



PLANNING COMMISSION MINUTES

DRAFT

CITY OF NOVI
Regular Meeting

Wednesday, August 11, 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 7:00 PM.

ROLL CALL

Present: Member Baratta, Member Greco, Member Gutman, Member Lynch, Member Meyer, Chair Pehrson

Absent: Member Cassis (excused), Member Larson (excused), Member Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; David Beschke, City Landscape Architect; Lindon Ivezaj, City Engineer; Kristin Kolb, City Attorney; Doug Necci, Façade Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the August 11, 2010 Planning Commission Agenda. *Motion carried 6-0.*

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

Member Greco indicated there was correspondence related to the public hearing that could be read at that time.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that revised concept plan and PRO Agreement for the Maple Manor Nursing Home, which was recently recommended by the Planning Commission was approved by the City Council on August 9, 2010.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no items on the Consent Agenda.

PUBLIC HEARINGS

1. CELLULAR TOWER AT M-5 AND TWELVE MILE ROAD, SITE PLAN 08-40D

Public hearing on the request of SBA Towers, LLC, for Planning Commission's recommendation to the City Council for Special Land Use Permit, and Preliminary Site Plan. The subject property is located at the southwest corner of Twelve Mile road and the M-5 connector in Section 13. The subject property is approximately 2 acres and the applicant is proposing to build a 150-foot tall

cellular phone monopole tower, associated equipment shelters and accessory structures.

Planner Spencer stated that the applicant proposes to build a speculative 150 foot tall monopole cellular phone tower on land leased from the State of Michigan. The site is located at the southwest corner of Twelve Mile Road and M-5 between the south-bound M-5 entrance ramp and the southbound M-5 highway. The City has determined that the property is part of the State's M-5/Twelve Mile Road interchange right-of-way. The surrounding uses include the M-5 interchange ramps and highway in all directions, further west MDOT wetland mitigation property, further northwest single family residential property, and further east the ITC headquarters property

The site is located in the OST, Planned Office Service Technology District. Although the Zoning Map does not depict a zoning district along this highway right-of-way and many other road and railroad right-of-ways in the City, Section 204.8 of the Zoning Ordinance states that where districts are not depicted that district boundaries extend to the center line of the right-of-way. The OST district is mapped adjacent to this right-of-way.

The site plan proposes a 40 foot by 120 foot lease area for the tower and accessory equipment to be accessed by a gravel driveway. The applicant is proposing to complete the driveway improvements after MDOT closes a cement batch plant that it has permitted just south of the site.

The proposal includes placing an 8 foot tall fence around the compound, providing ground space for 6 tower lessees and screening the compound with deciduous and evergreen trees. The applicant has indicated that the associated equipment shelters, accessory structures and antennas for specific carriers depicted on the plan will be submitted at a later date under a separate permit.

The applicant proposes to attach one MDOT TV camera to the tower and provide room for six future cellular phone antenna arrays. A ground mounted electrical transformer and electrical meter equipment are proposed at this time

Preliminary Site Plans and Special Land Use Permits for new communications towers located in a zoning district other than an industrial district require approval from the City Council after a public hearing, and review and recommendation from the Planning Commission.

City Council may approve a tower in a non-industrial district when the Council finds that not approving it will have the effect of prohibiting the provision of personal wireless services and if it meets the standards of the Zoning Ordinance. The ordinance states that the relief granted shall be the minimum necessary to eliminate such an effect.

The following findings should be considered: Is this facility essential or desirable? At this time only an MDOT camera is proposed on the tower. No information was provided by MDOT requesting this location or demonstrating that they need a camera mounted at the proposed 145 feet. The applicant provided an application from T-Mobile and Verizon to locate on the tower but no contract was presented. The applicant has provided a set of "indoor coverage" propagation maps for T-Mobile and a set of proposed coverage propagation maps for Verizon. Technical details explaining the maps were not provided at any level.

The tower proposed is gray to blend into the average Michigan sky. The Planning Staff notes that the proposed tower would be highly visible to traffic traveling down Twelve Mile Road or M-5. Locations further from the roadways would be aesthetically more appealing. A shorter tower or a stealth tower design with flush mounted antennas would also be aesthetically more appealing. Co-locating on existing structures would even be more appealing.

Could these proposed carriers co-locate on existing structures in the City? The applicant states that

due to the proposed MDOT CCTV camera, they can not collocate on another facility. No information was provided by MDOT expressing a preference for this location or stating that other locations would not provide similar service. A camera may be able to see up to 14 miles from the top of a 150 foot tower, which is much further than the length of M-5.

Several 90 foot tall ITC electrical transmission towers are in the area and shown on the map provided. Currently, four of the sixteen ITC towers within 2¼ miles north of the site have communication antennas. The applicant has not provided a statement from ITC or DTE on this matter stating T-Mobile or Verizon cannot co-locate on any of these towers. The applicant has agreed to lease the structure to a variety of carriers and thus meets the co-location requirements of Section 2508.1.c.

Equipment structures are required to be constructed of face brick on all sides and have gabled roofs and the applicant has depicted "future" equipment structures that meet the requirements. All outdoor equipment must be placed in equipment buildings unless, due to equipment design, it is impractical to place the equipment in a building and all outdoor equipment must be screened from view on public roads and neighboring properties. The applicant proposes to place all the equipment and buildings inside of a six foot chain link fence with some landscaping outside of the leased compound along the west and south side of the fenced area. Although the road surface of M-5 at the Twelve Mile Road overpass is over 10 feet higher than the compound, it will be difficult to screen the equipment from the view of the southbound motorist on M-5. The applicant has agreed to increase the screening on the north side.

The overall tower height is at the maximum height permitted, 150 feet. The proposed tower meets the fall zone requirements, demonstrating that if the tower fails it will only fall within a distance equal to or less than 40% of its height.

Since the site compound is within the M-5 road right-of-way, it does not meet the setback requirements for buildings and parking. The applicant contests this assumption, but the City has a long history of requiring variances for any private development in the right-of-way and a variance from the Zoning Board of Appeals would be required to locate the facility in the right-of-way.

The Zoning Ordinance does not specify a parking requirement for this use. One parking space is provided and should be adequate to serve the site. The Planning Commission may determine the parking requirement for an unlisted use with a recommendation from the City's Traffic Consultant. The City's Traffic Consultant's review of October 22, 2009 recommends one parking space. The Zoning Ordinance requires all commercial parking spaces and drives to be paved with asphalt or concrete. The applicant is proposing a gravel drive and parking space. The applicant is asked to pave the drive and parking space or seek a Zoning Board of Appeals variance from the paving requirement. Staff supports this variance since cell tower sites typically generate little traffic.

