



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

August 13, 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 Giacometti, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Anthony (excused), Member Baratta (excused), Member Greco (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Sara White, Planner; Jeremy Miller, Engineer; Brian Coburn, Engineering Manager; David Beschke, Landscape Architect; 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 Giacometti and seconded by Member Lynch:

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

Motion to approve the August 13, 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

Deputy Director McBeth said the City Council approved two items that were recently reviewed by the Planning Commission. The City Council approved the Town Center Fountain Shoppes which is a new building with a pedestrian plaza, fountain and a platform for art work located at the intersection of Ingersol Drive and Crescent Boulevard within the Town Center shopping center. City Council also approved the first reading of the Zoning Ordinance Text Amendment for the OSC, Office Service Commercial District, to permit outdoor display areas in conjunction with a permitted general hospital use. That's going to go back for a second reading at City Council.

On another matter, there is a program that is provided for the annual conference of the Michigan Association of Planning. The booklet highlights the MAP fall conference which includes a number of conference sessions that might be of interest to the Planning Commission members, including the Citizen Planner Training which is offered at the conference in the full seven sessions. Member Giacometti attended the conference last year and said good things about the Citizen Planner Training. There's at least one commission member interested in attending the conference this year. Commission members should contact me if there is interest in attending the conference.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no Consent Agenda items.

PUBLIC HEARINGS

1. HARMAN BECKER AUTOMOTIVE, JSP14-37

Consideration of the request of Northern Equities Group for approval of Preliminary Site Plan, Woodland Permit, Wetland Permit and Stormwater Management Plan. The subject property is 16.5 acres in Section 1 of the City of Novi and located north of Thirteen Mile Road, between M-5 and Cabot Drive, in the OST, Planned Office, Service, Technology district. The applicant is proposing an 188,042 square foot facility for Harman Becker Automotive offices.

Planner White said the applicant is proposing a 188,042 square foot office building for Harman Becker Automotive on a 16.5 acre site. The subject property is located on the north side of Thirteen Mile Road, East of M-5. The proposed project is currently part of a larger parcel, which the applicant has said they intend to split to create this site. The subject property is zoned OST, Office Service Technology and is surrounded by OST to the north, east, and south. To the west, beyond M-5, is zoned for R-A, residential acreage. The Future Land Use map indicates Office, R&D, Technology uses for the subject property with the same use suggested to the north, east, and south. To the west is planned for single family uses. There are a small amount of regulated woodlands on the site that will require a woodland permit to disturb. There are wetlands within close proximity of the site that will not be disturbed as part of the Phase I construction.

The proposed development will result in a 188,042 square foot, 3 story office building for a Harman Becker Automotive. The applicant has indicated that Harman Becker intends to consolidate multiple locations to this building with a total of over 900 employees. The project is split into phases to aid in the applicant's desired timeline. The majority of the project including the building and associated parking will be part of Phase I. Phase II will consist of the construction of an additional access drive from Thirteen Mile to the site, and Phase III includes additional parking if necessary. The proposed building is 3 stories, 55 feet at the highest point. In the OST district, additional height may be allowed the 46 foot maximum providing the building setbacks are increased two feet for every one foot in excess of 46 feet. These requirements have been met. Additionally, the design should minimize impact on surrounding existing uses including but not limited to building design elements such as variation of building materials, mitigation of exterior and interior building lighting and stepping back higher stories. It is staff's opinion that the design appropriately minimizes impact as intended by ordinance section 2400 as described.

The applicant is working with staff to provide sidewalk connections throughout the site, internally and externally. The City Council previously granted variances related to sidewalk and pathways in 2007 that allowed an 8 foot wide nature path to serve as a pedestrian connection from Thirteen Mile up to Cabot Drive through the site in lieu of select sidewalk segments along Thirteen Mile and Cabot Drive. Staff has been working with the applicant to ensure that the proposed

connections are consistent with the intent of the previously approved variances. The plans as submitted show a conflict with a large retaining wall in a sanitary sewer easement at the 13 Mile Road driveway connection. Staff has been working with the applicant to resolve this issue and received a revised plan on Monday that appears to eliminate the conflict. More detail is required to confirm this resolution and may be addressed at the time of Final Site Plan review.

As mentioned previously, the applicant is excluding the nearby wetland areas in the parcel split in order to avoid disturbing them. However, when the Phase II drive is built, it is possible that Stormwater may be discharged into the wetlands. This will require a City of Novi and an MDEQ permit at that time, which will require submittal of additional information and review and approval by the Planning Commission prior to approval of the Phase II drive construction. Phase II, including the drive to 13 Mile and associated improvements are considered conceptual at this time and will require Stormwater Management plan approval at a later point. The plan currently shows greater than the allowed maximum 15 contiguous parking spaces. The landscape review notes that this should be adjusted. Alternatively, Planning Commission can choose to waive this requirement. Staff does not support this waiver. David Beschke is here to discuss any landscape waivers or concerns. The façade review letter notes that a Section 9 waiver for underage of brick and overage of flat metal panels is required. The review notes that the project is consistent with the intent of the Façade ordinance and recommends that the waiver be granted. All reviews are recommending approval of the proposed project subject to the items above and with items to be addressed on the final site plan. The Planning Commission is asked to consider and approve the Preliminary Site Plan, Woodland Permit and Phase I Stormwater Management Plan. The Wetland Permit and Phase II Stormwater Management Plan should be delayed until more detail is given regarding the Phase II drive construction. The applicant is here tonight to answer any questions that you may have, as well as city staff.

Chair Pehrson asked if the applicant would like to add anything.

Matthew Sosin of Northern Equities Group said we're very excited for this project, as I assume everybody here is. I know the staff has worked very hard in getting us to where we are today. There were a few issues, mostly having to do with the drive so I appreciate their work and I know Harman is very excited about this. This will be their North American Automotive Headquarters. There's probably going to be an addition 150 jobs made in the next three years. So this is a big investment, both in people and dollars in the City of Novi. We're very excited about it.

Mr. Sosin said, I've seen the motion and there are two items that I think we need to discuss. The first issue is the path. I think the plan you have in front of you right now reflects what we agreed to in 2007 with the exception of the width of the path. The City Council approved an eight foot path or a five foot path if that was all that we could fit, given the development. I think that, given the landscape requirements and the location of the sidewalk in relation to the retaining walls and the wetlands, that it's going to be more five feet wide than eight feet. So I think that just needs to be reflected in the motion that it won't be just an eight foot wide path because there are certain places that it's just not physically possible. There's the aesthetics of it through the site. It will still be very pretty and it'll go through trees on one side and wetlands on the other. Its character will be as a nature path regardless of how wide it is. It will connect with the nature path that goes to the north of Rider.

