



# PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

**September 12, 2018 7:00 PM**

Council Chambers | Novi Civic Center

45175 W. Ten Mile (248) 347-0475

## CALL TO ORDER

The meeting was called to order at 7:00 PM.

## ROLL CALL

Present: Member Avdoulos, Member Greco, Member Lynch, Chair Pehrson

Absent: Member Anthony (excused), Member Maday (excused)

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Darcy Rechtien, Staff Engineer; Rick Meader, Landscape Architect; Thomas Schultz, City Attorney; Peter Hill, Environmental Consultant; Maureen Peters, Traffic Consultant; Doug Necci, Façade Consultant

## APPROVAL OF AGENDA

Motion to approve the September 12, 2018 Planning Commission Agenda. *Motion carried 4-0.*

## PUBLIC HEARINGS

### 1. MIRAGE CINEMA AND DICE RETAIL PRO JZ 18-33 AND ZONING MAP AMENDMENT 18.726

Consideration at the request of Potluri Cinemas and DICE Holdings for a Zoning Map Amendment 18.726 for Planning Commission's recommendation to City Council for a Planned Rezoning Overlay Concept Plan (PRO) associated with a zoning map amendment, to rezone from OS-1(Office Service) and B-3 (General Business) to B-2 (Community Business) . The subject property is approximately 14.29 acre property south of Grand River Avenue located west side of Novi Road in Section 22. The applicants are proposing to develop a 9 screen theater with 773 seats and a 20, 406 square feet retail space that includes retail and restaurants.

In the matter of the request of Potluri Cinemas and DICE Holdings for the Mirage Cinema and DICE Retail JZ18-33 with Zoning Map Amendment 18.726, motion to recommend denial to the City Council to rezone from OS-1(Office Service) and B-3 (General Business) to B-2 (Community Business) with a Planned Rezoning Overlay Concept Plan. The motion is made for following reasons:

1. The applicant has not met its burden under the Planned Rezoning Overlay (PRO) ordinance to provide PRO conditions that result in the enhancement of the project

area as compared to the existing zoning that can only be achieved through use of the PRO;

2. The applicant has not established a basis for many of the proposed deviations for the reasons set forth in the staff and consultant review letters, and it therefore cannot be determined that if the deviations were not granted, it would prohibit an enhancement of the development that would be in the public interest.

*Motion carried 4-0.*

**2. ADELL CENTER ROADS AND UTILITIES JSP 18-27**

Public hearing at the request of Orville Properties, LLC for Adell Center JSP 18-27 for Planning Commission's recommendation to City Council for approval of a Site Plan for Roads and Utilities, a Wetland Permit, a Woodland Permit and a Site Condominium Plan. The subject property is approximately 22.48-acres and is located at 43700 Expo Center Drive, north of Grand River Avenue and south of I-96 in Section 15. The applicant is proposing to develop the property as a multi-unit commercial development consisting of nine units accessed by a proposed private drive. The existing water tower on site will remain on a separate unit.

**In the matter of the request of Orville Properties, LLC, for the Adell Center JSP 18-27, motion to recommend approval to the City Council for Preliminary Site Plan for Roads and Utilities with a site condominium, based on and subject to the following:**

1. This review and recommendation with respect to approval of the Preliminary Site Plan is being conducted at the applicant's request before the PRO rezoning process has been completed by the City Council. The applicant has acknowledged as part of its submission of this request that the City Council has not yet reviewed its PRO concept Plan and proposal and that there is no PRO Agreement between the City and the applicant. The City Council might or might not approve the rezoning. The following provisions are therefore completely contingent on approval by the City Council of the PRO rezoning through the PRO Concept Plan and PRO Agreement at the City Council as required by the ordinance, and if those approvals do not occur, then any approval of the preliminary site plan is null and void, and of no force or effect whatsoever, as the applicant has been apprised of the fact that the PRO rezoning, which is required in order to allow site plan approval, might not occur, and has determined to bear the risk that such approval might not occur, including but not limited to all of the costs incurred in the preparation of the preliminary plans before rezoning is even granted.
2. This recommendation for Preliminary Site Plan approval is therefore granted subject to completion of the of the PRO Concept Plan and PRO Agreement process, and any and all requirements that result from such approval, if it is granted; at a minimum, the Planning Commission the following deviations would need to be granted as part of the City Council's PRO rezoning process in order for the preliminary site plan to be approved as prepared:
  - a. Planning deviation from Section 5.12 to allow lack of required frontage on public road for Units 1 through 8. Frontage is proposed a proposed private drive, built to City standards;
  - b. Planning deviation to allow lack of required frontage on public road as listed in

section 5.12 for Unit 9. Frontage is proposed on a private access/secondary emergency access drive;