Communications towers require Special Land Use approval and thus are subject to meeting the special land use requirements of Section 2516.2(c). The Planning Commission in its recommendation and the City Council in exercising its discretion over site plan approval should consider the following factors relative to other feasible uses of the site: A) Whether the proposed use will cause any detrimental impact on existing thoroughfares; B) Whether the proposed use will cause any detrimental impact on the capabilities of public services and facilities; C) Whether the proposed use is compatible with the natural environment; D) Whether the proposed use is compatible with adjacent uses of land; E) Whether the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; F) Whether the proposed use will promote the use of land in a socially and economically desirable manner; and G) Whether the proposed use requires special land use review and conforms to the applicable site design regulations of the zoning district in which it is located.

At this time the Planning Staff does not recommend approval because the submitted application does not meet the standards of the Zoning Ordinance, specifically: A) Substantial information demonstrating that it is not feasible to co-locate on existing sites or structures was not provided. B) Substantial information demonstrating the location is essential for service or desirable for the public welfare or convenience was not provided. C) The proposed future accessory structures and parking do not meet setback requirements because they are located in the right-of-way and thus a variance is required from the Zoning Board of Appeals to locate the proposed facilities at this site.

Chair Pehrson asked that the petitioners keep to the ten minute time frame for their presentation.

Krysten Kitzman of Black and Veatch came forward on behalf on SBA Towers and indicated Planner Spencer explained everything thoroughly and she would not review the previously stated information. SBA has done a great job addressing all the comments. The proposal and site plan has gone through extensive reviews with the City. Contrary to popular belief, carriers do pursue co-location possibilities wherever feasible. There are cases when the co-locations do not exist and they are then forced to pursue a new tower to meet their coverage needs. This happens to be the case in this situation. Extensive research has been done to make sure that the site would comply and be as un-offensive to the surrounding community as possible.

Ms. Kitzman explained that this is an ideal location, here, in the MDOT right-of-way for the tower. Locations in the MDOT right-of-way are also consistent with Federal and State policy, which is to place the telecom facilities within the right-of-way area. The fact that this is a State right-of-way raises a jurisdictional issue. This was first addressed in a letter that was presented to the City on May 12, 2010 and subsequently in a letter from SBA's legal counsel, which was presented to the Planning Commission today. At issue is whether or not the City of Novi Zoning Ordinance actually regulates the subject property and the proposed tower. SBA contends that it does not as the ordinance regulates public rights-of-way. For instance, the side of road along Novi Road would be regulated because it is a public right-of-way, but the right-of-way for state or federal roads would not be regulated. Other portions of the City's ordinance do support that argument, because they specifically exclude federal and state rights-of-way from the City of Novi's purview or jurisdiction. Therefore, it is SBA's belief that the City's jurisdiction does not extend to this matter because the Zoning Ordinance does not regulate this property.

Ms. Kitzman continued, in spite of her previous comments, SBA is still here before the Planning Commission to seek approval of the special land use and site plan. Ms. Kitzman just wanted to note that SBA is not waiving their position on the jurisdiction issue at this time. In order to get a site approved, as in this case, approval by MDOT and the United States DOT approval are required and have been granted. These approvals have been provided to the City.

In addition, as Planner Spencer touched on, MDOT also needs this location for a traffic monitoring device. They intend to place a closed circuit television camera on top of the tower. MDOT is building out the traffic communication system and they have identified this site as an ideal location to place a closed circuit television camera. We have included written verification to the planning staff that MODT does intend to use this for traffic monitoring. Ms. Kitzman said, this information was independently verified by planning staff who contacted MDOT.

Ms. Kitzman displayed an overhead illustrating the number of resubmittals provided for review by the applicant thus far. SBA is a leading independent owner and operator of wireless communication towers in the United States. SBA and the State of Michigan have a public/private partnership to promote co-location and minimize the proliferation of wireless communication towers in the State.

This site came about because SBA was approached by Verizon Wireless in March of 2008. This was nearly after 4 years of Verizon trying to find an appropriate site in the area of 12 Mile Road and M-5. Co-location applications have been submitted by both Verizon and T-Mobile, which justify the need and indicate their interest in collating at this facility. Those were included in the submittal packet. As illustrated by the from the chronology diagram, SBA has been working with the planning staff for almost two years now and has addressed all the issues put forth in the reviews. Ms. Kitzman said, all of the evidence that SBA has submitted justifies a recommendation for approval.

Ms. Kitzman noted there were two areas of concern that seem to keep coming up. The first one is the feasibility of co-locating on existing structures, as Planner Spencer's map shows. He delineated where the ITC transmission towers are located and where the proposed site is located and the ITC Headquarters Building, which is located southeast of the interchange. SBA has submitted independent verification from the carriers. One of the items submitted to the City was an email from T-Mobile. T-Mobile stated for several years they had worked with ITC and Detroit Edison in order to co-locate on those existing transmission towers. They were told that they are planned for upgrades and that those towers are now off-limits for a co-location. They were told the ITC Building and the headquarters are off-limits due to security concerns.

Ms. Kitzman continued, Verizon's legal counsel submitted a letter indicating the need and identifying surrounding sites. They also submitted an affidavit provided by the Verizon Wireless RF Engineer. Ms. Kitzman distributed copies of the affidavit to the Planning Commission and noted there were several items she wanted to point out. This is a sworn statement drafted by Doug Kweikowski, senior RF Engineer from Verizon Wireless. In the document, Mr. Kweikowski points out that Verizon has been pursuing a site in this area over a course of six years. That is a long time for carriers to be looking for coverage and that goes to show they are diligently pursuing a site. Mr. Kweikowski also notes some of the sites they evaluated. One was the Michigan State Agricultural Station at Twelve Mile Road and Meadowbrook Road. That was deemed inadequate and unavailable for antenna construction and too close to an adjacent site. They also looked at some of the lower office buildings to the east and those were ruled out because of the limited height that was available. Mr. Kweikowski also stated that they evaluated the ITC Transmission Towers and the existing lines are not satisfactory for Verizon Wireless requirements, which include loading, structural issues, safety, maintenance, ground space, access and wetland issues. Mr. Kweikowski's statement summarizes by saying SBA's proposed site at the Twelve Mile Road and M-5 Interchange is absolutely necessary to fulfill continuous, seamless quality wireless services in this immediate area for Verizon Wireless.

Ms. Kitzman referred back to Planner Spencer's map showing the carriers that are located on the ITC Towers. There are two antennas just north of Twelve Mile Road and just south of Fourteen Mile Road where AT&T Wireless is located. These sites were approved and constructed over 8 years ago. As you know the infrastructure has aged since then and things have changed and those transmission towers are no longer available for co-location.

The carriers that are interested in locating on the new tower are currently located on towers north of Fourteen Mile Road in Commerce Township leaving them with a gap in coverage to the south down to Twelve Mile Road and further down to the I-696 and M-5 Interchange. This is demonstrated by Verizon's propagation maps. Ms. Kitzman referred to the propagation maps displayed on the overhead. The "goal coverage" would be green, which would provide seamless quality coverage. The site north of Fourteen Mile Road is providing the green coverage and there is a gap in between the two sites. When you place the new tower into play, that area fills with green and there is coverage along the M-5 Corridor and it makes the connection to the north at Fourteen Mile Road where their existing site is. T-Mobile also provided propagation maps to the City. Their site, which is to the north of Fourteen Mile, provides green coverage. The white is denoting little to no coverage and then there is green to the south. When the proposed tower is added, the area that was previously white got covered in green.

