



PLANNING COMMISSION MINUTES

DRAFT

CITY OF NOVI

Regular Meeting

April 25, 2012 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 Greco, Member Gutman, Member Lynch, Chair Pehrson, Member Prince

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Campbell, Planner; David Beschke, Landscape Architect; Brian Coburn, Engineer; Adam Wayne, Engineer; Doug Necci, Façade Consultant; Tom Schultz, City Attorney

PLEDGE OF ALLEGIANCE

Member Baratta 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 MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to approve the April 25, 2012 Planning Commission agenda. Motion carried 7-0.

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 at their most recent meeting, the City Council referred two text amendments to the Planning Commission for consideration and referral back to the City Council following a public hearing. Staff will be bringing those text amendments forward in the next couple of weeks for review.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no Consent Agenda items.

PUBLIC HEARINGS

1. MAIN STREET SP12-16

Public hearing of the request of TCF Bank for recommendation to the City Council for site plan amendments to SP95-53, Main Street Novi, and to consider Novi Main Street Condominium and Main Market Condominium, SP12-16 for a recommendation to the City Council for dissolution of the two condominiums. The property is located south of Grand River Avenue and east of Novi Road, and is approximately 20 acres.

Planner Campbell stated that the Novi Main Street was originally proposed as Site Plan 95-53, with preliminary approvals in 1997. Initially, the development was under single ownership and control (Evergreen/Chen), with shared parking, amenities, and utilities. Since then, two large pieces of the development have been split off and sold – the Luna/Vic's Market parcel to the east, and the Grand-Grace/Fifth Avenue Ballroom parcel to the west. The remaining parcel saw only one of its planned buildings constructed, the existing Atrium Building and adjacent parking on the northwest corner of Main Street and what was once known as Market Street. The remaining parcel was further divided in 2001 into the Main Market Condo; Unit 1 included the existing Atrium Building; Unit 2 included the undeveloped land west of the Atrium Building on the north side of Main Street; and Unit 3 included the undeveloped land on the south side of Main Street.

Around 2006, the new owners of the Main Market Condo – Triangle Development – created a second condominium atop Unit 2 of the Main Market condominium. This new condominium – Main Street condominium – included four units within Unit 2 of Main Market. Triangle also received preliminary site plan approval for their plans to develop Units 2 and 3. Those plans never materialized, and in 2010 Units 2 and 3 transferred to TCF Bank. Unit 1 – the Atrium Building – had previously been sold to Main Street Partnership, LLC. TCF then sold Unit 2 to Victor Cassis.

Planner Campbell continued noting as of today, there are 3 owners of 3 units in the Main Market condominium. Unit 1 is owned by Main Street Partnership LLC, Unit 2 is owned by Victor Cassis, and Unit 3 is owned by TCF Bank. As you may recall, in August of 2011 a public hearing was scheduled before the Planning Commission because TCF Bank wished to remove Unit 3 from the Main Market condominium. That public hearing was postponed to a later date. Today, all 3 parties wish to dissolve the two existing condominiums, and create three separate metes-and-bounds parcels that follow the same property lines as the unit boundaries of the Main Market condominium. The plans to do so have been submitted and reviewed as a new site plan, which will close all site plans originally approved for the properties including the original proposed by Evergreen/Chen and that proposed by Triangle Development. No new buildings, parking lots, driveways, amenities, or utilities are proposed as part of this site plan.

The three proposed parcels – Parcels 1, 2, and 3 are located on the north and south sides of Main Street in Section 23, south of Grand River and east of Novi Road. Proposed Parcels 2 and 3 are undeveloped, and proposed Parcel 1 includes the Atrium Building. Adjacent land uses include commercial uses along Grand River to the north, the Vic's Market condominium to the east (Post Bar, Tuesday Mornings, etc.), the Main Street Village townhomes and mixed industrial uses to the south, and the Main Street Court development to the west.

