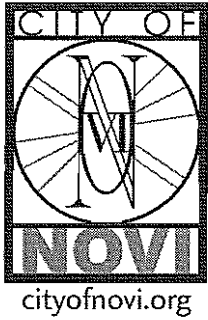


**PLANNING COMMISSION
MEETING MINUTES EXCERPT
MARCH 10, 2010**



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

Wednesday, March 10, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members David Baratta, Victor Cassis, Andy Gutman, Brian Larson, Michael Meyer, Chair Pehrson

Absent: Members David Greco (excused), Michael Lynch (excused), Leland Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; Lindon Ivezaj, City Engineer; David Beschke, City Landscape Architect; Rod Arroyo, City Traffic Consultant; Tom Schultz, City Attorney

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

AUDIENCE PARTICIPATION

CORRESPONDENCE

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

CONSENT AGENDA - REMOVALS AND APPROVAL

PUBLIC HEARINGS

1. ZONING MAP AMENDMENT 18.694

Public Hearing of the request of Novi Mile, LLC, for Planning Commission's recommendation to City Council for rezoning of property in Section 16, east of Beck Road, between I-96 and Grand River Avenue, from OST, Planned Office Service Technology, to FS, Freeway Service District with a Planned Rezoning Overlay (PRO). The subject property is approximately 1.81 acres.

Planner Kapelanski stated that the applicant is proposing to rezone, with a PRO, a 1.8 acre site on the east side of Beck Road between I-96 and Grand River Avenue. The site is currently vacant but was formerly a nursery. To the north is MDOT right-of-way; to the east is the balance of the former nursery site with the Wixom ready-mix plant further to the east; to the south is Michigan Laser and to the west is Westmarket Square, across Beck Road.

The subject property is currently zoned OST and the proposed zoning is FS. The site is bordered by OST zoning to the east and south and B-2 zoning on the western side of Beck Road.

The future land use map indicates office uses for the subject property and the properties to the south and east with local commercial uses planned on the western side of Beck Road. The proposed rezoning would be contrary to the current recommendations of the Future Land Use map. Additionally, the subject property is part of an area involved in the Master Plan update and new recommendations for this area for a Retail Service Overlay Provision are anticipated as part of the Master Plan update.

Planner Kapelanski stated that this applicant appeared before the Planning Commission in January seeking recommendation for a straight rezoning to FS. At that meeting, the Planning Commission recommended approval of the proposed straight rezoning. When the matter appeared before Council, the Council accepted the applicant's offer to enter into a PRO agreement and the Council directed the applicant to work with staff on a PRO. The applicant has now included a concept plan as part of their rezoning request showing a 6,820 square foot gas station with an attached drive-through fast food restaurant. Planning staff is recommending denial of the proposed rezoning with

PRO as the rezoning would be contrary to the recommendations of the Master Plan and the proposed site area is not large enough to accommodate the proposed building without significant ordinance deviations. These deviations include deficient parking setbacks in the western and southern yard, deficient dumpster setback and significant landscape waivers.

As part of their proposed public benefit, the applicant has agreed to construct a road connecting Grand River Avenue and Beck Road. This road is anticipated to be included as part of the recommendations of the planned Retail Service Overlay District. The first section of the road would be constructed along with the USA 2 Go development with the remainder of the road constructed when the next parcel to be serviced by the road is developed. The road connection plan has been included as part of the concept plan. The City's Traffic Consultant recommended a minor alteration to the planned road layout but recommends approval of the concept plan and road layout.

The Engineering review and Fire review also recommend approval with items to be addressed on the Preliminary Site Plan. The Façade review noted no concerns with the design of the building, but did recommend the applicant redesign the canopy to be in compliance with the façade ordinance. The Landscape review noted a number of deficient items. These include the lack of berms along I-96, Beck Road and the proposed connection road and a deficient greenbelt along the Beck Road and I-96 frontage. In lieu of the required berm along the access road, the applicant has proposed a three foot high wall for a portion of the frontage. Staff would recommend the applicant continue this wall along the entire access road frontage. In addition, the site is lacking the required amount of parking lot landscaping and the required building foundation landscaping. Lastly, the applicant has included signage as part of their concept plan application. Typically, signage is not included in a PRO Agreement and is instead sent to the Zoning Board of Appeals to receive any required variances during the site plan review process. The Sign Code is not part of the Zoning Ordinance. Typically, only Zoning Ordinance deviations are included in the PRO Agreement. The applicant has proposed a sixty-six square foot ground sign. For comparison purposes, this would be similar to the ground sign at Henry Ford Medical Center. The Sign Code would only permit a thirty square foot ground sign. The applicant has also proposed three wall signs. The Sign Code only permits one ground sign or one wall sign for each business. Signs are also shown on the canopy. The Sign Code does not allow any canopy signs. The applicant has been meeting with and working with staff to eliminate some of the deviations proposed as part of the original concept plan. Planned Kapelanski indicated she and the applicant were available to address questions and the City's Traffic Consultant Rod Arroyo was at the meeting to address any traffic questions.

Mr. Blair Bowman, Novi Mile, LLC came forward and stated that the Commission will recall that this property was previously the subject of a rezoning application for a straight FS (Freeway Service) rezoning, which was recommended for approval by the Planning Commission to the City Council. Novi Mile, LLC had an opportunity to work with both the City Council and staff in looking at the benefits and the approach of using a PRO.

One of Mr. Bowman's concerns with utilizing the PRO process was with timing, but he is relatively confident and comfortable in regards to when the applicant will be back in front of City Council. Some of the points of the PRO are outlined in the various motion items and options and Novi Mile LLC would still like to be able to discuss those with staff after this evening. Mr. Bowman wondered if the PRO process is ongoing until the matter appears before the City Council, or if items are sorted out at the Planning Commission meeting as far as timing and the requirements for construction of the access road, prohibitions on turning movements and those types of things that were discussed with staff as being a concern.

Mr. Bowman indicated the PRO allows the applicant and the City the opportunity to deal with some of the very unique components of the site. Many of the deficiencies that were identified were technically probably there and accurate. The proposed use is consistent with the anticipated future land uses of the site and the on-going discussions at the Master Plan and Zoning Committee. Given the setback of this site from the thoroughfares itself, there are massive amounts of green space that will work in conjunction with the proposed landscaping and screening efforts that are part of the plan now to certainly offset any of those types of potential deficiencies.

Chair Pehrson asked if there was anyone in the audience that would like to participate and address the Commission on this matter. Seeing no one, Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission.

City Attorney Schultz explained the difference between a PRO and a straight rezoning. When Mr. Bowman was before the Commission the last time, his request was for a straight rezoning and there were no requirements for road concessions or anything like that. That was just a rezoning request and was recommended for approval to City Council and Council thought some of the issues about access and turn movements could maybe be dealt with in a PRO Agreement.

City Attorney Schultz explained the next step in the process is for the City Council to receive a recommendation from the Planning Commission on whether or not the rezoning should occur and the recommended conditions of the PRO. The motion sheet prepared by staff explains the proposed benefits and the conditions of approval; namely the new collector road, access to the MDOT, stormwater basin and the applicant has asked for some ability to relax some of the standards of the Zoning Ordinance as outlined by Planner Kapelanski. The Planning Commission is asked to have a general discussion about the proposed deviations and the kinds of conditions that should be imposed.

Member Baratta inquired as to whether a PRO and PUD (Planned Unit Development) are the same thing? As part of a complete plan, Member Baratta would expect to receive a master plan of sorts showing buildable areas for the entire four to five acres of the site surrounding the road. Member Baratta asked if it common to get an entire plan in a submission for a PRO?

City Attorney Schultz stated that what is proposed here for discussion is entirely appropriate under the City's PRO or under a PUD.

Mr. Bowman stated that when this application appeared before the City Council it was for a straight rezoning and the staff and administration felt the proposed rezoning could affect some of the other properties in the area and Novi Mile LLC agreed. The applicant has provided a concept plan for development of the gas station site as a part of the PRO. As far as off-site work to properties outside of the gas station site, the applicant does not know at this point what will be built in that area. The applicant has offered the road development and proposed it in the locations where the City wants it to begin and end. The applicant is mainly focusing on the gas station site and the additional benefits. It is appropriate for this kind of proposal.

Member Baratta asked if in the Planning Commission's deliberation of this proposal, is it appropriate as part of our discussion of this PRO to include the designated timeframe that the road and infrastructure would have to be completed by?

City Attorney Schultz stated that that kind of discussion was appropriate. As shown in the provided materials, the applicant has not agreed to construct the road with the development of the gas station, but, when the next development comes in, that is when the road will be built. Those offers and City commentary on those are listed in the motion sheet and those are the kinds of things that can be discussed.

Member Baratta stated he was an advocate of the proposed gas station use when the previous proposal was presented. From a successful business standpoint, a gas station and Tim Horton's on Beck Road should do very well with work traffic. Also, from a business standpoint, the site configuration makes a lot of sense with those particular uses. At first glance, the site does not appear big enough to facilitate the proposed uses.

Member Baratta indicated when talking to real estate developers, he usually tells them that the land is the cheapest thing in a project and the major cost is in the infrastructure that needs to be developed on the site and if there is ever expansion with other structures, it is extremely difficult after the fact to find property and acquire it. The site is too small for what the applicant is proposing. There are setback deviations that would be not be required if the applicant could acquire more property. Staff did not think there would be issues regarding the fuel tanks and fire trucks. But it does seem like it creates a difficult situation with having to fill those tanks in front of the buildings and between the gas pumps. There was not a sidewalk proposed on Beck Road and there should be one. As far as signage, this should have to comply with the City's standards, including both wall signs and canopy signs.

Member Baratta stated that the applicant has a great development, but is just short on property. Member Baratta asked Mr. Bowman if he had tried to acquire additional property.

Mr. Bowman responded the applicant did acquire additional property and expanded the site area to what it is now. Also, from a standpoint of construction of a 6,800 square foot building, this is a sizeable piece of property. In looking at the parking requirements of the community, there is some of it that has a reasonable and rational relationship to the use and others that don't. It puts an excessive amount of pavement area in for this type of site plan and use and the applicant has worked with staff regarding how the parking layout will work and the berming, or absent thereof on the site along the collector road. In looking at the site itself and where it is positioned, it is a huge piece of property when you consider all of the green space and all of the non-used right-of-way along the Beck Road and the I-96 frontage. Technically the site looks tight on paper but it is going to appear much larger with the added off-site landscaping outside of the property lines in the right-of-way. From an operation standpoint, this is an easy flow of movement of both vehicles, with parking in the rear of the building for employees. It is a very well situated site plan for the site and it is a sizeable one.

Member Baratta asked if the total building area, including the Tim Horton's and the gas pump is 6,820 square feet and does that include the canopy?

Mr. Bowman responded he did not think the 6,820 square feet included the canopy area.

Member Baratta asked about the size of the canopy because he looks at that as part of the building structure since it takes up square footage on the site.

Mr. Bowman answered he did not know the size of the canopy off-hand, but could probably size it out on the plan. From an operation standpoint, canopies are determined as a convenience and comfort factor which provide screening from the elements when pumping gas in an outdoor setting and also provide the fire suppression capabilities.

