



PLANNING COMMISSION

MINUTES

CITY OF NOVI

Regular Meeting

January 27th, 2021 7:00 PM

Remote Meeting

(248) 347-0475

In accordance with Open Meetings Act, MCL 15.261, ET SEQ., as amended, this meeting was held remotely.

CALL TO ORDER

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

ROLL CALL - Pursuant to the State of Michigan Open Meetings Act, all members shall identify their physical location by stating the county, city, and state from which he or she is attending the meeting remotely.

Present: Member Avdoulos- City of Novi, Oakland County, MI; Member Becker- City of Novi, Oakland County, MI; Member Dismondy- City of Novi, Oakland County, MI; Member Ferrell- City of Novi, Oakland County, MI; Member Lynch- City of Novi, Oakland County, MI; Chair Pehrson- City of Novi, Oakland County, MI

Absent: None

Staff: Barbara McBeth, City Planner; Christian Carroll, Planner; Madeleine Daniels, Planning Assistant; Rick Meader, Landscape Architect; Victor Boron, Staff Engineer; Beth Saarela, City Attorney; Saumil Shah, City Traffic Consultant

PLEDGE OF ALLEGIANCE

Chair Pehrson led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Ferrell.

VOICE VOTE TO APPROVE THE JANUARY 27, 2021 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

Motion to approve the January 27, 2021 Planning Commission Agenda. Motion carried 6-0.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no committee reports.

CITY PLANNER REPORT

There was no City Planner Report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There was nothing on the Consent Agenda.

PUBLIC HEARINGS

1. KARIM BLVD SURGERY CENTER JSP20-36

Public Hearing at the request of Karim Blvd RE Holdings, LLC for approval of the Preliminary Site Plan, Stormwater Management Plan, and Woodland Use Permit. The subject property contains 3 acres and is located in Section 24, on the west side of Karim Blvd, south of Grand River Ave. The site is currently undeveloped. The applicant is proposing to construct a one-story, 16,941 square foot surgery center, with a two-story 11,412 square foot office for general office use.

Planner Carroll said before you tonight is the Karim Boulevard Surgery Center. Looking at the site, it's one of the last undeveloped sites on Karim Boulevard, the property to the south east is also undeveloped, but I believe the remaining sites off Karim Boulevard are all developed.

The site is zoned OS-1, Office Service District, and the Future Land Use map indicates Community Office for the entirety of the property. The surrounding area has a mixture of uses including predominantly commercial uses to the north, office uses to the south and east, and a multi-family residential use to the west, which abuts the property. The site will be accessed from Karim Boulevard. Two entrance drives are proposed off Karim Boulevard and 131 parking spaces. The two-story office portion of the building is on the south east corner of the building. Two detention basins are shown along the south, west and north west sides of the property.

There are a few deviations that the applicant is requesting. The first one being a parking setback modification regarding the spaces on the north side of the lot. The two-foot required overhang encroaches into the ten-foot side yard setback by about one-foot. However, this proposed parking setback modification is supported by staff as it results in an improved use of the site. A lot of dimensional changes would have to happen in order for that parking to be adjusted so that's why there's staff support behind that.

Regarding landscaping, the applicant requested a landscape waiver for a 4.5-foot-tall screening wall in lieu of a berm along the west property line. That's the same height as the wall to the south and it will just be a continuation of that wall. It is supported by the Landscape Architect as the proposed screening wall is consistent with the screening on the property to the south, and additional detention pond landscaping will provide some visual buffering for the site as well.

Planner Carroll continued to say one last waiver that the applicant did request is for opposite side driveway spacing. This driveway across the road, is about twenty-seven feet off from being aligned with the north access drive. However, the Traffic Consultant does support it because Karim is a low volume street. The Traffic Consultant did say they would like to see it aligned as much as possible but understands the request and supports it.

The Planning Commission is asked tonight to hold the public hearing and approve or deny the Preliminary Site Plan, Stormwater Management Plan, and Woodland Use Permit. Representing the

project tonight are Truman Timmis from Timmis Group LTD, who is the Owner's representative; Josh Kaplan and Ari Berris from Karim Blvd RE Holdings LLC, who are the applicants; Ryan Schneider from AJ Design, who is the Project Architect; Jim Capo, from Capo Design Group, who is the Project Consultant; and Mike Peterson, from Nowak & Fraus, who is the Civil Engineer.

