



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

August 22, 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: None

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Darcy Rechten, Staff Engineer; Rick Meader, Landscape Architect; 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 August 22, 2018 Planning Commission Agenda. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. BERKSHIRE E-SUPPLY JSP 17-72

Consideration at the request of Berkshire E-Supply for revised Preliminary Site Plan approval. The subject property is approximately 57.12 acres and is located at the southeast corner of M-5 and Fourteen Mile Road (Section 1). The applicant has received Preliminary Site Plan approval for a two-story headquarters office building (18,380 SF) and a single story Fulfillment Center and warehouse with mezzanines (193,230 SF) with associated site improvements. The applicant is currently requesting approval to eliminate the public walking trail previously proposed in the southerly part of the site, and is requesting a Section 9 waiver for changes to the building façade.

In the matter of Berkshire E-Supply JSP17-72, motion to approve the Revised Preliminary Site Plan with a Section 9 waiver, based on and subject to the following:

a. The site plan is subject to the approved motion from February 28, 2018 meeting with the following additions:

1. A Section 9 waiver for the following as listed in the Façade review letter, which is hereby granted;

- i. Overage of Limestone on the Headquarters Building (50% maximum allowed, 80% proposed on the west, 63% proposed on the east, and 70% proposed on the north facade);
 - ii. Underage of Brick on the Headquarters Building (30% minimum required, 0% proposed on all facades);
 - iii. Overage of Orange Flat Metal Panels on the Fulfillment Center (50% maximum allowed, 45% proposed on the west and 1% proposed on the north and south facades);
 - iv. Overage of Silver Flat Metal Panels on the Fulfillment Center (50% maximum allowed, 16% proposed on the west facade, 55% proposed on the east facade, 73% proposed on the north facade and 49% proposed on the south facade);
 - v. Underage of Brick on the Fulfillment Center (30% minimum required, 25% proposed on the north facade);
2. Removal of the public and private trails proposed on the Preliminary Site Plan for the south part of the site, based on the applicant's request as noted in staff's prepared memo.

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.*

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

Consideration 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 21.48 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 current PRO Concept plan includes a request for an Unlisted Use Determination under Section 4.87 of the Zoning Ordinance.

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 to rezone the subject property from EXPO (Exposition) to TC (Town Center) with a Planned Rezoning Overlay.

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

1. Planning deviation from Section 3.1.26.D for exceeding the maximum allowable building height of 65 feet and maximum allowable 5 stories, for the following, provided they conform to the 2015 International Building Code standards for High-Rise (Type I or Type II) construction:
 - a. Unit 5 Drury Hotel (84'-5", 7 stories proposed),
 - b. Unit 8 Carvana (75'-10", 8 tiers proposed), and
 - c. Unit 1 I-fly (70 feet)
2. 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;

3. 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;
4. Planning deviation from Section 3.27.1.C to allow for not meeting the minimum requirements for exterior side yard building setback of 50 feet from I-96 Rights-of-way for Unit 1. A minimum setback of 32.5 ft. is requested;
5. 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;
6. Planning deviation from Section 3.1.25.D to allow reduction of minimum required front parking setback of 20 ft., from the proposed access easement. A maximum of 18 feet is requested;
7. Planning deviation from Section 3.1.25.D to allow reduction of minimum required interior side parking setback of 20 ft. for the following units as shared access is proposed between parking lots;
 - a. Unit 1: 14 ft. along West, 0 ft. along South
 - b. Unit 2: 15 ft. along South
 - c. Unit 3: 15 ft. along West and 5 ft. along South
 - d. Unit 4: 5 ft. along East
 - e. Unit 5: 10 ft. along West
 - f. Unit 6: 0 ft. along West
 - g. Unit 7: 0 ft. along East and 10 ft. along West
 - h. Unit 8: 10 ft. along East
8. 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;
9. Planning deviation from Section 4.19.2.F to allow alternate location for dumpsters, instead of required rear yard for units 1, 5, 6, 7 and 8, provided the proposed location does not impact traffic circulation and appropriate screening is provided at the time of preliminary site plan. The applicant requests dumpsters to be allowed in exterior/interior side yards;
10. 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;