Ms. Kitzman stated in addition, MDOT is proposing to put a camera on the tower as they need a location that will be close to the road so they have adequate line of sight. Alternate locations further away from the road would not be feasible in order accommodate the closed circuit television camera. They need to maintain line of sight. Also, MDOT owns this property, so they wouldn't really locate somewhere else.

Both carriers have been pursuing this site for numerous years and they would not want to continue to pursue the site so diligently if other co-location opportunities existed or if they really didn't need the site. SBA has also spent a number of years pursuing this site, including spending funds. If this site is not approved, it would negatively affect wireless service in the area. The site is intended to improve and maintain continuous uninterrupted voice and data services to customers living, working and traveling in the area and the need is evidenced by the propagation maps that provided by T-Mobile and Verizon and the narratives provided by Verizon's legal council and the RF Engineers. This would also provide essential mobile communications not only for the use of the public, but also for 911 calls, emergency responders and the like. The MDOT traffic camera would provide time sensitive traffic updates, which would show the traffic flow, patterns and congestion. All would be beneficial to City of Novi residents and the surrounding community.

Ms. Kitzman concluded by noting she has only addressed a few of the questions in the staff reports due to time restraints. In the written submittals, SBA has presented substantial evidence specifically addressing each and every issue raised in each and every report that has been received as evidenced by the chronology that was presented at the beginning of the presentation. The last report received was sent on March 29, 2010. SBA did submit additional information in June and has not received a subsequent update to that submittal with the additional information, including the Verizon affidavit. Ms. Kitzman respectfully requested the Planning Commission recommend approval for the special land use and site plan for SBA's proposed site located at the Twelve Mile Road and M-5 interchange.

Chair Pehrson opened the public hearing. No one from the audience wished to speak.

Member Greco read the correspondence into the record:

- Joe Rios, MDOT Cell Tower Representative, located at 7050 West Saginaw in Lansing approves the project and indicates that the MDOT and Federal Highway Administration have established guidelines for allowing wireless communication equipment in their right-of-way. This particular tower site has passed all reviews and has been given a permit to construct. The tower company is still required to follow local and state approvals as mentioned in the permit.
- Nick Valente owns two properties near this tower and believes the tower will have a negative impact on these properties. He objects, noting the tower is too high and that 100 feet is more typical. This will be unsightly and is clearly meant to provide for co-location with four other providers requiring other structures on the ground. This area is a gateway to the community in many ways and a huge tower is not the best image for the City. Mr. Valente wanted to know what the purpose of the MDOT camera system is. Mr. Valente is requesting substantial landscaping and a stealth design so it cannot be seen. This proposal will devalue the property closest to the project. He indicates that no other towers in or near residential districts have such a high profile. He wants to know what other locations have been considered.

- Allen Green, Attorney for SBA Towers to LLC stated the City may not have regulatory power over the site. The letter indicates that it is this attorney's opinion that the City is not able to regulate the property in question, but the applicant does intend to continue the process of Novi's approval of the project. The licensing agreement that has been reached between the State and SBA further indicates that the Novi Zoning Map does not zone the property at issue and this particular section does not define public right-of-way and therefore the City should not be submitting or having SBA submit to all of these regulations and standards and requirements that he believes are unreasonable and illogical.

Chair Pehrson closed the public hearing.

Chair Pehrson asked City Attorney Kolb if the City has jurisdiction over projects in the right-of-way.

City Attorney Kolb stated that the City Attorney's office disagrees with the opinion provided by Mr. Green. If you take his argument to a logical conclusion, then a developer could put a Kroger on that site or a four story hotel on that site. The City of Novi believes that they have the right to regulate that property because it is located within its municipal boundary.

Chair Pehrson asked Planner Spencer what other information would be needed relative to the public need and welfare of this convenience.

Planner Spencer stated that this is a subjective part of this application and the applicant has presented an objective set of reasoning. The applicant has not indicated what percentage or number of additional people could be receiving service if this tower is constructed. Planner Spencer would like to see some numbers showing an increase in service.

Planner Spencer explained that the propagation map from Verizon uses a numerical set and it does not have any type of layperson terms to explain or backup the data. It's not clear how much increase in service they are going to get out of this tower. There is further explanation that should be provided before staff can conclude the applicant provided information that substantiates the need for this tower.

Planner Spencer continued noting the vagaries of the propagation maps specifically on the Team Mobil Map which shows indoor coverage but does not define if that means in a car, in a basement, in a house or an office building. Additionally, most of the cell phone carriers have agreements with other cell phone carriers to utilize one another's facilities. Planning staff does not know if anyone has experienced dropped calls in that area. Carriers are handling more data and more people are using cellular phones as their personal computer and transmitting large volumes of data. Another missing part of the equation is the volume calculation. How much more volume are they going to transmit in these areas? Substantial information was not provided.

Chair Pehrson asked if staff made similar arguments regarding the possibility of co-location?

Planner Spencer stated staff has not received anything from DTE or ITC saying carriers cannot locate on specific towers.

Chair Pehrson asked given the proximity of this particular pole and its height to freeway areas, is there any other standard other than the 40% fall zone that should be used?

Planner Spencer stated that is the City standard and if it can be designed to fall within that 40%, it should not interfere with the road surfaces.

Chair Pehrson asked if there were any examples of a tower located within a cloverleaf intersection.

Planner Spencer stated that he was not aware of any.

Chair Pehrson asked Ms. Kitzman, the applicant's representative, relative to the coverage map, is there a percentage or some data on the amount of increased service for either carrier that they might envision once this tower is in place.

Ms. Kitzman stated that she did not have any numbers at this time. However, the propagation maps do show increased service. Propagation maps are the industry standard for communicating coverage needs and that is what is presented and given by the carriers to the jurisdictions in order to demonstrate need. These maps are run by engineers and are based on real data and calculations that prove the need for a site.

Chair Pehrson asked Ms. Kitzman if he went onto any of those carriers' websites and typed in a zip code would he get a propagation map showing the coverage in that area.

Ms. Kitzman answered yes and that is the standard of communication for transmitting this information. First, staff said that giving a propagation map is too technical, so it was explained it in layman terms, but then staff said it was too general.

Chair Pehrson asked what defined indoor coverage.

Ms. Kitzman said the goal for their carriers is a neg 75 dvm, which is optimal coverage. Then it goes to neg 5, neg 95 and basically no coverage. Sites are driven by need. Everything is monitored by each of the carriers and information is relayed back to the engineers including calls dropped and needs for sites. Customer feedback about coverage problems is what drive sites.

