



## PLANNING COMMISSION MINUTES

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CITY OF NOVI

Regular Meeting

**Wednesday, December 8, 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:** Member Baratta, Member Cassis, Member Greco, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson, Member Prince (arrived at 7:10 pm.)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Rod Arroyo, Traffic Consultant; David Beschke, Landscape Architect; Lindon Ivezaj, Engineer; Kristen Kapelanski, Planner; Kristin Kolb, City Attorney; Doug Necci, Façade Consultant

### PLEDGE OF ALLEGIANCE

Member Lynch led the meeting attendees in the recitation of the Pledge of Allegiance.

### APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Baratta:

### VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BARATTA:

**Motion to approve the December 8, 2010 Planning Commission Agenda. *Motion carried 8-0.***

### AUDIENCE PARTICIPATION

Blair Bowman from TBON, LLC came forward and wanted to thank the Planning Commission for their consideration regarding the Sign Text Amendment. The exposition center is looking for a reasonable, consistent safe way to deliver some messaging for the events at the facility. The type of sign proposed is consistent with other major facilities around the country. Mr. Bowman looks forward to the opportunity to provide the Planning Commission with more information and answer any questions at the public hearing.

### CORRESPONDENCE

There was no correspondence

### COMMITTEE REPORTS

There were no Committee Reports.

### COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated there was nothing to report.

### CONSENT AGENDA - REMOVALS AND APPROVAL

There were no items on the Consent Agenda.

### PUBLIC HEARINGS

#### 1. WALMART, SITE PLAN 10-42A

Public Hearing at the request of Walmart Stores East LP, Inc. for a recommendation to City Council regarding the Special Land Use Permit and Preliminary Site Plan, and Stormwater Management Plan approval. The subject property is located in Section 14, at the northwest corner of Eleven Mile Road and Town Center Drive, in the TC, Town Center District. The subject property is approximately 12.8 acres and the applicant is proposing to demolish portions of the Novi Town Center and construct an approximately 149,000 square foot Wal-Mart store to include an open air area for the sale of plant

material and garden supplies.

Planner Kapelanski stated that the applicant is proposing to demolish the existing former Mervyn's store and adjacent buildings at Novi Town Center in order to construct an approximately 150,000 square foot Walmart store with an accessory open air business garden center use. The Walmart parcel would be split off from the main Novi Town Center parcel.

The property is currently zoned TC, Town Center District and general retail is a principal permitted use in the TC District. The garden center would be considered an open air business use, which is a Special Land Use in the TC District. The property is surrounded by various retail and restaurant uses on all sides with TC zoning to the north, south and west and OSC, Office Service Commercial zoning to the east.

The site is planned for TC commercial uses. There are no regulated natural features on the site.

The Planning staff is recommending approval of the Preliminary Site Plan and Special Land Use permit. However, there are a number of variances being requested by the applicant.

The applicant is requesting variances for the deficient parking lot setbacks in all yards and the illumination levels extending beyond the property line. Staff supports these variance requests as the deficiencies are caused by the proposed lot split and compliance in these cases would be to the detriment of the overall Novi Town Center development. Staff also supports the requested reduction of the building setback in the north yard to zero feet as the reduction ties the proposed Walmart in with the Town Center. Staff also supports the requested variances to allow a loading zone and trash compactor in the eastern exterior side yard as the loading zone and trash compactor are located in the rear of the building.

For the remaining variance requests, staff recommends the applicant adjust the plan to conform to Zoning Ordinance requirements. The applicant has requested a variance to allow an outdoor storage area for bale and pallet recycling in the eastern yard. Staff has recommended the applicant relocate this to the inside of the building. The open air business use garden center projects in the front western yard. This is not permitted per the Ordinance and the applicant should adjust the site layout so that the open air business use does not project past the face of the adjacent building. Open air business uses in the TC District require a masonry screen wall of at least six feet in height with decorative metal fencing above. The applicant has proposed a four foot masonry wall with decorative fencing. Staff recommends the applicant raise the height of the masonry wall to provide adequate screening for the garden center. Staff has recommended and the applicant has agreed to provide a loading area for the bulk materials pick-up area. A variance would be required to locate a loading zone in the southern exterior side yard and staff would support that variance.

It was previously noted in the planning review letter that a variance was required because the site exceeded the allowable average to minimum light levels ratio. After further review, the plans indicated the applicant was within the allowable levels and a variance is no longer needed. The Planning Commission should remove this condition from the suggested motion.

The planning review also recommends the applicant consider providing additional open space on the Walmart parcel to meet the minimum 15% open space standard for the Town Center. Staff felt it would be appropriate for Walmart to add additional landscaping on the site to break up the proposed parking area. The planning review also notes the applicant should adjust the color of the proposed blue bollards along the front of the store and the blue benches, trash receptacles and other amenities around the site as this color is not compatible with colors of the Town Center. There are a number of minor items to be addressed on the final site plan submittal.

Section 1602.1 of the Ordinance requires all projects 5 acres or larger to receive the approval of the City Council after a recommendation from the Planning Commission. The Planning Commission should consider the factors listed in Section 1602.9 when making its recommendation.

The landscape letter recommends approval of the preliminary site plan noting minor items to address on the final site plan submittal and that the applicant should consider adding additional landscaping to the eastern building foundation to soften the façade.

The traffic review recommends approval of the preliminary site plan and Traffic Impact Study with items to address on the final site plan submittal but notes some concern with the lack of turn restrictions at the access drive near the southwest corner of the store. The City's traffic consultant, Rod Arroyo, is here to answer any questions concerning the traffic review or traffic study.

The engineering review and fire review both recommended approval of the plan noting issues to be addressed on the final site plan submittal.

The façade review recommended the applicant revise the building design to be more in compliance with the standards of the Façade Ordinance and the Town Center Ordinance. The City's façade consultant, Doug Necci, is here to briefly go over the façade review.

Façade Consultant Necci stated that the applicant has made substantial changes from the original design. Originally it was designed with concrete "C" Brick and the applicant has since changed the design to be primarily brick, which will match the Town Center District.

Façade Consultant Necci explained that there are several issues with respect to different sections of the façade ordinance. Section 2520 of the façade chart specifies the maximum percentages of different materials and there are three materials that are not consistent with those percentages. The Phenolic Panels are a material that is not specifically mentioned in the façade chart. An equivalent material that would have a similar appearance was used for percentage calculations, but technically, any material that is not listed in the chart is not allowed. There is a small overage of EIFS and metal as well.

Façade Consultant Necci explained that the second part of the ordinance deals with signs and buildings that are designed to look like signs or to form a background or component of a sign. The arched part of the building lends itself to being the background for a sign. The two different colored Phenolic Panels are actually the material that is the background of the sign. The Phenolic Panels are a composite material. That is a possible violation of the ordinance.

The rest of the concerns are with parts of the ordinance that deal with context and compatibility and there are several sections in the TC Ordinance and Façade Ordinance that require buildings in the TC and the TC-1 District to be compatible with respect to the architectural design and the percentages of materials. One section requires that if buildings in the surrounding area have a higher standard than the façade chart, then that actually pre-empts the façade chart and establishes a higher standard for materials.

In the TC District buildings are included for purposes of comparison that are not only in the strip part of the building, but also in the surrounding outlots, which have been recently constructed. All of those buildings are 80% plus or minus brick and those would be a reference point for this building. Section 1602.9 requires all buildings in the TC and TC-1 be primarily brick and stone and there are several criteria listed there. Any material other than brick and stone has to be approved by the Planning Commission based on those criteria. Footnotes A thru D list those criteria.

Façade Consultant Necci explained that there are several recommendations in the façade review letter for fairly easy ways to remedy most of these issues, but the context and the compatibility issue really still remains and that has to do with the overall shape and character of the building.

Chair Pehrson asked Planner Kapelanski if she had anything else.

Planner Kapelanski responded by saying she was available for questions.

Chair Pehrson asked if the petitioner would like to address the Planning Commission at this time.

Robert Matko of CESO came forward and stated that he represents Walmart and he has a team with him this evening. Jackie Cook-Haxby is with Benham, and is the architect for the project. Tyler Tenant from DMNS is here as well as Bob Haber of Englehart Realty. Lindsey Huddleston of Walmart can answer any specific questions as it relates to Walmart.

Mr. Matko stated that he wanted to thank the City staff for what has been a long, but very good process. There are some variances and waivers before the Planning Commission this evening, but this plan and development have been in underway for some time. The Walmart team is here to respectfully request consideration of the Special Land Use, Preliminary Site Plan and Stormwater Management Plan.

