



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

October 24, 2012 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 Anthony, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Greco (Excused), Member Gutman (Excused), Member Prince (Excused)

Also Present: Barbara McBeth, Deputy Director of Community Development, Gary Dovre, City Attorney; Kristen Kapelanski, Planner

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Anthony:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

Motion to approve the October 24, 2012 Planning Commission Agenda. *Motion carried 4-0.*

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no Correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth said the City Council approved the text amendment related to plug-in electric vehicle charging stations.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no Consent Agenda items.

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.264 TO PROVIDE LIGHTING AT RESIDENTIAL ENTRANCES ON MAJOR THOROUGHFARES

Recommendation to City Council for an Ordinance to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2511, Exterior Lighting; in order to modify the standards for lighting at residential development entrances.

Planner Kapelanski said this is in response to the City Council expressing an interest in assuring residential development entrances are easily identifiable through proper lighting. Staff has suggested a possible amendment and this would require street lighting for proposed residential developments. It would only apply to newly-proposed single and multiple-family developments with entrances on a major thoroughfare. Any existing residential developments that wish to install entranceway lighting could do so

in accordance with the Street Lighting Policy adopted by the City Council on September 24, 2012. The Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council.

The public hearing was opened. No one wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Chair Pehrson asked Planner Kapelanski if the ordinance itself allowed for different types of lighting, such as incandescent versus LED and does it specify the lumens required.

Planner Kapelanski answered in saying it does not specified the lumens required. As of now, it just reads "sufficient to illuminate the entrance". Staff could add requirements that perhaps would be equal to what's required for parking lots or something similar. Any type of lighting would be permitted. The Street Lighting Policy that was recently approved by the City Council talks about the types of maintenance and cost that would be covered by the City. The standard cobra head fixture is the one that the City would cover the parts and maintenance for. The City would maintain other types of fixtures provided the development stocked the parts.

Chair Pehrson said he thought it would be worthwhile to add in some of those considerations; maybe there is a range that could be considered for both the lumens themselves as well as the dispersion pattern. Staff should look at the differences between the incandescent and LED.

Member Zuchlewski suggested the City require either mercury vapor or high pressure sodium so that the lighting itself is all one color.

Member Lynch asked if the ordinance only allowed street lights that shine down.

Planner Kapelanski said that some subdivisions might elect to have a decorative fixture that doesn't necessarily have a full cut off. Some of the decorative ones are more of the pedestrian style lighting that tends to shine in all directions.

Member Lynch asked Planner Kapelanski if it was only in the main entrances.

Planner Kapelanski answered in saying it is only at a main entrance at a major thoroughfare.

Chair Pehrson stated asked if previously constructed developments would have to install lighting.

Planner Kapelanski answered developments that have already been constructed before the ordinance is in place would not be required to comply.

Deputy Director McBeth suggested that staff could re-work this ordinance and bring it back to the Planning Commission if Planning Commission wishes to do so.

Motion made by Member Zuchlewski and seconded by Member Lynch:

ROLL CALL VOTE ON MOTION TO POSTPONE CONSIDERATION OF TEXT AMENDMENT 18.264 MADE BY MEMBER ZUCHEWSKI AND SECONDED BY MEMBER LYNCH:

Motion to postpone consideration of Text Amendment 18.264 in order to modify the standards for lighting of residential development entrances so that the staff may address the issues raised by the Planning Commission. *Motion 4-0.*

2. ZONING ORDINANCE TEXT AMENDMENT 18.265 TO MODIFY THE STANDARDS FOR COMMUNICATION ANTENNAS

Recommendation to City Council for an Ordinance to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2508, Uses Not Otherwise Included within a Specific District; in order to modify the standards for communication antennas.

Planner Kapelanski said that this is an amendment that the City attorney's office has been working on in response to some recent changes in the State law related to the review of wireless communications equipment. The amendment provides suggested modifications to the Zoning Ordinance to ensure that the standards in the new law are recognized and appropriately addressed in the ordinance. As a result of that, the text is being reformatted and refined. Amendments to the City's construction code have been included as background information only and a revised version of the text has been placed in on the table for consideration this evening.

Chair Pehrson closed the public hearing as no one wished to speak and there was no correspondence.

Member Anthony asked if the proposed changes are just simply the adoption of the changes that occurred at the state level.

Planner Kapelanski answered she thought that was correct and perhaps the City attorney could speak to that.

