# MEMORANDUM

 TO:
 MEMBERS OF THE PLANNING COMMISSION

 FROM:
 SARA ROEDIGER, AICP, PLANNER

 THROUGH:
 BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT DEPUTY DIRECTOR

 SUBJECT:
 PUBLIC HEARING FOR ABOVE GROUND STORAGE TANKS

 DATE:
 AUGUST 1, 2014

Attached is a proposed ordinance amendment submitted by Somnio Global L3C that would allow for above ground storage tanks in the OST, Office Service Technology zoning district, with conditions similar to those currently in the I-1 Light Industrial Districts.

Staff has completed a review of the proposed amendment and recommends approval with some suggested modifications. Attached please find the staff review, both a clean and strikeout version incorporating staff's recommendations, and the applicant's original proposed version.

The Planning Commission set a Public Hearing for the ordinance amendment on July 9<sup>th</sup> for the August 13<sup>th</sup> Planning Commission meeting. Relevant meeting minutes are attached. <u>The Commission is asked to hold the public hearing and forward a recommendation to the City Council, for reading and adoption.</u> If any Commissioner has any questions related to this request, please feel free to contact me at <u>sroediger@cityofnovi.org</u> or 248.735.5607.

PROPOSED ORDINANCE AMENDMENTS CLEAN VERSION

# MEMORANDUM

CITA OF	TO:	MEMBERS OF THE PLANNING COMMISSION
	FROM:	SARA ROEDIGER, AICP, PLANNER
	THROUGH:	BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT DEPUTY DIRECTOR
NOVI	SUBJECT:	REVIEW OF PROPOSED TEXT AMENDMENT 18.270
cityofnovi.org	DATE:	AUGUST 1, 2014

The applicant, Somnio Global L3C, is proposing modifications to Article 23A, I-1 OST Planned Office Service Technology District, in order to permit above ground storage tanks. As requested in the application materials, above ground storage tanks would be permitted with the same required conditions as set forth in the Article 19, I-1 Light Industrial District with the exception of the removal of the 600 gallon maximum size limit and the requirement for masonry materials, instead materials consistent with the exterior building wall materials would be permitted.

#### **Staff Review**

When reviewing the current regulations for above ground storage tanks in the I-1 zoning district, staff had recommendations to improve the existing language. It is with this updated language, that planning staff recommends approval of the proposed text amendment (with the suggested staff modifications described below) to permit above ground storage tanks in the OST District and to update the language in the existing I-1 District.

- 1. Developments in the OST Planned Office Service Technology District are intended to protect the most desirable use of land in accordance with a well-considered plan, to protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue. The inclusion of the staff recommended language would ensure the proposed use would not affect adjacent properties.
- 2. The OST Planned Office Service Technology District is intended to encourage and allow development of high tech, multi-use office/laboratory/production uses. The District is designed to permit the application of high tech, multi-use activities having accessory, warehousing, assembly, production and manufacturing activities. The request to permit above ground storage tanks is a reasonable and logical accessory use to the uses encouraged in this district and would encourage development of Research & Development facilities in the district.

#### Additional Ordinance Provisions

If the Planning Commission and City Council are inclined to permit above ground storage tanks in the OST District and to update the language in the existing I-1 District, the following additional standards or modifications are recommended:

- 1. **Removal of the 600 gallon capacity maximum.** Staff has heard from several existing and proposed businesses that this number is not in keeping with today's business needs, which tend to be at least 1,000 gallons, with variations depending on the type of material being stored. Staff, including the Fire Marshall, have researched the original source of this regulation and cannot identify a relevant purpose for this limit. A quick evaluation of similar communities in the region, including Troy and Auburn Hills, revealed that these communities did not clarify a maximum size. Staff is comfortable with the revised reference to the fire prevention code and any applicable state and federal regulations to address any potential safety concerns that may arise.
- 2. Addition of location and setback requirements. The current regulations in the I-1 zoning district do not contain any requirements for the location and setback of the storage tanks. Staff recommends that an additional condition be added requiring all tanks to be located in a non-required rear or interior side yard.