Mr. Matko explained some of the specific details regarding the variances that are being requested. One of requested variances is for outside storage for the bale and pallet recycle area. That area will have three sides that will be brick material and will match the actual building elevation, color and material. Typically, that bale and storage area in other sites is like a block or material that would match the building. In this case, it is going to be brick and typically it is about 8 feet in height. For this site it has been extended to 12 feet in height. Typically pallets stored are no higher than 8 feet at the maximum. At the back portion of the site, there is extensive landscaping between the back of the wall and the curb line of the Novi Town Center. There had been suggestions from staff to move that up against the building. If it were moved it would have to be fire-rated and also would have the opening facing Town Center Drive. The location where it has been proposed is the best location given the extensive landscaping with evergreen trees along Town Center Drive.

Moving onto the open-air business/garden center that projects into the front yard setback, if a line is extended from the front vestibules, parallel along the front of the building, the garden center area actually aligns with those two front vestibules. So, it is offset exactly in the same manner that the grocery and merchandise vestibule are offset. If this were to be pushed back, it doesn't lend to the appearance of a garden center area.

Mr. Matko stated that a 4 foot height on the masonry screen wall is proposed for the garden center. The ordinance requires a 6 foot high screen wall. There are several reasons the discrepancy. Typically some of the plants are on a table and maybe 4 feet off the ground and they need sunlight to survive. Additionally, Walmart would like to have some type of visibility to let people know there are plants in there. The only thing that will be shown in there would be plant material.

The bulk material pick-up area to the east has brought up some questions due to the nature of how that operates. A person would take a tag into the Walmart store and make the purchase and then go out and pull their vehicle into the bulk material area and load their vehicle and exit. There have been concerns on the orientation of that, which also leads to a comment that the traffic engineer had about how to channelize or place an island area in front of the drive that would shield or prohibit vehicles from coming down the aisle way and turning left. If that were done, anyone that would purchase bulk materials would have to exit out onto Eleven Mile Road and wrap around to the eastern most driveway and enter that way. That would really be more of a safety issue. In addition to that, those movements were evaluated in the Traffic Impact Study and the study showed those movements can operate at an acceptable level of service. Walmart is strongly requesting it remain a full access driveway. In regards to the loading zone in the bulk materials pick-up area, Walmart has agreed to place temporary striping that would allow for a loading zone in the vicinity.

The open space area was also a concern of the City staff. As you can tell from this site, this is an existing area and is being renovated to place a Walmart store with new parking areas. Several internal landscape islands

have been added and to create a nice aesthetic picture of Eleven Mile Road and Town Center Drive and that would closely match what is out at Novi Road and Crescent Boulevard. Adding open space would result in the loss of additional parking spaces. The comment could be made that it is a shopping center and vehicles can overflow into the remainder of the shopping center. But there will be development all around the proposed Walmart and if the Walmart parking were to overflow into some of those areas, then they are going to overflow and potentially end up on drive aisles. Right now the site has a parking ratio of 4.35 spaces per thousand gross leasable square feet and that is about as low as a Walmart development would want to go. Typically, they range anywhere from 4.5 to 5.0. The Town Center as a whole does exceed the 15% requirement.

Mr. Matco stated that Jacki Haxby will go over the building elevations in detail.

Jacki Cook-Haxby of Benham Companies came forward and stated she appreciates all the comments the City staff has provided and the opportunity to work with them on it. That being said, Walmart has done a number of things to bring the building into compliance with the Town Center area. Over 90% of the building is brick and have upped the percentage of glass. Large EIFS cornices are located on all the other buildings in the center and an EIFS cornice has also been provided on the Walmart.

There are however, some things that are significant to Walmart. About a year and a half ago, Walmart undertook a rebranding effort and this encompassed not only the building, but all of their marketing campaigns, bags and trucks. One of those things was truth in architecture. So they no longer build the faux storefront with the high towers at each entrance that are essentially empty behind them. This building has glass entrance towers which allow light into the building to assist in day lighting efforts.

Ms. Cook-Haxby went on to note they do not use foam materials but use brick, EIFS, and the Phenolic Panels, which are a relatively new material. The case can be made that they look like a sign background, but it is an overall component of the brand. The entrances also have the rounded shape that is very similar to the Walmart sign area. On any large building, a wall that has a sign on it can be said to form a background of a sign. Walmart wants its sign visible and makes no apologies for that. The panels are an integral part of the branding exercise that Walmart has undergone.

Every attempt has been made to blend with the center and with the cornices and the sidewalk lights and the brick material. But Walmart does not want to look exactly like the center. It is very unusual for a larger tenant to exactly mimic what would be in a lifestyle center, which essentially what this is. Walmart believes they bring the best they have to offer and it is by far better than some of their earlier designs. This is a great advance in the architectural design of a Walmart Store. It has canopies and it brings the entrances down to the public level rather than have the high storefronts. It has a large use of glass and it has the canopies that welcome people in at night. Walmart does use the blue bollards and site amenities, which are part of the signature statement that is Walmart's color and it is not un-similar to the color that is being used in the mall.

Ms. Cook-Haxby noted there is a question about the metal awnings on the front of they building. These are louvered awnings and they are not un-similar in profile and characteristics to those that are being used in the mall. If they were solid, they would look just like the malls. In addition, every attempt has been made to blend with Building X.1. Again, you can see that Building X.1 also has awnings and some of theirs are a black color and Walmart has the same color of brick. Walmart also has the large cornice similar to those on Building X.1. Walmart is asking for a Section 9 Waiver for the Phenolic Panels and the louvered awnings and the minor overage of EIFS. As far as the overall design goes, everything that can be done has been done to bring the building in-line with the existing center and still maintain the brand statement of Walmart.

Chair Pehrson stated that this is a public hearing and if there is anyone in the audience that would like to address the Planning Commission at this time, please step forward. Seeing no one, Chair Pehrson asked Member Greco to read the correspondence.

Member Greco read the correspondence into the record.

Mr. & Mrs. Wright, 43407 Grand River Avenue object to the Walmart Supercenter because it brings a huge increase in crime to the area. The Walmart in Grand Blanc consistently has the police at their facility for crime. The majority of the offenders are from other communities.

Member Greco stated that concludes the correspondence.

Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for their consideration.

Member Lynch stated with regard to the recycle area, the applicant has indicated they are going to have three sides brick with the open side facing the rear of the building. They have also proposed extensive landscaping. Is there an ordinance that does not allow pallet storage anywhere in the City?

Planner Kapelanski answered in saying the intent of the TC District is not compatible with outside storage of pallets and other items. Staff would recommend the applicant relocate the outside storage inside the building. The TC District is a pedestrian oriented district and staff would not want to see materials stacked up high.

Member Lynch confirmed with Mr. Matko that Walmart did not want to store the pallets inside.

Mr. Matko explained that the pallets could not be inside due to fire code issues.

Member Lynch asked if people walking through the Town Center would be able to see the pallet storage area.

Mr. Matko answered there would be landscape and several evergreen trees and also a 12 foot wall so it would be unlikely pedestrians would see the actual pallets.

Member Lynch was wondering if there was some kind of compromise. Is there a way to still meet the intent of the Ordinance and still allow for this type of storage? Member Lynch would wait to hear from other Commissioners on that. With the open air business, was the issue there with the setback?

Mr. Matko said the variance request related to the open air business use was the front of the garden center projecting beyond the front of the building.

Member Lynch said he understood why the applicant did that and asked about the garden center wall.

Mr. Matko explained that it is proposed to be 4 feet tall and ordinance requires a 6 foot wall.

Member Lynch stated that the Planning Commission liked to be consistent and asked how the garden center at the Home Depot was handled.

Deputy Director McBeth stated that the Home Depot Garden Center was similar since we had the brick that matched the building and the wrought iron fencing above that. In that instance, the brick extends six feet with the wrought iron fencing on top of that.

Member Lynch commented he does not know if he is willing to allow Walmart a four foot wall when no such allowances were made for other businesses. Member Lynch asked what percentage of open space has been provided on the Walmart site.

Mr. Matko stated the Walmart site had 11.9% open space.

Member Lynch asked about the variances requested for the lighting.

Planner Kapelanski stated that there is one issue that will require a variance for the lighting. The Lighting Ordinance requires that there be no light spilling onto adjacent property. Since the Walmart parcel will be part of the much larger Town Center parcel, obviously there is going to be some spill over and staff would support the variance request and they wouldn't want to see no lighting at the property line.