Ms. Kitzman continued, saying my point earlier was that Verizon has been diligently pursuing a site for six years in this area. That shows that they absolutely need coverage and wouldn't waste their time or everyone's time if they did not need to pursue that because it costs money. It goes on their build plan from year to year as a site where they need to provide better coverage to their customers. As Planner Spencer indicated, there are a lot of things that go to the need including the voice and data services that all the carriers are providing. Everyone wants to be able to use their phone, and even in the basement of their houses. The indoor coverage denotation would be a standard to say this signal would be able to penetrate inside a building instead of just providing on-street coverage, which would be a lower level of coverage provided by the carriers.

Chair Pehrson asked how the height of the pole effects propagation. How would coverage change if the tower were lowered to better match the surroundings?

Ms. Kitzman pointed out that the Zoning Ordinance does allow towers up to 150 feet, so SBA is not asking for anything that is higher than what the ordinance allows. MDOT is looking to place their camera at the 145 foot level in order to relay those communications down M-5. That height is necessary for MDOT's communications. The collocation application from T-Mobile states they would like 140 feet. That is what T-Mobile had determined would be the height needed in order to make the connection to their site to the north at Fourteen Mile Road. If the height of the tower is decreased to 90 feet, MDOT may have a problem. Additionally, each carrier has to be separated with 10 feet of separation distance so with a 90 foot tower, MDOT would be at 90 feet, the next carrier at 85 feet, then 75 feet, then 65 feet and then trees become an issue.

Ms. Kitzman presented a mock-up photo rendering showing the tower and the surrounding environment. This monopole configuration appears very similar to the existing lights that are along M-5 and the Detroit Edison towers. This does not abut any nearby rear properties and it is a good location for this site. Additionally, there has been interest from other carriers in locating on the tower.

Chair Pehrson asked Ms. Kitzman about the possibility of a flush mounted tower or some kind of stealth design.

Ms. Kitzman said that the carriers do not get as much service out of a steal or flush mounted tower. They are not allowed to place as many antennas on the site. SBA is proposing traditional platforms where carriers can place more antennas, which allow for more transmittal of both voice and data communications. A stealth design minimizes the number of antennas and a lot of times the carriers need to take two positions, which decreases the amount of carriers on a site which then opens the City up to additional towers in that immediate vicinity.

Chair Pehrson asked about the Bloomfield Hills stealth design made to resemble a tree.

Ms. Kitzman replied it has been her experience that when towers were initially proposed, a lot of communities asked about the possibility of a mono-pine. As soon as the mono-pine was constructed in Bloomfield Hills, she never got asked to put up a mono-pine again. It was perceived very negatively by the general public. In this case, a mono-pole seems to make sense because it does match the existing lighting and electrical transmission towers. A mono-pine in the middle of this cloverleaf and where there aren't any other pine trees at 150 feet in height, would tend to stand out more than blend in with the surroundings.

Chair Pehrson asked Planner Spencer if the tower would be above or below the road surface.

Planner Spencer explained that the tower is below the deck of the bridge. It is slightly higher than the road surface.

Chair Pehrson asked if there would be a barrier put in along the road to deflect a car.

Planner Spencer stated that he thought MDOT would require something like that if that was an issue. The City's traffic engineer did not have any specific concerns with regard to that situation.

Chair Pehrson said summarized his comments. With site plan and special land use applications, there are typically questions that haven't been addressed to the full satisfaction to the City that often are disconcerting to the Planning Commission as they sit here and try to understand and weigh the merits of each proposal. But relative to the commentary Chair Pehrson has heard tonight and in his particular opinion, the propagation maps demonstrate a need for this particular tower. The addition of those two carriers would obviously help service. When residents get more used to something that might seem obstructive now, it will become almost transparent in their daily commute. Chair Pehrson understands the need for the proposed height. Certainly, the City would like to see something lower than that, but if it is not going to solve the problem, then the additional height is warranted. Chair Pehrson could provide a positive recommendation to the City Council.

Member Meyer stated asked if he was correct in recalling from the packet material that SBA has been working on this application for six or eight years.

Ms. Kitzman stated that she was not sure of the exact amount of time but AT&T co-located on the ITC towers over eight years ago. An affidavit from the engineer at Verizon did state they have been interested in this site for at least six years.

Member Meyer agreed with Chair Pehrson and would support sending this on to the City Council with a positive recommendation because there is a need and the applicant has made every effort possible to be in touch with the City. The applicant has made the effort to show that the carriers cannot co-locate at this point.

Member Meyer asked Ms. Kitzman to clarify the situation she was previously referring to regarding the City's jurisdiction over the right-of-way.

Ms. Kitzman stated that the challenge actually stems from confusion on her part. In some of the reviews it was stated that this property was zoned OST (Office Service Technology) and yet the site did not meet setbacks for the OST District because it was in the right-of-way. It was kind of a revolving thing that was hard to respond to because the site does greatly exceed the OST District setbacks by hundreds of feet. The tower is quite a distance from any sort of roadway. Ms. Kitzman was having trouble responding because it can't be both. It can't be right-of-way or OST. Ms. Kitzman drafted a letter asking for clarification. There are other jurisdictions such as the City of Troy, the City of Lansing, and the City of Detroit which have all ruled that they do not regulate the right-of-way and that is State and Federal property. In SBA's opinion, this is a limited access right-of-way, which is kind of a separate parcel and is shown and delineated on the City's zoning map. It is not shown as OST; it is excluded from the OST jurisdiction and the comment from the City is that when the zoning map is unclear, the neighboring zoning classification is extended to the center of the right-of-way. There are different definitions of right-of-way and typically a City would regulate their public right-of-way only. An example would be Novi Road, would be a right-of-way that the City would regulate as a City street. In this case, this is abutting no private properties and is stand alone and part of the State Highway system. The State would have exclusive jurisdiction over that solely because the ordinance does not address that type of situation. This property is either right-of-way or OST and if it is OST, the site meets the setbacks and if it is right-of-way, the City does not have jurisdiction over the right-of-way.

Member Meyer stated that helps him understand.

Member Greco stated that given the City's position on the jurisdiction issue, the Planning Commission has to set that aside because they are not responsible for determining whether or not the City has jurisdiction. This is in front of the Planning Commission to look at the project as it is and to decide what to do. When Member Greco first started looking at it and saw where the site was, it seemed to make sense to him and it seems that is where those towers are generally at in the community. There are residential areas, business areas, OST areas, industrial areas and this seems to be just where those things are. Member Greco ultimately wanted see what the tower was going to look like and as evidenced by the applicant's photo mock-up, it does fit with the way the area looks. That being said, staff is asking for additional information to determine if the tower is actually needed or if there are other alternatives to provide the same service. It seems this area with not only the general population growth but the computer and data growth is going to need something now or in the future. The commitment that is there from the applicant and the fact that MDOT is on board and the location and look of the proposed space lends itself to approval of the project.

Member Baratta noted that when there appeared to be five cell towers just south of the site and asked Ms. Kitzman if they have been looked at as alternatives to the new tower.

