



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**December 12, 2018 7:00 PM**

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

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Avdoulos, Member Greco, Member Hornung, Member Lynch, Member Maday, Chair Pehrson

**Absent:** Member Anthony (excused)

**Also Present:** Barbara McBeth, City Planner; Sri Komaragiri, Planner; Rick Meader, Landscape Architect; Beth Saarela, City Attorney

## PLEDGE OF ALLEGIANCE

Planner Komaragiri led the meeting attendees in the recitation of the Pledge of Allegiance.

## APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Avdoulos.

## VOICE VOTE TO APPROVE THE DECEMBER 12, 2018 AGENDA MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

**Motion to approve the December 12, 2018 Planning Commission Agenda. *Motion carried 6-0.***

## AUDIENCE PARTICIPATION

Nobody in the audience wished to speak.

## CORRESPONDENCE

There was no correspondence.

## COMMITTEE REPORTS

There were no Committee Reports.

## CITY PLANNER REPORT

City Planner McBeth said I have a couple of items to report tonight. At the City Council meeting on December 3<sup>rd</sup>, the City Council granted tentative approval to the request of Robertson Brothers for the Lakeview Homes. That was the rezoning request from R-4 and B-3 to RM-2, and that would allow 20 single-family detached homes on the property. The next step is that this matter would go back to City Council with the Planned Rezoning Overlay

Agreement, and then come back to the Planning Commission for Preliminary Site Plan consideration.

And the second item, I think you're already aware. About three years ago, the City initiated a new program to nominate employees as Employee of the Year. We've had some very good winners over the last three years, but this year there was a very competitive field of fourteen employees, which was narrowed down to five, and then at a meeting on Friday, we learned that our own Sri Komaragiri was the winner of that award. So we'd like to congratulate her for that. Thank you, Mr. Chair.

Chair Pehrson said it's well deserved. Thank you for that.

## **CONSENT AGENDA**

### **1. BALLANTYNE JSP13-43**

Approval of the request of Singh Development for a second one-year extension of the Final Site Plan approval. The subject property is located north of Eight Mile Road and west of Garfield Road, in the RA, Residential Acreage Zoning District. The subject property is approximately 50.85 acres and the applicant is proposing to build a 41-unit Residential Unit Development (RUD) residential site condominium.

Motion made by Member Greco and seconded by Member Lynch.

## **ROLL CALL VOTE TO APPROVE EXTENSION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.**

**Motion to approve a one-year extension of the Final Site Plan approval for Ballantyne JSP13-43. Motion carried 6-0.**

## **PUBLIC HEARINGS**

### **1. CARVANA JSP18-47**

Public hearing at the request of Carvana for JSP 18-47 Carvana Novi for Planning Commission's approval of the Special Land Use, Preliminary Site Plan and Storm Water Management plan. The applicant is proposing a 5,800 square foot Vending Machine Fulfillment Center to building to facilitate storage and sales for used cars. The site plan proposes approximately 26 parking spaces including four spaces for single car hauler trucks.

Planner Komaragiri said the current site was referred to as Unit 8 which was part of the Adell Center Rezoning Concept Plan. The proposed use of a Car Vending facility is considered an Unlisted Use. On October 22, 2018, the City Council approved the PRO Concept Plan, Agreement, and the Unlisted Use. The site plan is subject to conditions of the PRO Agreement.

The subject property is approximately 1.3 acres. The development is located on the west side of Novi Road north of Ten Mile Road in Section 22. The subject property is located near the northwest corner of the development, at the east end of the proposed cul-de-sac. It is currently zoned TC, Town Center, with an associated Planned Rezoning Overlay. There are no regulated wetlands or woodlands on this property.

The layout has changed slightly from the PRO Concept Plan to address Staff's comments regarding truck circulation and parking. Primary access is proposed off of Adell Drive. The site plan proposes to use the off-site driveways through Units 6 and 7 parking lots for secondary emergency access and for its nine-vehicle car hauler exit. The building elevations are as approved at the time of rezoning, no changes are proposed. The applicant has the façade board available tonight in front of the podium.