Member Lynch then asked if there was still an issue with the lighting ratio?

Planner Kapelanski stated that there was another variance noted in the Planning Review letter as well as in the suggested motion that talks about the minimum to average light ratio. That was an oversight on the staff's part. The plan meets the Ordinance requirement and a variance is not needed.

Member Lynch stated it seems the most contentious and the biggest issue is the Phenolic Panels. Is this a new material?

Ms. Cook-Haxby stated this is a relatively new material and she became aware of it 2-3 years ago.

Member Lynch asked about the purpose of using this type of material rather than a brick material.

Ms. Cook-Haxby explained that everything from one entrance to the other including the central element is the brand statement for Walmart. That is what they have chosen for their look, similar to Targets look, and to Best Buy with the blue wedge.

Member Lynch stated he did not understand what Ms. Cook-Haxby meant and how this affects the branding of Walmart.

Ms. Cook-Haxby showed the panels that they were discussing.

Ms. Cook-Haxby noted that they are mounted in a frame and they look like they float.

Member Lynch asked about the quality of the panel and the durability.

Ms. Cook-Haxby stated that it is phenomenal and is one reason why it is being used.

Chair Pehrson asked if these Phenolic Panels are similar to what is at Providence Park.

Façade Consultant Necci explained that the panels on the Providence Hospital failed and were a little different. That was a different manufacturer and there is a full wood grain effect on those panels. This is a more durable material than that. They are generically the same thing, an epoxy resin matrix with wood binders. What failed on those panels was the skin, the faux wood finish peeled off and these do not have that. This material is actually used for laboratory countertops and that is a good reference point for its durability. The problem is not with durability, but appearance.

Member Lynch explained that this seems to be the biggest issue. He understands corporate brands and is trying to get to a reasonable solution that still allows Walmart to maintain their brand image and also does not compromise the image of Novi.

Member Baratta wanted to thank Walmart and compliment them for selecting what he thinks is going to be a

very high volume store. Member Baratta asked if Mr. Huddleston if this is going to be a supercenter?

Lindsey Huddleston, Walmart representative, explained that it is going to be a supercenter with food, full grocery and approximately 350 jobs.

Member Baratta asked Mr. Huddleston if a super Walmart does more business than just a standard Walmart?

Mr. Huddleston explained that it just depends on the area it is in, but for the most part, yes it will bring more people in for groceries.

Member Baratta asked Mr. Huddleston if Walmart has a greater sales forecast for this store than they would for a standard Walmart, given the same location.

Mr. Huddleston explained that he could not be specific on sales forecasts, but did know it was well researched.

Member Baratta asked what would be the average number of customers a year they would expect to come to this store.

Mr. Huddleston explained that he did not have an answer, but could get that information in a short time.

Member Baratta said he would appreciate that. Member Baratta did some research on what the average volume of a Walmart store was and found it to be between 75 and 150 million dollars in business. Considering the number of customers that would generate that kind of volume, Member Baratta is concerned with the traffic on Novi Road and Grand River Avenue. It appears from the Traffic Study that traffic improvements to Novi Road and Grand River Avenue weren't required because it was an existing structure that was torn down to provide for this particular site. It appears they are going from a lower volume type of use, which Mervyns was, to Walmart. Member Baratta is trying to make sure that the infrastructure will be able to support the new store because there is nothing worse than having a store that people cannot get to.

Mr. Huddleston stated that he understood Member Baratta's concerns. Mr. Huddleston is a native Detroit and familiar with the area. Walmart also wants to make sure customers can get to their stores and works with local agencies, including the County, to ensure roadways are sufficient.

Member Baratta wondered if there was enough parking on site considering the number of people that would be visiting this store. There is very little room for overflow because the site is hemmed in on both sides with buildings. Will that cause Walmart some difficulty?

Mr. Huddleston explained that the parking ratios provided earlier are for peak volumes and as much as Walmart would like to have peak volumes all the time, that is normally not the case.

Robert Matko came forward and explained that he was also the traffic engineer and as stated earlier, at a Walmart one would typically a parking ratio of 4.5. However, Walmart feels more than comfortable in this shopping center with a 4.35 ratio. However, dropping below that to try and obtain more additional open space would obviously not be something that Walmart would want to consider.

Going back to some of the traffic comments, Mr. Matko did conduct the Traffic Impact Study that was also reviewed by City staff and the internal street system has no issues with this development. The external street system would be Novi Road and Crescent Boulevard, Novi Road and Grand River Avenue and Grand River Avenue and Town Center Drive and those were looked at very specifically. The study in itself probably took about 3-4 months and looked at a weekday am, midday pm, and Saturday peak hours. The Study examined a full development scenario and recommended some improvement to some of the signal timings and adding



a left turn lane on Eleven Mile Road that would mirror the east side of Eleven Mile Road. With those improvements, the level of service back can be brought to existing or better conditions in some cases.

Mr. Matko noted there have been some discussions over future long range improvements that would certainly help the current situation at Grand River Avenue and Novi Road, where things can get backed up at the peak hour. Some future long term improvements would improve this intersection, but again, going back to the study, the current levels of service can be equal or bettered with some signal timing or changes. Mr. Matko spoke to the RCOC and they have not entirely finished their review, but at this point they have no major concerns with the traffic study.

Member Baratta asked Deputy Director McBeth if she happened to know how Sam's Club and Target were storing their pallets and bales of cardboard.

Deputy Director McBeth explained that she would have to get back with Member Baratta on the Sam's Club because she was not aware of any outside storage of pallets at that location.

Member Baratta asked Deputy Director McBeth about Home Depot and did she notice how they handled it.

Deputy Director McBeth stated that they did not have anything outside of the garden area on her recent visit. In the past, there have been a few things outside that garden area. There was no storage of pallets, items to be recycled or anything like that outside.

Member Baratta asked if they would typically put those products in their garden shop on racks.

Deputy Director McBeth explained that with the pallets they would find some spot inside the building and loading area where they could place those. Other times the companies aren't as responsible and are not looking at recycling or reusing those and they get thrown out.

Member Baratta addressed Mr. Matko and explained that he had gone to the Monroe store today and believed it was opened in the last 18 months and noticed that the bollards there were red with the blue chairs and garbage cans. Did this standard change to being all blue or is that something Monroe required Walmart to do to change the bollards?

Mr. Matko answered Member Baratta in saying he was not familiar with that particular project.

Member Cassis stated he has been in the community for 35 years and would like to reflect on the progress that has taken place in the development in the City. The pursuit of a downtown Novi concept has been at the center of major deliberations of City Council for many years. Unfortunately for the City, some of those concepts have been modified and transformed, demolishing parts of the City and giving it a new character. Town Center was one of the earliest malls to be constructed and unfortunately it did not take long to realize that its shape was not ideal for a pedestrian mall. Times have changed and the residents have demanded a more mobile community.

The City is grateful for the progress that has taken place in the community, such as the update of Twelve Oaks Mall, Rock Financial, the new Novi Library and the big progress that has been made on the roads. Before the Planning Commission now is the rebuilding and alteration of Novi Town Center. Member Cassis hopes that this new project is the right approach in having something that will stand the test of time. It has been said that this is a project or a development within a development. In Member Cassis's opinion, it changes the whole character of that development and engulfs it and alters the whole identity of the Novi Town Center. Member Cassis is very troubled by the traffic situation. Is RCOC truly not bothered by this project? Does the City Ordinance not require an off-site traffic study as a condition of approval?

Member Cassis asked Traffic Consultant Arroyo to come forward and asked if there was any confusion first as to what the RCOC has or has not answered or done or okayed or not okayed.

Traffic Consultant Arroyo answered he has not received any written documentation but the applicant has indicated they have been talking with RCOC.

Member Cassis asked Traffic Consultant Arroyo if he was satisfied with the impact of what can happen as far as the volume of people coming into this development.

Traffic Consultant Arroyo answered Member Cassis in saying that he knows they have taken the position that a traffic study that was not required, but they did provide one. This is a fairly substantial change from the original development and that a traffic study was appropriate at this time. It is reasonable to have that information and to request it.

Member Cassis explained that they needed to make a decision here and he had no issues with the sign, façade and landscaping. The problem is traffic. Walmart is saying they will wait until RCOC spends the money and the City of Novi spends the money to improve Grand River Avenue. One would think Walmart would want the best access and traffic around its development.