Planner Campbell stated the three proposed parcels are zoned TC-1, Town Center 1 District. Adjacent zoning includes other TC-1 zoned properties to the north, east, and west, and RM-2 and I-2 zoning districts to the south. All 3 of the proposed parcels, as well as all adjacent properties, are designated as "TC Commercial" in the 2010 Master Plan's Future Land Use map. There is a regulated wetland on the east side of proposed Parcel 3. There are no other natural features inventoried on the proposed parcels.

Because it is a preliminary site plan in excess of 5 acres proposed within the TC-1 zoning district, the plan requires a recommendation from the Planning Commission for consideration of approval by City Council. A public hearing before the Planning Commission is required because the applicants proposed an amendment - and dissolution - of a site condominium.

Planner Campbell noted the preliminary site plan was reviewed by Planning staff, the City's landscape architect, Engineering staff, and the Fire Marshal. A copy was also provided to the City Assessor's office to review the proposed land division. There are a number of legal issues which need to be agreed upon, most notably shared parking and access, maintenance (including utilities, parking lots, lighting, and amenities), shared utilities, and cross access. Most of those issues will be resolved in the draft legal

documents that remain in progress. Planning staff recommends the Planning Commission forward a recommendation to City Council for preliminary site plan approval, subject to a number of conditions.

City Attorney Schultz explained that the City has been working with all three property owners. TCF approached the City first about dissolving the condominium. After talking to all the property owners, it was clear that the condominium did not make sense anymore and isn't required under any kind of ordinance. Once there are three property owners who no longer want to be a condominium, the City's function is really to make sure that what they propose in its place meets ordinance requirements and the proper agreements are in place to share the common facilities. Planner Campbell noted a basic site plan has been proposed that meets the ordinance requirements but staff has noted that certain legal agreements will need to be established in order to provide the proper access, parking, etc. Those agreements will be considered as part of the next step in the process. The Planning Commission is asked to make a recommendation on the site plan only.

Larry Czekaj came forward for TCF Bank which owns parcel 3. He noted the other two applicants were Victor Cassis, owner of parcel 2 and Asher Husain who represents Main Street Partnership, owners of parcel 1. Mr. Czekaj stated that he had no additional comments to add to the comments made by Planner Campbell and City Attorney Schultz. The applicants started this process some time ago and TCF Bank acquired ownership of the property in late 2009 and began actively marketing the site both as a contiguous or aggregate 19 acres. The bank had been working with Mr. Cassis as it was taking the property back and reached an agreement with him to purchase a portion of the property in 2010. It has become clear that the condominium concept was a large impediment to the marketability of the remaining property.

City Attorney Schultz indicated TCF may want to explore the opportunity to dissolve or to at least pull proposed parcel 3 out of the condominium. But as a result of that process, Mr. Cassis and Mr. Hussein approached the bank when they got notification of the public hearing back in August. They both said they would like to get out of the condominium concept as well and that is why the three parties are here. The application will be signed by all three of applicant but due to logistics that hasn't been done yet.

Victor Cassis came forward and stated now is the time for the development of Main Street to continue. Mr. Cassis thanked City Attorney Schultz for the time and effort he has put into this process and noted he hopes to bring forward development projects in the near future for the Main Street area.

Asher Husain came forward representing Main Street Partnership, LLC and wanted to thank the City, City Attorney Schultz, Mr. Cassis and Mr. Czekaj who have all been working very hard on this. Main Street partners is in support of the condo dissolution.

Chair Pehrson opened the public hearing.

David Ruyle a resident of Novi for 32 years and former Planning Commissioner, Zoning Board of Appeals member and the Parks and Recreation Commissioner came forward and stated that when Town Center was built he did not approve of it and as of today, he still does not because of the vacant property. However, if these three entities can make it and change it, he is all for it. He did not like the way the former owners handled the property and the buildings, but is confident City Attorney Schultz will make sure things are done in the proper way. As a citizen, he would like to see this development move forward.

No one else in the audience wished to speak and there was no correspondence and Chair Pehrson closed the public hearing.

Member Greco stated that he has reviewed all the materials and heard all the comments and looked at the agreements that were done and at the intent of all the parties here. With the three players involved

now, he is encouraged.