Truman Timmis, Owner's Representative, said I think Christian has done a great job of explaining the variances we are looking for. We're proposing to build, roughly, a 17,000 square foot surgery center with an adjacent building, which we believe is going to be a very valuable addition to the community. Surgery Centers, as you may be aware, represent a major trend in health care by moving lower-acuity cases out of hospitals and into more comfortable environments. They provide safer more convenient, more cost-effective environments for procedures. The procedures done in this facility will be same day procedures with normal operating hours from 7 o'clock AM to 5 o'clock PM, generally a little earlier than that because the center opens so early.

When we first approached the City of Novi with this project it had been knocking around for a while with a prior group that intended to develop it and when our current group took over, we had some very severe time constraints imposed upon us by the Michigan Department of Health and Human Services. They ultimately require us to begin construction by March 30 of this year. The lead comment that I'd like to make is that the City of Novi Planning Staff has been wonderful to work with. Every single person we've interacted with has been accommodating, informative, has provided clear cogent direction for us to keep this project on track to meet the March 30 deadline. People don't hear this enough, but it represents to me what is the finest that can be represented in Civic Government.

Truman Timmis continued to say with regards to the variances, I think that Christian has stated clearly our requirements and needs for those. We've gone through multiple iterations of the site plan trying to make every effort to stay within in every regard to the requirements of the City of Novi. The berm we're requesting because by the time we've got all the other site requirements on the site including now a 100-year storm water detention facility there really wasn't room for a berm and we thought we can create the same impact on the berm which is separation and screening by placing our detention on the west side of the site and installing four and a half foot screen wall consistent with what was done on the property to the south and heavy landscaping. We think that the intent of the requirement for a berm is not consistent with what we are proposing.

With regard to the driveway alignment, we also have looked at that and quite honestly reconfiguring the drive would be very tough for us. If you look at the site plan the drive comes in straight off of Karim Boulevard and to realign the drive would result in a somewhat less straight flow of traffic pattern for the people coming from the building. Balancing safety against traffic concerns on Karim Boulevard, which is a very low-volume road, we think that the balance is way in favor of safe movement on our site as opposed to an awkward traffic movement. With regard to the parking, on the north side we try to hammer those overhangs back into the ten-foot setback everywhere we could, but in the final analysis we just couldn't move them entirely within a ten-foot setback without compromising some other part of the site. We think this results in the best site utilization and is a minor infringement. The only other two comments I can make in support of those variances is that the parking faces the backside of the buildings to the immediate north and there would be a lot of landscaping on that north border setback so we think that the roughly one-foot encroachment setback is relatively minor and we hope that that is an achievable variance.

Chair Pehrson said this is a public hearing, if anyone wishes to address the Planning Commission you may do so now. Seeing no one wished to speak, Chair Pehrson asked for the written correspondence.

Planning Assistant Daniels said there were three response letters received. The first one is from Praveen Kbestreddy, 24716 Olde Orchard St, who is opposed because there will be an increase in noise pollution. The second letter is from Paulette Swindell, 24742 Olde Orchard St, who is opposed because of the negative after effects of removing woodlands and nature that the homeowners may face in the future and she says there is enough business in the area already. The third letter was from Michael Makki, representing Pheasant Run Plaza at 39711 Grand River Ave, who says the project has his full support and will significantly increase the communal culture of a slowly deteriorating area.

Chair Pehrson said with that we will close the Audience Participation on this particular matter and turn it over to the Planning Commission for consideration.

Member Avdoulos said what are the hours of operation of this facility?

Truman Timmis said the hours of operation will be from 7 o'clock AM to 5 o'clock PM.

Member Avdoulos said that question was just to address the adjacent resident's comment of noise pollution, that it will not be a 24-hour operation. I don't think we have to worry about that. I'm personally very familiar with surgery centers, we do quite a lot of them and this is an appropriate and good location for this type of use. As the applicant has indicated it's a valuable addition to the city, so I appreciate seeing this coming in. I personally don't have any issues related to some of the variances or waivers that are being requested. When you were explaining the opposite side driveway spacing- if we had that aligned further down, it would take out the two or three spaces and create an odd condition going in, but it seems like the staff is supporting that request so I'm in full support of the project and can make a motion.