City Attorney Dovre said the primary force behind this amendment is the amendment to the State law and that did two things. First, it stated certain wireless communication equipment proposals, such as attachments on structures or placement of additional equipment in existing equipment compounds, were not going to be subject to special land use or site plan approval. The second aspect of that statute was to impose regulations stating the amount of time a community had to review and approve new proposals. Anything not reviewed in the allotted time would be considered approved. There has also been a recent decision published by the US 6th Circuit Court of Appeals in a cell tower case in Michigan that established review standards that the City is trying to take into account in this suggested language.

Member Lynch asked if the State law supersedes what was previously in the ordinance regarding cell tower review.

City Attorney Dovre answered yes and said the existing ordinance calls for special land use approval for all new cell tower wireless communication proposals. Under the new State law, the City can't exercise special land use approval authority in certain situations. Additionally, the City can't even exercise site plan approval authority under the new regulations. The proposed ordinance allows the Building Department the authority to check with the Planning Division even if a formal planning review and approval cannot be done. Any inconsistencies with the plan could then be tied into the Building Permit review.

Member Lynch asked if the City has lost the ability to enforce the Zoning Ordinance in regards to cell towers.

City Attorney Dovre said the State Law says that a cell company doesn't need a special land use or other approval under the zoning law. It doesn't say that the community can't review a proposal for compliance with its Zoning Ordinance, and it doesn't say that the construction code can't be enforced. The Michigan Building codes have a requirement that a Building Official in looking at an application for a permit has to determine that not only are the construction codes are satisfied, but that all other applicable ordinances are satisfied. So the Building Official can look to see if the Zoning Ordinance is

being complied with.

Member Lynch asked if the proposed amendment provides the specifics and language the City would need to enforce these new standards and the Zoning Ordinance.

City Attorney Dovre said that he has drafted this in an effort to provide everything here that the staff need to administer this new law.

Member Lynch asked if the Zoning Ordinance leads to the construction requirements.

City Attorney Dovre answered yes.

Member Lynch asked if we needed to revisit the construction requirements on cell towers so that we have them in a more specific manner.

City Attorney Dovre said that the amendment that has been provided to the City's construction code ordinance doesn't change the State construction code. It simply is codifying if you will what the Building Official should require as a construction document. And the purpose there is not because the City has to have that, but if it's on the books that will put carriers on notice that they can't just walk in the door and ask for a building permit and expect to get it. The City has gone on record as its Building Official is legitimately going to be requiring these things as construction documents as part of a building permit application. As far as site zoning ordinance goes, the Zoning Ordinance amendment considerably expands things that someone would have to turn in when they make an application for zoning approval. The idea there was make the carrier provide anything that the City might want to see up front and can easily determine whether or not the application is complete. The new law only provides a small amount of time for a community to state whether or not the application is complete.

Member Lynch the said the current ordinance allows towers up to 150 feet but the proposed ordinance reads, "shall not exceed the minimum height necessary for providing personal wireless service co-location". Who determines what that minimum height necessary is?

City Attorney Dovre said it is not a revision required by the State law, it is a revision he is recommending. As it was written, the ordinance was simply saying you can have a tower 150 feet high. Many times carriers might only need 110 feet. So, by rewriting that portion, there is a corresponding application requirement at the back end of this draft and it requires up front disclosure of the height needed.

Member Lynch said that is an example in the amendment intended to give the City as much protection and flexibility in reviewing a permit as possible.

City Attorney Dovre answered yes. If there is other information that the staff, Planning Commission or City Council would like to see, that should really be included in the ordinance itself. There is only a small window that the new State law provides to determine whether an application is complete or approvable.

Member Lynch asked if the staff had reviewed the amendment.

Deputy Director McBeth addressed the Chair and said that the staff has been working with the City attorney's office on this for a while but given the fact that changes were made in the last day or so, the staff has not had a chance to summarize the amendment or go through the most recent version in detail. Staff could take a closer look and better summarize the changes at a future meeting. It is complicated and there are a number of aspects that are involved related to State law as City Attorney Dovre said. If the Planning Commission chooses, staff would be happy to provide some more

information and put that together.

City Attorney Dovre stated that just briefly as he indicated in his letter, the ordinance amendments are not mandated by the State law. The law is self-executing and as long as the City honors and follows the State law, that is fine. The amendment is intended to provide text that corresponds with the new law to make it clear for the applicants and the staff. It does not have to be rushed to City Council.

