



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

MAY 27, 2015 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Giacometti, Member Lynch, Chair Pehrson, Member Zuchlewski,

Absent: Member Baratta (excused), Member Greco (excused), Member Anthony (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner; Rick Meader, Landscape Architect; Tom Schultz, City Attorney

PLEDGE OF ALLEGIANCE

Member Giacometti led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Zuchlewski:

Motion to approve the May 27, 2015 Planning Commission Agenda. Motion carried 4-0

AUDIENCE PARTICIPATION

No one in the audience wished to participate and the audience participation was closed.

CORRESPONDENCE

There was no correspondence

COMMITTEE REPORTS

There were no committee reports

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

There were no Community Development Deputy Director Reports

CONSENT AGENDA – REMOVALS AND APPROVAL

Nothing to remove or approve

PUBLIC HEARINGS

1. 13 MILE/NOVI ROAD AREA STUDY

Public Hearing for Planning Commission's recommendation to the City Council to consider the recommendations of the 13 Mile/Novi Road Area Study for a possible change in the approved land use. The subject property is located on south side of 13 Mile Road and east side of Novi Road and measures approximately 21 acres.

Deputy Director McBeth provided a brief overview and reasons for the Land Use Study. The applicant and owner of the property, Manchester 13 Mile Road LLC, is interested in developing the vacant property located on south side of Thirteen Mile Road and east side of Novi Road for multiple family use. The developer would like to construct 189 multiple family units in a stacked-ranch style apartment complex of approximately 21 acres. The use of this property is subject to the terms of a consent judgment placed on the property as a result of litigation from the early 2000s, which specifies the land will be used for a commercial development up to 170,000 square feet. The proposed multiple family development would require City Council's approval of modifications to the existing Consent Judgment.

In order to make an informed decision on the proposed modifications, Clearzoning Inc., on behalf of the city, has undertaken a land use study to review alternatives to the approved uses for the property. An open house was held on April 13, 2015 to share information about the applicant's proposal and to seek public comment on the land use study. The study includes a history of the subject property, existing conditions, a market assessment, and supplemental information about current trends in multiple family developments, including the needs for housing for empty nesters as well as for Millennials. Public comment from the open house, and as received from the information that we solicited on the Community Development webpage, is included in the back part of study that is part of the Planning Commission's packets this evening. Additional public comments were received since the packets went out. That information is on the table in front of the Commission this evening. Sri has prepared a brief snapshot summary of the comments expressed through the open house and correspondence received. This information is included on the table as well.

The Master Plan and Zoning Committee had met and reviewed this matter last week. The Committee supported the document as it was presented along with some additional comments. This evening the Planning Commission is asked to hold the Public Hearing and if it is appropriate to make a recommendation to the City Council. Rod Arroyo and Jill Bahm from Clearzoning are here to present the Study.

Attorney Schultz stated that this request didn't have to come to the Planning Commission with this kind of proceeding, and with this kind of prolonged public involvement. There was a determination by the City Council that before the City Council decides whether or not to amend the consent judgment, they requested the opportunity to get public input in an informal way. This is the end of that process. It is all designed to help the City Council to proceed with the consent judgment or not.

Rod Arroyo introduced himself as the president of Clearzoning and Jill Bahm who is also working on this project. We are here tonight to present to you the findings and help with any questions that you might have.

This is the subject property that is located south of Thirteen Mile and east of Novi Road. As Mr. Schultz and Ms. McBeth said, this property is the subject of a consent judgment. This means that there was a settlement of a lawsuit. The City of Novi and the previous developer of the property entered into an agreement that the subject property of 21 acres can have 170,000 square feet of commercial development built. That is what is currently on the books. If the land owner came forward with a site plan for that and it met the requirements of the consent judgment that is what could be built on the property today. As has been indicated, the applicant is a new property owner. That applicant has expressed an interest in amending the consent judgment in order to permit the construction of 189 units of multiple-family residential. That is inconsistent of

what the consent judgment calls for. They have approached City Council, and as Mr. Schultz mentioned, the City Council has asked for public input as well as the input of the Planning Commission as part of this process before Council makes the final determination on whether or not the consent judgment is to be changed. Council may choose not to change it, they may choose to modify it, or they may choose some other alternative. If the parties agree it would go before the judge to amend the consent judgment.

Mr. Arroyo shares some information about the project history, market assessment that was done by our team, proposed development, a summary of the public input and some of the alternatives that have been developed.

In 1986, the City of Novi didn't really have anything in the zoning ordinance that allowed for mixed use development of the concept that was being proposed. The city amended its ordinance to actually include a new planned unit development (PUD) district. The state enabling legislation allows municipalities, if they choose, to have a PUD option which allows for flexibility in development. This allows for relaxing standards and allows for creativity in design, potentially even allowing uses that may not otherwise be permitted.

Much of the subject property originally was zoned RA and some had another classification. RA has very low density and this PUD came forward as an idea to provide something unique within the community. The development originally proposed included 564 stacked flats, 620 attached single family units, 309 detached single family and is just under 25,000 square feet of commercial. The Sandstone PUD was approved in 1991.

In 1995, we saw another dramatic evolution of the Sandstone PUD. It was renamed the Vista's. This included just over 1100 dwelling units with a mix of single family townhomes and multiple family. One hundred thousand square feet of commercial and retail was proposed.

This plan was influenced by the new urbanism movement. There are a lot of new-town developments in this country, many of which were influenced by Andres Duany and the new urbanism movement. New Urbanism goes back to the time of a small downtown and a small town community pattern where you would have a commercial center that would be the hub. You would have smaller mixed homes surrounding that commercial hub that was walkable. The idea behind the Vistas project is you would walk to the commercial core and have many homes nearby where people could walk to that central core to get daily goods and services. It would create its own small community within this area. That was the plan that was actually approved in 1995 known as the Vistas.

Mr. Arroyo presented images of some other new urbanist developments from around the country indicating on-street parking, buildings moved up to the front property line and minimal set-backs. A more walkable urban place, than you have in more traditional suburban developments. Mr. Arroyo presented an aerial with photographs of some of these developments that actually occurred within this area, including the original Vistas concept as well as some of the further development that have been built in the area. Much of this development occurred as part of the concept that came out of the original Vista's plan.

In 2002 there was litigation that resulted in a consent judgment. This affected what the portion of the PUD that had not yet been developed. As part of that settlement, commercial uses were allowed to increase to 170,000 square feet on this 21 acre subject property. The development that was envisioned for the commercial area changed from being a new urbanist-type of development to more of your traditional strip commercial. Only one fast food with a drive thru

would be permitted under the consent judgment. Mr. Arroyo showed some of the sample commercial developments that are included in the consent judgment as a model of the type of commercial that could be built under the consent judgment which affects the property today. Examples include Westwind Village in West Bloomfield and Midtown Square in Troy. These are strip commercial developments with big box retail stores, high quality building materials but are a traditional, suburban strip commercial center.

Mr. Arroyo noted that some commercial development has been constructed within the Vistas/Sandstone Project as part of the PUD. This includes the gas station on the south east corner of 13 Mile and Novi Roads. It also includes the Rite Aid at the southwest corner of 13 Mile and Novi Roads. Surrounding the subject property are some of the existing residential developments, with a combination of single family homes and multiple family homes. There are 850 housing units that have been built to date of the 1119 that were originally approved. Among these are the Vista's Brownstones, Meadowbrook Townhomes on the south side of Thirteen Mile Road. Further south is Tollgate Woods and Vista Hills, Saratoga Circle and Camden Court.