Ms. Kitzman explained that a lot of the carriers are located to the south as that is a high traffic area. They need additional sites to provide for high volume areas. At the site in question, there are various highways intersecting creating a lot of cellular traffic. AT&T is located to the south. Those transmission towers are at a much lower height. When the towers are at a lower height, carriers need additional sites to the north and south to make the coverage gap.

Member Baratta explained that maybe he does not understand the map. It seems to show existing cell towers/ antennas with one located at Meadowbrook Road and the highway.

Ms. Kitzman stated that it was a transmission tower not a stand-alone tower.

Member Baratta asked Ms. Kitzman if they could use that facility for their proposed use.

Ms. Kitzman explained that ITC and Detroit Edison towers have become pretty much unavailable for co-location. That map is demonstrating that there is a carrier with an antenna platform on that tower and typically they do not allow more than one carrier. In this case, we have multiple wireless carriers that are interested in locating. That being a Detroit Edison tower, it is at a much lower height and a co-location on the Detroit Edison tower would not make the connection to Fourteen Mile Road.

Member Baratta stated that the short answer, in essence, is it would be not available.

Ms. Kitzman stated if it would have worked, the carriers would have been there. This is still out there because there isn't a sufficient co-location opportunity that works for the carriers.

Member Baratta explained that he is satisfied with that point. The other part of the staff analysis was regarding the driveway and the screening of the equipment. Was SBA originally going to put in a driveway to service this project, assuming it is located here?

Ms. Kitzman stated that there is a cement mixing plant currently on the property, but it is scheduled to be removed at a later time. Once that is removed, SBA would come in and configure the driveway application per their plans and that is noted on the plans. The driveway would have an asphalt apron that would come off of Twelve Mile Road and a gate to prohibit trespassing. The rest of the driveway is lengthy because it is set quite a distance off of Twelve Mile and would be gravel. That would require a variance because under the ordinance asphalt paving is required. That variance was supported by staff because the carriers typically only service the site once a month and the driveway would not receive much use. The ordinance requires the actual screening of the equipment with brick equipment shelters. That would require screening within the fenced compound, which would take up space in that compound. SBA has proposed extensive screening on the outside of the compound and worked with the City landscape architect and provided a number of trees, both large and ornamental, in order to effectively screen the entire compound. A black vinyl coated chain link fence is also proposed.

Member Lynch stated the applicant has done a substantial job. This is another dilemma based on technology and the form and function that is needed, particularly the height. The mock-up photos seem to show the tower blends in. It is important for Novi to have good cell phone coverage and is to the City's benefit. It appears the applicant has demonstrated the need for this in this particular location based on the maps shown. It is unfortunate that based on the technology available right now, there is a need for large towers and antennas. Member Lynch will support this request. The applicant has done a reasonable job and has been working on it since 2008.

Member Gutman stated that he was uncertain when this first came before the Planning Division but the applicant has done a spectacular job in easing the concerns of the Planning Commission and should be commended for that.

Motion made by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON SPECIAL LAND USE RECOMMENDATION OF APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH.

In the matter of Cellular Tower at M-5 and Twelve Mile Road, SP08-40D, motion to recommend to City Council approval of a Special Land Use Permit for a cell phone monopole tower, associated equipment structures and accessory structures subject to the following: (a) Site Plan approval by City Council; and for the reasons that the Planning Commission finds that the proposed tower meets the requirements of Section 2508.1 of the Zoning Ordinance as follows: (a) The use is essential or desirable to the public convenience or welfare; (b) The use is compatible with the orderly development of the OST, Planned Office Service Technology, zoning district and will not be detrimental to the orderly development, environment or use of adjacent properties and/or zoning districts; (c) Denial of the request will prohibit or have the effect of prohibiting the provision of wireless services; and (d) The applicant has provided sufficient information demonstrating that it is not feasible to co-locate on existing facilities for the reasons that the Planning Commission finds that relative to other feasible uses of the site, the proposed use: (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; and (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 6-0.*

Motion made by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON PRELIMINARY SITE PLAN RECOMMENDATION OF APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH.

In the matter of Cellular Tower at M-5 and Twelve Mile Road, SP 08-40D, motion to recommend to City Council approval of the Preliminary Site Plan, subject to the following: (a) Obtaining a variance from the ZBA for a gravel driveway except for first 25 feet adjacent to Twelve Mile Road; (b) Obtaining a ZBA variance to permit structures in the MDOT right-of-way; (c) Providing additional landscape screening or obtain a waiver from City Council; (d) Planning Commission waiver of the right-of-way berm, street tree, understory trees or shrubs and irrigation requirements; and (e) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan because it is otherwise in compliance with Article 23A, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

2. MARTY FELDMAN CHEVROLET/KIA DEALERSHIP, SITE PLAN 10-31

Public hearing on the request of Marty Feldman Chevrolet/Kia Dealership for Preliminary Site Plan, Stormwater Management Plan and Special Land Use Permit. The subject property is located on the south side of Grand River Avenue, west of Meadowbrook Road, in Section 23 of the City. The property totals 9.8 acres. The zoning of the parcel is currently split between B-3, General Business and P-1, Vehicular Parking.

Planner Kapelanski displayed the location map and stated that the site is located on the south side of Grand River Avenue, west of Meadowbrook Road. The site is bordered by Grand River to the north, Fountain Park apartments to the south, the Fountain Park apartment's access drive to the east and vacant land to the west.

The zoning of the property is split between B-3, General Business and P-1, Parking District, with the B-3 adjacent to Grand River Avenue. The site is bordered by B-3 zoning to the west, RM-1 zoning to the west and south and NCC zoning to the east.

The applicant is proposing a 2,200 square foot addition on the north side of the existing Marty Feldman Chevrolet dealership and a 1,375 square foot addition on the south side of the existing dealership. A

new 9,800 square foot Kia dealership is also proposed on the east side of the site. The customer parking and inventory parking layout throughout the site will also be modified and a portion of the existing berm adjacent to the Fountain Park Drive will be removed. Outdoor space for the sale of cars is a special land use in the B-3 and P-1 Districts.

The Planning review recommends approval of the Preliminary Site Plan and Special Land Use permit contingent on the applicant submitting the required photometric plan and Noise Impact Statement. The applicant has submitted both of these items and they are generally satisfactory. The Planning Commission should refer to the items in Section 2516.2.c of the Zoning Ordinance regarding the requirements of a Special Land Use permit. Staff recommended the applicant continue the proposed screen fence along the length of the property line where the berm is proposed to be removed and the applicant has agreed to do this.

The Landscape Review also recommends approval of the plan noting a Planning Commission waiver is required to place required foundation landscaping at alternate locations on the site. Staff supports this waiver.

The Engineering Review, Traffic Review and Fire Review all recommend approval of the plan noting items to be addressed on the Final Site Plan.

