



# PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

**December 11, 2013 7:00 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Anthony, Member Baratta, Member Giacometti, Member Greco, Member Lynch, Chair Pehrson

**Absent:** Member Zuchlewski (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Sara Roediger, Planner; Gary Dovre, City Attorney; Adam Wayne, Staff Engineer.

## APPROVAL OF AGENDA

Motion to approve the December 11, 2013 Planning Commission agenda. *Motion carried 6-0.*

## CONSENT AGENDA

### 1. Tom's Bar & Grill JSP13-45

Public hearing at the request of Tom P LLC #6 for Preliminary Site Plan utilizing the Retail Service Overlay option, Special Land Use Permit, Wetland Permit, Woodland Permit and Stormwater Management Plan approval. The subject property is 1.88 acres in Section 16 of the City of Novi and located at 27200 Beck Road at the southeast corner of Citygate Drive and Beck Road in the OST, Planned Office Service Technology District. The applicant is proposing a 5,700 square foot sit-down restaurant.

In the matter of Tom's Bar & Grill, JSP13-45, motion to approve the Special Land Use permit based on the following findings:

#### a. Relative to other feasible uses of the site:

- The proposed use will not cause any detrimental impact on existing thoroughfares as indicated in the traffic review letter;
- Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities because the plan adequately addresses and provides for water and sanitary sewer service and management of the increased stormwater volumes;
- The proposed use is compatible with the natural features and characteristics of the land as indicated in the wetland and woodland review letters;
- The proposed use is compatible with adjacent uses of land as indicated in the staff and consultant review letters;
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
- The proposed use will promote the use of land in a socially and economically desirable manner;
- The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

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 6-0.*

2. **Indo Fusion, JSP13-78**

Consideration of the request of Marygrove Awning for a recommendation to City Council for a Preliminary Site Plan and Section 9 Façade Waiver. The subject property is located at the 12 Mile Crossing at Fountain Walk shopping center in Section 15 at 44175 12 Mile Road in the RC, Regional Center District. The applicant is proposing to add black fabric canopies over the west and north elevations near the entrance of Indo Fusion restaurant.

**In the matter of Indo Fusion, JSP13-78, motion to recommend approval of the Preliminary Site Plan and Section 9 façade waiver to allow an overage of fabric awnings on the basis that the proposed alteration represents an improvement in the existing façade that is compatible with the existing façade and with adjacent buildings, and is generally in keeping with the intent and purpose of Section 2520. *Motion carried 6-0.***

**PUBLIC HEARINGS**

1. **Berkshire Pointe JSP13-47**

Public hearing at the request of Ivanhoe Companies for Preliminary Site Plan, Wetland Permit, Woodland Permit and Stormwater Management Plan approval. The subject property is located in Section 18, on the west side of Wixom Road, south of Grand River Avenue in the RM-1, Low Density Low-Rise Multiple-Family Residential District (with a Planned Rezoning Overlay). The subject property is 29.20 acres and the applicant is proposing an 86 unit single-family residential development.

**In the matter of Berkshire Pointe, JSP13-47, motion to approve the Preliminary Site Plan based on and subject to the following:**

- a. City Council Design and Construction Standards variance to allow a water main stub in excess of 800 feet;
- b. Planning Commission opposite-side driveway spacing waiver for the off-set boulevard entrance, which is hereby granted;
- c. Planning Commission waiver to allow greater credit for upsized woodland replacement plantings, 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 letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with the PRO Agreement and PRO Concept Plan, Article 4, Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Berkshire Pointe, JSP13-47, motion to approve the Wetland Permit 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 the PRO Agreement and PRO Concept Plan and Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

**In the matter of Berkshire Pointe, JSP13-47, motion to approve the Woodland Permit based on and subject to the following:**

- a. Planning Commission waiver to allow greater credit for upsized woodland replacement plantings; 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 the PRO Agreement and PRO Concept Plan and Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Berkshire Pointe, JSP13-47, motion to approve the Stormwater Management Plan, subject to:

- a. The applicant verifying the development's stormwater discharge does not exceed the capacity of the proposed outlet; and
- b. 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 the PRO Agreement and PRO Concept Plan and Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

2. Fox Run JSP13-64

Public hearing at the request of Erickson Living for Planning Commission's recommendation to the City Council of a Revised Preliminary Site Plan with a PD-1 Option, Revised Special Land Use Permit, Revised Phasing Plan, Revised Woodland Permit and Revised Stormwater Management Plan approval. The subject property is 102.8 acres in Section 1 of the City of Novi and located north of Thirteen Mile Road and west of M-5 in the RM-1, Low Density Low-Rise Multiple-Family District. The applicant is proposing to revise the original approval and layout of the remaining buildings in Phase 2.

In the matter of Fox Run, JSP13-64, motion to recommend approval to the City Council of the Revised Special Land Use permit based on the following findings:

Relative to other feasible uses of the site:

- The proposed use will not cause any detrimental impact on existing thoroughfares as indicated in the traffic review letter;
- Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes;
- The proposed use is compatible with the natural features and characteristics of the land as no new impacts to natural features are proposed;
- The proposed use is compatible with adjacent uses of land as indicated in the staff and consultant review letters;
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
- The proposed use will promote the use of land in a socially and economically desirable manner; and
- The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

This motion is made because the plan is otherwise in compliance with Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run, JSP13-64, motion to recommend approval to the City Council of the Revised Preliminary Site Plan with a PD-1 Option based on and subject to the following:

- a. City Council finding that the standards of Section 2404.4.A of the Zoning Ordinance are adequately addressed;
- b. Applicant providing a material sample board that demonstrates that the proposed colors will be harmonious with the existing buildings;
- c. 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 Revised Final Site Plan; and
- d. The developer has committed to work with the adjacent properties and follow through on their comments made at the December 11, 2013 Planning Commission meeting, and the Planning Commission forwards a positive recommendation to Council that those efforts be made.