Traffic Consultant Arroyo stated that the Traffic Study indicates there are certainly areas that are now experiencing congestion and some of those will experience congestion at a level more significant than today. There are mitigation items that are offered to try to address those issues and some of those are going to be resolved through a combination of the County and the applicant attempting to take care of those.

Some of those there is no funding for and probably two of the ones that I have not seen any indication for funding for would be the Crescent Boulevard extension to the west to Grand River Avenue, which has always been planned as a way of relieving the heavy southbound right turn movement from Novi Road to westbound Grand River Avenue. The other one, which is more minor that is not funded, is the signal modification to Grand River Avenue and Novi Road for a westbound right turn overlap, which is essentially adding an arrow that would let a driver free flow right turn from westbound Grand River Avenue to northbound Novi Road. That westbound turn movement on Grand River Avenue is extremely heavy and it queues up and even with the improvement made with that signal, there will still be some significant queues there. That is an improvement that certainly would be beneficial to the traffic flow in and around this area.

Traffic Consultant Arroyo noted there will be an impact and there will be some changes made which will help to mitigate the impact and there will be some things that are not planned that are needed. In terms of the internal flow, the study does show that the internal flow will, except for those extreme peak conditions, generally operate okay. There a few specific concerns that are in the traffic review letter that are still not addressed and the letter suggested that would be a condition of approval if the Planning Commission were to recommend approval.

Member Cassis asked Traffic Consultant Arroyo where he thought most of the traffic coming to Walmart would be coming from.

Traffic Consultant Arroyo stated that the applicant provided that in the Traffic Study and he has spent a fairly significant of time with the applicant's traffic consultant in going over the assumptions going into the study, so that it would be as accurate as possible in terms of portraying the conditions. The majority of the traffic is anticipated to be coming from the north. According to the Traffic Impact Study, roughly 37% of the traffic would be coming from the north on Novi Road, so coming either off the freeway or off of Novi Road.

Member Cassis said he disagreed with that. Where do most of the residents live in Novi?

Traffic Consultant Arroyo answered that most of the residents are to the south. That was discussed and he brought that up early on as one of his initial reactions. The applicant evaluated it and they also looked at where they see this particular development drawing from and they see a larger draw coming off the freeway. This is not a neighborhood shopping center. It has a much more significant scope than that.

Member Cassis stated that he still thinks the majority will be coming from Grand River Avenue from Farmington Hills and from the south side of Novi.

Member Cassis asked what roads will be greatly affected.

Traffic Consultant Arroyo answered that Grand River Avenue and Novi Road will bear the greatest impact.

Member Cassis stated he has no problem with Walmart coming and he welcomes them. Walmart is one of the icons of America and all over the world. His only worry is the traffic.

Member Meyer addressed Traffic Consultant Arroyo and asked if the site would be safe with the amount of parking provided.

Traffic Consultant Arroyo stated that the planning review addressed the parking. Obviously if the parking ratios are not working, it is going to impact traffic flow. The Traffic Study assumes there are a proper number of parking spaces provided within this development. If there is not, and people are circling and looking for parking spaces, the numbers in the Traffic Study are not going to work. The projected levels of service will end up being different from what the study anticipates. That is a big if, and the parking has to work for the traffic to work.

Member Meyer confirmed with Planner Kapelanski that the average to minimum light levels did not have to be addressed in the motion. In essence, it seems to me that Grand River Avenue will become a five lane highway, similar to what's on the other side of Novi Road going up to Rock Financial. Has any other business been asked to address improvements to a major roadway?

Chair Pehrson stated that he did not think the City had an ordinance that speaks to that. Chair Pehrson thinks there have been developers that have come in and had road bypasses put in as a result of their development, but not something that has been then operated by Oakland County.

Deputy Director McBeth answered Chair Pehrson in saying that is correct. Generally, if the development can be shown to have an impact on a particular road system or intersection, then the Traffic Engineer will recommend certain turning improvements or minor road improvements. There are situations where the City has requested that the developer might want to consider adding an additional lane. Again, those are discretionary decisions where a big development comes in and it's a rezoning with a PRO and the Planning Commission and City Council have a lot of discretion over that decision. That can be offered and that can be discussed at the table. But in situations where there is not that same level of discretion, generally no, the City does not ask for major road improvements.

Member Baratta stated that he is in 100% agreement with Member Cassis believes there will be a traffic problem there and the Planning Commission does not have the data necessary to make a decision correctly tonight. The second part of the discussion or the points Member Cassis brought up today was dangerous condition proposed with the parking of the cars that face Building X.1. That could also include the frontage road that goes in front of Borders, to the Walmart and in front of the Bonfish Grill. Those roads are going to have significantly more traffic. If it was difficult to back-up prior to the Walmart, its going to be more difficult to after the Walmart is open there. The third point we were discussing along with this difficult situation was the parking counts. This is not a big parking count for such a high volume store. The Planning Commission does not have the data to support the parking counts. Member Baratta would like to see a Walmart in the center

because they are a great operator and do a good job. However, the City cannot create a dangerous situation.

Member Greco stated that he, along with his colleagues, were a bit surprised that there was very little public here for public comment. Looking at this project and taking the history that Member Cassis always provides for the Planning Commission, Member Greco knows this property has always been a bit of an issue. You have a successful development north of the highway and a less successful one just south. Member Greco asked the staff if they were comfortable with the amount of parking provided.

Planner Kapelanski stated that staff is comfortable with the parking that is provided. The Walmart site taken individually, including the parcel lines that they are proposing, would not meet the parking standards of the Ordinance. However, the Town Center as a whole does have excess parking per the Ordinance standards and there will be shared parking agreements in place between the Town Center and the Walmart. Staff would expect if there is ever not enough parking on the Walmart parcel itself, it would overflow to other areas of the Town Center.

Member Greco then said that over the years, a lot of people have said they wish it was busier over at the Town Center and hopefully this business does make it busier. With respect to some past meetings where the Planning Commission has had some negative comments on this project, this is an area that is zoned that permits this type of use. Member Greco is generally in favor of the project as a whole. If the City allows this variance or deviation from the Ordinance to permit the outdoor pallet storage, does it give Walmart a place to put things, rather than there not being a place and the pallets end up being stored outside later on and not in compliance with the Ordinance.

Deputy Director McBeth stated that yes and that is a point staff would want to discuss with the applicant to find out if this storage area that they have identified does go away, where would the alternate location be? In the past, they have talked about some building code difficulties with bringing the pallets inside.

Member Greco stated that he does not have a problem with the open space issue. He is not in favor of the panels and would like them to conform to the Façade Consultant's recommendations and he would like to hear more comment on that. But, otherwise this is something that is permitted to go in there.

Chair Pehrson addressed Traffic Consultant Arroyo and asked if he was comfortable with the traffic concerns if the applicant addresses the issues noted in his review letter.

Traffic Consultant Arroyo stated he would be satisfied.

Chair Pehrson asked if the levels of service shown in the Traffic Impact Statements have historically proved accurate with other developments.

Mr. Arroyo stated that occasionally there is a discrepancy, but for the most part, the studies that are done and the findings that are presented due tend to be fairly reflective of what actually happens. There are some variations and certainly it is not always perfect. But, in general, I would say that the success rate is good.

Chair Pehrson asked if a driver is coming off of the inside collector road that runs parallel to Novi Road and traveling north on Ingersol Drive then wish to get out of the complex, that driver has to make a Michigan left, correct?

Traffic Consultant Arroyo said a driver could turn left on Crow Drive, which is a straight shot to Novi Road and that is south of Crescent Boulevard. That is probably the shortest and quickest way.

Chair Pehrson stated that is an obscure road that someone needs to learn. What is the impact of the

restaurants along Crescent Boulevard based upon the traffic projections that are going to be coming out of the Walmart?

Traffic Consultant Arroyo explained that the Traffic Study primarily looks at the internal circulation. The levels of service were fairly acceptable and most of the problem with the level service E and F were at the off-site intersections. The advantage to Crescent Boulevard is that it only has directional traffic because of the boulevard and a driver only has to make the right turn and has to look for gaps in one direction to make that turn. The study seems to indicate that those levels of service internally will be generally acceptable.

Chair Pehrson asked if there was any other signalization that would need to be considered to assist the Fire Department to get vehicles out of Fire Station #1 given the flow of traffic that is going to be there.

