



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

July 13, 2022 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 Becker, Member Dismondy, Member Lynch, Chair Pehrson, Member Roney, Member Verma

Staff: Barbara McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Rick Meader, Landscape Architect; Victor Boron, Site Plan Review Engineer; Ben Peacock, Planning Assistant

APPROVAL OF AGENDA

Motion to approve the July 13, 2022 Planning Commission Agenda. Motion carried 7-0.

CONSENT AGENDA - REMOVALS AND APPROVALS

1. JSP20-12 BECK NORTH UNIT 59

Approval of the request of Dembs Development, Inc. for the first one-year extension of the Preliminary Site Plan approval. The subject property is located south of Cartier Drive and west of Hudson Drive, in the Light Industrial (I-1) Zoning District. The applicant is proposing to construct a 31,617 square foot speculative building for use as an office and warehouse space. Approval of the Preliminary Site Plan was granted in August of 2020.

Motion to approve the first one-year extension of the Preliminary Site Plan for JSP20-12 Beck North Unit 59. Motion carried 7-0.

PUBLIC HEARINGS

1. MICHIGAN CAT CATHERINE DRIVE ACCESS PARCEL JZ21-22 WITH REZONING 18.734

Public hearing at the request of Michigan CAT for Planning Commission's recommendation to City Council for a Zoning Map amendment from Light Industrial (I-1) to General Industrial (I-2) with a Planned Rezoning Overlay. The subject site is approximately 5.29 acres of a 32.39-acre property and is located on the east side of Novi Road and north of Catherine Industrial Drive (Section 23). The applicant is proposing to use the site for outdoor storage for construction equipment related to Michigan CAT's shore and pump operations.

In the matter of Michigan CAT Catherine Drive Access Parcel, with Zoning Map Amendment 18.734 motion to recommend approval to City Council to rezone the subject

property from Light Industrial (I-1) to General Industrial (I-2) with a Planned Rezoning Overlay Concept Plan.

A. The recommendation includes the following ordinance deviations for consideration by the City Council:

1. Design and Construction Manual Deviation from Section 11-239 of the Code of Ordinances for asphalt millings as a parking lot material in lieu of pavement, which is justified because the proposed millings are an extension of the existing storage yard and are a material that is preferable for storage yards;
2. Design and Construction Manual Deviation from Section 11-239 of the Code of Ordinances for a lack of curbs, which is justified due to the site having adequate sheet drainage during rainfall events that will be adequately filtered by a vegetative swale located on the north side of the storage area;
3. Design and Construction Manual Deviation from Section 11-239 of the Code of Ordinances for the lack of parking lot striping, which is justified due to the lot being used exclusively for storage of construction equipment;
4. Landscape Deviation from Section 5.5.3.B.ii of the Zoning Ordinance for the use of an evergreen shrub wall in lieu of required canopy greenbelt trees and berm, which is justified because the proposed shrub wall provides more adequate screening of the construction equipment;
5. Landscape Deviation from Section 4 of the Landscape Design Manual for the lack of meeting the required tree diversity standards, which is justified due to the heavy use of evergreens to provide the necessary screening for the project and the lack of suitable evergreen species available for use in Michigan.

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

1. Developer shall develop the Land in accordance with all applicable laws, ordinances, and regulations, including all applicable setback requirements of the Zoning Ordinance under the Proposed Classification, except as expressly authorized herein, and all storm water and soil erosion requirements and measures throughout the site during the design and construction phases of the Development, and during the subsequent use of the Land as contemplated in this Agreement.
2. The use of the site shall be limited to the outdoor storage of shoring and pump operation equipment as described in the developer's narrative.
3. Developer offers a 20-foot-wide access aisle easement across the length of the proposed site as shown on the concept plan to allow for proper emergency access to the Michigan CAT site. This area shall be kept clear of equipment and signage shall be provided near the existing gate located on the site.
4. Woodland tree removals during the project shall be approximately 74 trees, which shall require 47 woodland replacement credits. Any woodland replacement credits planted on-site shall be permanently protected via conservation easement or landscape easement. Any credits not planted on site will require a payment of \$400 per credit into the Novi Tree Fund.
5. Any additional regulated woodland tree removals shall meet the requirements of the City of Novi Woodland Protection Ordinance and may be granted administratively up to 10 trees with proper justification. If additional regulated trees proposed for removal exceeds 10, Planning Commission approval must be granted.
6. The existing drainageway on the east side of the site shall be preserved and shall be reviewed as part of the Preliminary Site Plan.
7. The site shall be properly screened as indicated in the concept plan and shall be reviewed as part of the Preliminary Site Plan.
8. Developer offers to install a Motor City Historical Marker commemorating Michigan CAT's history within the City of Novi as shown on the concept plan and

shall be reviewed in detail with the Preliminary Site Plan Review for consistency with other historical marker signage and verbiage.

9. Developer offers to install a pedestrian plaza with a bench and six-foot clear path access from the Novi Road sidewalk as shown on the concept plan.
 10. Developer offers to install a decorative breakaway emergency access gate near Catherine Industrial Drive as shown on the concept plan.
 11. Tentative completion date for the project shall be calendar year 2023.
- C. This motion is made because the proposed General Industrial (I-2) zoning district is a reasonable alternative and fulfills the intent of the Master Plan for Land Use, and because:
1. The proposed outdoor storage development would be in line with the intent of the 2016 Master Plan for the Heavy Industrial use.
 2. Growing an important Novi business (Michigan CAT) would complement the goals and objectives of the 2016 Master Plan.
 3. The proposed project will protect and maintain the City's woodlands, wetlands, and natural features as the drainageway to the east of the property (Walled Lake Branch of the Middle Rouge River Basin) will be preserved.
 4. The proposed project will ensure compatibility between residential and non-residential developments because the project proposes to increase the footprint of an industrial business while limiting the use of the site to outdoor storage of shoring and pump operation equipment with proper screening.

