



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

July 28th, 2021 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 7:00 PM.

ROLL CALL

Present: Member Avdoulos, Member Becker, Member Dismondy,
Member Lynch, Chair Pehrson, Member Verma

Absent: Member Roney (excused)

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Tom
Schultz, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Verma and seconded by Member Avdoulos.

VOICE VOTE TO APPROVE THE JULY 28, 2021 PLANNING COMMISSION AGENDA MOVED BY MEMBER VERMA AND SECONDED BY MEMBER AVDOULOS.

**Motion to approve the July 28, 2021 Planning Commission Agenda. Motion carried
6-0.**

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

City Planner McBeth said just one announcement about the department. I wanted to let you know that Madeleine Daniels has been with us for two years as the Planning Assistant, and now she's been promoted to Planner. She'll join Lindsay and Christian; you should start seeing her good work in the next month or so. We also hired a new Planning Assistant who

will be at the next Planning Commission meeting. His name is Ben Peacock.

CONSENT AGENDA - REMOVALS AND APPROVALS

There was nothing on the Consent Agenda.

PUBLIC HEARINGS

1. TEXT AMENDMENT 18.297 – PLANNED REZONING OVERLAY

Public hearing for Text Amendment 18.297 for a recommendation to the City Council to amend the City of Novi Zoning Ordinance at the following locations: Article 2.0, "Definitions," at Section 2.2, "Definitions," Article 7.0, "Administration, Appeals, and Enforcement," and at Section 7.13, "Amendments to Ordinance," in order to comprehensively revise the Planned Rezoning Overlay regulations.

City Planner McBeth said on the June 23rd Planning Commission meeting, the Commission received a brief introduction of the proposed changes to the Ordinance. The draft Ordinance placed in front of the Commissioners is a result of City Council's Ordinance Review Committee and the work that they did over the course of several months. There is both a strikethrough version in this packet, as well as a clean version. The clean version shows the changes but does not highlight all of the changes in different colors because so much of the Ordinance was reordered to make it easier for the Commission to read through. Consideration of the PRO Ordinance was prompted by recent comments, especially on the Planning Commission and City Council level. These comments inquired whether the language of the Ordinance needed to be updated to address the review criteria and perhaps more importantly the possible role for the City Council in reviewing and commenting on PRO application before the Planning Commission processes are completed. The Ordinance Review Committee reviewed the attached draft changes as prepared by the City Attorney's office. The Ordinance was then referred to the City Council as a whole to consider the amendments, and now it has been referred to the Planning Commission for a public hearing. There were a number of items outlined in the memo that include some of those changes. In addition to advertising in the Novi News and on the city website, staff provided copies of the draft Ordinance to some of the members of our developing community who have recently proposed site plans for various developments. That notice was sent as a courtesy to them. For the meeting tonight, the Planning Commission has asked to hold the public hearing and make a recommendation to City Council moving forward.

Chair Pehrson said this is a public hearing, if anyone in the audience wishes to address the Planning Commission you may do so now. Seeing no one wished to speak, Chair Pehrson closed the public hearing and turned it over to the Planning Commission for their consideration.

Member Lynch said you mentioned sending this over to the development community, what kind of feedback have you gotten?

City Planner McBeth said we haven't received much feedback. There were a couple of questions about the PRO and how it might affect something in the process right now. We are going to assume that if this is adopted, projects that are in the process will continue that way, but we might offer to ones just starting out that what is adopted would be the way to go. The people we were talking to are almost done with the process.

Member Lynch said the fact you're bringing the decision maker on earlier in the process

would be very helpful and it would be interesting to get their feedback; time is money. You would also get the one who makes the final decision on earlier, which should be a win-win for everybody. I appreciate all the work you have done on this. I have not read every word, I must admit, but I am very pleased with the high points.

Chair Pehrson said for section C-I-a-1 for the PRO plan on page 4 item E there was a typo. Would anyone like to make a motion?

