



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

March 13, 2019 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 Maday, Chair Pehrson

Absent: Member Hornung, Member Lynch

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Thomas Schultz, City Attorney; Pete Hill, Environmental Consultant; Josh Bocks, Traffic Consultant

APPROVAL OF AGENDA

Motion to approve the March 13, 2019 Planning Commission Agenda. *Motion carried 5-0.*

CONSENT AGENDA - REMOVALS AND APPROVAL

PUBLIC HEARINGS

1. FOX RUN NEIGHBORHOOD 3 JSP18-18

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, Revised Woodland 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 of Fox Run Neighborhood 3, JSP18-18, motion to recommend approval to the City Council of the Revised Special Land Use permit based on the following findings:

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.

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 5-0.*

In the matter of Fox Run Neighborhood 3, JSP18-18, 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 515 feet proposed, *because the interconnected facility will better serve the population by providing a protected pedestrian link, the visual appearance of the buildings are broken up by 90-degree wings and the shorter recessed structure connecting the buildings, and the ordinance allows the Planning Commission to modify building length when additional setback from adjacent uses is provided and common areas within the buildings are present, as they are in this proposal*;
- c. Waiver to allow building heights to exceed 48 feet in height, up to 89 feet (7 stories) proposed, *because the additional height allows for the building footprints to be minimized to protect natural features on the site, the site is buffered from adjacent neighborhoods by significant tree cover, parking is provided under the buildings, and the ordinance allows for additional height when additional setbacks are provided, as they are in this proposal*;
- d. Deviation to allow a reduction in the required 82 feet distance between buildings RB3.1 and RB3.3, 78 feet proposed, *because the site area is maximized and the layout reduces the impact on natural features*;
- e. Waiver for the same side driveway spacing on the north side of Fox Run Road, *as the drives have been minimized and consolidated to the extent possible, and the service drive has been separated from entrance and parking lot drives to minimize traffic conflicts*;
- f. Waiver for the sight distance at the southern parking area driveway less than the

required 260 feet, because the road speed is relatively slow and many trees would need to be removed in order to obtain the proper distance;

- g. Waiver of the requirement for the outside edge of the sidewalk to be located a minimum of 15 feet from the back of curb, 7.59 feet proposed, because the placement is consistent throughout the Fox Run community and the safety of the existing sidewalks has not been an issue;
- h. 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 5-0.*

In the matter of Fox Run Neighborhood 3, JSP18-18, 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 5-0.*

In the matter of Fox Run Neighborhood 3, JSP18-18, 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 5-0.*

In the matter of Fox Run Neighborhood 3, JSP18-18, 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 5-0.*

In the matter of Fox Run Neighborhood 3, 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 5-0.*

1. ADELL CENTER PRO FIRST AMENDMENT JZ18-24 AND ZONING MAP AMENDMENT 18.724

Public hearing at the request of Orville Properties, LLC for Zoning Map Amendment 18.724 for Planning Commission's recommendation to the City Council for an amendment to the previously approved Planned Rezoning Overlay (PRO) Plan and Agreement. The subject property is approximately 23 acres and is located on Expo

Center Drive (now Adell 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. The current amendment is requested as changes are proposed to the approved layout for Units 6 and 7, common landscape areas, building signage, and location of accessory units.

In the matter of the request of Orville Properties, LLC, for the Adell Center JZ18-24 with Zoning Map Amendment 18.724, motion to recommend approval to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following conditions:

- 1. This approval is subject to all conditions listed in the original PRO agreement dated October 26, 2018, unless otherwise amended with this approval;**
- 2. The current amendment is required as changes are proposed to the approved layout for Unit 6 and 7, minor changes to common landscape areas, building signage and location of accessory units.**
- 3. The recommendation includes the following ordinance deviations with this revision for consideration by the City Council:**
 - a. Planning deviation from Section 5.12 for not meeting the minimum required parking Unit 7 (A minimum of 196 spaces are required, a total of 166 spaces are proposed);**
 - b. Planning deviation from Section 4.19.2 to allow a dumpster enclosure within the interior side yard off the building for Unit 7;**
 - c. Planning deviation from Section 5.4.1 to allow the loading area within the interior side yard for Unit 6 and 7;**
 - d. Planning deviation from Section 5.4.2. to allow for a reduction in the size of the proposed Loading Area for Unit 7 (847 square feet minimum required, 786 square feet proposed);**
 - e. Façade deviation from Section 5.15 to allow exceeding the maximum allowable percentages for standing seam metal for the building on Unit 7 (A maximum of 25% standing seam metal roof is allowed, 35% on East elevation and 29% on west elevation is proposed);**
 - f. Landscape deviation from section. 5.5.3 for lack of undulations in the landscape berm with a 3' height along I-96 frontage.**
 - g. Planning deviation to allow placement of transformers in alternate locations instead of required rear yard, provided proposed locations conform to other code requirements and appropriate screening will be provided at the time of Preliminary Site Plan review. This is applicable for Units 1, 2, 3, 6 and 7.**
 - h. Planning deviation from Section 3.1.25.D to allow reduction of minimum required exterior side parking setback of 20 feet for Unit 6 (A minimum of 20 feet is required, a minimum of 13 feet along the northeast property boundary indentation is proposed for approximately 50 feet as shown on the plans;**
 - i. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 7 Texas Roadhouse as listed below (Not recommended by staff since the applicant has not demonstrated that the provisions sought to be deviated from 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);**

