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PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

Wednesday, April 28, 2010 | 7 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 Greco, Member Gutman, Member Larson, Member Lynch, Chair Pehrson, Member Prince

Absent: Member Baratta (excused), Member Cassis (excused), Member Meyer (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Lynch:

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

Motion to approve the April 28, 2010 Planning Commission Agenda. Motion carried 6-0.

AUDIENCE PARTICIPATION

No one from 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 stated that on April 5, 2010, the City Council approved the rezoning request for the property at Beck Road and Grand River Avenue. The property was rezoned from OST (Office Service Technology) to FS (Freeway Service) with a PRO (Planned Rezoning Overlay).

CONSENT AGENDA - REMOVALS AND APPROVAL

1. **MACKENZIE NORTH TECHNOLOGY CENTRE, SP08-25**

Consideration of the request of Northern Equities Group for a one-year Preliminary Site Plan extension. The subject property is located in Section 1, at the northwest corner of Haggerty Road and Mackenzie Drive, north of Thirteen Mile Road, in the OST, Planned Office Service Technology District. The subject property is approximately 6.09 acres and the applicant is proposing to construct a speculative 55,187 square foot one-story general office building.

2. **MACKENZIE SOUTH TECHNOLOGY CENTRE, SP07-70**

Consideration of the request of Northern Equities Group for a one-year Final Site Plan extension. The subject property is located in Section 1, at the southwest corner of Haggerty Road and Mackenzie Drive, north of Thirteen Mile Road, in the OST, Planned Office Service Technology District. The subject property is approximately 5.42 acres and the applicant is proposing to construct a speculative 48,866 square foot one-story general office building.

Moved by Member Gutman, seconded by Member Larson:

VOICE VOTE TO APPROVE CONSENT AGENDA, MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LARSON.

Motion to approve the Consent Agenda. *Motion carried 6-0.*

PUBLIC HEARINGS

1. HOME DEPOT SEASONAL OUTDOOR SALES, ZCM10-11

Public Hearing of the request of Home Depot for Preliminary Site Plan and Special Land Use Permit approval. The subject property is located in Section 17, west of Beck Road and north of Grand River Avenue in the B-2, Community Business District. The subject property is approximately 3.3 acres and the applicant is proposing to occupy a space in front of the existing Home Depot at the West Market Square Shopping Center located at 47950 Grand River Avenue, for outdoor sales of plant materials.

Planner Kapelanski stated that per the recent Zoning Ordinance Text Amendment, limited outdoor sales of plants and produce are now permitted as a Special Land Use in select districts. Home Depot has chosen to take advantage of this amendment and has come forward with a site plan illustrating their proposed outdoor sales facilities and a request for a Special Land Use Permit. The subject property is located at 47950 Grand River Avenue in the West Market Square Shopping Center, north of Grand River and west of Beck Road.

Planner Kapelanski explained that the applicant is before the Planning Commission to obtain the required Special Land Use Permit and Preliminary Site Plan approval. As illustrated by the provided site plan, the applicant is proposing outdoor sales of produce and plants on the concrete area in front of their existing space. The Planning Commission should consider the findings listed in Section 2516.2.c of the Ordinance in reference to the Special Land Use permit. Staff has not identified any major concerns regarding this Special Land Use request or the Preliminary Site Plan and therefore recommends approval subject to the conditions noted in the motion.

Mr. George Dixon, General Manager of the Home Depot and Eric Fold, Assistant Store Manager of the Home Depot came forward to represent the applicant. Mr. Dixon stated that last year he applied for a Temporary Use Permit for plant tables in front of Home Depot and followed the guidelines of that permit. Mr. Dixon stated that he recently came in to apply for a new permit and was told that the City is no longer doing Temporary Use Permits for outside sales.

Member Greco stated that there was no correspondence.

Chair Pehrson asked if there was anyone in the audience that would like to address the Commission on this matter. Seeing no one, Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission.