There is a lot of recreational opportunity, including Pavilion Shore Park and Lakeshore Park. Pavilion Shore Park is a newer park, consisting of eleven acres on the southern shore of Walled Lake with walking paths, a fishing pier, picnic plaza and water front seating are all part of the long range planning for the park. It was originally the site of the Walled Lake Amusement Park and the Walled Lake Casino. The city has recently been constructing new improvements to this area.

Lakeshore Park is another recreational facility that has been within the city for many years. It has beach access on Walled Lake, a trail network, cross country skiing, hiking, picnic areas, playgrounds, restrooms, sand volleyball, bike trails, and a number of group rides and events that take place throughout the summer. The city is also proposing non-motorized improvements along Thirteen Mile Road, which will help improve connectivity throughout this area and provide connections to people who live east of these recreation facilities. Most of the surrounding area is development with residential dwellings. South of Twelve Mile Road is where the bulk of retail activity takes place. Most of retail there is of a regional nature and tends to draw from a much larger area as opposed to local commercial, which is found in other locations in the city as well as in adjacent communities to the north.

Mr. Arroyo discussed the demographics of the baby boomers and the millennials. In many ways these groups tend to like the same things. They tend to look for some of the same housing styles. They are not always looking for the traditional suburban, detached single family home. They look for sidewalks, bike paths.

For this study, we have worked with the Chesapeake Group, a market analysis group. This group has been a part of the market analysis that has been done for previous Master Plans for the City of Novi. Some of the trends that are important to recognize is that birth rates have fallen to the lowest rate in US history. Marriage rates are at the lowest level rates in US history. The traditional two parents and two kids family is now the minority in terms of demographics. Population is getting much more diverse. Baby Boomers that are currently between 50-60, and Millennials that are between 21-30, are the fastest growing segments of the US population. They are seeking different housing options; they are seeking greater mobility and different environments both in urban and rural areas. The average age of US residents is getting older due to the impact of the baby boomers moving through from one cohort to another, increasing the demand for services, for health care. The current housing that has been fueling the market for

many years may not meet the future needs. We are seeing the decrease in some retail needs as we are seeing a change in the way people buy things. There is slowing growth in the number of households in this area. Of the local trends, about 39 percent of Michigan's population lives in the southeast region. Michigan's population is estimated to increase by just barely three tenths of a percent between 2010 and 2014. About 26 percent of Michigan's population was under the age of 19 and 38 percent was over 55. This shows the power of the two age groups.

Novi's population is just over 55,000 as of 2010. SEMCOG projects the city's population will grow by about 5 percent by 2040. This is much different than the growth rates that we have seen in the past. The cities over-65 population is projected to increase by 134 percent by 2040. The under-17 population is expected to decrease by 13 percent. Without housing growth, the population will likely stagnate or decline based upon the decrease in household size.

Novi has been a regional hub for retail activity. Employment in retail is expected to decrease in the future. There are a number of reasons for that: changes in technology as well as consumption patterns. Retail space needs are likely to decrease due to lower size of households and the aging population.

Mr. Arroyo said an estimate of 2020 sales based on existing retail space finds that between 78,000 and 97,500 square feet of additional retail space could be supported within the entire City of Novi. There is some existing vacant space now and there is some new construction that is already been approved that is going to take up some of that capacity. The amount of commercial space that is approved in the consent judgment - the 170,000 square feet - is likely to be more than what the market would be able to support. A smaller amount of additional retail may be supportable, but clearly there is not a market for 170,000 square feet of retail space on the subject property.

There is a growing demand for multiple family housing within the city. The aging residential population for example, some who have lived most of their adult lives within the city may be looking for options, they don't want to maintain a single family home anymore. Yet they still want to stay where they have connections within the community. Having additional multiple family housing could provide an opportunity for these residents to age within the community. Young professionals having access to a multiple family apartments may give them the opportunity to have new millennials coming in to the population. The kids going away to school may want to come back to the area. New apartments might give them some housing opportunities.

Before we look at what the property owner has proposed I think it is important to know what some of the trends are. There other approved multiple family residential units. For example there is Novi Ten Townhomes at the southeast corner of Novi and Ten Mile Road that has 93 units that are approved. Fox Run north of 13 Mile Road, west of M-5 has 96 units that are under construction in phase 2.3. There are 137 units approved in phase 2.4. The total Fox Run project including the built, under construction and approved but not yet built is just under 1500 units. Society Hill is another project that is approved at 312 units. It is located on the west of Novi Road north of 12 Mile Road.

The property owner has provided a rendering showing what the 189 multiple family units is intended to look like. The density is about 9 dwelling units per acre. These are intended to be stacked ranches. This means that you have one unit on the ground floor and one unit on the second floor. These are two story buildings provided in an attached multiple family setting.

The city staff and the Master Plan and Zoning Committee hosted an open house on April 13th. There have been a number of emails and letters as well as written comments from the open house that have been provided in the Planning Commission's packets. A general summary of the feedback indicated that there was really no clear consensus that emerged from the feedback. Most of what was heard at the open house did not support big box development. Many were not in favor of multiple family housing, especially rental housing. There was some support for single family homes, retail that serves the daily needs of the neighborhood such as convenience stores, grocery stores etc.

Based on the general conclusions from the land use study, the market study assessment as well as the public input, there does not appear to be a market for what has been approved in the consent judgment.

Mr. Arroyo said, looking at the traffic generation of what is approved, which is 170,000 square feet, versus the 189 units of apartments, you can get an idea of the difference with daily traffic that would be generated. The shopping center would generate about 9,588 trips per day. The apartments would generate 1,269 trips per day. In looking at the a.m. peak hour traffic approximately 163 total trips for the shopping center versus 96 trips for the apartments. The p.m. peak hour is 855 trips for the shopping center versus 122 trips for the multiple-family development. The proposal that's been made from a traffic standpoint would certainly generate substantially less traffic than what has been approved as part of the consent judgment.

The residential development as proposed reinforces land uses of the past. The Vistas project as we know it is almost 100 percent residential. It has the gas station and the Rite Aid and for the most part it is all residential. You still have to drive somewhere to get daily goods. That is something that should be considered when looking at alternatives. One of the things discussed with the Master Plan and Zoning Committee was the importance of incorporating place-making elements into the project. They are not only going to enhance the development, they can also bring a richer community feeling in this area. It is important to remember is that there are existing residents in this area. Whatever happens on this piece of property it is important that there be some opportunity for some connection and interaction. If it is going to be residential you would want to have interaction with the residential new portion and the residential old portion. This provides the opportunity for the residents to build the community because they are in the same neighborhood. Some of the things that were discussed were a public park plaza, picnic areas, community buildings, playgrounds, water features etc. There should also be opportunities for unplanned gatherings and places to relax.

Option 1 includes multiple-family residential with a density of 9 dwelling units per acre on up to 18 acres. This is a 21 acre site. The remaining 3 acres could be developed as mixed use with ground floor retail or restaurant and up to two additional floors of residential.