Mr. Sosin continued, the other item that we need to talk about briefly is the phase two road and how the process starts about rather we have to build that or not. I was under the impression that the road would have to be built if there were traffic issues, either unsafe traffic issues or out of the ordinary traffic issues that Thirteen and Cabot. And in the motion it talks about the sole discretion

of Director of Community Development at this point but that wasn't exactly what we talked about and I'm not sure. It just makes me a little uncomfortable having it be at the sole discretion of somebody rather than what we talked about when it's really related to traffic, if there is traffic on Thirteen and Cabot. So those I think are the two issues that we need to discuss in the motion.

Chair Pehrson opened the public hearing. There were no public hearing responses and no one wished to comment. Chair Pehrson closed the public hearing.

Member Lynch said let's start with the second one first, the driveway and the sole discretion language. I kind of agree with the sole discretion but there has to be something quantitative that we should be able to do. How do we get around that? I guess I also have a problem with one person at their sole discretion being able to do something. I don't know if that is appropriate in this case.

Attorney Dove said as Sara outlined, the site is proposed to be developed in three phases. That is at the city's discretion as to whether it allows the site to be developed in three phases. If the city were to decline to allow that then there's no question that the drive would need to be built right now. On that assumption and based on that position, is why the motion, while on its face it seems why should it be on someone's sole discretion, it's in the city's discretion right now as to whether the phasing plan is allowed or not. It's my understanding and I think Sara touched on it, that the phasing plan is allowed to facilitate the developer not needing to go through the wetland permitting process right now. The result of delays that would stem from that permitting process, as I understand, would interfere with the proposed time table for construction.

Member Lynch asked to clarify whether it is one person, the City Council, or a group of people.

Attorney Dove said under the language of the draft motion, it would be by the Director of the Community Development Department but the reason why it's in someone discretion ties back to the fact that it's in the city's discretion in acting on the preliminary site plan as to whether the phasing proposed is allowed.

Member Lynch said it's not inappropriate to have that language.

Attorney Dove said in our opinion it is not.

Member Lynch said the second question is the path. The suggested motion says it's going to be increased to eight feet. The developer is saying that that's not possible in certain areas. You've been on the site and you've looked at the plans. What's your assessment?

Landscape Architect Beschke said eight feet is what was called out and what we typically use for pathways and bike trails. Obviously five feet is less pavement. If it allows us to get in some more trees it might be a good deal but it's pretty tight there.

Deputy Director McBeth said there was a City Council motion back in 2007, I believe the minutes were included in the packets as well, that allowed a waiver for certain sidewalks along Thirteen Mile Road and Cabot Drive but indicated that the nature path would be provided from Thirteen Mile to Cabot and also from Cabot over to Haggerty Road. The portion from Cabot to Haggerty Road is primarily an eight foot wide asphalt path. So the suggested motion is to provide the path here as the City Council directed back in 2007 and to try to make that eight feet wherever feasible. We're still working quickly with the applicant on this project and we're saying that eight feet is the direction from the City Council and we'd like to see on the final site plan, where that

Approved

can be accommodated and if it can't be accommodated what other measures can be taken. Along that east property line, you can see on the drawings, there's a heavy black line. That's an indication for a retaining wall so that limits the development on that side somewhat, although the retaining wall can be moved over a little bit. Then the parking lot on the other side also limits the location. So there could be significant changes to the plan to accommodate the path or there could be minor changes to the plan. We just don't know at this point. So our suggestion is that eight feet more closely resembles what the City Council was seeking and if it's too difficult to fit that in that area then staffs suggestion is that potentially the perimeter landscaping trees that are required along the edge of that property maybe those could be relocated somewhere else and the pathway could be placed there.

Member Lynch asked if the motion should stay as is, or increase to eight feet wherever possible?

Deputy Director McBeth said we've got the motion presented in a draft form here for your consideration. Our suggestion is that the path should be increased to eight feet. The Planning Commission may want to provide some flexibility for staff to review at the time of final site plan, but depending on the Planning Commission's intent here, the idea is to request the eight foot path that City Council indicated then we would work to get that eight foot path wherever feasible. And if it's not feasible then potentially down to five feet.

Member Lynch said there was an agreement with City Council that this pathway would be increased to eight feet and we're going to honor that. I would like to honor that agreement also.

Deputy Director McBeth said in the City Council discussion in 2007 an eight foot nature path would be provided in this location where feasible. I believe there was mention of the five foot path if the eight foot path couldn't be accomplished. We haven't yet seen this applicant demonstrate yet why the eight foot path can't be provided.

Member Lynch said that will be finalized before final site plan approval?

Deputy Director McBeth said that's correct.

Member Lynch said so for preliminary only we're going to require the eight feet but if for some reason it can't be worked out then at final site plan we will address it then.

Deputy Director McBeth said a clear motion from the Planning Commission as to the intent is to seek that eight foot path at the time of Final Site Plan review.

Attorney Dovre said just following up on Barb's comment, the specific language of the Council motion as related to the eight feet versus five feet was the pathway could be reduced to five feet if there were areas that needed to be reduced. So staff is not satisfied with those areas that are proposed at five that are reduced to that width at this point. That's the context in which this issue is presented.

Member Zuchlewski said on a site like this we're only talking three feet to pick up for this path, do we have any latitude in parking spaces going from a 20 foot standard to 19 feet. So one foot comes off of each one of those rows or in the common area drive between those or the green belt between the parking and the building itself to take a foot or a foot and a half out. So when we're talking about three feet on this whole site plan and as huge as it is, I believe that we can come up with eight feet. And then on the road that we're talking about, is that road required for

the fire department at this time? Does the fire department come into that at all?

Deputy Director McBeth said I think Brian Coburn, can address some of the traffic comments.

Engineering Manager Brian Coburn said it is not required by the fire department to meet their standard. Where the road comes in, and I'll mention that it was originally proposed by the applicant to have three entrances into the site. The way it was looked at by the traffic consultant, who unfortunately isn't here tonight, was that when this builds out, even with the traffic signal at Cabot and Thirteen Mile there's concern about the number of vehicles trying to turn left at Cabot from eastbound Thirteen Mile to get into the site without that driveway. The estimate from the traffic consultant was that during the morning hours, this building would add 301 vehicles coming into the site, two thirds of which are coming from the west. So that was the basis of our concern. We compromised with the applicant to say that our concern is really the inbound left turns off of Thirteen Mile. We really want to encourage people to enter the site there rather than going down to Cabot and clogging up that signal and intersection.