# MEMORANDUM



TO:SARA ROEDIGER, AICP, PLANNERFROM:JOSEPH SHELTON, FIRE MARSHALSUBJECT:ABOVE GROUND STORAGE TANKSDATE:AUGUST 5, 2014

I have completed a review of the proposed ordinance amendment submitted by Somnio Global L3C that would allow for above ground storage tanks in the OST, Office Service Technology zoning district, with conditions similar to those currently in the I-1 Light Industrial Districts.

I have no objection to the proposed changes in the ordinance and the change will not alter the adopted fire prevention codes or impact the department's ability to enforce them during the inspection or plan review process. PROPOSED ORDINANCE AMENDMENTS CLEAN VERSION

# STATE OF MICHIGAN

# COUNTY OF OAKLAND

# CITY OF NOVI

# ORDINANCE NO. 14- 18 – 270

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AMENDING SECTION 1905 OF THE I-1, LIGHT INDUSTRIAL DISTRICT AND SECTION 2303A OF THE OST, PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT TO PERMIT AND REGULATE ABOVE GROUND STORAGE TANKS.

# THE CITY OF NOVI ORDAINS:

# Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, 19, I-1 Light Industrial District, is hereby amended to read as follows:

#### Sec. 1905. - Required Conditions

All uses within the I-1 District shall comply with the following required conditions:

1.

- a. Except as provided in subpart (b), below, all uses shall be conducted wholly within a completely enclosed building.
- b. The following uses may be conducted outside of a completely enclosed building:
  - (1) Off-street parking.
  - (2) Outdoor placement of above-ground storage tanks as follows:
    - (i.) Shall be accessory to an otherwise permitted use.
    - (ii.) Shall be located in a non-required rear or interior side yard.
    - (iii.)Shall be in compliance with the city's adopted fire prevention code and any applicable State of Michigan and federal regulations related to such use.
    - (iv.) Shall be enclosed and screened from public view as follows:
      - (1) Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view.
      - (2) The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.
      - (3) Screening materials shall consist of materials permitted under the exterior building wall material standards contained in Section 2520, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

# Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, 23A, OST Planned Office Service Technology District, is hereby amended to read as follows:

# Sec. 2303A. - Required Conditions.

- 6. The outdoor storage of goods or materials shall be prohibited, unless otherwise permitted in this Section.
- 8. Outdoor placement of above-ground storage tanks as follows:
  - a. Shall be accessory to an otherwise permitted use.
  - b. Shall be located in a non-required rear or interior side yard.
  - c. Shall be in compliance with the city's adopted fire prevention code and any applicable State of Michigan and federal regulations related to such use.
  - d. Shall be enclosed and screened from public view as follows:
    - i. Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view.
    - ii. The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.
    - iii. Screening materials shall consist of materials permitted under the exterior building wall material standards contained in Section 2520, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

# Part III.

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

# PART IV.

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

# Part V.

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

# PART VI.

**Effective Date: Publication**. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2014.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes: Nays: Abstentions: Absent: PROPOSED ORDINANCE AMENDMENTS STRIKE VERSION

# STATE OF MICHIGAN

# COUNTY OF OAKLAND

# CITY OF NOVI

# ORDINANCE NO. 14- 18 – 270

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AMENDING SECTION 1905 OF THE I-1, LIGHT INDUSTRIAL DISTRICT AND SECTION 2303A OF THE OST, PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT TO PERMIT AND REGULATE ABOVE GROUND STORAGE TANKS.

# THE CITY OF NOVI ORDAINS:

# Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, 19, I-1 Light Industrial District, is hereby amended to read as follows:

#### Sec. 1905. - Required Conditions

All uses within the I-1 District shall comply with the following required conditions:

- 1.
- a. Except as provided in subpart (b), below, all uses shall be conducted wholly within a completely enclosed building.
- b. The following uses may be conducted outside of a completely enclosed building:
  - (1) Off-street parking.
  - (2) Outdoor placement of above-ground storage tanks as follows:
    - (i.) of not more than a six hundred gallon capacity per tank and <u>Shall be</u> accessory to an otherwise permitted use.
    - (ii.) <u>Shall be located in a non-required rear or interior side yard</u>.
    - (iii.) Placement and use of the above ground storage tanks <u>S</u>shall be in compliance with the city's adopted fire prevention code and any <u>applicable</u> State of Michigan <u>and federal</u> regulations related to such use.
    - (iv.) All such storage tanks <u>Shall must</u> be enclosed or <u>and</u> screened from public view <u>as follows:</u>-
      - (1) Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view.
      - (2) The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.
      - (3) Screening materials shall consist of masonry, consisting of those materials permitted under the exterior building wall material standards contained in Section 2520, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

# Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, 23A, OST Planned Office Service Technology District, is hereby amended to read as follows:

# Sec. 2303A. - Required Conditions.

- 6. The outdoor storage of goods or materials shall be prohibited, <u>unless otherwise</u> <u>permitted in this Section.</u>
- 8. Outdoor placement of above-ground storage tanks as follows:
  - a. Shall be accessory to an otherwise permitted use.
  - b. Shall be located in a non-required rear or interior side yard.
  - c. Shall be in compliance with the city's adopted fire prevention code and any applicable State of Michigan and federal regulations related to such use.
  - d. Shall be enclosed and screened from public view as follows:
    - i. Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view.
    - ii. The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.
    - iii. Screening materials shall consist of materials permitted under the exterior building wall material standards contained in Section 2520, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.

# Part III.

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

# PART IV.

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

# Part V.

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

# PART VI.

**Effective Date: Publication**. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes: Nays: Abstentions: Absent: APPLICANTS PROPOSED ORDINANCE AMENDMENTS



30th July 2014 Planning Commission City of Novi 45175 Ten Mile Road Novi, MI 48375 USA

Re: Ordinance No. 97-18 Language Amendment 23A OST Planned Office Service Technology District.

To whom it may concern:

Somnio Global L3C ("Somnio") is an advanced scientific accelerator dedicated to commercializing innovative technologies with substantive social impact. Somnio's focus is in the areas of energy, environment, education and empathy. The organization is expanding rapidly and its Global headquarters have recently located to 45145 W. 12 Mile Road in Novi. This facility is being equipped with office and administration space, research and testing facilities, analytical laboratories, and light prototype manufacturing development. The nature of the product research is diverse and includes diesel engine efficiency technology, plasma coating systems and thermoplastic product development.

Somnio strongly supports the proposed Amendment language revisions for Outdoor placement of above-ground storage tanks to the OST Zoning District. Outdoor above-ground storage tanks are critical to the continued success of Somnio's research and development activities and necessary to provide the bulk materials as needed during the these operations. The proposed outdoor above-ground storage tanks at the Somnio facility would be screened to comply with the proposed Amendment language, installed to meet all local and state building and fire code regulations and any necessary access gates and passages would be secured.

We appreciate the Planning Commissions consideration of the proposed Amendment language.

Yours sincerely,

Steve Annear Vice President, Operations 248-574-5508

cc. Kevin Kane

From: KaneGroup@aol.com [mailto:KaneGroup@aol.com]
Sent: Thursday, August 07, 2014 11:00 AM
To: Roediger, Sara
Cc: stevea@somnioglobal.com; jrichardson@sustainablewaterworks.org
Subject: Re: Additional Info

Sara: Not sure we can pull together a letter this morning but let me attach a few drawings and better explain the intent of what Somnio would be planning on if we are fortunate enough to have the language revisions adopted. It would be acceptable to use to print and include this email.

The drawing date 6/2/14 is the proposed screen wall location to the rear along the railroad tracks. The screened enclosure would comply with the screen wall ordinance language and made of material textures and colors compatible to the existing building facade as noted in the 7/30/14 Somnio support letter. The proposed nitrogen tank is approximately 20' tall on the pad and the screen wall being proposed would be 22'-6" tall to match the existing building height in this location. The diesel tanks are between 4'-6' tall. All the other future exterior mechanical and process equipment being considered for the screened area would be below the top of the screen wall height. However, no design or layout information has been developed for this future equipment. Attached is an existing drawing of the building elevations in this area with the tanks shown but the proposed screen wall is not shown.

The drawing dated 6/23/14 is the tank locations used for the Temporary Special Use Permit that was granted at the Public Hearing on 7/22/14. It was determined these proposed tank locations have satisfactory existing landscape and berm screening at this time for the Temporary Special Use Permit. The tanks will be secured by a chain link fence and installed to comply with state and local Building and Fire Code requirements and any other items noted on the permits.

The nitrogen tank being proposed is 3,000 gallons (liquid) and one of the 1,000 gallon fuel tanks will have Class #2 diesel and the other will have Heavy Diesel (bunker) which is typically Class #3.

