REGULAR MEETING – PLANNING COMMISSION

CITY OF NOVI

October 5, 2016

Proceedings taken in the matter of the PLANNING COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Wednesday, October 5, 2016

BOARD MEMBERS

Mark Pehrson, Chairperson
David Baratta
Michael Lynch
Tony Anthony
Ted Zuchlewski
David Greco

ALSO PRESENT: Barbara McBeth, City Planner
Rick Meader, Landscape Architect, Kirsten Mellem, Planner, Adrianna Jordan, Planner, David Gillam, City Attorney, Theresa Bridges, Staff Engineer

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

Wednesday, October 5, 2016

7:00 p.m.

** ** **

CHAIRPERSON PEHRSON: We will call to order the Planning Commission meeting of October 5th, 2016. Kirsten, can you call the roll.

MS. MELLEM: Member Anthony?

MR. ANTHONY: Here.

MS. MELLEM: Member Baratta?

MR. BARATTA: Here.

MS. MELLEM: Member Giacopetti?

CHAIRPERSON PEHRSON: Absent, excused.

MS. MELLEM: Member Greco?

MR. GRECO: Here.

MS. MELLEM: Member Lynch?

CHAIRPERSON PEHRSON: Absent, excused.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Here.

MS. MELLEM: Member Zuchlewski?
MR. ZUCHLEWSKI: Here.

CHAIRPERSON PEHRSON: With that,

if we could stand for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON PEHRSON: With that,

we will look for a motion to approve or amend the agenda.

MR. GRECO: Motion to approve.

MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: Motion and a second. Any other comments?

MR. GILLAM: My understanding, there may be a motion for reconsideration as to last week's -- probably do that as part of the approval of the agenda.

MR. BARATTA: May I make a motion, please.

CHAIRPERSON PEHRSON: Sure.

MR. BARATTA: What I need to do is make motion to reconsider a motion that was made at the last meeting, regarding our Master Plan.
Several members were not here, and I think it's appropriate to give them the Master Plan motion required, we will call it a super majority, it was a two-thirds majority. So I would like to bring that back and make a motion to reconsider. So all the members of the commission are here --

CHAIRPERSON PEHRSON: A specific date?

MS. MCBETH: I think it will not be any sooner than November 16th. We are waiting for a confirmation of one more person to make sure all seven members are present.

MR. BARATTA: Let me just say that I believe it's fair for everybody to be here since two members were not here. I don't believe one member, that was myself, voted against it, should kill that motion, just in and of itself. Even though the way the motion is currently drafted, the Master Plan is currently drafted, without changes, I would still remain and vote negative for that Master Plan. But I do want that for
everybody to sit down and be able to do that.

CHAIRPERSON PEHRSON: So we will bring that back at the first available date.

MS. MCBETH: Yes, I think there was a motion, you need a second --

MR. ZUCHLEWSKI: Second.

MR. GILLAM: What we need to do is add that to the agenda and then the agenda as amended can be approved and we can actually address the motion in a second, when that item come up on the agenda.

CHAIRPERSON PEHRSON: Can it just come up next, so we approve the agenda, then approve that motion?

MR. GILLAM: Whenever you would like to add that on the agenda.

CHAIRPERSON PEHRSON: Just add that the next item. So, we will go with the original agenda, was originally approved. Any other comments? Kirsten, call the roll.

MS. MELLEM: Member Anthony?

MR. ANTHONY: Yes.

MS. MELLEM: Member Baratta?
MR. BARATTA: Yes.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: Now that a motion is on the table from Member Baratta, would you like to restate it? Somebody want to second --

MR. ZUCHLEWSKI: I will second it.

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

Kirsten, can you call the roll, please.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.
10/5/2016

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Member Anthony?

MR. ANTHONY: Yes.

MS. MELLEM: Member Baratta?

MR. BARATTA: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: Very good.

Thank you.

Brings us to presentations.

Any presentation?

MS. MCBETH: There are none.

CHAIRPERSON PEHRSON: Audience participation? This is the first audience participation. If you're here and wish to speak on something other than one of the public hearings at this time please step forward.

Seeing no one in the audience, we will close the first audience participation. Any correspondence?

MR. GRECO: There is correspondence, but it is related to one of
the public hearings.

CHAIRPERSON PEHRSON: Very good, thank you. Committee reports? City planner report. Ms. McBeth?

MS. MCBETH: Thank you. Nothing to report this evening.


The subject property is located in Section 22 at 45150 Ten Mile Road, on the north side of Ten Mile Road, east of Taft in the R4 one family residential district.

The subject property is approximately 0.69 acres and the applicant is proposing to operate a group day-care home in their existing residence.

Kirsten.

MS. MELLEM: The applicant would
like to operate a group daycare home in their existing residence at 45150 Ten Mile Road, for up to 12 children. The ordinance defines operations, supervising seven to 12 children as a group day-care home, consistent with State of Michigan regulations definitions.

Group day-care homes are a special land use and in the R4 one family residential district.

The applicant currently occupies the home as their primary residence, and are proposing to offer a center play area from the 1,540 square feet to 2,000 square feet which is required by the ordinance.

The applicant is here if you have any questions.

CHAIRPERSON PEHRSON: Does the applicant wish to address the Planning Commission at this time?

MR. MILLER: We do not. Are we supposed to?

CHAIRPERSON PEHRSON: If you would like you, you don't need to.
MR. MILLER: We are all set.

CHAIRPERSON PEHRSON: This is a public hearing. If there is anyone in the audience that wishes to address the Planning Commission at this time, please step forward. Seeing no one, do we have any correspondence?

MR. GRECO: Yes, we do have correspondence. We have letter response forms that we received. First one is from Wendy Scarosa (ph) 45260 West Ten Mile Road. Is in support of the Home Sweet Home Day-care plan before us today.

And the other one is from Cliff Trotter at 45000 Ten Mile Road, also supports the plan in front of us for Home Sweet Home tonight.

CHAIRPERSON PEHRSON: Thank you, sir. With that, we will close the public hearing on this particular matter, turn it over to the Planning Commission for consideration. Member Baratta.

MR. BARATTA: Thank you,
Mr. Chair.

Dave, I have a question.

Given that I'm a senior VP for a child care provider, I don't know if I should be recused from considering the two matters in front of us for the two day-cares today. I would ask your opinion on that.

MR. GILLAM: My understanding, based upon some emails that I exchanged with Ms. McBeth today, I think with the other application, your company does have a business relationship with that company, where this particular applicant your company does not, is that correct?

MR. BARATTA: This applicant, my company has absolutely no business relationship.

The other one I know that we bought some businesses from Rainbow, I would say that name, in the past, I don't know if it's the same entity or not. I just did not ask that question. I'm assuming it is. So for the sake of today, I think I should be
recused from the second one. This one I
don't think I have a problem with.

MR. GILLAM: I would agree with
that 100 percent, yes.

CHAIRPERSON PEHRSON: Very good.

Appreciate that.

MR. BARATTA: I do have a
question for the applicant. Thank you. I
just have a question, if you want to come to
the podium.

CHAIRPERSON PEHRSON: Come to the
podium, state your name, please.

MS. WILKS: Stephanie Wilks.

MR. MILLER: Brian Miller.

MR. BARATTA: Thank you. Just a
couple of questions. Now, I think security
is probably the most critical item for a
child care because you got basically the most
important asset, we will call it, thing is
somebody's life, you're taking care of their
child.

And do you have a fence in
back with the gate hardware that you're going
to have to protect the children, does that meet all the state requirements?

MS. WILKS: Yes, it does.

