



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**July 23, 2014 7:00 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile  
(248) 347-0475

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Anthony, Member Greco, Member Lynch, Member Zuchlewski

**Absent:** Member Baratta (excused), Member Giacometti (excused), Chair Pehrson (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Sara White, Planner; Jeremy Miller, Engineer; Gary Dovre, City Attorney.

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Anthony:

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

**Motion to approve the July 23, 2014 Planning Commission Agenda. Motion carried 4-0.**

## AUDIENCE PARTICIPATION

No one in the audience wished to speak.

## CORRESPONDENCE

There was no Correspondence.

## COMMITTEE REPORTS

There were no Committee Reports.

## COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

There were no Reports from the Deputy Director.

## CONSENT AGENDA - REMOVALS AND APPROVAL

There were no Consent Agenda items.

## PUBLIC HEARINGS

There were no Public Hearings.

## MATTERS FOR CONSIDERATION

### 1. TOWN CENTER FOUNTAIN SHOPS, JSP14-24

Consideration of the request of Novi Town Center Investors for recommendation of approval to the City Council of Preliminary Site Plan and Stormwater Management Plan. The subject property is 47.77 acres in Section 14 of the City of Novi and located at the intersection of Ingersol Drive and Crescent Boulevard in the TC, Town Center district. The applicant is proposing a 7,108 square foot retail building.

Planner Sara White said the applicant is proposing a 7,108 square foot retail building as part of the larger 47.77 acre Town Center development. The subject project is located at the corner of Crescent Boulevard and Ingersol Drive in section 14. The subject project is zoned TC, Town Center, and is surrounded by TC on all sides. The Future Land Use map indicates Town Center Commercial uses for the subject property with the same use suggested for all surrounding properties. There are no regulated woodlands or wetlands on the site. The proposed development will result in a 7,108 square foot retail building and new pedestrian plaza with fountain and art work. 20 existing parking spaces will be removed and will be replaced with 13 new parking spaces, including 4 barrier free. The proposed building is set back 20 feet from the front property along Crescent Boulevard. This is less than the minimum 50 foot setback and will require a variance from the City Council. In the Town Center, setbacks may be reduced by City Council provided: (1) It will not impair the health, safety or general welfare of the City as related to the use of the premises or adjacent premise (2) It would result in a more desirable relationship between a proposed building & an existing building (3) The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems. It is staff's opinion that these standards have been met. The Town Center also has a minimum open space requirement of 15%. The proposed project would result in 17.21% open space throughout the entire Town Center.

In the Town Center district, a three foot tall decorative wall is required along rights-of-ways. The applicant has proposed a border of decorative piers with wrought iron fencing at the outside seating areas. This will require a waiver. Staff could support this waiver since it is possible that the installation of a wall could detract from the welcoming aesthetics proposed. There are currently no such walls or fences within the vicinity of the development. The existing pedestrian plaza and fountain will be demolished, but the project proposes a new plaza and fountain with a pad to feature sculptures on a rotating basis. The applicant also anticipates outdoor seating facing the pedestrian plaza. It is staff's opinion that these pedestrian and architectural amenities are in sync with the intent of the recently completed Town Center Study and help to enhance the desirability of the center. All reviews are recommending approval of the proposed plan with items to be addressed on the final site plan. The Planning Commission is asked to consider and approve the Preliminary Site Plan and Stormwater Management Plan. The applicant is here tonight to answer any questions that you may have, as well as city staff.

Mathew Quinn said it's not often that I get to come with a project that appears to be so easy, normally I'm here for the hard ones. This one is a nice one and it's caused by the reinvigoration of Novi Town Center. I have with me Jim Clear, the manager of the mall and the other consultants to answer any questions that you might have. This is a brand new building that will go into what is currently a parking location. It will have two tenants with outdoor seating and the seating will wrap around the sides of the building and along the new park area. The 7,108 foot building meets the architectural scheme of the Town Center overall. It will fit in very nicely.

