

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

October 26, 2016

Proceedings taken in the matter of the PLANNING COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Wednesday, October 26, 2016

BOARD MEMBERS

Mark Pehrson, Chairperson

Tony Anthony

Ted Zuchlewski

David Greco

Robert Giacobetti

ALSO PRESENT: Barbara McBeth, City Planner

Rick Meader, Landscape Architect, Sri Komargiri, Planner,

Adrianna Jordan, Planner, David Gillam, City Attorney, Jeremy

Miller, Staff Engineer

Certified Shorthand Reporter: Jennifer L. Wall

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Novi, Michigan.

Wednesday, October 26, 2016

7:00 p.m.

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CHAIRPERSON PEHRSON: Call to
order the October 26, 2016 Planning
Commission regular meeting.

Sri, can you call the roll.

MS. KOMARGIRI: Thank you. Good
evening. Member Anthony?

MR. ANTHONY: Here.

CHAIRPERSON PEHRSON: Member
Giacopetti?

MR. GIACOPETTI: Here.

MS. KOMARGIRI: Member Greco?

MR. GRECO: Here.

MS. KOMARGIRI: Member Lynch?

CHAIRPERSON PEHRSON: Absent,
excused.

MS. KOMARGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: Here.

MS. KOMARGIRI: Member
Zuchlewski?

MR. ZUCHLEWSKI: Here.

CHAIRPERSON PEHRSON: With that,

1 if we could stand for the Pledge of
2 Allegiance.

3 (Pledge recited.)

4 CHAIRPERSON PEHRSON: Look for a
5 motion to approve the agenda or any
6 modification thereof.

7 MR. ZUCHLEWSKI: Motion to
8 approve.

9 MR. ANTHONY: Second.

10 CHAIRPERSON PEHRSON: We have a
11 motion and a second.

12 MR. GILLAM: Based upon some
13 discussion we had in study session, is there
14 a consideration to set a public on the Text
15 Amendment for the TC and TC1 zoning
16 districts?

17 MR. GRECO: There is and I'd like
18 to make a motion about it.

19 Motion to set the Zoning
20 Ordinance Text Amendment 18.277 for a public
21 hearing.

22 MR. ZUCHLEWSKI: Second.

23 CHAIRPERSON PEHRSON: Motion by
24 Member Greco, second by Member Zuchlewski,
25 that is added to the agenda.

1 MR. GRECO: Just added to the
2 agenda as a matter for consideration.

3 MR. GILLAM: That's correct.

4 CHAIRPERSON PEHRSON: Do we need
5 a voice --

6 MR. GILLAM: The motion would be
7 to approve the agenda as amended.

8 CHAIRPERSON PEHRSON: We have
9 that as well. Sri, if you want to call the
10 roll, please, on the agenda.

11 MS. KOMARGIRI: Member Anthony?

12 MR. ANTHONY: Yes.

13 MS. KOMARGIRI: Member
14 Giacopetti?

15 MR. GIACOPEPETTI: Yes.

16 MS. KOMARGIRI: Member Greco?

17 MR. GRECO: Yes.

18 MS. KOMARGIRI: Chair Pehrson?

19 CHAIRPERSON PEHRSON: Yes.

20 MS. KOMARGIRI: Member

21 Zuchlewski?

22 MR. ZUCHLEWSKI: Yes.

23 MS. KOMARGIRI: Motion passes
24 five to zero.

25 CHAIRPERSON PEHRSON: Thank you

1 for reminding us of that.

2 This is our first audience
3 participation. If there is anyone in the
4 audience that wishes to address the Planning
5 Commission on any topic, other than the two
6 public hearings. We will not be speaking
7 directly to the Master Plan today. But if
8 you have any comments about that, you're
9 always welcome to bring those forward.
10 Anyone wish to address the Planning
11 Commission?

12 (No audible responses.)

13 CHAIRPERSON PEHRSON: Seeing
14 none, we will close the audience
15 participation.

16 I don't believe we have any
17 correspondence?

18 MR. GRECO: Correct.

19 CHAIRPERSON PEHRSON: No
20 committee reports. City Planner, Ms. McBeth?

21 MS. MCBETH: Good evening again.
22 I wanted to mention at Monday's City Council
23 meeting, the City Council approved the
24 special land use and site plan for the 150
25 foot tall wireless communications tower, for

1 the property just east of the fire station on
2 Ten Mile Road.

3 CHAIRPERSON PEHRSON: Very good.

4 MS. MCBETH: Thank you,
5 Mr. Chair.

6 CHAIRPERSON PEHRSON: Brings us
7 to our first public hearing, which is Zoning
8 Ordinance Text Amendment 18.276,
9 consideration for the Planning Commission's
10 recommendation to City Council for an
11 ordinance to amend City of Novi zoning
12 ordinance. At several sessions primarily
13 related to the TC, TC-1 Town Center districts
14 in order to obtain -- in order to implement
15 recommendations of the 2014 Town Center area
16 study. Ms. McBeth.

