



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

January 9, 2013 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, Chair Pehrson, Member Prince, Member Gutman, Member Zuchlewski

Absent: None

Also Present: Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Adam Wayne, Engineer; Rod Arroyo, City Traffic Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Lynch:

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

Motion to approve the January 9, 2013 Planning Commission Agenda. Motion carried 7-0.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

CORRESPONDENCE

There was no Correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth said the City Council approved the Site Plan and Special Land Use request for the Panera Bread drive-through.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no items on the Consent Agenda.

PUBLIC HEARINGS

There are no Public Hearing items.

MATTERS FOR CONSIDERATION

1. ADVANCED AUTO PARTS, JSP12-74

Consideration of the request of WXZ Development, for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located in Section 23 at 42520 Grand River Avenue, north of Grand River Avenue and east of Town Center Drive in the B-3, General Business District. The subject property is 1.6 acres and the applicant is proposing a 6,895 sq. ft. Advance Auto Parts retail store.

Planner Kapelanski stated that the applicant is proposing to construct an Advanced Auto parts store on the north side of Grand River Avenue, east of Town Center Drive. To the north is Ecco Tool, to the south is Belle Tire, to the east is Flagstar Bank and to the west is an existing single family home, an office and a former industrial and landscape site. The subject property is zoned B-3 with B-3 zoning to the south and east. To the north is I-1 zoning and to the west is OS-1 zoning. The Future Land Use map shows Town Center Gateway uses for the subject property and the surrounding properties. There are no natural features on the property.

The applicant is proposing an approximately 7,000 square foot store with one access point to be provided off of Grand River Avenue. Associated landscaping and parking areas would also be constructed. This store is retail only with no significant auto repairs taking place on the site. Planning, engineering, landscaping, façade and fire are recommending approval with items to be addressed as part of the final site plan submittal. The traffic review recommends denial of the preliminary site plan. There are significant concerns noted in the review letter related to the location of the proposed driveway on Grand River Avenue in relation to existing driveways in the area. Additionally, no secondary access point has been provided for emergency purposes as a minimum or to allow for cross access. The City's traffic consultant is available to address traffic concerns.

David Barber, attorney for WXZ Development, the applicant, wished to address the traffic issues which were raised in the report. WXZ is the developer of this site for Advance Auto Parts; while Advance Auto Parts will be the purchaser of the real estate and will be making the investment in the community. They plan on being a long-term resident of this community at that site.

There are five issues that the traffic consultant has raised which need to be addressed. The first one is the Planning Commission waiver of same side driveway spacing that is required. The traffic consultant points out that 275 feet is required and the site provides 138 feet to the east and 140 to the west. In asking the Planning Commission to approve the preliminary site plan, the developer is requesting a waiver of this requirement. It is clear that the commercial development of this site, no matter what the project, will require such a waiver. The configuration of the site is such that you can't really do anything other than place the entrance where WXZ intends and where their site plan shows. The configuration of the parcel simply does not permit same side driveway spacing as required by the ordinance.

Mr. Barber continued noting the next point is the Planning Commission waiver of opposite side driveway spacing. According to the ordinance, there is 200 feet required and the site provides 42 feet. The ordinance reads in part 'the standard may be reduced by the City in the case of a single proposed driveway serving a parcel where no other point of reasonable access is feasible.' So clearly, the ordinance envisions a situation where a developer is going to be asking for a waiver. This is a case where that would apply. Again, there is no practical way to develop this parcel for commercial purposes except by waiver of this requirement.

The next issue raised by the traffic consultant was that the applicant has not described the efforts to provide cross access. The traffic review report was dated December 28, 2012. In his January 4, 2013 letter to the planner, Mr. McClain on behalf of the developer addressed this issue, saying 'we have evaluated shared access to both the east and west and have been unsuccessful. The corner of the existing office building to the east is approximately 10 feet from the property line and lines up with the middle of the drive. The continuation of the drive aisle is not possible. We have made numerous attempts to secure easements from the adjoining property to the west including a simple sanitary easement and they are unwilling to cooperate and have indicated that they will not grant any easements. The possibility of a shared access in the future, if the property were ever to be developed would also prove to be problematic since a minimum of four parking spaces would have to be eliminated for the drive aisle. This would put the project at a parking deficit and relocating would cause additional hardships; eliminating

required landscaping and putting customer parking from the front of the site near the store access to a remote portion of the site.' So basically what he's saying is it is very unpractical should the adjoining property owner agree to some kind of a cross access.

Mr. Barber stated the traffic consultant raised the issue of an administrative secondary access waiver. Here the traffic engineer is referring to a secondary driveway to ensure adequate emergency access to the site. The traffic engineer goes on to state that the secondary access requirement can be waived for a single building by the fire chief. His report goes on to state that traffic would defer to the Fire Marshal. It should be noted that the Fire Marshal's report does not express any concerns with regard to the lack of a secondary driveway and the Fire Marshal has recommended approval of the preliminary site plan.