Mr. Quinn said, as far as the new redone park area is concerned, they're going to maintain a water feature there, but in the center of the water feature there will be a year around vertical art element and they're going to be working with the Novi Arts Council on which type of elements will go there. Just to give you an example of what they may be. This is the area where the fountain will be with the cascading water 360 degrees around the sides. The vertical element will change periodically and then we have the pedestrian orientation for the park. Right now, it's a hard scape. The fountain looks nice in the summer but the rest of the year it's just hard cement. So with the change, you're always going to have an art object there. You will always have the shrubbery all the way around and in the summer, three-quarters of the year you will have the pedestrian ability to move in and out. Even though we have a couple business referenced here, I wouldn't guarantee that those will go there but the outdoor seating will be in each of those locations. So it's going to be a nice setting for people to sit outside and eat and watch the water fountain and watch the people go by.

Mr. Quinn said, we acknowledge that we need to go to the City Council for the variance on the front yard setback. Since there's really 360 degrees of front yard to this type of building, it's not out of the ordinary to require the variance for the setback and we're confident that we'll get that from the city. Then we're asking you for the variance for that three foot knee wall that goes around. You can see from the way that landscaping is setup and the way the pedestrian orientation is, that would actually defeat the purpose and the landscaping will actually be a little more favorable of a benefit. So we're looking for your approval on all of the items in front of you this evening and we'll answer any questions you may have.

Member Anthony said I'm fully in support of this. I think the request for the waiver on the three-foot decorative wall still brings this site consistent with the rest of the Town Center. It looks like they've improved on recognizing how the area is used and what the new trends on with being able to sit outside in an appropriate manner. This is a nice improvement from the area where Pot Belly and Bagger Dave's was located.

Attorney Dovre said addressing Mr. Quinn's comment on who has the ability to grant the waiver on the landscape wall. With this going to the City Council, I believe the past practice has been and my recommendation would be that that waiver also be left for the City Council. In the normal situation where the preliminary site plan wasn't going to the City Council it certainly is a Planning Commission call, but since it's going there for preliminary site plan, our recommendation would be that Council be left to act on that as well.

Member Anthony said would we need to then modify the motion.

Planner White said the motion is currently written to reflect it going to the City Council.

Moved by Member Anthony and seconded by Member Lynch:

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

**In the matter of Town Center Fountain Shops, JSP14-24, motion to recommend approval of the Preliminary Site Plan to the City Council based on and subject to the following:**

- a) The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan;**
- b) Building setback reduction from 50 feet to 20 feet along Crescent Boulevard since the plan meets the standard of Ordinance Section 1603.4; and**
- c) Waiver of 3' decorative wall along rights of way to allow views of the proposed decorative landscaping and amenities.**

**This motion is made because the plan is otherwise in compliance with Article 23A, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 4-0.**

Moved by Member Anthony and seconded by Member Lynch:

**ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:**

**In the matter of Town Center Fountain Shops, JSP14-24, motion to recommend approval of the Stormwater Management Plan to the City Council based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions**

**and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 4-0.**

**2. ZONING ORDINANCE TEXT AMENDMENT 18.269**

Planning Commission's recommendation to the City Council of an ordinance to the amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OSC, Office Service Commercial District, Section 1203, Required Conditions: In order to allow Outdoor Display Areas in conjunction with a permitted General Hospital Use.

Deputy Director McBeth said if you recall at the Planning Commission's last meeting on July 9<sup>th</sup> the public hearing was held for this matter. There was considerable discussion by the Planning Commission with the applicant at that time about the proposed ordinance amendment. Unfortunately, the applicant isn't present this evening because he had a scheduling conflict. The applicant is aware that this is being presented again tonight with some modifications as identified in the minutes from the previous meeting.

The primary change that has been made to the draft ordinance is that we're now recommending that the display areas be permitted as a temporary special land use. That's a procedure that we currently have in the zoning ordinance and it allows the building official to hold an administrative hearing and review the submitted plan in accordance with the number of standards that are provided in the ordinance. Staff would be able to verify certain standards are met with the submittal including that the display is of a temporary nature, clarify the identity of the donor and type of item to be displayed. Changes to the displayed item would come back again for a fresh review to insure that the displayed item is consistent with the general hospital use and the intent of this ordinance.