Member Baratta stated from the discussion at the last Planning Commission meeting, he was of the impression that what the applicant was creating was more than just a gas station and more of a retail store, a liquor store. If it is more of a retail store, the applicant would have to meet retail parking codes. Tim Horton's is a restaurant and has seating which will need parking as well. The applicant is going to generate sales from this investment and maybe one day may want to consider adding on to it. This is a wonderful investment from a profit potential, however, the applicant does not have enough real estate for this proposal.

Mr. Bowman answered he did not want to be argumentative and Member Baratta's points are well taken. There is no credit in the parking space calculations given for the overlap in those uses. This is a situation where someone is going to come into the fuel station for fuel, and that person could be a possible customer for the convenience store, and a possible customer for coffee or a meal at Tim Horton's. The way the ordinance lays out and is structured right now an applicant has to provide parking for each use per the ordinance standards. In the applicant's first transition in presenting this to the staff, they had actually eliminated the parking in the rear because it seemed excessive for what our operations would need. This development is going to have excess parking.

Member Baratta asked Mr. Bowman if he felt that the fuel trucks did not create a traffic issue between the canopy and the proposed retail building for off-loading.

Mr. Bowman does not believe the fuel truck will create a traffic issue because this is an operation where the fueling will take place well outside of any mainstream peak period of operation. Given that, the site is designed as proposed in such a way that even if it was fully active, the fuel trucks could facilitate a fuel-up and exit the site safely and without causing or impeding traffic flow.

Member Baratta asked when the fuel truck comes in, will it go east on the proposed new road off of Beck Road and turn left and go around the Tim Horton's or go in front of Tim Horton's and the proposed gas station/retail store and fill the tanks?

Mr. Bowman answer stated there is an area for the drive-through lane as well as two lanes of traffic to pass on the north side of the building.

Member Baratta asked if there has been discussion on putting that underground tank behind the building.

Mr. Bowman stated that the design efforts and construction of this were discussed at length and the fuel tanks were designed into the plan where they are located for a reason and purpose. Mr. Bowman does not know the exact reason why the tanks cannot be in the back of the site, but he does know that the location was thoroughly thought through.

Member Larson wanted to commend Mr. Bowman on the great plan and his effort on what he does in the City. Member Larson asked Mr. Bowman if the building is 119 feet tall?

Mr. Bowman answered that he did not think so.

Member Larson stated that on the elevations, the plan says 119 feet, 0 inches.

Member Meyer asked if Traffic Consultant Arroyo could come forward and share some information with the Planning Commission about the access road. Member Meyer asked when the road will go in. Will it be before the gas station is built or afterwards and will it provide a safety factor? Member Meyer said he is trying to picture when the heaviest traffic might be and when Rock Financial has a show and when the show ends and traffic is coming out, people may want to pull into the gas station for gas or use the convenience store. Will this be safely positioned so there will not be any problems with so many cars at this particular time?

Traffic Consultant Arroyo answered the proposed access road will be built to the City's collector road standards which would provide for a three-lane cross section, essentially. The road would be extended to the east and make a connection to the south to Grand River Avenue at the time the next development occurs that is under the control of the applicant. An issue that has been raised is a potential connection to the east and the relationship to Rock Financial Showplace. One of the comments in the traffic review letter is that the new road be designed so it would function as a collector roadway, which means a posted speed limit of 30 miles per hour, which means the road would be designed for 35 miles per hour. Typically, a road is designed five miles per hour over the posted speed limit so it would truly function in that manner.

Traffic Consultant Arroyo stated it is anticipated that the traffic on this roadway will increase over time as development occurs on the properties to the east. There is the possibility a connection even farther to the east could be established to ultimately connect into the Rock Financial Showplace. The Master Plan and Zoning Committee has been discussing a road network here that would run parallel to Grand River Avenue on both the north and south sides that would eventually tie into Grand River in more than one place. The idea here is to build a network that is an alternative to using Grand River Avenue to try to provide some relief. That is what is being proposed and as it is built out, it will ultimately provide a benefit to the City in terms of having that network in place to help relieve some traffic congestion issues.

Member Cassis stated there are two issues before the Planning Commission tonight, the rezoning and the PRO. As far as the rezoning, Member Cassis indicated some of the Planning Commissioners have gone over the matter on committee level and the Planning Commission level and have digested that process quite intensively. But, gathering from the Council discussion, as well as our discussions here, there are more particulars as far as the site is concerned and the PRO benefits. Member Cassis stated that there are quite a few things that are required of the applicant to comply with as far as the proposed motions are concerned. Member Cassis asked the applicant if those were acceptable.

Mr. Bowman would like to clarify or modify some of the conditions in the motion. But, in general, was in concurrence with the PRO concept, with a few minor modifications.

Member Cassis stated it appears the applicant has one or two issues to sort out in regards to the suggested motion and he is surprised those haven't been discussed with the staff beforehand.

Mr. Bowman said he would like to address those outstanding issues now. They have been talked about but, the applicant just hasn't had a full opportunity to digest those and then agree with everything. This is the kind of process that the PRO allows.

Member Cassis asked the applicant if this was a premature application.

Mr. Bowman answered no and indicated the applicant was ready to proceed to City Council following this recommendation for approval of the formal agreement.

Mr. Bowman stated that one of the issues was the timing of the road and when it gets constructed. Establishing some sort of trigger mechanism is an appropriate way of determining when the road should be constructed instead of just saying arbitrarily it should be constructed two years from now. The applicant's promise going into this process was it could be shown and proven that the traffic could safely operate with the gas convenience center use on the site without any alterations, including the construction of the access road. The traffic study and analysis has shown that the gas station could operate safely without any upgrades to the road network. The next step is to determine when the road is constructed. It would be foolish to say that there is a master plan for that area and get locked into that and then have to come back and change it later.

Mr. Bowman explained that the positioning of this road and the dedication of the right-of-way were key concerns of the City and the applicant is willing to do both of those things. When the applicant begins construction on their next project they would be responsible for and install that road. What has now been introduced by the suggested motion is the fact that any other property owner could trigger the construction of that road. While the applicant is not entirely opposed to some condition being drafted into the PRO stating that, the adjacent owner would have to be responsible for their proportionate share of the costs then as a part of their site planning responsibilities.

Member Cassis stated that this is one issue that should be sorted out and referenced the portion of the road that goes east and along the southern side of the applicant's property. Would the applicant agree to construct the portion of the road going east and continuing until it turns south? Member Cassis stated that the applicant may want to split the construction into two parts but in listening to the applicant, they would like to instead complete the whole road whenever that trigger is activated.

Mr. Bowman said the applicant is willing to construct, at this time, the access road up to the property line of the current proposal.

Member Cassis asked the applicant when the rest of the construction would be triggered.

Mr. Bowman said what the applicant was willing to commit to is to construct the road whenever the current owner begins construction on another parcel. The applicant and/or owner cannot control or commit to continue construction on the access road based on what adjacent owners might or might not be willing to do. If an adjacent property owner were to want to take advantage of the arrangements outlined in the PRO Agreement, they should be required to fulfill certain requirements of the planning process as far as secondary access and this could be a method in which they would do that. If they triggered the construction of the road, they would either install it, or come up with some sharing arrangement and it would get installed.

Member Cassis confirmed with the applicant they are committed to installing the road themselves.

City Attorney Schultz stated that this is an agreement that we are working on and thinks what the applicant is offering is the bare minimum - the construction of a road that is important to the City. What the applicant said is that they own everything, including the property where the road is going, but the property immediately south of the gas station, they do not own. If the applicant develops any that the property they own, their proposal is they will build the rest of the road at that time. The concern is if the property to the south that the applicant does not own is developed as a restaurant or something like that, then the City would need the road and that is a condition included in the suggested motion. It seems like Mr. Bowman has indicated that might be something the applicant is willing to do. The agreement still needs to be drafted and all the Planning Commission needs to do is conceptually impose a condition regarding that issue. The applicant has said that may be feasible if some kind of cost sharing arrangement can be worked out. That is worth talking about.

If the Planning Commission is okay with that, then as part of the recommendation, the Planning Commission would

accept that. If the Planning Commission does not like that idea, then stick with the language that is drafted, but the Commission is going to have to make that call.

Member Cassis asked City Attorney Schultz if the arrangement that has been discussed can be drafted into the agreement and without being a condition of the Planning Commission's motion.

City Attorney Schultz explained that as part of the Planning Commission's motion, instead of "construction of the road should take place when development begins on any adjacent property", the Planning Commission would say "...any property provided it is Novi Mile LLC's property". Some arrangement would have to be made if the adjacent property belonged to a different owner.

Member Cassis explained that the whole point of this discussion is to try to give City Council and the City Attorney enough information to draft an agreement. Member Cassis asked the applicant what the second issue of concern was.

Mr. Bowman responded there is a suggested condition in the motion and in the traffic review letter that the left hand turning movement out onto Beck Road from the collector road should be prohibited once the collector road is installed. Looking at reasonable parameters and guidelines it might not have to be a complete prohibition. Could there be limited left turns at certain timeframes throughout the day. What if there was the ability to signalize that intersection and create a safer environment even with heavier traffic and meet the standards for still allowing left hand turning movements? The applicant does not want to say as part of this agreement, that left turns will be prohibited. Traffic Consultant Arroyo might be able to speak and explain some of the ways that it could be done from a limitation standpoint versus a complete prohibition.

Member Cassis asked if Traffic Consultant Arroyo could give the Planning Commission some input as far as Mr. Bowman's concerns.

Traffic Consultant Arroyo stated there was some discussion earlier about the potential for a traffic signal at the location where the collector would intersect with Beck Road. Traffic Consultant Arroyo received a letter from the Road Commission for Oakland County before the meeting and they indicated that they believe that this is not a viable location for a traffic signal due to the proximity of the Grand River intersection. If something were to be presented at a later point that changed the County's minds, a traffic signal could be considered but that is not likely.

The other issue deals with the prohibition of left turns and at peak hours that is absolutely not going to be appropriate when the connection to Grand River is made. The applicant is suggesting, could there be some off-peak times when potentially those left turns could be allowed. Traffic Consultant Arroyo would be open to evaluating that at some point in the future and keeping the options open for that to happen. It could be that it is okay at certain off-peak times for that to happen, but it is all going to depend upon the conditions on the adjacent roadway and what is being generated by the sites that are accessing this road. During the peak hours that it is not going to be appropriate. But, for off-peak times, that could be evaluated at some point in the future.

City Attorney Schultz stated that the motion includes a condition that there will be a presumption that when the road is built that the left hand turns will go away. But, the last couple of lines of that suggested condition read "provided that at the time of development approval or site plan approval, the applicant or its successor's can seek to address left turn issues as part of the site plan approval."

Mr. Bowman asked if that language could be altered, that it would not necessarily be presumed that left turns would be prohibited but obviously if the City deemed it a safety hazard, that movement could be prohibited. It seems like at peak times it is probably not going to make sense.

Chair Pehrson stated that he could give a practical example of why left turns should be prohibited from the standpoint of having to get into Chase Bank off of Grand River Avenue. There is a no left turn allowed into the easterly most entrance so a driver has to go down to Michigan Laser and turn-around and come back. The entire reason for that urban interchange was to reduce traffic accidents at that intersection. At 100 yards away from that signal the City is just going to allow someone to turn left onto Beck Road heading south and go across both lanes of traffic? That

doesn't seem likely and it doesn't seem like anyone could drive across that intersection safely.