Member Zuchlewski said the other question that I have is there was some reference about approval of phase two and it kind of sounded like that if phase two wouldn't get approved that phase one didn't make any sense. Did I hear that properly? Phase one, two and three had something to do with storm water and remediation and that the water would be discharged into the water.

Engineering Manager Coburn said the concern with phase two to us right now is that we can't approve the stormwater management plan for phase two at this point because the applicant is contemplating using the wetland for stormwater detention. There is a whole list of criteria that have to be met to demonstrate that will concept will work, and going through those criteria is going to delay them in their project.

Member Zuchlewski said, so approval as presented would get construction started now but it doesn't force us to approve the phase two, to allow stormwater into the wetlands. We'd be looking at phase two and the wetlands and the details of that while phase one is happening. What's our liability if we approve this but we don't approve the wetland impact at phase two?

Engineering Manager Coburn said there would have to be a plan B for the stormwater. If for some reason they can't use the wetland then the applicant's plan B would be pump the discharge or provide some other method of handling the stormwater.

Member Zuchlewski asked if the applicant is on board with that.

Engineering Manager Coburn said the applicant had actually proposed that to the staff. Part of the discussion was to pump the stormwater discharge which requires a council variance but that would have delayed the applicant again. So how we got to this point was just trying to keep the project moving forward because they have a very quick timeline to get into the building. So staff are trying to set it up so that our concerns were addressed but yet the applicant is able to move forward.

Member Zuchlewski said this will be done in 90 days, that's what we're looking at.

Mr. Sosin said that's pretty much what's expected of us. Can I just address a few things? I know it's a sixteen and a half acre site but it is a very large building and there's a lot of coverage per square foot and just the general makeup of the site and the grades, it really is kind of hemmed

in and where the walls have to go to get the parking lot grades to work it really is very close to the wetlands.

Member Zuchlewski said I think you can get the three feet in with your perimeters where you are right now on the site just by taking six inches off of each parking space or something. You can get the three feet.

Mr. Sosin said just know this too that it would still be tight behind the curb so that if you start planting trees by the sidewalks and they're crowding and the trees don't grow. There are just a few different considerations so I think the motion should mirror the City Council motion which allows for the five feet if that's what we need to do. That was all that I was asking for. To go back to the sole discretion, I wanted to make sure because I think there was some confusion there. The city approval of this entire project is not at anyone's sole discretion, right? It's the Planning Commission voting on its approval and just that I wouldn't want one person to say that this project shouldn't go or not go, it's the same thing on the road going forward. So I don't think it's in anyone's sole discretion right now to approve or not approve this project. That's why I think it's not really appropriate and not really what Rod Arroyo and I discussed on the phone. I'm not expecting us to come up with some sort of laundry list of quantitative tests, it just needs to be just a tiny bit tighter than sole discretion even if it's some finding that either the Planning Commission or City Council or the Community Development Director finds the following two or three things. Part of my argument was that that driveway really wasn't required because Cabot Drive is a major collector road. It is sized for 10 or 15 times more square feet than this building. So my argument was that Cabot Drive and Thirteen Mile are sized to handle that and this driveway, as a small part of the whole park, is somehow going to make a difference. That's one of the reasons, I think, that the city was willing to compromise too. If we had something just a little bit more flexible than sole discretion, that would be great. I'm not looking for tests or making it difficult on the city to get it built if it needs to be built because frankly if I'm wrong and there is major traffic backup, that affects me as a landlord and investor and developer of that park too. So I'm an interested party in that decision as well.

Member Giacometti said if we were to remove that clause from the motion, item B concerning sole discretion, would the revised plan need to come back to the Planning Commission? What would be the process if that wasn't in the motion if we did not specify?

Attorney Dovre said that phrase, whether it is or is not in the motion, doesn't determine whether this comes back to the Planning Commission. Regarding that language, if you look at the language immediately preceding the phrase in question, it says the construction of the access drive and the related improvements shall be deferred until after occupancy of the phase one improvements have been granted. If you take out the next sentence, I would read this motion to require phase two to be put in after occupancy of phase one. Looking at it in that fashion, the sole discretion of the director of Community Development would actually allow the further deferral of the construction rather than mandating construction different than what this motion reads. Again, I'm reading it as it shall be deferred until after occupancy of phase one. So that, by itself, tells me that that's when phase two has to be built. The next sentence allows the director to cut him some slack, if you will.

Deputy Director McBeth said the intention of that too is the find out what the traffic situation is after the building is occupied and then make a determination based on traffic engineering standards with regard to the functioning of that traffic light at Thirteen Mile and Cabot Drive.

Member Giacometti said it sounds like it would speed the process up. The motion as it is

proposed would be the shortest time for the developer to move forward with phase two.

Attorney Dovre said returning to my point, without the sentence, they have to build it after phase one is occupied. Mr. Sosin's point is that maybe they wouldn't need it. The language he wants taken out actually allows the city to study that and possibly defer the construction further than the occupancy of phase one.

Chair Pehrson said would it be reasonable then to assert and design the motion to something very close to what I've written down, which is what Mr. Sosin brought up, is relative to some numerical value and/or some level of finding of unsafe conditions or some level of congestion based upon now versus at time of final occupancy so that there are some criteria by which we all can make the assessment. That way we can say based on today we see a line as long as this property is going back up Cabot Drive full of cars trying to make left hand turns. This would not be a good thing for any of us but we now know what the criteria is that we're being judged against.

Attorney Dovre said I suppose the Planning Commission could try to do that but I'm not sure I'm able to assist you in structuring that type of a quantitative set of standards to put in a motion tonight. I'm not even sure Mr. Arroyo's review, even though he's not here, allows you to do that. I think this motion, as Barb has indicated, has involved considered discussion between the applicant and staff trying to work these bugs out and what you're seeing is proposed language that was designed to provide some flexibility to deal with the situation presented. If I may return to the main point, the driveway out to Thirteen Mile Road is required unless you allow phasing.

Chair Pehrson said I'm not held up on the sole discretion terminology, I'm just trying to find a measure by which you can make that assessment as to yes or no.

Mr. Sosin said the only words that I have a problem with are the words sole discretion. I'm not talking about the sentence before it. I just would like something that says, instead of sole discretion, a finding by the director of Community Development that there are unsafe traffic conditions at Thirteen Mile and Cabot. Because my hope is and my opinion is that this road never gets built there are going to be no traffic conditions. I'm just somewhat nervous that somebody can wake up on the wrong side of the bed one morning and say you have to build that road and there's no nothing. So all I'm asking for is a finding by the director that there is an unsafe condition on Thirteen and Cabot. There's no numbers or traffic studies, I'm not asking for that.

