REGULAR MEETING - PLANNING COMMISSION
CITY OF NOVI
October 26, 2016

Proceedings taken in the matter of the PLANNING COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Wednesday, October 26, 2016

BOARD MEMBERS
Mark Pehrson, Chairperson
Tony Anthony
Ted Zuchlewski
David Greco
Robert Giacopetti

ALSO PRESENT: Barbara McBeth, City Planner
Rick Meader, Landscape Architect, Sri Komargiri, Planner,
Adrianna Jordan, Planner, David Gillam, City Attorney, Jeremy Miller, Staff Engineer

Certified Shorthand Reporter: Jennifer L. Wall
Novi, Michigan.

Wednesday, October 26, 2016

7:00 p.m.

** ** **

CHAIRPERSON PEHRSON: Call to order the October 26, 2016 Planning Commission regular meeting.

Sri, can you call the roll.

MS. KOMARGIRI: Thank you. Good evening. Member Anthony?

MR. ANTHONY: Here.

CHAIRPERSON PEHRSON: Member Giacopetti?

MR. GIACOPETTI: Here.

MS. KOMARGIRI: Member Greco?

MR. GRECO: Here.

MS. KOMARGIRI: Member Lynch?

CHAIRPERSON PEHRSON: Absent, excused.

MS. KOMARGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: Here.

MS. KOMARGIRI: Member Zuchlewski?

MR. ZUCHLEWSKI: Here.

CHAIRPERSON PEHRSON: With that,
if we could stand for the Pledge of
Allegiance.

(Pledge recited.)

CHAIRPERSON PEHRSON: Look for a
motion to approve the agenda or any
modification thereof.

MR. ZUCHLEWSKI: Motion to
approve.

MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: We have a
motion and a second.

MR. GILLAM: Based upon some
discussion we had in study session, is there
a consideration to set a public on the Text
Amendment for the TC and TC1 zoning
districts?

MR. GRECO: There is and I'd like
to make a motion about it.

Motion to set the Zoning
Ordinance Text Amendment 18.277 for a public
hearing.

MR. ZUCHLEWSKI: Second.

CHAIRPERSON PEHRSON: Motion by
Member Greco, second by Member Zuchlewsiki,
that is added to the agenda.
MR. GRECO: Just added to the agenda as a matter for consideration.

MR. GILLAM: That's correct.

CHAIRPERSON PEHRSON: Do we need a voice --

MR. GILLAM: The motion would be to approve the agenda as amended.

CHAIRPERSON PEHRSON: We have that as well. Sri, if you want to call the roll, please, on the agenda.

MS. KOMARGIRI: Member Anthony?

MR. ANTHONY: Yes.

MS. KOMARGIRI: Member Giacopetti?

MR. GIACOPETTI: Yes.

MS. KOMARGIRI: Member Greco?

MR. GRECO: Yes.

MS. KOMARGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. KOMARGIRI: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. KOMARGIRI: Motion passes five to zero.

CHAIRPERSON PEHRSON: Thank you
for reminding us of that.

This is our first audience participation. If there is anyone in the audience that wishes to address the Planning Commission on any topic, other than the two public hearings. We will not be speaking directly to the Master Plan today. But if you have any comments about that, you're always welcome to bring those forward. Anyone wish to address the Planning Commission?

(No audible responses.)

CHAIRPERSON PEHRSON: Seeing none, we will close the audience participation.

I don't believe we have any correspondence?

MR. GRECO: Correct.

CHAIRPERSON PEHRSON: No committee reports. City Planner, Ms. McBeth?

MS. MCBETH: Good evening again. I wanted to mention at Monday's City Council meeting, the City Council approved the special land use and site plan for the 150 foot tall wireless communications tower, for
the property just east of the fire station on Ten Mile Road.

CHAIRPERSON PEHRSON: Very good.

MS. MCBETH: Thank you, Mr. Chair.

CHAIRPERSON PEHRSON: Brings us to our first public hearing, which is Zoning Ordinance Text Amendment 18.276, consideration for the Planning Commission's recommendation to City Council for an ordinance to amend City of Novi zoning ordinance. At several sessions primarily related to the TC, TC-1 Town Center districts in order to obtain -- in order to implement recommendations of the 2014 Town Center area study. Ms. McBeth.