- c. Traffic deviation from Section 11-194(a)(7) of Design and Construction Standards Manual to allow exceeding the maximum allowable length of the proposed cul-de-sac street length of 800 feet, from the centerline intersection of Crescent Boulevard to the center of the bulb of the Adell Center Drive cul-de-sac. A maximum of 1,540 feet is proposed;
- d. Planning deviation from Section 3.1.25.B& C to allow the water tower is to remain on its own separate site (Unit 9). This is not a principal permitted use of a site. It is also not considered an accessory use, since its proposed use is not detailed; provided that the creation of a new, separate legal parcel of limited size for the purpose of housing the tower on its own shall be addressed in the PRO Agreement including, but not limited to, the prohibition of future uses in the event the tower is removed and requirements relating to maintenance obligations;
- e. Planning deviation to allow partial rear yards for Units 3, 4 and 5 to be located within the floodplain, as listed in section 4.03A of Subdivision Ordinance, provided there is no danger to health, life or property are proposed. There appears to be no impacts proposed for Units 3 and 5. A pedestrian bridge is proposed on Unit 4;
- f. Planning deviation to allow proposing the minimum required Open Space for each Unit as Common element spread within the development boundaries as shown in the Open Space Plan, provided the applicant restores the wetland/woodland on the southerly portion of the site pursuant to a plan meeting City ordinance requirements is submitted and approved at the time of Wetland permit/preliminary site plan approval, and provides the pedestrian walkway through the open space as proposed. (A minimum of 15% of total site area designed as permanently landscaped open areas and pedestrian plazas is required per section 3.27.1.F.);
- g. Traffic deviation from section 7.13.1.D. to waive the requirement for required Traffic Impact Study as the site falls under the study boundaries for the ongoing Comprehensive Traffic study by the City;
- h. Planning deviation from Section 5.7.3.K. to allow exceeding the maximum spillover of 1 foot candle along interior side property lines provided the applicant submits a photometric plan that demonstrates that the average to minimum light level ratio is kept the maximum allowable 4:1;
- i. Planning deviation to allow exceeding the maximum spillover of 1 foot candle and approvable increase of the average to minimum light level ration from 4:1 within the Adell Drive pavement areas as listed in Section 5.7.3.K. along access easements along Adell Drive, at the time of or Preliminary Site Plan review for the individual units;
- j. Engineering deviation from Section 4.04, Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances for absence of a stub street required at 1,300 feet interval along the property boundary to provide connection to the adjacent property boundary;
- k. Engineering deviation from Section 11-194(a)19 of the Design and Construction Standards for allowing gravel surface for the secondary emergency access road within Unit 2 lot boundaries until construction of Unit 2 site improvements or until an agreed upon timeline provided in the PRO agreement;

3. This recommendation for Preliminary Site Plan approval is also subject to following conditions being made part of any PRO rezoning through the PRO Concept Plan and PRO Agreement approval if granted by the City Council:
  - a. The creation of a new, separate legal parcel of limited size for the purpose of housing the water tower on its own is a required deviation that will need to be addressed in the PRO Agreement. No other use than the existing tower shall be permitted, maintenance of this Unit must be addressed in the PRO agreement;
  - b. A irrigation plan and any necessary easements that demonstrates the applicant's intent will be required at the time of the approval of the Roads and Utilities plan;
  - c. The applicant shall develop the road with a three-lane cross-section to further accommodate left-turning activities and provide a wider "buffer zone" for large vehicles entering/exiting the various facilities without entering into the opposing traffic through lane, at the time of Preliminary Site Plan approval;
  - d. The applicant shall confirm understanding that they may be subject to certain off-site and/or on-site mitigation measures as a result of the region-wide traffic impact study. Any mitigation measures that are determined as part of the region-wide traffic impact study shall consider existing congestion and network deficiencies absent this project, as well as the proportion of existing versus future traffic, in evaluation and determination of responsibility of such measures;
  - e. The applicant has provided a preliminary restoration plan which is recommended for approval. The applicant shall provide additional information at the time of Final Site Plan approval for Roads and Utilities;
  - f. The applicant shall stake the trail proposed on the south part of the site prior to construction to allow for the City of Novi's staff and consultants to approve the alignment prior to the applicant's construction of the trail;
  - g. The timeline for paving the temporary gravel secondary access in the event Unit 2 is not completed within a certain period of time shall be addressed in the PRO agreement;
  - h. The applicant shall obtain all necessary off-site easements for connecting secondary emergency access to the west prior to Final Site Plan approval for Roads and Utilities.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

In the matter of the request of Orville Properties, LLC, for the Adell Center JSP 18-27, motion to recommend approval to the City Council for Wetland Permit based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. This recommendation is subject to completion of the of the PRO Concept Plan and PRO Agreement process at the City Council, and any and all requirements that result from such approval, if it is granted; and if those approvals do not occur, then this recommendation is null and void, and of no force or effect whatsoever, as the applicant has been apprised of the fact that the PRO rezoning, which is required in order to allow site plan and other approvals, might not occur, and has determined to bear the risk that such approval might not occur, including but not limited to all of the costs incurred in the preparation of the preliminary plans before rezoning is even granted.

