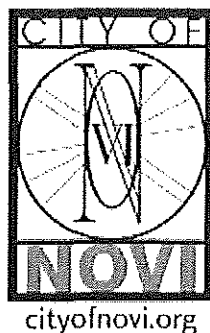


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: BARBARA ^{Baugh} MCBETH, AICP, DEPUTY DIRECTOR
OF COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18.269 DISPLAY PADS IN OSC DISTRICT
DATE: JULY 18, 2014

Attached are revisions to a proposed ordinance amendment submitted by Providence Park Hospital that would allow for outdoor display areas in the OSC, Office Service Commercial zoning district. Staff understands that Providence Park and the Varsity Lincoln dealership are interested in teaming up to provide vehicle display pads at Providence Park in order to highlight and recognize the donation of vehicles by the dealership for use at the hospital campus.

The Planning Commission held a public hearing on July 9th for review of the proposed ordinance language, and following considerable discussion, suggested that the matter be tabled to allow for modifications to be made to the ordinance language (draft meeting minutes attached). The City Attorney's Office and Planning staff have provided several modifications to further address the comments made at the meeting. Specifically, the language highlighted in yellow in the attached strike-through version is language that was added or modified.

The proposed ordinance would now allow review of the display area as a temporary special land use. This is a process that is already in place in Ordinance Section 3004 for certain temporary land uses, which allows review and approval by the Building Official upon receipt of an application and a plan demonstrating certain conditions regarding the nature and compatibility of the proposed temporary use. An excerpt of relevant sections of current Zoning Ordinance Section 3004 is attached for reference.

The proposed ordinance language related to the temporary use will now read:

Outdoor storage and display shall be prohibited except that in conjunction with a permitted general hospital use that is otherwise in compliance with this Article, a display area for use by donors in recognition of a donation of money, goods or services (e.g., art, vehicles, or the like) may be permitted by a temporary special land use permit and permit extensions granted by the Building Official as provided in Section 3004.2.b, subject to the conditions in Section 3004.3 and this section. An application for a temporary special land use permit shall identify the donor, type of item(s) to be displayed, and confirm that those item(s) are owned by the donor, with supplemental or amended applications allowed and required for any changes in the type of item(s) to be displayed.

This suggested modification to the proposed ordinance will allow the Building Official to confirm the donor, type of item to be displayed, and to review subsequent applications when changes are proposed to the types of items to be displayed.

Another change to the ordinance is to identify a minimum setback from major thoroughfares for the display pads. The proposed language provides a 150 feet minimum setback from major thoroughfares to insure that the displays would not be readily seen from either Beck or Grand River Avenue. Staff has supplied a graphic showing the approximate location of this 150 foot setback line, and in relation to the proposed location of the display pads. The Planning Commission may wish to discuss whether this setback is appropriate.

Other changes made to the ordinance include:

- Limitation on the display to occupy no more than an 18 foot by 9 foot area of the display pads, to more accurately reflect the size of vehicles that might be on display.
- Addition of the use of pavers to the acceptable hard-surface material for the display pads.

The Planning Commission held the public hearing for the proposed ordinance amendment at the July 9th meeting. Relevant draft meeting minutes are attached.

The Planning Commission is now asked to review the revised language and provide a recommendation that will be forwarded to the City Council for reading and consideration for adoption.

If any Commission Member has any questions related to this request, please feel free to contact me.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. _____

AN ORDINANCE TO ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 12, "OSC OFFICE SERVICE COMMERCIAL DISTRICT," SECTION 1203, "REQUIRED CONDITIONS," IN ORDER TO ALLOW CERTAIN OUTDOOR DISPLAYS IN CONNECTION WITH A PERMITTED GENERAL HOSPITAL USE.

THE CITY OF NOVI ORDAINS:

PART I. That Article 12, "OSC Office Service Commercial District," Section 1203, "Required Conditions," is hereby amended as follows:

Sec. 1203. Required Conditions.