City Attorney Schultz stated it is the City's decision at the end of the day, subject to the persuasive efforts of the applicant.

Member Cassis stated that he was questioning that left turn movement when the proposal was first presented to the Master Plan and Zoning Committee a year ago. Member Cassis asked the applicant how important that left turn movement is to the project. It is kind of a redundant thing that the applicant will be constructing that new access road and putting money into it and its entire purpose is to relieve congestion and accommodate drivers who want to go left but the applicant still wants to allow the left turn movement onto Beck Road. It's a circular kind of situation, but the applicant may have an argument that a left turn could be allowed for one or two hours a day.

Mr. Bowman stated that Chair Pehrson's comment is very appropriate to this discussion and he wonders why the artificial barrier was put in along Beck Road.

Member Cassis answered the reason it was put in was because the Beck Road interchange was going to be a clover-leaf interchange.

Mr. Bowman said he was talking about the concrete artificial median.

Member Cassis said that they have devised a certain way to get around the ease of traffic with a clover-leaf.

Mr. Bowman stated that with attempting to make it easy and restricting, some very negative and difficult circumstances have been created. On a daily basis, people do exactly that. People take a left turn into the right in and right out only.

Member Cassis stated that maybe it would be a good idea to completely prohibit left turns.

Mr. Bowman answered that the traffic analysis thus far as indicated that the movement can occur now and the remaining issue is whether that movement will be prohibited in the future. For example, a late evening traveler coming in at 11:00PM when there is no traffic at all may want to turn left onto Beck Road instead of going all the way around to Grand River. Some practicality can blend with the safety concerns here very easily. Given the right set of circumstances and the right economic development opportunity, a signal may be important to a major corporate tenant, and a signal may be a possibility in the future.

Member Cassis asked what the public benefits associated with the PRO are?

Mr. Bowman reiterated the public benefits including the circulation road system, the off-site joint landscaping in the right-of-way, continuation of the screening wall and those types of things. The applicant has presented one of the nicest gas station and convenience center designs and is looking to make a very significant investment and provide a much needed service to that intersection. Everyone agrees with the Master Plan and Zoning efforts that have been talked about at this location. This parcel and the surrounding parcels are seen as a long term location where some major, positive economic development can take place.

Mr. Bowman would like to continue discussion with the City on how the balance of the property will develop, but looks to the PRO now as a sensible way to commit to the location of the road, commit to the donation of the right-of-way for that and work with the City in concert to try to develop the potential with Michigan Department of Transportation for the off-site basin for that the entire area, including the interchange itself. There are a number of positive things to gain out of the PRO.

Member Cassis stated that the most important positive would be the future development of the area. Member Cassis thanked Mr. Bowman for bringing in some good and healthy projects to that area. This project also impacts the development of The Rock Financial Showplace area. That area is so great and the economic conditions of today prevent the development of some larger projects. Member Cassis is looking forward to seeing some huge project in the area that will make the gas station a small project in scale.

Mr. Bowman stated that the PRO provides a vehicle for dealing with some of the uniqueness of the site and setting out a pretty definite plan. Novi Mile LLC has a very major stake in the investment along this corridor. Things are getting better and there are signs of life with the consumers and the attendance at the Rock Financial Showplace shows. Member Meyer previously referenced the peak times and relative to the Rock Financial Showplace shows and those types of things and concerns over safety. The one nice thing about the operations at the Showplace is they are at exactly diametrically opposed to peak time periods; weekend traffic, late in the evening, late in the afternoon or early evening traffic type of things. The Showplace has been able to operate relatively efficiently although there have been a couple of shows that have given us a couple of challenges lately.

Member Meyer stated that the golf show was a perfect example. It was wall to wall traffic from Beck Road down to Rock Financial and from Rock Financial down to Novi Road in both directions.

Mr. Bowman stated that it was not so much as a traffic issue as it was a ticket selling situation inside the building. No one would have known that Friday of the Michigan Golf Show would have that type of turnout. It was the busiest show start of any show in history, even including the old operations. The Showplace added some extra personnel and within one hour that back-up was cleared. There were no operational issues and no backup onto the road for the rest of the weekend, which was much busier.

Member Meyer stated he hoped the decision to prohibit left turns or install a traffic signal would not be based on a fatality. On Novi Road alone there are four traffic lights between I-96 and the entrance to the Town Center and Grand River and the lights are within a very short distance and every one of them is necessary.

Member Gutman stated the Master Plan and Zoning Committee discussed this site a few times and there was discussion at a prior Planning Commission meeting where the Planning Commission recommended approval without the PRO. The Planning Commission has expressed support in many different ways. Member Gutman commended Mr. Bowman and John Bowen for the hard work they have done with the City on coming up with the best possible gas station design. Member Gutman asked the applicant if he could confirm the drive-through fast food restaurant would be a Tim Horton's.

Mr. Bowman answered that it was not necessarily going to be a Tim Horton's. The applicant is dealing with some timing issues and that the user is directly affected by those.

Member Gutman asked if there was enough flexibility built into the PRO process, assuming the Planning Commission recommends approval to City Council, that when it gets to the City Attorney's desk to draft the agreement to flesh out those items that the City and applicant are not fully in agreement on.

City Attorney Schultz stated there is leeway. This project has been fast-tracked in the sense that normally the Planning Commission would make some conceptual recommendations and then it would go to the City Council for more clarification and then it would come to the City Attorney's office for a draft of the Agreement and then it would come back again to City Council. The City Attorney's office and the applicant are working on the agreement as we are talking, and the Planning Commission's comments give both parties the input needed to sort of finish the agreement so it can be put before City Council. Council can be flexible at the time it makes its decision and the language of the agreement can have some flexibility, if that is the direction from the Planning Commission and the City Council. The good thing about the PRO is it's all about flexibility.

Member Gutman asked if there is even a need to put in some language in the motion that offers flexibility between the applicant and the City.

City Attorney Schultz responded that kind of flexibility does not need to be in the motion.

Motion made by Member Gutman, seconded by Member Larson:

In the matter of USA 2 Go, SP10-11 with Zoning Map Amendment 18.694, motion to recommend approval to the City Council to rezone the subject property from OST (Planned Office Service Technology) to FS

(Freeway Service) with a Planned Rezoning Overlay with the following ordinance deviations: (a) Ordinance deviations for the parking setback in the front yard (twenty feet required, ten feet provided), exterior side yard (twenty feet required, five feet provided) and the interior side yard (ten feet required, five feet provided); (b) Ordinance deviation for the lack of required setback for the proposed dumpster (ten feet required, five feet provided); (c) Ordinance deviations for the following landscaping requirements: three foot tall berm along the Beck Road frontage with recommended additional plantings in the right-of-way, three foot tall berm along the I-96 frontage with recommended additional plantings in the right-of-way, three foot tall berm along the access road frontage with a partial berm and partial three foot tall wall with the recommended continuation of this wall along the entire frontage, interior parking lot landscaping deficiency of 333 square feet (2,687 square feet required, 2,356 square feet provided), lack of building foundation planting on the south side of the building and foundation planting area deficiency of 1,482 square feet (2,768 square feet required, 1,286 square feet provided); (d) Ordinance deviation for the striped end island (near the northwest corner of the site); (e) Two same-side driveway spacing waivers for the proposed access drives on the new service road (125 feet required, 90 feet and 61 feet provided); And subject to the following PRO Conditions: (f) Applicant shall construct the frontage road for the currently proposed development as shown on the PRO plan to public road standards; (g) Applicant shall provide as part of the PRO Agreement a sixty foot right-of-way for the public collector road from Beck Road to Grand River Avenue as shown on the PRO concept plan; (h) Applicant shall construct the remainder of the public collector road to public road standards at the time the development of any adjacent properties, whether by current owners or their successors and assigns or adjacent owners; (i) Upon construction of the public collector road linking Beck Road and Grand River Avenue with the next development after the gas station development, left turns out onto Beck Road will be prohibited; provided, however, that at the time of any development approval or site plan approval, applicant or its successors and assigns can seek to address left turn issues as part of the development/site plan approval; (j) Applicant shall provide an access easement to the City sanitary sewer force main and MDOT pond in the location shown on the PRO plan; (k) Applicant shall initiate/recommence discussions with MDOT and the City to improve the storm water detention area between the gas station site and the I-96 freeway. The basin, owned by MDOT, may provide storm water retention benefits beyond the gas station site as a benefit to other parcels in the area; (l) Applicant shall specify and propose future Beck Road access improvements (to be elaborated by the applicant); (m) The following revisions to the PRO concept plan: Applicant shall provide additional loading zone screening along the northern, southern and eastern property lines; Applicant shall provide air dispensing facilities; Applicant shall shift the southerly connection of the proposed road as indicated in the Traffic Review Letter; Applicant shall redesign the gas station canopy to be in conformance with the façade chart; Applicant shall provide additional vegetation along the easterly property line to screen the loading zone; (n) Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters; and (o) Planning Commission has no objection to the following deviations from the sign ordinance, to be considered by the ZBA pursuant to the Chapter 28 of the City Code, the Sign Ordinance: Ground sign area (30 square feet permitted, 66 square feet provided); Ground sign height (6 feet permitted, 11 feet 6 inches provided); Three wall signs proposed: two for gas station and one for the restaurant (No wall signs are permitted if the above ground sign lists two business names, except one wall sign oriented to freeway would be permitted); Two gas station canopy signs are proposed (canopy signs are not permitted, except those signs showing the height of the canopy); For the following reasons: Approval of the application accomplishes, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and results in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay; and Sufficient conditions are included on and in the PRO plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with Planned Rezoning Overlay; as the benefits which would reasonably be expected to accrue from the proposal are balanced against, and have been found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles.

Chair Pehrson thanked Mr. Bowman for bringing this back with the PRO and noted he was the one dissenter on the last vote and now feels much better with the PRO. The applicant should be aware that relative to the ground sign, the City is looking for something tasteful. This can be made into a signature on that corner.

Deputy Director McBeth stated that speaking to the Chair's comments just now regarding the signage and the on-going discussions, staff has been talking with the applicant about the signage that was proposed. As the Planning Commission can see from the motion, the proposed signage is quite a bit larger than what is typically allowed for gas stations, maybe twice the area for the ground sign and twice the height. Staff and the applicant seemed to be reaching some agreements today about reducing the height and the size of that ground sign. There is also some discussion about possibly adjusting the wall signs, still providing three, but maybe one on the north side and two on the west side. Staff and the applicant are looking for a little flexibility and there might be some modifications to that actual signage and the applicant has said they will continue to work with the staff on the proposed signage.

Chair Pehrson stated that to the extent that the Planning Commission needs to add language relative to allow staff and the applicant to make those determinations, is that language in what has been included in the motion?

City Attorney Schultz stated that there needs to be a correction to item o, which right now says that the Planning Commission has no objection to what's proposed. I think as Deputy Director McBeth just indicated, that the motion should read "that the applicant and the City work towards appropriate signage" so that the Planning Commission is not actually recommending variances for the signage to the Zoning Board of Appeals, which is how is the motion is currently written.

Member Gutman agreed to the suggested amendment to the motion as did the seconder, Member Larson.

Member Cassis noted this property is close to a freeway asked if the signage in that area can be a bit flexible.