Traffic Consultant Arroyo stated that the last he heard was that Grand River Avenue was supposed to be widened to five lanes with construction commencing sometime in 2012. That is an improvement that is likely coming in a fairly reasonable amount of time. Certainly things could get pushed and maybe it will be a year or two later. The good news is there are things happening that are going to help particularly along Grand River Avenue. In terms of signalization, Traffic Consultant Arroyo is not aware of anything else that needs to be done and that question could be posed to the Fire Station and staff there and if they are having any problems. Likely in the future, the intersection of Eleven Mile Road and Town Center Drive may need signalization or a round-about improvement and that has been talked about as a potential future improvement as traffic increases and as particularly the property to the east develops. That improvement is not warranted right now.

Chair Pehrson asked Façade Consultant Necci what the alternatives were relative to a type of brick that would match the coloration or other material that could be used in place of the Phenolic Panels.

Façade Consultant Necci explained that the Phenolic Panels have been under consideration as an addition to the Ordinance. This is only the second significant proposal the City has had to use those. They are purposely not listed and probably will not be added anytime in the foreseeable future. It's interesting because this product failed on a project previously. The fundamental problem was it faded and changed color. In regard to the branding statement, that is a valid thing and is dependent on the color of the material. The suggestion made in the façade review letter to use brick of a similar color would probably satisfy everyone. It would satisfy the branding statement, bring their color's in and it would be more durable with respect to color and it would bring the building into much closer compliance with the requirement that it be substantially brick and stone. The building is brick on all façades except the front, which is only about half brick. It seems like a reasonable direction to look at least.

Chair Pehrson stated that he has no issue with Walmart coming to this location and believes the City will end up with traffic concerns. The Planning Commission cannot snap their fingers and come up with a reasonable solution for right now nor can the petitioner be requested to make road improvements. To the applicant's credit, it looks like they have done everything that staff has suggested or asked in the past.

With regard to the variances, Chair Pehrson can understand the request and the intent. Knowing and seeing some of those outside storage areas Chair Pehrson would be more inclined to be supportive of a six foot wall than a four foot wall. The applicant should reexamine their request for the outside pallet storage. It means square footage loss to the petitioner and the building occupant but there are reasons why we have certain ordinances for the TC District that are different from everything else. Chair Pehrson is okay with the alignment of the garden center.

Chair Pehrson explained that he was not keen on moving for approval on the Phenolic Panels. Façade Consultant Necci indicated that there is a solution to the problem and it would resolve itself if it were brick and still maintain the adequate look that Walmart is looking for. This is the best location for something like this in the

City.

Member Larson asked Mr. Huddleston if this store was a 24 hour operation.

Mr. Huddleston answered stated it is his understanding this will be a supercenter and will be 24 hours.

Member Larson asked if it would be all year long.

Mr. Huddleston answered in saying all year long.

Member Larson also wanted to echo Member Cassis's and Member Baratta's comments on the traffic. He has real issues with Novi Road and Grand River Avenue and doesn't see how those roads will handle this new development. He will not be supporting it for that reason.

Member Cassis stated that Walmart is a great operation. He regrets he will be voting no on this development. Although the City cannot require an applicant to make a major road improvement, widening of certain roads has been done voluntarily by some developers. Walmart has the means. It would seem Walmart coming into this City and community would want to help Novi and help their customers and want to say we welcome you and you will be safe coming into our development and voluntarily do something to enhance traffic in that particular area. Traffic Consultant Arroyo and the applicant have indicated that RCOC has not officially approved this project. Member Cassis cannot make a judgment without that knowledge.

Member Meyer stated that he has been in the City for 30 years and one of the reasons he volunteered for so many different organizations is because he really believes that there is a better way of doing things. He is very saddened by the fact that this City for years has been known to be a City that developers do not want to come to because there are too many hurdles to jump. However, there has not been enough information regarding the traffic in the area and how the development will affect the roads.

Motion made by Member Meyer, seconded by Member Cassis:

**In the matter of the request of Walmart, SP 10-42A, motion to postpone consideration of the plan until an adequate Traffic Impact Study is submitted.**

Member Greco asked Traffic Consultant Arroyo if there was a Traffic Impact Study submitted and if he felt the need for additional information.

Traffic Consultant Arroyo indicated a Traffic Impact Study has been submitted, the methodology and conclusions of which have been reviewed and approved. There are conclusions that involve various levels of service at different intersections and just because the study has been approved does not mean there is not going to be congestion. But, the assumptions that went in to the Traffic Impact Study were reasonable and therefore the results in the study are reasonable to believe and to base a decision on. Traffic Consultant Arroyo did recommend a number of conditions that are a part of that approval.

Member Greco stated that the Planning Commission knows Grand River needs to be widened and smoother and whether it gets fixed or not, there is going to be a lot of traffic in the area. It is a high volume traffic area and it is never going to be a non-high volume traffic area due to the retail.

Traffic Consultant Arroyo stated that he did get to speak to the staff and apparently the Grand River Avenue improvement may in fact be bumped and not as extensive as was originally anticipated and he wanted to make sure it is clear that is an issue that may involve less of an improvement and may not occur in 2012.

Deputy Director McBeth stated that she did talk to the Director of Public Services this week and he did

indicate that the road resurfacing is likely to take place in 2012. The expansion of two additional lanes is bumped a number of years out and probably more than ten years down the road. For the expansion, there is also a larger Traffic Study that is going on currently and that was part of the discussion that took place, but the resurfacing is scheduled for 2012.

Member Lynch explained that he agreed with Member Baratta and Member Greco that traffic is going to be different from the way it is right now and it's jammed up. Member Lynch thought that as part of the traffic review, the traffic consultant had looked at traffic and believed that the roads could handle what Walmart is projecting. Now I hear Grand River is being pushed out almost 10 years and that is a concern.

Deputy Director McBeth stated that the resurfacing is proposed for 2012 as she recalls for the full length from Novi Road to the east. The expansion to five lanes has been pushed into the future.

Member Lynch explained that Grand River Avenue needs to be wider to handle more volume. The resurfacing will be nice and it will improve the flow of traffic, but will there be adequate capacity to handle the projected increase in traffic flow.

Traffic Consultant Arroyo explained that the Traffic Impact Study does not assume the five lanes widening of Grand River Avenue and it was not based upon that. It was based on the existing conditions with whatever changes are noted in the traffic review letter. From that perspective, the study still represents the conditions as they would likely be at the time this project is going to open.

Member Lynch said he was reading the Traffic Impact Study and it says that the City and the County are considering widening the north side of Grand River Avenue approximately 12 feet in width for construction of an additional westbound lane through Town Center Drive, west of Novi Road. This improvement will add an additional thru lane at Grand River Avenue and Town Center Drive. The study says no recommendations are provided regarding the traffic conditions in 2012. Member Lynch asked Traffic Consultant Arroyo, based on his experience and expertise will resurfacing Grand River Avenue with its current lane structure adequately service the Walmart?

Traffic Consultant Arroyo stated that he was not saying that and the resurfacing would have a fairly minimal impact on the capacity of the roadway. But, in the scheme of things, there are intersections that are congested that are operating poorly and they will continue to operate poorly and traffic will not flow smoothly through this area. That is not what the study says. When Traffic Consultant Arroyo approved the study that means it's met the requirements of the City in terms of the data that needs to be presented. It does not mean that traffic is going to flow well throughout this area. There are specific issues identified in our letter where congestion will occur and it will continue and will get worse in some locations as well.

City Attorney Kolb asked if Member Meyer if he wanted to withdraw his motion or modify it given the fact a Traffic Impact Study that is acceptable to the City has been submitted.

Member Meyer stated that he would want to ask the Chair for his advice on this because he personally felt that he was listening to his colleagues and trying to accommodate what was being said in a very genuine and thoughtful way.

Chair Pehrson told Member Meyer that he would just give him his opinion. Given the fact that the Planning Commission is basing their decision on the Ordinances that are in front of them and the project certainly meets the criteria of wanting and have the ability to put this building in that location. The City doesn't have the luxury of dictating the comings and goings of the road structure as it sits today. There are concerns about the traffic and traffic will be a problem and there will be congestion. The Planning Commission cannot force Walmart to do anything more than what they've already done. The Planning Commission can suggest and if the applicant wants to on their own behalf, they can do so. But, based on the Traffic Study that has been

presented both by Walmart and confirmed by Traffic Consultant Arroyo it would be Chair Pehrson's opinion that the motion of postponing this particular hearing for reasons of needing a Traffic Study isn't consistent with what has been presented by both the petitioner and the City.

Member Meyer stated he would like to withdraw his previous motion and Member Cassis agreed.