To promote the most desirable use of land in the OSC District in accordance with a well-conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and building, and to protect the City's tax revenue, the following special conditions shall be met by all uses precedent to location in an OSC District:

1. [Unchanged]
2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited except that in conjunction with a permitted general hospital use that is otherwise in compliance with this Article, a display area for use by donors in recognition of a donation of money, goods or services (e.g., art, vehicles, or the like) may shall-be permitted by a temporary special land use permit and permit extensions granted by the Building Official as provided in Section 3004.2.b, subject to the conditions in Section 3004.3 and this section. ~~following:~~ An application for a temporary special land use permit shall identify the donor, type of item(s) to be displayed, and confirm that those item(s) are owned by the donor, with supplemental or amended applications allowed and required for any changes in the type of item(s) to be displayed.
 - a) ~~No more than~~ A maximum of two display pad areas no greater in area than 20' x 15' in size in connection with the general hospital use are allowed, with displayed items to not occupy more than a 18' x 9' area of a display pad so as to allow a 3 feet wide perimeter along the sides for pedestrian access;

- b) The displayed items must be compatible with the use of the general hospital campus and the existing building and improvements located thereon;
- c) Required corner clearances shall be provided at all intersections and drive aisles;
- d) Lighting shall comply with the requirements of Section 2511, Exterior Lighting;
- e) ~~No freestanding signage shall be permitted and only~~ One sign shall be permitted to be located on the display of no greater than two (2) square feet in area. All other signs as defined in Chapter 28 of the City Code are prohibited;
- f) Display pads shall be required and shall be constructed of concrete, ~~or asphalt,~~ pavers, or other similar hard-surface material approved by the Department of Community Development. The location and materials for ~~the display pads~~ shall be subject to administrative site plan approval pursuant to Section 2516 of this ordinance.
- g) Display pads shall be set back a minimum of 150 feet from a major thoroughfare.

3.-6. [Unchanged]

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

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

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

PART V. Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 102 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 a.m. to 5:00 p.m., local time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the _____ day of _____, 2014.

Maryanne Cornelius, City Clerk

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. _____

**AN ORDINANCE TO ORDINANCE NO. 97-18 AS AMENDED,
THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 12,
"OSC OFFICE SERVICE COMMERCIAL DISTRICT," SECTION
1203, "REQUIRED CONDITIONS," IN ORDER TO ALLOW
CERTAIN OUTDOOR DISPLAYS IN CONNECTION WITH A
PERMITTED GENERAL HOSPITAL USE.**

THE CITY OF NOVI ORDAINS:

PART I. That Article 12, "OSC Office Service Commercial District," Section 1203, "Required Conditions," is hereby amended as follows:

Sec. 1203. Required Conditions.

To promote the most desirable use of land in the OSC District in accordance with a well-conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and building, and to protect the City's tax revenue, the following special conditions shall be met by all uses precedent to location in an OSC District:

1. [Unchanged]
2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited except that in conjunction with a permitted general hospital use that is otherwise in compliance with this Article, a display area for use by donors in recognition of a donation of money, goods or services (e.g., art, vehicles, or the like) may be permitted by a temporary special land use permit and permit extensions granted by the Building Official as provided in Section 3004.2.b, subject to the conditions in Section 3004.3 and this section. An application for a temporary special land use permit shall identify the donor, type of item(s) to be displayed, and confirm that those item(s) are owned by the donor, with supplemental or amended applications allowed and required for any changes in the type of item(s) to be displayed.
 - a) A maximum of two display pad areas no greater than 20' x 15' in size in connection with the general hospital use are allowed, with displayed items to not occupy more than a 18' x 9' area of a display pad so as to allow a 3 feet wide perimeter along the sides for pedestrian access;

- b) The displayed items must be compatible with the use of the general hospital campus and the existing building and improvements located thereon;
- c) Required corner clearances shall be provided at all intersections and drive aisles;
- d) Lighting shall comply with the requirements of Section 2511, Exterior Lighting;
- e) One sign shall be permitted to be located on the display of no greater than two (2) square feet in area. All other signs as defined in Chapter 28 of the City Code are prohibited;
- f) Display pads shall be required and shall be constructed of concrete, asphalt, pavers, or other similar hard-surface material approved by the Department of Community Development. The location and materials for display pads shall be subject to administrative site plan approval pursuant to Section 2516 of this ordinance.
- g) Display pads shall be set back a minimum of 150 feet from a major thoroughfare.

