



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI
Regular Meeting

June 26, 2024 7:00 PM

Council Chambers | Novi Civic Center
45175 Ten Mile Road, Novi, MI 48375 (248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Avdoulos, Member Becker, Member Lynch, Chair Pehrson, Member Roney, Member Verma

Absent Excused: Member Dismondy

Staff: Barb McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; James Hill, Planner; Heather Ziegler, Planner; Humna Anjum, Plan Review Engineer; Rick Meader, Landscape Architect

APPROVAL OF AGENDA

Motion to approve the June 26, 2024 Planning Commission Agenda. Motion carried 6-0.

PUBLIC HEARINGS

1. PICKLEBALL NOVI JSP23-15

Public Hearing at the request of Pickleball Novi for JSP23-15 for Preliminary Site Plan, Special Land Use Permit, Woodland Permit, and Stormwater Management Plan. The subject property is approximately 3.65 acres and is located north of Nine Mile Road on the east side of Venture Drive in the I-1, Light Industrial District. The applicant is proposing to build an indoor recreation facility with accessory uses.

In the matter of Pickleball Novi, JSP23-15, motion to deny the Special Land Use Permit because the plan is not in compliance with Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. The proposed use is not compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood because the berm height of 7-9 feet with mature trees and new plantings will not provide adequate screening of the building and parking area. 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 not in harmony with the purposes nor conforms to the applicable site design regulations of the zoning district in which it is located. Motion carried 6-0.

In the matter of Pickleball Novi, JSP23-15, motion to deny the Preliminary Site Plan because the plan is not 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.

In the matter of Pickleball Novi, JSP23-15, motion to deny the Woodland Permit because the plan is not 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 Pickleball Novi, JSP23-15, motion to deny the Stormwater Management Plan because the plan is not in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

2. RELIABLE TRAINING INSTITUTE PSLU24-04

Public Hearing at the request of Shanae Almon for Special Land Use approval to operate a Certified Nurse Assistant school within a portion of an existing building. The subject portion totals approximately 5,917 square feet out of a total 16,800 square feet and is located at 22960 Venture Drive in Section 26, north of Nine Mile Road and east of Novi Road.

In the matter of Reliable Training Institute, PSLU24-04, motion to postpone the Special Land Use Permit and leave the public hearing open until the applicant is prepared since the applicant had a conflict and was unable to prepare a response or attend the meeting. *Motion carried 6-0.*

3. THE BOND JSP18-10

Public Hearing at the request of Bond at Novi LLC for JSP18-10 for recommendation to the City Council for approval or denial of the revised Preliminary Site Plan, Woodland Permit and Storm Water Management Plan. The revised plans propose to add a fifth floor to accommodate additional units.

In the matter of The Bond JSP18-10, motion to recommend approval to City Council the Revised Preliminary Site Plan based on and subject to the following:

1. The previously approved waivers and Development Agreement granted by City Council.
2. City Council finding per Section 4.82.2.b. for allowing an increase of maximum number of rooms allowed (435 allowed, 812 proposed), as the number of rooms falls within the allowable range and the increase is not anticipated to cause negative impacts to the site or the surrounding area.
3. City Council finding acceptable the usable open spaces as shown on the site plan as they meet the intent of the Ordinance to provide active and passive recreational opportunities for future residents and as the unique shape and urban-style design of the project limits the ability to comply with the strict ordinance definition.
4. A revised section 9 waiver for the following deviations as the overall appearance of the building would not be significantly improved by strict application of the percentage listed in the Ordinance:
 - a. Not providing the minimum required brick (30% minimum required) on the east (17% proposed), north (21-24% proposed), west (23% proposed), and south (21-24% proposed) facades for Building 1 and 2.
 - b. Exceeding the maximum allowed percentage of EIFS (proposed: East-52%, North-51%, South- 51% and West- 77%) for Building 1 and 2.
 - c. Not providing the minimum required brick and stone (50% minimum required) for TC-1 district on all facades (23-34% proposed) for Building 1 and 2.
 - d. The previously approved Section 9 waivers for the commercial building and parking garage remain unchanged as the interesting massing and creative use of materials is not compromised by the proposed revisions as recommended by the City's façade consultant.
5. The following variances require re-approval from the Zoning Board of Appeals since the original approvals have expired:
 - a. Variance from Section 4.82.2 for increasing the maximum percentage of one-bedroom units allowed for this development (50% maximum allowed, 59% proposed) based on applicant's response that a 60% unit mix is recommended based on their internal marketing survey and assessment.
 - b. Variance from Section 3.27.1.D for allowing parking in the side yard for a commercial building (around 49 spaces) due to the unusual shallow shape of the subject property and the inability to park in the rear yard.
 - c. Variance from Section 3.27.1.D for allowing parking in front yard for residential