MR. BARATTA: And high enough, you have a mechanism, somebody out there watching the children?

MS. WILKS: Absolutely. We also have a video surveillance camera.

MR. MILLER: Surrounding the. House?

MR. BARATTA: Perfect. We are going that direction now.

Are you going to have infants at this location?

MS. WILKS: Yes.

MR. BARATTA: How do we get the infants out where it's located -- I think it's on the ground floor. Do we have to go upstairs to --

MR. MILLER: There is a fire exit.

MS. WILKS: Yes.

MR. MILLER: That leads out to a
staircase.

MR. BARATTA: Is it at grade or do you have to --

MS. WILKS: You have to walk up the stairs.

MR. MILLER: One step, then there is a platform, then a staircase outside.

MR. BARATTA: Did the state come in and talk about what the ratio had to be?

MS. WILKS: Yes.

MR. BARATTA: One to two, two infants per teacher?

MS. WILKS: It depends on all the ages of the children. So if we have a couple infants, then you need more staff.

MR. BARATTA: So is it like one teacher for two infants or --

MS. WILKS: It depends. If you have a two year-old, then you need more staff, if you have a bunch -- if you have four year-olds and one infant, then you need one staff. Again, it depends on all the ages combined.
MR. BARATTA: Okay. Because I know one of the requirements that we have when we take on a multi-story building, given that the gentleman two over is a firemen, fire marshal in a particular location, indicated that given we had four or five steps, you can only have one teacher per two infants, because you could put them under your arms to get them safely out of the building. Is it a similar issue here?

MR. MILLER: I don't remember that coming up, when the state was there to look over everything. I don't remember that coming up.

MS. WILKS: We are currently licensed for six children and I didn't have any infants at the time, so that was never an issue. However, I keep in contact with my case worker, if I have any questions, I can always call.

MR. BARATTA: Check on that.

MS. MCBETH: Absolutely.

MR. MILLER: At the moment we
have two infants to three staff members.

MR. BARATTA: That's fine. I think it's one to two when I looked at it in the past.

MR. MILLER: We are definitely doing very well as far as staff ratio.

MS. WILKS: I worked at a current day-care and Farmington for ten years and their ratio was one to two, but it was a bigger facility.

MR. BARATTA: Well, I fully support your project and I think it's great that you're taking care of children, and it's a very difficult and sometimes challenging business, but it's very rewarding. Thank you very much.

MS. WILKS: Thank you.

CHAIRPERSON PEHRSON: Member Greco?

MR. GRECO: The two response forms or support that we got, are these -- I read their names and addresses. Are they your neighbors on either side?
MR. MILLER: I couldn't tell you who they are exactly. We went door-to-door, just let everybody know that this was coming up, there was going to be a letter in the mail.

MR. GRECO: Because the address is 45000 Ten Mile and 45260 seems like they are on either end of you.

MS. WILKS: From my understanding we to do -- what was that?

MR. MILLER: 300 feet from the property line.

MS. WILKS: I went everywhere.

MR. GRECO: Very good. Did you meet with any resistance from anyone?

MS. WILKS: No. Everyone was very supportive and welcoming actually.

MR. GRECO: Very good, thank you.

CHAIRPERSON PEHRSON: Member Anthony?

MR. ANTHONY: Yes. I was looking through the letter from the state. And I noticed where it said areas not approved. It
talked about the main and upper floors are not approved. What floor is the day-care on?

MS. WILKS: It's in the basement.

So when you enter my -- I have the parents enter through the front door, and then the staircase is directly right there. You can go downstairs.

MR. ANTHONY: Along the lines of the earlier question, so with the day-care being in the basement, what kind of egress or how many different egress points are there for the basement?

MR. MILLER: There is three in the house. There is one from the floor to going outside.

MS. WILKS: So there is a door that does lead directly outside.

MR. ANTHONY: So it's a walkout basement?

MS. WILKS: Yes.

MR. ANTHONY: That's the egress for the basement?

MS. WILKS: Yes. Because you
either need that or a larger window to be able to escape in case of --

MR. ANTHONY: That was sufficient for the state's inspection.

MS. WILKS: Yes. It's actually a tri-level, so that level is actually at grade, what they're calling a basement.

MR. ANTHONY: Then my other question, is you talked about expanding the play area from up to 2,000 feet. The play area, is all of that outdoors, indoors or give me more information on that.

MR. MILLER: It's outdoors and we have to push -- I believe, something like 22 feet, we have to push it back eight feet.

MS. WILKS: We already have an existing fence there, it's just not large enough that meets the state's requirements to have 12 children. It's okay to have six kids with the size that it is now. But in order to have 12 it needs to be larger.

MR. ANTHONY: So the fence is actually inside your property line?
MS. WILKS: Yes.

MR. ANTHONY: And then matches what the state licensing requirements is?

MS. WILKS: Yes.

MR. ANTHONY: All right. Good.

MR. BARATTA: The state is a little less on square footage with the play area than the City of Novi. As long as they meet a one to 150 ratio, one child per 150, they hit it by being 2,000 square foot, they have a sufficient play area to meet the requirements.

MR. ANTHONY: Okay.

CHAIRPERSON PEHRSON: Any other comments? Member Greco.

MR. GRECO: I'd like to make a motion.

In the matter of Home Sweet Home Day-care JSP16-51, motion to approve the special land use permit based on the following findings set forth in the motion sheet under bullet points A -- I can just do -- counsel, I can do that, correct? And
this motion is made because the plan is otherwise in compliance with Article 3.1.5, Article 4, Article 5, and Article 6 of the zoning ordinance and all other applicable provisions of the ordinance.

MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: We have a motion by Member Greco, second by Member Anthony. Any further discussions?

Kirsten, can you call the roll.

MS. MELLEM: Member Baratta?

MR. BARATTA: Yes.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Member Anthony?

MR. ANTHONY: Yes.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: All set.
Thank you.

Next on the agenda is Cellular Tower near Fire Station No. 4, JSP16-08. It's a public hearing at the request of High Tower Development, LLC, for Planning Commission recommendation to City Council, for special land use permit, preliminary site plan. The subject property is located in Section 29 on the south side of Ten Mile Road, east of Wixom Road in the RA residential acreage zoning district. Subject property is approximately 0.5 acres, of leased land as part of the five acre parcel known as 15-22-29-101-004.

The applicant is proposing to go build a 150-foot cellular tower with a seven foot antenna, for a total of 157 feet, associated equipment accessory structures and propane tank.

Who is this? Hi there.

MS. JORDAN: Good evening Commissioners. As was already explained, the applicant is proposing to a build a 150-foot
tall cellular phone tower, with the seven
foot antenna, for a total of 157 feet, along
with associated equipment accessory
structures and a propane tank.

The coverage maps provided by
the applicant illustrate that the proposed
tower will eliminate a gap in Verizon's
coverage area.

I am going to swing back to
the zoning map now.

The subject property and all
surrounding properties are currently zoned
RA, residential acreage. The future land use
map indicates single family for the subject
property and the surrounding properties
across Ten Mile Road to the north, public
park to the south and east and public to the
west.

The Reserve at Island Lake
residential development is currently under
construction across Ten Mile to the north.
The proposed cell tower will be visible to
some of the properties in this residential
development. Due to its visibility, the applicant will use a stealth design for the tower. The stealth design is visible on the screen up there.

Due to the nine foot six inch height of the proposed equipment canopy, the applicant is requesting one deviation in the zoning ordinance to allow a fence height of 10 feet in a residential district. Given that the fence is located on city property, the City Council will be able to make a determination on the deviation without the need to send it to the Zoning Board of Appeals.