Mr. Arroyo presented examples from Illinois of a ground floor retail and restaurant with upper floors consisting of multiple-family residential loft style condos. In one case there are 34 loft style condos over 23,000 of retail. In the other example there are 15 condos over 11,000 square feet of retail.

Option 2 would be multiple-family units on the entire 21 acre parcel up to 9 dwelling units per acre. While also incorporating one or more of these place making elements, community gathering elements, and ways for people to connect within the neighborhood. One example is a co-working space. These are becoming more and more popular. Maybe you work from

home but you need a place to go to meet a client, or you need to conduct a meeting in a meeting room, or you need to get out of the house to have a place to work. These places they are fee based. You pay a fee, go in and share space. This could work really well in a residential with a limited area devoted to provide a service that may not necessarily be provided elsewhere.

There are two alternatives that were presented. Certainly there are other options. There is also the option of doing nothing which is to maintain the consent judgment exactly as it is.

Chair Pehrson thanked Mr. Arroyo for putting together such a detailed presentation and all the work that he did. It helps us generate thoughts going forward. I would ask the applicants if they would like to address the Planning Commission at this time and then we return to Mr. Arroyo's presentation.

Matthew Quinn appeared on behalf of Manchester and Thirteen Mile Road LLC. I believe that Mr. Arroyo's firm did an outstanding job analyzing all the information that was available to it as directed by the city. My client would hope that you would send a positive recommendation on the land use report to the City Council. As far as the alternatives are concerned I think that you can send it up with an "and/or" recommendation. I think that we can work with both the open space park area concept. That could be done as we mentioned in the sub-committee, perhaps along Thirteen Mile Road with a respite for bicycle traffic on the new pathway with a bike rack, picnic tables and playground areas for both the multiple family units and the surrounding area. Also may be considered is a fee- based use of our community building for the neighbors. We could consider that sometime in the future. We believe the market study shows that there is no current need for commercial. Perhaps the park area could later be converted if there is a need for a commercial along that small area, an additional 20,000 to 30,000 square feet. You already have about 13,000 square feet of commercial between the gas station and please note that is more than a gas station. It is a small store convenience store and the same with the drug store. It is now a convenience store with items from food to drugs. With those alternatives using the and/or we can certainly propose once we get to City Council and looking at the language of the consent judgment we can certainly work something like that out. Basically we think that Mr. Arroyo's report was spot on.

Chairperson thanked Mr. Quinn and opened the matter to audience participation.

Kelly Gies – 41682 Clemens Circle. Ms. Gies said that she did not receive a notice for this development. When we bought the home from Singh we were not told by Singh Development that the property is zoned commercial. They owed it to us as a buyer to tell us that. You also have the combined liquor store gas station. The liquor store is quite impressive from a liquor store standpoint. You have the low income houses across the street and you have the Brownstones. That was not mentioned in this presentation and I am not sure why. There are a lot of very dense dwellings there already. A park would be better suited for our needs. I will be looking out at that new development. I am not happy at all. I would not have bought the home that I did had I known that this was going to be commercial. You have about one-half million dollar homes going in around there and you want to put something that is substantially less in value. I don't know how you are going to sell the property around it. My property values will continue to decrease as a result. The area is not zoned properly. The infrastructure is not there to support the commercial. More people will be stuck because there are not enough traffic lights and or wider roadways to support that development.

Emil Cherkasov lives in Vista Hills. Mr. Cherkasov said that he is a commercial real estate broker and has been in the business for 16 years. My number one concern is this market report and the timeline dating back to the early 90's that said that there is a need for commercial. It started off with a 100,000 square feet of commercial use and then there was a consent judgment that increased it to 170,000 square feet. My question to you is why not keep it commercial? I know Clearzoning says that there is no demand for commercial. Is there proof? Has this been marketed for commercial use? Has there been a sign that says Commercial Property coming soon? I was at the open house a few weeks ago and I asked the owner Mr. Furnari, "How do you feel about having a grocery store here or commercial development". Mr. Furnari says that he would love to but there is no one looking for commercial property. After that meeting I made two calls to two major grocers' here in Michigan. Both of them sat down with me the following day and said that they would love to be there. Each of them would need about 40,000 to 60,000 square feet. You are telling me that there is no demand for commercial. The people of Novi are saying that we need something for daily needs. We have a gas station. What family goes shopping for groceries at a gas station? My question for you is why not keep it commercial? The consent judgment says that it has to be commercial. If the judge says 170,000 square feet he must know something. I am here in favor of something for the people of Novi's daily needs. I am not saying a big retail box store. I am not saying let's bring K-Mart back. I am saying that we need a grocery store, we need a coffee shop and we need a bank. We need something for the people so they don't have to travel to Commerce, Walled Lake. There are enough apartments. The apartments are barely full. If someone wants to live in an apartment they can go across the street. There are 5-6 different apartment buildings there.

Rachel Cherkasov said I am a resident of Vista Hills. My husband Emil is a Commercial Real Estate broker. After attending the open house I was surprised that only 40 or so residents turned up for that meeting. After speaking with other residents in the days that followed the open house who did receive or recalled receiving the post card asking them to please attend and give us your comments. Maybe it was poor timing that the post card was sent out right before spring break. I know a lot of families went out of town and came back to a stack of mail a week later and probably tossed that post card away. My children attend Walled Lake Schools and I am on the Hickory Woods Elementary PTA. I know a lot of families. They urged me to get involved. In doing so I have the background as an automotive analyst and a computer database creator. I decided to make an independent survey for Novi residents. I am hoping that the information that I submitted to Ms. McBeth was entered in your packet. This resident survey was done for 204 residents. It was done on a short two week period mostly reaching out via Facebook. This kind of survey does not reach a huge segment of the population of Novi. What you will find is that 88 percent said please deny this request to amend consent judgment, 6 percent said approve the request, and the other 6 percent were undecided.

I am also here to discuss the fact that I take a little bit of an issue with the existing conditions of the bubble that was brought to light here. There are two things that I see wrong with it. One the bubble of the existing shows the Vista Brownstones was listed on the document is listed as attached homes. It is not attached homes. It is Brownstone Apartments that are owned by Singh Management Company. Next the neglected and existing conditions right across the street. They went so far as to show you Saratoga Circle and Camden Court yet they didn't show you what is right across the street. In that area there are two apartment complexes right next to each other. Neither one is at full occupancy. The other thing that I take issue with is, that on page 5 of the Clearzoning draft report it indicates that there was no clear consensus from residents that attended the open house. Yet, if you looked at the back of their packet they have an appendix which included the open house comments and the emails that came in from residents there were 46 in total. Of those, 44 residents that did attend the open house there was

a clear consensus. It was no apartments. In my survey results of the 204 people (which are not duplicates of the other survey results) there was not a clear consensus of what should be there but there were a lot of comments for grocery stores, for single family homes as well as for park areas. I would like that on behalf of the 204 residents that did take the survey request that the city deny the request to amend the consent judgment.

Brian Lannerstadure said he is a resident of the Woods of Novi which is the northwest quadrant of Thirteen Mile and Novi Road intersection. My preference and the preference at the homeowner meeting that we had last night is single family homes rather than apartments. Since this is not an alternative in the plan I want to address the alternatives.