A couple of other modifications that were made to the ordinance were highlighted in the memo. There was a comment that maybe this display would be a distraction to passing traffic on either Beck Road or Grand River, so the suggested language is that this display pads be setback at least 150 feet from the major thoroughfare. There's a graphic that was provided in the packets that shows where this setback line is located - 150 feet is pretty much located within the ring road itself.

Other changes that were made were limitation on the display area occupying a certain amount of space on that display pad. This would limit the size of the vehicles that are being displayed to the size of a passenger vehicle. Additionally, the use of pavers as an acceptable hard service material for the display pad is now included in the proposed ordinance. So tonight, the Planning Commission is asked to consider the modifications to the ordinance and make a recommendation to the City Council, unless additional modifications are suggested or needed.

Member Lynch said I remember in the last discussion we were talking about other people wanting to go in there and I just wanted to make sure that this isn't being discriminatory in any way to other automobile manufacturers. We're allowing passenger cars. It looks like by the limitation of the footprint we've excluded other types of vehicles. Is that appropriate?

Deputy Director McBeth said I think that might be a policy decision and discussion that you could have. What we heard from the Planning Commission last time was the thought was that display of passenger vehicles seemed acceptable and complementary to hospital but maybe something larger than that would not be appropriate. That's why the ordinance was carefully crafted around the size of the display pad, and also allows a review by the building official.

Member Lynch said I understand all that and I fully support what they're doing after the discussion with the president of the hospital. I just want to make sure that we're not going to be accused of making an ordinance for one entity and excluding several others.

Deputy Director McBeth said we had conversations with the applicant and they're comfortable with this language as presented. So I don't think that this applicant feels that it's being discriminatory.

Member Lynch said it's really up to the applicant what they want to put up there, right? They would come to us and say look we would like to put this vehicle or this piece of art then administratively you could approve or object.

Deputy Director McBeth said that is correct.

Attorney Dovre said this ordinance does, in effect, limit the size of items that may be on the display pad. I walked away from the last meeting thinking that that was one of the concerns that we didn't have overly-large items that were crammed right out to the end of the display area. So the ordinance talks about maintaining pedestrian access from both sides. One thing I would like to point out, and it relates to Ms. McBeth's presentation, as drafted you'll see this ordinance refers to two sections on this temporary special land uses, 3004.2.b and 3004.3. It does not refer to 3004.5 which is the temporary land use provision where someone could ask the administrative official to hold a public hearing. So on the face on this language, it does not require the building official to hold a public hearing every time. It was intentionally drafted to not mandate public hearings and I just wanted to point out that distinction.

Member Anthony said I agree with Member Lynch in not wanting to set a precedent for other signage. What is the intent of these pads at the hospital?

Attorney Dovre said it is to allow someone in this district to recognize a donor of something of value to be able to display it on their property. One of the changes here was that the only things that could be displayed in the pad have to belong to the donor.

Member Anthony said so when we're talking about a donor, we're referring to someone who is a donor to the hospital?

Attorney Dovre said yes.

Member Anthony said so they have donated something to the hospital and what they've donated is on the pad?

Attorney Dovre said no, or it doesn't have to be. One could donate money and say we would like to display this. It doesn't have to be a car for a car.

Member Anthony said it could be a sign or vehicle or any object that is displayed on the pad.

Attorney Dovre said as long as it is, to quote the ordinance, "compatible with the use of the general hospital campus and existing building and improvements on it". Admittedly, a subjective standard of sorts, yet there is a standard. It can't just be anything. It has to have a relationship to the hospital use.

Member Anthony said with the limitations on a public hearing for each object there is still a requirement to go through city staff to notify them on what is being displayed.

Attorney Dovre said yes and I believe in your packets the temporary land use sections were included. It is a discretionary decision by the building official.

Member Anthony said with this being temporary is it that the pad itself is temporary or that the object that's placed on the pad is temporary or both?

