



# PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

**July 11, 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 Anthony, Member Avdoulos, Member Greco, Member Lynch, Member Maday, Chair Pehrson

Absent: Member Howard (excused)

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Darcy Rechten, Staff Engineer; Thomas Schultz, City Attorney; Beth Saarela, City Attorney; Peter Hill, Environmental Consultant; Maureen Peters, Traffic Consultant; Doug Necci, Façade Consultant

## APPROVAL OF AGENDA

Motion to approve the July 11, 2018 Planning Commission Agenda. *Motion carried 6-0.*

## PUBLIC HEARINGS

### 1. NOVI TECH CENTER 6 & 7 JSP 17-86

Public hearing at the request of Hillside Investments for Special Land Use, Preliminary Site Plan, Woodland Permit, and Stormwater Management Plan approval. The subject parcel is located in Section 24 east of Seeley Road and north of Grand River Avenue. It is approximately 8 acres and zoned I-1 (Light Industrial). The applicant is proposing to build two 24,861 square foot office/warehouse buildings for a total of 49,722 square feet with associated site improvements.

In the matter of Novi Tech Center 6 & 7 JSP17-86, motion to approve the Special Land Use Permit based on and subject to the following:

- a. The proposed use will not cause any detrimental impact on existing thoroughfares (*based on the review and findings in the Traffic Consultant review letter*);
- b. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities (*as this area was already planned for development*);
- c. The proposed use is compatible with the natural features and characteristics of the land (*because the plan has minimized impacts on the highest quality natural features, and will provide additional tree plantings on the areas to be disturbed*);
- d. The proposed use is compatible with adjacent uses of land (*because the proposed use conforms to the standards of the district and requirements for light industrial, and*

*will adequately buffer impacts to the residential district to the north with the existing and proposed screening/landscaping);*

- e. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use (*which include ensuring that light industrial and residential developments are compatible when located adjacent to each other AND ensuring that Novi continues to be a desirable place for business investment*);
- f. The proposed use will promote the use of land in a socially and economically desirable manner (*as the proposed use will be in an area currently planned for light industrial use*);
- g. The proposed use 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 as it meets all minimum requirements for same;
- h. Landscape waiver from Section 5.5.3.B.ii for deficiency in the required 10-15 foot landscaped berm along the north property line adjacent to the residential district which is hereby granted, for the following reasons:
  - i. there is a woodland area on the west side of the parcel to be preserved,
  - ii. the applicant is providing an 8 foot berm with a 6-8 foot fence on the property line to buffer the proposed buildings from the adjacent residential neighborhood, as well as heavy landscaping along the berm,
  - iii. the applicant has agreed to and shall provide a conservation easement to protect woodland trees and replacements on their parcel;
- i. Landscape waiver for deficiency in percentage of building frontage with foundation landscaping on the south sides of both buildings due to the presence of loading areas and no area conducive to planting, which is hereby granted.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Novi Tech Center 6 & 7 JSP17-86, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Same-side, opposite-side driveway spacing waiver from Section 11-216.D of the City of Novi Code of Ordinances to permit less distance between entrances on Seeley Road where a minimum of 125 feet is required, which is hereby granted;
- b. Zoning Board of Appeals variance from Section 3.6.2.F.ii for deficiency of 45 feet of parking setback (100 feet required, 55 feet proposed);
- c. Zoning Board of Appeals variance from Section 4.19.2.A for accessory structures, transformer and dumpster, in the interior side (south) yard rather than the rear yard as required;
- d. Waiver from Section 37-8 of the City's Code of Ordinances to allow more than 30% of the woodland replacement trees to be evergreen species to provide year-round screening for the residential district to the north;
- e. 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 6-0.*

In the matter of Novi Tech Center 6 & 7 JSP17-86, motion to approve the Woodland Permit based on and subject to the following:

- a. Waiver from Section 37-8 of the City's Code of Ordinances to allow more than 30% of the woodland replacement trees to be evergreen species to provide year-round screening for the residential district to the north;
- b. 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 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Novi Tech Center 6 & 7 JSP17-86, 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 6-0.*

## **2. FOX RUN CCC EXPANSION JSP 18-19**

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 and 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 the building addition in Phase 4.

In the matter of Fox Run Continuing Care Center (CCC), JSP18-19, motion to recommend approval to the City Council of the Revised Special Land Use permit based on the following findings:

- a. Relative to other feasible uses of the site:
  - The proposed use will not cause any detrimental impact on existing thoroughfares (*as indicated in findings and conclusions of the traffic review letter, including the adequacy of such thoroughfares to handle the existing improvements*);
  - Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities (*because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes in accordance with ordinance requirements as set forth in the engineering review*);
  - The proposed use is compatible with the natural features and characteristics of the land (*as proposed impacts to natural features have been minimized as described in the staff and consultant reports*);
  - The proposed use is compatible with adjacent uses of land (*as indicated in the staff and consultant review letters and as demonstrated by the longstanding relationship of the existing development to such uses*);

- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, which contemplates this use;
  - The proposed use will promote the use of land in a socially and economically desirable manner, as it is a continuation of this planned use;
  - The proposed use 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.
- b. Landscape waiver from Section 5.5.3.F.ii to allow 37 fewer multifamily unit landscaping trees than are required (87 required, 50 provided) because the existing and proposed landscaping on the site are substantial and sufficient to accomplish the intent of the ordinance.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run CCC, JSP18-19, motion to recommend approval to the City Council of the Revised Preliminary Site Plan with a PD-1 Option based on and subject to the following:

- a. City Council finding that the standards of Section 3.31.4.A of the Zoning Ordinance are adequately addressed;
- b. Waiver from Section 3.8.2.C for a building exceeding 180 feet in length, up to 316 feet proposed, because the interconnected facility will better serve the population and the ordinance allows the Planning Commission to modify building length when additional setback from adjacent uses is provided, as it is in this proposal;
- c. Waiver from Section 5.16 for providing bicycle parking in one location rather than two as consistent with the use at issue;
- d. Waiver from Section 5.16 for not providing a 6 foot sidewalk access to bicycle parking, because the existing 5 foot sidewalk would need to be demolished and reconstructed;
- e. Section 9 waiver for overage of EIFS on all facades (25% maximum required, up to 32% proposed) due to building massing and the applicant's demonstration of proper architectural balance as set forth in the façade consultant's report;
- f. 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 Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run CCC, JSP18-19, motion to recommend approval to the City Council of the Revised Phasing 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 Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run CCC, JSP18-19, motion to recommend approval to the City Council of the Revised Wetland Permit 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 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run CCC, JSP18-19, motion to recommend approval to the City Council of the Revised Woodland Permit 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 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run CCC, JSP18-19, motion to recommend approval to the City Council of the Stormwater Management Plan, subject to 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 Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

**3. ADELL CENTER PRO JZ 18-24 AND ZONING MAP AMENDMENT 18.724**

Public hearing at the request of Orville Properties, LLC for a Zoning Map Amendment 18.724 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 Expo (EXPO) to TC (Town Center). The subject property is approximately 23-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 current PRO Concept plan includes a request for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance.

**In the matter request of Orville Properties, L.L.C. for the Adell Center, JZ18-24 with Zoning Map Amendment 18.724, a motion to postpone making a recommendation on the proposed PRO and Concept Plan to allow the applicant time to provide additional information and to allow the City staff and consultants, and the Planning Commission, to evaluate all aspects of the Concept Plan as proposed. This recommendation is made for the following reasons:**

1. **Additional information is required regarding parking.** The applicant's materials refer to a shared parking study, but no such study has been provided for review by the staff and consultants or the Planning Commission. In addition, at this time, the materials provided by the applicant do not include information regarding the minimum number of spaces that are required by ordinance to be provided, and the number provided per each proposed use or site, so that the City staff and consultants and Planning Commission can determine the nature and extent of the variance or deviation requested as part of the PRO. Information that the City normally would have includes things such as parking counts per use or site based, for example, on the number of hotel rooms and amount of banquet space (for the hotel uses) and/or the number of seats or employees for the restaurants proposed.

The materials and documentation provided so far is insufficient for the review required.

2. The staff and the Planning Commission require more information regarding the effect of widening the pavement for the roadway, as recently proposed by the applicant (such as a revised concept plan with updated lot lines, setbacks, greenbelt, conceptual parking lot layout, etc.), from 30 feet to 36 feet, which may result in different/additional variances or deviations as described in the planning staff's memo.
3. If the road is not widened from 30 feet to 36 feet, the City staff and consultants have asked for additional information as described in the planning staff's memo.
4. Information regarding the use of the water tower, if any, as part of the development has not been provided.
5. Additional information is required with regard to the proposed uses for Unit 4; more specifically, if the uses are more intense than simply parking they may require additional improvements (e.g., a turn lane), and additional trip generation information may be required.
6. The City's facade consultant has requested additional information regarding certain of the uses as described in the façade review letter.
7. Additional information is required regarding sign packages for certain of the uses, in particular Carvana and I Fly, which have not been completed and submitted in the required format with all required information.
8. The City's traffic consultant and City Engineer have not resolved the speed limit on the roadway, which may affect the driveway spacing between Units 3 and 4, and between Units 2 and 3.
9. The location and exact description of the 15% open space needs to be clarified; the trails referred to need to be shown, and the effects on woodlands as described in the woodland consultant's letter must also be clarified.
10. The applicant is encouraged to address and/or reduce the number of deviations required and provide information showing how each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and would be consistent with the Master Plan and the surrounding area.
11. The applicant should have the opportunity to clarify if any PRO conditions are being offered under the PRO provisions of the Zoning Ordinance.
12. The applicant should incorporate more elements of the Town Center (TC) District relative to pedestrian walkability and shared parking in order to comply more with the TC District requirements and guidelines.

*Motion carried 6-0.*

4. UNLISTED USE DETERMINATION FOR CARVANA AS 'VENDING MACHINE FULFILLMENT CENTER'

Consideration of the request of Carvana for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance. The applicant is requesting a determination on the appropriateness of a Vending Machine Fulfillment Center as a Special Land Use in the TC, Town Center District.

In the matter of Unlisted Use Determination, postpone the recommendation to City Council to allow Carvana, 'Vending Machine Fulfillment Center' as the described unlisted use, as an appropriate use subject to Special Land Use Conditions in Town Center District

based on the following motion:

- a. To allow continued discussion of this item at the same time as action on the proposed Adell Center PRO;
- b. To allow for staff to consider the appropriateness of the proposed use all locations within Town Center District;
- c. To allow for applicant to provide alternate plans to repurpose the building for other uses if the use of 'Vending Machine Fulfillment Center' eventually becomes outdated.

*Motion carried 6-0.*

## **ADJOURNMENT**

The meeting was adjourned at 8:45 PM.

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