Motion made by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE ON SPECIAL LAND USE APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

In the matter of the request of Home Depot Seasonal Outdoor Sales ZCM 10-11, a motion to approve the Special Land Use permit, subject to the following (a) Planning Commission finding under Section 2516.2.c for the Special Land Use permit that, relative to other feasible uses of the site the proposed use will not cause any detrimental impact on existing thoroughfares, due to the relatively minor expansion of an existing business to allow outside sales of plants and produce, which are already available for sale at Home Depot; The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, due to the location of the outdoor sales which are proposed to be on the existing sidewalk directly adjacent to the retail store, and are shown to meet the standards of the ordinance for access and hours of operation; 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 as it is an enhancement to an existing business; The proposed use is

in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff review letter; and (b) Compliance with all conditions and requirements listed in the staff and consultant review letters because the request is otherwise in compliance with Article 14, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-0.*

Motion made by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE ON SITE PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

In the matter of Home Depot Seasonal Outdoor Sales, ZCM 10-11, a motion to approve the Preliminary Site Plan, subject to the following (a) Applicant shall limit outdoor sales to produce and plant material only; (b) Applicant shall maintain a minimum pathway width of six feet along the sidewalk; (c) The hours of operation shall be consistent with the hours of operation of the Home Depot; (d) Applicant shall indicate dates for expected outdoor sales and all facilities and materials shall be brought inside at the end of the season; and (e) The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set because the request is otherwise in compliance with Article 14, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-0.*

2. MASTER PLAN FOR LAND USE REVIEW

Public Hearing of the request of the Planning Commission's Master Plan and Zoning Committee to approve the Master Plan Amendments.

Planner Spencer stated that he is presenting a the Master Plan for Land Use Amendments Review for Planning Commission approval and to forward a recommendation to City Council to approve the proposed amendments for distribution. This set of amendments were presented in the Master Plan for Land Use Review by the Master Plan & Zoning Committee and approved by the Planning Commission as the Planning Commission's review of the Master Plan on March 24th.

The requested action is not approval of the proposed amendments but only of the review. The proposed amendments can be amended up to the time of final adoption of the amendments.

Since 1967, Novi has had a Master Plan for Land Use. This shared vision of the City of Novi is a policy document that guides the City's land use decisions to help ensure that the City remains a highly sought-after destination for residents and businesses.

The State of Michigan Planning Act requires municipalities to review their Master Plan at least every five years. Although a review and update of selected portions of the Master Plan for Land Use was completed in 2007 and 2008, the last comprehensive review and update of the City of Novi's Master Plan for Land Use occurred in 2004.

At the direction of the Planning Commission the Master Plan and Zoning Committee with assistance from the City's Planning Staff and with considerable input from many residents and business leaders, worked for over a year on producing the Master Plan for Land Use Review and the set of proposed Master Plan amendments.

The Committee conducted an extensive analysis of the future land use designations of all properties in the City and reviewed the goals, objectives and implementation strategies in the current Master Plan for Land Use. The Committee also conducted a detailed review of the Master Plan's land use definitions, goals, objectives, and implementation strategies pertaining to office uses, industrial uses, housing, transportation and the environment. They reviewed reports on housing trends, retail floor space demand, office floor space demand, industrial floor space demand, retail vacancy rates, and changing demographics.

The Committee also reviewed three study areas in depth:

- Special Planning Project Area 1 Study Area (south side of Ten Mile Road, east of Novi Road);
- The Eleven Mile and Beck Roads Study Area; and
- The Grand River Avenue and Beck Road Study Area.

The proposed amendments recommended by the review include the following: replacing the current Office future land use definition with three new office land use definitions: Community Office, Office Commercial and Office, Research, Development and Technology; and replacing Office use areas on the Future Land Use Map City-wide with one of the new office designations generally reflecting the current Office Service (OS-1), Office Service Commercial (OSC) and Planned Office Service Technology (OST) zoning of the properties. These changes were proposed to reflect the types of office developments the City desires in specific areas of the City. In addition, two small areas are proposed to be added to the office use areas: Novi Corporate Campus that has a mix of OST and I-1 zoning and a parcel east of Oakland Hills Cemetery that is permitted community office uses because of a consent judgment.