Planner Komaragiri said the site plan does not conform to our Zoning Ordinance for quite a few items. Most of them are approved as part of the PRO Agreement, which are noted for reference in the suggested motion sheet. The Landscape review notes two minor deviations from building foundation requirements. The PRO Agreement allows for these deviations to be subject to Planning Commission approval at the time of site plan approval. The motion sheet has been revised to add these two minor deviations, which are supported by Staff.

The Planning Commission has recommended some conditions, listed at the time of Unlisted Use determination, such as screening of loading areas and single car hauler parking, and the location, which are also included in the current motion sheet. Traffic review noted that the vehicle wheel paths for the nine car delivery truck encompass the entire road width at the two 90-degree turns along Adell Drive. To address this concern, Staff and the application has agreed to limit the allowable hours for the truck to enter the site during non-peak hours, as noted in the motion sheet. A Parking Study was provided, based on which Staff is in agreement with the parking proposed on site.

All reviewers are recommending approval with additional comments to be addressed with Final Site Plan. The Planning Commission is asked tonight to hold the public hearing and consider the applicant's request for approval of Special Land Use, Preliminary Site Plan, and Stormwater Management Plan. An Unlisted Use would require a Special Land Use and is subject to conditions listed in Section 6.1.2.C of the Zoning Ordinance.

Planner Komaragiri said the applicant, Arwa Lulu, is here with her engineer, Derik Leary, if you have any questions for them.

Stephon Bagne, with Clark Hill as legal counsel, said I'm here with Arwa Lulu, who has appeared before this board before, and Derik Leary, who is our professional engineer from Kimley-Horn and who has interacted with staff. I believe that the board knows this project well, so we're just here to answer any questions.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project. Seeing no one, he asked if there was any correspondence.

Member Lynch said there was no correspondence.

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

Member Hornung said I wasn't here for the original presentation, so I have some questions that I'd like to pass through the Chair to the applicants. From an engineering standpoint,

are there any design elements that would be considered sustainable? Or are you considering a LEED certification for a building like this?

Derik Leary with Kimley-Horn said for the stormwater, as required by the City Code, we will have a manufactured BMP for the runoff before it leaves the site and goes to the road. That's what I can answer on the infrastructure on-site.

Member Hornung said for somebody purchasing a car from Carvana, is this strictly a showroom building or is this storage as a step towards home delivery?

Arwa Lulu with Carvana said the tower itself, the vending machine tower portion, works as a display. Once the cars are unloaded and loaded into the tower, the customers will then come and pick it up from there, so as soon as the car is vended out we will then load additional cars. If customers choose the delivery option, the reason that we'll have single car haulers at this facility is that so we can have our advocates go ahead and deliver them to the customer's home. If a customer chooses, which sometimes it happens and they can't make it on time or can't leave work, we give them that option just so that we can remain flexible and provide an excellent customer service experience.

Member Hornung said thank you. And the primary business is selling through the website, correct?

Ms. Lulu said that's correct.

Member Hornung said so is the building, and the façade, and the glass windows mostly for display and visual purposes? Or is it actually a sales room?

Ms. Lulu said so it's not a sales room, because the actual transaction occurs 100 percent online. The way the customer walks through the transaction is online. Say you go on Amazon and you purchase something, then you have to pull out your card to buy something. That's the same thing you'd do this with this car. So when you actually come to the Vending Machine facility, you're already the owner of this car. The last thing that you have to do is sign off on one last piece of paper, we go through the transaction with you in case you have any questions, give you a coin, and you put it into the coin machine, and the car actually comes out. So it is just a display of vehicles that is automated to give you a really fun customer experience. So there are no sales actually occurring at this facility.

Member Hornung said would that mean that any sales that go through this building would not be subject to Michigan sales tax?

Ms. Lulu said at the point of sale is when it would be subject to sales tax.

Member Lynch said I like this project, I like to see how it's coming along. I think it's a nice piece of property and what you're putting there can be, as I mentioned before, iconic for Novi. It's fresh, it's new. It's not a tired approach to development of the property and I'm kind of looking forward to it. This is the first one, I think, that we will be approving for the whole site. With that, if there are no other objections, I'd like to make a motion.