Member Avdoulos said I will make a comment, and then I'll make a motion. I think this is good. I appreciate the inclusion of an understanding for where City Council relates to some items that come before us, so we are kind of in the same frame of reference. I like that it clarifies what needs to be in these concept plans. I think it is a plus for the developing community to have access to this and being able to provide feedback is positive for future developments. A number of years ago, when we visited the Landscape Ordinance, we went to landscape architects to get their feedback. I think it is good that this evolved into something similar to that.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO RECOMMEND TEXT AMENDMENT 18.297 TO CITY COUNCIL FOR READING AND ADOPTION OF THE DRAFT PRO ORDINANCE AMENDMENTS AS PREPARED MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to recommend Text Amendment 18.297 to City Council for reading and adoption. Motion carried 6-0.

2. CODE OF ORDINANCES TEXT AMENDMENT 21-188.01 – SIGNS

Public hearing for Text Amendment 21-188.01 for a recommendation to the City Council to amend the City of Novi Code of Ordinances at the following location: Chapter 28, "Signs," in order to comprehensively revise regulations relating to Purpose and Intent; Permitting Process, Permanent and Temporary Signs; Billboards; Definitions; Appeals; and other provisions of the Ordinance.

City Planner McBeth said similar to the amendment we just discussed, the Planning Commission received the draft amendments to the Sign Ordinance prior to the June 23rd meeting. At that meeting, the Planning Commission was given a brief introduction to the proposed changes to the Sign Ordinance. The draft Ordinance is a result of the City Council's Ordinance Review Committee, and the meetings of that Committee were held over the course of several months. The Planning Commission will find the strikethrough version of the Ordinance that highlights just the changes being proposed to the Sign Ordinance indicated in red text. The rest of the Ordinance is proposed to remain the same. The changes to the Sign Ordinance were prompted by the recent case law relating to off-premises signs, typically referred to as billboards. There are also a few clean up amendments that were brought forth by our Code Compliance Staff who now have had a few years applying the Sign Ordinance that was last overhauled in 2017. In addition to the advertisement in the Novi News and on the city website, staff provided copies of the draft Ordinance to members of the developing community that have recently submitted site development plans. Again, that was sent as a courtesy to them. A few weeks ago, City Council as a whole reviewed the amendment and referred the proposed Ordinance to the Planning Commission for review and a public hearing. The Planning Commission is asked this evening to hold that public hearing for the Ordinance Amendment and for a recommendation to City Council.

Chair Pehrson said this is a public hearing, if anyone in the audience wishes to address the Planning Commission you may do so now. Seeing no one wished to speak, Chair Pehrson closed the public hearing and turned it over to the Planning Commission for their consideration.

Member Avdoulos said like the other Text Amendment that we had, I think this is good that we cleaned this up and provided a little more clarity.

Motion made by Member Avdoulos and seconded by Member Lynch.

Motion to recommend Text Amendment 21-188.01 to City Council for reading and adoption.

Member Becker said I'm just happy I don't have to sit in and administer this day-in and day-out. This is comprehensive. I hope you all know how to interpret it because it looks more detailed than I can believe, so nice job. Maybe Madeleine gets to do this one now! Great job, there's a lot of weeds here.

Chair Pehrson asked Barb, do any of our Ordinances regarding signs contemplate the future of electronic billboards and what can and can't be produced on something that can be changed at the spur of a moment?

City Planner McBeth said there is a section on changeable copy signs for electronic signs. There are set periods where it needs to remain constant, and then it can change to the next bit of advertisement if they want to.

Chair Pehrson said I'm not trying to squash free speech, but in today's world, what is seen as applicable or nice? What can or can't be illustrated on a sign like that? If I wanted to be very mean and say I don't like the Spartans, someone might take offense to it. Are there remedies for issues like that?