Attorney Dovre said the pad is put in as a permanent pad, the permit granted by the building official maybe for 12 months with extensions possible of 12 months. It goes 12 months at a time, that's the time frame currently laid out in that section of the ordinance.

Member Anthony said so the object approved by staff could be there for 12 months and then a renewal is needed. Either a renewal based on 12 months or based on a new object.

Attorney Dovre said this ordinance would not require a turnover of the type of object. And it deals with types of objects or items but the permit would need to be extended or renewed.

Member Anthony said and the intent is to somehow give the credit to the donor as a way to say thank you look at what this person has done for us.

Attorney Dovre said that was my understanding of the concept behind this.

Member Anthony said is this done anywhere else in our area that you know of.

Attorney Dovre said I do not. If you recall from the applicant at the last meeting, I asked him that question and he was not aware of it anywhere in Michigan or elsewhere. I'm not sure how extensively he looked and I have not attempted to look myself.

Member Greco said I don't think Member Anthony was here last time we discussed this. The issue is that one of the local car dealers, Varsity Lincoln, is donating security cars to the hospital for security and transportation and in exchange for that they would like to display a car at the hospital. The hospital said yes but they need a change to the ordinance in order to do that because outdoor displays of items are not allowed in the OSC District. So that's the purpose behind this and why we're looking at this right now.

Member Anthony said that was very helpful. Thank you.

Member Zuchlewski said the only thing I was looking for was the time frame but then I heard the 12 month period. I'm satisfied with it as it sits.

Member Greco said just for my comments in reviewing it, I thought the attorney's office and the staff did a good job ascertaining what the Planning Commission was talking about and discussing last meeting with regard to this. I think the changes are consistent with what we've talked about with regard to limitations on location and size that we were concerned about. I think that despite the comments made earlier, I think discriminatory is a strong word, but we clearly are as a commission and a city if we're going to approve this differentiating between different type of applicants and objects. There no doubt about that regarding the size and type of things that are there. So it is a policy decision, as Ms. McBeth pointed out, on what we want to do or not do. We clearly are differentiating between different sections, applicants, and items.

With that in mind, given that this is a unique situation and given that we had the applicant here talking about this donor relationship and the benefit they would receive as a nonprofit organization. I think with the changes that are here, I'm comfortable recommending it for approval to see what the

City Council thinks, because ultimately it is their policy decision on what they want to do with respect to this district and occupant of the district and what they underlying intent is of the deal. So I am satisfied with the changes that were made.

Moved by Member Lynch and seconded by Member Anthony:

**ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.269 APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:**

**Motion to recommend approval to the City Council of Zoning Ordinance Text Amendment 18.269, as revised. Motion carried 4-0.**

**3. APPROVAL OF THE JULY 9, 2014 PLANNING COMMISSION MINUTES**

Deputy Director McBeth said there is one minor modification to the minutes. We put a copy of that page in front of the Commission this evening. The change is located at the bottom of page 10, just a clarification in the motion that was made to correctly to reflect that it was a motion made in the matter of a text amendment. We had inadvertently put the language referencing a site plan. So in the motion, if you choose to approve it tonight, would be based on the modified minutes.

Moved by Member Lynch and seconded by Member Anthony:

**ROLL CALL VOTE ON THE PLANNING COMMISSION MODIFIED MINUTES APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:**

**Motion to approve the July 9, 2014 Planning Commission Modified Minutes. Motion carried 4-0.**

**CONSENT AGENDA REMOVALS FOR COMMISSION ACTION**

There were no Consent Agenda Removals.

**MATTERS FOR DISCUSSION**

There were no Matters for Discussion.

**SUPPLEMENTAL ISSUES**

There are no Supplemental Issues.

**AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

**ADJOURNMENT**

Moved by Member Lynch and seconded by Member Anthony:

**VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:**

**Motion to adjourn the July 23, 2014 Planning Commission meeting. Motion carried 4-0.**

The meeting was adjourned at 7:29 PM.

Transcribed by Valentina Nuculaj

August, 2014

Date Approved:

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Richelle Leskun, Planning Assistant  
Signature on File