Planning staff supports the deviation. The only other tower in the vicinity is the DTE transmission tower located approximately 2,400 feet to the east of the proposed site. This tower currently holds equipment for T-mobile and Sprint. According to the applicant, Verizon cannot co-locate on this tower because it is too short and structurally incapable of holding
the equipment. Further the applicant states that ITC will not provide a letter regarding its tower's structural capabilities to hold additional cellular transmission equipment.

Also, it appears that the canopy covering the equipment is open on all four sides and should be replaced by a four sided cabinet to comply with ordinance requirements.

I'd also like to note that the proposed tower is 150 feet in height, if the lightning rod communications equipment and foundation are excluded, if they are included, the tower is at least 157 feet tall.

Planning would like the applicant to revise the tower's height so that it does not exceed 150 feet tall as measured from the surrounding grade. Planning staff supports a Planning Commission recommendation of approval to the City Council for a special land use permit and preliminary site plan and supports a
deviation from maximum fence height in residential districts. This deviation can be granted by the City Council due to the proposed fence location on city property.

The proposed project meets the general requirements for Chapter 11, the stormwater management ordinance and the engineering design manual. Engineering supports a recommendation of approval for a special land use permit, preliminary site plan and preliminary stormwater management plan. Our engineer, Teresa Bridges, is here if you have any questions.

The proposed project meets the general requirements of Chapter 37 with the protection zoning article 5.5 landscaping standards, the landscape design manual and any other applicable provisions of zoning ordinance. Landscaping supports a recommendation of approval for a special land use permit and preliminary site plan. Our landscape architect, Rick Meader is here if you have any questions.
The proposed project meets fire department standards. Fire supports a recommendation of approvals for a special land use permit and preliminary site plan. The applicant’s representative, Bob Pryzbylo, is here tonight. Both the applicants, representatives and staff will be glad to answer any questions you have for us. Thank you.

CHAIRPERSON PEHRSON: Thank you. Appreciate it. Does the applicant wish to address the Planning Commission?

MR. PRZYBYLO: Yes, sir. Good evening. My name is Bob Przybylo. I represent Parallel (unintelligible), Verizon Wireless. Along with me is our attorney Steve Estes. Thank you for your time this evening.

Just a real brief overview. Verizon Wireless has been looking in the area of Wixom Road and West Ten Mile Road to put in a new wireless communication facility to improve our coverage. As you could see from
the coverage maps, and also not only to
improve the coverage but also to help with
capacity. One of the downsides to the
wonderful Island Lake development, is that
there are hundreds of houses that have been
built in there, and if national statistics
hold true, every one of those households has
an average of five to six wireless devices in
the household.

So those are devices that are
stationary or are -- causing taxing on our
networks, so we are looking in the area to
build a new wireless communication facility.

As always, we were looking in

communities to build new facilities. We
always are looking for existing structures,
whether it will be existing towers, existing
rooftops, whatever that structure may be,
that will provide the height for us necessary
to build our facility.

Unfortunately, in this area,

there are no existing structures that will
work to fill the gap in coverage, and that we
are looking for in our network. And that's why we approached the city. The city has a very large parcel, actually two parcels, a small one surrounded by a large one. We entered into negotiations with the city, the City Council approved the lease agreement. We have a fully executed lease agreement with the city in place, that was signed back in March. We are now before you this evening requesting the recommendation of approval for our site plan and special use permit.

A few of the things that the Planning staff have identified, the variance that we are requesting on the 10-foot fence was actually a request that was made by the planning department. So we are more than willing to put an eight foot fence and a 10-foot fence, whatever the city would deem necessary for -- it doesn't matter to us.

Another issue is the height of the tower. This is a stealth tree pole, as you saw in the picture that we are proposing,
which is required by the ordinance.

The ordinance requires that
the height of the tower be no more than
150 feet, so the height of our tower, the
actual tower is 150 feet. That does not
include any appurtenances that would be
involved in the tower, say, like branches
that need to be on top as well as a lightning
rod that would stick above. So we think that
we are in compliance with the ordinance with
at the tower being at 150 feet.

The planning staff and I have
agreed to disagree on what that
interpretation of that 150-foot tower means,
but without a doubt, it is, as stated, simply
stated in the ordinance, it says the tower
cannot exceed over 150 feet. Our tower does
not exceed 150 feet.

In terms of the discussion of
the ITC tower, the structural capability and
the height of the tower was secondary to the
location. As I discussed with the planning
department, as the planner noted, that tower
is almost 0.45, almost a half a mile to the east of this proposed facility, it's too far east for us to have the impact that we are looking for. As well as has been our experience that the ITC towers can no longer -- they were never designed for co-location of wireless communication.

It's been our experience that the towers cannot, as they stand, hold our equipment. In fact, one of the carriers that are on that tower, has approached your city administration, wants to come off that tower, and they want to build a facility at the property we are on.

And now have contacted us to co-locate, to come off that ITC and co-locate on our tower once our tower is built. Assuming that hopefully getting that approval from the city to do so.

So I think that I covered everything. Do you want me to add anything? I certainly would be happy to answer any questions that the Planning Commission or the
planning department have. I thank you for
your consideration.

CHAIRPERSON PEHRSON: Thank you, sir. I appreciate it.

This is a public hearing. If anyone in the audience wishes to address the Planning Commission at this time, please step forward.

Seeing no one. Any correspondence?

MR. GRECO: No correspondence.

CHAIRPERSON PEHRSON: Close the public hearing. Turn it over to the Planning Commission for their consideration. Member Baratta.

MR. BARATTA: Thank you. Petitioner, please. What is your first name?

MR. PRZYBYLO: Bob.

MR. BARATTA: Bob, did you get any of the structural detail on the ITC tower?

MR. PRZYBYLO: No, we did not.

MR. BARATTA: So we don't really
know whether it can or cannot accommodate your unit?

MR. PRZYBYLO: That is correct. But that is not the primary issue. That's a secondary issue.

The primary issue is it's too far to the east. It's almost a half a mile to the east of where we want to be.

MR. BARATTA: Thank you very much.

CHAIRPERSON PEHRSON: Member Zuchlewski.

MR. ZUCHLEWSKI: Bob, get you to backup again.

MR. PRZYBYLO: I will just stay up here.

MR. ZUCHLEWSKI: The projected seven feet, on this overall height, seven or 10 feet that you're looking for, actually lightning rod, et cetera. I would assume that seven feet is very, very critical to you as far as signal, is that correct?

MR. PRZYBYLO: Well, yes. Well,
it's not only that, but it's also the fact that we have to put branches on top. If you could put back the picture. I mean, if we are limited to 150 feet, which clearly is not the intent of the ordinance, we would have no branches on top of that tree pole. So it's going to look like the tree pole has been chopped off.

MR. ZUCHLEWSKI: So it's more of an esthetic thing than it is a mechanical thing?

MR. PRZYBYLO: It's a combination of both.

MR. ZUCHLEWSKI: Not that you're going to move or -- the lease I understand is $2,800 a month, is that correct? Or something close, 24?

MR. ESPER: It's $2,000 a month. It's $24,000 annually.

MR. ZUCHLEWSKI: It's a five year lease with options, so many options?

MR. PRZYBYLO: Correct.

MR. ZUCHLEWSKI: Now, I know this
is a new business, so what happens 25, 30
years out from now? I know this is kind of
looking out there, but what happens if you no
longer want that spot, if there is new
technology, 10 or 12 years out, who is
responsible to remove the tower or would it
have to be removed? Is that addressed in the
lease?