This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

In the matter of the request of Orville Properties, LLC, for the Adell Center JSP 18-27, motion to recommend approval to the City Council for Woodland Permit based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. This recommendation is subject to completion of the of the PRO Concept Plan and PRO Agreement process at the City Council, and any and all requirements that result from such approval, if it is granted; and if those approvals do not occur, then this recommendation is null and void, and of no force or effect whatsoever, as the applicant has been apprised of the fact that the PRO rezoning, which is required in order to allow site plan and other approvals, might not occur, and has determined to bear the risk that such approval might not occur, including but not limited to all of the costs incurred in the preparation of the preliminary plans before rezoning is even granted.

This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

In the matter of the request of Orville Properties, LLC, for the Adell Center JSP 18-27, motion to recommend approval to the City Council for Stormwater Management Plan based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. This recommendation is subject to completion of the of the PRO Concept Plan and PRO Agreement process at the City Council, and any and all requirements that result from such approval, if it is granted; and if those approvals do not occur, then this recommendation is null and void, and of no force or effect whatsoever, as the applicant has been apprised of the fact that the PRO rezoning, which is required in order to allow site plan and other approvals, might not occur, and has determined to bear the risk that such approval might not occur, including but not limited to all of the costs incurred in the preparation of the preliminary plans before rezoning is even granted.

This motion is made 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 4-0.*

### **3. FOX RUN NEIGHBORHOOD 3, JSP 18-18**

Public hearing at the request of Erickson Living for Planning Commission's recommendation to the City Council of a Revised Preliminary Site Plan with a PD-1 Option, Revised Special Land Use Permit, Revised Phasing Plan, Revised Wetland Permit and Revised Stormwater Management Plan approval. The subject property is 102.8 acres in Section 1 of the City of Novi, located north of Thirteen Mile Road and west of M-5 in the RM-1, Low Density Low-Rise Multiple-Family District. The applicant is proposing to revise the original approval and layout of

Neighborhood/Phase 3 of the Fox Run Community.

In the matter request of Erickson for the Fox Run Neighborhood 3, JSP18-18, a motion to postpone making a recommendation on the proposed Revised Preliminary Site Plan with a PD-1 Option, Revised Special Land Use permit, Revised Phasing Plan, Revised Woodland Permit, Revised Wetland Permit, and Revised Stormwater Management Plan. This motion is made for the following reasons: To allow the applicant time to study and revise driveway and parking layout issues and to allow the City staff, consultants, and the Planning Commission, to evaluate changes to be made to the plans as proposed. The applicant and staff are in agreement with this action to postpone. *Motion carried 4-0.*

**4. SPEEDWAY #2224, JSP 17-63 AND ZONING MAP AMENDMENT 18.720**

Public hearing at the request of McBride Dale Clarion for Planning Commission's recommendation to City Council for a Planned Rezoning Overlay Concept Plan associated with a Zoning Map amendment, to rezone from OST (Office Service Technology) and B-3 (General Business) to B-3 (General Business). The subject property is approximately 2.03 acres and is located on the southwest corner of 14 Mile Road and Haggerty Road (Section 1). The applicant is proposing to demolish the existing gas station and replace it with a larger convenience store with an outdoor seating area, 8 double-sided fuel dispensers, associated parking and storm water detention pond.

In the matter of Speedway #2224 JSP17-63 with rezoning 18.720, motion to recommend approval to the City Council to rezone the subject property from OST (Office Service Technology) and B-3 (General Business) to B-3 (General Business) with a Planned Rezoning Overlay Concept Plan, based on the following:

1. The recommendation shall include the following ordinance deviations and additional information requested by staff for consideration by the City Council:
  - a. Planning deviation from Section 4.29 to forgo the required noise impact statement for this project because the proposed use is the same as the existing use and no additional noise impacts are anticipated;
  - b. Planning Deviation from Sec. 5.4.2 of the Zoning Ordinance for loading space size and location:
    - i. 570 square foot loading zone proposed, 940 square feet required.
    - ii. Loading zone is located in the front yard where the ordinance indicates it should be located in the interior side yard of a double-frontage lot.
  - c. Section 9 Façade Waiver for the overage of Asphalt Shingles (maximum 25%; proposed 50% on east, 35% on south, 40% on north) on the building.
  - d. Section 9 Façade Waiver for the exceeding the percentage of flat metal panels on the fuel canopy, because the canopy consists of the maximum percentage of brick feasible due to relative proportions of the columns to fascia;
  - e. Landscape deviation from Sec. 5.5.3.C of Zoning Ordinance for deficiency in parking lot landscape area (2456 sf required, 1916 sf proposed) because the applicant has agreed to widen landscape islands near the detention pond, which will lessen the deviation;
  - f. Landscape deviation from Sec. 5.5.3.D for a portion of the building foundation landscaping being located away from the building;