Deputy Director McBeth stated there is a bit more of flexibility for properties that abut the freeway and that are in the Freeway Service District and staff is taking that into consideration.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LARSON.

In the matter of USA 2 Go, SP10-11 with Zoning Map Amendment 18.694, motion to recommend approval to the City Council to rezone the subject property from OST (Planned Office Service Technology) to FS (Freeway Service) with a Planned Rezoning Overlay with the following ordinance deviations: (a) Ordinance deviations for the parking setback in the front yard (twenty feet required, ten feet provided), exterior side yard (twenty feet required, five feet provided) and the interior side yard (ten feet required, five feet provided); (b) Ordinance deviation for the lack of required setback for the proposed dumpster (ten feet required, five feet provided); (c) Ordinance deviations for the following landscaping requirements: three foot tall berm along the Beck Road frontage with recommended additional plantings in the right-of-way, three foot tall berm along the I-96 frontage with recommended additional plantings in the right-of-way, three foot tall berm along the access road frontage with a partial berm and partial three foot tall wall with the recommended continuation of this wall along the entire frontage, interior parking lot landscaping deficiency of 333 square feet (2,687 square feet required, 2,356 square feet provided), lack of building foundation planting on the south side of the building and foundation planting area deficiency of 1,482 square feet (2,768 square feet required, 1,286 square feet provided); (d) Ordinance deviation for the striped end island (near the northwest corner of the site); (e) Two same-side driveway spacing waivers for the proposed access drives on the new service road (125 feet required, 90 feet and 61 feet provided); And subject to the following PRO Conditions: (f) Applicant shall construct the frontage road for the currently proposed development as shown on the PRO plan to public road standards; (g) Applicant shall provide as part of the PRO Agreement a sixty foot right-of-way for the public collector road from Beck Road to Grand River Avenue as shown on the PRO concept plan; (h) Applicant shall construct the remainder of the public collector road to public road standards at the time the development of any adjacent properties, whether by current owners or their successors and assigns or adjacent owners; (i) Upon construction of the public collector road linking Beck Road and Grand

River Avenue with the next development after the gas station development, left turns out onto Beck Road will be prohibited; provided, however, that at the time of any development approval or site plan approval, applicant or its successors and assigns can seek to address left turn issues as part of the development/site plan approval; (j) Applicant shall provide an access easement to the City sanitary sewer force main and MDOT pond in the location shown on the PRO plan; (k) Applicant shall initiate/recommence discussions with MDOT and the City to improve the storm water detention area between the gas station site and the I-96 freeway. The basin, owned by MDOT, may provide storm water retention benefits beyond the gas station site as a benefit to other parcels in the area; (l) Applicant shall specify and propose future Beck Road access improvements (to be elaborated by the applicant); (m) The following revisions to the PRO concept plan: Applicant shall provide additional loading zone screening along the northern, southern and eastern property lines; Applicant shall provide air dispensing facilities; Applicant shall shift the southerly connection of the proposed road as indicated in the Traffic Review Letter; Applicant shall redesign the gas station canopy to be in conformance with the façade chart; Applicant shall provide additional vegetation along the easterly property line to screen the loading zone; (n) Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters; and (o) Applicant will continue to work with the staff on the proposed signage; For the following reasons: Approval of the application accomplishes, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and results in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay; and Sufficient conditions are included on and in the PRO plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with Planned Rezoning Overlay; as the benefits which would reasonably be expected to accrue from the proposal are balanced against, and have been found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles. *Motion carried 6-0*

**CITY COUNCIL
MEETING MINUTES EXCERPT
February 8, 2010**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 8, 2010 AT 7:00 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

**CM-10-02-012 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the Agenda as presented.**

Voice Vote

MATTERS FOR COUNCIL ACTION – Part I

- 5. Consideration of the request of Novi Mile, LLC for Zoning Map Amendment 18.694 to rezone property in Section 16, east of Beck Road between I-96 and Grand River Avenue, from OST, Office Service Technology District to FS, Freeway Service District. The subject property is approximately 1.81 acres.**

Blair Bowman was present representing Novi Mile, LLC. He said they were before Council with a positive recommendation from the Planning Commission for the rezoning of about 1.81 acres of property on the ramp or retention basin on the east side of Beck Road south of I-96 at the new interchange. He said while they were asking for a freeway service, there was also a recommendation that a PRO approach be considered subject to timing and consideration, and they would be open to that as well.

Mr. Pearson said there were at least two options. He said staff recommended the PRO option as it met the needs of the property owner and provided ability for the City to dictate how that important property would be developed. Mr. Pearson said they would expedite that with all due speed.

Mayor Landry asked Mr. Schultz if the public hearing could be done here. Mr. Schultz said the Planning Commission always had to do one but Council could do a public hearing as well. Mayor Landry said there only had to be one for the PRO and Mr. Schultz agreed. Mayor Landry said the Planning Commission could have a public hearing quickly and if Council decided to go with the PRO option, it could happen as fast as possible. Mr. Schultz agreed and said it was often a two step process, get initial direction from the Council and do an agreement. Then come back, and depending on what the results were in the Planning Commission, they could do the second step at the Council table in one step.

Member Crawford said this proposed zoning made a lot of sense, it's near the freeway, and she was ready to agree to it even without the PRO. However, she could understand going with the PRO conditions as long as they could be expedited because that was the real problem; delay, delay, they heard all the time. She said this wasn't the kind of climate where they wanted to delay candidates bringing business into the City.

Mayor Pro Tem Gatt stated he was ready to vote for this item without a PRO. He said it had a positive recommendation by the Planning Commission. He said if Mr. Bowman agreed to a PRO, he would commend him for that and ask the City to expedite this and not be greedy in their demands. He said hopefully they could get it back in a couple of weeks and it made perfect sense to him to rezone this freeway.

Member Margolis said she was happy to move for the PRO because she was not in favor of the rezoning, as it was not consistent with the Master Plan. She thought staff's major concern was with traffic patterns and roadways in the area that could be addressed in a PRO versus a strict rezoning.

CM-10-02-019 **Moved by Margolis, seconded by Fischer; MOTION CARRIED:**
To postpone action on the rezoning request to allow time to submit a revised application with a PRO primarily because it was contrary to the recommendations of the current Master Plan; because of the size and influence of the freeway they needed to provide access to and from the parcel in an appropriate location; look at mutually beneficial conditions that could be included in the PRO; and in light of the application that had already been made, there would be no other fee, unless to pay consultants, and it would be considered that they were converting to a PRO process.

DISCUSSION

Member Mutch asked if the City had any communication with MDOT, or was there any potential impact because of the location on the interchange with things related to site plan in terms of road improvements for the site.

Mr. Pearson said there had been discussions about adjacencies to that and about drainage to tie those together. He said those would be site plan specific issues. Member Mutch asked if they anticipated any level of review by MDOT, because if MDOT said they didn't want that kind of access at the location they were discussing, it would trump anything Council was interested in putting in there. Mr. Pearson said there was a permit because it was within 200 feet of their freeway right-of-way. Mr. Bowman said typically they would look for whose jurisdiction controlled that area and then there might be some other requirements. He said they had checked with MDOT and this was not in a limited service or restricted access area. He said it was a County road for that section between Grand River and Twelve Mile. He said they would be in discussions with the State anyway but those had been ongoing. Member Mutch said the proposal was not consistent with the Master Plan and generally he would not support something that was not consistent with that. He said the other concern he had was the proposed use at this location. There was existing B-3 zoned property to the south, which would accommodate a gas station, fast food use or whatever use would be allowed under the freeway zoning. Member Mutch said they were now creating a situation where they could

have that at two corners at the intersection of Grand River and Beck Road. The other concern was considering the multi million dollar investment the City made to the Beck Road Interchange, he was hoping to see the area develop with some higher and better uses. Member Mutch said for a gateway to the City, he was not looking for a gas station and that was what was proposed. He said the biggest concern he had with the proposal was the traffic impact. He thought for those people not familiar with the intersection, it was a very confusing setup because it was not a continuous left turn lane. He said the prospect of introducing a lot of traffic access at that point seemed like a really bad idea to him and a real potential for a lot of unnecessary congestion. He said he would have a hard time supporting any development contemplating putting an access point where it was currently located. He said now it was very low volume traffic, so it didn't cause a problem, but putting a high volume traffic generator would create an issue there. Member Mutch said that was why he asked if MDOT would be supportive of that; he thought long-term they would be looking at a traffic light and other improvements that would cause a problem in that stretch. Member Mutch said the PRO had the potential to bring some of those improvements in. However, with a single use, he didn't think they would see the level of improvements that would be needed for the long-term build out of that area. He said he questioned how effective that would be. Member Mutch said he would not support the general direction this was going for reasons stated, so he would not support the motion.

Mayor Pro Tem Gatt asked if the maker of the motion would accept a friendly amendment to put a time limit on this to be brought back within a couple of weeks. Member Margolis asked if it would be appropriate. Mr. Schultz said they had to set up a public hearing at the Planning Commission. They would have to see what days were available and publication dates with Ms. McBeth and the Clerk, so it would probably be more than a couple of weeks. However, they got the direction that it had to come back at the very first available meeting as soon as they could get the matter noticed and properly back in front of the Council.

Mayor Landry said he would not support the straight out rezoning because it was inconsistent with the Master Plan and he wanted to be careful to preserve it for future zoning decisions. He said he would be in support of a PRO. He thought they had proven they could work with developers and could work swiftly and make things happen in the best interest of the public and everyone. Mayor Landry said he was confident they could work these issues out. He thought a gas station at this location was fine and he didn't think it would be just an ordinary gas station. He thought it would be much bigger and akin to what's at Thirteen Mile and Novi Roads. He stated he would support the motion.

Mr. Bowman said they had made application before for a smaller parcel and then had a meeting with the City representatives where there was some discussion about roads and a larger road bed leading into Beck Road. This was something that the City was interested in. In doing that, the site had to get elongated a bit so they resubmitted it and had to pay another rezoning fee. He asked, having paid two rezoning fees, would they be subject to the PRO fees as well to move this forward or would those fees apply. Mr. Schultz thought he wouldn't call it a re-application. He said the ordinance actually used the word "convert" to a PRO process and he didn't know that they would have to impose another fee. So, subject to somebody suggesting they needed the money to pay consultants or whatever, there would be no obligation for him to impose that. It was suggested that the maker of the motion could include that in light of the application that had already been made, there would be no

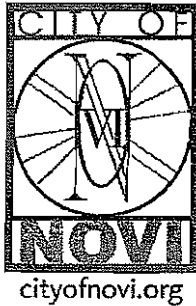
other fee and it would be considered that they were doing this in lieu of. Member Margolis agreed.

Roll call vote on CM-10-02-019

**Yeas: Landry, Gatt, Crawford, Fischer, Margolis,
Staudt**

Nays: Mutch

**PLANNING COMMISSION
MEETING MINUTES EXCERPT
January 27, 2010**



Draft Excerpt from PLANNING COMMISSION MINUTES

Draft Copy

CITY OF NOVI

Regular Meeting

Wednesday, January 27, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

Present: Member Baratta, Member Cassis, Member Gutman, Member Lynch, Member Meyer, Chair Pehrson, Member Prince

Absent: Member Greco (excused), Member Larson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Rod Arroyo, City Traffic Consultant; Tom Schultz, City Attorney

PUBLIC HEARINGS

1. ZONING MAP AMENDMENT 18.694

Public Hearing of the request of Novi Mile, LLC, for Planning Commission's recommendation to City Council for rezoning of property in Section 16, east of Beck Road between I-96 and Grand River Avenue, from OST, Planned Office Service Technology, to FS, Freeway Service District. The subject property is approximately 1.81 acres.