MR. PRZYBYLO: Yes, it's
addressed in the lease agreement. In the
unlikely event that the lease is terminated,
we are required to remove everything that to
ground level.

MR. ZUCHLEWSKI: Give the site
back as it was?

MR. ESTES: It's also a direct
requirement of the ordinance.

MR. ZUCHLEWSKI: Thank you.

CHAIRPERSON PEHRSON: Member
Anthony?

MR. ANTHONY: When you construct
those towers, are they constructed in
sections that are essentially bolted
together?

MR. PRZYBYLO: They are typically -- yes, a tower of this height would typically have three to five different sections that are stacked on top of each other.

MR. ANTHONY: I would imagine that when the city is asking that your tower only be 150 feet, it wouldn't be to chop the top of the stealth material off, but rather one of those sections, just somewhat shorter.

MR. PRZYBYLO: I mean, the height matters though. If we could have it taller than 150 feet, we would prefer that. So every bit of height matters, to some extent. I mean, that's -- to put a caveat on that, to some extent it does matter.

MR. ANTHONY: What is the range of your tower?

MR. PRZYBYLO: Well, that's a loaded question. I mean, the answer to that depends on the topography, it depends on the density of the population. It depends on the
amount of users on a particular site. I have
been in business for 20 years, 20 years ago,
the original design of a cellular network is
never designed for people to use a cellphone,
in a particular location. The network was
always designed for people to use it while
they were traveling, right. So you would --
an analogy would be like cars, moving through
the jungle going from vine to vine. Each
cell site only has a certain amount of
traffic or calls or cellphones, if you will,
that it can handle. So as this industry has
evolved in 20 years, people have cut their
landline, people are using their cellphones
more and more in their homes, and, you know,
statistical averages, you know, average
family has four to six wireless devices. We
are finding that cell sites are active
passing, because people aren't moving, they
are staying in the finite position. That's
taxing the network.

So it's not only affecting --
as you have more people on a single site, you
shrink the coverage of the particular cell
site. So as we go -- say, when we are in the
middle of nowhere, like up north, you're
traveling up I-75, you would have a cell site
every five miles up and down I-75. When we
get into a suburban area like Novi, we
actually provided a map of where our existing
sites are. I don't know if you guys have
that in put in.

But if you look at an existing
map like this, I mean, our cell sites are
within three miles of each other. In some
instances, they're a little less, when we get
into a really urban area, like in Detroit or
in Grand Rapids, they could be a tenth of a
mile or a quarter of a mile apart. So it's a
bit of a loaded question. It depends on the
usage. But what we do, before we look at
investing half a million dollars in new cell
site, we look to optimize our existing sites
as much as we can, but there is only so much
you can do with existing cell sites.

And as you include density,
like the Island Lake development, there is only so much you can do until you have to add a new facility. So hope that answers your question.

MR. ANTHONY: Actually triggered a lot more.

So I understand that, you know, that cellphone usage has moved from being just mobile in the car to increasing in the home. A lot of people are getting rid of their landline and using their cellphones, so I understand that.

So one of the things that you mentioned is that topography is a big issue for you in the range, and where you would locate that.

So I'm just thinking along that line, that seems to be relatively flat. I mean, your topographic study, how does that -- in this location relate?

MR. PRZYBYLO: In this case, the topography wouldn't be an issue because it is relatively flat. That would be a non-factor.
MR. ANTHONY: So that wouldn't interfere with you range?

MR. PRZYBYLO: Correct.

MR. ANTHONY: So when I look at these, I'm assuming that these other towers, the green area around there, probably suggests what the range is or the coverage of that tower.

MR. PRZYBYLO: What that map indicates -- is a color indication of our network. In a perfect world we want that whole map to be green. The green means we have good, solid in-building coverage. We anticipate your cellphone to have success using voice and data at 100 percent.

The yellow indicates that we have okay coverage. We don't have very good in-building coverage, and then the red indicates that we have power in-building coverage, we have okay outdoor coverage, but poor in-building coverage. So in a perfect world, we would want that whole map to be green to have an effective operating network.
MR. ANTHONY: So the distance, when I look at this map, for instance, if you look at the two towers on the left side, so your distance there looks like you probably have a mild radius, mild --

MR. PRZYBYLO: Can this be turned on. Let's see if we can zoom this in.

So if you look at this map, it gets a little whitened out. You can see there are pushpins that indicate our existing sites because they sit here. You can see down, it's three miles.

So this green push pin is our proposed facility here. There is a yellow pushpin down here that's an existing site, you can see the Northville site. We have an existing site down here. Our existing site to the northwest is an AT & T stealth site right here. Then we have our existing site up here along Grand River. Then have another existing up here by the freeway along Grand River as well. So you can see the close proximity to these two, and that's a perfect
example of densification, not only are we having trouble there because of the hospital built up there and the density of the development there, but also we are covering a huge amount of traffic on 96.

MR. ANTHONY: I can see from that earlier map the distance, the radius of influence of your tower that where you are locating it matches with that.

So now let's come back to the height. Especially since topography isn't an issue out there. And what I'm concerned about is those are really nice neighborhoods out there and one of the neighborhoods it's now under construction, I mean, it could be new and visible, and really seven feet, 10 feet in height, even with it being stealth can make a difference, just in it's visual appeal to the neighborhood.

And I wouldn't want that height removed from the stealth material, because rather from one of the columns that construct that.
So I would -- I'm going to encourage that, you know, my condition is that you work with staff to achieve the height that they're asking, that is inclusive of all materials, that are attached.

MR. PRZYBYLO: That would not -- I like to point out, with all due respect, Commissioner, that we are -- not only is this a stealth tree facility that is designed to blend in with the forested area, we can agree to disagree whether a stealth facility actually does that, because in my opinion I think a mono pole is better than a tree that look two or three times taller than the rest of the trees.

But we are over 700 feet south of the property line that abuts West Ten Mile Road, and it is heavily forested around this whole facility. This property is basically a wetland, so the chance of future development around our facility is remote. So I would beg to differ that I think that it's not a visual blight at all because its set so far
in the property.

In terms of sighting wireless communication facilities, this is about as good as it gets in a residential area. We are stuck in the middle of a heavily forested city owned piece of property that's over 700 feet from any residential development.

MR. ESTES: There is one thing I would like to add. My name is Steve Estes, I'm with Dykema. By lowering the height, and all we are talking about here is the lightning rod. The lightning rod, as Bob as pointed out, is not part of the tower. It's just an addition of the tower for safety and protection of the electrical equipment. By lowering the towering height itself, you're also going to eliminate the potential for future co-locations. Because if you start bringing the tower height down seven to ten feet, you have three potential co-locations that can go on this tower, and that risk is not enabling those people to go on this tower in the future, or pushing them to this site,
when they come in for new sites.

So, I would just ask the Commission to take that into consideration as well because it is an important factor with every tower, the ability to have additional co-locations for other carriers.

MR. ANTHONY: Okay.

MR. PRZYBYLO: If I could.

Mr. Chairman, there was another item brought up that I forgot to address.

That is the outdoor equipment cabinets. If I could re-address that. That was again, a misunderstanding, I think between myself and planning staff. I think I described it poorly.

But we have proposed outdoor weatherproof cabinets that sit on a concrete slab here. On top of that is a canopy that -- the only reason the canopy is there is for weather protection from our technicians when they do routine maintenance on the facility, which is once or twice a
month. So though staff had asked multiple times why we don't enclose that. It's not designed to be in an enclosed building. It's designed to be outdoor weatherproof cabinets on a concrete pad with a canopy over it for weather protection for our technicians.