Motion Made by Member Avdoulos and seconded by Member Ferrell.

In the matter of Karim Blvd Surgery Center, JSP20-36, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Parking setback modification for the north property line from 10 feet to 8.86 feet as such modification of the setback requirement does not reduce the total area of setback on the site below the minimum setback area requirements of the Zoning Ordinance and results in an improved use of the site, which is hereby granted;**
- b. Landscape Waiver for a 4.5 foot tall screening wall in lieu of a berm along the west property line because it is consistent with the wall on the property to the south and additional landscaping around the detention pond will provide additional visual buffering, which is hereby granted;**
- c. A waiver from Section 11-216.d.1.e of the Code of Ordinances to allow opposite side driveway spacing less than 200 feet because it is a low volume street and the offset from the opposite driveway is only 27 feet, which is hereby granted;**
- d. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those 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.

Member Becker said the first area of interest is the request about the natural berm on the west side of the property. I went out and looked at the site and I assume the berm is supposed to be for aesthetics because, in this case, the adjacent condo complex already has a chain link fence across their property line so there's already a physical barrier. But when I was reading the applicant's response letter dated January 20, 2021, it says, "in order to meet landscaping, parking, and storm

water detention requirements there was simply not enough room to fit a berm." I wanted to ask Mr. Meader if it is your expert opinion that, in fact, it is impossible to do a berm or is it just difficult?

Rick Meader, Landscape Architect, said landscape issues are always a matter of space. If they want to fit it all on the site with everything else that must be included, they just couldn't do it all. It didn't have anything to do with the landscaping in particular, but landscape would take up another twenty to thirty feet because it would have to be a six to eight-foot-high berm. A lot of land would be taken up for that berm.

Member Becker said that helps explain it. There was another mention in the packet about the heavy adjacent landscaping helping to create a more natural barrier. I noticed that the wall behind RMI which is being used has a similar kind of wall, and the thought was, we did it for RMI so we should consider doing it for this project. The wall behind RMI has some huge conifers between their brick wall and the Old Orchard Condominiums. I'm just curious because that seems like great screening because it's year-round and it doesn't drop its leaves like deciduous trees do. Are we looking at a similar type of heavy adjacent landscaping including conifer trees and things like that?

Rick Meader, Landscape Architect, said the conifers they have proposed are bald cypress, which will lose their leaves in the winter. Part of the problem is they have a big power line going across the property line so they must limit what they can do. They could do spruces, but I thought that during the summer there's going to be leaves and needles on it and I didn't think in winter it would be as big of a deal because they're going to have two or three layers of trees in between the parking lot and the property line. But they could substitute the bald cypress with spruces if it was important to the Planning Commission.

Member Becker said I was just thinking that not only screens visually, but also cuts down on light coming in from the parking lot at night. It looked like the better solution that happened between RMI and Olde Orchard than what I saw here. I'm curious if there's a minimum size. When an applicant indicates all these trees they're planting here, is there a minimum size for diameter of the trunk height at maturity? I'm wondering what we can expect on day one when it opens and how long it might take for a tree to grow up into its full size.

Rick Meader, Landscape Architect, said deciduous canopy trees have to be between two and a half and three inches depending on the use, caliper it's called, the diameter of the trunk when it's planted. This can be between eight and ten feet depending on the tree. They have to have a mature height of at least thirty feet and a mature canopy of at least twenty feet. When the evergreens are planted they have to be a minimum of six feet tall and they generally get between twenty to thirty feet tall at least. So, they will have to do some growing, but it's more reasonable to plant smaller trees rather than a four-to-six-inch diameter tree.

Member Dismondy said I think the only concern of mine was maintaining safe traffic. The ingress and egress needs a waiver, but it looks like it's a low traffic street and I think we need to encourage this project. It looks like it's a \$8.5 million investment in our City and adding sixty-eight jobs, so I support that.

Member Ferrell said no comments at this time. I do support the project.