Planner Kapelanski stated that the applicant is proposing to rezone a 1.8 acre site that is located on the east side of Beck Road between I-96 and Grand River Avenue. The site is currently vacant, but was formerly a nursery. To the north is MDOT right of way for I-96, to the east is the balance of the former nursery site. The Wixom Ready-Mix Plant is further to the east, to the south is the former Michigan Laser and across the street is West Market Square.

The subject property is currently zoned OST (Planned Office Service Technology) and the applicant is proposing FS (Freeway Service) zoning. The site is bordered by OST to the east and south. B-2, Planned Business zoning is located on the west side of Beck Road.

The Future Land Use Map indicates office uses for the subject property and the properties to the south and east. Local commercial uses are planned for the western side of Beck Road. The proposed rezoning to Freeway Service would be contrary to the current recommendations of the Future Land Use Map.

The applicant has indicated this rezoning has been proposed to facilitate the development of a gas station and drive-through fast-food restaurant on the site. The staff suggested the applicant submit a Planned Rezoning Overlay for the site, but the applicant has elected to propose a straight rezoning.

As the Commission is aware, certain sections of the Master Plan are currently under review including the area encompassing the subject property. The Master Plan and Zoning Committee has been considering maintaining the current OST uses in the area, but adding a retail service overlay provision. The rezoning request could be evaluated differently depending on the finalized Master Plan Update. However, any new districts or provisions included in the Master Plan Update could not be utilized unless a zoning ordinance amendment was approved.

The City's Traffic Consultant has completed a review of the proposed rezoning and the rezoning traffic study and finds the methodology to be sound. However, there are significant concerns regarding access to the site and the pending Master Plan Update for the area. The recommended Master Plan Update will include provisions for a proposed roadway system to improve circulation in the Grand River Avenue and Beck Road study area, which includes the subject property. Traffic Consultant Rod Arroyo is here this evening to answer questions regarding traffic concerns and could expound on what sorts of improvements are planned for that area.

The Community Development Department recommends denial of this request, as it is not consistent with the current Master Plan. The existing OST zoning is consistent with the future land uses planned for the area and the needed roadway network is not in place to support the retail uses permitted in the Freeway Service District.

The applicant is in attendance this evening.

Mr. Blair Bowman, representing Novi Mile, LLC came forward and stated he was proposing a straight rezoning

request for the 1.8 acres. The basis for this requested rezoning is a common sense approach and has been discussed at various levels for the last one and one-half years. Mr. Bowman expressed that the area would be well served by this rezoning and development. Surrounding businesses and property owners have indicated to Mr. Bowman that they would be very supportive of the area. It is consistent with the consensus discussed during the land use and planning process and with the Master Plan process currently underway.

The Master Plan and Zoning have been discussed at the Committee level. Mr. Bowman agrees that the master planning of this entire area is important and has to be followed through with and pursued. Mr. Bowman indicated his group is in ownership of a considerable amount of additional acreage in the immediate area.

Mr. Bowman indicated the application is one small component for which traffic issues and other issues will be dealt with at the site plan approval process. Some terms of a road system will definitely be part of the overall larger plan and program. For this particular small use, the applicant is ready to proceed at this time. The applicant's Traffic Consultants have indicated that the use would be supported by existing roadways. Anticipated trip generations and sound methodology have indicated that the property could support the use.

Mr. Bowman indicated he would like to move forward with this component and continue to proceed in good faith with the balance of the Master Planning process for the remainder of the property. Mr. Bowman indicated he hopes this is a common sense approach to an initial step in providing positive limited development for the community and the area.

Chair Pehrson asked Member Meyer if he had any correspondence regarding this public hearing.

Member Meyer said there is no correspondence for this item, but he does have correspondence connected with the Zoning Ordinance Text Amendment 18.239.

Chair Pehrson then asked if there was anyone in the audience that would like to participate and address the Commission on this matter. Seeing no one, Chair Pehrson closed the Public Hearing on this matter and turned it over to the Planning Commission.

Member Lynch asked if this was the Tim Horton gas station that was referenced at the Committee meeting. He requested the City's Traffic Consultant Rod Arroyo to come forward and give us his thoughts on what is being proposed and what affect it will have on traffic and circulation.

City Traffic Consultant Arroyo stated that the Commission has a copy of his review letter which provides an assessment of the rezoning traffic study that was supplied by the applicant's consultant. The primary component of that is a trip generation comparison between uses that would be allowed under existing zoning versus uses what would be allowed under the proposed zoning. The applicant's consultants provided this information and we believe the representation is consistent with the general office currently allowed and as compared with a gas station with convenience store along with the fast food restaurant and drive-through as indicated as a potential development.

Retail, gas station and fast food restaurant uses would typically generate more peak hour trips than an office use. Traffic Consultant Arroyo does have some concerns with the access to Beck Road, particularly regarding left turn access and its impacts on any use in the entire area.

Traffic Consultant Arroyo's firm has been working closely with the Master Plan and Zoning Committee and has looked at some alternative access plans on how this quadrant might develop to best handle the traffic circulation. One of the concepts that was discussed was to try to develop a road system that would be able to handle the traffic that would be turning in and out of this particular quadrant north of Grand River and east of Beck Road. The idea is to develop a collector road system that would run east/west from Beck and turn south to intersect at Grand River. Viewing the diagram on the screen, Traffic Consultant Arroyo identified a distance that is roughly one-third of a mile from the intersection of Beck and Grand River and one-third of a mile to the signal at the Rock Financial Showplace.

The concept here would be to have another local street that would end up being put in place on both sides of Grand River. Traveling from the subject site, this new road would enable you to travel south to Grand River and turn right or left onto Grand River, to be able to access locations east/west and north/south of the subject site. This type of system could either restrict left turns in and out of the subject property or possibly to explore whether or not a new traffic

signal could be installed. Spacing is an important consideration for traffic signals and would require further study. If a new signal did not go in, left turns may be required to be prohibited at that location. However, entering the site, left turns may be permitted.

None of these questions can be fully answered until there is a site plan along with a full traffic study. At that time, we can evaluate what type of turning traffic is going to occur, what type of potential improvements could be put in place to mitigate level of service issues and how this whole concept impacts the surrounding areas. There are a lot of questions that need to be answered in terms of access, but until more details are provided and more study is done to explore these issues, we cannot answer some of these questions. Traffic Consultant Arroyo said that this is an overview of the information before you now and description of some of the work that has been done working with the Master Plan and Zoning Committee.

Member Lynch stated that we have some experience with something similar to this on Wixom Road which he believes is a more intense use. There is a Dunkin Donuts, which is like a Tim Horton's, as well as a gas station and a Taco Bell. There is no signal there and there are a lot of left turns. On the other side of the street is a gas station and Meljer store. Member Lynch thinks this might be something for the Commission to consider as the Wixom Road interchange is very similar to what we have been talking about, and it does not seem to be as bad or intense.

City Traffic Consultant Arroyo stated that there are a couple of differences. At this location, there is the Providence Complex as well as the traffic impact of the Rock Financial Showplace. One of the things that was discussed were the traffic counts taken, and when there is a significant event at the showplace, it can have impacts on the Beck and Grand River intersection. There is a large commercial center on the west side of Beck and there is the potential for additional development. There are some differences particularly when you look at the heavy southbound left turn movement that occurs at times and how that might impact ingress and egress to the site. Another concern is if southbound vehicles are blocking the Beck Road driveway location - if left turns are permitted out of the driveway, waiting vehicles may obstruct vision for those left-turning exiting vehicles.

Member Lynch stated that when he was reviewing this and looked for something that was similar, he thought of the Wixom Road interchange. It is really intense and being that the land is not developed, Member Lynch thought this location would be less intense. At the Wixom Road interchange there is a street that curves around by the bar and out onto Grand River. Member Lynch thought this was similar situation. Member Lynch did not like the idea of the left turns and think those turns could be a problem. Comparing the Wixom/Grand River area and the Beck/Grand River area, Member Lynch believes the Wixom area is much more intense, with the uncertainty of what else is going to get developed in there. Overall, Member Lynch is looking forward to seeing one of the nicest gas stations in Novi and will wait for his colleague's comments.

Member Meyer stated that he noted from sitting on the Master Plan and Zoning Committee for part of the last year that it seems to him that prudence would dictate that we wait until the final presentation to the Planning Commission and then to the City Council regarding the Master Plan for Land Use, rather than making an exception regarding a 1.8 acre piece. Member Meyer asked Traffic Consultant Arroyo if he thinks there is a traffic issue and that maybe we should make the decision following the Master Plan for Land Use final presentation to the Planning Commission in the next few months.

Deputy Director McBeth answered that the Master Plan and Zoning Committee has been wrapping up their final recommendations and there is going to be one more meeting within the next few weeks and then there will be the Public Hearing in front of the Planning Commission.

Member Meyer apologized to Traffic Consultant Arroyo and stated that maybe he should not be asking him that question since the Planning Commission may be the ones who should make the decision. Member Meyer is asking primarily from the viewpoint of traffic and if that is the issue here tonight. Member Meyer believes that there may be a Special Land Use consideration on the 1.8 acres.

Traffic Consultant Arroyo stated that Planner Kapelanski has gone over a number of issues in her report that would be typically analyzed and maybe she would be the one to address all of the specific and various issues that come across to Planning. Traffic Consultant Arroyo stated that in terms of traffic, he has provided an overview of his letter. In the case of the rezoning, his firm does not typically make positive or negative recommendations from a traffic standpoint

being that it is a land use decision that encompasses a lot of different components and traffic is one of them. Traffic Consultant Arroyo indicated that there is a lot of good information on the table that he hopes is helpful to the Commission in making a decision.

Member Meyer thanked Traffic Consultant Arroyo and said he felt that there were two issues here that are impacting and seem to be running against one another. We have spent one and one-half years on this Master Plan for Land Use Study and Member Meyer still thinks it would be prudent once again to wait until that presentation is made for the Planning Commission and then to the City Council. On the other hand, Member Meyer believes that his goal of sitting on this Commission is to try to be one of the elements of making it a little more user friendly for the City of Novi and less hurdles for developers in order to do business in this city. Member Meyer feels we have done a lot of hard work this past one and one-half years on the Master Plan for Land Use and he does not want to be contributing to what is an image which is held by a number of people, namely that Novi is not a very friendly city to do business in.

Member Cassis asked Mr. Bowman if he still intended to use this piece of property of 1.8 acres for a gas station with beer and wine.

Mr. Bowman answered Member Cassis by saying that the operator which was here before you is dealing with the ordinance language amendment issue and he would determine that. Mr. Bowman stated that he is primarily here tonight to take the first step in resolving traffic use issues that Traffic Consultant Arroyo pointed out and to take the very first step in the process of getting to where we would actually be able to develop the station with whatever applicable ordinance there is relating to beer and wine, traffic and other items that the city regulates.