And again, we propose the increase to fence 10 feet, which will address the overall height of the canopy. I mean, in laymen's terms, it shouldn't matter what's on the fence, it's all going to be covered by a 10-foot fence anyway. But our design is not to have a building there. It's designed to have outdoor weatherproof cabinets. I just wanted to address that.

MR. ZUCHLEWSKI: So the equivalent is designed for it to work in ambient temperatures rather than trying to work -- when you got a temperature range that you are working with on that equipment on the ground.

MR. PRZYBYLO: The equipment, the cabinets themselves have a built-in fan
system, if they do overheat, so they are weatherproof cabinets. So they're designed to work outdoors in all temperatures.

MR. ZUCHLEWSKI: One last question, if I may. The height of the existing towers that are in Novi now, do you have any idea what those are?

MR. PRZYBYLO: I do not have that information. I know they run the gambit, they run the range of -- I don't know that for sure. I could provide that information to you, but I don't have it.

MR. ZUCHLEWSKI: I thought if you had it, then maybe that, you know, averaging the same, we could see we have something close to that height, or whatever currently in similar situations, that's what I was looking for.

MR. PRZYBYLO: I can certainly provide that information, but I don't have it with me.

CHAIRPERSON PEHRSON: Member Anthony.
MR. ANTHONY: This is for staff. When I'm looking at the zoning, so is this right that we are zoned single family for that subject property?

MS. JORDAN: That's correct, it's RA.

MR. ANTHONY: So the single family allows cellphone towers in our ordinance?

MS. JORDAN: It's a special land use in an RA zone.

MR. BARATTA: Does it requires an approval?

CHAIRPERSON PEHRSON: Yes, it's a special land use approval.

MR. ANTHONY: Okay. So we would be changing to a special land use approval for the residential property. That's what the request is.

CHAIRPERSON PEHRSON: Just this piece that we are talking about, cut out -- it's residential, so just that little piece where the tower is going. It's like any
non-conforming use where we have to approve a special land use for X, Y, Z, whatever it is.

MR. ANTHONY: Then our ordinance does say 150 feet on cell towers, and the basis of our 150 for cell towers, do you recall what that was?

MS. MCBETH: There was a study that was done in the early 2000s that had identified the best practices at that time. And I believe the ordinance was based on that study.

CHAIRPERSON PEHRSON: Thank you for the reference, Ms. McBeth. The cell tower that we did approve on M5 is 150 feet?

MS. MCBETH: I believe that's correct.

CHAIRPERSON PEHRSON: Anybody that can imagine the M5 between Twelve and Thirteen, that's the height we are looking at.

MS. MCBETH: Now that I have the microphone. The ordinance states that the City Council may approve these kinds of
facilities in districts other than the I1 and I2 district, with certain findings. So those have been included in the packet, too, if the City Council decides, based on some of those findings.

MR. BARATTA: Ask one question. Barb, was there a notice that was sent out on this?

MS. MCBETH: Yes, there was.

MR. BARATTA: I live in Island Lake, and I don't recall ever getting a notice.

MS. MCBETH: The notice would be similar to the day-care that was before this within 300 feet of the property, the perimeter of the property.

MR. BARATTA: It might have included the Island Lake across the street, but not the big subdivision that's on the Wixom side.

MS. MCBETH: That's right. It's also -- notice is provided in the Novi News.

MR. BARATTA: Well, I know my
other associate here, who is not here, is also from Island Lake, Commissioner Lynch.

Looking at this, it was a surprise looking at the package, and seeing this, I have to tell you, I know that while this area looks like there is houses under construction, you know, all built today, on the top side of the aerial that we have in the package, over to the east, I know two subdivisions were built at Beck and Ten Mile, I hate to tell you, I think a cellphone tower at this location is inappropriate.

I think I have seen the cellphone towers with the pine tree camouflage, I think they look worse than the cellphone tower without, to be honest with you.

So, I am opposed to it, to be honest with you. I don't know what Commissioner Lynch would say if he was here, but I would -- I just don't think that putting that in a residential area with all that growth that you have there, with those
higher income homes, make any sense at all. But I have absolutely no problem with coverage living in Island Lake. So whatever that's worth.

CHAIRPERSON PEHRSON: I can tell you from being at Station No. 4 with Verizon and being able to get cellphone coverage is kind of messy when trying to address an emergency call situation. So from my standpoint, Barb, the ordinance clearly specifies 150 feet to the top of the hill in the blank pole, with lightning rod, with --

MS. MCBETH: It says specifically, antenna tower shall not exceed 150 feet in height as measured from the surrounding grade.

CHAIRPERSON PEHRSON: So while we debate this particular one, do we do ourselves justice in the future to resolve the fill in the blank part so that we don't end up with this discussion going forward possibly maybe implementation.

MS. MCBETH: I think we could
bring that forward to an amendment. Thank you.

CHAIRPERSON PEHRSON: Member Greco.

MR. GRECO: I have a few comments. With respect to the height, the 150 feet, I mean, is -- you had indicated you're not sure regarding the height. Some of the others, I know we brought up one that was 150 feet. I mean, is it your interpretation -- I know you're trying to get the maximum height, so you just went to 150 feet, then put the lightning rod on top and your interpretation is that's the way we can do it.

It's not necessarily that -- comes in, you know, sections of 100, 125, or 150. It's just like this is how you are maximizing your height, right?

MR. PRZYBYLO: That's correct.

MR. GRECO: Do we have -- I know Chairperson Pehrson had indicated having Verizon, having some difficulties in the
area. Have we received any -- I mean, do we have any evidence or statistics of anything with regard to Island Lake or that area about what is not being covered or complaints other than from what we heard tonight from the Chair, the need for the coverage? I mean, we saw your map, but --

MR. ESTES: So the coverage maps are the primary piece of evidence that the applicants in these tower cases rely upon in terms of developing the gap in coverage and the need. I don't think there was any dispute about the need in the staff's report and the acknowledgment that there is a need.

In the first map, you can clearly see with the red there is a significant gap in coverage. That without this particular tower, we would -- it would effectively prohibit wireless facilities in this area, and that would be a significant detriment to the applicant.

The other thing I want to note, I respect Commissioner Baratta's
statements, but, you know, we worked on a lease with the City Council for over a year and a half. And there was a lot of work that went into that. They were certainly aware of the fact that at this fire station location, where the tower is being placed, it's a municipal site and they were well aware of the Island Lake development. We worked hard with planning staff and with City Council to put forward a design with the stealth component.

We put one plan forward, initially staff came back with some reports. We modified that plan. I think you can tell from pictures, I mean, given the height it does blend in with the wooded area there. So it -- also, you know, this application was filed in March of 2016. So it's been quite some time before we were here before you today for this hearing.

So I think that, you know, City Council supported this lease. I think that we met the criteria and the requirements
of the ordinance as well as the Zoning Enabling Act. I think we have been in excess of the time frame set forth therein, and we would request your approval tonight.

With regard to the tower, I interpret the tower height, I certainly defer to legal counsel, but the requirement in the ordinance is simply 150 feet at the tower. This tower is 150 feet. It's simply a lightning rod that extends it. I do this all over the state. I have never had a community that's told us the lightning rod is included in the height of the tower. Again, that's necessary simply to protect the equipment on the tower. There is lightning rods in many buildings, for similar reasons. So that their electrical equipment internally doesn't get knocked out.

So we did not view that as a part of the overall height of the tower. Obviously, you have legal counsel here tonight, you know, they will give you their own interpretation of your ordinance. But we
think we meet the 150 feet and we would request an approval at the height with the tower.