- g. Engineering deviation to reduce the required buffer width from 25 feet to 10 feet around the proposed detention basin because modifying the location will cause the slope of the detention basin to exceed the City's requirements;
  - h. Traffic deviation from opposite side driveway spacing requirement on Haggerty Road because the new driveway location has optimized site conditions and will improve safety along Haggerty Road from the existing location;
  - i. Traffic deviation to allow the driveway on 14 Mile Road to be located approximately 121 feet from the neighboring driveway to the west to allow the proposed driveway to align with the opposing driveway on the north side of 14 Mile Road, which will improve safety and site distance at the intersection;
  - j. Traffic deviation for the width of the driveways. The applicant is proposing 35 foot wide driveways rather than the City's standard of 30 feet to ensure the fuel delivery truck can access the site and maneuver without running over internal or external curbing or landscaping.
2. If the City Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the Planned Rezoning Overlay Agreement:
- a. Install a "Welcome to Novi" sign along the Haggerty Road property line.
  - b. Dedicate 10 feet of Right of Way along 14 Mile Road.
  - c. Redevelop the site with a building and canopy that is architecturally consistent with current zoning regulations.
  - d. Pedestrian access is improved:
    - i. Sidewalks will be extended the length of the expanded property and will close gaps in the sidewalk system,
    - ii. An approximately 18 foot section of missing off-site sidewalk west of the development would be constructed, and
    - iii. Sidewalk connections from the convenience store to 14 Mile Road and Haggerty Road are provided.
  - e. Safety improvements:
    - i. Relocation of driveway away from 14 Mile and Haggerty intersection and to align with opposing driveway and
    - ii. On-site circulation and visibility with new canopy.
  - f. Applicant complying with the conditions listed in the staff and consultant review letters.

This motion is made because:

- 1. The proposed plan meets several objectives of the Master Plan, as noted in the review letter, including:
  - a. *The City, working with the development community and partners, should continue to foster a favorable business climate (by allowing an existing business to grow, provide an update to the visual aesthetic at an entryway to the City, and provide addition jobs, sales volume, sales tax and investment).*
  - b. *Support and strengthen existing businesses, as it is easier to keep a business in the City than attract a new one to fill a vacant facility (by allowing an existing business to expand and develop an available parcel).*
- 2. The concept plan improves existing non-conformities (minimum site size from 0.7 acres to 2.03 acres, location of driveways away from intersection, and upgraded stormwater management).

3. The rebuild and expansion of this site provides an update to the visual aesthetic at an entryway to the City, modern fuel dispensers and convenience store, and replacement of underground storage tanks.
4. There is a negligible impact on the utilities due to expected utility demand reduced from 4 residential equivalent units to 3, minimal impact on available water capacity, pressure, and flow, and no apparent impact of the downstream sanitary sewer.
5. Submittal of a Concept Plan and any resulting PRO Agreement, provides assurance to the Planning Commission and to the City Council of the manner in which the property will be developed, and offers benefits that would not be likely to be offered under standard development options.

*Motion carried 4-0.*

## **MATTERS FOR CONSIDERATION**

### **1. REGENCY CENTRE LOT 1, JSP 18-35**

Consideration of the request of Oliver/Hatcher Construction for Preliminary Site Plan and Storm Water Management Plan approval for a new 34,782 square foot Research/Development/Office building. The subject property (25150 Regency Drive) contains 2.99 acres and is located in Section 24, north of Grand River Avenue and west of Haggerty Road, in the I-1, Light Industrial District.

In the matter of Regency Centre Lot 1 JSP18-35, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Waiver from Section 5.16 of the Zoning Ordinance to allow bicycle parking on the north side of the building rather than at the southern public entrance because employees are more likely to use the bicycle parking than customers, which is hereby granted;
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

In the matter of Regency Centre Lot 1 JSP18-35, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made 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 4-0.*

### **2. APPROVAL OF THE AUGUST 22, 2018 PLANNING COMMISSION MINUTES**

Motion to approve the August 22, 2018 Planning Commission Meeting Minutes.

*Motion carried 4-0*

## **ADJOURNMENT**

The meeting was adjourned at 9:46 PM.

*\*Actual language of the motions subject to review.*