Member Cassis stated that he is perplexed by the last statement, that whatever ordinance there is for beer and wine or other items that the city regulates. Member Cassis was a proponent in trying to help with the beer and wine situation as you recall, but thought at that time a larger piece of property was needed. Mr. Bowman seemed to be coming back with a smaller parcel of property. Member Cassis asked the applicant if he intends to come back later and say that this is all the land I have, and want to include beer and wine at the gas station. Or is the intention to let go of the beer and wine. Member Cassis asked Mr. Bowman if he understood what he was saying.

Mr. Bowman answered that he did understand and that he was very confused that evening. Mr. Bowman is confident that the State regulation that was referred to is either inaccurate or a misplaced interpretation of a State statute. Mr. Bowman is also quite confident that as this process moves forward there will be an opportunity to discuss if the true intention is to require a 50,000 square foot gas station/convenience center. When the opportunity presents itself to deal with that ordinance, Mr. Bowman feels that a 5,000 square foot facility is comparably large, speaking to those that are of concern to the community. Mr. Bowman understands from a proliferation standpoint that some existing gas stations, or some that might be proposed later that are of a smaller nature, or a kiosk style, is not something the Commission wants to have the beer and wine and liquor license issue pertain to. Mr. Bowman fully supports that.

Mr. Bowman stated that this is a sizeable multipurpose facility that is consistent with what is going on in the industry now for a viable operation to build one of the nicest stations in the area and that is what it is going to have to be. It is going to be with a convenience center aspect, fuel delivery as well as a third party tenant in either a Tim Horton's or Starbucks or something of that nature or something that would be the trilogy going on in the complex. This facility is just under 6,000 square feet and very sizeable compared to other typical stations and is not going to be a Meijer's, Wal-Mart or Kroger. That is not what we are intending to do nor compete with and we do not want to give the impression to the people in the Providence area who have supported us that we are looking to compete on a regional scale with a major big-box use in that area.

Member Cassis asked Mr. Bowman of the three choices that we were considering last time, that as far as a station with beer and wine, are you leaning into the area of 50,000 square feet?

Mr. Bowman stated that he hoped this was a typo; a 50,000 square foot store is really an absolute prohibition. It is certainly not something we would be proposing.

Member Cassis said that his thoughts at the time this proposal first came before him at the Master Plan and Zoning Committee were that there was additional land next to this parcel and that maybe a complex or center could be created. Member Cassis is trying to understand if the 50,000 square foot requirement for a shopping center is

practical or not. Mr. Bowman's comments seem to indicate they maybe intending to put other uses next to the gas station, such as a Tim Horton's or a Starbucks or other extra things. Maybe the whole complex would be the situation where a 50,000 square foot facility may be applicable.

Mr. Bowman stated that unless he is missing something, he didn't know where the 50,000 square foot facility requirement came from. The gas station owner and Mr. Bowman thought that alternative may have been for a 50,000 square foot land requirement. Looking at the other stations within the community, there might be a concern that they would not meet the requirements. Or it may have been a typo.

Member Cassis asked City Attorney Schultz about the 50,000 square foot requirement.

City Attorney Schultz answered that he was not at the last meeting.

Member Cassis apologized and said, he went along with the program, thinking that was what was required.

City Attorney Schultz stated that the 50,000 square foot requirement is a real requirement, but it is not the only requirement. The general rule is no liquor, beer or wine can be sold at a gas station with some exceptions that apply in a city like Novi. One exception is, if you have a 50,000 square foot neighborhood center such as Sam's Club or something similar, alcohol sales would be permitted. The other exception is, regardless of size, a gas station can have a certain dollar value of merchandise, \$250,000, and that station would be permitted to sale alcohol. So, for example, the gas station at Thirteen Mile Road and Novi Road, the Sunshine Market, clearly not a 50,000 square foot building, more like a 2,000 or 3,000 square foot building, and according to the LCC they must have met the \$250,000 worth of merchandise exemption.

So when the Commission actually gets to the Zoning Ordinance Amendment as one of the later agenda items, the real question the Commission will be asking is regarding buildings or developments that aren't anywhere near the size of a Sam's Club or a Meijer's, will the sale of alcohol be an accessory use as far as the city is concerned even though it may be a much smaller building. A building of 5,000 square feet is a good size building for one of those markets, on the high end. But, it is not the size at that point that the Commission is looking at, it is: will a smaller station qualify for alcohol sales because they have the \$250,000 worth of merchandise excluding gas, excluding the liquor. If a station is 5,000 square feet, they are probably going to meet that threshold with cigarettes, food and deli and all the things the applicant is talking about. The applicant is probably going to meet that, so they would probably qualify for liquor sales.

Member Cassis asked City Attorney Schultz if an applicant did put a complex of different uses right along side of a gas station to equal or come close to that 50,000 square foot requirement, would alcohol sales at that gas station still be permitted or does the gas station itself have to be 50,000 square feet?

City Attorney Schultz stated that he thinks the applicant in this case would meet the minimum qualifications by putting in only 2,500 square feet with nothing around it and still qualify for alcohol sales because the minimum merchandise level is met. Or a gas station would get an automatic exemption if the gas station is in a neighborhood shopping center complex. Even if it's a small building, if they are in the neighborhood center, alcohol sales would still be permitted. I would defer to Planner Kapelanski with regard to the definition of a neighborhood shopping center.

Mr. Bowman stated that regarding conditions and requirements, they were all for that and in favor of making sure there is a quantitative and qualitative approach to putting in minimum standards that the city can use now and apply in the future. Conditions and requirements would be in place even if the State was not keeping careful tabs on whether or not stations met requirements or even if the State changed its own requirements these standards would assure that there wasn't a proliferation of gas stations with alcohol sales in Novi. Novi would still have their ordinance in place. Mr. Bowman does not disagree with and supports setting a size requirement. However, Mr. Bowman is not looking to build a Kroger competitor from that standpoint at this stage.

With regard to the final recommendations of the Master Plan and Rezoning process, Mr. Bowman believes they have been very consistent with the anticipated recommendations and have discussed the proposal openly and no Commissioner has said that this is not a good use for the area. From a use and a land use decision perspective, the applicant feels they fit right in to the anticipated recommendations of the Master Plan and will end up flowing with and

participating in the land use process. The balance of the site will continue along with the Master Plan process. Mr. Bowman stated roadway issues and all things discussed are truly of great interest to us and our site plan issues. Even the ordinance issue on the beer, wine and liquor license situation, this can be dealt with and we welcome the opportunity to work with the city to formalize that ordinance. Mr. Bowman continued noting that by reasonable standards, quality, even investment levels, that what is proposed is not just a gas station. It is a convenience center and a trilogy of uses that happens to also serve fuel. Mr. Bowman stated that the applicant would never propose something that would not be successful.

Member Cassis stated that he did lead the applicant into different terrain and beyond the specific rezoning request, but, hopefully the discussion cleared up a few things. Another thing the staff is concerned with is waiting for the decision on the Master Plan.

Mr. Bowman replied noting that they have been actively engaged in the Master Plan process and at this point they would like to move along with this modest component of an area that will eventually likely conform to the recommendations of the Master Plan. The Master Plan process has been on-going now for 13 or maybe 15 months, and when this development was initially proposed, Mr. Bowman was told to wait and go through the Master Plan process. Mr. Bowman continued stating that certainly we have participated and been dealing patiently with the process. Mr. Bowman stated he does not understand the process as well as the administration might, but from the limited amount that he has been involved, it seems it has a way to go. Right now, the market is something no one can predict. Mr. Bowman noted the extremely high quality product that the gas station owner is proposing and that the proposed owner is one of the best operators in the area. This proposal is almost two years in the making and watching the Master Plan process, Mr. Bowman is getting more and more concerned. At the same time, the owner is still engaged and still interested in doing the gas station. Mr. Bowman would like to simply advance this one modest, positive development opportunity that is available.

Member Cassis noted there is a question that was raised by our Planners concerning the remainder of the property not proposed to be rezoned. Perhaps it would be best to wait for the Master Plan recommendations so that there is a plan in place for that entire parcel.

Mr. Bowman stated that the proposed rezoning is part of a larger parcel, but again that is not inconsistent with hundreds of different examples in this community and many other communities as far as different zoning districts on a piece of property. Ultimately Mr. Bowman would hope to discuss and identify a logical place for some of those internal roadway improvements being discussed as part of the Master Plan update and he would totally support and participate in the process to determine where a logical roadway might go. The proposed rezoning is the first modest step for this area. The balance of the property should be a part of the overall Master Planning process.

Member Gutman noted the proposed rezoning and area has clearly been discussed as part of the Master Plan and Zoning Committee meetings. As a business person, Member Gutman is supportive of this project and thinks it is a good project; but as a Planning Commissioner, the proposed rezoning is not in compliance with the current Future Land Use Map and it is inconsistent with the existing Future Land Uses. Member Gutman addressed Deputy Director McBeth and asked if this use would be permitted in the Retail Service Overlay that has been contemplated as part of the Master Plan update.

Deputy Director McBeth stated that this was one of the things that the Committee has spent quite a bit of time discussing when looking at this study area. The uses that had been proposed and have been discussed this evening were uses that were discussed for inclusion in possible future ordinance language for the Retail Overlay option. There would also be an expectation that there would be certain infrastructure improvements and roads, in particular that staff would expect to see to make this retail overlay area function properly. Also, a roadway plan for the area needs to be defined, as the Committee has been trying to identify exactly where the road system would best be located. These are the types of details that staff would want to make sure were included in the master plan and possible ordinance language. Also, when the ordinance language is drafted there would likely be open-space requirements, standards for the setback, and mix and types of uses. The Committee has been discussing these aspects of the Retail Service Overlay provisions.

Member Gutman asked what other options would be available to the applicant today.

Deputy Director McBeth stated one option would be a rezoning request with the Planned Rezoning Overlay option. Staff discussed this option with the applicant when they first came in to discuss the rezoning. The applicant had brought a concept plan and there was some confusion before the meeting as to whether the applicant was requesting a rezoning with the Planned Rezoning Overlay option. It was clarified that it was a rezoning request only. The PRO option has been tried with several other rezoning requests in Novi with some success. The submittal typically involves a Concept Plan. It also requires the applicant to demonstrate a public benefit that would be over and above a typical rezoning request. Another alternative is to wait until the public hearing has been held for the Master Plan and the Master Plan has gone out for circulation to surrounding communities, Oakland County and utility companies. Staff could draft the ordinance language in the meantime. The timeframe for completing the plan and allowing time for circulation and comments would be about ninety days, including the time waiting for the plan to circulate.

Deputy Director McBeth stated that staff talked with the applicant about a couple of things that could be considered a public benefit for a submitted PRO request. One was a proposed regional detention basin for the site and other properties in the vicinity. Sidewalk improvements that would be above and beyond what would typically be expected were also discussed. But it is really up to the applicant to make the offer and it is not something that the city can insist on.

Mr. Bowman stated that the PRO might be possible, but then that starts to bring in all of the more regional planning concerns as far as what will happen to the larger parcel and what are the other uses anticipated as part of this development and all the things that realistically need to be fleshed out as part of the overall Master Planning. The proposed use is allowed under the Freeway Service district and will most likely be part of the recommended Retail Service Overlay. As part of the Master Plan and Zoning Committee process and the pre-application process, the parcel size was adjusted to be larger than the original request to allow for the larger right-of-ways that the city was interested in and to have some of the larger setbacks that were of concern. Mr. Bowman is still interested in doing something on a regional basin basis and all those things from a larger development perspective for the remainder of the land. That is the reason for trying to separate those sorts of site plan aspects from the basic rezoning, to try to keep it relatively straight forward and concentrate on the modest piece of the parcel that is prepared to move forward at this point. The traffic issues can be worked out as part of the site plan review process.