Member Baratta asked City Attorney Schultz what was the difference between the type of development one would get using a condo versus something that was separate parcels but provided all of the cross access, shared parking and easement agreements that the applicants would be required to do.

City Attorney Schultz answered saying when Triangle Development, the last developer of the site, went away there ended up being three property owners who did not necessarily need to be in a condominium form of ownership. The TC District regulations themselves take care of what the buildings are going to look like along with the elevations. So, the Planning Commission in approving the plan would be saying the condo can be dissolved but in order for the site to function correctly, there needs to be a limited set of agreements that deal with shared parking, maintenance and access.

Member Baratta stated that from his perspective after listening to that description the applicant is basically dissolving the original plan. The City has set of ordinances for TC-1 that control the development and the Planning Commission will have the opportunity to ensure future development plans meet the standards of the ordinance.

City Attorney Schultz answered that is correct.

Member Baratta stated that there is no risk to the City in that regard and we will get a quality development.

Member Gutman stated that from the Planning Commission's perspective, this is really a straight forward issue for as complex as it is and he applauds City Attorney Schultz for his work. It seems all parties have all worked well together and approval is appropriate.

Motion made by Member Gutman and seconded by Member Baratta:

ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL TO THE CITY COUNCIL MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

In the matter of the request of TCF Bank for Main Street SP 12-16, motion to recommend the City Council approve the Preliminary Site Plan, subject to the following:

- a. **All applicable parties to sign the following documents, or equivalent mutually-agreeable documents acceptable to the City Attorney's office:**
 - **Reciprocal Parking, Access, and Public/Private Utilities Agreement**
 - **First Amendment to the Exchange Agreement**
 - **Termination of Condominium Project and Master Deed – Main Market Condominium**
 - **Termination of Condominium Project and Master Deed Main Street Condominium**
- b. **Applicant to include locations of all applicable cross-access easements on a Revised Final Site Plan;**
- c. **Applicant to submit Application for Site Plan and Land Use Approval that includes the notarized signatures of all applicable parties;**
- d. **Applicant to provide a Revised Final Site Plan signed and sealed by an architect or engineer registered in the State of Michigan;**
- e. **Applicant to adjust of parcel lines for proposed Parcel 1 to eliminate existing building encroachment;**
- f. **Applicant to remove former condominium unit boundaries on the Revised Final Site Plan;**
- g. **City Assessor's office to review and approve proposed land division;**
- h. **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 16, Article**

24 and Article 25 and all other applicable provisions of the Zoning Ordinance. Motion carried 7-0.

Chair Pehrson stated that he would like to thank the three applicants and appreciative of everyone's work. Hopefully one day Main Street will be as originally envisioned.

City Attorney Schultz stated the staff has also contributed a fair amount of effort.

2. TEN AND MEADOWBROOK COMMERCIAL REHABILITATION AREA PLAN

The Commercial Rehabilitation Area includes the sixteen (16) commercial properties around the intersection of Ten Mile Road and Meadowbrook Road.

Planner Campbell stated that in 2005 the Michigan legislature approved Public Act 210, which granted municipalities the authority to offer qualifying commercial properties a real property tax abatement for up to ten years. The intent of PA 210 was to provide municipalities with a tool to create an incentive for the rehabilitation and/or redevelopment of qualifying commercial properties. A real property tax abatement would freeze the taxable value of a qualifying commercial property as it was before rehabilitation and/or redevelopment. The Act was amended in 2011 to expand on the type of commercial properties that could qualify for a tax abatement program.

In the fall of 2011, the Novi City Council approved a tax abatement policy for 16 commercial properties at the intersection of Ten Mile Road and Meadowbrook Road. The decision to approve a tax abatement policy for this area was made after it was determined that the commercial properties in the vicinity of Ten Mile and Meadowbrook were under-utilized given their location, accessibility, and proximity to residential development. Novi's tax abatement policy, which would offer real property tax abatement for a maximum of 6 years, included a number of eligibility requirements for a property and its proposed improvements to be eligible for the abatement. One of the requirements was that the proposed improvements must be consistent with an overall vision for the area as established by an Area Plan to be developed by the City's Community Development Department. A draft of that Area Plan is complete, and is being presented to the Planning Commission for a recommendation of approval to City Council.