The Façade Review recommends approval of the required Section 9 waiver for the overage of EIFS on the proposed Kia dealership building. The proposed addition on the Chevrolet dealership also requires a Section 9 waiver for the overage of flat metal panels and underage of brick. The City's façade consultant has recommended approval of this waiver provided the applicant eliminates the split faced CMU within the alteration area by replacing or covering it with a brick veneer or equivalent material. The applicant has proposed an EIFS be applied over the existing block as opposed to a brick veneer. Doug Necci, the City's façade consultant is here to address any questions related to the façade review.

Chair Pehrson asked the applicant if he would like to address the Planning Commission at this time.

Tony Dellicoli from Cityscape Architects came forward. Also present were the owners from Feldman Automotive, President and CEO, Jay Feldman and Vice President Marla Feldman as well as Tom Gizone from Alpine Engineering and Jim Allen from Jim Allen Landscape.

Mr. Delicoli stated that the intent of the project is to create a new design and fresh appearance to the Marty Feldman Dealership. The design re-addresses the entire front façade and expands the building 2,200 square feet by moving the line of the showroom glazing out under the existing canopy. The footprint of the overall building is not changing, but the plan proposes moving the new glazing out to the edge of the existing canopy. A new portico will also be created out of all ACM metal panels and refacing of all the fascia treatment on the existing Marty Feldman building. It will have an all new appearance once it is done. That goes along with readdressing all the interior finishes. The intent is to bring this design into the new proto-typical look, the branded look that's been mandated.

The Kia store is an entirely new freestanding store and the first one built in the Detroit area that is going to be a free-standing store. It has been designed to comply also with the corporate standards of Kia with the exception that is needed to bring the design into compliance with the City's ordinance: a brick veneer will be applied on the front side and the rear side of the building. The building complies with the 30% minimum requirement for brick on each of the four façades. With regard to the overall finishes, this will be a first class facility with its use of brick veneer and metal panels and the extensive use of glass.

Mr. Delicoli continued noting the Kia store will create approximately 20-25 new jobs in Novi and the

staff in the Chevy store will be expanding by around 8-12 new members. At the Chevy Dealership, 8 new sales consultation stations will be installed and four prep stalls will be added to the back of the building, which will allow them to hire another four porters to handle the operations on the service end of things.

The existing light poles will also be repainted white to help them fall into the background and give the overall site a more up-to-date look. A substantial amount of pine trees will be planted in the area Planner Kapelanski pointed out to the extreme southeast corner of the site. The retention basin will be relocated and expanded. The intent is to take the trees that are around the existing basin and relocate them to the top of the existing berm. A substantial amount of other shade trees and shrubs will be planted to further enhance the sight.

Mr. Delicolli concluded by stating the Feldman Automotive group has been in the City for 30 years and they have enjoyed their relationship with the City and are looking forward to continuing that relationship.

Chair Pehrson stated this is a public hearing and asked if anyone from the audience wished to speak.

Mr. James Deutschman came forward and identified himself as one of the managing members of the Fountain Park Apartments in Novi. The property is just to the south of Mary Feldman Chevrolet. Mr. Deutschman wanted to bring to the Planning Commission's attention that about ten years ago the Fountain Park Apartments were in favor of the rezoning of the property in the south, roughly 5 acres of the Feldman property because the berm was proposed with heavy landscaping. It was installed and the management and tenants have been very pleased with it. By expanding and relocating the detention pond, the applicant is taking the berm away. The Planning Commission should suggest or mandate that they use underground storage for storm water retention. They would be able to park over the underground storage retention area and not have the surface detention pond and would not remove the berm. The berm and the landscaping, in essence, creates the boundary and that boundary allowed Marty Feldman to put additional shop facilities in about ten years ago with the understanding this would be the protection that the multi-family project would have.

Just south where the applicant is proposing to remove the berm is the community building and pool. These are areas that are significant and are highly used by the residents. The apartments have been on this property over 25 years and are a long term property owners. Fountain Park apartments has been rewarded almost annually with awards by the community of Novi as well as national awards for property maintenance and management. Additionally, Mr. Deutschman emphasized that the apartments have had a rather challenging relationship with Feldman Chevrolet. Previously, it was agreed that replacement of the fence along the drive area would be done and Fountain Park apartments agreed to split the cost with the Feldman's. In 2006, the management company had to take Feldman Chevrolet to court to force them to pay for half of the fence and subsequently, in recent months, people on the Feldman property have hit the fence and the management company has tried to contact them to make repairs to the fence. Fountain Park apartments finally had to bring their own people onto the Feldman property to make the repairs in the last ten days.

Mr. Deutschman suggested if the Feldmans do agree to put any kind of fencing up that the Planning Commission provide for a permanent maintenance bond as part of the requirement. Residents and owners of the Fountain Park apartment are residents of the City and pay taxes and would certainly like to maintain the beauty of the property. Removing the berm would have an adverse effect on the apartment property. Once again, the apartment residents and owners agreed to the rezoning 10 years ago, but are insistent that the berming and the planting remain as is.

Seeing no one else who wished to speak, Chair Pehrson asked if there was any correspondence.

Member Greco stated that there was no correspondence.

Chair Pehrson then closed the public hearing.

Member Lynch stated that when he looked at this initially he did not see much of a problem until Mr. Deutschman came up and spoke. There is more to this than what is written in the review letters. Member Lynch asked Landscape Architect Beschke, what can be done to satisfy both the applicant and the apartment complex. The dealership will do a wonderful job there, so what is the resolution to this. Is it a City ordinance that is requiring them to relocate the pond to that part of the site.

Landscape Architect Beschke stated that as he understand it, the berm is part of a previous approval and the majority of this berm is going to stay in place. The berm does a great job of buffering these uses. Staff went out to the properties and went along the residential property and looked at this from both sides and it is well buffered. The only part that comes into question is that portion that is being removed to facilitate the installation of a storm basin and that is only adjacent to Fountain Park Drive, which is the entry into the apartment property. Landscape Architect Beschke would recommend that the applicant extend the fence along Fountain Park Drive. The fence is in good condition and it is an 8 foot tall natural colored wood fence. The Feldman's have agreed to extend that for the length of the property to the point where the apartment complex could see into the property from that road. It means that much more fence rather than a berm, but it facilitates the installation of the basin.

Landscape Architect Beschke continued, saying that the applicant went to great lengths to try to work that basin onto the site. There is a retaining wall proposed along the back of the basin and that means from the road to the property line where the fence is going to go, there is a 3 to 4 foot rise that's going to remain. So if someone is in their car, there will be that small 3 to 4 foot rise and then the fence is going help screen it right out. There is some existing planting along that property on the outside along the berm on the drive side and that is going to stay there. All the plantings that are coming out to facilitate the installation of the storm basin are going back on the berm that is existing, so that is in addition to what is up there. It is a bit tight, obviously, but the fence is an option the Planning Commission can consider as a trade off for that bend in the berm being removed.

Mr. Deutschman said that he heard Landscape Architect Beschke say that the berm is going to stay and they are going to put some trees on it. Is that correct?