Member Baratta inquired as to whether a sixty or ninety day delay in a decision in order to provide additional time for the Master Plan review process to continue would adversely affect any existing deals with Tim Horton's.

Mr. Bowman said he would actually use the Tim Horton's as an example as the Commission can note that he has been referencing a third party tenant and not particularly Tim Horton's. Tim Horton's outlook on the Michigan market right now has changed in the last ninety days. In addition, Deputy Director McBeth's statement stating the map circulation process in itself is going to take 90 days does not mean that the process will be completed within ninety days. After the circulation process the Master Plan will need to be considered and then the actual development of a zoning district will need to take place in order for one to even be available to then file under. Waiting for the Master Plan process to be completed and then the Zoning Ordinance to be updated would be considerably more than a ninety day delay.

Member Baratta asked would a ninety day delay adversely affect the project?

Mr. Bowman stated a ninety day delay would adversely affect the project.

Member Baratta asked how much time did Mr. Bowman think he had on the deal; would sixty days adversely affect the deal?

Mr. Bowman answered that if the rezoning were approved or there was the absolute expectancy of approval within sixty days to be rezoned, that would work within the time frames. If the process extended beyond sixty days that would adversely affect it.

Member Baratta stated to be clear then, if this body deferred this decision for thirty to sixty days until the Master Plan and Zoning Committee came back with their official recommendation and this use was an approved use in this study area, that would not adversely affect the project. Member Baratta's overall point is if in thirty to sixty days there is an understanding of what this new district is going to be and assuming the applicant's proposed use is an acceptable

use, the Planning Commission can at that time come back and re-visit this request and properly vote.

Mr. Bowman asked if Member Baratta was stating that if the proposed use was consistent with the Master Plan recommendations, the proposal could proceed under the Freeway Service District?

Member Baratta did not know how the Commission would vote at that time.

Mr. Bowman stated that therein lies the difficulty, so yes, a delay would provide difficulty for the deal. The timeframes dictate that the property needs to be rezoned within the next ninety days and that is why this rezoning needs to proceed at this point in time.

Member Baratta asked if this rezoning request and proposed use was consistent with what the Master Plan and Zoning Committee is considering.

Deputy Director McBeth stated that the uses permitted in the Freeway Service District are consistent with what is expected to be put into an ordinance that staff would draft called the Retail Service Overlay. The standards for the district would be different from the Freeway Service and it would be an overlay district over the existing OST District.

Member Baratta confirmed that no matter what this new district is and how it is defined, it would allow this use.

Deputy Director McBeth stated that staff and the Master Plan and Zoning Committee had been talking about the same types of land uses.

City Attorney Schultz pointed out that the Master Plan update actually hasn't been approved by the full Planning Commission and the Master Plan and Zoning Committee is a Committee of four people. While there has not been that kind of detail determined yet, obviously it is a Retail Overlay.

Chair Pehrson stated that he was not particularly supportive of a straight rezoning from OST to Freeway Service for all reasons that were depicted in the letter from Planner Kapelanski. The Planning Commission and city do not want to make this process any harsher on anyone than it absolutely needs to be. The process is there to be fair and balanced and its one that, with or without these economic times, would present same decision that would have to be made and my decision would still be the same. The process and threshold for rezoning a parcel is an established practice and the Planning Commission has mostly looked to the Master Plan for direction on proposed rezonings. Given the fact there is a process for an applicant to come back with a PRO that establishes the conditions of either this property by itself or the entire parcel is still a valid route to take to address these kinds of things. Just looking at this particular straight rezoning without consideration to the specific building or the sale of alcohol at gas stations, Chair Pehrson does not support the Freeway Service District on this particular parcel.

Member Cassis would like to make a motion but first would like to state his reasons for his motion. Member Cassis is a member of the Master Plan and Zoning Committee and it has been unfortunate that the process has taken a long time and it is not anyone's fault. We live in a very uncertain economic time. The applicant may say thirty days would not adversely affect this proposal, but being a business man Member Cassis knows how fragile our economic times are in the state and in the city. Mr. Bowman may say that sixty days would fit within the planned timeframe of the proposed rezoning, but he might be wrong. What is really preventing the Planning Commission from giving the applicant what he is asking for, which is the Freeway Service District and letting him take his chances before us at another meeting when the site plan comes in for review

ROLL CALL VOTE ON ZONING MAP AMENDMENT 18.694, POSITIVE RECOMMENDATION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER BARATTA:

In the matter of Zoning Map Amendment 18.694 for Novi Mile, LLC, motion to recommend approval to the City Council to rezone the subject property from OST, (Office Service Technology District) to FS, (Freeway Service District) for the following reasons: a) Because of the uncertain economic times; b) Because the Master Plan process is incomplete at this time; and c) For the other reasons stated during the discussion. Motion carried 6-1. (Nay – Chair Pehrson)

**MASTER PLAN AND ZONING COMMITTEE
MEETING MINUTES EXCERPT
November 19, 2009**



MASTER PLANNING & ZONING
City of Novi Planning Commission
November 19, 2009 at 7:00 p.m.
Novi Civic Center – Conference Room C
45175 W. Ten Mile, Novi, MI 48375
248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members Victor Cassis, Andy Gutman, Michael Meyer

Staff Support: Mark Spencer, Planner, Barbara McBeth, Deputy Community Development Director, Kristen Kolb, City Attorney

APPROVAL OF AGENDA AS AMENDED

Moved by Member Meyer, seconded by Member Cassis – Motion passed 3-0

VOICE VOTE ON AMENDED AGENDA APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER CASSIS

Audience Participation and Correspondence

Planner Spencer suggested to include audience participation with the review for the study area. Committee agreed.

Chairperson Gutman asked Planner Spencer if there was any correspondence. Planner Spencer responded none.

Staff Report

Planner Spencer stated he has been working on the schedule for the Committee for next year, but I'm looking at the 1st and 3rd Thursdays through the rest of the master plan review process and then backing off to one meeting a month if needed on the 1st Thursday of the month.

Member Cassis asked if we could move from Thursdays to Tuesdays. Chairperson Gutman stated he was fine with that so long as it doesn't conflict with the Planning Commission Meetings. Planner Spencer stated that in the past they did opposite Wednesdays of the Planning Commission meetings, is that something we can consider. Committee agreed with Planner Spencer on the Wednesdays for the meetings. Second preference would be the 1st Thursday of the month. Planner Spencer will work on some dates for Wednesdays for the next meeting.

Matters for Discussion

Item 1

Master Plan for Land Use Review

a) Recommended Master Plan Amendments

1) Grand River Avenue and Beck Road Study Area

Future Land Use designations and Future Land Use Map

Future land use designations. Staff proposes to eliminate the Office use designation in this study area and replace with Office, Research, Development and Technology for all Office use areas in this district. He explained that the Committee previously agreed to Staff's proposed amendment to eliminate the Office designations and replace with three new categories: Community Office; Office Commercial and Office, Research, Development and Technology. He stated Staff also proposes a definition for a special office area, Office, Research and Technology with a Retail Service Overlay. The [proposed] definition for retail service overlay is land uses designated with a Office, Research

Development and Technology designation an additional retail services overlay designation to include retail service uses that serves party and visitors to an office use area including but not limited to fuel stations, car washes, restaurants including drive-thru's, and convenient stores in Office, Research, Development and Technology use areas.

Committee agreed with Planner Spencer on the definition.

Ms. Kristin Kolb [city attorney's office] stated that Mr. Schulz City Attorney was going to get Planner Spencer some comments on that, he wanted to formulate some language to fill in a gap in the master plan because right now there is no guidance on what that retail services overlay would include. He was going to propose adding a provision in there to indicate if and when that overlay is developed the standards that are developed will apply then that designation would kick in.

Planner Spencer asked Ms. Kolb "if it would only kick in when the standards are developed" is the language that you wanted to add to the definition.

Ms. Kolb responded yes. Mr. Schulz had a concern regarding a past parcel that there was no related district created and there were no standards or guidelines for how that overlay district would be implemented.

Planner Spencer indicated he had also included goals, objectives and implementation strategies. He added is there still another gap to go with this? Ms. Kolb stated yes. She also said that typically overlay districts have standards and guidelines. Ms. Kolb said that Mr. Schulz will get some language to the committee to consider.

John Bowen [in audience] commented that this is one of his issues with the overlay concept. As a developer he likes the idea of the overlay concept it gives the city some flexibility with the type of uses that are permitted. He stated they need some certainty with some pieces on what is permitted. He also indicated previously we had talked with the city about a parcel [pointing on map] in terms of commercial zoning or B-2 or B-3 something that would specifically outline what they could do with the site. He stated that is what is required to market the piece. You can say retail overlay allows for certain uses, but without an identification for instance, is a drugstore permitted across the street from Providence Hospital that would service people going to the hospital. He asked for Planner Spencer's opinion on that.

Planner Spencer stated his opinion is that the zoning ordinance would be developed under the Master Plan guidelines and that is something that would have to be figured out during the drafting of specific zoning ordinance language.

John Bowen stated we have been working on this since February and [the City] hasn't come up with a change of use for that site. Planner Spencer stated that the Master Plan changes come first and then the zoning ordinance follows it. Mr. Bowen agrees that the language needs to be more specific about what is contemplated.

Member Meyer stated if he is hearing correctly both from our attorney and from the conversation we are looking for a clarification of the uses. Ms. Kolb City Attorney stated that in any zoning district you would need some guidelines and regulations. Ms. Kolb also suggested to Planner Spencer to put some language to indicate that the retail services overlay essentially doesn't kick in until the standards are in place in the zoning ordinance. Planner Spencer answered he doesn't have a problem with putting that language in.

Related Objectives and Implementation Strategies

Planner Spencer went on to discuss the goals, objectives and implementation strategies under the land use category are already in the master plan. The goal is to develop the Grand River and Beck Study Area in a manner that supports and compliments the neighboring areas. The objective is to develop the Grand River Avenue and Beck Road Study Area in a manner that facilitates continuing

reinvestment in the area and high quality development. Implementation strategies would be to gradually phase out outdoor storage uses as redevelopment occurs in the study area. The second one is to encourage the use of landscaping or other buffering techniques to improve the appearance of the study area from I-96 and Grand River Avenue and Beck Road. The next objective is to improve traffic circulation in the Grand River and Beck Road Study Area with an implementation strategy of developing a new traffic circulation system as depicted on the Grand River Avenue and Beck Road Study Area Transportation Plan, to create greater potential for additional development and redevelopment to reduce conflict on Beck Road and Grand River Avenue. The last goal objective falls under the current economic physical category. The existing goal is to ensure that Novi continues to be a desirable place to do business. A current objective is to continue to promote and support development in Novi's Office Service Technology district. The strategy would be to investigate amending the zoning ordinance to permit retail services within office use areas designated on the Future Land Use Map for retail services overlay as a special development option conditioned on restricting access to streets other than arterial or section lined streets.