Engineering Manager Coburn said I think that language would make me nervous because unsafe traffic conditions is a very subjective term. I think it's hard to define safe and I think it's hard to define when it becomes unsafe. What could happen we could say that the level of service is F, it's a poor intersection and it needs to be upgraded. We can point to the causes and say these are the reasons why. They can hire a traffic consultant that says something completely different. It's completely subjective on how people review data and it's very subjective how you collect data. Hopefully we all come to the same conclusions but to come up with a very hard fast number that says this is what we're going to do at this point in time is very difficult.

Chair Pehrson said I hear what you're saying Mr. Sosin but I also understand that a finding by the director versus the sole discretion by still gives that person in charge of that safety the ability to say whether he's had a bad day or not, right? And it's a relative term that he's going to make an assessment based upon whatever that criteria might be in his mind. He's also going to have

discussions with traffic consultants and they're going to advise you there is possibly an issue here. Whether it is sole discretion or just an out of the blue finding that something comes about, there's still a finding as a result of this sole discretion.

Attorney Dovre said this discussion seems like it's focusing on the possibly that this site could be built without that driveway. That driveway has to be built.

Mr. Sosin said no, it doesn't. That's what we agreed to. It doesn't have to be built; there is not a requirement for that driveway right now. We agreed that maybe someday in the future there might be a requirement because of traffic conditions, but today the traffic consultant has said there is not a requirement to build that road. That is why we're letting the site going forward. It might never be built. That's my belief because it will never be required. So it is not a requirement.

Chair Pehrson said well without Rod being here and the language being written, and I'm just suggesting, there are two alternatives. One we're trying to appease and administer the quickest solution to get you moving, which in this case the motion says what the city attorney feels comfortable with. Or possibly we wait for Mr. Arroyo to come back to the next meeting to have this discussion.

Mr. Sosin said we can't wait. Even if we put something in there that says Rod has to sign off on the final agreement.

Engineering Manager Coburn said Rod Arroyo is not here but I had many discussions with him regarding this and I know Mr. Sosin did as well. The traffic study for this park was done a decade ago based on assumptions that are no longer valid. We have good data now because we did the study for Cabot and Thirteen Mile Road signal. We have very good data about what traffic is there with turning movements and so on. Rod and staff looked at this and made conclusions on how the traffic in and out of the site was going to look at AM and PM peak. He feels strongly, and so do we, that there will be a need for this driveway. It was shown on the original plan. They must have thought there was a need for it too or else they wouldn't have proposed it. The compromise was one way in to accommodate those left turns and we don't think there would be a problem with that signal in the future when everything is complete. So I don't know that staff may agree to that, I know I certainly didn't have that belief but there is a need for it based on the data. Now if they want to propose data to contrary to show that it's not necessary, they haven't provided any of that to us. They haven't refuted our data or provided data to show that we're incorrect.

Chair Pehrson said my two cents is that we go forward with the sole discretion and I think we administer the same agreement that we had with the eight foot width of the sidewalks. If there's anything that needs to be altered relative to final site plan just because I think should could administer it then.

Attorney Dovre said in the context of the path width and the draft motion you have in front of you.

Chair Pehrson said it gives us flexibility.

Attorney Dovre said I have scratched out some language that may be worth considering. In part A of the motion about the seventh line down it says further provided that the width of the entire length of the path be increased to eight feet. You could have it say provided that subject to the applicant's right, as part of final site plan to show the need to reduce the width to five feet, the

Approved

width of the entire length of the path be increased to eight feet. That would be consistent with what staff has suggested and the fact that some ideas on possibly allowing it to be eight have been thrown on the table here and it would recognize that that showing would still be possible for the applicant to make on final site plan.

Chair Pehrson said perfect. Any other comments?

Member Giacopetti said I have one more question for the applicant. Part of the motion, section F, concerning the fifteen contiguous parking spaces provided without a landscape island.

Mr. Sosin said I think we could work that out. As the sites get longer and bigger, it's harder to do that, but I think we could work that out.

Member Giacopetti said ok, that was my last question.

Moved by Member Lynch and seconded by Member Giacopetti:

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

In the matter of Harman Becker Automotive, JSP14-37, motion to approve the Preliminary Site Plan based on and subject to the following:

- a) **As part of Phase I of the development, the applicant shall provide an additional path on the Final Site Plan connecting the proposed path along the east side of the parking lot, and continuing along the east side of the parking lot to connect to the proposed path extending south to Thirteen Mile Road, as recommended in the Engineering Review memo dated August 7, 2014 (see attached Exhibit A with possible location), further provided that the entire length of the path be increased to 8 feet (subject to the applicant's right as part of Final Site Plan to show the need to reduce the width to five feet), public easement being provided, and wayfinding signs being shown, as this is consistent with the intent for, and location of, the "nature path" as approved at the October 8, 2007 City Council meeting; and**
- b) **The applicant shall provide with the Final Site Plan submittal for Phase I a phasing plan showing the construction of an access drive to Thirteen Mile along with all associated improvements (including maintaining or relocating proposed pathway to be built as part of Phase I) as a conceptual Phase II, and future parking as a conceptual Phase III. The construction of the Phase II access drive, pathway, and landscape improvements shall be required. However, in order to accommodate the applicant's desire to begin construction on Phase I as soon as practicable, the timing of the construction of the access drive and related improvements shall be deferred until after occupancy of the Phase I improvements has been granted. The determination as to when such construction of the Phase II improvements shall occur will be at the sole discretion of the Director of the Department of Community Development. Upon notification by the Director that the construction of the Phase II improvements is required, the applicant shall submit the required site plan and other information to the City within 60 days and diligently pursue approval for the improvements. Failure of the applicant to comply with this requirement shall be a violation of the site plan approval and, in addition to any other remedies available to the City to correct such violation, no further approvals with respect to the site shall be granted and occupancy of the Phase I improvements shall cease.**
- c) **In order to eliminate conflict with retaining wall for the Phase II access drive, the applicant shall relocate the access drive and retaining walls, or relocate the sanitary**

Approved

sewer line and public easement; alternatively, the applicant may choose to seek a License Agreement from the City Council to allow for the construction of the retaining wall within the sanitary sewer easement as shown on the plans; and

- d) The applicant shall incorporate on the Final Site Plan for Phase I, a sidewalk stub along Thirteen Mile Road to connect the north/south path to a future sidewalk to the west; and
- e) Final Site Plan approval for Phase II, when completed, shall require the submittal of a Stormwater Management Plan for Phase II access drive connection to Thirteen Mile Road, possible wetland permit approval for the stormwater outfall, and resolution of sanitary sewer easement conflicts, which will come back to Planning Commission for approval once more detail is provided; and
- f) Applicant to modify the Final Site Plan for Phase I to insure that no more than 15 contiguous parking spaces are provided without a landscaped island; and
- g) Section 9 Waiver for underage of brick and overage of metal panels on the south and north facades, which is hereby granted; and
- h) 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.