17 MS. MCBETH: Mr. Chair, I would
18 make a brief introduction and then Sri will
19 jump in with some more details.

20 So the Planning Commission
21 was first asked to consider setting a public
22 hearing on June 8 of this year for this Text
23 Amendment.

24 At that meeting staff was
25 directed to hold a study session to further

1 discuss the proposed text amendment in the TC
2 and TC-1 requirements and these, of course,
3 had been initiated through that Town Center
4 area study. The study session was held on
5 July 13th, during which the Planning
6 Commission discussed the intent and
7 objectives of the Town Center area study.

8 The Planning Commission was
9 asked to reconsider setting the date for the
10 public hearing at their August 24th meeting.

11 At that meeting, the Planning
12 Commission decided to hold the public hearing
13 for tonight's meeting.

14 So Sri will give you some
15 more details of this text amendment.

16 MS. KOMARGIRI: Thank you. The
17 Town Center area study offers some
18 recommendations to modify the current zoning
19 ordinance to implement -- to facilitate the
20 development of existing and vacant parcels
21 into a viable and active Town Area.

22 The current amendment only
23 includes few minor changes to the ordinance
24 to implement some of those recommendations
25 offered by the study, which was approved by

1 Planning Commission in 2014.

2 Staff divided the amendments
3 in three categories, some of which are
4 straight forward, some that needed some
5 further research and others that were studied
6 as part of the current Master Plan for Land
7 Use update. Three categories were color
8 coded and the document provided as part of
9 the packet, and are called "recommended
10 zoning updates: phased approach" for easy
11 understanding. A sample page is shown on
12 your screen.

13 The current amendment
14 regarding phase one will include the first
15 set of suggestions, marked in green in the
16 documents, which are essentially making some
17 changes to the text adding a permitted use or
18 a special land use as recommended by the
19 study, very straighted forward changes.

20 Changes for the zoning
21 ordinance include our recommendation from the
22 Town Center and TC-1 district. The current
23 phase is proposing only minor modifications
24 for the text for about five sections of the
25 zoning ordinance. The details are provided

1 in your packet.

2 At this time, the Planning
3 Commission is asked to hold the public
4 hearing and maybe make a recommendation to
5 the City Council who will ultimately approve
6 or deny the amendment and may propose
7 alternations as well. Thank you.

8 CHAIRPERSON PEHRSON: Thank you,
9 Sri. This is a public hearing. Does anybody
10 in the audience wish to address the Planning
11 Commission on this particular matter, step
12 forward?

13 (No audible responses.)

14 CHAIRPERSON PEHRSON: See no one,
15 I don't believe we have correspondence, so we
16 will close the public hearing portion of
17 this, turn it to over Planning Commission for
18 their consideration.

19 Anyone?

20 MR. GRECO: Have no comments.

21 CHAIRPERSON PEHRSON: None.

22 MR. GRECO: No one.

23 MR. ANTHONY: So is our --
24 whatever our motion here would be to accept
25 the recommendation for -- of the staff for

1 the City Council to review?

2 MR. GRECO: Yes, to recommend to
3 the City Council -- we are recommending the
4 recommendations made.

5 MR. ANTHONY: I would make a
6 recommendation or make a motion to support
7 having the recommendations of staff to update
8 the Master Plan move onto Council.

9 MR. ZUCHLEWSKI: Second.

10 CHAIRPERSON PEHRSON: We have a
11 motion by Member Anthony, second by Member
12 Zuchlewski. Any other comments?

13 Sri, can you call the roll,
14 please.

15 MS. KOMARGIRI: Member Greco?

16 MR. GRECO: Yes.

17 MS. KOMARGIRI: Chair Pehrson?

18 CHAIRPERSON PEHRSON: yes.

19 MS. KOMARGIRI: Member
20 Zuchlewski?

21 MR. ZUCHLEWSKI: Yes.

22 MS. KOMARGIRI: Member Anthony?

23 MR. ANTHONY: Yes.

24 MS. KOMARGIRI: Member
25 Giacopetti?

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MR. GIACOPETTI: Yes.

MS. KOMARGIRI: Motion passes
five to zero.

CHAIRPERSON PEHRSON: Thank you.
Next is the Zoning Ordinance Text Amendment
18.278. It's a consideration, Planning
Commission's recommendation to City Council
for an ordinance to amend the City of Novi's
Zoning Ordinance, several sections in order
to address the inconsistencies and
anachronistic language, within the ordinance
and to amend Sections 4.4.6, pet boarding
facilities, to align Novi's ordinance with
ordinances found in other communities.

