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PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

Wednesday, May 26, 2010 | 7 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 Baratta, Member Greco, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson, Member Prince

Absent: Member Cassis (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

A motion to approve the May 26, 2010 Agenda. Motion carried 8-0.

AUDIENCE PARTICIPATION

Chair Pehrson asked if there was anyone in the audience who would like to speak to the Planning Commission. Seeing no one, Chair Pehrson closed the first audience participation.

CORRESPONDENCE

There was one letter to be addressed at the public hearing.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that she wanted to report on a couple of items on the May 17, 2010 City Council Agenda. The City Council adopted a resolution to distribute the Master Plan Amendments to the surrounding communities, Oakland County, railroads, public utilities and other entities, to allow an opportunity for review and comments from those agencies, as required by State Law. The City is expected to hear back in 42 days if there are any comments from those groups.

Also approved at the May 17th Council meeting was the first reading of the Ordinance Amendment that relates to the use, installation and operation of outdoor furnaces.

CONSENT AGENDA – REMOVALS AND APPROVAL

There were none.

PUBLIC HEARINGS

1. LAIRDS GLASS, SP10-21

Public hearing of the request of Laird's Auto Glass and Trim, Inc., for Special Land Use Permit and Preliminary Site Plan approval. The subject property is located in Section 24, on the north side of Grand River Avenue, east of Meadowbrook Road and west of Seeley Road, in the I-1, Light Industrial District. The subject property is approximately 1.6 acres and the applicant is proposing to locate an automotive service business in the existing building at 40850 Grand River Avenue.

Planner Spencer indicated that Laird's Auto Glass and Trim, Inc., is seeking Special Land Use Permit and Preliminary Site Plan approval to expand its automotive services from glass and upholstery repair to general automotive service and light repair. No additional facilities or employees are proposed. The Planning Commission granted Site Plan and Special Land Use Permit approval to Laird's Glass for the current glass and upholstery repair business on February 2, 1999. Expanding the scope of the automotive repair business requires a new Special Use Permit. No site or building improvements are proposed with this application.

The business is located on the north side of Grand River Avenue, east of Meadowbrook Road and west of Seeley Road. The surrounding land uses include: Titanus Cement Wall to the north; Sensor Manufacturing to the east; Glenda's Market and DSW Office Building to the south; and Premium Self Storage to the west.

The property is in I-1, Light Industrial District, as are the properties to the north, west and east. To the south is OS-1, Office Service.

The business currently occupies 4,724 square feet of the 9,477 square foot south building on the parcel. The balance of the building is general offices. The north building is a 5,250 square foot warehouse building occupied by a wholesale automobile dealer.

Automotive Repair and service establishments can be permitted in the I-1 district subject to Special Requirements:

- The site must be a minimum of two (2) acres – The applicant received a Zoning Board of Appeals variance in 1999 to permit a 1.6 acre lot.
- The site must have a minimum frontage of two hundred (200) feet – The applicant received a Zoning Board of Appeals variance in 1999 for a lot with 175 feet of frontage.
- No vehicle parking is permitted in front of the building. None exist and none are proposed.
- No vehicle parking is permitted in the required side yard setbacks. None exists and none are proposed.
- Service bay doors cannot face a major thoroughfare; none do on the proposed plan.
- Only one curb cut is allowed on a major thoroughfare; the site only has one such curb cut.
- Vehicle parking is limited to customers and employees, and not for vehicle storage longer than twenty-four (24) hours or for used car sales.
- No wrecked or partially dismantled vehicles or vehicles without current license plates may be stored outside.
- A noise impact statement is required subject to the standards of Section 2519.10(c) to determine if the proposed use meets allowable noise standards of the Ordinance. The applicant is asking for a waiver of this requirement from the Planning Commission. Since a noise analysis was submitted with the 1998 application and the Planning Commission minutes from February 2, 1999 indicate that the amount of noise that would be generated from the site would meet the City's noise standards for OS-1 and I-1 receiving districts, staff supports this waiver, since the proposed general repair and servicing would use the same tools that are used for glass and upholstery repair and the number of service bays is staying the same. Thus, expanding the permitted types of repair and service uses should not generate additional noise.

Staff is not aware of any enforcement problems associated with this business.

The Planning Commission, in exercising its discretion over special land use approval, should consider the following factors relative to other feasible uses of the site:

- Whether the proposed use will cause any detrimental impact on existing thoroughfares.
- Whether the proposed use will cause any detrimental impact on the public services and facilities.
- Whether the proposed use is compatible with the natural features and characteristics of the land,
- Whether the proposed use is compatible with adjacent uses.
- Whether the proposed use is consistent with the goals, objectives and recommendations of the

City's Master Plan for Land Use.

- Whether the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether the proposed use is a listed use requiring special land use review and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district.