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 Lynch and seconded by Member Giacopetti:

ROLL CALL VOTE ON THE WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GIACOPETTI:

In the matter of Harman Becker Automotive, JSP14-37, motion to approve the Woodland Permit for Phase I 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 for Phase I. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

Moved by Member Lynch and seconded by Member Giacopetti:

ROLL CALL VOTE ON THE WETLAND PERMIT POSTPONEMENT MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GIACOPETTI:

In the matter Harman Becker Automotive, JSP14-37, in view of the Applicant's phasing plan that defers improvements that may require a wetlands permit to a future phase, motion to not approve the permit at this time and delay consideration of the Wetlands Permit until consideration of the Stormwater Management plan for Phase II driveway construction, with the understanding that this action does not represent any decision on a wetland permit needed for improvements in a future phase. *Motion carried 4-0.*

Moved by Member Lynch and seconded by Member Giacopetti:

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

In the matter of Harman Becker Automotive, JSP14-37, motion to approve the Phase I

Stormwater Management Plan based on and subject to the following:

- a) **Stormwater Management Plan for Phase II access drive will come back to Planning Commission for approval once more detail is provided; and**
- b) **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 18.270

Public Hearing for Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance Section 1905 of the I-1, Light Industrial District and Section 2303A of the OST, Planned Office Service Technology District to permit and regulate above ground storage tanks.

Deputy Director McBeth said the Community Development Department received a request for a proposed ordinance amendment submitted by Somnio Global that would allow for above ground storage tanks in the OST, Office Service Technology zoning district, with conditions similar to those currently in the I-1 Light Industrial Districts. Currently, the Zoning Ordinance does not allow outside above-ground storage tanks in the OST District, but staff has learned that some tenants within the OST District have a need for storage tanks for various fuels that are used in support of research and development activities taking place inside these Research and Development Buildings. One such tenant is Somnio Global, a company that has recently taken occupancy of the former Husky Building on the south side of Twelve Mile Road, east of Taft Road, located in the OST District. The company indicated a need for a certain type of gas that needs to be stored outside of the building, in an above-ground tank. Planning Staff met with the applicants and indicated that a zoning ordinance text amendment is the best way to proceed in order to allow the permanent installation of an outside tank in the OST District.

The applicant submitted a text amendment that closely matches the allowance Novi currently has for above-ground storage tanks in the Light Industrial District. Staff has completed a review of the proposed amendment and recommends approval with some suggested modifications to the proposed text, along with some changes the existing text in the Light Industrial District. As requested in the application materials, above ground storage tanks would be permitted with the same required conditions as set forth in the Article 19, I-1 Light Industrial District with the following two exceptions: removal of the 600 gallon maximum size limit and elimination of the requirement for masonry materials for screening of the tanks, but instead allowing screening wall materials that are consistent with the exterior building wall materials permitted for the primary building.

Let me summarize the proposed modifications recommended by planning staff. First, we recommend the removal of the 600 gallon capacity maximum. Staff has heard from several existing and proposed businesses that this number is not in keeping with today's business needs, which tend to be at least 1,000 gallons, with variations depending on the type of material being stored. Staff, including the Fire Marshal, have researched the original source of this 600 gallon capacity regulation and cannot identify a relevant purpose for this limit. A quick evaluation of similar communities in the region, including Troy and Auburn Hills, revealed that these communities allow outside above-ground storage tanks, but do not indicate a maximum size in the zoning ordinance. Language is also added to clarify that the tanks shall be enclosed and screened from view with a screening wall at

least 1 foot taller than the storage tank. The expectation is that the screening materials will be consistent with the exterior building wall materials on the adjacent or primary building on the site.

Second, we recommend an addition of location and setback requirements for the above-ground storage tanks. The current regulations in the I-1 zoning district do not contain any requirements for the location and setback of the storage tanks. Staff recommends that an additional condition be added requiring all tanks to be located in a non-required rear or interior side yard. Staff is comfortable with the revised reference to the fire prevention code and any applicable state and federal regulations to address any potential safety concerns that may arise. The Planning Commission discussed this matter briefly on July 9th and set a Public Hearing for the ordinance amendment for tonight's Planning Commission meeting. The Commission is asked to hold the public hearing and forward a recommendation to the City Council, for reading and adoption.

Chair Pehrson asked if the applicant had anything to add.

David Leer, Vice President of Operations at Somnio, said we considered this property about a year ago and the building had been vacant for a number of years. Since that time we have invested a lot of money and effort in restoring this site to what it once was including a lot of working on the landscaping. It is part of our objective to make it an absolute featured site in this area. We are very happy to be a resident of Novi. The business itself is growing quite quickly. We now are bringing our scientist for research and development activities onto the site as we restore it. We have about 30 people that are working there and I would expect over the next twelve months that that number would reach 100. So we are involved in several projects that are taking innovative technologies to market. That's our business model. Everything we do has a purpose and that is to commercialize great ideas. For us, our mission is all about those ideas having a really positive social impact and my preference would be a positive global social impact. We're investing a lot in the area and in the site so we really wish to get this consideration approved. We're working on things such as plastics recycling and projects around fuel efficiency and pollution reduction which requires days of import to our research activities. Most significantly, we're working on added manufacturing technologies that are cutting edge stuff, that really are going to change the way manufacturing is done. That requires gases. So in order for us to continue to ramp up your activities we're going to need to store more materials onsite. We're very confident and have expert adviser that are helping us. We're very confident that we can manage all the risks and hazards associated with the use of those materials. Kevin Kane will answer any technical questions around the motion is may be.

Chair Pehrson opened the public hearing. There were no public hearing responses. Chair Pehrson asked if anyone in the audience wished to comment.

Mathew Collins, Operations Manager of Novi Manufacturing, said we've been in business for over 50 years operating in Novi and we're here to support this proposal because we also know that this 600 gallon capacity is not enough to fulfill the needs that we have especially when we're in full production. We deal with motor vehicles as well. We manufacture trucks and trailers. So we just are here to support this and hoping it will be approved. Thank you.