MS. MCBETH: Mr. Chair, Adrianna
Jordan, our planner, had actually worked on
this and she came up with that term.

CHAIRPERSON PEHRSON: She's to
blame?

MS. MCBETH: I would call it
these clean-up ordinance amendments and
corrections of minor inconsistencies, but we
like that language as well.

So just a brief overview of
what these are, just an assortment of

1 ordinance amendments.

2 The motion substantively is
3 the proposed pet boarding and training text
4 amendments which are intended to make Novi's
5 ordinance more consistent with similar
6 ordinances from other communities. They
7 would also provide relief to a particular
8 applicant regarding the ordinance
9 restrictions on where a pet boarding
10 facilities can locate and will also add
11 language that would address potential pet
12 waste disposal and noise levels. It would
13 also allow training activities at the pet
14 boarding facilities to take place.

15 Text amendments deal with
16 inconsistencies between the former version of
17 the zoning ordinance and the clear zoning
18 version of the ordinance, included items
19 related to day-care centers in B2 and B3
20 zoning districts, bringing those back to the
21 way the ordinance had been presented earlier,
22 and parking setbacks in one particular zoning
23 district.

24 The text amendments regarding
25 special land use language, and copies of mock

1 (ph) plans, those are the ones meant to fix
2 that anachronistic ordinance language. Those
3 are just minor modifications, so at this
4 point, the Planning Commission is asked to
5 hold a public hearing and any comments from
6 the public and make a recommendation to the
7 City Council for consideration of approval of
8 these ordinance amendments.

9 CHAIRPERSON PEHRSON: This is a
10 is public hearing. If there is anyone in the
11 audience that wishes to address the Planning
12 Commission on this particular matter, please
13 step forward.

14 (No audible responses.)

15 CHAIRPERSON PEHRSON: Seeing no
16 one, I don't believe we have any
17 correspondence, so we will close the public
18 hearing, turn it over to the Planning
19 Commission for comments.

20 MR. ANTHONY: I have a couple of
21 minor questions for staff.

22 All right you guys.

23 CHAIRPERSON PEHRSON: Are they
24 anachronistic?

25 MR. ANTHONY: I think they are

1 far simpler.

2 So the first question I had,
3 it's just a point of clarification.

4 On the first page, page one
5 of five, near the bottom, Section B, where
6 you inserted the word retail business uses,
7 what clarification does the word business
8 provide? Just more curious on that one.

9 MS. MCBETH: That one I believe
10 it references back to a definition
11 description that we had in the prior version
12 of the zoning ordinance, that would clarify
13 exactly what those uses would be.

14 MR. ANTHONY: All right. I think
15 I understand, it's just to be consistent with
16 the previous documents, used the same phrase.

17 Then my next question was on
18 page three of five. General exceptions,
19 number three, where it talks about height
20 limitation.

21 And for instance, where it
22 says, here the height limitations of this
23 ordinance shall not apply to. Of course,
24 because this was a recent Planning Commission
25 discussion, commercial wireless transmission

1 tower. And I just want to clarify that's
2 because it is -- the ordinance for those
3 items is picked up in other areas of our
4 ordinance?

5 MS. MCBETH: Yes, the intended
6 change here was to change the word
7 conditional use to special land use through
8 the rest of the ordinance, we refer to uses
9 that need to meet certain criteria. Special
10 land use. This was a carryover from an older
11 ordinance that called out a conditional land
12 use. It does relate to an exception for the
13 height of various structures, flag poles,
14 church spires (ph), public monuments that
15 would not necessarily be regulated by the
16 ordinance.

17 So there was no intended
18 change to that other than to identify it as a
19 special land use.

20 MR. ANTHONY: And my last
21 question, which is near and dear to my nose,
22 which would be on page four of five, which is
23 number five, animal waste. This is from
24 personal experience of being a landlord and
25 having to deal with.

1 The one thing that it didn't
2 talk about is an attempt to compost animal
3 waste.

4 But my assumption, I just
5 want to ask this question and make sure that
6 this would cover it, that if there was an
7 attempt to compost, that that would have to
8 be contained in a leak proof, odor proof
9 container.

10 MS. MCBETH: Yes, I think, you
11 know, with regard to these changes, Adrianna
12 had researched some other community's
13 ordinances, and found that this would be a
14 good thing to add, it would just increase the
15 safety net of the animal waste. And I think
16 that it wouldn't prohibit what you're saying.

17 MR. ANTHONY: Well, you know,
18 even though I usually take an environment
19 perspective, I would want to limit
20 composting. When you see its actual
21 application, those areas are better set for
22 other areas designated by DPW. It creates
23 quite an odor.