- a. A variance of from code Section 28-7(a)(9) would be required for an oversized illuminated window sign 14.6 square feet over allowable size (3.5 square feet) for illuminated window sign
- b. A variance from code Section 28-5(b)(1)b. would be required for front and rear building wall signs as noted below:
 - i. Front elevation sign is over sized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 off-ramp. A maximum of 60 square feet is permitted;
 - ii. Rear elevation sign is over sized by 94.5 square feet based on 273 feet from the centerline of Adell Center Drive; A maximum of 136.5 square feet is permitted;

The following items shall be addressed in the PRO Concept Plan prior to City Council consideration of Planned Rezoning Concept Plan, and/or items listed above based on Planning Commission's determination:

1. The applicant shall provide a formal revised submittal to provide sufficient time for staff and consultants to review the revised layout for Unit 6 dated 03-07-19, as submitted with the response letter dated 03-07-2019. Additional comments may be warranted since Unit 6 has been reduced in size from the approved PRO Plan and detailed information was not provided in time for a complete review by staff);
2. The applicant shall provide necessary information to identify the necessary deviations from Chapter 28, Signs from City Code of Ordinances for Unit 2 -Planet Fitness prior to the City Council's consideration for tentative approval of PRO Concept plan;
3. The applicant shall provide an overall lighting and photometric plan for the entire development for staff to verify overall light levels. The plan shall include, but not limited to, the following:
 - a. Location of light fixtures within individual parking lots and along Adell Drive
 - b. Specification sheets
 - c. Height of the fixtures
 - d. Foot candle values along lot lines
 - e. Average to minimum ratio per each unit
4. The applicant shall provide revised building elevations for unit 7, Texas Roadhouse that address the following:
 - a. The applicant shall reduce the proposed Split Faced CMU on the north (I-96 Exposure) façade that are not to exceed 10% of the façade materials on that elevation by substituting brick or stone on the dumpster enclosure portion of the building façade, as noted in the façade review letter;
 - b. The applicant shall screen all roof top equipment from view from all vantage points both on-site and off-site using extended parapets or roof screens constructed of materials in compliance with the Façade Ordinance
5. In lieu of a continuous decorative brick wall along the Adell Drive Frontage, as noted in the approved PRO Agreement; he applicant shall provide a combination of decorative brick wall and decorative railing as shown in the revised plans This is proposed to create interesting aesthetic along Adell Drive and is supported by staff;
6. The applicant is encouraged to address the sign 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;

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement:

1. Future use for Unit 6 shall be updated to "Restaurant" in order to be consistent with the approved PRO Agreement, since information has not been provided with this submittal to address any proposed change in use.
2. Unit 6 shall have only one primary access off of Adell Drive, which is currently shown as shared with Unit 7 on the plan.
3. Unit 6 is currently approved as a restaurant. Minimum parking requirement for Unit 6 is calculated based on gross leasable area since the end user is unknown. The applicant shall note that the number of seats for future restaurant shall be dependent on the available parking.

This motion is made because the proposed amendment is proposing changes that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. iFLY NOVI JSP18-49

Consideration at the request of SkyGroup investments, LLC for JSP 18-49 iFly Novi for approval of a Section 9 waiver. The applicant is proposing a 6,713 square foot indoor recreational facility; popularly known as iFly that provides an indoor skydiving experience. The applicant is requesting a revised Section 9 waiver for changing the color of flat metal panels.

In the matter of the request of SkyGroup investments, LLC, for the iFly Novi JSP 18-49, motion to approve the Section 9 Façade Waiver based on and subject to the following:

1. Approval of change of metal panel colors from approved grey to revised blue as indicated in the façade sample board;
2. Subject to conditions of the Section 9 waiver approved on October 24, 2018, subject to the following:
 - a. exceeding the maximum allowed percentages for flat metal panels (50% maximum allowed, 75% on the front, 80% on both sides, 75% on the rear proposed);
 - b. not meeting the minimum requirements for brick (30% minimum required, 25% on the front, 20% on both sides, 25% on the rear proposed);
 - c. not meeting the minimum requirements for combined brick and stone (50% minimum required, 25% on the front, 20% on both sides, 25% on the rear proposed).

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 5-0.*

2. ZONING ORDINANCE TEXT AMENDMENT 18.282

Set public hearing for Text Amendment 18.282 to consider amending the City of Novi Zoning Ordinance in order to clarify items, fix inconsistencies between the former version of the Ordinance and the new ClearZoning version, and other minor

adjustments deemed necessary.

Motion to set public hearing for Text Amendment 18.282 to consider amending the City of Novi Zoning Ordinance. *Motion carried 5-0.*

3. **APPROVAL OF THE FEBRUARY 27, 2019 PLANNING COMMISSION MINUTES**

Motion to approve the February 27, 2019 Planning Commission Meeting Minutes.
Motion carried 5-0.

ADJOURNMENT

The meeting was adjourned at 8:27 PM.

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