City Attorney Schultz said basically no. This is classic First Amendment stuff. In fact, the changes that are being made for the billboard section, which are being renamed from off premises signs to highway signs –aren't any of the actual regulations, literally just the name. We don't control the message, that was the message from the Supreme Court case.

Chair Pehrson said I just want everyone to understand that. It's your building, your sign, your prerogative if you want it to be that way. Very good.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO RECOMMEND TEXT AMENDMENT 21-188.01 TO CITY COUNCIL FOR READING AND ADOPTION OF THE DRAFT SIGN ORDINANCE AMENDMENTS AS PREPARED MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to recommend Text Amendment 21-188.01 to City Council for reading and adoption. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. INTRODUCE TEXT AMENDMENT 18.291– PAVILION SHORE VILLAGE ZONING DISTRICT

Set a public hearing for Text Amendment 18.291 to establish the Pavilion Shore Village Zoning District, in order to fulfill the Master Plan recommendation for redevelopment near Thirteen Mile Road and Old Novi Road.

Senior Planner Bell said the Pavilion Shore Village District was called out in the 2016 Master Plan update as an area for redevelopment. The area is located south of Thirteen Mile Road and extends southward along Old Novi Road. It is approximately 6.02 acres, as shown by the parcels outlined in red, yellow, and blue on the map on the screen and in your packet. We introduced draft text to the Planning Commission in August of 2019. At that time, the Planning Commission recommended the proposed district be forwarded to the Implementation Committee for further review. Based on compelling comments from community members at that commission meeting and during the Lakeview PRO, staff prepared an Option B for the Text Amendment for the Implementation Committee to consider. With 3.15 acres of the area currently under development as the Lakeview homes, which are shown on the map in blue, the six remaining residential parcels either have existing homes or can be developed under the requirements of the R4 district as currently zoned and configured. These are just a couple pictures of the Lakeview homes under construction, and these are the remaining parcels that are zoned B3 currently: the commercial properties. The Option B Text Amendment would therefore remove all of the residential parcels from the proposed district and limit the rezoning to the 1.61 acres of commercial properties. Members of the Implementation Committee preferred this option and also suggested off-street parking be included as a standalone use, given the area lacks enough parking to support nearby businesses and the park. The proposed Text Amendment included in your packet reflects the recommendations of the Committee. Staff has recently reached out to affected property owners within the proposed district with a letter explaining the intent of the rezoning and a copy of the draft Text Amendment along with a map. We have heard back from only one property owner who does not object to the rezoning as long as the existing business on his property will be allowed to continue operating. The proposed text allows all the existing businesses to continue under the new district to be created. The Planning Commission is asked this evening to consider setting a public hearing for this proposed Ordinance Amendment at an upcoming meeting.

Chair Pehrson turned it over to the Planning Commission for their consideration.

Member Lynch said I've been kind of involved in this thing, and agree with what is going on. One thing I want to do, and I typically don't do this, but there has been a couple who usually sits in our audience, and they have been very active with this particular project. I think we should give them a shoutout, the Duchesneaus. I think they provided some valuable input. I really think they should be recognized; it was nice for them to come forward the way that they did and actually work with the Implementation Committee.

Member Becker said just some things for me to get clear because I have not been involved in-depth with some of this stuff. For the Planning Department, in the resource material provided, it looks like this Option B would require that any new commercial building on the property in the district would have to have a 25-foot minimum setback for the rear yard. Just so I'm clear about this, that means that the commercial building itself could not be built less than 25 feet from the back lot. Is that correct?

Senior Planner Bell said that's correct because they do all about residential properties. We wanted to protect that.

Member Becker said okay thank you. I also read that there would be a requirement to have a 6-foot opaque or masonry buffer wall when a commercial building in the district is adjacent to a single-family residence. Would this wall be along the lot line and, therefore, the 25-foot setback would start at the wall and go into the property?

Senior Planner Bell said presumably yes.