MR. GRECO: Just a few final comments for the commissioners.

I mean, looking at this plan, looking at the use, I think, you know, cellphone towers and cellphone coverage is something that we need to deal with as a -- not only as a community, just as a public with regard to the increased use.

For this spot, it being off the road, I mean, it is zoned residential, but on public property, in that area. I mean, I don't really have any problem with the location.

With regard to the height, I mean, we will need to make a decision on that, on what we are going to do with this particular application. But I suppose we would maybe like legal counsel's opinion on whether or not an antenna is normally, you know, considered a part of the tower or not.
MR. GILLAM: To be honest, I don't know if this is a question we have specifically looked at. I think staff has made their interpretation. Mr. Estes and the applicant have their position. I mean, it is something we could do some research on if you would like additional information.

CHAIRPERSON PEHRSON: For what it's worth, this site once housed an oil well. So I would certainly consider an oil well a lot more detrimental to the area than a cellphone tower.

And when the last cellphone tower came in front of us, I was one of the ones that suggested the stealth looking type based upon what I had seen from where they have in Farmington Hills over there. It's 700 feet off of the main roadway. I can't imagine that being an eyesore to anybody driving up and down the road. I am pretty much sure that given the fact that staring at what would be maybe out of character from a vegetation standpoint, as opposed to the
inconvenience of dropping a cellphone call,
I'd rather have that than sitting there in my
backyard. I would also consider the
lightning rod not part of the main structure.
It's not going to pose anymore of an
inconvenience or an eyesore as that
electrical pole that's sitting in the
foreground right now.

I would be in support of the
motion as it stands at this point in time.

MR. ZUCHLEWSKI: If I just might
just add to that, that lightning rod,
probably an inch thick, so if we got any
golfers in the area, you know, they would add
300 yards, you can't even see it. You know,
I would think that it's going to be so
miniscule, we will save the equipment and we
will get coverage for people that need it.
If this helps one or two people that normally
wouldn't be able to get coverage and they
needed it in case of an emergency, I am all
for it. I think you guys have done a
wonderful job.
MR. GRECO: With that, I would like to make a motion.

In the matter of Cell Tower Near Fire Station No. 4 JSP16-08, motion to recommend approval to the City Council's special land use permit for cellphone monopole tower associated equipment structures and accessory structures subject to site plan approval by City Council. And this motion is made for the reasons that the Planning Commission finds that the proposed tower meets the requirements of Section 4.86 of the zoning ordinance as set forth in A through E of the motion.

And this motion is also made for reasons that the Planning Commission finds that relative to other feasible uses of the site, the proposed site, the proposed use will not cause any detrimental impact on the existing thoroughfares or compatibilities of public services and facilities. It's compatible with natural features and characteristics of the land and adjacent
land, uses of land, it's consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, to promote use of the land in a socially and economically desirable manner, is number one, listed among the provision of uses requiring special land review as set forth in the various zoning districts of this ordinance, and two, is in harmony with the purposes and conforms with the applicable site design regulations in the zoning district in which it is located, and that's it. Otherwise in compliance with the ordinance.

MR. ZUCHLEWSKI: Second.

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

Kirsten, will you call the roll.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Anthony?

MR. ANTHONY: No.
MS. MELLEM: Member Baratta?

MR. BARATTA: No.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Motion passes.

MR. GRECO: I'd like to make another motion in the matter of Cell Tower near Fire Station No. 4, JSP16-08, motion to recommend approval to the City Council of the preliminary site plan subject to the following.

A, City Council approval of deviation of the maximum fence heights in a residential district in order to surround the proposed equipment, eight foot maximum of the plan, 10 feet proposed, and the conditions and items listed in the staff and consultant review letters, being addressed on the final site plan, and because it is otherwise in compliance with Section 3.11, Section 3.6, Section 4.86, Article 5, special land use
considerations of Section 6.1.2 and all other applicable provisions of the ordinance.

MR. ZUCHLEWSKI: Second.

CHAIRPERSON PEHRSON: Motion by Member Greco, second by Member Zuchlewski.

Any other comments?

Kirsten, please.

MS. MELLEM: Member Baratta?

MR. BARATTA: No.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Anthony?

MR. ANTHONY: No.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: Thank you.

MR. PRZYBYLO: Thank you very much for your time.

CHAIRPERSON PEHRSON: Next on the agenda is Matters for Consideration, item one
Rainbow Day-care, JSP16-34.

It's a consideration at the request of 814 Development, LLC for approval of the preliminary site plan, stormwater management plan approval.

The subject property is located in Section 17 of the City of Novi, north of Grand River Avenue, west of Beck Road, in the existing West Market Square. The applicant is proposing to construct a single story day-care building consisting of 10,782 square foot office space, outdoor recreation area, which includes three play structures and associated site improvements.

I would ask -- Member Baratta wanted to be recused, so --

MR. BARATTA: Do you want me to leave the room?

MR. GILLAM: That would be my recommendation, yes.

CHAIRPERSON PEHRSON: Do we need to vote on the recusal?

MR. GILLAM: I think a motion
would be appropriate, yes.

MR. ZUCHLEWSKI: He is out of here.

MR. BARATTA: I haven't left yet.

MR. GRECO: Motion to accept Member Baratta's recusal from this matter.

MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: Motion by Member Greco, second by Member Anthony. Any other comments? Kirsten, call the roll.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Member Anthony?

THE WITNESS: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: Kirsten.

MS. MELLEM: So the subject property is in Section 17, north of Grand River Avenue and west of Beck Road in the
northeast corner of the West Market Square. It is zoned B2, community business district, surrounded by the same on all sides except the freeway service on the east.

The proposed use of day-care is a permitted use for the zoning district. The future land map indicates local commercial for this property and surrounding properties on north, south and west. The properties on east are identified as office research development and technology with retail service overlay. There are no regulated woodlands or wetlands on the property.

The applicant is proposing to construct a single story day-care building consisting of 10,782 square feet for office space, outdoor recreation area, which includes three play structures and associated site improvements.

The subject day-care intends to operate with 13 employees and a maximum capacity of 100 students. The applicant does
not intend to split the parcel and is proposing to develop as a building condo like the rest of the existing development.

The site plan also proposes a temporary turnaround until development occurs on the north vacant space. At that time a threw connection will be provided.

The site plan is in general conformance with the zoning ordinance except a few deviations identified in the review letters.

The applicant is requesting a ZBA variance for absences of loading spaces as their use does not require one.

The applicant is also proposing a black chain link fence enclosing the outdoor recreation areas, which is their typical fence for all other locations as indicated in the picture. While it meets the minimum requirements for enclosures, staff does suggest the applicant consider a material that is more attractive in appearance and provides better screening of
the play areas from Beck Road, the bank
parking lot and the shopping center views.

This would also improve the
privacy of the children at play. Planning
recommends approval with minor comments noted
in the review letter.

The applicant is also
requesting a variance for absence of the
required eight foot bike path as there is no
public sidewalk within 300 feet. Engineering
can grant the variance administratively. The
applicant is proposing a temporary T
turnaround on the north side of the proposed
parking lot for emergency vehicles to turn
around.

The applicant has agreed to
revise the turnaround to meet city standards
to avoid a council variance. Engineering
recommends approval. Landscape has
identified a couple of variances from the
landscape requirements for proposing a
decorative fence in lieu of the required
berm, for not meeting the minimum
requirements for parking lot landscaping,
building foundation landscaping and utility
screening. The deviations are supported by
staff for better design and space
limitations. Landscape recommends the
approval.