Motion made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE TO APPROVE SPECIAL LAND MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

In the matter of Carvana JSP18-47, motion to approve the Special Land Use Permit to allow an unlisted use for a car vending machine and subject to the following:

1. The proposed use will not cause any detrimental impact on existing thoroughfares *(based on Traffic review and the restricted truck deliveries)*;
2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities *(based on Engineering review)*;
3. The proposed use is compatible with the natural features and characteristics of the land *(because there are no regulated natural features on site)*;
4. The proposed use is compatible with adjacent uses of land *(because the proposed use conforms to the conditions of an approved PRO agreement)*;
5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use *(as it fulfills one of the Master Plan objectives to attract new businesses to the City of Novi)*;
6. The proposed use will promote the use of land in a socially and economically desirable manner *(as it fulfills one of the Master Plan objectives to attract new businesses to the City of Novi)*;
7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located;
8. The proposed use will be subject to the following conditions, that were part of the Unlisted use determination by City Council:
  - a. The use shall be limited to properties with freeway frontage only *(it fronts on I-96)*;
  - b. A trip generation study is required to establish the minimum parking requirement. *(A trip generation study was provided)*;
  - c. Outside storage or storage sheds on site should not be allowed with this use, as they not meet the design intent of Town Center district *(Outside storage is not proposed)*;
  - d. A limit shall be set for number of single car haulers, parked within the site. Staff recommends that they are placed such that they are not visible from Adell Drive or from along the freeway frontage. *(Four single car haulers are proposed to be parking on site and are sufficiently screened)*;
  - e. All loading areas shall be screened with landscaping with 100% opacity in Summer, 80% in Winter, or other opaque screening *(Landscape review notes that all loading areas are sufficiently screened)*;
  - f. A layout plan shall be provided indicating the location of the dumpster enclosure, loading area for the delivery truck(s), parking spaces for employees and customers, and any single car hauler parking on site so that staff can review the viability of circulation proposed *(The plan is in general conformance with the ordinance requirements)*;
9. The allowable hours for the 9-car hauler delivery shall be from 9 PM – 6:00 AM and 9:00 AM – 3:00 PM. A circulation plan showing wheel paths for both delivery truck and single car haulers to review site maneuverability from point of entry to point of exit.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

**MOTION TO APPROVE PRELIMINARY SITE PLAN MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.**

In the matter of Carvana JSP18-47, motion to approve the Preliminary Site Plan based on and subject to the following:

1. Following Landscape deviations are subject to Planning Commission's approval at the time of Preliminary Site Plan approval, as noted in the draft PRO agreement:
  - a. Landscape waiver for not meeting the minimum requirements for building foundation landscaping as listed in Section 5.5.3.D. for less than 60% of building frontage facing I-96 not being landscaped. As the line of shrubs on top of the berm for loading zone screening will also screen the building foundation from I-96, it is hereby granted;
  - b. Landscape waiver for not meeting the minimum requirements for building foundation landscaping as listed in Section 5.5.3.D. for placing some of the required foundation landscape away from the building as it is not further than across a sidewalk from the building, is hereby granted;
2. Following deviations as approved by the City Council as part of the Adell Planned Rezoning Overlay on October 22, 2018, that are applicable for this site plan:
  - a. Planning deviation from section 3.1 .26.D for exceeding the maximum allowable building height of 65 feet and maximum allowable 5 stories, provided they conform to the 2015 International Building Code standards for High-rise (Type I or Type II) construction:
    - i. Unit 8 Carvana (75'-10", 8 tiers proposed)
  - b. Planning deviation from section 5.12 to allow lack of required frontage on public road for Units 1 through 8. Frontage is proposed via a proposed private drive, built to City standards;
  - c. Planning deviation from section 3.1.25.D to allow reduction of minimum required front parking setback of 20 ft., from the proposed access easement. A maximum of 18 feet is requested;
  - d. Planning deviation from section 3.1.25.D to allow reduction of minimum required interior side parking setback of 20 ft. for the following units as shared access is proposed between parking lots;
    - i. Unit 8: 10 ft. along East
  - e. Planning deviation from section 4.19 .2.F to allow alternate location for dumpsters, instead of required rear yard for units 1, 5, 6, 7 and 8, provided the proposed location does not impact traffic circulation and appropriate screening is provided at the time of preliminary site plan. The applicant requests dumpsters to be allowed in exterior/interior side yards;
  - f. Planning deviation to allow placement of loading areas in alternate locations instead of required rear yard or interior side yard for double frontage lots, as listed below, provided proposed locations do not conflict with traffic circulation and appropriate screening will be provided at the time of Preliminary site plan review:
    - i. Unit 8: exterior side yard
  - g. The applicant shall provide supporting data to justify the proposed loading area square footages, to be reviewed and approved by Planning Commission at the time of Preliminary site plan approval;