MS. MCBETH: Mr. Chair, I would make a brief introduction and then Sri will jump in with some more details.

So the Planning Commission was first asked to consider setting a public hearing on June 8 of this year for this Text Amendment.

At that meeting staff was directed to hold a study session to further
discuss the proposed text amendment in the TC and TC-1 requirements and these, of course, had been initiated through that Town Center area study. The study session was held on July 13th, during which the Planning Commission discussed the intent and objectives of the Town Center area study.

The Planning Commission was asked to reconsider setting the date for the public hearing at their August 24th meeting.

At that meeting, the Planning Commission decided to hold the public hearing for tonight's meeting.

So Sri will give you some more details of this text amendment.

MS. KOMARGIRI: Thank you. The Town Center area study offers some recommendations to modify the current zoning ordinance to implement -- to facilitate the development of existing and vacant parcels into a viable and active Town Area.

The current amendment only includes few minor changes to the ordinance to implement some of those recommendations offered by the study, which was approved by
Planning Commission in 2014.

Staff divided the amendments in three categories, some of which are straightforward, some that needed some further research and others that were studied as part of the current Master Plan for Land Use update. Three categories were color coded and the document provided as part of the packet, and are called "recommended zoning updates: phased approach" for easy understanding. A sample page is shown on your screen.

The current amendment regarding phase one will include the first set of suggestions, marked in green in the documents, which are essentially making some changes to the text adding a permitted use or a special land use as recommended by the study, very straightforward changes.

Changes for the zoning ordinance include our recommendation from the Town Center and TC-1 district. The current phase is proposing only minor modifications for the text for about five sections of the zoning ordinance. The details are provided
in your packet.

At this time, the Planning Commission is asked to hold the public hearing and maybe make a recommendation to the City Council who will ultimately approve or deny the amendment and may propose alternations as well. Thank you.

CHAIRPERSON PEHRSON: Thank you, Sri. This is a public hearing. Does anybody in the audience wish to address the Planning Commission on this particular matter, step forward?

(No audible responses.)

CHAIRPERSON PEHRSON: See no one, I don't believe we have correspondence, so we will close the public hearing portion of this, turn it to over Planning Commission for their consideration.

Anyone?

MR. GRECO: Have no comments.

CHAIRPERSON PEHRSON: None.

MR. GRECO: No one.

MR. ANTHONY: So is our -- whatever our motion here would be to accept the recommendation for -- of the staff for
the City Council to review?

MR. GRECO: Yes, to recommend to
the City Council -- we are recommending the
recommendations made.

MR. ANTHONY: I would make a
recommendation or make a motion to support
having the recommendations of staff to update
the Master Plan move onto Council.

MR. ZUCHLEWSKI: Second.

CHAIRPERSON PEHRSON: We have a
motion by Member Anthony, second by Member
Zuchlewski. Any other comments?

Sri, can you call the roll, please.

MS. KOMARGIRI: Member Greco?

MR. GRECO: Yes.

MS. KOMARGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: yes.

MS. KOMARGIRI: Member

Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. KOMARGIRI: Member Anthony?

MR. ANTHONY: Yes.

MS. KOMARGIRI: Member

Giacopetti?
MR. GIACOPETTI: Yes.

MS. KOMARGIRI: Motion passes five to zero.

CHAIRPERSON PEHRSON: Thank you.

Next is the Zoning Ordinance Text Amendment 18.278. It's a consideration, Planning Commission's recommendation to City Council for an ordinance to amend the City of Novi's Zoning Ordinance, several sections in order to address the inconsistencies and anachronistic language, within the ordinance and to amend Sections 4.4.6, pet boarding facilities, to align Novi's ordinance with ordinances found in other communities.

MS. MCBETH: Mr. Chair, Adrianna Jordan, our planner, had actually worked on this and she came up with that term.

CHAIRPERSON PEHRSON: She's to blame?

MS. MCBETH: I would call it these clean-up ordinance amendments and corrections of minor inconsistencies, but we like that language as well.