Planner Campbell continued noting the Tax Abatement Policy for the Ten Mile and Meadowbrook Commercial Rehabilitation Area included several eligibility requirements. Two of those eligibility requirements are notable because they effectively shaped the Area Plan's vision for Ten Mile and Meadowbrook. The first of those notable criteria is that a property must be a minimum of 2 acres to qualify; properties less than 2 acres would need to be assembled to meet this requirement. The second eligibility criterion is that the hard costs of improvements must equal at least 50% of the current real property value. In creating the vision of the Area Plan, staff had to work within those parameters. Improvements had to be significant to meet the 50% criterion, and the properties to be improved had to be at least 2 acres in size. Of the 16 commercial properties within the Ten Mile and Meadowbrook Commercial Rehabilitation Area, only 5 exceed 2 acres. So staff worked under the assumption that any property less than 2 acres would be assembled and redeveloped.

This Area Plan was not intended to pick "winners and losers". Its intent was to create a cohesive vision of what the area could look like if EVERY property in the Area underwent an improvement that met all the eligibility requirements of the Tax Abatement Policy. It would have been unproductive to make recommendations for improvement to properties of less than 2 acres, because those properties and any recommended improvements would not be eligible for the tax abatement.

Planner Campbell stated the Plan is divided into 7 chapters and an appendix. Chapter 1 is an overview of Public Act 210 and its 2011 amendment, the Tax Abatement Policy for Ten Mile and Meadowbrook, and the Area Plan that resulted from that Policy. Chapter 2 is an overview of the Ten Mile and

Meadowbrook Commercial Rehabilitation Area; its boundaries, property sizes, existing land uses, zoning, and future land use designations within the Master Plan. Chapter 2 also includes a summary of the 2011 assessed values for each of the 16 commercial properties within the area, and an analysis of the retail market potential within a one-mile radius of the intersection. Chapter 3 examines the transportation network within the Area; road layout and classifications, traffic counts, non-motorized facilities (existing and planned), and planned capital improvements. Chapter 4 is a summary of staff's evaluation of the existing ordinance deficiencies, both over the entire Area and within individual properties. Many of those deficiencies are identified on an overall aerial map of the Area. The aerial summary includes numbers that correspond to a photo intended to illustrate the issue. Staff's intent in evaluating existing ordinance deficiencies was not to be "overly-critical" of any of the properties as many of the buildings within the Area were built prior too many of the City's current development standards.

Chapter 5 is essentially the "backbone" of the Area Plan, where the vision for the Area is established both visually and narratively. Chapter 5 is broken into two corresponding parts: Conceptual Objectives Part 1 is a narrative of the type of improvements desired for the area as a whole, and within each individual property. Improvements discussed include capital improvements such as new curb and gutter and intersection enhancements, and site-specific improvements including driveway consolidation and parking lot landscaping. Part 2 The Visioning Plan consists of an overall aerial of the Area, with the Conceptual Objectives of Part 1 shown visually. The overall aerial is shown with corresponding text, and each of the four corners of the Area is shown with recommendations specific to that corner. The Visioning Plan includes conceptual plans for redevelopment of three of the four corners, where the existing properties would have to be assembled and redeveloped to be eligible for the Tax Abatement Policy. None of these improvements shown in the Visioning Plan are currently proposed by either the City, the Road Commission, or the property owners. They are concepts intended to establish an overall vision for the Commercial Rehabilitation Area.