Mr. Lannerstadure said, alternative one, is that the local commercial is included with residential and alternative two being completely multi-family residential. You want to create a walkable and vibrant community that will attract a stable residential base and maintain property values. If those are the only two alternatives I would hope that you would consider alternative 1. The study refers to placemaking. As stated by the planner the quality involves a mix of uses, including residential, commercial, public spaces, recreation and green spaces and walkable areas. The future land use map within the City's Master Plan identifies this site for local commercial uses. Additionally the original approved Planned Unit Development and Consent Agreement called for a mix of residential and commercial uses in a village like setting. This area already features access to a lot of these place making requirements. We have Lakeshore Park, Walled Lake and the new Pavilion Shore Park. They are all nice amenities and beautiful. Local commercial is the missing piece that could transform this area into a quality place. To completely get rid of all commercial use on this site is to be in opposition to the consent agreement, the original PUD and the City's Master Plan. The study states that the developer of this site tends to market to young professionals and empty nesters. According to the study young professionals and empty nesters actually tend to look for many of the same neighborhood attributes when deciding where to live. They are small manageable living units and active communities with recreational opportunities close by. To also have commercial uses that can be reached by foot rather than by car. By aiming for Alternative 1 with local commercial uses, the developer can promote the new development as a place with a variety of amenities. I would like to see single family homes but since this is not an option I would like to see a mix of land uses.

John Hulek, resident from the Woods of Novi stated, I would be in favor of changing the zoning to residential providing that it would be individually owned homes or condominiums. The density numbers for rental properties in that area shows it is pretty saturated right now. The last thing that we need is more rental space. If it is not feasible to do individually owned homes then I would prefer keeping the zoning the way that it is. The City of Novi has done a great job controlling the types of commercial developments that are very tasteful.

Christopher Burello also lives in the Woods of Novi Subdivision. He said the city talks a lot about building community. In fact it was a frequent theme in Mr. Arroyo's presentation about the value of community to this area. Yet to build the community proposed here is to bring in more transient rental apartment dwellers. How are we going to build community by bringing in transients? It would be far more community building to earmark that property for owner-type homes as Mr. Hulek just underscored. I am here to say to say that I would oppose any type of rental property. Let's keep the consent judgment the way it is or amend it to include home ownership.

Kelly Hough-Breen lives on Linhart Street which is part of Howell Subdivision. She said I was here a few months ago when there was a proposal to build two homes which were directly behind mine. The developer wanted to amend the consent judgment. I have several concerns about this. I know this was the result of the 72 million judgment. It was a cash land swap with the City of Novi. The consent was put in place for a reason. I am wondering if we amend the consent judgment, what type of precedent would this set for any other amendments? I don't know exactly what other land is subject to this consent judgment. I know the property directly behind our home is. Has there been any type of investigation into who has the authority to amend the consent judgment. Also it does not appear that there has been any environmental study on how development would impact the woodlands and wetlands. How will the development affect the children that are currently going to the elementary school if you bring in more transient residents. What type of impact might that have of those children's education? I am against putting in more apartments. I don't want any big box stores. The proper thing to do is let the citizens vote. This is a large piece of land and this should be handled according to the citizen's wishes. It seems that we don't necessarily have to stick to the purpose of keeping it zoned commercial strictly for commercial if you are going to open it up anyway and allow these different uses. Why not purchase it back and see if the citizens have a particular course of action they would like the city to take.

Dennis Fitzgerald said he lives on Eastman Trail in Tollgate Ravines. We are a 75 unit detached condo community. Our board submitted a letter to the Planning Commission. I want to congratulate you for taking on this Solomon like effort to give a community an awful lot of opportunity to make themselves heard. Hopefully you're taking good notes and the theme will lead you to the right decision.

Mr. Fitzgerald said my concern is the density. A total of 189 units at 9 units per acre is an issue. You play with the numbers when you reduce the land area and you find that is a 15 percent reduction in the number of units. We sneak in the commercial and the apartments above that so I am not so sure that you improved the density by just knocking 3 acres off of the plan. I have no idea from the reports and the conversations how much square feet one of those buildings take. By the time the drives, walks and streets are in there is not a lot of room left for grass. With a little more grass the community is a little more home like. We have limited the amount of rentals in our community to 15 percent. I see no limit on rentals in this proposal. I have heard people bring that to your attention that density from rentals is a bad thing. I do not agree with that. To have that area in some form of residential combination makes great sense to me. The fact of reducing the amount of it that can be open to rentals makes great sense.

Mr. Fitzgerald continued, as a board we realize that when we add up the value of the homes we are managing it is approximately a twenty million dollar asset. If this property ends up to be 100 percent apartments over 18 acres my concern is the limited care of rentals to maintain their value. They are built with the architectural sameness. It is hard to find the unit that you live in unless you leave bread crumbs. The development that is front of us is going to happen whether we want it to or not. To go from 21 acres down to 18 is a joke. It is not enough to recognize what we're telling you tonight. It almost makes me think that the developers said I am not sure what they are going to like so let's throw this up on the wall and see what we can come away with. I heard them say they will be happy with any proposal that come to City Council because they can make it work. Good let's make their job a little tougher. Let's make it a little better for the city. Let them help us raise the bar in our community so that what we don't get looked on later as "what were they thinking"?

Julie Solomon lives in Bristol Corner and read the letter that she submitted:

*Dear Commissioners and Council Members,
We are a Novi resident collective of 30 families. We are writing to express our concerns on the request to amend the consent judgment on the "Manchester" property located at Novi Road and 13 Mile Road.*

We are families residing in or near the subject area and drive by the property numerous times every day in route to such things as grocery stores, enrichment activities, personal services, recreation, dining, and more. While a gas station and drug store located at the crossroads of Novi Road and 13 Mile Road offer some conveniences, the two alone are not enough to provide our families and community with substantial services.

North of 12 Mile Road within the City limit there are negligible convenience shopping and services. Residents in 48377 which represents 28% of the city's population and 1/3 of its total geography are being underserved by a lack of vital, daily conveniences like:

- Grocery Stores (ex: Plum Market, Papa Joe's, Market Square, and the like)*
 - Personal services ranging from hair and nail salons, dental, orthodontics, small medical, child care*
 - Enrichment activities like dance studio, music lessons, fitness studio, etc.*
 - Dining options like bistros, delis, or even fine dining*
 - Coffee shop, smoothie/juice bar, ice cream shop, bagel shop, etc.*
 - Local boutique shopping*
 - Accessible outdoor recreation like fitness trails, soccer field, softball, tennis*
- Having these types of businesses and recreation options located on the subject property would:*
- Fill the void for these vital, daily conveniences in our sizable community*
 - Significantly decrease the community's need to travel to neighboring cities to seek out these conveniences*
 - Provide nearby residents (<1 mile) with good reasons to walk or bike*
 - Enhance Novi's reputation as an attractive, livable and to scale community*
 - Bolster existing residential properties and home values by having these conveniences nearby and within walking/biking distance*

The "Manchester" proposal to add rented, multi-family dwellings on this crucial piece of land North of 12 Mile Road only serves to:

- Increase the number of renters and transient residents in an area that are already substantially higher than the rest of the City; 53% of the population in 48377 is already renting while 34% is the City average*
- Perpetuate the community's need to seek out conveniences and services in neighboring cities*
- Take away one of the crucial plots of land in 48377 where local conveniences could be established*
- Further saturate an already oversupplied rental market and outpace demand*

The City of Novi should actively encourage the development of thoughtfully designed and compatible local conveniences and small-scale businesses, parks and other open areas within walking and biking distance of this highly populated residential area.