Planning Staff recommends approval of the Preliminary Site Plan and Special Land Use Permit subject to the Planning Commission granting a waiver of the required Noise Impact Statement and the applicant making minor changes on the Stamping Set submittal.

Mr. Gordon Laird came forward and stated that his company would like to add a few more services to their business and will be hiring a master technician.

Chair Pehrson stated that this is a Public Hearing and asked if anyone from the audience wished to address the Planning Commission on this matter. Seeing none, Chair Pehrson asked about correspondence.

Member Greco stated that there was one letter of response received for Laird's Glass. The letter is from Lee Byron, 40750 Grand River Avenue in Novi and it is dated May 12, 2010. The letter indicates that Mr. Byron has no disagreement with the proposal.

Chair Pehrson then closed the Public Hearing and turned the matter over to the Planning Commission.

Member Gutman noted that this project seems to be straightforward.

Moved by Member Gutman, seconded by Member Lynch.

ROLL CALL VOTE ON SPECIAL LAND USE APPROVAL OF LAIRD'S GLASS, SP10-21, MOTION MADE BY MEMBER GUTMAN, SECONDED BY MEMBER LYNCH.

In the matter of Laird's Glass, SP10-21, a motion to approve the Special Land Use Permit for an automobile service business subject to the following: a. Planning Commission waiver of the required Noise Impact Statement is approved because no additional service bays are proposed and general automotive service is no louder than automotive glass repair; b. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; and c. Submittal of an updated Hazardous Material Survey and Inventory with the Fire Department.

This motion is made for the reasons that the Planning Commission finds that relative to other feasible uses of the site, the proposed expansion of automotive repair uses within the existing buildings on the site: a. Will not cause any detrimental impact on existing thoroughfares or the capabilities of public services and facilities; b. Is compatible with the natural features and characteristics of the land and adjacent uses of land; c. Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; d. Will promote the use of land in a socially and economically desirable manner; e. Is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located. Motion carried 8-0.

Moved by Member Gutman, seconded by Member Lynch.

ROLL CALL VOTE ON PRELIMINARY SITE PLAN APPROVAL OF LAIRD'S GLASS, SP10-21, MOTION MADE BY MEMBER GUTMAN, SECONDED BY MEMBER LYNCH.

In the matter of Laird's Glass, SP10-21, a motion to approve the Preliminary Site Plan, subject to the applicant placing required notes on the Final Site Plan. This motion is made for the reasons that no

changes are proposed to the existing site and it is otherwise in compliance with Article 19, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

MATTERS FOR CONSIDERATION

1. SET A PUBLIC HEARING FOR JUNE 23, 2010 FOR TEXT AMENDMENT 18.242 RELATED TO OUTSIDE SALES OF PRODUCE AND PLANT MATERIALS IN THE TOWN CENTER DISTRICTS

Deputy Director McBeth stated that this Ordinance Amendment has been proposed by Matthew Quinn on behalf of Novi Town Center. It proposes to make open-air uses for the sale of plant material, lawn furniture, playground equipment and garden supplies, as well as the outdoor sale of produce and plant material Special Land Uses in the Town Center Zoning Districts.

Deputy Director McBeth stated that there were similar Text Amendments in 2008 and early 2009 to allow the outdoor sales of plant materials in the B-2 and B-3 Zoning Districts. Also, the RC, Regional Center Zoning District allows some of those open-air businesses. If the Planning Commission wishes to proceed with this matter, the Commission could set a Public Hearing for June 23, 2010 meeting. At that time, the Commission would hold the Public Hearing and make a recommendation to City Council on the proposed text amendment.

Member Baratta stated that when he read the proposed text of the ordinance, maybe it was implied, but he did not see a provision that allows for customers to go into a garden shop to purchase products and exit or to load that from the exterior. Member Baratta understands the enclosure of the space, but does not see special provisions for access. Member Baratta asked that this matter be reviewed before the public hearing.

Moved by Member Gutman, seconded by Member Lynch.

VOICE VOTE ON SETTING A PUBLIC HEARING FOR TEXT AMENDMENT 18.242 FOR JUNE 23, 2010, RELATED TO OUTDOOR SALES OF PRODUCE AND PLANT MATERIALS IN THE TOWN CENTER DISTRICTS, MOTION BY MEMBER GUTMAN, SECONDED BY MEMBER LYNCH.

A motion to set a Public Hearing for June 23, 2010 for Zoning Text Amendment 18.242, related to Outside Sales of Produce and Plant Materials in the Town Center Districts. *Motion carried 8-0.*

2. SET A PUBLIC HEARING FOR JUNE 23, 2010 FOR TEXT AMENDMENT 18.243 RELATED TO RESIDENTIAL OPTIONS

Planner Spencer stated that in order to facilitate the implementation of the goals and objectives related to the Southwest Quadrant the City listed in the Master Plan for Land Use, adopted in April 2008, the Planning Staff and City Attorney began a review of the Zoning Ordinance's residential development options. After much work we are ready to present a set of proposed residential development options that will further the City's long term goals of protecting the environment and providing quality housing opportunities in the City.