Member Becker said then the Text Amendment says the rear yard parking adjacent to residential zoning shall be set back 10 feet from the shared property line. That would mean on a 25-foot setback you'd have your wall, and then you'd have 10 feet, and then the parking lot could start?

Senior Planner Bell said the wall would possibly be at the lot line. The 25-foot setback would be for the building. The parking could extend up to 10 feet from the property line, so it's not additive. We're trying to encourage the parking behind the building rather than along Old Novi Road or 13 Mile Road.

Member Becker said I'll make sure I check my math. We have 25 feet between the lot line where the building would start, and then 10 of those 25 feet would have to be not parking lot. Is that correct?

Senior Planner Bell said that's right.

Member Becker asked so we'd have only a 15-foot parking lot potentially behind the building?

Senior Planner Bell said it would still have to meet the requirements, and their engineers could figure out how to arrange the building and the parking. The building does not have to start at 25 feet; it could be further away.

Member Becker said I took 3 trips out there to try to get my arms around this stuff. You got basically 4 either unimproved or unused lots. That one commercial building at the very top – on my 3 trips I never saw signs of life, or anything change out there. I'm trying to look at what commercial buildings could be squeezed onto those other two and a half lots. There's one that looks like it's half a lot. To leave space behind the building and not have parking in front, it looks like it's going to be a difficult challenge. I was interested in the fact that we also looked at perhaps providing parking. I would assume that would be public parking as well as for any of the commercial developments that might come in there. The parking on the east side of Lakeshore Pavilion Park is really useful. There are a lot of people that use that parking lot over there. We have nothing over on the west side, especially with the little pavilion area, and the playground, and things like that. Especially on those first two lots or so, I would highly recommend we look at parking being available. Also, it's a miserable road. I don't know how we are going to get people out of commercial buildings on that turn. Left turners are going to have trouble. The final thing was concerning that buffer wall between the Lakeshore Party Store and the veterinary clinic. In particular, I believe the vet clinic on the Austin Street side, the west side of that wall, is about 8 feet tall, and the residences are less than 6 feet away from the wall. Extending that wall if we have commercial developments, I think, would be perhaps an aesthetic challenge. I also noticed that the Lakeview Party Store has parking in the front even though they have unimproved land behind the building that could be used for parking. The veterinary clinic is hard up against the lot line, and they use side parking. I just think it is going to be an interesting challenge. I'm not the one to say how it should be done, but I think we have some real

issues. I worry only about setting this up, and then every single lot is going to require variances, waivers, and everything else because it's going to be so tough to put commercial property there.

Member Dismondy said I think the idea of this was to create more flexibility going forward. I think it's not going to create anymore issues; it might alleviate some issues. Also, ultimately, it might create the possibility for some more parking use for that park, so I support it.

Member Avdoulos said I think this is going in a positive direction.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO SET A PUBLIC HEARING FOR A FUTURE PLANNING COMMISSION MEETING FOR TEXT AMENDMENT 18.291 PAVILION SHORE VILLAGE ZONING DISTRICT MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to set a public hearing for a future Planning Commission meeting for Text Amendment 18.297. Motion carried 6-0.

2. APPROVAL OF THE JULY 14, 2021 PLANNING COMMISSION MINUTES

Motion made by Member Avdoulos and seconded by Member Verma.

ROLL CALL VOTE TO APPROVE THE JULY 14, 2021 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

Motion to approve the July 14, 2021 Planning Commission Meeting Minutes. Motion carried 6-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth said just before the meeting, Member Verma asked me about the Planners' Conference this fall. There is a flyer on the table in front of you. I'm going to provide some additional information to Member Verma, and I'll copy everybody so you all can see that information too.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Motion to adjourn made by Member Lynch and seconded by Member Avdoulos.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

Motion to adjourn the July 28, 2021 Planning Commission meeting. Motion carried 6-0.

The meeting adjourned at 7:26 PM.