So just a brief overview of what these are, just an assortment of
ordinance amendments.

The motion substantively is the proposed pet boarding and training text amendments which are intended to make Novi's ordinance more consistent with similar ordinances from other communities. They would also provide relief to a particular applicant regarding the ordinance restrictions on where a pet boarding facilities can locate and will also add language that would address potential pet waste disposal and noise levels. It would also allow training activities at the pet boarding facilities to take place.

Text amendments deal with inconsistencies between the former version of the zoning ordinance and the clear zoning version of the ordinance, included items related to day-care centers in B2 and B3 zoning districts, bringing those back to the way the ordinance had been presented earlier, and parking setbacks in one particular zoning district.

The text amendments regarding special land use language, and copies of mock
(ph) plans, those are the ones meant to fix that anachronistic ordinance language. Those are just minor modifications, so at this point, the Planning Commission is asked to hold a public hearing and any comments from the public and make a recommendation to the City Council for consideration of approval of these ordinance amendments.

CHAIRPERSON PEHRSON: This is a public hearing. If there is anyone in the audience that wishes to address the Planning Commission on this particular matter, please step forward.

(No audible responses.)

CHAIRPERSON PEHRSON: Seeing no one, I don't believe we have any correspondence, so we will close the public hearing, turn it over to the Planning Commission for comments.

MR. ANTHONY: I have a couple of minor questions for staff.

All right you guys.

CHAIRPERSON PEHRSON: Are they anachronistic?

MR. ANTHONY: I think they are
So the first question I had, it's just a point of clarification.

On the first page, page one of five, near the bottom, Section B, where you inserted the word retail business uses, what clarification does the word business provide? Just more curious on that one.

MS. MCBETH: That one I believe it references back to a definition description that we had in the prior version of the zoning ordinance, that would clarify exactly what those uses would be.

MR. ANTHONY: All right. I think I understand, it's just to be consistent with the previous documents, used the same phrase.

Then my next question was on page three of five. General exceptions, number three, where it talks about height limitation.

And for instance, where it says, here the height limitations of this ordinance shall not apply to. Of course, because this was a recent Planning Commission discussion, commercial wireless transmission...
tower. And I just want to clarify that's because it is -- the ordinance for those items is picked up in other areas of our ordinance?

    MS. MCBETH: Yes, the intended change here was to change the word conditional use to special land use through the rest of the ordinance, we refer to uses that need to meet certain criteria. Special land use. This was a carryover from an older ordinance that called out a conditional land use. It does relate to an exception for the height of various structures, flag poles, church spires (ph), public monuments that would not necessarily be regulated by the ordinance.

    So there was no intended change to that other than to identify it as a special land use.

    MR. ANTHONY: And my last question, which is near and dear to my nose, which would be on page four of five, which is number five, animal waste. This is from personal experience of being a landlord and having to deal with.
The one thing that it didn't talk about is an attempt to compost animal waste.

But my assumption, I just want to ask this question and make sure that this would cover it, that if there was an attempt to compost, that that would have to be contained in a leak proof, odor proof container.

MS. MCBETH: Yes, I think, you know, with regard to these changes, Adrianna had researched some other community's ordinances, and found that this would be a good thing to add, it would just increase the safety net of the animal waste. And I think that it wouldn't prohibit what you're saying.

MR. ANTHONY: Well, you know, even though I usually take an environment perspective, I would want to limit composting. When you see its actual application, those areas are better set for other areas designated by DPW. It creates quite an odor.

MS. MCBETH: We can make a modification to include that stipulation.
MR. ANTHONY: Thank you.

CHAIRPERSON PEHRSON: We are modifying that to limit the composting?

MR. ANTHONY: I want to prevent composting of the animal waste.

CHAIRPERSON PEHRSON: Barb, while you're --

MR. ANTHONY: Just personal experience.

CHAIRPERSON PEHRSON: Same page, section six, the noise shall be limited.

So a freestanding building might not be a problem, but if it's a building that's abutting something else and we're kenneling dogs overnight, is there a standard of a DB level, a noise level that has to be adhered to that can be enforced?