3.-6. [Unchanged]

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

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

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Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

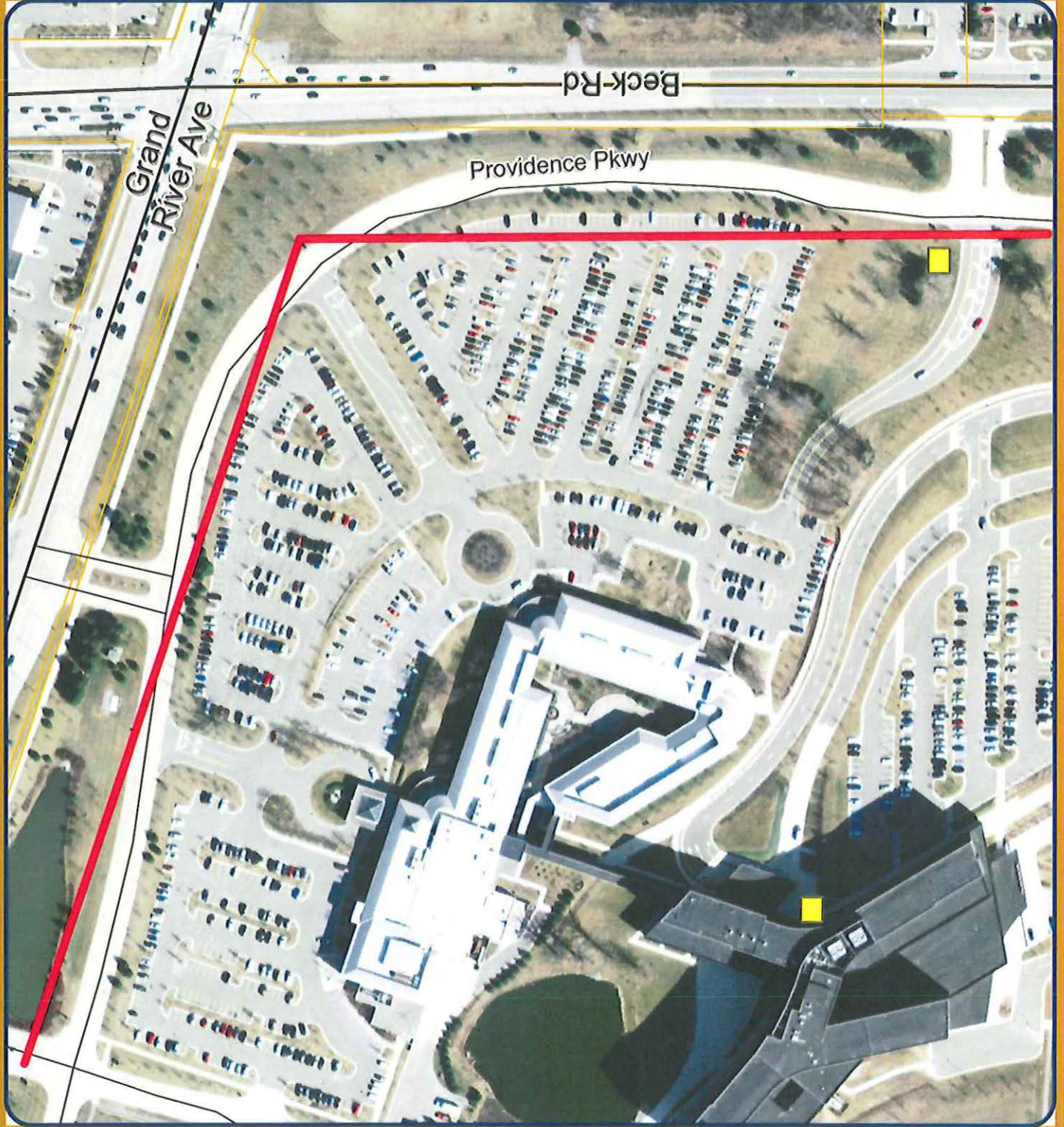
I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2014.