The review also recommends replacing the Light Industrial future land use definition with a new Industrial, Research Development and Technology land use definition and replacing Light Industrial use areas on the Future Land Use Map City-wide with the new Industrial, Research, Development and Technology future land use designation to provide a more attractive land use definition that reflects the land uses desired in the areas.

Next, as a result of the Committee's review of the Special Planning Project Area 1 Study Area, designating the western portion of the Study Area for Community Office future land uses and designating the eastern portion for Industrial, Research Development and Technology future land uses. These uses will make the area similar to the uses located in the neighborhood.

Next, as a result of the review of the Eleven Mile and Beck Roads Study Area is a proposal to create a new Suburban Low Rise future land use definition with a set of supporting goals, objectives and implementation strategies and designate a portion of the Eleven Mile and Beck Roads Study Area that is located between high intensity development along Grand River Avenue and single family residential development for Suburban Low Rise uses. This area is generally located about ½ to ¾ miles from Grand River Avenue. The proposed Suburban low rise uses will provide a transition in intensity, protect the residential character of the area and provide additional development options that can add to the City's tax base. The balance of the study area would keep its current future land use designation with moderate increases in the maximum residential density.

After studying the Grand River Avenue and Beck Road Study area a new Office, Research, Development and Technology with Retail Overlay land use designation has been proposed with supporting goals, objectives and implementation strategies. The designation is proposed for two areas near the intersection of Grand River Avenue and Beck Road. This would provide an area to develop retail services to serve the employees and visitors to the nearby office areas and provide an additional basket of permitted uses to encourage new development and make the overall area more attractive to development. The proposed access to the Retail Service Overlay area would be limited to reduce the impact of the increased traffic that would result from retail development. A transportation plan is included for the study area to further this strategy.

The review proposes adding new City-wide goals, objectives and implementation strategies to promote various concepts including alternative transportation modes and healthy lifestyles, attractive and diverse housing and "Green" building and the preservation of natural features in the City. Also, minor future land use map changes were included. One parcel was changed from Office to Town Center Commercial. And several public and private parcels and open space changes were made to reflect the current ownership and use of the parcels.

The proposed amendments include a new Future Land Use Map that includes all of the proposed changes. It also includes a map showing the location of all of the proposed changes. In addition many of the Master Plan's reference maps are proposed to be updated and three new reference maps are proposed.

The Planning Commission is asked to discuss the Review and proposed Master Plan Amendments and approve the Review if they desire with or without changes and set a public hearing on the proposed amendments for April 28th.

Additional public comment may be received on the proposed amendments. If the amendments are found acceptable this evening, the Planning Commission could take action to send the proposed amendments to the City Council for approval to distribute the proposed amendments and the Review to the entities required by the State Planning Act for comments. After the close of this forty-two day comment period by reviewing entities, the Planning Commission can adopt the Master Plan amendments. At that time staff will merge the amendments into the current Master Plan for publication.

Member Greco stated that there was no correspondence regarding this public hearing.

Chair Pehrson asked if there was anyone in the audience that would like to address the Commission on this matter. Seeing no one, Chair Pehrson closed the public hearing and turned it over to the Planning Commission.

Motion made by Member Gutman, seconded by Member Greco.

ROLL CALL VOTE ON MASTER PLAN AMENDMENTS DISTRIBUTION APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

Motion to approve the proposed Master Plan for Land Use Amendments and forward them to the City Council for distribution approval, for the following reasons: (a) The Master Plan & Zoning Committee and the Planning Commission, with the assistance of the Community Development Department Planning Staff and the City's Traffic Consultants, reviewed the current Master Plan for Land Use's goals, objectives and implementation strategies, the Future Land Use Map use designations for the entire City and evaluated each of the three Master Plan Study Areas in detail; (b) Public comments regarding the future land uses in the study areas and City at large were solicited and people provided input through questionnaires, written comments and in person at City Hall, public meetings and public open houses; (c) The proposed Master Plan for Land Use amendments reflect the desires of the City's citizens, promote natural feature protection, foster quality development, encourage investment in the City and provide design guidance for future transportation improvements; and (d) The proposed amendments foster sound land use planning by including the following new land use goals: Provide for planned development areas that provide a transition between high intensity office, industrial and commercial uses and one-family residential uses; Develop the Grand River Avenue and Beck Road Study Area in a manner that supports and complements neighboring areas; Create, preserve and enhance quality residential areas in the City; and Continue to promote active living and healthy lifestyles in the City of Novi and continue to achieve a high level of recognition under the State of Michigan's "Promoting Active Communities Program." *Motion carried 6-0.*