**In the matter of the request of Walmart, SP 10-42A, motion to postpone consideration of the plan until an adequate Traffic Impact Study is submitted. *Motion was withdrawn.***

**Motion made by Member Meyer, seconded by Member Gutman:**

**ROLL CALL VOTE ON THE SPECIAL LAND USE APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:**

**In the matter of the request of Walmart, SP 10-42A, motion to recommend approval of the Special Land Use permit, subject to the following:**

**a. Planning Commission finding under Section 2516.2.c for the Special Land Use permit:**

That, relative to other feasible uses of the site,

- The proposed use will not cause any detrimental impact on existing thoroughfares due to the fact that the proposed outdoor garden center totals less than 6% of the total square footage of the store and is accessory to the main use.
- The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood due to the fact that the proposed garden center will not generate a substantial amount of noise or adverse impacts.
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- The proposed use will promote the use of land in a socially and economically desirable manner.
- The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff review letters and provided the applicant provides screening per Zoning Ordinance requirements and subject to the applicant obtaining a ZBA Variance for the garden center projecting into the front yard and provided adequate corner clearance is provided; and

**b. Compliance with all conditions and requirements listed in the staff and consultant review letters.**

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-3 (Nays - Baratta, Cassis, Larson).*

**Motion made by Member Meyer, seconded by Member Gutman:**

**ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:**

**In the matter of Walmart, SP 10-42A, motion to recommend approval of the Preliminary Site Plan, subject to the following:**

- a. With regard to the recycle area, the applicant should relocate the recycle area inside the building, or otherwise bring this area into conformance with ordinance standards;
- b. With regard to the open air business use the Zoning Board of Appeals granting a variance to allow the open air business use to project into the front yard provided the applicant provides adequate corner clearance;
- c. With regard to the masonry screen wall for the open air business use the applicant should raise the height of the masonry portion of the garden center screen wall to a height of 6 feet;



- d. A permitted reduction of the interior side yard (north) building setback to 0 feet because
  - 1.) A reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premises;
  - 2.) Waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
  - 3.) The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems.
- e. The Zoning Board of Appeals granting variances for the lack of parking setbacks in all yards;
- f. The Zoning Board of Appeals granting a variance for the eastern loading zone location;
- g. The applicant providing a loading zone for the bulk materials pick-up area as indicated in their response letter and the Zoning Board of Appeals granting a variance for the southern loading zone location;
- h. The Zoning Board of Appeals granting a variance for the location of the trash compactor;
- i. With regard to open space the applicant providing additional open space;
- j. The Zoning Board of Appeals granting a variance for the property line illumination levels;
- k. The City Council granting a Section 9 waiver for the use of non-copper colored standing seam metal roofs and the overage of metal;
- l. With regard to the use of EIFS and Phenolic Panels the applicant using brick of the colors indicated on the sample board in lieu of all Phenolic Panels and EIFS other than cornices;
- m. The applicant adjusting the building design to be compatible with the surrounding architecture including extending the upper EIFS cornice across the entire west facade; and
- n. Compliance with all conditions and requirements listed in the staff and consultant review letters.

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-3. (Nays – Baratta, Cassis, Larson).*

Motion made by Member Meyer, seconded by Member Gutman:

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:

- In the matter of Walmart, SP 10-42A, motion to approve the Storm Water Management Plan, subject to:
- a. City Council approval of the requested Special Land Use Permit and Preliminary Site Plan; and
  - b. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-3. (Nays – Baratta, Cassis, Larson).*

## MATTERS FOR CONSIDERATION

### 1. BUILDING X.1 AT NOVI TOWN CENTER, SITE PLAN 10-41A

Consideration of the request of Novi Town Center Investors, LLC for a recommendation to City Council for Preliminary Site Plan approval. The subject property is located in Section 14 near the northwest corner of Eleven Mile Road and Town Center Drive, in the TC, Town Center District. The subject property is approximately 35.7 acres and the applicant is proposing to construct an approximately 17,500 square foot retail building to connect the existing Novi Town Center to the proposed Walmart store.

Planner Kapelanski stated that the applicant is proposing to construct a 17,442 square foot retail building to connect the existing Novi Town Center to the proposed Walmart store.

The planning review recommended approval of the plan. The applicant has requested variances for the lack

of parking setbacks and the illumination levels extending beyond the property line. Staff supports these variances as they are needed because of the Walmart parcel split. Additionally, staff supports the variances needed to locate the dumpster and loading zone in the exterior side yard. Staff is recommending building setbacks be reduced by the City Council, as requested by the applicant.

Section 1602.1 of the Ordinance requires all projects 5 acres or larger to receive the approval of the City Council after a recommendation from the Planning Commission. The Planning Commission should consider the factors listed in Section 1602.9 when making its recommendation.

The traffic review notes minor items to be addressed on the final site plan and recommends the applicant consider redesigning the parking configuration of the three-legged intersection adjacent to the southwest corner of the building. The City's traffic consultant, Rod Arroyo is here to address any traffic issues.

The façade review supports a Section 9 waiver for the underage of brick and overage of "c" brick on the east rear façade and the use of non-copper colored standing seam metal.

The landscape, engineering and fire review recommend approval of the plan noting items to be addressed on the final site plan submittal.

Matthew Quinn came forward appearing on behalf of Novi Town Center Investors and began by noting this will be the first time there will be a north/south traffic way thru the entire center. The building in question is X.1, which fills in from the north to the south and that completes the structures that will be built within the Town Center as part of this overall project and rehabilitation. This building is 17,500 square feet and will be a multiple tenant building. The parking lot that is referenced includes two handicap and two regular parking spaces. The engineers stated in their response letter that there will be stop signs on all three sides of that intersection and it will give protection to the people backing out of those four spaces. This parking is a continuation of all the parking that exists in the Town Center.

The variance requests are minimal and generally required because the Walmart site will have its own parcel. The Section 9 Waiver is the same waiver that has been granted throughout the entire center during this redevelopment and a continuation of the materials and colors that have already been approved.

Mr. Quinn stated he has read the approval motion and finds it is reasonable and covers everything that is necessary. Mr. Quinn stated the engineers and architects for the project were also in attendance as were representatives from the Town Center.

Member Baratta had some questions relating to the traffic. When this center was designed, it wasn't designed to have what will essentially be an east/west main street for the traffic to flow straight through from Border's to the new Walmart. Originally this was designed for minimal traffic in each of the three pods that were accessed via the ring road. There is parking between the building and the main drive aisles today.

Member Baratta stated that he has not seen a center built in a number of years where they would allow parking there because of the hazard that it would create with backing into a main aisle. This will create a lot more traffic going from one side of the center to the other but there is still parking adjacent to the buildings.

Member Baratta stated that he thinks it creates a significant problem for accidents there asked Traffic Consultant Arroyo if this is an accurate depiction.

Traffic Consultant Arroyo answered it would be correct to say traffic will now be able to flow straight through the site.

Member Baratta explained that with people backing out of that parking adjacent to the buildings into the

main arterial channeling the traffic from side to side, it would appear to cause a problem with accidents and other obstructions.

Traffic Consultant Arroyo stated that his response to that would be one would probably not see that built today. It is really the 90 degree angle of the parking that makes it the most challenging and there are certainly enough walking areas where angle parking and parallel parking is provided adjacent to heavily traveled streets. The 90 degree parking is challenging because basically a driver does not know which way people are going to back out. Traffic Consultant is particularly concerned about the intersection near Building X.1 and is certainly glad to hear that it is going to go to an all way stop. If this were to be a street system, there wouldn't be parking spaces backing into intersections.

Member Baratta stated that Traffic Consultant Arroyo recommended approval with the exception of that small segment right near the Walmart. Should the parking in front of Borders and the rest of the retail buildings also be removed for that same reason?

Traffic Consultant Arroyo explained that it would be very difficult at this point in time to eliminate that parking because it would involve an entire redesign and rebuild of the parking lot and the way it functions. The most significant concern was at that intersection. It just does not seem reasonable to remove those spaces given the type of change that is proposed here and given the level of difficulty there would be to totally, reconfigure and redesign the center. It really is a total change in the way that operates and a very expensive and very disruptive change to eliminate that parking.

Member Baratta asked Traffic Consultant Arroyo why that parking couldn't be eliminated by whitening out the lines and making that part of the driveway system.

Traffic Consultant Arroyo explained that there could be some issues in terms of meeting parking requirements and there's an anticipation that some of the Walmart demand could be spilling over into this area and by eliminating spaces that could exacerbate that during peak times.