We respectfully ask the Commissioners and Council Members to deny the landowner/developers request to amend the consent judgment. When the benefits of having these local conveniences are so great and these necessities are in such demand it makes good sense to support the needs of the existing community over the needs of any particular landowner/developer.

Sincerely,

Ms. Karin Schmitz

Mr. & Mrs. Paul Rachiele

Ms. Mary Borbi

Mr. Derek Golek

Mrs. Michelle Wong

Ms. Heidi Olekszy-Mann

Mr. Jason Levy

Mr. Raymond Kantor

Mrs. Kim Waling

Mrs. Tonia Beard

Dina Tallman

Cathy Shore

Mr. Reuben Levy

Brian Kosian

Mr. & Mrs. Jeffrey Rust Mrs.

Erica Groves

Mrs. Heather Slnanis

Mrs. Clare Teachman

Mrs. Beverly Moyer

Mrs. Kim Levy

Mrs. Elise Kantor

Mrs. Colleen Boyce

Mrs. Kristie Foust

Joseph O'Brien

Ms. Malika Cherkasov

Mrs. Sheryl Anne Tisch

Rebecca Kosian

Deanna Kavanaugh

Jamie Groves

Mr. Apostolos Sinanis

Mrs. Julie Solomon

Mr. Denny Moyer

Mrs. Dana Gorman

Mr. Bob Waling

Mr. Andrew Boyce

Jacquie Gretzinger

Mr & Mrs. Emil Cherkasov

Mrs. Catherine Beasley

Dan Koslowski said he serves with Dennis Fitzgerald on the board of Tollgate Ravines. If I were sitting in your chair I would want to know "why rentals"? We have the have the Brownstones and we have Wexford. Do we know what their occupancy rates are compared to the anticipated occupancy rates of what the developer has proposed? It is the highest area of rentals in your city. The developer proposed more rentals. The consultant did a nice job of telling us why the commercial development would not work but there was no mention regarding the existing market is doing in that area. I think that should be one of your prime concerns when making your decisions.

Jason Levy said he lives at Thirteen Mile and Novi Road and his kids go to Hickory Woods. I would like to echo what everyone has stated regarding the rental community. Mr. Levy read a letter that wife wrote: I would like to provide input regarding the planning area sturdy. I do not believe that this area is in any need of additional multifamily rental developments, unless that development is devoted to those 55 and over. There are already multifamily developments located next to and across from this area being studied. I do not think the area needs more. Further the area under study surrounds Walled Lake which already has a very active young professional rental community. As an individual who lives .5 miles away from the area I would rather see mixed use if the area does not support more retail development of 100% of the area. We desperately in need of a boutique grocery in the area as all stores are located at least 3 miles away. The assisted living center located nearby seems to have done very well. The addition of owned or rental senior living centers would not put additional pressure on nearby schools. Further the major growing sector in the U.S. currently is the medical sector. There are very few located in the area under study. The demographic trends look very slanted to the favor of the developer's desires. The demographic of 48377 may differ from 48375 that does not mean that those of us living in 48377 wish to see those demographic changes continue to grow in the direction that the developer would wish. I do not believe that exasperating these differences in demographics will increase property values in the area or improve the lives of those of that have already settled here. It seems that it will only improve the lining in the pockets of the developer. I do have one other item to mention that in their study it sites these but again if you will put something up on the website that would be great.

Mr. Levy continued, according to the Clearzoning Study, the market assessment on page 5 states there is demand for multifamily housing for boomers and millennials. However it does not give the sources for this information. In fact the assessment conflicts with the recent data coming from the National Mortgage Organization, Trade Organization, Senior Organizations, Business, Market and Financial Services as well as commercial property and Market Real Estate Services. In fact the National Association of Realtors found the millennial generation of those 34 and under represented the largest share of recent home buyers for the second consecutive year. Millennials are entering their peak buying period for single family homes and are expected to surpass baby boomers in total population. Bloomberg wrote in March that millennials have been shifting to home ownership due to higher rents. For boomers, Fannie May found that single family home consumptions by builders has yet to decline. The percent of boomers residing in single family detached homes was at least as high in 2012 as since the housing crisis. According to AARP the vast majority of older adults want to age in place so they can continue to live in their homes. Over 80 percent of adults age 65 and over want to remain in their current residence as long as possible.

Tom Welch stated that he is a resident of Tollgate Ravines. He requested a show of hands of those that appose rental properties being placed on this property.

Chair Pehrson asked if there is anyone else that wishes to address the Planning Commission at this time. There was no further response. Chair Pehrson moves on to written correspondence to be added in to the minutes.

The letter from Patrick Cusick, thanked Deputy Director McBeth for sharing the information at the Woods of Novi homeowners meeting. The homeowners have strong opinions and they are basically in favor multiple or single family dwellings provided the dwellings are not transient in nature or rental units. They are against the development of large retail on the site. They also request for 3 acres for park use.

The next letter is from Tollgate Ravines Condo homeowners. They are not opposed to developing 21 acres. They have questions regarding the square footage of each unit, the rental price, the vacancy rates in other rental properties, and wondered how long did it take to rent the other units. It would be easier to support a mixed plan of single family dwellings that limits the rental to no more than 15 percent of the total.

A letter from Gerald and Lesley Pawlak at 43165 Emerson Way. They are in favor of a multiple family project rather than a commercial retail project due to traffic problems. They request the developer to reserve a small portion of the project area for a small park. They reviewed the design of the new buildings and they think that they look very nice.

A letter from Kay Welch resident at 41447 Thoreau Ridge, stated, as a resident and owner in Tollgate Ravines, I object to the proposed development on 13 Mile-Novu Road area. This immediate area already has The Brownstones and Wexford as rental units. The Brownstones have large buildings with 260 units and Wexford has 128 townhouses units. The Planning Commission is considering adding 189 rental units that would total 577 rental units. We feel this would negatively affect Tollgate Ravines and Tollgate Woods home values. We do not feel this is the best use of this area. We ask the Planning Commission to visit our communities. Just looking at a map on paper doesn't tell the whole story.

Brian Stamp of 42355 Thirteen Mile supports the project.

Jim George supports the project.

Brian Lonnerstate at 42624 Wimbledon Way spoke previously.

Chair Pehrson stated that this concludes the audience participation and closed the public hearing. He turned the matter over to the Planning Commission for their consideration.

Member Lynch asked for some clarification from Mr. Arroyo. We spoke about this at the public hearing that the Millennials seem to be more transient than the Baby Boomers. Baby Boomers would buy a house and stay at a job for thirty years. Where exactly did you get the data from?

Mr. Arroyo replied that this data was prepared through the Chesapeake group. The birth rates are from the US Census.

Member Lynch asked about the daily trips shown in the traffic study. Mr. Lynch was surprised that there would be eight times more traffic if we had a commercial project in that area. Is this information from the forecast created by the Institute of Transportation Engineers?