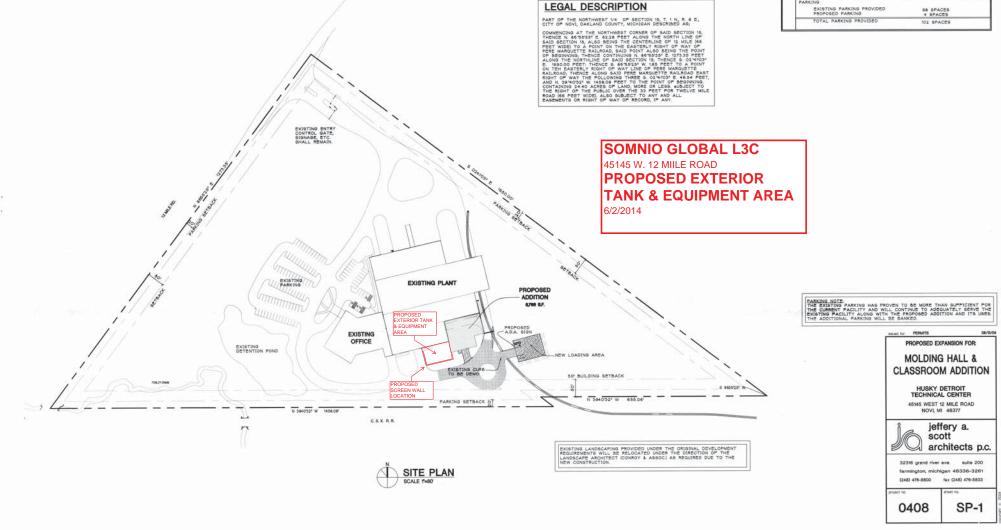
Please let me know what additional information we can provide in the time you have prior to the Commission packages going out.

Thanks! Kevin

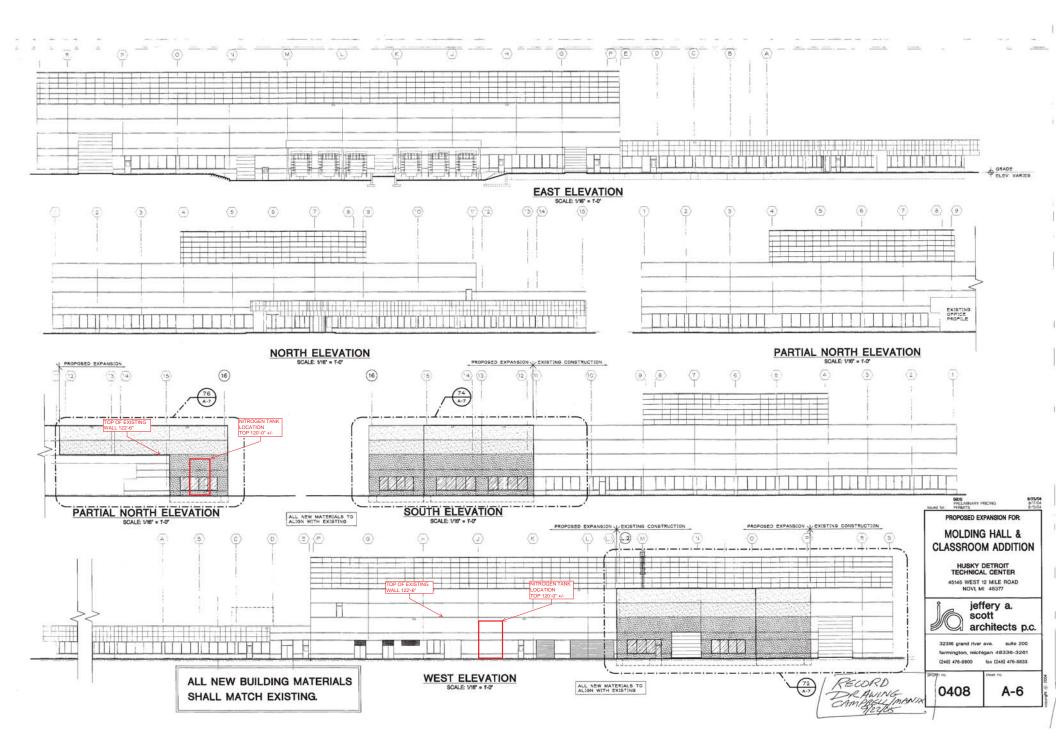
Kevin J. Kane, AIA the Kane Group, Inc 101 Washington Ave. #321 Grand Haven, Michigan 49417 kanegroup@aol.com Cell: 616-402-2399