11. Planning deviation to allow lack of required loading areas, as listed in Section 5.4.2., for unit 9 as requested by the applicant;
12. Planning deviation to allow placement of loading areas in alternate locations instead of required rear yard or interior side yard for double frontage lots, as listed below, provided proposed locations do not conflict with traffic circulation and appropriate screening will be provided at the time of Preliminary site plan review
 - a. Unit 1: exterior side yard
 - b. Unit 3: interior side yard (no double frontage)
 - c. Unit 5: exterior side yard or front yard under canopy
13. Planning deviation to allow placement of loading areas in alternate locations instead of required rear yard or interior side yard for double frontage lots, as listed below, provided proposed locations do not conflict with traffic circulation and appropriate screening will be provided at the time of Preliminary site plan review:
 - a. Unit 2: interior side yard (no double frontage)
 - b. Unit 6: exterior side yard
 - c. Unit 7: exterior side yard
 - d. Unit 8: exterior side yard
14. The applicant shall provide supporting data to justify the proposed loading area square footages, to be reviewed and approved by Planning Commission at the time of Preliminary site plan approval;
15. Planning deviation from standards of Section 5.12 for up to 5 percent reduction in minimum required parking (to be established by staff after reviewing the calculations provided) for each unit within the development subject to the individual users providing satisfactory justification for Planning Commission's approval of the parking reduction at the time of respective site plan approval;
16. Façade deviation to allow the following allowable percentages listed in Section 5.15 of Zoning Ordinance for the buildings listed below:
 - a. Unit 1 I-fly (based on the assumption that no EIFS is being proposed):
 - i. The applicant shall provide revised elevations addressing comments provided in Façade review letter dated August 14, 2018 for Planning Commission's approval of Section 9 waiver at the time of Site Plan approval;
 - b. Unit 2 Planet Fitness
 - i. The applicant shall provide revised elevations addressing comments provided in Façade review letter dated August 14, 2018 for Planning Commission's approval of Section 9 waiver at the time of Site Plan approval;
 - c. Unit 5 Drury Inn:
 - i. Underage of Brick and Stone combined (50% minimum required, 46% on right, 46% on left and 36% on rear proposed);
 - ii. Overage of EIFS (25% maximum allowed, 43% on front facade, 47% on right, 47% on left facade and 58% on rear facade proposed)
 - d. Unit 8 Carvana:
 - i. Underage of brick (30% minimum required, 7% proposed on front

- facade)
 - ii. Underage of combined brick and stone (50% minimum required, 7% on front, 30% on right facade, 30% on left and 39% on rear facade proposed)
 - iii. Overage of display glass (25% maximum allowed, 80% on front facade, 63% on right facade, 63% on left facade and 57% on rear facade proposed)
17. The applicant shall provide necessary information to identify the necessary deviations from Chapter 28, Signs from City Code of Ordinances for I-fly, Drury, Planet Fitness and Carvana prior to the City Council's consideration for tentative approval of PRO Concept plan;
18. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two development signs proposed for Adell Center as listed below;
- a. Entranceway Sign Area (Section 28-1 & 28-5(b)(2)a) to allow for an increased sign area of 60 square feet. A deviation of 20 square feet is requested.
 - b. Entranceway Sign Height (Section 28-5(a) to allow for a 15' high monument sign. A deviation of 9 feet is requested.
 - c. Ground Sign Area (Section 28-1 & 28-5(b)(2)a) to allow for an increased sign area of 265 square feet. A deviation of 165 square feet is requested.
 - d. Ground Sign Height (Section 28-5(a) to allow for a 15' high monument sign. A deviation of 9 feet is requested.
 - e. To allow two ground signs on Unit 6. A maximum of one sign is allowed.
19. Planning deviation to allow Side Lot lines between Units 6 and 7, 4 and 5, 1 and 2 for not being perpendicular or radial to the road, as listed in Section 4.02.B Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances;
20. 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.);
21. 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;
22. 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;
23. 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;

24. 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;
25. 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; and
26. The applicant shall conform to the maximum 15 bay parking requirement at the time of Site plan approval for individual units.

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 revise and provide the accurate legal description of the subject parcel and the road rights-of-way for the Ring Road prior to PRO Concept plan and PRO Agreement approval;
2. A list of end users for each unit as listed in the applicant's response letter dated July 3, 2018 shall be included on Sheet 02;
3. The applicant shall consider pedestrian activity and connections across Adell Center Drive and to the various parcels throughout the site on either side of Adell Drive in an effort to provide a more walkable district;
4. The applicant shall provide a secondary access point to the parking lot for Unit 5;
5. Sheet 2 states that the proposed building and parking lot layouts are conceptual only. This is not consistent with the Concept Plan as submitted. This note shall be removed; Any notes that refer to the Concept Plan as subject to change at the time of Preliminary Site Plan approval shall be removed from all plans;
6. Changes to allowable uses listed on Sheet 2 shall be made as listed below
 - a. Regroup as permitted uses and special land uses as listed in Section 3.1.25.
 - b. A note shall be added that each of the uses is subject to Use Standards in Article 4 of Zoning Ordinance;
 - c. Drive-thru is allowed in TC subject to special land use and certain conditions. They shall be located within 300 feet from intersection of two arterials. Units 6 and 7 do not qualify for drive-thru use. All references to drive-thru shall be eliminated.
 - d. Medical offices and laboratories is a not a permitted use under TC district.