Bob Natkin said I'm a consultant for a major automotive concern in California that is proposing to setup a research and development center. They're looking at a property at 41000 Vincenti Court. We will be doing alternative fuel engine design and development and emission certification. We have not purchased that property yet and the purchase of that property is contingent upon us being allowed to bring in a fuel farm that will supply our dyno facilities. We're going to need a lot more than 1,000 gallons. In fact the size of the tank that we were

discussing for one tank is 18,000 gallons. If this is not viable for that site, I will move on to Plymouth or Ypsilanti. So I'm here to ask you to please consider this favorably because there is more business coming. We're hoping to have anywhere from 50 to 150 employees within the first 18 months and possibly scaling up from there.

Seeing no one else who wished to comment, Chair Pehrson closed the public hearing.

Member Lynch said actually I thought we reviewed this favorably prior and we were just looking for the follow-up at this public hearing. So I have no comments.

Member Zuchlewski said my only comment at all is there is apparently no size or it's 600 gallons right now and we're looking to go to 1,000 or 2,000. I guess I'm comfortable with that because I know the fire marshal is involved and we've got the tanks enclosed and the outside structure is going to match the structure of the buildings associated. So it seems to be the everything is covered. But the last gentleman who spoke, when he was talking about 18,000 gallons of fuel, I think there's a major transition here when you go from 1,000 or 2,000 to 18,000. I'm sure the fire marshal is going to have something to say about that. The regulations are completely different for a facility like that. I just didn't want someone to think that this is an unlimited amount of outside storage and that what is required for 1,000 is required for 18,000. I just didn't want that to happen because when you're talking about fuels and explosions this would be catastrophic. It's not like we got a fire. That was my only comment on it. I just didn't want 1,000 or 2,000 to get to be 18,000. And you make a business decision to say you're going to buy property that we can do 18,000. Member Zuchlewski said I think it just needs to be verified more than what we're doing here. That was my only comment.

Member Lynch said I do agree with the language and just so you know with my background in Ford and working with the dynos and there are specific requirements no matter what size fuel tanks that you have to abide by. So I do agree to remove the language that says 600. It's really dependent on the size itself. The fire marshal will have final say so in something like that. So I'm comfortable with that. They would be able to review each request by removing the 600 gallon limitation. I do agree that removing that limitation is a good idea. But nothing is going to get approved without the proper safety precautions.

Chair Pehrson said I agree with the language as well. It's a welcome change based upon the advances in technology and manufacturing for sure. I think this is a good step forward for Novi.

Moved by Member Lynch and seconded by Member Giacobetti:

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.270 APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GIACOPETTI:

Motion to recommend approval to the City Council of Zoning Ordinance Text Amendment 18.270. Motion carried 4-0.

MATTERS FOR CONSIDERATION

1. OAK POINTE CHURCH PARKING EXPANSION/RE-PHASING, JSP14-35

Consideration of the request of Oak Pointe Church for approval of the Preliminary Site Plan, Re-Phasing Plan and Stormwater Management Plan. The subject property is located on the north side of Ten Mile Road, between Napier and Wixom roads, in Section 19 of the City. The

property totals 27.21 acres and the applicant is proposing to construct a parking lot addition for Oak Pointe Church and reorder the phases as part of an existing phasing plan.

Planner White said the applicant is proposing to construct additional parking facilities on the property located on the north side of Ten Mile Road, between Napier Road and Wixom Road. The site is zoned R-A, Residential Acreage. The site is bordered by RA to the north, east and west and R-1, One-Family Residential, to the South. The Future Land Use map indicates single family uses for the subject property surrounded by private parks and single family uses. There is a small area of wetland at the Northeast corner of the site with a stream running through the middle. There are no regulated woodlands on the property.

The applicant is proposing to construct 184 additional parking spaces to service the existing Oak Pointe Church and its growing parking needs. The proposed expansion was previously approved as part of an overall phasing plan and is before you today because the order of the phases is being adjusted. The proposed parking was previously approved as part of Phase 5 of the master plan for the site and is now identified as Phase 3. Phases 4 and 5 now consist of 5,145 square foot building expansion and a 25,796 square foot building expansion on the west side of the building, respectively. Phase 6 consists of a 78,790 square foot building expansion along with more parking expansion and recreation fields. All of these building additions were previously identified in the original phasing plan, only the order of construction has shifted. No other significant changes from the approved phasing plan are proposed.

This plan has come to Planning Commission for the re-ordering of phases once before in 2007 where the commission confirmed that they wanted to review re-ordering of phases. Due to the ever changing needs of the church's growth, the applicant is requesting that the Planning Commission allow for future possible phase re-orderings or other minor changes to the phasing plan to be approved by staff administratively, provided that there are no anticipated significant traffic issues or substantial changes from what was previously approved.

The applicant also applied under a separate informal submission for a gazebo to be built as a local Scout project. The applicant has been working with staff to ensure the gazebo does not encroach on the 75 foot property line setback or the 25 foot wetland buffer from the pond. The location of the gazebo will be shown on the Final Site Plan and will be approved as part of the overall plan. The plan currently shows greater than the allowed maximum 15 contiguous parking spaces, with 23 being the shown maximum number of spaces in a row without landscape separation. The landscape review notes that this should be adjusted. Alternatively, Planning Commission can choose to waive this requirement as the plan is consistent with what was previously approved under the original phasing approval. Staff does not support this waiver. David Beschke is here to discuss any landscape waivers or concerns. The planning, landscape, engineering, traffic and fire reviews all recommend approval with items to be addressed on the Final Site Plan submittal. The Planning Commission is asked to approve with conditions noted earlier the Preliminary Site Plan and Phasing Plan and Stormwater Management Plan. The applicant is present tonight to answer any questions you may have.

Keith Jones said although this is not as exciting as 18,000 gallons of gasoline, we have a need for additional parking. Our church has been blessed by growth but at the same time we've also given ourselves away a number of times. We planted two churches in surrounding communities and we recently acquired a struggling church in Milford and as part of all of those things, we give away some of our people, some of our resources to help those churches get on a good footing and get growing themselves. Especially with the recession, the amount of growth we've had has been great. Unfortunately, the amount of giving hasn't quite kept up with prior pace of

Approved

giving that we enjoyed. Today the situation is that we have three services, one on Saturday and two on Sunday and part of our philosophy is to worship one and serve one which means to come to the service of your choice and worship and stick around for another service to serve. What that does, although it helps us greatly with serving our congregation, it takes a lot of parking because people are there for several services. So even though you have 600 or 800 or 1,000 people for a service, you might have 1,500 or 1,800 people in your building because they're serving as well. So that's part of the reason for the need for additional parking and the reason we haven't built additional building is because of the slowdown of giving and the fact that we give ourselves away. The other thing is that a lot of time people hang out and enjoy each other's company and our hospitality as a church as well. The parking lot doesn't empty out quite as quickly as you might expect. We have taken some steps. We added a traffic light about six months ago. That has certainly helped with traffic flow. These are the reasons why we're looking for this additional parking.