Planner Campbell continued stating Chapter 6 is a conceptual design guidelines intended to achieve the vision of Chapter 5. These guidelines, and the architectural renderings that go along with them, were developed by the City's architectural consultant once the Planning staff had developed the Visioning Plan. The chapter includes color renderings, building elevations, plan views, and narratives. The chapter focuses mostly on the shopping center on the northwest corner, because it is the largest land use in the study area and has the most potential to set the tone for the type and scale of improvements envisioned for the overall area. Chapter 7 includes recommendations for approving and implementing the Area Plan. It is envisioned that any property owner that applies for a tax abatement under the Policy would submit a site plan for standard site plan review, as well as an additional review to determine whether the site plan is consistent with the goals and recommendations of the Area Plan. While the Planning Commission typically has the authority to approve a preliminary site plan, approval of a tax abatement under the Policy falls on the City Council. Finally, the Plan includes an Appendix with a copy of PA 210 and its 2011 amendment, a copy of the Tax Abatement Policy for the Ten Mile and Meadowbrook Area, and a report of the demographic and economic data of the households within a 1-mile radius of the intersection. Also included in the appendix is a draft "Eligibility Checklist" that can be used by Staff and by Council to determine if a project meets the eligibility requirements of the Tax Abatement Policy.

Planner Campbell concluded stating the Ten Mile and Meadowbrook Commercial Rehabilitation Area Plan has been reviewed internally, was presented to the affected property owners at an open house, has been available for review since late March on the City's website, and was presented to the Master Plan & Zoning Committee on April 4. It is now being presented to the Planning Commission as part of a public hearing. If the Planning Commission so chooses, they could make a motion to recommend the City Council approve the Ten Mile and Meadowbrook Commercial Rehabilitation District Plan.

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

Terry Croad of 41861 Aspen Drive came forward and stated he has been a resident of Novi for the past 17 years and was the former president of Orchard Hills Association for 12 years and is a nationally certified planner who has over 25 years of public and private experience and is currently serving as Planning Director for the City of Southfield. First, he applauded the pro-active planning efforts and would like to encourage the Planning Commission to adopt the plan as a sub-area plan to guide future site plan review should the tax abatements not be feasible.

Mr. Croad shared some comments on the plan. Many of the existing buildings, parking lots and sites do not reflect the high standards that Novi has set for newer development. Parking seems to be excessive, traffic circulation is poor and internal pedestrian connectivity is challenging. Residents have been waiting to see reinvestment and redevelopment on these four corners. Since B-3 uses are inclusive of B-2 uses, Mr. Croad recommends B-2 uses should also be listed as part of Figure 2.2. The Future Land Use designation for Community Office should be revisited in this economic climate. Although the City has made tremendous strides in constructing sidewalks and pathways in the past few years, there are still many gaps in the system. There needs to be connectivity between the public system and the internal pathways. In addition, crosswalks or concrete sidewalks should run through the driveways as illustrated in Figures 6-3 and 6-7. The frontage landscaping is needed to screen parked cars and reduce pedestrian and vehicular conflicts.

The plan appears to be lacking in input from local businesses and property owners. Mr. Croad said he is in support of low impact design measures including bio-swales and rain gardens. A review of the existing parking versus parking requirements should be undertaken to reduce impervious surfaces. Mr. Croad was disappointed that the visioning plan for the southeast corner was inconsistent with the other three corners with regards to building placement and setbacks and would like to see some parts development inclusive of a free-standing sit-down restaurant in the northwest corner. The proposed pedestrian access plaza and the outdoor seating are nice.

Mr. Croad stated he had a question as to whether or not a Phase I environmental had been conducted for the gas station or any of the other sites in the project area. He recommended drive-thru businesses should be limited. Figure 6-1 shows a green space in the location of Charter One for illustrative purposes. In lieu of the green space shown, a perspective of a traditional two-story mixed use development with the proposed pedestrian amenities could be inserted to help convey the intent of the visioning plan better. The proposed pedestrian amenities at the crosswalks at the Ten Mile Road and Meadowbrook Road intersection are appropriate. The idea of establishing a special assessment district to create a funding source for pedestrian amenities and decorative lighting and streetscape enhancements seems like it should be further explored. The plan would benefit by adding a phasing plan to include both public and private cost estimates. Mr. Croad commended the staff for the work they have put in.

No else from the audience wished to speak and Chair Pehrson asked if there was any correspondence.

Member Greco stated that there was correspondence. Linda Dettore of 24401 North LeBost indicated she approved of the proposal and that the corner needs work.

There was no additional correspondence and no one else from the audience wished to speak. Chair Pehrson closed the public hearing.