- section (around 38 spaces, 9% of total 432 spaces) due to the unusual shallow shape of the subject property and the inability to park in the rear yard.
- d. Variance from Section 3.27.1.D for allowing parking in side yard for residential section (around 50 spaces, 12% of total spaces in east and 35 spaces 12% of total spaces in west) due to the unusual shallow shape of the subject property and the inability to park in the rear yard.
 - e. Variance from Section 4.82.2.e for a reduction of the minimum building setback for Building 1 on the east side (15 ft. required, a minimum of 12 ft. with overhang of 8.8 ft. proposed for an approximate length of 12 ft., total building length is 283 ft.) due to the unusual shallow shape of the subject property.
 - f. Variance from Section 4.82.2.e for a reduction of the minimum building setback for Building 2 on the east side (15 ft. required, a minimum of 8 ft. with overhang of 3.8 ft. proposed for an approximate length of 16 ft., total building length is 283 ft.) due to the unusual shallow shape of the subject property.
 - g. Variance from Section 4.82.2.e for a reduction of the minimum building setback for the parking garage on the west side (15 ft. required, 5 ft. proposed for entire structure, total building length is 283 ft.) due to the unusual shallow shape of the subject property.
 - h. Variance from Section 5.7.3.E. for allowing an increase of the average to minimum light level ratio for the site (4:1 maximum allowed, 4.81 provided) due to site layout and the site's shallow depth.
 - i. Variance from Section 5.7.3.K for exceeding the maximum allowed foot candle measurements along the south property line abutting the railroad tracks (1 foot candle is maximum allowed, up to 1.7 foot candles is proposed for a small area).
 - j. Variance from Section 3.27.1.H. and Sec. 5.4.2 for allowing two loading areas in the side yard for the residential section due to the unusual shallow shape of the subject property.
 - k. Variance from Section Sec. 5.4.2 for a reduction in the minimum required loading area for each of the two loading spaces in the residential section (2,830 square feet required, 644 square feet provided) due to residential nature of the development that does not require larger loading areas.
 - l. Variance from Section 3.27.1.I. for a reduction in width of the sidewalk along a non-residential collector (12.5 feet required on both sides, 8 feet proposed on west side and 10 feet asphalt path proposed on east) as it aligns with City's current plans for Flint Street realignment.
 - m. Variance from Section 5.3.2. for a reduction of the minimum parking bay depth for spaces proposed in the parking garage (19 ft. minimum required, 18 ft. proposed) as the depth is limited by the pre-fabricated manufacturers' specifications.
6. 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 revised 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.*

In the matter of The Bond JSP18-10, motion to recommend approval to the City Council of the Revised 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 6-0.*

In the matter of The Bond JSP18-10, motion to recommend approval to City Council of the Woodland Permit based on and subject to the following 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.*

CULVER'S JSP23-37

Public Hearing at the request of Union Pacific Holdings for recommendation to the City Council for Preliminary Site Plan with a PD-2 Option, Special Land Use, and Stormwater Management Plan approval. The subject property is located at the northwest corner of Novi Road and West Oaks Drive in Section 15 and totals approximately 1.69 acres. The applicant is proposing to develop a 4,160 square foot Culver's restaurant with a drive-thru. The applicant is proposing to vacate and move a portion of Karevich Drive so that it traverses through the site.