- This item shall be removed;
- e. Last two bullet points on sheet 2 that references to other uses and accessory structures shall be removed;
 7. The applicant shall remove note number 5 on sheet 12 since pavement markings will be reviewed as part of the individual Units' site plan reviews;
 8. The applicant shall submit additional information as requested in the Planning review letter to allow staff to verify any additional deviations that may be required to be reviewed at this time; and
 9. The applicant shall revise the length of the drive aisle in the southeastern parking lot in Unit 5 to be no longer than 150 feet to conform to the fire code requirement.

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

1. 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;
2. 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;
3. The applicant shall indicate the proposed decorative brick wall on Sheet 2, PRO Concept Plan;
4. 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;
5. The applicant shall provide a list of restricted uses on the PRO Concept plan, to be included in the agreement to ensure a quality development. Some of the staff recommended uses are as follows:
 - a. Gas Stations
 - b. Sexually-oriented businesses
 - c. Medical/Recreational Marijuana Uses
 - d. Hookah bar/lounges or similar uses
 - e. Vape shops or similar uses
 - f. Convenience Stores
 - g. Fast-food restaurants
 - h. Fast food restaurants with a drive-through
 - i. Tattoo parlors
6. 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;

7. The applicant shall provide an approvable wetland/woodland restoration plan for the southerly portion of the site at the time of Wetland permit/Preliminary Site Plan approval for Roads and Utilities;
8. 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;
9. 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;
10. 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;
11. The applicant shall note that the following would possibly require an amendment to the PRO agreement, unless otherwise agreed upon:
 - a. Any major changes to building and parking layout from the approved PRO plan
 - b. Any deviations from ordinance requirements that are not requested/approved at this time
 - c. Any change of use for any of the units that are not listed as part of the allowable uses
 - d. Reduction of established minimum parking count, below the offered maximum of 5 percent reduction. A shared parking study may be required at that time
 - e. Any future redevelopment for any of the units, other than what is shown on the Concept Plan
 - f. Deviations from the Sign Ordinance that are not identified as part of the current review
12. Unit 4 remains green space and park area with the applicant to work with staff on the design.
13. The applicant should incorporate enhanced pedestrian flow and shared parking elements for Units 6 & 7 with pedestrian crossings.

This motion is made because the proposed Town Center zoning district is a reasonable alternative to the Master Plan for Land Use, because the development will improve a property that is blighted, and because the likelihood of alternative development is unknown and the potential for less favorable development exists. *Motion carried 6-0.*

3. 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, motion to recommend approval 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. Carvana is not expressly authorized or contemplated in City of Novi Zoning Ordinance as a as a principal permitted use or a principal permitted use subject to special conditions;
- b. The proposed use is an appropriate use in the TC District but only in the location and as part of the development proposed at 43700 Expo Center Drive, and not in other locations in the TC District, and therefore this determination is subject to and contingent upon the City Council's final approval of the proposed PRO rezoning for the property as a whole;
- c. A trip generation report or any additional information as required by our City Traffic Consultant, will be submitted at the time of Special Land Use Consideration.

This motion is made because the plan is otherwise in compliance with Article 4, Section 4.87 the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

4. ELECTION OF OFFICERS AND APPOINTMENTS TO COMMITTEES

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

5. PLANNING COMMISSION MEETING CALENDAR FOR 2019

Motion to approve the Planning Commission Calendar. *Motion carried 6-0.*

6. APPROVAL OF THE JUNE 27, 2018 PLANNING COMMISSION MINUTES

Motion to approve the June 27, 2018 Planning Commission Meeting Minutes. *Motion carried 6-0.*

7. APPROVAL OF THE JULY 11, 2018 PLANNING COMMISSION MINUTES

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

ADJOURNMENT

The meeting was adjourned at 8:44 PM.

| *Actual language of the motions subject to review.