Member Baratta asked if this was creating a hazardous condition because Walmart is under parked and they need to spill over during peak times.

Member Cassis stated that he wanted to reiterate what his colleague Member Baratta said and then asked Mr. Quinn if the two handicapped spaces were needed.

Mr. Quinn answered Member Cassis in saying there are two handicapped spaces and two regular spaces and what is being changed is for the handicap. Instead of having two separate entries, it is reconfigured so they are sharing and then the two regular spaces are there as well. Those parking spaces closest to the business are very important to those businesses and certainly these parking spots are not going to go away. Some tenants may even have rights to those being in front of their space. Mr. Quinn stated that Town Center representatives told him earlier this evening that they have not seen a report of an accident from any car backing out or getting struck by another vehicle in the ten years they have been there. Why is that? It is because everyone drives so slow along there and it is nothing more than a driveway. It is not a road and it is just a small driveway with cars going two ways and they are careful.

Member Cassis asked if there is one accident, isn't that too much?

Mr. Quinn answered Member Cassis saying, not really. Mr. Quinn said it could be an accident which is just a simple fender bender with no personal injury.

Member Cassis asked Mr. Quinn how he could say that.

Mr. Quinn answered in saying how can you say it is otherwise.

Member Cassis said no accidents are justified and the spaces should be removed and wondered if this new configuration was proposed just to accommodate Walmart.

Mr. Quinn explained that these are for the Town Center building and have nothing to do with Walmart. Building X.1 is going to maybe make this center go or not. This really has nothing to do with Walmart.

Member Cassis stated that Member Baratta has explained this very clearly to him and he agrees with him. Member Cassis has a problem with these parking spots.

Member Lynch said that he needs to understand this better. If one were to add perpendicular parking spaces there, how dangerous would it be? And then, if one was to add handicap parking spaces there, how much more dangerous would it be? Member Lynch said he did not understand this whole thing and is concerned. Member Lynch said he is looking at the map and the east/west route is a quick way to get from one point to another. Member Lynch asked if the parking spaces in front of Building X.1 are eliminate, how would that eliminate the north/south route.

Mr. Quinn stated that those parking spaces start just after the Borders and go all the way south right to the end of the X.1 Building.

Member Lynch stated that he agrees with Member Baratta because he doesn't want to be responsible for an accident or injury.

Mr. Quinn said that per engineer's response letter, there is going to be a three-way stop right there and that is going to stop people from driving through that area at a high speed.

Member Lynch expressed his concern to Mr. Quinn and is going to listen to his fellow Commissioners.

Mr. Quinn explained to Member Lynch that it is not him who put the handicap spaces in and that was a requirement by the City of Novi. It was not us voluntarily putting them there; the City required them to go there. Where do you want those spaces, across the street, so the handicap get out of their cars and cross traffic in a wheelchair?

Member Lynch stated that he is disabled and does park in a handicap spot and that he does not have a problem walking across where there is a stop sign. He specifically worries about disabled individuals being put in harms way. It is more difficult because they cannot move as fast. Member Lynch wants to accommodate this project without putting people in harms way.

Member Gutman asked Traffic Consultant Arroyo if the addition of the three-way stop sign alleviates his concerns.

Traffic Consultant Arroyo stated that it is a substantial improvement over the previous situation where that was not there.

Member Gutman asked what could be done further if it is only a substantial improvement.

Traffic Consultant Arroyo answered that ideally the spaces that are directly within that intersection would be eliminated.

Member Gutman asked staff if the spaces could be eliminated or relocated and still meet the parking requirements of the Ordinance.

Planner Kapelanski stated that per the parking requirements, the Town Center as a whole does have extra parking spaces and they could lose those four spaces that are in question. If they were to eliminate those spaces, staff would obviously want those accessible spaces to be located a bit further down. Some restriping could be done to accommodate the accessible spaces further down the parking aisle.

Member Gutman stated that then there is a way this could be achieved.

Planner Kapelanski said yes and that the traffic review letter had something about realigning those two parking spaces.

Traffic Consultant Arroyo stated that there was one other option. The applicant could shift the handicap spaces to the north so that the access aisle would align with the pedestrian crossing.

Member Gutman addressed Mr. Quinn in saying that there are other solutions and that this is not a single solution issue; would Town Center be willing to relocate those spaces knowing that the handicap spaces could be moved?

Mr. Quinn responded the most valuable spaces are the ones that are adjacent to the businesses. If the handicap spaces are moved to the left and to the north, then that means additional parking spaces are being removed. This would affect more than four parking spaces altogether. It makes it a very difficult proposition. The three stop signs, in the engineer's opinion, will alleviate the safety and traffic concerns.

Member Gutman stated he wasn't saying that a three-way stop sign doesn't provide a significant modification to that, but there are also concerns over the safety of drivers and pedestrians. Member Gutman indicated he is just asking if there is a willingness to work with the City on this and alleviate these concerns. How many spaces would you lose if the handicap spaces were relocated?

Mr. Quinn stated that it would probably be the four.

Member Gutman asked what that would take your parking ratio to.

Mr. Quinn said that overall the Town Center would still have an excess of parking.

Member Gutman asked if there were any prospects for any tenants for this space.

Mr. Quinn answered that a center does not get any tenants until a project is built and this is not pre-leased.

Member Gutman stated that his own opinion, he would like to listen to the thoughts of the Commission, but, also wondered if there was a simple solution that alleviates the problem.

Mr. Quinn stated that he thought all that needed to be in the motion is a positive recommendation to state that further discussion between the applicant and the staff will occur by the time it gets to the City Council and that would be an appropriate addition to the motion.

Member Gutman answered saying it sounds like there is a tremendous willingness to work with the City on this and that is all the Planning Commission could ever ask for.

Member Baratta stated that between the Borders and Building X.1, there are approximately 63 parking spaces. The new building shows four handicap parking spaces in front and there will be a significant number of cars going south of the plan in front of the Walmart trying to get to Crescent Boulevard. The vast majority of them will go across the front of the shops to get to Crescent.

Member Baratta stated that his concern was there are 63 parking spaces and there will be people backing out. With the Walmart customers it is going to be a significant arterial assuming that is approved. Member Baratta asked Traffic Consultant Arroyo if this project were submitted for review today, would he recommend those parking spaces be included in a plan or not included in a plan.

Traffic Consultant Arroyo stated that if this was a clean slate, he would not recommend those spaces there.

Member Baratta asked for what reason would he not recommend those spaces.

Traffic Consultant Arroyo explained that a number of things would come into play and I think the Fire Department would first off say they would rather have that open for access for response to emergencies and that is usually what drives it a lot of times. From a traffic circulation standpoint looking at this, it certainly would be more beneficial to not have 90 degree parking backing into a lane and it doesn't mean there would not be parking there. There could be an alternative parallel space and maybe even angle parking.

Member Baratta stated that this particular center has come to this Planning Commission maybe 6 or 7 times for different changes to the center and it has been reviewed in components and the Planning Commission has approved components of a plan. Never the entire plan, but components of it and one of the difficulties of that is that a shopping center has to flow and it is like a machine and it all has to work together and by seeing little pieces of it and approving little pieces, one doesn't necessarily get a machine that works. This is a situation that would not be approved today. If the center lost 63 parking spaces, would they meet the parking requirements?

Traffic Consultant Arroyo stated that Planner Kapelanski would have to answer that question since she reviewed the parking.

Chair Pehrson said he would like to interject for a minute and asked staff to let him know if he is saying something wrong. The Planning Commission is not redesigning the center, they are looking at the relocation, elimination or modification of the four spots that are adjacent to the X.1 building. Is that correct?

Member Baratta then asked, aren't we looking at the construction of Building X.1, of the site plan itself?

Chair Pehrson answered yes, relevant to those four parking spaces that have been identified on the plan and not the parking spaces that are in the front of Borders or any other stores.

Member Baratta asked Chair Pehrson about the construction of the site plan of X.1 and the envelope of it. It does have an impact on parking, circulation and handicap spaces and a whole host of issues.

Chair Pehrson answered in saying Member Baratta can carry that to the logical extent that the Planning Commission is looking at those four spaces.

City Attorney Kolb stated that this is a site plan for an individual building within the center and that is what is up for consideration to make a recommendation to City Council.

Member Baratta stated that he thinks that if a building will be added to a shopping center, there needs to be an examination of how it impacts the entire shopping center.