This motion is made because the plan is otherwise in compliance with Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run, JSP13-64, motion to recommend approval to the City Council of the Revised Phasing 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 Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run, JSP13-64, motion to recommend approval to the City Council of the Revised Woodland Permit 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 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of Fox Run, JSP13-64, motion to recommend approval to the City Council of 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 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 6-0.*

**3. THE PRESERVE AT ISLAND LAKE (PHASE 8) JSP13-69**

Public hearing at the request of Toll Brothers, Inc. for recommendation to City Council for approval to include the subject property in the existing Island Lake of Novi by amending the Residential Unit Development (RUD) Agreement and Plan and for Preliminary Site Plan, Woodland Permit and Stormwater Management Plan approval. The subject property is 48.95 acres in Section 19 of the City of Novi and located at the northeast corner of Ten Mile Road and Napier Road. The applicant is proposing a 45 unit development that would be Phase 8 of the existing Island Lake of Novi development. The applicant has also proposed to modify the number of units permitted in the RUD Agreement from 884 to 903 in order to allow for this development.

**In the matter of The Preserve at Island Lake (Phase 8), JSP13-69, motion to recommend approval of the Amended Residential Unit Development (RUD) Plan subject to and based on the following findings:**

- a. The site is appropriate for the proposed use;
- b. The development will not have detrimental effects on adjacent properties and the community;
- c. The applicant has clearly demonstrated a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;
- e. The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the Amended RUD.
- f. Relative to other feasible uses of the site:
  1. All applicable provisions of Section 2402 of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;
  2. Adequate areas have been set aside for walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development;
  3. Traffic circulation features within the site and the location of parking areas have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  4. The proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;

5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
  6. The Amended RUD will provide for the preservation and creation of open space and result in minimal impacts to provided open space and natural features;
  7. The Amended RUD will be compatible with adjacent and neighboring land uses;
  8. The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the Amended RUD;
  9. Any detrimental impact from the Amended RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the Amended RUD;
  10. The proposed reductions in lot sizes are the minimum necessary to preserve and create open space, to provide for park sites, and to ensure compatibility with adjacent and neighboring land uses;
  11. The Amended RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  12. the applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. The applicant has made satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. City Council modification of proposed lot sizes to a minimum of 14,440 square feet and modification of proposed lot widths to a minimum of 91.22 feet as the requested modification will result in the preservation of open space for those purposes noted in Section 2402.3.B of the Zoning Ordinance and the Amended RUD will provide a genuine variety of lot sizes;
  - h. City Council variance from Section 11 Table 8-A of the City's Code of Ordinance to permit a local street reduction from 28 feet in width to 20 feet in width for traffic calming chokers as depicted in the proposed plans.
  - i. City Council variance from Section 11.278 (b)(5) of the City's Code of Ordinance to permit a sidewalk along Ten Mile Road to vary more than 1 foot from the right-of-way in order to protect natural resources while still maintaining a comprehensive non-motorized transportation system as depicted in the proposed plans.
  - j. City Council variance from Section 11.258 (d) of the City's Code of Ordinance to permit a bicycle path along the northern portion of Napier Road only to vary more than 1 foot from the right-of-way in order to protect natural resources while still maintaining a comprehensive non-motorized transportation system as depicted as Option A in the proposed plans.

This motion is made because the plan is otherwise in compliance with Article 3, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of The Preserve at Island Lake (Phase 8), JSP13-69, motion to approve the Preliminary Site Plan based on and subject to approval by City Council of the amended RUD Agreement and Plan and the following:

- a. Planning Commission waiver of the required berms in the locations of existing vegetation and wetlands with the exception of lots 1, 2 and 45; which is hereby granted;
- b. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with the approved 6<sup>th</sup> Amendment to the RUD, Article 3, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of The Preserve at Island Lake (Phase 8), JSP13-69, motion to approve the Wetland Permit based on and subject to approval by City Council of the amended RUD Agreement and Plan and 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 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of The Preserve at Island Lake (Phase 8), JSP13-69, motion to approve the Woodland Permit based on and subject to approval by City Council of the amended RUD Agreement and Plan and the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with the proposed 6<sup>th</sup> Amendment to the RUD, Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of The Preserve at Island Lake (Phase 8), JSP13-69, motion to approve the Stormwater Management Plan, based on and subject to approval by City Council of the amended RUD Agreement and Plan and the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because it otherwise in compliance with the proposed 6<sup>th</sup> Amendment to the RUD, Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

#### MATTERS FOR CONSIDERATION

1. PLANNING COMMISSION 2013 END OF YEAR REPORT
2. APPROVAL OF THE NOVEMBER 13, 2013 PLANNING COMMISSION MINUTES

Motion to approve the November 13, 2013 Planning Commission Minutes. *Motion carried 6-0.*

#### MATTERS OF DISCUSSION

1. TOWN CENTER STUDY

#### ADJOURNMENT

The meeting was adjourned at 8:52 PM.

Please note: Actual Language of motions subject to review.