Today, the Zoning Ordinance includes five one-family residential development options: the Preservation Option, the Subdivision Open Space Plan Option, the One-Family Cluster Option, the Residential Unit Development (RUD) Option and the Open Space Preservation Option. The options are primarily for one-family detached dwellings with the exception of the One-Family Clustering Option and the RUD Option that also permits attached one-family dwellings.

These options permit the reduction of minimum lot area, minimum lot width and required setbacks when

natural features and open space are preserved. These reductions can permit a developer to cluster their dwelling units and thus reduce the length of roads and utility lines to reduce development costs. The use of any of the options is voluntary.

Preservation Option – This option can be used in the RA, R-1, R-2 and R-3 zoning districts. The maximum density is based on net lot. The minimum lot area and lot width may be reduced by the same percentage as the percent of additional woodlands, wetlands and habitat areas that are permanently preserved. Some setback reductions are permitted. The use of this option requires Planning Commission recommendation and City Council approval of the Preservation Option Concept Plan after which standard site plan or platting requirements must be followed.

Subdivision Open Space Plan Option – This option can be used in the RA, R-1, R-2, R-3 and R-4 zoning districts. The maximum density is based on net lot. The minimum lot area and lot width may be reduced by the same percentage as the percent of open space set aside. A minimum of 4 acres of open space is required with at least 2 acres of it to be available for active recreation. Some setback reductions are permitted. The use of this option requires the Planning Commission to make a recommendation and City Council approval of the Preservation Option Concept Plan, after which standard site plan or platting requirements must be followed.

One-Family Cluster Option – This option can be used in the R-1, R-2, R-3 and R-4 zoning districts. The maximum density is based on net lot area. Detached and attached one-family cluster dwellings are permitted when:

- The site is less than 360 feet deep and the site fronts on a major road; or
- The development of the site using standard Ordinance requirements would destroy natural features and one of the following apply:
 - The site has an unusual shape;
 - The site is generally of unbuildable soils;
 - Severe topography limits road construction unless the site is mass graded; or
 - 50% of site is regulated woodlands or wetlands and the qualifying areas must be preserved and equal at least 50% of the net site area.

Standard site plan requirements apply. The Planning Commission is the approving body.

The RUD Option (not to be confused with the PUD option) can be used in the RA, R-1, R-2, and R-3 zoning districts on sites of 80 acres and larger. Maximum density is based on the gross site area including all wetlands. The minimum lot area can be reduced to 12,000 square feet and the minimum lot width can be reduced to 90 feet in all districts. Yard requirements also may be reduced. City Council is the approving body and they may allow greater density, permit smaller lots and permit smaller setbacks if they find that the proposed deviation(s), meet certain requirements.

The Planning Commission reviews an RUD plan and makes a recommendation on it to the City Council for preliminary approval. Final approval is effective with the recording of an RUD agreement between the developer and the City. The agreement will include all approved deviations to the Zoning Ordinance. After the agreement is approved, standard site plan or platting requirements must be followed.

Open Space Preservation Option is an option required by the State of Michigan. This option can be used in the RA, R-1, R-2, and R-3 zoning districts. The maximum density is based on net lot area. At least 20 percent of the area that could be developed using conventional zoning requirements must be natural features and must be preserved. The minimum lot area and lot width may be reduced. Standard site plan or platting requirements must be followed.

Planner Spencer continued by stating that Master Plan Objectives and Implementation Strategies included

several statements: Protecting the character of the southwest quadrant is a goal of the Master Plan for Land Use adopted in 2008. To further that goal, the amended Master Plan includes the following objectives: To provide legally defensible development options that maintain the semi-rural character of the southwestern area of the City;" and To maintain the areas existing low density residential development and natural features preservation patterns.

The Plan further identified several strategies to accomplish these objectives including:

- Encourage the use of residential development options to preserve open space and natural features.
- Seek additional development options that would optimize development without destroying natural features.
- Review the City's residential development options, such as the One Family Cluster Option, to permit greater flexibility for development of challenging properties, such as the southeast corner of Ten Mile and Beck Roads.
- Review Ordinance requirements to develop alternative forms of access to permit greater flexibility for development on challenging properties.

After completing our research, staff offers the following proposed zoning ordinance text amendments.

For the RUD option, staff proposes to increase the number of parcels that could use the option by decreasing the minimum lot size from 80 acres to 20 acres. An additional 16 or so undeveloped parcels could potentially use this option if this amendment is approved. In addition, the proposed amendment contains a definition of recreation area that includes minimum area and depth dimensions to exclude the use of small landscape strip areas for open space credit.