Member Lynch asked that if the required investment is 50% of the real property value, is that the true cash value, the City's value or the SEV?

Planner Campbell stated that it is his understanding that it is the City's assessed value.

Member Lynch asked what the business owners get if they invest 50% of the City's assessed value?

Planner Campbell answered that they get their property taxes frozen at where they are now for a maximum of 6 years, anywhere from for 1-6 years.

Member Lynch stated that he did like the plan and something really needs to be done to that corner but was concerned the required investment was too high.

Planner Campbell answered the thought is that a lot of commercial property owners want to update their properties even without incentives in order to lure new tenants or charge higher rents. Those type of improvements, up until now have not been happening at that corner for whatever reason. Hopefully this will get them to take that next step.

Member Lynch stated that he does not see the business case for them to do improvements without generating the revenue to get a return on the investment. This tax abatement might be a good first step, but is there anything else the City or some other entity could provide to encourage updates or redevelopment.

Chair Pehrson then stated the Planning Commission is making a recommendation to the City Council on the plan presented only.

City Attorney Schultz stated that the City Council and the Ordinance Review Committee did have the initial discussion on the policy. It is a fairly broad policy. The thought was if you take an existing development, a property owner might not invest the money in improvements if he or she thinks it will increase their taxes. This policy is meant to ease that concern. Last year this statute, which has been around a few years, came to be applied to a much broader spectrum of potential developments. A potential developer could take a vacant piece of property that has been used for commercial recently and building a new building on it and get their local taxes abated for up to 10 years but the City policy is only 6 years.

Member Lynch stated that he did think something needed to be done on that corner and he liked the plan presented.

Member Baratta asked if hard costs were the actual construction costs or did they include what is would typically called soft costs, including the architectural and engineering fees?

City Attorney Schultz answered he believes the hard costs did not include design fees but he would need to check into that to be sure. The assessed value is going to break down real property land and then improvements like parking lots and lighting would be part of the assessed building value, of which an applicant would have to meet the 50% criterion being discussed. Additionally, this could apply to a vacant property, which would be a substantial savings to the potential developer.

Chair Pehrson an open house was held and some of the land owners were there voicing some of the same kinds of concerns. This is a good directional step to get that corner where the City wants it to be.

Member Gutman said the nature of the intent of this and going through the package, he thinks it is tremendous and the work done on it is wonderful. It is nice to have the citizen input from Mr. Croad. The incentive itself has some limitation, but it is a start and better than nothing. Member Gutman says he loves the idea of improving that area and trying to reach out and create ways to do that.

Motion made by Member Gutman and seconded by Member Lynch:

ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL TO THE CITY COUNCIL MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to recommend approval of the Ten Mile and Meadowbrook Commercial Rehabilitation Area Plan to the City Council. *Motion carried 7-0.*

MATTERS FOR CONSIDERATION

1. MAPLES PLACE SP12-15

Consideration of the request of Maple Place Investment, LLC for Maples Place for revised Preliminary Site Plan, Phasing Plan and Stormwater Management Plan approval. The subject property is located on the south side of 14 Mile Road and east of Novi Road, in Section 2 of the City. The property totals 3.46 acres and the applicant is proposing to alter the configuration of and uses permitted in the previously approved outlots of the Maples Place shopping center.

Planner Kapelanski stated that the site is located on the south side of 14 Mile Road, east of Novi Road and the applicant is proposing to modify the existing approved plan for the two outlots east of the Maples Place shopping center. The zoning of the property is RA, Residential Acreage District with RA zoning surrounding the site. This property is part of a Planned Unit Development, which permits the commercial uses specifically stated in the agreement and depicted on the area plan for the subject property. The Future Land Use of the subject property and the property to the west are master planned for local commercial uses with single family residential uses planned for the south. There are no regulated features on the site.

The applicant is proposing to reconfigure the site of and alter the use of the 6,000 square foot building fronting on 14 Mile Road, Building D, from "any restaurant use" to "any use permitted in B-2" with approximately half of the space already identified as a dentist office. A change to any use permitted in the B-2 District would require amending the approved PUD Agreement, which lists specific commercial uses permitted on this site. The applicant has agreed that the commercial and office uses currently listed in the PUD Agreement are sufficient and the Final Site Plan will reflect that. The applicant is also proposing minor revisions to the office building to the south of the proposed Building D and has also submitted a revised phasing plan.