Maryanne Cornelius, City Clerk

**OSC DISPLAY PADS
TEXT AMENDMENT
APPROXIMATE 150 FOOT SETBACK LINE
PROPOSED DISPLAY PAD LOCATIONS**

OSC Display Pads Text Amendment

Setback Location



Map Legend

150' Setback



Proposed Display Pads

Feet



1 inch = 194 feet



City of Novi
Planning Division
Community Development Dept.
45475 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Sara White
Date: 07-18-14

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**EXCERPT FROM CURRENT ORDINANCE
SECTION 3004.2 TEMPORARY SPECIAL LAND USE
(FOR REFERENCE)**

Excerpt from existing ordinance language (as referenced in proposed OSC section)

Sec. 3004. Temporary Special Exception and Temporary Special Land Use Permits.

2. The Building Official shall have the power, upon filing of an application in accordance with section 3004.1.a(2), to grant permits authorizing temporary special land uses for:
 - b. Temporary uses, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible that do not require the erection of any capital improvements of a structural nature, provided the conditions set forth in section 3004.3 below, are met.
3. For any temporary special land use permitted in section 2, above, the Building Official shall take into consideration the factors in section 2516.2.c. In addition, the granting of permits for the temporary special exceptions and temporary special land uses in section 1 and 2 above, shall be subject to the following conditions:
 - a. The granting of the temporary exception or use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary exception or use is permitted, and shall not adversely affect the public health, safety, and welfare.
 - b. The temporary exemption or use shall be compatible with surrounding uses and shall not adversely affect the surrounding neighborhood or area by means or odor, noise, dust or other nuisance or detrimental condition.
 - c. The parking required by the temporary use will be provided on-site, through off-street parking unless adequate street parking is available in the immediate area.
 - d. Increased traffic caused by the temporary use shall not adversely affect the surrounding neighborhood or the City at large.
 - e. Permanent alterations to the site are prohibited.
 - f. Adequate fire protection and access for fire vehicles shall be provided as determined by the Fire Chief, or his design.
 - g. The site shall be completely cleared of all trash, debris, signs, sign supports, temporary structures, and electrical service within three days following the date specified for termination of the temporary use.
 - h. The granting of the temporary exception or use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - i. All setbacks, land coverage, off-street parking, lighting and other requirements of the district shall be met; and

- j. In classifying uses as not requiring capital improvement, the Building Official or his designee shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- k. The Building Official may impose reasonable conditions necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the permitted use mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Building Official may deem necessary to comply with the standards above. In addition, the Building Official may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

**DRAFT PLANNING COMMISSION
MEETING MINUTES - EXCERPT
JULY 9, 2014**



Excerpt from Draft
PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

July 9, 2014 7:00 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 Baratta, Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Anthony (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Sara Roediger, Planner; Sara White, Planner; Brian Coburn, Engineering Manager; David Beschke, Landscape Architect; Gary Dovre, City Attorney.

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.269

Public Hearing for Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OSC, Office Service Commercial District, Section 1203, Required Conditions: In order to allow Outdoor Display Areas in conjunction with a permitted General Hospital Use.

Deputy Director McBeth said this is a request by Providence Park Hospital that would allow the outdoor display areas in the OSC, Office Service Commercial zoning district, in conjunction with a general hospital use. We understand that Providence Park is teaming up with the Varsity Lincoln dealership to display vehicles that are provided as part of honoring vehicles donated for use on the campus. The text amendment would allow the display of other donations as well, if the hospital chose to do that. So instead of vehicles it could be art or some other public display. There were a number of suggested restrictions to the ordinance amendment, including a limitation on the total number of display pads associated with the hospital, noting that the display must be compatible with the use of the general hospital and not out of character with that use. Also, maintenance of the corner clearance areas for traffic safety, compliance with outdoor lighting standards, limitation on the signage that would be provided, hard surface materials for the actual display pads and not a gravel or grass surface. Also, if the ordinance passes, there would be administrative approval of the site plan that would locate the two display pads. At the last meeting, the Planning Commission set the public hearing for tonight and we're looking for a recommendation one way or the other to the City Council for this request.