The 10,782 square foot
facility is generally large enough to
accommodate up to 280 students, which would
generate additional traffic that would
warrant a traffic impact study. However, the
applicant is limiting the current facility to
only 100 students and has provided a tech
memo for a similar size day-care.

Upon revised review, traffic
recommends that a traffic impact study is not
warranted at this time, as long as the number
of students are limited to 100. Traffic is
recommending approval.

The proposed elevations exceed
the minimum required percentage for cement
composite siding and asphalt shingles, which
would require a section nine facade waiver.
Our facade consultant supports the waiver, as the deviations are augmented by architectural features and are consistent with the style.

The applicant has provided images of existing day-care center elevations that indicate a similar percentage of asphalt shingles. They have also provided pictures of the building interiors of their existing facilities to indicate the quality of construction and service.

Fire also recommends approvals with some minor changes.

The Planning Commission is asked tonight to approve the preliminary site plan and stormwater management plan. The applicant, Amy Labadie, is here with Rainbow Day-care representative Rod Blight, and engineer Alex Orman, who are here to answer any questions you may have. Thank you.

CHAIRPERSON PEHRSON: Thank you.

Does the applicant wish to address the Planning Commission at this time.

MR. BLIGHT: I'm here to answer
any questions for you.

CHAIRPERSON PEHRSON: Thank you.

Turn it over to the Planning Commission for their consideration.

MR. ZUCHLEWSKI: I have a few questions. The building is sprinkled?

MR. BLIGHT: Rodney Blight from Rainbow. The building is not sprinkled with the fire code. We have egress from the classroom directly to the outside. It's not required by the fire code to be sprinkled.

MR. ZUCHLEWSKI: Is there smoke alarms or --

MR. BLIGHT: Yes, we have a monitored fire alarm system throughout the building. That's all submitted to the State of Michigan Bureau of Fire Safety.

MR. ZUCHLEWSKI: Storage closets, they would be sprinkled, just a single head off the domestic line?

MR. BLIGHT: They are rated, but they're not sprinkled.

MR. ZUCHLEWSKI: Not sprinkled.
I think this has got to do something with the occupancy of the rooms, is that correct? Are these rooms all the time?

MR. BLIGHT: Yes, it's the size of the building. It's under 12,000 square feet, which is below the maximum for sprinkling buildings, 12,000 square feet, it's mandatory over that, from what I understand. The size of the room is because of the egress directly to the hallway and directly outside on the main floor, there is an exception in the fire code that does not mandate that it be sprinkled.

MR. ZUCHLEWSKI: Having the egress to the outside, the children are leaving the rooms and they're going directly out into the play area that's fenced, is that correct?

MR. BLIGHT: Correct.

MR. ZUCHLEWSKI: With this particular site, how would the fire trucks get around to that area to get to them? I understand there is a lockable door on the
north end or a lockable mechanism on the gate?

MR. BLIGHT: The gates, it's a pull type latch, it's not a key latch or anything that requires special knowledge to open. It's a magnetic latch to keep children from pushing it open, like a typical gate, but it's not a locked mechanism. It's not like a key that they would have to have to get out of the gates from the playground, to access that area.

MR. ZUCHLEWSKI: So are there windows on the north end of the building so that someone could see that gate at all times or how is that gate monitored?

MR. BLIGHT: We have the fencing set up so that when the children are on the playground, one, they're supervised by staff, there is a short section of fence that goes from the northwest corner of the building to the perimeter fencing so the children can't get down along that dog run fencing behind there. So all of our playgrounds, same thing
to the southwest corner, there is a section of the fence that comes from the corner of the building to the perimeter fencing as well. So we try to limit off any areas that children can get to where they might not be supervised.

MR. ZUCHLEWSKI: Then the temporary road into this for the fire department, is that on the southwest corner of the site?

MR. BLIGHT: The darker area in front is the parking and then continuing in the drive to the north, for the future development to the north of us. Then we put the hammer head turnaround there at the request of the fire department for access for the fire trucks to be able to turn around in the event they did have to come to the site.

MR. ZUCHLEWSKI: For people loading and unloading their children, they're coming in at that entrance you talked about, they're going north, then they're going west, they're coming back across the front of the
building to drop off the kids?

    MR. BLIGHT: We do not allow curbside drop-off. Our policy is our parents have to park and walk their children into the classroom and sign them in.

    MR. ZUCHLEWSKI: What I meant by, that was -- the staffing was my concern. I am fine with that. Thank you.

    CHAIRPERSON PEHRSON: Anyone else? I am going to ask a question. So you're currently anticipating less than 100 students, is that correct?

    MR. BLIGHT: 100 students is what we are targeting, yes.

    CHAIRPERSON PEHRSON: What happens when the impact or the probability that this expands beyond 100 students, then other consideration to the building has to occur?

    MR. BLIGHT: If you base it on the traffic study, that's one thing I would like to comment on. It was pointed that the building could accommodate 280 children.
That is incorrect. It could -- under standard capacity and 20 square feet per person for a typical office or retail occupancy, they could potentially hold that many, but with child care, we are limited to children two and under to 50 square feet per child in the building, 35 square feet for two to five, it's much larger required area for each child. So the maximum capacity in that building is targeting around 100 with the staff, 115, so we are estimating, we have got the same square footage buildings all over Michigan and multiple other states and the highest we ever been licensed for in more lenient states down south is 130, I believe, 135, with staff. So we are targeting 100. We think that will cover the market, we should be fine.

CHAIRPERSON PEHRSON: And glad for covering the market, I'm covering the traffic. I.

Just want to make sure that we don't exceed within some percentage of that
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100, so that we find out that the ticking point for the traffic that we are going to allow this to go forward without a traffic study, I want to make sure if we are fortunate we go to 105, 110 children, we don't hit that tipping point for the traffic concerns.

MR. BLIGHT: We did provide a -- I believe we provided a traffic study that we had done at a more recent center, as a comparison to a retail development, which I'm assuming when this entire community was planned, they took into account that would potentially be a retail or some type of office, and our impact was much lower on traffic than retail or restaurant or something else that may be used in this location, so because of the fact that our school does not have a specific drop-off time, like you would need for an elementary school, where they start at 8:00 and they all pick up at 2:00 or 2:30, our pickup and dropoff times range from six in the morning.
to ten, our peak times in the morning, then
afternoon is from three until six, depending
on the parents' work schedule. We don't have
an influx of a huge amount of traffic, be
stacking at 8:15 in the morning, then at 2:15
in the afternoon, like an elementary school.

CHAIRPERSON PEHRSON: Considering
the screen, and just I guess, has there been
any thought relative to changing the chain
link fence to something a little bit more
permanent for visibility sake?

MR. BLIGHT: Well, the visibility
from Beck Road, all playground is behind the
building. I'm not sure where that request
came from, but you won't be able to see the
playground from Beck Road.

CHAIRPERSON PEHRSON: If any part
of that development to the north gets
altered, changed then we don't know what's
going to go in there. I guess it would be my
impression and recommendation that we want to
try to create as much of an obscure screen to
the playground area as possible.
MR. BLIGHT: We would probably prefer if something did develop to the north, we don't know how long that could be, ten or 15 years, that at that point we address maybe with some additional landscaping or something.

The chain link fence, we do a five foot high fence around the perimeter and then a four foot high fence with the interior partitions between like on sections, five foot fence in -- we own 120 centers throughout the country, and that's a very, secure safe fencing. We have used that in a number of PUD's like this. We're opposed to shielding the children with a privacy fence, because if you put a privacy fence all the way around, almost makes children feel imprisoned and we feel it's better for them to actually be able to see, not feel like they are confined in -- you know, in a 6-foot high wall.