Landscape Architect Beschke stated that the major portion of the berm, the portion between this use, the auto use and the residentially zoned property is all going to remain. The majority of the berm is staying and the only proposed removal is the portion of the berm that is along Fountain Park Drive, which is the drive into the property. The drive itself does not have residential zoning.

Member Lynch stated he understands the gentlemen's position that the residents want to continue to maintain the screening and he is still not comfortable that it is going to remain that way.

Jim Allen, the applicant's Landscape Architect, stated that the plans do not show the existing vegetation, so the areas with a dash and a plus are the existing evergreens that are on that berm. Also, if you look at the crest of the berm, these trees are relocated evergreens and also relocated ornamental trees. The clubhouse is here and the applicant will be adding more to this portion of the berm than what's there now. Along there, there are some deciduous trees and from this point to this point, is where the fence will be extended all the way down the boulevard. So, from the boulevard the property will be fully screened even though the detention basin does come rather close to the property line. From the south looking north, the crest of the berm will remain and everything on top of that berm will remain and 15 more plantings will be added.

Member Lynch asked Mr. Allen to describe the proposed fence.

Mr. Allen said the fence will go from the southeast property corner. Currently the fence is in the right-of-way. So from where the fence sits currently, the new fence is actually going to start a bit northward of that so there is an overlap and that will run all the way down the eastern property line to the southeast corner. Also there a number of deciduous trees proposed in the parking lot islands and in a couple of years, those will be much higher than the berm and there will be a deciduous background in the summertime that does not exist now.

Member Lynch, referring to the plans, asked what the dark line on the south side of the berm represented.

Mr. Allen stated that the dark line on the south side of the berm is a retaining wall. The detention pond will be nestled on the north side of the berm.

Member Greco stated that he wanted to commend the applicant and he thought that it will look very nice and the addition of a car dealer rather than the subtraction of one is Michigan is certainly good news. With respect to the neighbor to the south and the concerns that have been brought forward, the Planning Commission takes those concerns very seriously. Member Greco is satisfied with the opinion of the City's landscape architect that this will be either the same or even better. That being said, it sounds like there is a bit of distrust between the neighbors and hopefully that is something that can be worked out. As a neutral party, it seems the corner looks like it is being addressed properly.

Member Greco believes this is a positive project and will be approving it as presented with the hopes that whatever ill feelings there are between the neighbors can be worked out. Although the Planning Commission wants to promote this business, the Planning Commission takes very seriously the residential nature of Novi and the people living here and the quality of life for them.

Member Meyer asked if the Noise Impact Statement has been submitted?

Mr. Delicolli confirmed that it has.

Member Meyer asked what effect that statement will have on Fountain Park. It appears right now that the two properties are somewhat separated by the berm along Fountain Park Drive. Member Meyer's concern is that the Noise Impact Statement has been submitted and are the uses going to still be compatible because the addition of the Kia dealership will create more noise on the site.

Mr. Delicolli stated that when they investigated the ordinance, they learned the maximum allowable sound output was 70 decibels for the nighttime period, which goes from about 10:00pm to 7:00am. The rooftop units have been re-engineered so that the highest output on the rooftop unit is 67 decibels within 5 feet of the unit. The average sound of city traffic itself is about 85 decibels. The noise output of this site is substantially lower and there is a 10 foot high berm with some substantial landscaping on top of it to further decrease the noise.

Member Meyer asked if additional signage was proposed for the Chevrolet dealership and what kind of signage was proposed for the Kia dealership.

Mr. Delicolli stated that there will be a separate submittal for the signage. Signage is shown in the renderings as it will appear. There will be 1 monument sign relative to the Kia store and that will be replacing the sign at the east which is the existing GM truck sign.

Member Meyer thinks this will be a wonderful improvement to the community and that the applicant will be very sensitive to apartment complex to the south.

Jay Feldman, the applicant, stated that existing fence that is there seems to be intact. It has never been brought to Mr. Feldman's attention that there is anything that Mr. Deutschman has been unhappy with as far as the fence goes. There will be a large amount of money invested in this site and additional landscaping will be installed along the berm, which will be kept intact.

Member Gutman agreed with his colleagues and wanted to commend the Feldman's on the nice upgrade to the buildings and appreciates the new jobs that will be coming to Novi. It does sound like there is some fence mending that needs to be done and the Planning Commission would highly recommend that this occur.

Motion made by Member Gutman, seconded by Member Greco:

In the matter of the request of Marty Feldman Chevrolet/Kia Dealership SP 10-31, motion to approve the Special Land Use permit, subject to the following: (a) Planning Commission finding under Section 2516.2.c for the Special Land Use permit whether, relative to other feasible uses of the site the proposed use will not cause any detrimental impact on existing thoroughfares due to the fact that the new peak hour, peak direction trips will likely not exceed 19 trips; The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood due to the fact that no changes in the use of the site are proposed; The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; The proposed use will promote the use of land in a socially and economically desirable manner; and The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff and consultant's review letters; and subject to compliance with all conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Article 21, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.

Chair Pehrson asked Deputy Director McBeth how someone who has a complaint with a project approved by the City can have that complaint addressed. Is there some form of mediation that a homeowner can go through?

Deputy Director McBeth indicated that the City does have ordinance officers if there is ever a complaint about some ordinance or a concern about an unsightly property, such as tall weeds or other problems. Staff is also available to talk with the applicant or the neighboring property owner at any point about the concerns that they might have.

Deputy Director McBeth indicated she did talk to Mr. Deutschman earlier and one of his concerns was regarding the use of the site and the stormwater capacity and whether that could be located underground. City Engineer Ivezaj may be able to further address that question.

City Engineer Ivezaj stated that underground storm water detention was brought up originally as part of the site plan. Typically, it is preferred to have above-ground storage. The only reason engineering would consider underground storage is if a site has topographical issues or if a parcel is two acres or smaller. In this particular case, the site is over 10 acres and underground stormwater storage was not an option.

Chair Pehrson addressed Mr. Deutschman and stated that the Planning Commission is not a legislative body that can force applicants to conform to special conditions. Chair Pehrson hopes the applicant and adjacent apartments are able to work things out. If the motion is approved, the Planning Commission feels that the design of the landscape by recommendation of staff has met the criteria, in fact and probably exceeds what the applicant could have done should they wanted to. This is a wonderful addition to the City.