The final issue that traffic has raised is the DCS variance required from the City Council for lack of deceleration/acceleration tapers. Here the traffic engineer states that the daily traffic volume on Grand River is roughly 20,000 vehicles. Assuming the 20,000 vehicle figure holds true, the right turn deceleration taper would have to be 75 feet long. The traffic engineer points out that the new driveway would be only 65 feet from the west end of the next upstream curb return. As I read this, there is a difference from the requirement of some 10 feet. Furthermore, the traffic engineer reports suggest that the City Council should wave the installation of the deceleration and acceleration tapers. The bottom line, with regard to all of the traffic engineers concerns is that they are not unique to this developer and this proposed development. If Novi is to permit use of this parcel for commercial purposes pursuing the existing zoning, then any proposal to develop the parcel would face the same traffic concerns.

Mr. Barber concluded noting all of these traffic concerns will be addressed to the extent possible by the developer in the final site plan stage. There are some exigent circumstances to this request in that if it were tabled for further study it's going to create a big issue with the purchase of the property. So the likelihood of this property being developed by Advanced Auto Parts really depends on this process moving along as scheduled. We would therefore ask that the Planning Commission approve the preliminary site plan.

Member Anthony asked the City's traffic consultant to summarize his concerns.

Traffic consultant Arroyo said the applicant has done a pretty good job of addressing the major issues. The number one concern from all the issues we've raised is the adverse offset with Constitution Drive on the other side of Grand River. From a safety perspective, that's the one we have the greatest concern about. In the late afternoon when folks are coming home and arriving at the apartment complex to the south that accesses Constitution Drive, their movement is going to be inbound so you're going to have right turns and left turns in. So the left turns that are coming from the east on Grand River will be turning left to go south onto Constitution Drive. They're going to have to use the same center left turn lane as the folks that are attempting to go eastbound on Grand River and turn left into this proposed development. And because of the adverse offset, there is a situation where there could potentially be two cars coming together to get into that center left turn lane merging in at the same time which could cause issues. So that's why there is a spacing standard for opposite side driveway spacing. The minimum in this particular situation is 200 feet and the applicant is clearly not meeting that. That is the most concerning of all of the issues that were raised in the traffic letter.

There is also the issue of the same side driveway spacing standards where a lot of the issues could be solved with a shared access, particularly with the development to the east. That driveway is adequately spaced from Constitution Drive so you wouldn't have that issue. It would eliminate that driveway spacing issue on the same side too. It really resolves a lot of problems if there were a shared access to the property to the east. The configuration would need to be modified slightly including potentially eliminating a few parking spaces and angle to turn into the driveway. There would have to be some site modifications in order to make that happen. I don't know the extent to which the applicant has had

discussions with that property owner. The applicant has mentioned it's not feasible.

Member Anthony if there were any other remedies for this problem or any other ways to improve it or minimize the risk.

Traffic consultant Arroyo answered his number one concern is in the late afternoon 4-7pm peak hour when most people are coming home and entering Constitution Drive. The one component that could help to mitigate the problem would be a prohibition of left turns into this site during the evening peak hours. If you could stop the lefts into this property during those hours then it would eliminate that left turn conflict with the inbound traffic coming from Constitution Drive. Essentially, if you did not allow the left turns into the proposed driveway, then all these folks could turn left into Constitution Drive and flow during that heavy time during the afternoon peak hour, these folks would not be permitted to turn from this direction into the proposed drive. That would have some impact on minimizing the negative consequences of an adverse offset.

Member Anthony asked if the City could do that and if it has been done in the past.

Planner Kapelanski said we routinely require signage or prohibition of left or right turns depending on the situation. It has been done in the past and it's something that could be done again.

Member Anthony asked if we could bracket it by day and time.

Planner Kapelanski said that traffic consultant Arroyo could probably speak to how often the City has prohibited turns for just a limited amount of time.

Traffic consultant Arroyo said there have been instances where there have been prohibitions of turns but he wasn't sure how many times. In some cases it's been during certain hours.

Member Lynch asked if the developer would have any issue with such a prohibition.

Mr. McClain, the applicant, said that's an acceptable solution but he would certainly need to confirm that with Advance Auto Parts because it is their store.

Member Lynch said what worries him is that no matter what we put in there, we're going to run into this problem. There are 4-6pm signs prohibiting turns everywhere. If that's the solution and the developer and City is happy then that would work. It looks like the site plan is fine. Member Lynch would be willing to support the proposal with a left turn prohibition as discussed.

Member Greco asked traffic consultant Arroyo if he would generally agree with what was being said, that this is the only really feasible location of the drive given the parking. Does this look like it's going to be an issue no matter what commercial development goes there?