Member Lynch said he would like to have more time to review this. In particular, he would like to make sure he understands the implications of the revised height standards. One tall tower is better than six or seven smaller ones.

Chair Pehrson asked if the amendment was creating a situation that Member Lynch just referred to where there are several smaller towers throughout the City.

City Attorney Dovre said that is a policy and a very good policy observation.

Chair Pehrson said it would be important to consider what has been approved in the past or recommended for approval by the City staff or the Planning Commission and see how it would have been reviewed or interpreted under the new ordinance. It is also important to ensure that any new towers would be open to multiple carriers for colocation instead of having a new tower for each carrier. Under the new ordinance, the City would be asking tower companies to justify the needed height. But the City would not have a way to confirm their justification since the City would not undertake a study of wireless networks to determine what is needed.

Member Lynch said he wanted to make sure there were provisions that allow for multiple carriers on one tower and would like more time for the staff to review these things as well as the Planning Commission and he would like to revisit this at a later date.

Motion made by Member Lynch and seconded by Member Anthony:

ROLL CALL VOTE ON MOTION TO POSTPONE CONSIDERATION TO THE CITY COUNCIL OF TEXT AMENDMENT 18.265 MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

Motion to postpone consideration to the City Council of Text Amendment 18.265 – In order to modify the standards for communication antennas. *Motion carried 4-0.*

Member Lynch noted Chair Pehrson stated the City would not undertake studies to determine what tower height or location was needed and wondered if the City could actually undertake something like that through a consultant.

MATTERS FOR CONSIDERATION

1. SET PUBLIC HEARING FOR CITY COUNCIL INITIATED REZONING 18.703 'THE BOSCO PROPERTY REZONING' FOR NOVEMBER 14, 2012

Set the public hearing for Planning Commission's recommendation to the City Council to rezone the property located at 25805 Beck Road at the southwest corner of the intersection of Beck Road and Eleven Mile Road from RA, Residential Acreage to PLSR, Planned Suburban Low-Rise. The subject property is approximately 7.4 acres. This matter was referred to the Planning Commission for consideration by the City Council.

Planner Kapelanski said that the City Council approved a Resolution at their September 24, 2012 meeting for the Planning Commission to consider a potential rezoning of the Bosco Family property. This is at the

southwest corner of Eleven Mile Road and Beck Road. The proposal would overlay the PSLR (Planned Suburban Low Rise District) over the existing RA, Residential Acreage zoning. The property is generally surrounded by RA zoning except for the area on the north side of Eleven Mile Road, which has already been overlaid with the PSLR District. That district allows for additional uses including low-density multiple family and office uses, but requires developments to be residential in character in order to act as a transition area between single-family uses and higher density uses. The Future Land Use Map indicates Suburban Low Rise Uses for both the subject property and the properties north of Eleven Mile Road. Educational uses are planned for the property to the south and west of the subject property and single-family uses are planned to the east.

The Bosco family property was previously considered for rezoning as part of the larger block of properties already rezoned to the PSLR District. The Bosco family property was ultimately removed from the rezoning because of concerns regarding the extension of the new district south of Eleven Mile Road. Since the rezoning, staff has noted significant interest in the PSLR District and given the recommendation of the Master Plan for the property, reconsideration of the proposed rezoning seems appropriate. The Planning Commission is asked to set the Public Hearing for November 14, 2012.

Member Lynch asked if this property was already included in the Master Plan as a suburban low-rise property.

Planner Kapelanski said this is already included in the Master Plan and it's shown in the Master Plan as planned for Suburban Low Rise uses. About a year to a year and a half ago the administration took through a rezoning to overlay this new district over most of the properties that it was planned for in the Master Plan. The Bosco family property was originally included in that rezoning but it was eventually removed. The remaining Suburban Low-Rise properties identified in the new Master Plan have already been rezoned to allow for this new district and rezoning the Bosco family property would be in compliance with what is shown in the Master Plan.

Member Lynch said he just wanted to make sure that he has this right. The Master Plan had this property included as the Suburban Low-Rise. The Master Plan was approved by the Planning Commission and then approved by City Council. Then who removed the property from the Master Plan?