ROLL CALL VOTE ON THE SPECIAL LAND USE APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

In the matter of the request of Marty Feldman Chevrolet/Kia Dealership SP 10-31, motion to approve the Special Land Use permit, subject to the following: (a) Planning Commission finding under Section 2516.2.c for the Special Land Use permit whether, relative to other feasible uses of the site the proposed use will not cause any detrimental impact on existing thoroughfares due to the fact that the new peak hour, peak direction trips will likely not exceed 19 trips; The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood due to the fact that no changes in the use of the site are proposed; The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; The proposed use will promote the use of land in a socially and economically desirable manner; and The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff and consultant's review letters; and subject to compliance with all conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Article 21, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion passed 6-0.*

Motion made by Member Gutman, seconded by Member Greco:

In the matter of the request of Marty Feldman Chevrolet/Kia Dealership SP 10-31, motion to approve the Preliminary Site Plan, subject to the following: (a) Applicant providing a screen fence along the approximately 260' southern length of the property line adjacent to Fountain Park Drive; (b) Planning Commission waiver to allow required foundation landscaping to be placed elsewhere on the site; (c) Section 9 façade waiver for the overage of EIFS on the west, south and east facades of the proposed Kia building; (d) Section 9 façade waiver for the overage of flat metal panels and underage of brick on the Chevrolet building; (e) Applicant eliminating or covering all areas of split faced CMU within the alteration area with brick veneer or equivalent approved material; and (f) Compliance with all the conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Article 15, Article 21, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.

Member Meyer asked about the amount of glass. The applicant indicated they were meeting the minimum 30% brick required by the ordinance and was there any possibility of revisiting that as far as how much glass they can have on the Kia building.

Mr. Delicolli explained that with the exception of the brick that was introduced to meet and comply with the City ordinance, the design has been following the guidelines of the Kia Corporation, which calls for a substantial amount of glass. Kia wants to show off their product.

Member Meyer stated that it was just an observation he was making and he understands there are many buildings that are out there that are all glass.

Chair Pehrson asked Doug Necci, the City's façade consultant if he though the requested waiver was consistent with the standards of the façade ordinance.

Façade Consultant Necci stated that since his letter was written, there was a revision to the façade. The applicant is proposing to cover up the split faced CMU with an EIFS material. There is a practical difficulty for using brick so the EIFS would meet that requirement. With respect to the glass, that is part of the ordinance that is accepted. The City does not regulate glass and applicant is able to put an unlimited area of glass on any building.

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

In the matter of the request of Marty Feldman Chevrolet/Kia Dealership SP 10-31, motion to approve the Preliminary Site Plan, subject to the following: (a) Applicant providing a screen fence along the approximately 260' southern length of the property line adjacent to Fountain Park Drive; (b) Planning Commission waiver to allow required foundation landscaping to be placed elsewhere on the site; (c) Section 9 façade wavier for the overage of EIFS on the west, south and east facades of the proposed Kia building; (d) Section 9 façade waiver for the overage of flat metal panels and underage of brick on the Chevrolet building; (e) Applicant eliminating or covering all areas of split faced CMU within the alteration area with brick veneer or equivalent approved material; and (f) Compliance with all the conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Article 15, Article 21, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-0.*

Motion made by Member Gutman and seconded by Member Greco:

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

In the matter of Marty Feldman Chevrolet / Kia Dealership, SP 10-31, motion to approve the Storm Water Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. NOVI TOWN CENTER SIGNS AND LANDSCAPING, SP10-29

Consideration of the request of Novi Town Center Investors, LLC for recommendation to the City Council for Preliminary Site Plan approval for renovation of four existing monument signs and associated landscaping. The four existing signs are located at Town Center Drive and Grand River Avenue and at Crescent Boulevard and Novi Road. The applicant also proposes to add a lighted "Novi" sign and lighted interior element to the existing Novi Town Center clock tower. The property is zoned TC, Town Center, and is located east of Novi Road and north of Grand River Avenue in Section 14 of the City.

Planner Kapelanski displayed the location map and stated that the existing monument signs are located at the intersections of Crescent Boulevard and Novi Road and Grand River Avenue and Town Center Drive, with two signs at each intersection.

The applicant is proposing to modify these signs to include additional architectural detail and tenant names. The surrounding landscaping will also be modified. As part of this proposal, a "Novi" sign will be placed on the existing clock tower along with lights along the edge of the tower and an interior green light.

The Planning review recommends approval of the plan provided the applicant receives the necessary variances from the Zoning Board of Appeals. There are a number of instances where the amount of signage and/or size of signage permitted by the Sign Ordinance are exceeded. The applicant has applied for the necessary variances. The monument signs were apart of the originally approved Town Center plan and therefore any changes to those signs require City Council approval. The Planning Commission is asked this evening to make a recommendation to the City Council. The Landscape Review also recommends approval of the plan.

Matthew Quinn came forward on behalf of Town Center Investors noting that the Novi Town Center is once again moving forward with the renovation already underway. As Planner Kapelanski stated, the Novi Town Center is just adding some architectural features to the signs, making this area wider and then adding the top stone cap to it and all of the landscaping is being modified to go around it. Four tenant names will be added to each sign. There are already two Novi signs on each side of the clock tower that are not lit and are smaller than what is proposed. The word "Novi" will be a little larger and backlit so they will be able to be seen from farther away.

Mr. Quinn continued stating the other change that Planner Kapelanski noted is the addition of a green light in the center of the clock tower whose color can be changed seasonally. The lights will not flash and change. The LED lighting on the outside of the tower is static lighting that will run up and down the edges of the tower. Again, that just gives a presence, when the sun goes down in that area.

Member Lynch stated that the project looked very nice.

Member Gutman stated that he thought the clock towers were very nice and the upgrade of the other signs was nice and asked if the Planning Commission would be approving the companies that are shown on the tenant signs by approving the new sign package.

Mr. Quinn answered those were merely examples.

Motion made by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN RECOMMENDATION OF APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH.

In the matter of Novi Town Center Site Signs and Landscaping, SP 10-29, motion to recommend approval to City Council of the Preliminary Site Plan, subject to the following: (a) Applicant receiving a Zoning Board of Appeals variance for having more than two tenant names displayed on the monument sign at Novi Road and South Crescent Drive; (b) Applicant receiving a Zoning Board of Appeals variance modification for the proposed height of 8' for the monument signs located at Novi Road and North Crescent Boulevard and Grand River Avenue and Town Center Drive; (c) Applicant receiving a variance for the "Novi" sign proposed for the existing Novi Town Center clock tower; (d) Applicant receiving any additional variances as required for the size of the proposed signs; and (e) The conditions and items in the staff and consultant review letters being addressed on the Stamping Set submittal for the reason that the proposed plan is otherwise in compliance with Article 25 and Article 16 of the Zoning Ordinance and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-0.*

2. APPROVAL OF THE MAY 26, 2010 PLANNING COMMISSION MINUTES

Motion made by Member Gutman, seconded by Member Greco:

VOICE VOTE ON APPROVAL OF PLANNING COMMISSION MINUTES MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

Motion to approve the May 26, 2010 Planning Commission minutes. *Motion carried 6-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There was no Consent Agenda.

MATTERS FOR DISCUSSION

There were no Matters for Discussion.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

Moved by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA.

Motion to adjourn the August 11, 2010 Planning Commission meeting. *Motion carried 6-0.*

The meeting adjourned at 9:07 PM.

Transcribed by Juanita Freeman
November, 2010
Date Approved:

Richelle Leskun, Planning Assistant