Mr. Arroyo replied, yes, this is the source used by all traffic engineers.

Member Lynch stated that he read through the entire packet and also attended the open house. The clear theme was a concern about rentals. He questioned why it couldn't be developed as a regular condominium complex where people own the units. He also noted that condo associations are typically underfunded for capital reserves. With a single owner of an apartment complex, it would be more likely that the exterior of the property would be maintained. Member Lynch asked if there is any data on that aspect.

Mr. Arroyo replied that he thinks that it varies. Some condo associations receive adequate flow of income to maintain the property. For rental apartments, you can have some that are maintained impeccably and others that are maintained poorly.

Member Lynch asked Deputy Director McBeth if we have City ordinances that dictate how properties are maintained when they fall into disrepair.

Ms. McBeth responded that the City has property maintenance standards and guidelines. Those are enforced whenever needed regardless the type of property.

Member Lynch asked how long this property been zoned commercial.

Mr. Arroyo replied that since the mid-1980s it has been designated for some amount of commercial.

Member Lynch said that based on some of the comments it looks like the rental is clearly the area that people are concerned about. He asked who has the authority to amend the consent judgment?

Attorney Schultz responded that the consent judgment is between the former developer and the city. The City Council and the owner can choose to agree on how the land use is going to operate on this piece of property. There is a question that we are going to have to answer if the

Council decides to move forward: if there is anyone else that we have to give notice to when we go to court and say we want to change the consent judgment.

Member Lynch stated that he would not like to live next to a big box project. I would rather see some sort of family development with a park area. Member Lynch asked the developer why his preference is for rentals.

Michael Furnari, applicant with Manchester 13, LLC, replied that that they do not think that there is a market for attached condominiums today. This is the product that we are offering. No one actually looked at the aesthetics of our project, the floor plans, building elevations. There are three different building elevations through our community. There is no financing avenue right now for attached condominiums. We set the standards quite high for this area. The commercial has been marketed for 20 years, and no one has come forward to develop it.

Member Giacometti asked Ms. McBeth when the parcel is zoned for multifamily if the city does or does not have the discretion to dictate whether those units are sold or leased.

Ms. McBeth said that the Planning Commission typically is not concerned if property is leased or owned.

Member Giacometti asked if by recommending to the City Council that the use be changed to multifamily residential zoning, whether the ownership is out of the city's control.

Attorney Schultz responded that the answer is yes if we were just going from commercial to multiple zoning. However, this is a consent judgment and it is essentially a contract between the two parties and what they agree to.

Member Giacometti asked Mr. Arroyo if his definition of retail includes food, beverage, and personal services?

Mr. Arroyo responded yes.

Member Giacometti asked if would include restaurants, hair salon, etc.

Mr. Arroyo said the retail projections would incorporate that type of spending.

Member Zuchlewski asked are there any tenants identified at this point?

Mr. Furnari replied that we have soft market for this property. We have searched for some small commercial uses with no results.

Member Zuchlewski asked Mr. Furnari with the units that have store fronts and maybe two units/lofts above each one, what type of tenants would you put in there.

Mr. Furnari replied that we found out during the economic downturn when some developers tried to propose live/work units, that those units were a disaster in Michigan. I don't know the impacts of commercial on the bottom and residential units on the top. It has been done more in really urban areas. For the 13 Mile and Novi Road area I don't know if it would be the best solution. Maybe, like you said a nail salon, a pizzeria would work. I don't see a large grocery store going on this corner anytime soon.

Member Zuchlewski stated that he understands the average rent would be \$2,000 and that was compared to an average single family house with \$1,500 mortgage as an average. I also read that there were more people looking for the single family homes just for the \$500 difference. I understand that we have several rentals and also new rentals underway. I don't think that the people that you are marketing to are going to have kids.

Chair Pehrson recommended to City Council that they go in with an open mind. We have raised some concerns that the staff will review before it is presented to City Council. We have asked for Economic Development studies to help us understand what the impact is relative to a commercial 170,000 square foot building to determine if that is needed. We are trying to get as much of that data as we can. This is not an either/or situation. There are two alternatives that were based on input and thoughtfulness of what the city wanted to do with this. The alternatives were prepared regardless of what the applicant was looking to do. We are not going to say that there aren't other types of options. We have discussed options such as providing residential space, creating a green space and putting in a little park. Should the economy turn and if we don't need the park due to lack of use there is the possibility of turning it in to something else. My recommendation is that the study goes forward to the City Council and offer both alternatives and certainly ask for their understanding their there thought as to a Plan B, C or D. All the information that has been gathered will be moved along in the process.

Member Giacometti stated that there are not many large parcels left like this in Novi. We have the opportunity to shape something that is forward thinking. I support the mixed use alternative although I do acknowledge based on just on our experience with this Commission there isn't a strong commercial market. We haven't seen many commercial developments. I am sympathetic to the developer from the sense that I feel that there is a weak commercial market at the moment. I feel that the city should consider an incentive to add in a commercial portion of a mixed use development, so that the developer could move forward with a residential component and ideally there would be an integrated mixed use component commercial that may or may not be filled in the short term. It may take the developer a couple years to really get that space rented out. Having the ability for the residents to walk to the retail makes is more attractive. I am really in favor of the mixed use concept. I would recommend to the City Council that they consider an incentive program for the developer, be it a tax abatement or another alternative to get the forward thinking development that the market doesn't support at the moment.

Member Lynch stated that in his opinion the best solution is high quality buildings with a park and in the future if the economy supports it, to provide some retail.

Chair Pehrson said he believes that the City should look for mixed use. We do understand that the retail might not be needed for some time. Chair Pehrson is not in favor of the park with the option of turning it into retail in the future.

Member Lynch stated that the park does accomplish the mixed-use objective. The developer pays for the park, and if there is a time when the economy supports retail that is fine. Member Lynch does not want the land to remain vacant. He thinks that there should be a park with swings and benches until the retail is supported.

Deputy Director McBeth stated that she did have a chance to talk with the Parks and Recreation Director and he confirmed that in terms of maintaining a small play structure or something like that is not something that the City would want to undertake. A larger park, with additional amenities, would be considered worthwhile.

Motion by Member Giacometti, seconded by Member Zuchlewski.

**ROLL CALL VOTE ON THE 13 MILE/NOVI ROAD AREA STUDY MADE BY MEMBER GIACOPETTI AND
SECONDED BY MEMBER ZUCHLEWSKI**

Member Giacometti moves to forward the study to the City Council in support of either alternative 1 or 2, or any other alternative that the City Council feels is appropriate. This motion is made based on the feedback received from the public, and as an alternative to the limitation of consent judgement for commercial use. *Motion passes 4-0*

MATTERS FOR CONSIDERATION

1. TAWHEED CENTER OF NOVI, JSP15-35

Consideration of the request of TCNN for Preliminary Site Plan approval. The subject property is located in Section 27 at 24101 Novi Road on the south side of Ten Mile Road, west of Novi Road, in the OS-1, Office Service District. The subject property is 2.2 acres and the applicant is proposing to remove an existing canopy over the former drive-up lanes, re-stripe the existing parking lot and seek approval to land bank eight parking spaces.