Planner Kapelanski stated given that the applicant has agreed to the already permitted uses, staff is of the opinion that the proposal does not constitute a substantial change to the originally approved PUD area plan and agreement and that the amendments should be reviewed as a change to the previously approved site plan only. The planning review, engineering review and traffic review recommend approval noting items to be addressed on the Final Site Plan. The landscape review recommends approval noting landscape waivers are required for the lack of street trees along Centennial and the lack of parking lot canopy trees. The façade review recommends approval noting that a Section 9 waiver is required for the overages of cultured brick veneer and asphalt shingles. The fire review does not recommend approval as the applicant has not provided hydrant locations or water main information. Staff is confident these items can be addressed on the Final Site Plan submittal.

David Goldberg of Maple Place LLC came forward along with Duane Bennett of Land Tec Consultants, Justin Galler, proposed owner of Building D and Bob Cliff, architect. Mr. Goldberg stated that the review that was provided a good summary of what is going on. To clarify a couple of questions Mr. Cliff has brought with him some elevations and materials and is available to answer any questions about the proposed building being constructed as part of Phase I. The building on Phase II is essentially the same as before and that was a building that was granted final site plan approval and building permit approval about ten years ago. The footprint changes more specifically reflect the nooks and crannies.

The project is proposed to be a general condominium. Complete cross parking, cross access and cross

utilites are generally already in place for the project. The hydrants and watermains are on the plans but are unclear. Those will be highlighted on the Final Site Plan. All the utility lines and catch basins on the project are in.

Bob Cliff with MGA Architects presented the elevations and floor plans for Building D. It is a 6,000 square foot building and the dentist office will take up approximately 3,500 square feet of this building and the remaining will be a tenant space whose use is yet to be determined.

Member Baratta asked Deputy Director McBeth if the second floor storage mezzanine was included in the building area.

Deputy Director McBeth said we would typically take that space into consideration if it was being used for storage for records. This is storage for mechanical equipment which would not be taken into account for parking requirements.

Motion made by Member Baratta and seconded by Member Lynch:

ROLL CALL VOTE ON REVISED PRELIMINARY SITE PLAN AND PHASING PLAN APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH:

In the matter of the request Maple Place Investment, LLC for Maples Place SP 12-15, motion to approve the revised Preliminary Site Plan and Phasing Plan, subject to the following:

- a. Landscape waiver for the lack of street trees along Centennial;
- b. Landscape waiver for the lack of parking lot canopy trees;
- c. Façade waiver for the overages of cultured brick veneer and asphalt shingles;
- d. Applicant submitting the required façade board;
- e. Applicant providing hydrant locations and water main information; and
- f. Compliance with all the conditions and requirements listed in the staff and consultant review letters

because the plan is otherwise in compliance with the approved PUD Agreement and all other applicable provision of the Zoning Ordinance. *Motion carried 7-0.*

Motion made by Member Baratta and seconded by Member Lynch:

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

In the matter of the request of Maple Place Investment, LLC for Maples Place, SP 12-15, motion to approve of the revised Stormwater Management Plan, subject to compliance with all the conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and the approved PUD Agreement. *Motion carried 7-0.*

2. APPROVAL OF THE FEBRUARY 22, 2012 PLANNING COMMISSION MINUTES

Moved by Member Lynch, seconded by Member Prince:

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

Motion to approve the February 22, 2012 Planning Commission minutes. *Motion carried 7-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda Removals

MATTERS FOR DISCUSSION

There were no Matters for Discussion.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch, seconded by Member Gutman:

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

Motion to adjourn the April 25, 2012 Planning Commission meeting. *Motion carried 7-0.*

The meeting adjourned at 8:12 PM.

Transcribed by Juanita Freeman

May, 2012

Date Approved:

Richelle Leskun, Planning Assistant