Peter Karadjoff, President of Providence Park Hospital, said I appreciate your consideration for this. We've entered into a pretty unique relationship with Varsity. They actually are donating a security vehicle and the maintenance of it in exchange for the display. The fact that we are a not-for-profit organization, this is underwriting some expenses. We're a community facility. This is really the community's money that we're offsetting the expense on. As we've entered into this, it's got a term on it, we may renew it or not. We think it's tastefully done and the cars are not on display anywhere but on the campus. So you can't see them from Beck or Grand River, and will be tastefully landscaped and show well. Keep in mind that we have a rather conservative image as a healthcare facility so we've really toned down any type of big colorful things that make us look like a used car lot. That being said, these will be nice, new vehicles that are consistent with what the community likes to see. We would make one request, respectfully, to modify the hard surface. Right now we have crushed gravel down on the pads that we would like to use. I think it would work well. What that does is if we end this agreement it allows us to convert it back to landscaping pretty quick. This is the first

time we've done this so we're just trying to maintain some flexibility so that as we go forward, if we want to convert back it would be easier. It looks and displays just fine. It doesn't detract from the landscaping or function of the surface. So that's our only request.

Member Greco said I have some questions for the applicant. You indicated that you have an agreement with Varsity Lincoln, is it for a term of years right now?

Mr. Karadjoff said yes. I can't remember that it three or five years, but it's in that range.

Member Greco said alright so right now it's a three to five year contract. With respect to the displays, I'm not clear. I understand the car dealer is donating vehicles and is it other vehicles that will be displayed there to be sold or the actual vehicles that have some sort of Providence Park Security on it?

Mr. Karadjoff said well actually a Providence security vehicle that they're donating, so we have their logo on the security vehicle. So as it's in use in patrolling the campus, there is their logo on that. We didn't think that was controversial at all. The pads are for parking new cars out there for display. The two different spots; one up by the hospital so you can see outside the window of the lobby and one of the ring road on the inside of the campus. They'll change them out every couple of weeks so that they'll have something new.

Member Greco said now I have a question from the staff. Do you have any comments from the staff on the hard surface versus the gravel?

Deputy Director McBeth said our initial thought was that the hard surface would look better and be safer for the people that are pulling the cars in and out of that spot. That was our preference.

Member Greco said I think I tend to agree. I think the hard surface, from the pads that I've seen at other locations, looks a lot cleaner than the gravel. The gravel has a tendency to get weeds and grass in it. So I think I'd prefer the hard surface but I supposed I'll wait for the comments from my other commissioners. That's all I have.

Member Zuchlewski said relative to the hard surface, if concrete or asphalt, I don't like either one of them. If we're going with a hard surface, how about a brick paver? Would that be an option?

Mr. Karadjoff said I think we're trying to avoid the cost of installing and possibly removing something like that.

Member Zuchlewski said my thought was that in reading through this that it was for vehicles but it was also for artwork and other display type of things. So a paver would give you an option for whatever you decide to put up there. The other question, can you tell me about lighting?

Mr. Karadjoff said it's under the same lighting for the campus so there's no additional lighting that's provided. The car by the hospital is under a canopy and there are actually lights under there that have been part of the hospital.

Member Zuchlewski said so it's existing ambient lighting. Thank you.

Member Lynch said in one sense they are donating and then they're requiring you to put these cars on a hospital campus. Granted it's a unique way of marketing and maybe this is something we should consider, but are we going to have balloons and things like that out there?

Mr. Karadjoff said no, as I mentioned we're pretty conservative in our own image. You know our

property is well landscaped and well maintained. It's an important component for us. When it comes to the display, there's nobody with a sandwich board walking around. We've really got it toned down to essentially just the car. It is rather limited. There are no prices on the car and nothing in the window. There's a little plaque that you have to walk up and read to see what kind of car it is if you're that interested in it.

Member Lynch said isn't there something inside?

Mr. Karadjoff said there was but we removed it because we wanted to come back to the Planning Commission to get the approval.