Member Cassis stated he agreed with Member Baratta.

City Attorney Kolb stated that unfortunately with a site plan the Planning Commission is limited to what is on the site plan and has less discretion on a site plan than on some other matters that may come up.

Chair Pehrson stated that the concerns and point are valid and accurate, but the Planning Commission is only dealing with the smaller portion and not the totality of the center.

Member Baratta stated to the question then, relevant or not, if they lost 63 parking spaces, would they still meet code?

Planner Kapelanski confirmed the center would still meet the Zoning Ordinance requirements.

Motion made by Member Gutman, seconded by Member Prince:

**In the matter of Novi Town Center Building X.1, SP 10-41A, motion to recommend approval of the Preliminary Site Plan, subject to the following:**

- a. **A permitted reduction of the interior side yard (north) and exterior side yard (east) building setback to 0 feet because:**
  - 1.) **A reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premises;**
  - 2.) **Waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and**
  - 3.) **The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems;**
- b. **The Zoning Board of Appeals granting variances for the lack of parking setbacks in the interior side yard (north) and exterior side yard (east);**
- c. **The Zoning Board of Appeals granting a variance for the loading zone location;**
- d. **The Zoning Board of Appeals granting a variance for the location of the dumpster;**
- e. **The Zoning Board of Appeals granting a variance for the property line illumination levels;**
- f. **A Section 9 waiver for the underage of brick and overage of concrete "c" brick on the east façade and the use of non-copper colored standing seam metal;**
- g. **The applicant confirming materials consistent with the Town Center design will be used on the south façade in the event the Walmart is not constructed;**
- h. **Applicant working with the city to remedy the concerns associated with the four parking spaces at the southwest corner of the building; and**
- i. **Compliance with all conditions and requirements listed in the staff and consultant review letters.**

**This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.**

Member Lynch asked Traffic Consultant Arroyo where safest and best places are for the four handicap spaces. Is it safer to have the spaces closer to the building or move them back?

Traffic Consultant Arroyo answered Member Lynch in saying that the best situation would be to have them closest to the building. Obviously every condition is different, but certainly the closest to the building and shortest travel distance is what the intent is.

Member Lynch thought Traffic Consultant Arroyo's opinion is valid to have those handicap places closet to the building. Member Baratta's issue about a main thoroughfare is also valid. The stop sign seems to help.

Member Cassis questioned the language in Member Gutman's motion. What did he mean by working with the City on the four handicap spaces?

Member Gutman answered Member Cassis in saying that the applicant will work with the City to come up with a solution that is agreeable to the City and traffic consultant and nothing more than that. What the Planning Commission heard from Traffic Consultant Arroyo and from Mr. Quinn is that there is more collectively

that they can do together to satisfy the concerns of the Planning Commission and that they will work together to take it a step beyond where it currently is to make that occur.

**ROLL CALL VOTE ON THE APPROVAL OF PRELIMINARY SITE PLAN APPROVAL OF TOWN CENTER X.1 BUILDING, MOTION MADE BY MEMBER GUTMAN, SECONDED BY MEMBER PRINCE.**

In the matter of Novi Town Center Building X.1, SP 10-41A, motion to recommend approval of the Preliminary Site Plan, subject to the following:

- j. A permitted reduction of the interior side yard (north) and exterior side yard (east) building setback to 0 feet because:
  - 1.) A reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premises;
  - 2.) Waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
  - 3.) The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems;
- k. The Zoning Board of Appeals granting variances for the lack of parking setbacks in the interior side yard (north) and exterior side yard (east);
- l. The Zoning Board of Appeals granting a variance for the loading zone location;
- m. The Zoning Board of Appeals granting a variance for the location of the dumpster;
- n. The Zoning Board of Appeals granting a variance for the property line illumination levels;
- o. A Section 9 waiver for the underage of brick and overage of concrete "c" brick on the east façade and the use of non-copper colored standing seam metal;
- p. The applicant confirming materials consistent with the Town Center design will be used on the south façade in the event the Walmart is not constructed;
- q. Applicant working with the city to remedy the concerns associated with the four parking spaces at the southwest corner of the building; and
- r. Compliance with all conditions and requirements listed in the staff and consultant review letters.

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 9-0.*

**2. SET A PUBLIC HEARING FOR JANUARY 12, 2011 FOR TEXT ADMENDMENT 11-100.40 TO CONSIDER A REQUEST BY TBN, LLC TO AMEND THE SIGN ORDINANCE TO ALLOW PROMOTIONAL WALL SIGNS, SUBJECT TO CONDITIONS IN THE EXO, EXPOSITION OVERLAY AND EXPO, EXPOSITION DISTRICTS.**

Planner Kapelanski stated that the applicant is proposing modifications to the Sign Ordinance to allow up to four promotional signs totally 480 square feet each in exposition facilities equal to or greater than 150,000 square feet. This matter was taken to the Implementation Committee and those members did not express any major concerns, but did express some concerns about the number of signs that would be allowed. This is an Amendment that has been proposed by Rock Financial Showplace. Temporary signage totaling approximately 480 square feet has been installed to give staff, the Planning Commission and City Council an idea of what the new signage would look like. Staff is currently reviewing the amendment and some modifications will likely be proposed once it comes forward for a public hearing.

Chair Pehrson stated pictures of the temporary signage were included in the Planning Commission packets to give the Commissioners a sense of what the final product could look like.

Motion made by Member Gutman, seconded by Member Larson:

**ROLL CALL VOTE ON MOTION TO SET A PUBLIC HEARING MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LARSON:**



Motion to set a Public Hearing for January 12, 2011 for Zoning Ordinance Text Amendment 11-400.40 related to modifications to the Sign Ordinance. *Motion carried 9-0.*

3. **SET A PUBLIC HEARING FOR JANUARY 12, 2011 FOR TEXT ADMENDMENT 18.246 TO AMEND THE I-1, LIGHT INDUSTRIAL SECTION OF THE ZONING ORDINANCE.**

Planner Kapelanski stated that this is an amendment proposed by staff. It was taken to the Implementation Committee and those members had no additional comments. The amendment would allow more than one outdoor storage tank in the I-1 District and it would permit buildings and structure accessory to a principle permitted use as principle permitted uses and also includes a number of other minor miscellaneous changes and cleanups.

Member Gutman complimented the staff on their great work on the amendment.

Motion made by Member Gutman, seconded by Member Baratta:

**ROLL CALL VOTE ON MOTION TO SET A PUBLIC HEARING MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:**

Motion to set a Public Hearing for January 12, 2011 for Text Amendment 18.246 to amend the I-1, Light Industrial section of the Zoning Ordinance. *Motion carried 9-0.*

4. **APPROVAL OF THE AUGUST 11, 2010 PLANNING COMMISSION MINUTES**

Moved by Member Gutman, seconded by Member Larson:

**VOICE VOTE ON AUGUST 11, 2010 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LARSON:**

Motion to approve the August 11, 2010 Planning Commission minutes. *Motion carried 9-0.*

5. **APPROVAL OF THE OCTOBER 6, 2010 PLANNING COMMISSION MINUTES**

Moved by Member Gutman, seconded by Member Larson:

**VOICE VOTE ON OCTOBER 6, 2010 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LARSON:**

Motion to approve the October 6, 2010 Planning Commission minutes. *Motion carried 9-0.*

6. **APPROVAL OF THE NOVEMBER 10, 2010 PLANNING COMMISSION MINUTES**

Moved by Member Gutman, seconded by Member Larson:

**VOICE VOTE ON NOVEMBER 10, 2010 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LARSON:**

Motion to approve the November 10, 2010 Planning Commission minutes. *Motion carried 9-0.*

**CONSENT AGENDA REMOVALS FOR COMMISSION ACTION**

There were no items on the Consent Agenda.

**MATTERS FOR DISCUSSION**

Deputy Director McBeth wanted to make sure the Planning Commissioners were aware of their invitation to come to the Appreciation Dinner on the first Friday evening in January. RSVP is required.

**SUPPLEMENTAL ISSUES**

There were no Supplemental Issues.

**AUDIENCE PARTICIPATION**

No one from the audience wished to speak.

**ADJOURNMENT**

Moved by Member Gutman, seconded by Member Larson:

**VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LARSON:**

Motion to adjourn the December 8, 2010 Planning Commission meeting. *Motion carried 9-0.*

Transcribed by Juanita Freeman

December, 2010

Date Approved:

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Richelle Leskun, Planning Assistant