	DATA		REQUIRED	PROVIDED	
Volt	ZONING			OST	
	SETBACKS	FRONT YD.	50'-0"	3941-91	
		SIDE-YARD	50'-0"	1204-64	
		SIDE-YARD	50'-0"	157-4*	
	TOTAL ACREAGE		24.4 ACRES		
	BUILDING HE	IGHT	40'-0"	55'-6"	
Ex.	ISTING BUILDI				
-	GROSS PLOC				
	OFFICE ARE		13,787 SQ. FT. 48,528 SQ. FT.		
	SHOP/WAREHOUSE MECHANICAL		29,830 SQ. FT.		
	TOTAL		92,145 SQ. FT.		
D	TAILS OF NEW	W DEVELOPMENT			
	SHOP/WARE	OUSE	7.026 SQ FT.		
	OPFICE/CLASSROOMS		1,740 SQ. FT.		
	TOTAL		8,766 SQ. FT.		
TC	TOTAL BUILDING AREA		100,911 SQ. FT.		
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1000	EXISTING P PROPOSED	ARKING PROVIDED PARKING	98 SPA 4 SPA		
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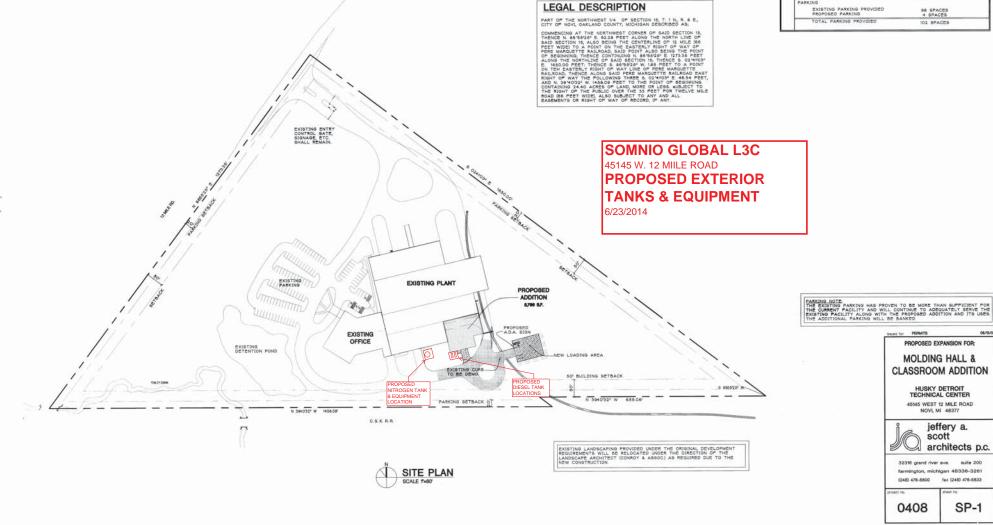
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	DATA		REQUIRED	PROVIDED	
	ZONING	ZONING		051	
	SETBACKS	PRONT YD.	60'-0"	3947-97	
	E	SIDE-YARD	60'-0"	120~6*	
	I E	BIDE-YARD	60*-0*	167*-4 <sup>k</sup>	
	TOTAL ACREAGE		24.4 ACRES		
	BUILDING HE	TOHT	40'-0"	00'-6"	
EX	ISTING BUILDI				
_	GROSS FLOC		15,787 BQ. FT.		
	OFFICE AREA SHOP/WAREHOUSE		48,528 SQ. PT.		
	MECHANICAL TOTAL		29,830 SQ. PT. 92,145 SQ. PT.		
De	TAILS OF NEW	V DEVELOPMENT			
	SHOP/WAREH	OUSE	7,026 SQ PT.		
	OPFICE/CLA	SSROOMS	1,740 SQ. FT.		
-	TOTAL		8,766 SQ. PT.		
TO	TOTAL BUILDING AREA		100,911 SQ. FT.		
PAR	KING				
	EXISTING PARKING PROVIDED PROPOSED PARKING		98 SPACES 4 SPACES		
-	TOTAL DARK	ING PROVIDED	102 SPACES		



SOMNIO GLOBAL L3C 45145 W. 12 Mile Road Novi, Michigan 48377

#### APPLICATION FOR TEXT AMENDMENT

#### ZONING ORDINANCE ARTICLE 23A. OST PLANNED OFFICE SERVICE TECHNOLOGY

Note: Proposed language is similar to the language and format used in ARTICLE 19. I-1 LIGHT INDUSTRIAL with minor modifications.

Add the following to Sec. 2303A. Required Conditions:

The following uses may be conducted outside of a completely enclosed building:

Outdoor placement of above-ground storage tanks and accessory to an otherwise permitted use. Placement and use of the above-ground storage tanks shall be in compliance with the City's adopted fire prevention code and any State of Michigan regulations related to such use.

All such storage tanks must be enclosed or screened from public view. Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view. The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.

Screening materials shall consist of of those materials permitted under the exterior building wall material standards contained in <u>Section 2520</u>, herein. Other materials may be used for the gate or doorway to the enclosure.

Add to the end of 2303A. Required Conditions, 6.:

Except that dumpsters may be permitted outdoors where property screened pursuant to the requirement of this Ordinance, as amended, or revised.

PLANNING COMMISSION MINUTES JULY 9, 2014 – EXCERPT

#### PLANNING COMMISSION MINUTES July 9, 2014 7:00 PM

# 2. SET PUBLIC HEARING FOR AUGUST 13, 2014 FOR TEXT AMENDMENT 18.270 ABOVE GROUND STORAGE TANKS IN OST, PLANNED OFFICE SERVICE TECHNOLOGY DISTRICTS

Planner Sara Roediger said tonight we have another text amendment request. This one is from Somnio Global to allow for the above ground storage tanks in the OST Zoning District. We currently allow for outdoor above ground storage tanks in our I-1 and I-2 Industrial Districts. The applicant has indicated that they are a research and development business and have a growing need to have above ground storage tanks. The OST districts are generally located along I-96 and M-5. They are looking to add language that is very similar to what's in the I-1 Zoning District in terms of how it will be regulated. We're still working with the applicant and the City's attorney's office for any additional details or changes. We'll complete a review before the public hearing but we've attached what they have proposed and we're looking to schedule a public hearing on the August 13th meeting. I'm happy to hear any comments or questions you may have before then.

Member Greco said make sure that the applicant is here to tell us why they need this change. That would be what I'm most interested in is why they need this.

Chair Pehrson asked if there are size limitations that they're suggesting?

Planner Roediger said the current ordinance language in the I-1 District has a 600-gallon maximum. They are proposing to not have that. We're actually in discussions right now with the fire marshal to see if the 600-gallon is requirement is reasonable and if there's an alternative we could use because we are hearing from some businesses that that is an outdated standard in terms of today's needs. We're working that out with the fire marshal and we'll have that information for the public hearing.

Member Baratta said if they do put in a tank, is there some sort of berm or something they can put around this tank or will the fire code handle that?

Planner Roediger said we require a masonry wall or landscaping with the outdoor storage tanks. The one that comes to mind is at Beck North. They have a free standing storage enclosure that completely screens it for the masonry unit.

Member Baratta said it does screen it so when we're talking about screening that's more visual, I'm looking at more of safety issue in addition.

Planner Roediger said yes. Its security gated as well.

Member Zuchlewski said I have one more question, is this a gasoline or propane or oil tank?

Planner Roediger said it could be any of those things. It's for flammable material, which is coordinated with the fire department as to how to regulate it, to make sure it's secure, and that they have inventory of what's out there.

Member Zuchlewski said so it would be all inclusive and a mode of some kind so that the material doesn't seep out. It would be a contained type.

Planner Roediger said right, all in accordance to the fire code.

Moved by Member Greco and seconded by Member Baratta:

# ROLL CALL VOTE TO SET THE PUBLIC HEARING FOR TEXT AMENDMENT 18.270 MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:

Motion to set public hearing for Text Amendment 18.270 for above ground storage tanks in the OST, Planned Office Service Technology District for August 13, 2014. *Motion carried 6-0*.