CHAIRPERSON PEHRSON: Okay, interesting. That's all I have. Member
MR. GRECO: Yes. My only comments are, in looking at the plan, it looks good from my perspective. We have all the waivers, they all me seem to make sense. Both from the applicant and the waivers that the staff support.

So with that, I would like to make a motion, in the matter of Rainbow Child Care JSP16-43, motion to approve the preliminary site plan, based on and subject to the items listed in A through I on the motion sheet, and this motion is being 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.

MR. ANTHONY: Second.

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

Kirsten, can you call the roll, please.
MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Member Anthony?

THE WITNESS: Yes.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: I would like to make another motion in the matter of Rainbow Child Care JSP16-43, 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 and 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.

MR. ANTHONY: Second.
CHAIRPERSON PEHRSON: Motion by Member Greco, second by Member Anthony, any other comments? Kirsten, please.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Anthony?

MR. ANTHONY: Yes.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON:

MR. BLIGHT: Thank you.

(Whereupon Member Baratta re-entered the hearing room.)

CHAIRPERSON PEHRSON: Next on the agenda is Zoning Ordinance Amendment, 18.279. It's to set a public hearing for Text Amendment 18.2.79 to consider amending the City of Novi zoning ordinance in order to modify the TC Town Center and TC1 Town Center One's districts to better accommodate the
mixed use and residential development in the Main Street area. Ms. McBeth.

MS. MCBETH: Mr. Chair, I would like to have a brief introduction before Kirsten goes over the staff recommendation.

You may recall several weeks ago, the Planning Commission considered some text amendments that related to the Town Center district. During the study session, one of those was recommended by staff, those were -- a set of amendments were based on the Town Center area study. Those will be coming back to the Planning Commission very soon.

The other one that was discussed briefly at this meeting was a request by a different applicant. That was to allow drive-thru restaurants in the Town Center district. This is yet another set of amendments related to this Town Center area.

It's specifically in relation to a pre-application that staff has seen, but you all have not seen yet regarding a development for Main Street.
So the intent of this one is specifically focusing on the Main Street area and doesn't relate to either of the other two directly that we were talking about previously. Thank you.

CHAIRPERSON PEHRSON: Okay.

Anyone have any comments?

MS. MCBETH: Kirsten has a brief overview, if you don't mind.

MS. MELLEM: So in the packet, you found a proposed ordinance amendment addressed a mixed use development requirements in the TC and TC1 districts. These recommendations include the maximum length of the building, building orientation, yard setback restrictions, dwelling units per acre by unit, number of rooms and area parcel, building setbacks, mixed uses on the same floor and reduced mixed use minimums. The current ordinance states that multiple housing dwelling units in TC and TC1, shall meet the requirements of the RM, which is low density, multiple family district. In many
instances the characteristics of the low
density, multiple family district are
contrary to the intent of the TC and TC1
district, which basically strives for a
pedestrian oriented mixed use downtown.

The proposed amendments would
align the requirements of the intent of the
area. Staff has proposed this amendment in
response to new developments anticipated in
the Main Street area. The proposed amendment
would promote a pedestrian oriented mixed use
development that would accommodate the
density proposed in the 2016 Master Plan for
Land Use.

Any questions, please ask
staff.

CHAIRPERSON PEHRSON: Thank you.
Anyone on the Commission have any comments?
Member Anthony.

MR. ANTHONY: I want to follow-up
a question, did you say mixed use on the same
floor, would that include residential with a
commercial or retail use on the same floor?
MS. MELLEM: The modification that we are recommending is that since the residential use with a door to the outside rather than a door to a shared hallway, that would be recommended rather than having the same uses on the same floor.

MR. ANTHONY: So it would be more of a brownstone, as opposed to like what we have there now where you have a big hallway?

MS. MELLEM: Yes.

MR. ANTHONY: That makes sense.

CHAIRPERSON PEHRSON: Barb or Kirsten, the reduced mixed use minimum on page two, Section 4.25, at least 10 percent in the GE and 20 percent in the TC, TC1, does that come from another part of the ordinance somewhere or how were those numbers derived, is one question I had. You don't have to answer, but when we come back.

Because that's going to lead me to my second question, because my Alzheimer's just kicked in, I had a note here about Section 3.8.1.A, does that still exist
in this use? So since I just wrote that note a week ago, and I don't remember why I wrote it, you can try to decipher that for me.

Sorry.

Then on the -- I had another note, I will do research on my notes so that I can try to help you a little bit better.

But on the principle permitted uses for this area, the TC, TC1, I think there were some things, and when I was looking through the ordinance, as far as the principle permitted uses, there were some things that caught my eyes relative to things that just didn't seem to fit.

I think some of them might have been like a funeral home, or something very odd, which I would assume would be a special land use that we would -- I am assuming this is kind of that office business thing as opposed to whether it was a funeral home, or adult bookstore, whatever the thing that caught my eye.

I want to make sure that we
are not including those kind of things or
that would have to be special land use where
we would have some discretion to say, this
really doesn't fit that location.

MS. MCBETH: We can certainly
look at those, either as part of this
amendment, or the other amendments that we
have.

Discussed. And again, these
were specifically related to development
plans that we saw, albeit in an at early
state. We can either address it with this
amendment that we are proposing now or with
the other one that will be coming forward
shortly.

CHAIRPERSON PEHRSON: I promise
to make better notes and remind myself why I
wrote these things down.

Member Baratta.

MR. BARATTA: You know, one of
the use questions that you have, noxious
uses. What you might want to look at are
some of these smoke shops they are coming up
with nowadays.

CHAIRPERSON PEHRSON: Hooka bars --

MR. BARATTA: Hooka bars and vapor shops, and different names for them. My suggestion would be that you take a look at that also.

CHAIRPERSON PEHRSON: Perfect.

Anybody want to make the motion to set a public hearing.

MR. GRECO: I would like to make a motion to set Zoning Ordinance Text Amendment 18.279 for a public hearing.

MR. BARATTA: Second.

CHAIRPERSON PEHRSON: We have a motion by Member Greco and a second by Member Baratta, slash Anthony. Any other discussion. Kirsten, please.

MS. MELLEM: Chair Pehrson.

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Member Anthony?
MR. ANTHONY: Yes.

MS. MELLEM: Member Baratta?

MR. BARATTA: Yes.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: Thank you.

Last is the approval of the September 14, 2016 Planning Commission Minutes. Any changes, modifications, or a motion to approve.

MR. ZUCHLEWSKI: Motion.

MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: Motion by Member Zuchlewski second by Member Anthony. Kirsten, please.

MS. MELLEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEM: Member Baratta?

MR. BARATTA: Yes.

MS. MELLEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEM: Member Anthony?
MR. ANTHONY: Yes.

MS. MELLEM: Member Greco?

MR. GRECO: Yes.

MS. MELLEM: Motion passes.

CHAIRPERSON PEHRSON: Thank you.

Matters for discussion. Anyone?

Supplemental issues? Our last audience participation. Close the audience participation, unless Rick wants to say something.

Looking for a motion to adjourn.

MR. ZUCHLEWSKI: Motion to adjourn.

MR. GRECO: Second.

CHAIRPERSON PEHRSON: All those in favor.

THE BOARD: Aye.

(The meeting was adjourned at 8:19 p.m.)

** ** **
STATE OF MICHIGAN   )
     ) ss.
COUNTY OF OAKLAND   )

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

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.

11-15-16

[Signature]

[Handwritten Name: Jennifer L. Wall CSR-4183]

Oakland County, Michigan
My Commission Expires 11/12/22