Motion carried 7-0.

2. JSP21-27 SHELTER BAY ANIMAL HOSPITAL

Public Hearing at the request of Other Work, LLC, for approval of the Special Land Use and Preliminary Site Plan. The subject property is approximately 3.15 acres and is located south of Twelve Mile Road and west of Haggerty Road in the B-3, General Business, Zoning District. A use agreement was recently amended to allow this site to be considered for use as a veterinary clinic, veterinary hospital, and catering kitchen. The applicant is proposing to renovate the interior of a former Ruby Tuesday restaurant and some minor exterior site renovations including parking lot restriping, the addition of end islands, and the designation of an outdoor area for animals.

In the matter of Shelter Bay Animal Hospital, JSP21-27, motion to approve the Special Land Use Permit based on the following findings:

- a. **Relative to other feasible uses of the site:**
 - i. **The proposed uses will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service because the proposed uses are compatible with the surrounding area and no new driveways are proposed on Twelve Mile Road;**
 - ii. **The proposed uses will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area because there are adequate public services in the area and the proposed uses will not have a detrimental impact;**
 - iii. **The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses, and wildlife habitats because the proposed uses do not impact any regulated natural features;**
 - iv. **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 because the proposed uses are similar to the surrounding commercial and office uses;

- v. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use because the proposed uses are compatible commercial developments that allow for reinvestment and expansion of existing facilities (Goal Z.17.3);
- vi. The proposed use will promote the use of land in a socially and economically desirable manner because the proposed uses complement the surrounding area;
- vii. The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this ordinance, and 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 7-0.*

In the matter of Shelter Bay Animal Hospital, JSP21-27, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. The site shall be reviewed under conditions listed in the executed Amendment to Agreement;
- b. Permitted use of the site for a veterinary clinic and veterinary hospital because the proposed use is permitted in the General Business District, which is hereby granted;
- c. Permitted use of the site subject to Special Land Use approval for a catering kitchen because the proposed use is generally similar to a carry-out restaurant as permitted in the General Business District, which is hereby granted;
- d. The access aisle along north of the building shall not be reduced below 22 feet as originally approved;
- e. All existing parking lots shall be maintained and in compliance with Section 5.3 of the Zoning Ordinance and any applicable provisions within the City of Novi Code of Ordinances;
- f. 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 7-0.*

3. SAKURA NOVI JSP22-09

Public hearing at the request of Sakura Novi Land Development LLC for Planning Commission's recommendation to the City Council of Preliminary Site Plan, Phasing Plan, Wetland Permit, Woodland Permit, and Storm Water Management Plan. The subject property is zoned TC-1 with a Planned Rezoning Overlay (PRO), which conditions development to the terms of a PRO Plan and Agreement. The site is approximately 15 acres and is located north of Grand River Avenue, south of Eleven Mile Road, and east of Town Center Drive (Section 23). The applicant is proposing to develop a mixed-use development including commercial retail, office, and restaurant uses, and multifamily residential units. The development has access to Grand River Avenue and Eleven Mile Road.

In the matter of Sakura Novi, JSP22-09, motion to recommend to City Council approval of the Preliminary Site Plan with Site Condominium and Phasing Plan based on and

subject to the following:

- a. Lighting waiver from Section 5.7 to allow light levels to exceed the 4:1 average to minimum ratio in some locations, up to a maximum of a 6:1 ratio, in order to allow greater variation in the light levels in certain areas of the property.
- b. Landscape waiver from Section 5.5.3.C.iii to permit the shortage of 14 access-way perimeter trees in the commercial area.
- c. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters, as well as all of the terms and conditions of the PRO Agreement as approved, with any outstanding items 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, as well as the terms of the PRO Agreement. *Motion carried 7-0.*

In the matter of Sakura Novi, JSP22-09, motion to recommend to the City Council to approve the Wetland Permit based on and subject to the following:

- a. As permitted under the terms outlined in the PRO Agreement, the applicant shall mitigate wetland impacts by purchasing credits in an EGLE-approved wetland mitigation bank;
- 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 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance, as well as the terms of the PRO Agreement. *Motion carried 7-0.*

In the matter of Sakura Novi, JSP22-09, motion to recommend to the City Council to approve the 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, as well as the terms of the PRO Agreement. *Motion carried 7-0.*

In the matter of Sakura Novi, JSP22-09, motion to recommend to the City Council 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 it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

MATTERS FOR CONSIDERATION

1. ELECTION OF OFFICERS AND APPOINTMENTS TO COMMITTEES

The Planning Commission elected officers and assigned members to positions on the Committees.

2. APPROVAL OF THE JUNE 8, 2022 PLANNING COMMISSION MINUTES

Motion to approve the June 8, 2022 Planning Commission minutes. *Motion carried 7-0.*

ADJOURNMENT

Motion to adjourn the July 13, 2022 Planning Commission meeting. Motion carried 7-0.

The meeting adjourned at 7:56 PM.

*Actual language of the motion subject to review.