MS. MCBETH: You know, that was the intention of this as the project is a development coming in for pet boarding and training facilities, that there would be some evaluation of that noise dampening device.

I can't recall -- Sri, can you remember Section 5.5 that talks about -- it was intended to -- one of the concerns
that would be identified in one of these facilities.

CHAIRPERSON PEHRSON: At that point it would have a limit of some DB level that can be measured that can be enforced?

MS. MCBETH: It does not -- those restraining and fencing sections of the ordinance. Could add --

CHAIRPERSON PEHRSON: I would like to give us something that gives us some ability to not bother a tenant on either side of this. This happens to be middle of a left and right side kind of thing, something that we can --

MS. MCBETH: Sri is reminding me, Section 5.14 has the performance standards, which have the typical noise reduction standards. We could add reference to that or something comparable.

CHAIRPERSON PEHRSON: Perfect. That would be fine. Thank you.

MR. ZUCHLEWSKI: Barb, wouldn't that have to be something that the landlord himself would have to provide to the tenant, that noise transmission, if you will, whether
through insulation or whatever, I mean, wouldn't that be the landlord's responsibility before the tenant took occupancy?

MS. MCBETH: Through the chair, yes, that would make sense. If it's --

MR. ZUCHLEWSKI: The building department then could enforce that.

MS. MCBETH: That's correct. That's a leasing situation, then it could be the landlord that would take care of that.

CHAIRPERSON PEHRSON: Any other comments?

MR. ANTHONY: I actually missed one of my comments. It's on animal waste, where it had animal waste biohazard materials or byproducts shall be disposed of as required by the Michigan Department of Public Health. Then you used the conjunction of or duly appointed authority.

I wonder if we could use and. Then qualify with something like, and other duly appointed authority, something where you call out that -- it's at the discretion of the city.
Again, this is tying it all right back into the composting. Composting may not be a public health problem, it may be more of a nuisance problem, and so if the city needs to use some other standard, I would like them to have both as opposed to one or the other.

MS. MCBETH: You know, I think that makes sense. We will work with the city attorney's office on the actual wording of these to make sure they're good language. Thank you.

CHAIRPERSON PEHRSON: Any other comments?

MR. GRECO: I'd like to make a motion. I'd like to make a motion to recommend the Zoning Text Amendment 18.274 for a positive recommendation to the City Council with the changes regarding the composting of animal waste, the word and instead of or, the second line of Section 4.465, and with respect to Subsection Six of Section 4.46, adding, I believe it was Section 5.1 for some noise standards be considered.
MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: Motion by Member Greco, second by Member Anthony. Any other comments?

Sri, please.

MS. KOMARGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. KOMARGIRI: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. KOMARGIRI: Member Anthony?

MR. ANTHONY: Yes.

MS. KOMARGIRI: Member Giacopetti?

MR. GIACOPETTI: Yes.

MS. KOMARGIRI: Member Greco?

MR. GRECO: Yes.

MS. KOMARGIRI: Motion passes five to zero.

CHAIRPERSON PEHRSON: Thank you.

Any other matters for consideration, discussion, supplemental issues? Last audience participation. Anybody?

Would you like to comment on the Planning Commission?
Close the audience participation, look for a motion to adjourn.

MR. ZUCHLEWSKI: Motion to adjourn.

MR. GRECO: Second.

CHAIRPERSON PEHRSON: All those in favor.

THE BOARD: Aye.

(Meeting was adjourned at 7:25 p.m.)

** ** **
STATE OF MICHIGAN

COUNTY OF OAKLAND

I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that this meeting was taken before me in the above entitled matter was by me duly sworn at the aforementioned time and place; that the testimony given was stenographically recorded in the presence of myself and afterward transcribed by computer under my personal supervision, and that said testimony is a full, true and correct transcript.

I further certify that I am not connected by blood or marriage with any of the parties or their attorneys, and that I am not an employee of either of them, nor financially interested in the action.

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan.

Date: 12-12-16

Jennifer L. Wall CSR-4183
Oakland County, Michigan
My Commission Expires 11/12/22