- h. Planning deviation from standards of Sec. 5.12 for up to 5% reduction in minimum required parking(to be established by staff after reviewing the calculations provided) for each unit within the development subject to the individual users providing satisfactory justification for Planning Commission's approval of the parking reduction at the time of respective site plan approval;
- i. Facade deviation to allow the following allowable percentages listed in section 5.15 of Zoning Ordinance for the buildings listed below.
  - i. Underage of brick (30% minimum required, 73% proposed on front facade)
  - ii. Underage of combined brick and stone (50% minimum required, 73% on front, 30% on right facade, 30% on left and 39% on rear facade proposed)
  - iii. Overage of display glass (25% maximum allowed, 80% on front facade, 63% on right facade, 63% on left facade and 57% on rear facade proposed).
- j. Planning deviation to allow proposing the minimum required Open Space for each Unit as Common element spread within the development boundaries as shown in the Open Space Plan, provided the applicant restores the wetland/woodland on the southerly portion of the site pursuant to a plan meeting City ordinance requirements is submitted and approved at the time of Wetland permit/preliminary site plan approval, and provides the pedestrian walkway through the open space as proposed. (A minimum of 153 of total site area designed as permanently landscaped open areas and pedestrian plazas is required per section 3.27. I .F.);
- k. Planning deviation from Section 5.7 .3.K. to allow exceeding the maximum spillover of 1 foot candle along interior side property lines provided the applicant submits a photometric plan that demonstrates that the average to minimum light level ratio is kept to the maximum allowable 4: 1;
- l. Planning deviation to allow exceeding the maximum spillover of 1 foot candle and approvable increase of the average to minimum light level ration from 4: 1 within the Adell Drive pavement areas as listed in Section 5.7 .3.K. along access easements along Adell Drive, at the time of or Preliminary Site Plan review for the individual units;
- m. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the building signs for Carvana to allow for seven additional wall signs for Unit 8: Carvana(Nine are requested for the entire unit: eight signs on the tower and one canopy sign at the front entrance. Two wall signs are allowed), provided that such deviations shall be the maximum amount authorized, and the City may require a lesser deviation at the time of site plan approval if deemed appropriate:
- n. 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 Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

**MOTION TO APPROVE STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.**

In the matter of the request of Carvana, for the Carvana Novi JSP 18-47, motion to approve the Stormwater Management Plan based on and subject to the following 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 it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

#### **MATTERS FOR CONSIDERATION**

1. **APPROVAL OF THE NOVEMBER 14, 2018 PLANNING COMMISSION MINUTES**

Motion made by Member Lynch and seconded by Member Maday.

**ROLL CALL VOTE TO APPROVE THE NOVEMBER 14, 2018 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.**

**Motion to approve the November 14, 2018 Planning Commission Meeting Minutes.**  
*Motion carried 6-0.*

#### **SUPPLEMENTAL ISSUES**

There were no supplemental issues.

#### **AUDIENCE PARTICIPATION**

Nobody in the audience wished to speak.

#### **ADJOURNMENT**

Moved by Member Lynch and seconded by Member Avdoulos.

**VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.**

**Motion to adjourn the December 12, 2018 Planning Commission meeting.** *Motion carried 6-0.*

The meeting was adjourned at 7:15 PM.