3. ZONING ORDINANCE TEXT AMENDMENT 18.241

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 at Article 3, Residential Acreage District and Article 25, General Provisions, Section 2503, Accessory Uses; In order to provide standards for the use, installation and operation of outdoor furnaces.

Planner Kapelanski stated that staff is suggesting modifications to the Zoning Ordinance to address the operation and installation of outdoor furnaces. The proposed ordinance would permit outdoor furnaces in the RA District only on parcels three acres or greater. When the draft amendment was previously presented, it allowed furnaces on parcels two acres or greater. That has since been changed to three acres per the Fire Marshal's recommendation. Parcels with RA zoning three acres or greater are identified on the provided map. Also per the Fire Marshal's recommendation, a provision has been added to permit the storage of only two cords of wood on the parcel at any one time. The ordinance also includes provisions regarding the types of materials that can be burned, compliance with manufacturer's specifications and chimney heights. The Planning Commission is asked to hold the public hearing and make a recommendation regarding the proposed amendment to the City Council.

Member Greco stated that there was no correspondence regarding this public hearing.

Chair Pehrson asked if there was anyone in the audience that would like to address the Commission on this matter.

Seeing no one, Chair Pehrson closed the public hearing and turned it over to the Planning Commission.

Chair Pehrson asked if the ordinance assumes that that these are always commercially built devices as opposed to a resident taking approved components and making his or her own.

City Attorney Kolb answered Chair Pehrson in saying that this language would apply to all outdoor furnaces, the finished product as a whole that has the endorsements or representations noted in the ordinance contained on the unit itself.

Chair Pehrson stated that he had concerns that anyone could go on the computer and find instructions and purchase components with the required approvals and assemble the unit themselves. He also wondered if a permit would be required for the installation.

Planner Kapelanski stated that an individual applying for an outdoor furnace would have to apply to the Building Division and get the appropriate mechanical permits, etc. The plans would be reviewed then and there would be an inspection done by the inspectors to make sure it was properly installed.

Chair Pehrson stated he would want someone to make sure this was properly anchored to the ground.

Member Lynch agreed with Chair Pehrson regarding his concerns about the foundation and a resident obtaining the proper permits.

Motion made by Member Greco, seconded by Member Lynch:

ROLL CALL VOTE ON RECOMMENDATION FOR APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.

Motion to recommend approval to the City Council of Text Amendment 18.241 incorporating the comments from the Planning Commission. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE SEPTEMBER 16, 2009 PLANNING COMMISSION MINUTES

VOICE VOTE ON SEPTEMBER 16, 2009 PLANNING COMMISSION MINUTES APPROVAL MOTION:

A motion to approve the September 16, 2009 Planning Commission minutes. *Motion carried 6-0.*

2. APPROVAL OF THE JANUARY 27, 2010 PLANNING COMMISSION MINUTES

VOICE VOTE ON JANUARY 27, 2010 PLANNING COMMISSION MINUTES APPROVAL MOTION:

A motion to approve the January 27, 2010 Planning Commission minutes. *Motion carried 6-0.*

3. APPROVAL OF THE FEBRUARY 10, 2010 PLANNING COMMISSION MINUTES

VOICE VOTE ON FEBRUARY 10, 2010 PLANNING COMMISSION MINUTES APPROVAL MOTION:

A motion to approve the February 10, 2010 Planning Commission minutes. *Motion carried 6-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There was no Consent Agenda.

MATTERS FOR DISCUSSION

There were no Matters of Discussion.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

The meeting adjourned at 8:22 PM.

Transcribed by Juanita Freeman
Account Clerk
June, 2010

Date Approved:

Richelle Leskun, Planning Assistant