Member Lynch said if we approve this zoning ordinance change to allow something like this are we opening up Pandora's box for if somebody wants to park a truck there. I sympathize with you because I know that you need donations and I do think it's unique marketing. I'm wondering though if we're opening up ourselves to somebody coming in the future saying 'hey wait a minute you let Providence do it and we want to put this big clown or something in front of our hospital.'

Deputy Director McBeth said we're working with the applicant and the city attorney's office. I think we've got it pretty closely written that it's really limited to the OSC, Office Service Commercial District, associated with the general hospital and very limited in scope. That isn't to say that somebody else won't come in and make a request. The only other place that I'm aware of, outside the usual car dealerships that do this kind of display pad, is the Suburban Collection Showplace. So we've seen vehicles on display at that location.

Member Lynch said I drive by Varsity Lincoln quite a bit and it's a nice store. The way that they park the cars though, it looks like somebody is pulling out into the street and maybe that's just bad taste.

Mr. Karadjoff said if you would have listened to where they wanted to park the cars it might have looked like that. We grappled with the image. But at the same time, as long as we the control the image, we can do it tastefully and we are getting real value. It's real hard savings that we're generating. They were on display for about six months or so and we really got no unfavorable comments about it.

Member Lynch said my concern is the primary use and function of the hospital is medicine and when people go to the hospital they are under a little bit of stress anyways. I'm going to trust your judgment on making sure that this doesn't add additional stress to somebody that wants to get their wife in to have a baby. People are kind of stressed out when they go there.

Mr. Karadjoff said I think the way we had looked at it is sometimes in the hospital you have a little downtime when you're a family member and it gives them something to look at.

Member Lynch said I guess with that rationale it's fine with me. I would like to see some sort of professional looking pad surface. I understand your point, if you eliminate the contract in five years you want to minimize the cost to put the grass back in there, but at the same time you want to do it tastefully. I think that possibly a brick paver or something to make it look tasteful because Providence Park is a beautiful campus.

Mr. Karadjoff said and I think you would appreciate we would do nothing to detract from the landscaping we've done. So if we could even have the gravel that we have there approved because the people would appreciate the landscape we put in around it. I think that would display well.

Member Baratta said this is a question for the staff. When I read the proposed text ordinance, I guess I'm looking at it as we're creating this exception that is limited to OSC and a hospital, and we're relying on the hospital to have a certain standard, but if the standard changes is there anything in the ordinance that prevents that change. Is there anything we could look at and say it doesn't meet the standard?

City Attorney Gary Dovre said the revised standard, in response to your comment at the last meeting about it being a bit vague. Section B talks about compatibility with the use. That is a common standard zoning administration and enforcement term. In the situation you described, staff could simply say that is not compatible with that general hospital use. Staff's call stands unless and until it's reversed by the Zoning Board of Appeals or a court.

Member Baratta said so based on that, the cars are fine. So today if they want to put a car there we say it's fine. If they wanted to do a boat or Winnebago in three or four years from today because it's a different standard at the hospital, they would have to bring that to the staff.

City Attorney Dovre said the very last part in this ordinance, the location and materials for the display should be subject to administrative site plan approval. So yes, it would have to come to staff to review the proposal.

Member Greco said if I may, doesn't it say for the surface of the display pad? It isn't specific to what's on the pad. I'm sorry to interrupt, I don't necessarily think I have a problem with this, but there may be an issue regarding what is there. The standard is vague. Why is a car more compatible with the general campus hospital use than a boat? It's not. You can make an argument either way, but we do run the risk when passing this because there could be some piece of art that's objectionable. You run into first amendment issues once you allow this. Now once you allow it, you're kind of opening it up there to what's there. This is pretty vague. I don't know the difference between any piece of art, whether objectionable or not, or a vehicle or something else for sale. It could be a grill. Let's say they enter into an agreement with Home Depot and all of a sudden you have like a tool box on display with a grill or an outdoor patio set. So that would be the issue. Again I don't know that I necessarily object to it because I think I'm generally in favor of the agreements for the mutual benefit of the parties but we do run into issues about what we like and don't like once we approve it.