Planner Sri Komaragiri stated that the subject property is located on the south side of Ten Mile Road and west of Novi Road, behind the Marathon gas station. It is currently zoned OS-1, Office Service district, surrounded by the same use on all side except the north. It is zoned B-3, General Business district on North. The Future Land Use map indicates Community Office for the subject property and surrounding properties. The proposed use is compatible with our Future Land use Map. There are no regulated wetlands and woodlands areas on the property.

The subject property is approximately 2.2 acres and the applicant is proposing to remove an existing canopy over the former bank drive-up lanes, re-stripe the existing parking lot and seek approval to land bank eight parking spaces. The existing building will be used for a religious center with a prayer hall and an administrative office. The applicant indicated that they will not be using a portion of the building and are reserving the space for future expansion. Because of this, the applicant is requesting to land bank 8 parking spaces to be built when they expand their current usage within the existing building. A total of 107 spaces are required and 99 are currently provided. Planning recommends approval. Staff has identified couple of waivers that would be required due to the proposed parking lot expansion.

Landscape recommends approval with an understanding that the applicant will contact Road Commission for Oakland County to propose the required trees in Novi Road's Right of way. A conditional waiver is requested for the absence of the street trees contingent upon RCOC's response to applicant's request.

Engineering recommends approval with additional comments to be addressed during Final Site Plan. Removal of existing canopy will help with the fire access around the building. Fire recommends approval. Traffic Engineering identified waivers for absence of end islands and for exceeding the maximum 15 space requirement. The applicant agreed to revise the layout to keep the number of parking spaces between islands under the maximum allowed. Traffic supports the waiver to allow barrier free aisles in lieu of required end islands taking into consideration the existing parking layout. Inclusion of access aisles is an improvement from existing condition. The current site plan did not require wetlands, woodlands and façade

review.

The applicant Muqthar Ahmed representing Tawheed Center of Novi Association is here tonight to answer any questions you may have.

Member Lynch questioned the number of land banked parking spaces.

Planner Komaragiri responded that calculations were done based on the expected occupancy of the building and the total number of parking spaces are based solely on the occupancy level. The applicant found that if they removed the canopy this will add a few spaces in that area they would have the number that they need at this time.

Member Zuchlewski questioned if the church will be used for any educational purposes, as well.

The applicant responded, not at this time, but maybe down the road if the community sees a need.

Member Zuchlewski questioned if this might be a Phase 1 and you are looking to increase the occupancy.

The applicant responded that in Novi they have a small community. If the membership expands they will address the issue then.

Moved by Member Lynch and seconded by Member Giacopetti

ROLL CALL ON THE PRELIMINARY SITE PLAN APPROVAL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GIACOPETTI

In the matter of Tawheed Center of Novi, JSP15-35, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. **With regard to the proposed landbanked parking, Planning Commission finding that:**
 - i. **The applicant has demonstrated through substantial evidence that the specified occupant and building use will require less parking than what is required by the Zoning Ordinance;**
 - ii. **Parking will not occur on any street or driveway;**
 - iii. **Parking will not occur on any area not approved and developed for parking;**
 - iv. **Parking will not occur on that area where parking construction has been landbanked until such time as that area is constructed for such parking;**
 - v. **The requested parking landbanking will not create traffic or circulation problems on or off site; and**
 - vi. **The requested parking landbanking will be consistent with the public health, safety and welfare of the City and the purposes of the Zoning Ordinance;**
- b. **Planning Commission waiver to allow barrier free access aisle in lieu of raised end islands, which is hereby granted;**
- c. **Planning Commission waiver to allow absence of two required sub canopy trees in Novi Road Right of Way contingent upon Road Commission of Oakland County decision on applicant's request, which is hereby granted;**
- d. **The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan.**

This motion is made because it is otherwise in compliance with Article 3.1.21, Article 4 and

***Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.
Motion passes 4-0***

1. ZONING ORDINANCE TEXT AMENDMENT 18.275

Consideration for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 3, Zoning Districts, Section 3.14, I-1 Light Industrial district required conditions; in order to allow outside storage associated with otherwise permitted light industrial uses.

Planner Komaragiri said the Planning Commission first considered the proposed text amendment to allow outside storage as a special land use incidental to a permitted primary use at the April 22, 2015 meeting. At the time, a public hearing was set for May 13, 2015. The Planning Commission did not make a recommendation to the City Council following the public hearing and requested staff to address additional comments.

Planning staff and the City Attorney's office have made changes addressing the concerns with regard to the 100 percent screening requirement using hard screening and/or landscape screening, compliance with state and federal requirements, landscape maintenance, and clarification regarding the use of storage racks.

The revised draft continues to maintain a broader application of the ordinance to various light industrial properties within City of Novi. The revised draft provides further clarification to help the City of Novi ensure that outside storage in light industrial districts is limited to certain type of material or equipment and is completely screened and properly maintained. The revised draft amendment continues to require that outside storage does not conflict with the minimum site development standards required for I-1 District. The draft amendment also reserves the opportunity for the Planning Commissioners to review the specifics and an option and to modify the minimum requirements based on their findings during the review of the Special Land Use approval.

Staff met with the applicant to discuss the comments provided by the Planning Commission and to address the applicant's concerns. The applicant was asked to review this memo along with the revised draft. The applicant has indicated that he would like to move forward with staff's recommendations. Planning staff recommends approval of the proposed text amendment based on the current revised draft presented today. The Planning Commission is asked to review the ordinance language and formulate a motion to the City Council for approval or denial of the ordinance amendment, or approval with additional modifications. Planner Komaragiri said she will be glad to answer any questions. The applicant, Irwin J. Arkin is present along with representatives from Martin Technologies who are present as well.

Irwin Arkin, 43100 Nine Mile Road came forward to speak. It was after input from a resident at the last Planning Commission meeting May 13th that the Commission gave us direction. It seems to me that the Planning Department has embellished those remarks by significantly increasing the screening requirements. I respect the desire for residential screening requirements but I believe the requirement of 100 percent residential screening summer and winter to be impossible and impractical. There is no way to screen for residents above the first floor.

Mr. Arkin showed pictures of screening coverage on the east side of the building. Section 1.4g of the Article 3.3141-1 District Required Conditions states that all storage shall be completely screened from all adjacent properties by appropriate structures. I think that the requirement to screen the I-1 outside storage from non-residential adjacent properties to be an unreasonable

requirement and is a requirement that I believe was not originally contemplated. Regarding the issue of security, cameras can only take pictures. They cannot stop a thief. Blocked views encourage thieves. Once in the area they have ample time to strategically steal and make an easily timed get away. Visibility discourages theft. The attractions of our site to current and potential tenants is the security offered by way of the enclosed fencing, locked gates, and ability to view the area from all sides.

Mr. Arkin said, I have been an occupant of the 43100 Nine Mile Rd building for over 41 years. Most of that time our property has abutted residential property to the north. While we have a very good screening it is impossible to achieve 100 percent opacity in winter and summer. It would be hard to lure tenants to any significant lease term with proposed restrictions and impossible future exceptions. We would appreciate the board considering a more realistic, less stringent, residential screening and a total elimination of the screening requirements covering non-residential adjacent properties. Individuals see things differently. While the board addressed the comments of others I hope the board will give us the same consideration.

Chair Pehrson turned the matter over to the Planning Commission for comments.

Deputy Director McBeth pointed out that draft minutes containing discussion at the last meeting is provided at the table.