In the matter of the request of Union Pacific Holdings for Culver's JSP23-37, motion to recommend approval to the City Council for Special Land Use based on and subject to the following:

1. The proposed use will not cause any detrimental impact on existing thoroughfares based on the Traffic review.
2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities based on the Engineering review.
3. The proposed use is compatible with the natural features and characteristics of the land because there are no regulated natural features on site.
4. The proposed use is compatible with adjacent uses of land because the proposed use is similar to other nearby restaurants with a drive-thru.
5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi.
6. The proposed use will promote the use of land in a socially and economically desirable manner as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi.
7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.
8. The City Council's determination to vacate North Karevich Drive and that the appropriate agreements are put in place to maintain access to the property to the north.
9. Subject to further review as the project moves forward of providing wayfinding signage along the vacated portion of North Karevich Drive to ensure that adequate notice is provided to the businesses in the area.

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

In the matter of the request of Union Pacific Holdings for Culver's JSP23-37, motion to recommend approval to the City Council for Preliminary Site Plan with a PD-2 Option based on and subject to the following:

1. Planning Commission findings that the standards of Section 3.31.4 of the Zoning Ordinance are adequately addressed, as identified in the Planning Review Letter.
2. The recommendation includes the following ordinance deviations for consideration by the City Council:
 - i. Deviation from Section 3.31.7.B.v.a, the use conditions for fast food drive-thru under PD-2 Option as listed that requires a minimum distance of 1,000 feet between a proposed independently freestanding restaurant from any other such use on the same side of the street. The proposed restaurant is less than 1,000 feet from the Carabba's to the south.

- ii. Deviation from Section 4.19.2.F for allowing a dumpster in the exterior side yard instead of required rear yard.
 - iii. Landscape deviation from Section 5.5.3.B.ii and iii for lack of berm or wall along both Novi Road and West Oaks Drive.
 - iv. Landscape deviation from Section 5.5.3.B.ii and iii for deficient perimeter depth between the west drive and the west property line
 - v. Deviation from Section 11-216 of the Code of Ordinances, Design Considerations, for the deficient driveway turning radius where the mountable concrete median is proposed.
 - vi. Section 9 Façade waiver for underage of brick and overage of composite siding.
3. The City Council's determination to vacate North Karevich Drive and that the appropriate agreements are put in place to maintain access to the property to the north.
 4. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

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

In the matter of the request of Union Pacific Holdings for Culver's JSP23-37, motion to recommend approval to the City Council for Storm Water Management Plan based on and subject to the following findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because it is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

4. 30551 NOVI ROAD WOODLAND PERMIT PBR23-0427

Public Hearing at the request of Ayad Kashat, for a Woodland Use Permit for 30551 Novi Road. The site is located west of Novi Road, and north of Thirteen Mile Road in Section 3 of the City. The applicant is requesting the removal of eighty-four (84) regulated woodland trees to build a single-family home.

In the matter of the request for a Woodland Use Permit PBR23-0427, motion to approve the removal of eighty-four (84) regulated woodland trees within an area mapped as City Regulated Woodland at 30551 Novi Road to build a single-family home. The approval is subject to on-site planting to the extent possible of one hundred and sixty-six (166) required woodland replacement credits. If necessary, any outstanding credits may be paid into the City's Tree Fund. In addition, any other conditions as listed in the Woodland Consultant's review letter shall be addressed. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. PRIMROSE DAYCARE PHASING PLAN JSP22-53

Consideration of the request of EIG14T Development for a Phasing Plan. The subject property is located in Section 27 of the City of Novi west of Novi Road and south of Ten Mile Road. The applicant is requesting to phase the previously approved preliminary site plan.

In the matter of Primrose Phasing Plan JSP22-53, motion to approve the Phasing Plan based on and subject to the following conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

2. APPROVAL OF THE MAY 8, 2024 PLANNING COMMISSION MINUTES

Motion to approve the May 8, 2024 Planning Commission minutes. *Motion carried 6-0.*

ADJOURNMENT

Motion to adjourn the June 26, 2024 Planning Commission meeting. *Motion carried 6-0.*

Meeting adjourned at 10:08 PM.

*Actual language of the motion sheet subject to review.