the sites throughout the city that would fall under the acreage requirement if it were to be adjusted accordingly. The applicant is proposing this amendment to accommodate for the change in use to the site and the changes proposed just to amend the minimum lot size requirement from 5 acres to 4.5 acres.

Currently, if that were to be reduced from 5 acres to 4.5 acres it would allow for additional 16 parcels within the city to allow for facilities for human care and that's what this map shows, anything shown in yellow would fall under that. Staff finds that this reduction would not lead to significant change in the development site, but would allow for the applicant to adapt the Tru Hotel site to the new use. Facilities for human care within the city would be able to take a slightly smaller footprint while maintaining quality form and design. The Planning Commission is asked to review the proposed amendment and if acceptable set a public hearing for a later meeting. Following the public hearing the Planning Commission will be asked for recommendation to City Council. With that, I invite any comments or for the applicant to speak.

Basil Bacall, Elite Hospitality Group, said we were constructing a hotel going full speed ahead and as of mid-March COVID had started to impact the hospitality industry tremendously. Our hotels have seen the worst performance even worse than 9/11 and the deep recession combined. Three to four months later, were still struggling with building occupancy. My national consultant firm estimates hospitality industry will not go to pre-COVID levels for another five years due to corporate travel, changing habits such as all these Zoom meetings, and so forth. With all the challenges were

facing, were asking if we can change the use to an assisted living facility. The challenges were also facing is that we are in the middle of construction and the bank was having second thoughts so were on hold. As well as the uncertain future, there's a lot of hospitality product within the ten mile radius in the surrounding municipalities that are coming which will really paint a dooming picture for this property to be able to operate. We would like your consideration for this request and appreciate your time.

Member Lynch said right now, what zoning district are these located in? What zoning is assisted living allowed in?

City Planner McBeth said they are mostly located in the Office Service and Office Service Technology districts. However, the Ordinance has a qualifying factor for facilities for human care such as assisted living that needs to be on a site that is at least 5 acres in size. So the acreage of the site that Mr. Bacall has is approximately 4.5 acres and he is requesting this text amendment to allow his building to be considered for an assisted living facility.

Member Lynch said I don't know the history and why it is 5 acres, it sounds like an arbitrary/rounding number, but 4.5 acres doesn't bother me. I'm concerned though, if we do this as a change to the district, are there areas that we can get into trouble where we have something that may be 2 acres or are most of the OST Districts larger in size than that?

City Planner McBeth said one of the benefits of the map that was prepared shows the areas and the acreages of those office areas, so before the public hearing we can take a closer look at that and say are there any problems with these areas, is there anything that would be a concern and if you think there is we can maybe adjust the language and move it to a further amendment where the areas would be eligible.

Member Lynch said okay. Personally, I understand, I don't really have an issue I just worry about anytime when you change something in a whole district there's always some unintended consequences that I'm fearful of. Half an acre doesn't matter to me one way or another, but if we start getting down under 4 acres I would like to know where the risk areas are. I mean these are well under 20% of what the original requirement was. Before we make a final decision, I do see some areas that are observed as 3.49 acres which is concerning. Certainly not concerned about the yellow area you showed that's 4.5-5 acres. The orange and red areas make me a little nervous.

City Planner McBeth said I think that's why staff is recommending what the applicant is requesting that it be at least a minimum of 4.5 acres or larger.

Member Lynch said I believe, although I don't have any data to prove this, but my belief is 5 acres is an arbitrary number and it's probably a round up and I think the 4.5 acres is fine with me if that's what we're trying to accomplish so I have no issue with that because it's a half an acre.

Member Gronachan said I concur with the previous speaker and especially the 4.5 acres minimum. My concern is that, again, as Member Lynch mentioned about having a negative impact by making this change. In reviewing this, I don't see where it would be a negative impact as long as we stick to the minimum of 4.5 acres and don't go any lower than that.

Member Ferrell said I agree with the last two speakers as long as we stick to the 4.5 acres I don't see an issue with it or have a problem with it so I would be in support of that.

Member Dismondy said I support it as well, I think it's a minor change given the potential for having a half built or empty hotel for years to come.

Member Avdoulos said I agree I think being able to repurpose what was initially a hotel into assisted living and I've seen it before so it's not an oddity. The applicant is correct in that we don't know when the hospitality industry is going to revamp and so I'm in support of this and I'll make a motion.

Motion made by Member Avdoulos and seconded by Member Ferrell.

In the matter of Text Amendment 18.294 motion to support and set a public hearing for an upcoming Planning Commission meeting.

Member Gronachan said is there a difference between a senior living facility and a hotel in regards to the impact of the services from the city? Does it increase for an assisted living facility as opposed to a hotel or would a hotel actually be more?

Chair Pehrson said Barb, if you could research that and just report back at the next meeting.

City Planner McBeth said I would be happy to.

ROLL CALL VOTE TO SUPPORT TEXT AMENDMENT 18.294 AND SET A PUBLIC HEARING FOR AN UPCOMING PLANNING COMMISSION MEETING MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

In the matter of Text Amendment 18.294 motion to support and set a public hearing for an upcoming Planning Commission meeting. *Motion carried 6-0.*

2. APPROVAL OF THE JULY 22, 2020 PLANNING COMMISSION MINUTES.

Motion made by Member Lynch and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE JULY 22, 2020 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER FERRELL.

Motion to approve the July 22, 2020 Planning Commission Meeting Minutes. *Motion carried 6-0.*

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Motion to adjourn made by Member Lynch and seconded by Member Gronachan.

Motion to adjourn the July 22, 2020 Planning Commission meeting. *Motion carried 6-0.*

The meeting was adjourned at 8:05 PM.