Planner Kapelanski said the Master Plan has not been changed since it was approved. This is separate, and is changing the Zoning Map to comply with the recommendations of the Master Plan. Planner Kapelanski said the Master Plan has the Future Land Use Map in it and shows what all of the properties in the City of Novi are planned for. When staff looks at rezonings and proposed rezonings, they generally make sure that they are in compliance with what is recommended in the Master Plan. This is a City initiated rezoning and City Council asked us to look at this. Rezoning to the new district, which is the partner district of the Suburban Low-Rise Master Plan designation, would bring the Bosco family property in compliance with the Future Land Use identified in the Master Plan.

Member Lynch said he just did not understand.

Deputy Director McBeth said the Master Plan Study was quite extensive and there was a lot of talk and discussion about the various land uses that might be included in a future district. Then the Master Plan was approved by the Planning Commission and so those uses are provided on the Future Land Use Plan. The Future Land Use Plan does not always match the Zoning Map.

Member Lynch said he now understood.

Deputy Director McBeth said that sometime in the future, the properties may be rezoned for that use that is recommended in the Master Plan and that is what is happening right here.

Member Anthony said he supports this. The first time Staff looked at this, they did a great job on the creation of the overlay district. The Bosco property is a perfect location for it being located at the intersection of Eleven Mile Road and Beck Road and the rezoning does bring this in alignment with the City's Future Land Use Plan.

Motion made by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON MOTION TO SET THE PUBLIC HEARING FOR REZONING 18.703 MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH:

Motion to set the public hearing for Rezoning 18.703 'The Bosco Property' for November 14, 2012.
Motion carried 4-0.

2. APPROVAL OF THE SEPTEMBER 12, 2012 PLANNING COMMISSION MINUTES

Motion made by Member Lynch, seconded by Member Anthony:

ROLL CALL VOTE ON MOTION TO APPROVE THE SEPTEMBER 12, 2012 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

Motion to approve the September 12, 2012 Planning Commission minutes. *Motion carried 4-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda Removals.

MATTERS FOR DISCUSSION

1. ONE-FAMILY RESIDENTIAL DEVELOPMENT OPTIONS – STAFF REPORT

Deputy Director McBeth stated that this is a summary done by Planner Mark Spencer of the Single Family Residential Options that are available in the Zoning Ordinance. This does not replace the ordinance; it just provides a summary for the Planning Commission, Staff, Administration, and Developers who might be interested in coming in and developing something other than a typical platted subdivision. There is the One-Family Cluster Option, Residential Unit Development (RUD), and Open-Space Preservation Option with some of the details that are also provided in the Zoning Ordinance with summary and chart. The chart provides not only the name and the intent of the district, but the districts where it is permitted, whether lot reductions are allowed and if so, how much would the lot reduction amount to, and the other provisions and the qualifying criteria. This can be viewed on the City's web page and under what is new in Community Development.

2. COMMERCIAL LAND USE FACTS – STAFF REPORT

Deputy Director McBeth stated that this is another report done by Planner Mark Spencer. He has done this report three times in the past seven years. This report provides some interesting facts about commercial land use and the Master Plan recommendation for the commercial types of land uses. The 2010 Master Plan for Land Use indicates that about 1,125 acres of land is either planned for commercial uses or zoned for those uses. This is about 6.7 percent of the land in the City. That number has remained fairly consistent for the last seven years. This Report updates a number of things, including the inventory of commercial centers. The report includes 58,000 sq. ft. that is planned to be added at the Twelve Mile

Crossing at Fountain Walk center. The new 11,000 sq. ft. of retail proposed for the Novi Crescent (former Big Boy) and expired projects are also noted such as Triangle Developments 118,000 sq. ft. of retail at Main Street and the 13,000 sq. ft. Promenade outlet retail building. Staff has also updated some of SEMCOG'S spatial and employment data, taxable value information and also provided reference to the 2010 Citizens Survey of the citizens of Novi. This will be on the City's webpage.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues

AUDIENCE PARTICIPATION

No one from the audience wished to speak and Chair Pehrson closed the last audience participation.

ADJOURNMENT

Moved by Member Lynch, seconded by Member Anthony:

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

Motion to adjourn the October 24, 2012 Planning Commission meeting. *Motion carried 4-0.*

The meeting adjourned at 7:41 PM.

Transcribed by Juanita Freeman
October, 2012
Date Approved:

Richelle Leskun, Planning Assistant