In terms of phasing, we do intend to build all of the phases per the Master Plan. It's just a matter of time and money. Looking back now, we drew the original plans back in 2000 and I'm not sure exactly when those master plans were initially approved but it's really tough for us as well as a lot of people to pin point exactly when and which phase you're going to be able to accomplish at any given time. So parking has become an issue. Building wise, we're still doing okay. We'd love to build tomorrow but finances keep us from doing that. We do have the next phase that we would like to build which is the chapel on the west side of the building.

Steve Schneemann, of S3 Architecture, said I just wanted to add onto Keith's comments regarding the phasing. There was a letter that was submitted requesting that future re-phasing that is still in conformance with the originally approved master plan be allowed to be reviewed and approved administratively so that we can move forward in an expeditious matter if we need to make slight adjustments to the sequence of phasing. So I just wanted to add that on and make sure that's part of the motion for consideration.

Member Lynch said I have been around long enough to remember that the phasing is going to change and I think we all approved that previously. There is no way that you're going to know. It's different than having a private company develop and they can develop and phase it. But for a church, it's based on donations. I don't have a problem with re-phasing it. As far as the landscaping, in the original plan the parking lot didn't have any landscaping.

Landscape Architect Beschke said I believe the original plans were phasing only so they didn't get it in-depth of official landscaping. This landscape does meet our current standards.

Member Lynch said can you go back to the slide. Where exactly is the parking lot going to go.

Mr. Schneemann said in the northeast corner.

Member Lynch said okay yes I see that there. And the issue is needing to put trees in there and I was thinking is that going to look out of place because none of the other ones have it, right?

Deputy Director McBeth said that plan as it was approved in the early 2000s was approved prior to the requirement that a landscape island be installed every 15 spaces.

Member Lynch said I understand all that. This is just aesthetic as far as I'm concerned. I'm just trying to understand the justification for waiving the trees that you have to put in the islands. In my opinion, I think it's going to look out of place. What's going to happen is they're going to

wonder why the whole place isn't done the same way. I can go one way or the other. Unless there's a good argument to include the trees, I'd be the one that says why do it? It was already approved and already in the site plan. If we put it in, we may be making something look out of place, which I certainly wouldn't want it to be.

Planner White said the waiver that is requested and required isn't for trees specifically. It's just for the excess number of contiguous parking spaces without an island separating them. That's the waiver that's requested.

Member Lynch said oh well then I definitely don't have a problem with the waiver because the rest of them look the same way.

Chair Pehrson said I agree with the findings and to allow administration to handle this going forward for future phases and I think we're consistent with what was done at Catholic Central relative to their islands. So this isn't out of character for these that were built prior to the standards of the ordinances.

Moved by Member Lynch and seconded by Member Zuchlewski:

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

In the matter of the request of Oak Pointe Church for Oak Pointe Church Parking Expansion, JSP14-35, motion to approve the Preliminary Site Plan and Phasing Plan, based on and subject to the following:

- a) The Planning Commission waives the requirement for landscaped islands based on the consistency with previous approval of the overall plan for the Oak Pointe Church, which is hereby granted; and
- b) Planning Commission acknowledgement that future minor changes (including re-ordering of phases) may be reviewed administratively, provided that staff determines that there are no significant traffic issues or substantial changes from what had been presented and approved previously by the Planning Commission; and
- c) Compliance with all the conditions and requirements listed in the staff and consultant review letters.

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

Moved by Member Lynch and seconded by Member Zuchlewski:

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

In the matter of the request of Oak Pointe Church for Oak Pointe Church Parking Expansion, JSP14-35, motion to approve the Storm Water Management Plan, subject to the compliance with all the conditions and requirements listed in the staff and consultant review letters. 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. NOVI CRESCENT PHASE II, JSP14-33

Approved

Consideration of the request of Versa Development for approval of Preliminary Site Plan and Stormwater Management Plan. The subject property is 1.99 acres in Section 15 of the City of Novi and located on the west side of Novi Road, south of the I-96 freeway interchange in the TC, Town Center district. The applicant is proposing to demolish the existing Melting Pot restaurant and construct an approximately 12,800 square foot building consisting of retail and restaurant space.

Planner White said the applicant is proposing a 12,800 square foot retail building to match the existing Novi Crescent I project immediately South of the site. The subject project is located between Novi Road and Expo Drive, just south of the I-96 freeway interchange. The subject project is zoned TC, Town Center, and is surrounded by TC to the East and South. To the west is zoned for Exposition and to the North is the I-96 freeway. The Future Land Use map indicates Town Center Commercial uses for the subject property with the same use suggested to the east and south. To the west is planned for Office R&D Technology. There are no regulated woodlands or wetlands on the site. The proposed development will demolish the existing Melting Pot restaurant and construct a 12,800 square foot building consisting of retail and restaurant space. The shown usage breakdown includes approximately 8,400 square feet of restaurant and 4,400 square feet of retail, however the tenants are not set and that breakdown could shift. Associated parking and other site amenities will also be constructed.

The proposed building is set back 20 feet from the front property line along Novi Road, which is consistent with the neighboring Crescent I development. This is less than the minimum 50 foot setback and will require a waiver from the Planning Commission. In the Town Center, setbacks may be reduced 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. Several Zoning Board of Appeals variances are required for the proposed project. Parking is set back 15 feet from the north property line, which is less than the required 20 foot minimum. Parking is set back 3 feet from the south property line, which borders the Novi Crescent I development. The applicant does not intend to combine the parcels, so a variance will be required for this location as well. The loading zone is set back 14 feet from the north property line, less than the minimum 20 feet and has 1,751 square feet of loading space where 1,770 square feet is required. The location and size will require a ZBA variance. Lastly, the dumpster is set back 30 feet from the Expo Drive right of way, which is less than the 50 feet required in the TC district, which will also require a variance.