Member Lynch stated that Mr. Arkin has a valid point. You're not going to get a 100 percent screening of anything. I think sometimes that we put a number in there that is not really the intent. I think the intent is to soften the appearance of this outside use from residential areas. How do we accomplish the objective to soften the visibility from a residential area and at the same time not over-burden the business owner.

City Attorney Schultz stated in the relevant section of the ordinance we added the word "completely" at the direction of what appeared to be the majority of the Commissioners at the last meeting. The other thing that the ordinance does is separates out the wall or fence, which could be a completely opaque barrier, from the landscaping which then says has to be 80 or 90 percent opaque, depending on the season. That is the actual standard.

To add to that clarification, if you scroll down and look at subsection N it essentially acknowledges that the Planning Commission would have some ability for an individual property, depending what is around it, to waive that standard in G if the circumstances require it. You may say when exercising your discretion on a particular piece of property, not only do we need a law but we want the law to be clear if that is what a special land use requires. So it has the full breadth of your discretion with the intention that people are not supposed to see what is 8 foot and below.

Member Lynch said he agrees as long as we have the discretion to accomplish the objective.

Member Zuchlewski asked Mr. Arkin if he feels this would create undue hardship the way the ordinance is drafted.

Mr. Arkin said a potential tenant, after reading the ordinance, would not sign a lease.

City Attorney Schultz replied that the structure that we are trying to facilitate specifically for any of these uses that abut residential. By adding paragraph M, while it might not be exactly clear, it provides the Commission with the ability to look at one location vs. the next location. Because

the conditions are unique you would be able to say here are the conditions that best fit that particular location. In this case we have 80-90 percent opacity in winter/summer. We are not judging your location on 100 percent we are saying 80-90 percent, and if any that was the fence and the fence has the bars that would constitute opacity. It is a necessity of the ordinance that we put enough language to protect the next person that comes in. We are not looking to harm you. We are looking to say to the people that have a house that is abutting the next property. How do we take care of the residents? I do not think this is undue hardship of what we are asking you do to at this point.

Member Zuchlewski said, we are not looking for either landscaping or a fence. We are looking for the landscaping just to soften up the fence. So if the fence is constructed properly whether if it is stockade or cyclone with plastic slates if the backside has a canvas that runs all the way around it. It is to protect the property owners that abut it or anyone else. The landscaping was just to soften up that fence. So I really can't see in having to do both and look for 100 percent in both. It is more a softening feature so we are not insulting the people that are adjacent to you.

Chair Pehrson asked City Attorney Schultz for this particular application of special land use, do we need to make the conditional statement of opacity of 80-90 percent or is what is written and covered and we just move on.

City Attorney Schultz responded that first, we have to get the ordinance passed by the City Council. The applicant will come back and at that point the Planning Commission will decide the 80-90 percent opacity standard, or whatever is appropriate for each case.

Mr. Arkin asked if we could get rid of the wording that the outside use has to be "completely screened" from the adjacent properties. For instance I have industrial on both sides of me. Why do I have to worry about screening from industrial property? It is in that ordinance now that the use has to be screened from all adjacent properties.

Member Zuchlewski asked what would be the implication if we struck the word "completely"?

City Attorney Schultz responded that he would argue that completely is probably a little redundant because screen means screen. You could do as Mr. Arkin suggested, saying that I only have to screen from residential property, you don't have to screen from a like use.

Member Zuchlewski questioned if G were to read "all storage shall be completely screened from all adjacent residential properties" do we have the discretion to use clause M for other similarly zoned properties. If article G was to be revised so it said all storage shall be completely screened from all adjacent residential properties, we are adding the word residential, would the city have the discretion for appropriate screening for nonresidential adjacent properties?

City Attorney Schultz said if you were to just say screened from residential properties then there would be no standard for any other kind of property. So Section M really wouldn't apply. I would say again that this is a special land use and with a special land use we are allowed to add some conditions that aren't in the standards.

Member Zuchlewski said I am more comfortable to limiting the scope to residential.

Chair Pehrson said I think the ordinance provides us with the ability to say draw it up and let us know if this is what you wanted. Here is the standard. Now where do you want to vary the standard in essence to screen. In this case we have residential being to the north side of the

property. The obligation on Mr. Arkin's part would be to screen to the north side where there is residential. On the other two sides you have industrial. What is there is fine but on the residential side I would want it to be to the level of 80-90 percent opacity. That could be the condition that is added to this special land use as the project would then go forward.

Mr. Arkin said the additional adjacent screening restriction will cause a lot of difficulty in luring a potential tenant. They see all those hurdles, and they go elsewhere. I can see the screening for the residential but not for nonresidential.

Chair Pehrson said, I like the way it is written. When the special land use comes before us, I would prefer a motion to state that the residential be held to the higher standard than the two adjacent sides.

Member Lynch said I would like to see a separate clause for industrial added to the proposed amendment where G is really strong for residential property and then maybe a little ambiguous but partially screened, or as the circumstance dictates, for adjacent industrial property or non-residential property.

Chair Pehrson said let me extend one step further. In Mr. Arkin's case you have fence along the east and west property line that is just cyclone fence. There is a wall and fence on the west. In this case side the fence on the east portion you could say that is enough.

Member Giacometti said I don't like an ordinance to be written so that we are constantly creating waivers.

Chair Pehrson said, given that it is a special land use, that is the point of why somebody is going to come in front of us and we are going to put conditions in front of them that says, "Here is what it needs to be".

Member Giacometti asked if this would come to us as a waiver to this article, once we receive a site plan.

Deputy Director McBeth said that it would come forward as a Special Land use request. It would have to meet all the criteria of the outside use section plus the section that is associated with special use consideration. Staff is thinking that an outside use is going to be more of an exception than the norm. We are thinking that not every industrial establishment is going to take us up on this part of the ordinance.

Member Giacometti asked Deputy Director McBeth as City Planner, and what you know about Mr. Arkin's site, would you recommend approval of this site to us.

Deputy Director McBeth said, from what we have seen so far, the north side is the side that we are most concerned with because that is the side adjacent to the residential. We probably want to take a closer look at that screening before we make a formal recommendation. There may be gaps in other spots where we, as staff, might be requesting additional screening.

Member Giacometti asked if the 80-90 percent standard is the typical opacity standard in which we hold in this city anyway.

Deputy Director McBeth said that is the standard that we have use in the past.

Member Giacometti said if we are just creating a framework and having the latitude then I don't have a problem with the ordinance as presented.

Motion by Member Lynch and seconded by Member Zuchlewski:

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.275 APPROVAL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI

Motion to recommend approval to the City Council of the ordinance amendment as written, further clarifying that 100 percent opacity will be required for outside uses abutting residential. *Motion carried 4-0.*

MATTERS FOR DISCUSSION

CONSENT AGENDA – REMOVALS AND APPROVAL

There were no removals or approvals to the consent agenda

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Motion by Member Lynch and seconded by Member Zuchlewski:

VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:

Motion to adjourn the May 27, 2015 Planning Commission meeting. *Motion carried 4-0.*

The meeting was adjourned at 9:43 PM.

Transcribed by Richelle Leskun

Date Approved: July 22, 2015

Richelle Leskun, Planning Assistant