Traffic consultant Arroyo answered if there is non-shared access, yes that's correct.

Member Greco asked the applicant with respect to the efforts that were made for the shared access, what was done? Was it just a letter and no response or a response to a letter saying we're not interested?

Mr. McClain said early in this process, one of the items that was needed was a sanitary sewer easement. The initial plan was to go north to Eleven Mile through the adjoining property and we basically were told 'we don't even want to talk to you. We don't like the City. We have an issue with the City and anything that gives the City an opportunity to enter my property is not going to happen so don't call me again.' In

terms of the discussion about the possibility to the east, in rotating that drive, it would require moving/eliminating parking. In moving the parking into the back, customers would have significant heartburn, plus we have so much landscaping that we have to provide on the site that there's just not any room left to relocate parking to the rear of the site. So you'd be taking prime parking at the front of the store, moving it to the rear of the store, which isn't going to get used, it creates a significant problem.

Member Zuchlewski asked planner Kapelanski if signage would be flashing. My concern is that in this location, there is a crest in the hill on Grand River and if you're coming up pretty fast, it's hard to even see the driveway. Maybe flashing would aid drivers.

Chair Pehrson said the sign itself with a no turns would not be flashing but perhaps what Member Zuchlewski is referring to is possibly some type of advanced warning because of the crest in the hill. That's something the City could request the road commission look at since they have jurisdiction for that type of signage.

Moved by Member Gutman and seconded by Member Lynch:

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

In the matter of Advance Auto Parts, JSP12-74, motion to approve the Preliminary Site Plan subject to the following:

- a. Planning Commission waiver of the same-side driveway spacing required (275' required; 138' and 140' provided);
- b. Planning Commission waiver of the opposite-side driveway spacing required (200' required, 42' provided);
- c. Design and Construction Standards variance from the City Council for the lack of deceleration/acceleration tapers;
- d. Left turns prohibited into the site from 4 pm to 7 pm, to be indicated with appropriate signage; and
- e. 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 Article 15, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provision of the Ordinance. *Motion carried 7-0.*

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

In the matter of Advance Auto Parts, JSP12-74, motion to approve the Stormwater Management Plan, subject to 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 7-0.*

2. KROGER OFFICE PAVILION

Consideration of the request of The Kroger Company of Michigan, for Preliminary Site Plan and Section 9 façade waiver approval. The subject property is located in Section 24 at 40399 Grand River Avenue, south of Grand River Avenue and east of Joseph Drive in the I-1, Light Industrial District. The subject property is 2.87 acres and the applicant is proposing to add a 275 sq. ft. open pavilion space for use by employees at the Kroger Office building.

Planner Kapelanski said the applicant is proposing to construct a 275 square foot pavilion at the existing

Kroger offices on the south side of Grand River Avenue, east of Joseph Drive. There are various industrial and office uses to the north, east and west of the subject property with residential uses to the south. The property is zoned I-1 Light Industrial with residential zoning to the south, industrial to the north and east and commercial zoning to the west. The proposed pavilion would be located on the south side of the property near the existing office building. The applicant has received a variance from the Zoning Board of Appeals for the deficient building setback from the adjacent residential district. The planning, fire and engineering reviews recommend approval of the site plan with items to be addressed on the next submittal. The façade review recommends approval of the plan noting a Section 9 waiver is required for the underage of brick and the overage of wood siding and asphalt shingles.

Matt Andrews of Jeffery Scott Architects said he is available if there are any questions.

Moved by Member Gutman, seconded by Member Lynch:

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

In the matter of the Kroger Office Pavilion, JSP12-72, motion to approve the Preliminary Site Plan subject to the following:

- a. **Section 9 façade waiver for the underage of brick, and the overage of wood siding and asphalt shingles on all facades; 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 Article 19, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 7-0.

3. APPROVAL OF THE DECEMBER 12, 2012 PLANNING COMMISSION MINUTES

Deputy Director McBeth said a slightly modified version has been provided on the table with a couple of changes highlighted. Our city attorney took a look at the minutes and found several corrections, the first one is on page seven about a third of the way down the page the roll call vote is identified as a special land use permit as opposed to the preliminary site plan. And there were a couple of typos on pages nine and eleven.

Motion to approve the December 12, 2012 Planning Commission minutes. Motion carried 7-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda Removals.

MATTERS FOR DISCUSSION

There were no Matter of Discussion.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Anthony:

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

Motion to adjourn the January 9, 2013 Planning Commission meeting. *Motion carried 7-0.*

The meeting was adjourned at 7:33 PM.

Transcribed by Valentina Nuculaj
January, 2012
Date Approved: March 13, 2013

Signature on File

Richelle Leskun, Planning Assistant