Deputy Director McBeth said we can continue to work with the attorney's office and the applicant can maybe tighten it up a little bit and say that the passenger car is the only item that requested at this point. We could specify that in the ordinance language at some point. If they wanted to display something else they would need to come back and discuss it at that time.

City Attorney Dovre said sorry I read that too quickly. The staff administrative site plan approval is for the material for the pad, not the materials on the pad.

Chair Pehrson said I agree with Ms. McBeth's direction. If we can go back and look at that, that would be great. We're taking the applicant at his word and I completely believe in the word that he's using which is tasteful, but what's not to say General RV comes and wants to do the same kind of thing. So I was initially not really in favor of this just for from the stand point of it looked too commercial. Now that it's scaled back and more in line with the passive display that you would probably just go by, I would much like to see the language tightened up a little bit and find that happy medium so that we don't allow us to get onto this slippery slope.

Member Baratta said is there a way to put an expiration date on this ordinance? Could we say it's three to five years based on this particular contract for a car. No changes, after that expires.

City Attorney Dove said that's generally not a good idea on a zoning ordinance. I mean, yes you could, but the zoning ordinance is supposed to be setting a rule that is there forever. If you start saying it's three to five years, you're basically saying it's three to five years because that's the length of the contract.

Member Baratta said or can we sit down and say maybe we don't need a change in the ordinance. Maybe we're talking about a different vehicle.

City Attorney Dove said I know Mr. Schultz looked at this and came up with this as the way this could be legitimized. I'm not talking about if he considered different approaches to this. I'd like to think that he thought this was the best approach. Whether there are others that are not as good, I'd have to talk to Tom.

Member Baratta said I'm looking at a non-profit entity who is looking for a modifications. I know we're talking about OSC, but what's the difference with the hospital here or a church over on Ten Mile wanting to display a couple of cars for a donation. I mean obviously on OSC, this is very limited, but is there any reason that they shouldn't have the same limitations as the hospital. So going on that same track, I think there's a different way to solve this problem and give the hospital what I think is a very minor change to his current zoning through some sort of an approval process and not change the zoning ordinance for OSC. There's got to be a way of doing that.

Member Greco said is the issue here that this is a commercial type of use putting the car out there. If you have the different locations here, I mean the car being there, it could be anything, right? Like I said it could be a piece of art or decoration or Christmas tree. Is the problem here that is some sort of commercial type of exchange enterprise that it became objectionable? Something that was for sale, rather than a piece of art or decoration? And I'm wondering if that maybe is the fine tuning that we need here. If it's limited to a commercial thing. Because we do get into a problem even if it's inside the ring road and inside the building. I mean you can put a Christmas tree or another decoration there. Was the problem that it was some sort of commercial type of exchange?

Deputy Director McBeth said Ordinance Section 1203.2. states that everything in the OSC, Office Service Commercial district should be located within a completely enclosed building, with only a couple of exceptions. Outdoor storage and display shall be prohibited. So the red language included in the packet is in conjunction with the new added language. So they were cited because that was outdoor display..

Chair Pehrson said if I might, let us task you to draft the right language. I don't have a particular problem with this venture going forward but let's find the right language. So if the maker of the motion might want to include that so we can find that happy medium so we can carry this forward.

Member Giacometti said I'm not sure I understand what we want to see in the language.

Chair Pehrson said I don't care what the language is right now until we have them go back and craft something that comes that looks a little bit more appropriate that says we're limiting to time. We're trying to find a solution that allows Providence Park to have this gift given to them that they can modestly show and demonstrate the car being onsite. To everybody else's point, that we are finding that limit to have non-objectionable things but also takes into account some of the things Mr. Greco brought forward like a piece of artwork like we have around this building. I know it's a different set of standards being a municipal building, but if somebody didn't like the green guy over here holding the globe and wanted to make and issue of it, if it were on your property we don't want them to be in any kind of jeopardy because we've allowed that to happen. Anybody and object about anything but we're just trying to find a happy medium here to allow those two cars on two beds

within the property that they own.

City Attorney Dovre said in the course of looking at this arrangement, did you determine if any other hospitals, whether they are in Michigan or in the country have similar arrangements.

Mr. Karadjoff said, to my knowledge, there is nobody else doing this. In Michigan, I don't think there's anybody doing it at this point.