The proposed changes to Section 2403, the One-Family Cluster Option, would permit use of this option on parcels with a depth of 600 feet instead of 300 feet, include additional access, building orientation and driveway design flexibility and permit a reduction of setbacks on parcels of less than 10 acres in area.

In order to simplify the residential development options and to still provide a mechanism to encourage clustering and preservation, the Preservation Option and Subdivision Open Space Plan Option are proposed to be removed and merged with a modified Open Space Preservation Option.

The Open Space Preservation option would continue to not require City Council approval to use the option.

The changes proposed include:

- Allowing the use of the option in the R-4 District (currently the Subdivision Open Space Plan option can be used in R-4);
- Reducing the qualifying preservation/open space area from 20 percent to any amount (as permitted with the Preservation Option);
- Requiring approval subject to the Special Land Use approval conditions of Section 2516.2 when less than 20 percent of the site is preserved;
- Including recreation areas as qualifying open space (permitted in the Subdivision Open Space option);
- Including wetland buffers (setback areas) as qualifying open space;
- Defining recreation areas as permanently protected areas of at least one-half acre in area and with a length of not more than three times its width and do not require them to be maintained in an undeveloped state;
- Increasing the permitted minimum lot area reduction from up to 33.9 percent to up to 44.9 percent when an equal percentage of the site is preserved;
- Increasing the permitted minimum lot width reduction up to 25 percent when double the percentage of the site is preserved (i.e. 30 percent of site preserved permits a 15 percent lot width

- reduction); and
- Redefining qualifying open space buffers from major roads to stipulate that they must be at least 50 feet in width and be in addition to normal setbacks.

Merging these options will simplify the ordinance and make clustering to preserve open space easier to use and understand.

Planner Spencer concluded the proposed amendments will further the implementation of the Master Plan objectives by simplifying the residential development options, permitting greater development flexibility on challenging properties, provide greater lot area and lot width reduction incentives and encourage the use of the residential development options to further the preservation of open space and natural features.

Chair Pehrson turned the matter over to the Planning Commission for further discussion or recommendation.

Member Baratta stated that when talking about standard site plan planning requirements as being a qualifier and as being part of the Walkable Sub-Committee, we obviously deal with requirements for sidewalks and trails. Member Baratta asked if our current ordinance requires sidewalks in new subdivisions.

Planner Spencer answered Member Barrata in saying yes, it does.

Member Baratta asked if a recreational space, which is qualified as an open space, whether that would include a sidewalk.

Planner Spencer stated that open space could include a sidewalk.

Member Baratta asked whether trails would be included.

Planner Spencer answered that a trail could be included in the open space.

Member Gutman made a motion to set a Public Hearing for June 23, 2010 for Text Amendment 18.243 Related to Residential Options.

Motion made by Member Gutman, seconded by Member Lynch.

VOICE VOTE IN SETTING A PUBLIC HEARING FOR ZONING TEXT AMENDMENT 18.243 RELATED TO RESIDENTIAL OPTIONS, MOTION MADE BY MEMBER GUTMAN, SECONDED BY MEMBER LYNCH.

A motion to set a Public Hearing for June 23, 2010 for Zoning Text Amendment 18.243, related to Residential Options. *Motion carried 8-0.*

3. PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL FOR PLANNING COMISSION / ZONING BOARD OF APPEALS DUAL MEMBER FOR 2010-2011

Deputy Director McBeth stated that the term for this dual membership is typically in one-year increments. A Commission member will serve as a dual or joint member on the Zoning Board of Appeals and the Planning Commission. Member Cassis has served in this capacity for the last two years. Prior to tonight's meeting, Member Cassis indicated that he would be willing to step aside if another Planning Commission member would like to serve in this capacity. However, if no one else came forward, Member Cassis had indicated that he would volunteer for this position again.

Member Gutman stated that Member Cassis is doing a fantastic job in representing the Planning Commission and suggested that Member Cassis continue as our liaison for next year.

Moved by Member Gutman, seconded by Member Lynch:

VOICE VOTE IN RECOMMENDING MEMBER CASSIS TO SERVE AS ZONING BOARD OF APPEALS DUAL MEMBER FOR 2010-2011, MOTION MADE BY MEMBER GUTMAN, SECONDED BY MEMBER LYNCH.

Recommendation by the Planning Commission to the City Council for Member Cassis to serve as the Zoning Board of Appeals Dual Member for 2010-2011. *Motion carried 8-0.*

MATTERS FOR DISCUSSION

There were none.

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

The meeting adjourned at 7:35 PM.

Transcribed by Juanita Freeman
Account Clerk
July, 2010

Date Approved:

Richelle Leskun, Planning Assistant