Member Lynch said I did go out there and I looked at the property. It's a quiet area, I didn't even know it was there to be honest. It's a perfect location for this. I don't have a problem with the north side parking, I think it makes sense. They're going to remove an elm to put in the rest of the landscaping, that's no problem. The opposite side driveway- based on what I witnessed on that street, I don't see any issue with the deviations for that. One thing I would like the applicant to

consider, and I agree with Mr. Becker, these evergreens are great trees and I think they insure privacy. Some of the comments we were getting from the adjacent property owners is the privacy and the noise attenuation in winter time. If there's a possibility that they could substitute or put a mix of deciduous and evergreens, I think it would be appropriate there. I did look at the plan, I just couldn't picture it when I was out there if there's enough room. That's something Mr. Meader and the applicant could talk about, but my preference would be to replace some of the deciduous trees with evergreens for both the noise attenuation and the privacy of the adjacent homeowners. Other than that, I agree with the rest of the Commissioners. I fully support the project.

Chair Pehrson said I also support. I think it's a great location.

Motion made by Member Avdoulos and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE PROJECT JSP20-36 KARIM BLVD SURGERY CENTER PRELIMINARY SITE PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

In the matter of Karim Blvd Surgery Center, JSP20-36, motion to approve the Preliminary Site Plan based on and subject to the following:

- e. Parking setback modification for the north property line from 10 feet to 8.86 feet as such modification of the setback requirement does not reduce the total area of setback on the site below the minimum setback area requirements of the Zoning Ordinance and results in an improved use of the site, which is hereby granted;**
- f. Landscape Waiver for a 4.5 foot tall screening wall in lieu of a berm along the west property line because it is consistent with the wall on the property to the south and additional landscaping around the detention pond will provide additional visual buffering, which is hereby granted;**
- g. A waiver from Section 11-216.d.1.e of the Code of Ordinances to allow opposite side driveway spacing less than 200 feet because it is a low volume street and the offset from the opposite driveway is only 27 feet, which is hereby granted;**
- h. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those 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 made by Member Avdoulos and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE PROJECT JSP20-36 KARIM BLVD SURGERY CENTER STORM WATER MANAGEMENT PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

In the matter of Karim Blvd Surgery Center, JSP20-36, motion to approve the Stormwater Management Plan subject to the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.
Motion carried 6-0.

Motion made by Member Avdoulos and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE PROJECT JSP20-36 KARIM BLVD SURGERY CENTER WOODLAND USE PERMIT MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

In the matter of Karim Blvd Surgery Center, JSP20-36, motion to approve the Woodland Use Permit 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 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. PLANNING COMMISSION ANNUAL REPORT 2020

City Planner McBeth said the report is something we provide each year and it's a brief summary of the highlights from the Planning Commission's activities over the last year. As you recall, there were fourteen meetings in 2020 and one training session. There were a number of different items that the Planning Commission considered, sometimes more than one time, but in the report, they are just listed once. There were four Text Amendments, three rezoning requests, eight Woodland Permits, and fourteen site plans. All in all, 2020 was a pretty good year for the Planning Commission.

Chair Pehrson said we learned a lot of new things in 2020.

Member Lynch said thank you Barb, for you and the staff's work during this pandemic and keeping us focused and putting the Zoom meetings together. I thought you guys reacted very well.

Member Ferrell said I second that.

Member Avdoulos said I think it's pretty impressive to be able to continue business as usual in the situation everyone was thrust in and the opportunities that were provided to the applicants. Based on the comments from this last applicant, the city didn't lose a beat. Kudos to the entire staff. This is great report to show how we could continue on and do some great work. Welcome to the new members, some of you we haven't met personally because of the circumstances, which is kind of odd, but it's been an interesting year and I appreciate being with all of you.

2. APPROVAL OF THE JANUARY 13, 2021 PLANNING COMMISSION MINUTES.

Motion made by Member Avdoulos and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE JANUARY 13, 2021 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

Motion to approve the January 13, 2021 Planning Commission Meeting Minutes. Motion carried 6-0.

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

Seeing no one in the audience wished to speak, Chair Pehrson closed the audience participation.

ADJOURNMENT

Motion to adjourn made by Member Lynch and seconded by Member Ferrell.

Motion to adjourn the January 27th Planning Commission meeting. Motion carried 6-0.

The meeting was adjourned at 7:32 pm.