City Attorney Dovre said thank you.

Member Giacometti said I have a few questions. Are there any tax implications to using hospital property for a commercial arrangement?

Mr. Karadjoff said there can be tax implications for a for-profit use of our non-profit space, we're pretty mindful of that. We've vetted this through our attorneys and I think they felt pretty comfortable that the donation of the vehicle far outweighed the display of the vehicles.

Member Giacometti said the other question I had in terms of your discussion with varsity is was this your absolute floor, two cars?

Mr. Karadjoff said there were a few ideas. We really were thoughtful of the cars we displayed and where we displayed them. There is nothing inside the hospital and nothing outside the perimeter road. So we really settle on these spots as being acceptable to both parties. I don't know if there was a ceiling or a floor on what we would do, but we really came to this conclusion.

Member Giacometti said when I read through this my initial reaction I think was similar to some of the other commissioners in that I didn't particularly care for this concept/arrangement, but seeing that he proposed location is relatively close to the hospital it's ok. I think a provision that I would like to see is a minimum setback from the road or maximum from the building in terms of its location. I think closer to the facility and further away from the road, I think would be acceptable. The other item that may prevent this becoming an issue with other OSC districts, is if there's a setback that's 300 feet, there may be a lot of facilities that wouldn't be able to accommodate that. So with those amendments, I think I would be ready tonight to approve this, but if you'd rather wait and go back, then so be it. I leave that to the commissioners.

Member Lynch said I guess the question on the table is if there was a 300 foot setback and I know one off the pads is off of Beck. I would have told you that I wanted pad right at the corner next to your sign at Grand River and Beck if I was Varsity, but will it affect your donations if it were so far back that nobody could see it.

Mr. Karadjoff said well it's not for display for anybody on Beck or Grand River, so you can't see it from those roads. I don't know what the setback is from Beck Road, it's inside the berm. It's probably 50-100 feet back from Beck Road. It's for display when you're on the campus.

Member Lynch said so it's all internal?

Mr. Karadjoff confirmed it's all internal.

Member Lynch said so would you have an objection just putting it into a parking stall and designating it as a display area?

Mr. Karadjoff said we contemplated that, it just wouldn't stand out. We have hundreds and hundreds

of cars in the lot so in exchange for the donation they wanted some visibility and we kicked it around and they left the one by the hospital is probably the one that is the most noticeable and gets the most looks. So the one out by the road is also important, it just allows us another spot. So I think we'd like to keep the two vehicles the way they are. It took us a while where we were comfortable with this that it wasn't gaudy.

Member Lynch said do you have an objection that if a pad was made out of concrete pavers that you see. Gravel is messy.,

Mr. Karadjoff said I think something that would be low cost to install and low cost to take out and wasn't permanent. If I could just send a landscape guy out there say 'hey Jay would you pick those things up now' and it was that simple, we'd be pretty comfortable with that.

Chair Pehrson said relative to Suburban that was mentioned, are any of those cars displayed outside or is that all inside the building.

Deputy Director McBeth said some of those cars are outside the building as well.

Chair Pehrson said was there any amendment for that to have taken place

Deputy Director McBeth said that's a different district that allows outside display. It's unique to that district.

Member Baratta said at this point I would like to make a motion to table this zoning ordinance text amendment until we can get some additional language that encompasses the discussion the commission had. I think we were talking about some vague language and setbacks. I don't have them all written down here but I do think we need a hard surface for these pads either way. I think that's been consistent from what I've heard and I would make that part of that ordinance.

City Attorney Dovre said just a quick question as to the hard surface. I know the last question you asked was regarding the concrete pavers. Currently we're talking about concrete and asphalt, wouldn't concrete pavers be a third option.

Member Baratta said I would have no objection to that. Does anybody else?

Member Greco said I have no objection to that. If it's something that's not encompassed within what's already required.

Moved by Member Baratta and seconded by Member Greco:

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.268 APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GRECO:

Motion to table the Zoning Ordinance Text Amendment 18.268 for revised language as discussed by the Planning Commission this evening. *Motion carried 6-0.*