24 MS. MCBETH: We can make a
25 modification to include that stipulation.

1 MR. ANTHONY: Thank you.

2 CHAIRPERSON PEHRSON: We are
3 modifying that to limit the composting?

4 MR. ANTHONY: I want to prevent
5 composting of the animal waste.

6 CHAIRPERSON PEHRSON: Barb, while
7 you're --

8 MR. ANTHONY: Just personal
9 experience.

10 CHAIRPERSON PEHRSON: Same page,
11 section six, the noise shall be limited.

12 So a freestanding building
13 might not be a problem, but if it's a
14 building that's abutting something else and
15 we're kenneling dogs overnight, is there a
16 standard of a DB level, a noise level that
17 has to be adhered to that can be enforced?

18 MS. MCBETH: You know, that was
19 the intention of this as the project is a
20 development coming in for pet boarding and
21 training facilities, that there would be some
22 evaluation of that noise dampening device.

23 I can't recall -- Sri, can
24 you remember Section 5.5 that talks about --
25 it was intended to -- one of the concerns

1 that would be identified in one of these
2 facilities.

3 CHAIRPERSON PEHRSON: At that
4 point it would have a limit of some DB level
5 that can be measured that can be enforced?

6 MS. MCBETH: It does not -- those
7 restraining and fencing sections of the
8 ordinance. Could add --

9 CHAIRPERSON PEHRSON: I would
10 like to give us something that gives us some
11 ability to not bother a tenant on either side
12 of this. This happens to be middle of a left
13 and right side kind of thing, something that
14 we can --

15 MS. MCBETH: Sri is reminding me,
16 Section 5.14 has the performance standards,
17 which have the typical noise reduction
18 standards. We could add reference to that or
19 something comparable.

20 CHAIRPERSON PEHRSON: Perfect.
21 That would be fine. Thank you.

22 MR. ZUCHLEWSKI: Barb, wouldn't
23 that have to be something that the landlord
24 himself would have to provide to the tenant,
25 that noise transmission, if you will, whether

1 through insulation or whatever, I mean,
2 wouldn't that be the landlord's
3 responsibility before the tenant took
4 occupancy?

5 MS. MCBETH: Through the chair,
6 yes, that would make sense. If it's --

7 MR. ZUCHLEWSKI: The building
8 department then could enforce that.

9 MS. MCBETH: That's correct.
10 That's a leasing situation, then it could be
11 the landlord that would take care of that.

12 CHAIRPERSON PEHRSON: Any other
13 comments?

14 MR. ANTHONY: I actually missed
15 one of my comments. It's on animal waste,
16 where it had animal waste biohazard materials
17 or byproducts shall be disposed of as
18 required by the Michigan Department of Public
19 Health. Then you used the conjunction of or
20 duly appointed authority.

21 I wonder if we could use and.
22 Then qualify with something like, and other
23 duly appointed authority, something where you
24 call out that -- it's at the discretion of
25 the city.

1 Again, this is tying it all
2 right back into the composting. Composting
3 may not be a public health problem, it may be
4 more of a nuisance problem, and so if the
5 city needs to use some other standard, I
6 would like them to have both as opposed to
7 one or the other.

8 MS. MCBETH: You know, I think
9 that makes sense. We will work with the city
10 attorney's office on the actual wording of
11 these to make sure they're good language.
12 Thank you.

13 CHAIRPERSON PEHRSON: Any other
14 comments?

15 MR. GRECO: I'd like to make a
16 motion. I'd like to make a motion to
17 recommend the Zoning Text Amendment 18.274
18 for a positive recommendation to the City
19 Council with the changes regarding the
20 composting of animal waste, the word and
21 instead of or, the second line of Section
22 4.465, and with respect to Subsection Six of
23 Section 4.46, adding, I believe it was
24 Section 5.1 for some noise standards be
25 considered.

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MR. ANTHONY: Second.

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

Sri, please.

MS. KOMARGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. KOMARGIRI: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. KOMARGIRI: Member Anthony?

MR. ANTHONY: Yes.

MS. KOMARGIRI: Member Giacopetti?

MR. GIACOPETTI: Yes.

MS. KOMARGIRI: Member Greco?

MR. GRECO: Yes.

MS. KOMARGIRI: Motion passes five to zero.

CHAIRPERSON PEHRSON: Thank you. Any other matters for consideration, discussion, supplemental issues? Last audience participation. Anybody?

Would you like to comment on the Planning Commission?

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Close the audience participation, look for a motion to adjourn.

MR. ZUCHLEWSKI: Motion to adjourn.

MR. GRECO: Second.

CHAIRPERSON PEHRSON: All those in favor.

THE BOARD: Aye.

(Meeting was adjourned at 7:25 p.m.)

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