In the Town Center district, a 3 foot tall decorative wall is required along rights-of-way. The applicant has proposed a border of decorative piers with wrought iron fencing along Expo Drive to match the neighboring development. However, engineering staff identified a sanitary sewer easement in this location which prevents any permanent structure from being built there and recommends removal of the fencing. This will require a waiver. Staff can support this waiver as there is not enough width to install a berm. The applicant is asked to work with staff to provide enhanced landscape in areas where there is no interference with the easement. Additionally, a total of 3,824 square feet of building foundation landscape is required, only 264 square feet has been provided. The applicant may request a waiver for the decreased landscaping, but staff cannot support it. The landscape review letter indicates additional square footage of building foundation landscaping should be provided. The traffic review letters notes that the daily trip generation would exceed the threshold for a Traffic Impact Study, the peak hour trip generation would not even meet the threshold for a more limited Traffic Assessment Impact and

Approved

recommends that Planning Commission waive the requirement for the study. Additionally, a waiver for same side driveway spacing would be required, and is supported by staff. The minimum required would be 105 feet, 45 feet is provided. The façade review letter indicates that a Section 9 waiver is required for the overage of fabric awnings. The letter indicates that the design is consistent with the intent of the Façade ordinance and recommends the Section 9 waiver be granted. All reviews are recommending approval of the proposed plan subject to the above conditions with additional 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.

Nikki Jefferies, of Versa Development, said we are very excited to work on this project. As you know, we developed the site directly to the south a few years ago. That's been very successful for us so we're excited to have the opportunity to redevelop the property to the north that we're talking about today and continue the Town Center District north all the way to the highway. We're looking at a similar type multi-tenant restaurant and retail development. The building will look the same as what phase one looks like. I want to thank the staff for working with us. I think Sara gave you a pretty good review of our project so any questions you guys have I'd love to answer.

Member Lynch said the only issue I see is the foundation landscaping. What exactly was the issue David?

Landscape Architect Beschke said there is supposed to be foundation landscaping all around the building. This building is very much like the one to the south where there is access all the way around. It's paved. So it's tough to get it in. So the ordinance allows them to shift it away from the building but still in the vicinity. So I'm just suggesting that that's what they do. They still have room to add.

Ms. Jefferies said we're willing to add more landscaping. Specifically, I think you mentioned in front of the retaining wall. We've got there just to the north east corner of the site. So we will be showing that on our final site plan submittal.

Planner White said the motion currently reads, part F, granting the waiver. So adjust that accordingly if you chose to require that. You can just remove it if you chose not to provide the waiver and just require the landscaping.

Chair Pehrson said given that we don't know what's going in there yet, was the projections of the traffic worst case scenario ok with the estimates?

Engineering Manager Coburn said I believe they gave us an idea of what was going to be in there and that was what the traffic was going to be based off of is the mix of uses.

Deputy Director McBeth said the application indicated that two thirds of the space would be dedicated to a sit-down restaurant and one third would be for a retail space.

Chair Pehrson said my other question is relative to the peak traffic that we're assuming falls within the guidelines of those set of assumptions, so if the mix were to change the other way we don't have an issue potentially with traffic?

Deputy Director McBeth said I would say that's correct, because the sit-down restaurant would generate much more traffic than the retail space would.

Chair Pehrson said ok, very good.

Ms. Jefferies said I can tell you that what we proposed is worst case scenario in terms of traffic. It'll probably actually be less restaurant than what we're showing.

Moved by Member Lynch and seconded by Member Zuchlewski:

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

In the matter Novi Crescent Phase II, JSP14-33, motion to approve the Preliminary Site Plan 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; and**
- b) **Waiver for building setback reduction from front parcel line from 50 feet to 20 feet, which is hereby granted. Setbacks may be reduced by Planning Commission provided: (a) That a reduction in setback, or waiver of a setback, will not impair the health, safety or general welfare of the City or the use of the premises or adjacent premises (b) That waiver of the setback along a common parcel line would result in a more desirable relationship between a proposed building and an existing building; and (c) The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems.**
- c) **Waiver of required Traffic Impact Study, which is hereby granted; and**
- d) **Waiver of same side driveway spacing, 105 feet is required, 45 feet is provided, which is hereby granted; and**
- e) **Waiver of screen wall requirement along Expo Dr. due to sanitary easement provided that the applicant work with the City's landscape architect at the time of final site plan to enhance landscape treatment at this location, which is hereby granted; and**
- f) **Section 9 waiver for overage of fabric awnings, which is hereby granted; and**
- g) **Zoning Board of Appeals variance for deficient parking setback of 15 feet from north property line and 3 feet from south property line, 20 feet is required; and**
- h) **Zoning Board of Appeals variance for loading zone location in exterior rear yard, deficient setback from the north property line of 14 feet, 20 feet required, and deficient size of 1,751 square feet, 1,770 square feet required; and**
- i) **Zoning Board of Appeals variance for dumpster location in exterior rear yard and deficient setback from right-of-way of 30 feet, 50 feet is required; and**

**This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.
*Motion carried 4-0.***

Moved by Member Lynch and seconded by Member Zuchlewski:

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

In the matter of Novi Crescent Phase II, JSP14-33, to approve the Stormwater Management Plan 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.*

3. APPROVAL OF THE JULY 23, 2014 PLANNING COMMISSION MINUTES

Moved by Member Giacometti and seconded by Member Zuchlewski:

ROLL CALL VOTE ON THE PLANNING COMMISSION MODIFIED MINUTES APPROVAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER ZUCHLEWSKI:

Motion to approve the July 23, 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

Deputy Director McBeth said I wanted to let you know that tonight is Sara White's last night that she'll be here with the Planning Commission. She has been with the department since May of this year and she's worked diligently and very professionally with our department. We've been very happy to have her and very pleased with her work. She has decided that she's going to take a position in a community just outside of Denver, Colorado. So we wanted to thank her formally for all of her hard work. As you can see she did most of the work presenting plans tonight and we appreciate that.

The other announcement that I would like to make is that Sara Roediger, our other planner that has been with us for about a year, has also decided to take another position outside of the community. Sara Roediger will be leaving for a position in Rochester Hills. So we're very sorry to hear that she's leaving as well. She's done a great job. We've been very pleased with her and I'm sure the Planning Commission has as well.

Chair Pehrson said well we thank them both for their service. We appreciate all of their hard effort that they put in. Sara thank you. Ms. McBeth, just as a prerequisite when you go out to do the next hiring, I think we do need to keep in mind the names of Sara. They just come a little bit easier to us. If you can pass along to Sara Roediger. if we don't see her, thank you from us as well.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Giacometti:

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

Motion to adjourn the August 13, 2014 Planning Commission meeting. *Motion carried 4-0.*

The meeting was adjourned at 8:32 PM.

Transcribed by Valentina Nukulaj
August, 2014
Date Approved: August 27, 2014

Richelle Leskun, Planning Assistant
Signature on File