Transportation Plan Map

Planner Spencer moved on to discuss the transportation review [committee's packet] dated November 17th from Birchler Arroyo and their recommendation stems from the three traffic alternatives we gave them. Planner Spencer went through the three alternatives with the committee. Based on the review from Birchler Arroyo they are recommending a modified option, which is to move the proposed loop road further away from the drive way into Providence Parkway this is to meet our current drive way spacing requirements. Planner Spencer said on the North side [pointing on map] this is where Birchler Arroyo originally proposed a traffic light [between Rock Financial and Beck Road] meets the Road Commission's requirement for spacing.

Mr. Bowen stated that he feels the collector road moving down further by the Rock Financial Showplace makes a great deal of sense he also added you would have freeway access and a Grand River access. He feels that will spur a lot of technical developments. He also said he would like to see that piece [the proposed Retail Service Overlay area] slide over [to the east] and get a little more retail space and make some parcels that are marketable.

Planner Spencer stated that we considered how many different retail services are needed to support this area for the motoring public and the people coming in and out of the area when making our recommendation.

Ms. McBeth Deputy Director of Community Development Department asked Planner Spencer how many acres are in the area that he has identified. Planner Spencer answered on the north side we have about 3 1/2 acres [pointing on map] 1.9 acres and 2.5 acres. Committee went on to discuss further with the audience the different parcels and what is usable for development and what is not.

Planner Spencer also said that Birchler Arroyo is strongly recommending no left turns onto Beck Road out of this area. Committee discussed the traffic situation further in the Beck Road and Grand River Avenue Study Area.

Mr. Bowen asked Planner Spencer if Birchler Arroyo explained why it would be a problem to put a signalization at Beck Road and Grand River.

Planner Spencer stated that Birchler Arroyo did say the existing left hand turn lane from the collector loop onto southbound Beck should be prohibited once there is an alternative route to Grand River.

The committee discussed further the collector road system and Birchler Arroyo's alternatives with the audience.

Chairperson Gutman asked Planner Spencer if the proposed retail overlay is providing additional services that don't already exist right now. Planner Spencer said yes.

Committee discussed further the Retail Service Overlay use designation in the area and how the increase in retail will generate more traffic.

Planner Spencer discussed staff's findings in Planner Spencer's review.

I-96 Grand River Avenue and Beck Road vicinity has a limited amount of retail services to serve visitors and employees who travel to the area. Allowing a limited amount of retail services in the study area is suggested in the retail services overlay designation and beyond what is permitted in the Office, Research, Development & Technology land use designation. [limited retail] may encourage the development and redevelopment of neighboring properties. Planner Spencer said staff's thoughts are if you had some conveniently located services it might encourage the location of an office building nearby.

Planner Spencer stated a limited amount of retail services could be designed to be compatible with nearby Office, Research, Development & Industrial uses. Requiring retail service developments to have access to both Beck Road and Grand River Avenue will reduce traffic impacts of any retail development on Beck Road especially by eliminating left hand turns out onto to Beck Road north of Grand River Avenue which is recommended in the traffic engineering review letter of November 17, 2009.

Planner Spencer indicated that a new collector road system could facilitate the development of the existing deep lots fronting along Grand River Avenue by providing additional road frontage. Redesignating the Office Land Use Area in the Study Area to Office, Research, Development & Technology use designation will support the OST zoning district and help promote these areas as an attractive place for new and existing businesses to locate.

Planner Spencer stated in the 2001 Grand River geographic area plan supported a limited amount of retail in the Study Area. He said a limited amount of retail services in the Study Area would have little impact upon the city's infrastructure.

Mr. Spencer indicated that 55% of the 2009 Master Plan Review Survey respondents strongly agreed or agreed that it is important to provide retail services to serve the motoring public in areas in the city that have a high volume of visitors and employees that travel through the areas.

Planner Spencer stated next that 94% of those same survey respondents strongly agreed or agreed that it is important for new developments to have good internal roadway and driveway systems to minimize the impact upon existing road systems.

Review rezoning submittal 18.691

Planner Spencer will go through Planner Kristen Kapelanski's rezoning review.

The petition is for 1.64 acres currently zoned OST. The applicant is asking to rezone it to the Freeway Service District, which does not comply with the current Master Plan designation of Office uses. Staff is suggesting the applicant wait until the Master Plan process is completed and ordinance changes are in place.

Member Cassis asked how long would that take. Planner Spencer answered it could take about 3 months.

Chairperson Gutman asked Planner Spencer if we were to recommend approval of this rezoning what exposure would this bring to the city if we were to push this forward.

Planner Spencer answered it would give more leverage to other people to rezone properties that are contrary to the master plan.

Planner Spencer went on to discuss another consideration for zoning of this nature could be considered a spot zone since your only talking about 1.64 acre parcel surrounded by office [OST].

Planner Spencer stated that the infrastructure concerns he had previously gone over with the committee. He stated that he had talked about a potential development between 9,000 and 11,000 sq. ft of office to be placed on this parcel [pointing on map]. When compared to a 16 pump gas station and a 2,000 sq. ft fast food restaurant that could be placed on this parcel we are talking about 10 times the traffic impact.

Planner Spencer discussed some site issues with the committee.

John Bowen [in audience] stated that he has brought some boards to show the committee the high quality proposal of the gas station. It suits the quality that he feels the City of Novi expects and provides some uses to the area that are desperately needed. He stated he believes that they can meet the city's standards on site with either some argument for equivalency on parking we can deal with those issues. He stated we are asking the committee tonight to move the project forward. He asked if the committee had any questions.

Planner Spencer wanted to comment about the traffic issues. One of issues Birchler Arroyo did mention is the pass through traffic. The amount of traffic and the amount of turn movements in and out of the site including the customers that will be coming off the road and will be going back onto the road are the things that slow the efficiency of the road way down.

Mr. Spencer asked Mr. Bowen about the floor plan of the building, is there going to be a beer room. Mr. Bowen stated that will be selling beer and wine. Mr. Bowen asked Planner Spencer if there was a city issue with that type of use. Planner Spencer stated he was just bringing this matter to the attention of the Committee and that the City was considering regulating alcohol sales at gas stations. He went on to talk about the features of the building.

Mr. Bowen stated that they would like customers to perceive them as a high end wine shop with liquor and convenience items. Committee discussed further the gas station/convenience store proposal.

Member Meyer stated that at the last Planning Commission meeting there was discussion of a possible ordinance amendment related to sales of liquor, beer and wine at gas stations.

Ms. Kolb City Attorney stated that we were trying to get some direction from the Planning Commission whether they wanted to pursue an ordinance and if so what kind of ordinance. She said they didn't want to pursue it at this time.

Ms. McBeth Deputy Community Development Director stated that the Planning Commission discussed looking at any additional statistics or any kind rationale further discussion to bring the Chief of Police in for further discussion, but no formal motion was made at that time.

Member Meyer stated that he thinks it would be important at some point to have a decision made on this issue.

Committee went to discuss the objectives with Mr. Bowen on the site. Mr. Bowen stated they would just like to move forward with the Planning Commission and then they can work out more of the details.

Member Meyer commented that we don't have a freeway service overlay in place. Planner Spencer responded by saying we do have a freeway service zoning district in place. Member Meyer asked what is preventing them from going ahead and presenting this to the Planning Commission. Planner Spencer stated there is nothing preventing them from doing that if they insist on going ahead with it

they can go to the Planning Commission, but Staff's recommendation will be that it doesn't match the master plan.

Ms. Kolb City Attorney stated that there is an existing zoning district called freeway service that property is not zoned that way.

Mr. Bowen as a property owner asked the committee to take an existing zoning district and put it there right now while I have an active purchaser with an active site plan so that I can make my presentation to you and try to persuade you that in this particular circumstance that rezoning makes the best sense for the community and will be a worthwhile project for the city.

Chairperson Gutman stated that listening to Mr. Bowen comments here it sounds like his desire is to go before the Planning Commission, but the staff and The Master Plan & Zoning Committee has concerns with the project. Planner Spencer wanted to clarify that we are not saying we are not in support of the project, but with this type of project there are site plan issues, size of site kind of small would do better with a bigger site. Planner Spencer stated it could be proposed with a PRO or some other kind of concept plan that includes the infrastructure that we are saying is deficient.

Ms. McBeth stated they are not presenting this as a PRO so they are taking the risk whether they have enough land there to ask to be rezoned.

Mr. Bowen and the committee discussed a PRO process.

Chairperson Gutman stated that the staff thinks a PRO might be more acceptable. Ms. McBeth stated that we cannot require a PRO that is something that would be offered to the developer. The other thing is the freeway service district [gas stations, drive-thru's] are permitted uses in that district so there is no additional layer of protection of a special land use.

Planner Spencer stated that on rezoning petitions we have not had the Master Plan & Zoning Committee make a recommendation in several years there have been discussions. Each commissioner has said what they like or dislike to the applicant and then they take in that feedback before they go to the Planning Commission.

Chairperson Gutman stated to Mr. Spencer that he didn't think were making a recommendation on the project, we are making recommendation to go before the Planning Commission for rezoning. He questioned if we were doing that anymore. Planner Spencer indicated that in recent years the committee hasn't been making recommendations in favor or against any rezoning. Planner Spencer stated that is fine to tell the applicant to go before the Planning Commission with their application for rezoning.

Member Meyer asked Chairperson Gutman if this is 1 of 3 study areas in the city. Chairperson Gutman answered yes. Member Meyers asked if tonight is the night that we are making our comments as to whether this is what it's going to be on the master plan for land use that is recommended to the Planning Commission in January or February whenever the process is done, or is this just another conversation tonight without any decision.

Chairperson Gutman stated that is a very good question. The intent is to make a recommendation ultimately it will be bundled up in the end with the final review.

Chairperson Gutman asked Planner Spencer if he had anything else to put on record. Planner Spencer answered no unless Ms. McBeth had something. Ms. McBeth answered no. She asked Planner Spencer if he wanted to offer some guidance. Planner Spencer stated his guidance is to approve the text as submitted with the changes that City Attorney would make.

Member Cassis asked Planner Spencer if the boundaries are the same ones that Mr. Arroyo talked about.

Planner Spencer stated that Mr. Arroyo asked us to include this small piece [pointing on map] and Planner Spencer said he has no objection to adding that piece of the Ward property to the Retail Service Overlay area.

Mr. Bowen stated that alternative 3A would be an option for tonight that you could make a motion to approve, which would be to move the boundary line.

Committee went on to discuss the boundary line with Mr. Bowen and squaring off that small piece of property before the motion is made.

Motion by Member Cassis supported by Member Meyer to accept staff's addition of small area south of Grand River to Retail Service Overlay as recommended by Birchler Arroyo, and city attorney's changes to Retail Service Overlay definition. **Approved 3-0**

MINUTES

Moved by Member Cassis, seconded by Member Meyer

VOICE VOTE ON MINUTES APPROVAL MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER MEYER:

A motion to approve the October 7, 2009 minutes. Motion carried 3-0

ADJOURN

Moved by Member Cassis, seconded by Member Meyer:

VOICE VOTE ON ADJOURNMENT MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER MEYER:

A motion to adjourn.

The meeting adjourned at 9:17 PM

Future Meetings

December 3, 2009

December 17, 2009

Transcribed by Bonnie S. Shrader
Customer Service Representative
December 10, 2009
Date Approved: