



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

June 27, 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 Gutman, Member Lynch, Chair Pehrson, Member Prince (arrived at 7:03)

Absent: Member Baratta (excused); Member Greco (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Martha Holzheuer, Woodland Consultant; Adam Wayne, Engineer; Beth Kudla-Saarela, City Attorney; David Campbell, Planner

PLEDGE OF ALLEGIANCE

Member Lynch led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Gutman:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the June 27, 2012 Planning Commission Agenda. *Motion carried 4-0.*

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 reported on a few items that were recently considered by the City Council. On June 18th, City Council approved the rezoning request for the northwest corner of 10 Mile and Beck Road with a Planned Rezoning Overlay from R-1 (One-Family Residential) to R-3 (One-Family Residential). There were some modifications to the Concept plan submitted with that rezoning. Staff expects that following the approval of the PRO Agreement, this matter would come back to the Planning Commission for Preliminary Site Plan approval. Also at the June 18th meeting, two Planning Commission members were selected for reappointment to the Planning Commission, Chair Mark Pehrson and Member Mike Lynch. Also, there's a new member that was appointed to take Dave Barrata's position, Ted Zuchlewski.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. BECK NORTH LOT 49 (fka Lot 41) SP12-01A

Consideration of the request of NADLAN LLC for revised Preliminary Site Plan, and revised Stormwater Management Plan approval. The subject property is located the west side of Hudson Drive across from Nadlan Court, in Section 4 of the City. The property totals 3.62 acres and the applicant is proposing a 54,960 square foot building with associated parking and landscaping.

Moved by Member Gutman, seconded by Member Lynch:

VOICE VOTE ON THE CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to approve the Consent Agenda. *Motion carried 5-0.*

PUBLIC HEARINGS

1. BRIGHTMOOR CHRISTIAN CHURCH – PARKING LOT EXPANSION SP12-25

Consideration of the request of Wilson Road Group on behalf of Brightmoor Christian Church for Preliminary Site Plan approval, Special Land Use permit approval, Woodland permit approval, and Stormwater Management Plan approval. Brightmoor Christian Church is located in Section 1, at 40800 Thirteen Mile Road, on the north side of Thirteen Mile Road just west of M-5, in the RA, Residential Acreage District. The subject property is approximately 40.1 acres and the applicant is proposing to expand the existing parking area by 365 spaces to a total of 903 spaces.

Planner Campbell said Brightmoor Christian Church campus is located on the north side of 13 Mile Road, just west of M-5 in Section 1 of the City. To the north of the Church is the Lenox Park condominium development. To the west is the Fox Run Retirement Community.

The applicant is proposing to expand the parking lot along the north side of the existing church campus, adding a total of 365 parking spaces for a net total of 903 parking spaces. The proposed work will include landscaping and screening around the perimeter of the expanded lot, interior parking lot landscaping, and new parking lot lighting. No new building or changes to the existing building are proposed at this time.

Planner Campbell continued noting the Brightmoor property is zoned RA and churches are designated as a special land use the RA District. The properties to the north and west are zoned RM-1, the property across 13 Mile Road to the south is zoned RA, and across M-5 to the east is OST (Office Service Technology).

The subject property is master planned for single family. The property to the north is master planned for Multiple Family. The property to the west is master planned for PD-1 (multiple family with the plan development option). The property to the south is master planned for Single Family and the property across M-5 to the east is planned for Office Research Development Technology.

There are regulated woodlands on the property including the majority of the area of the proposed parking lot expansion. There are some regulated wetlands in the vicinity of the project but they are not going to be impacted by the proposed project. The scope of the proposed work will be outside of the City's required 25 foot wetland buffer.

Planner Campbell stated the applicant is proposing to expand the existing parking lot on the north side of the church adding a net increase of 365 spaces for a new total of 903 spaces. The expanded lot would continue to be served by the existing driveways. The gated emergency access along the east side would remain to the north and be connected to Lenox Park Drive as it currently is. The expanded lot would maintain its existing general layout and configuration. The access aisles would be extended, the parking modules will be extended and the parking would function similar to how it currently functions.

The area is covered almost entirely by City regulated woodland. The applicant is proposing to remove the majority of the trees within the portion of the woodland on the subject property. The applicant has submitted a woodland survey and has since revised it based on the comments of the City's environmental consultant. The applicant is proposing to provide the required replacement trees in a

cluster east of the church building. The final number of the required replacement trees will be confirmed by the City's environmental consultant. The applicant has invested in additional consultation to address concerns of impacts on a federally protected species and determined that neither of the species of concern could be found to exist within the area to be disturbed. The City's environmental consultant has reviewed the woodlands inventory, tree protection plan, tree replacement plan, and wetlands inventory and recommends Preliminary Site Plan approval subject to items to be addressed on the Final Site Plan.

Planner Campbell stated the applicant has proposed a combination of a landscape berm, retaining wall and densely spaced evergreen plantings to screen the proposed parking expansion from the adjacent residentially zoned properties to the north (Lenox Park) and west (Fox Run). They are required to provide enhanced landscape screening along any adjacent, residentially zoned or used properties. The proposed landscape plan and location of the required replacement trees have been reviewed by the City's landscape architect. He has determined that the proposed landscape and replacement plantings meet the requirements of the Zoning Ordinance and the Woodlands Protection Ordinance and recommends Preliminary Site Plan approval.

The planning staff has asked the applicant to give due consideration to extending the sidewalk along the east side of Lenox Park Drive from where it terminates at Brightmoor's north property line to connect with the existing pathway along the north side of 13 Mile Road. This is not an improvement that the applicant is proposing at this time and the City cannot require it as part of this project.

Planner Campbell concluded noting the Planning Division recommends approval of the Preliminary Site Plan subject to Planning Commission waivers of the Community Impact Statement and the Noise Impact Statement and items to be addressed on the Final Site Plan. The Engineering Division, traffic consultant and Fire Marshall all recommend Preliminary Site Plan approval in their respective reviews with items to be addressed on the Final Site Plan. The Engineering Division also recommends approval of the Stormwater Management Plan. If the Planning Commission so chooses, based on positive recommendations from staff and consultants, it can grant Special Land Use approval for expansion of a Special Land Use within the RA District, Preliminary Site Plan approval, approval of the Woodlands Permit and approval of the Stormwater Management Plan.

Gary Jonna, Chairman of Brightmoor Christian Church Building Committee said the church attendance has been growing dramatically over the last several years requiring additional parking. The church still has the required parking that was necessary when the project was built and also accommodates the assembly requirements and seating within the current functioning sanctuary, which is more of a fellowship hall. The church has a single peak period which is during Sunday services around the time of the 9:15 and 11:15 service. There's a change over that occurs at around 11 o'clock as people are coming and going and not everyone can find a parking space at that time and the new parking would alleviate the pressure. It's a product of peak demand on one day a week at 11:00 AM. The church also has a future master plan showing a potential expansion of the building to add a modern sanctuary verses the current fellowship hall, a children's abuse center and a multipurpose space that would accommodate Sunday school classes and other children's functions.

The church has corresponded with Lenox Park and has worked with them from the onset to make sure to educate them on the church's plans. Lenox Park has submitted a letter affirming their support of the project and have thanked the church for their ongoing communication. The project is fully funded and the church intends to proceed immediately following Final Site Plan approval. It's very important for the church to have the project completed in the early fall. The issue of the sidewalk has been raised; unfortunately the time to have constructed that sidewalk would have been when the original road was built. Now there are many obstructions on the path of that sidewalk like light poles, mature evergreens, significant entry treatments and just a lot of physical obstacles that would be very costly to replace. The good news is a new pathway was constructed along M-5 and there is the ability to pierce the fencing

along there. That would allow Lenox Park to connect along M-5 and that would connect along 13 Mile Road. There's also a sidewalk on the other side of 13 Mile Road. So there are other alternatives to provide those pedestrian connections.

No one from the audience wished to speak. Chair Pehrson asked Member Anthony to read the correspondence into the record.

Member Anthony read the correspondence. The first correspondence is from John and Christine Andrews and they're comment is, "Brightmoor Church has consistently been a good neighbor to residents of Lenox Park Condo Association. They have shared fully their plans for the parking lot expansion and sought Lenox Park input. The extensive landscaping planned as a buffer between us is most generous and greatly reduces any impact on Lenox Park." The second correspondence is from Kathleen and Dorothy Kelly and they object to the parking lot expansion and their letter states, "There already has been too much noise in the parking lot at all hours of the day and night. We have complained to the church about the music broadcast into the parking lot as being too loud. At a distance, words of the song sound like wailing and other irritating noises; and the tune sounds like a loud base cadence. It is annoying. Headlights shine into our windows at night from the existing parking lot. Therefore, we expect an increase in noise and headlights with the expanded parking lot. The plans show a 4 ½' to 5' high berm with a line of small trees, which is about even with the first floor of our condo. The berm will not be high enough to keep arriving and departing car headlights from shining in our windows at night. Two suggested solutions are: 1) add parking spaces to the front of the church; using fill dirt in the area up to 13 Mile seems less imposing than filling in the woods. 2) If the proposal is accepted, then make the proposed berm at a finished height of at least 5' above the deck level of all condos on Lenox Park Drive, in order to shield us from the light."

There was no additional correspondence and Chair Pehrson closed the public hearing.

Member Lynch asked that if evergreen and canopy trees have been provided in the berm.

Landscape Architect Beschke confirmed the trees were provided. The overall berm height varies between 4 and 7 feet. There's a staggered row of 45 evergreens all the way across the north end, and another 45 canopy trees and another 114 trees in the parking lot. There are no evergreens there now so they will go a long way towards providing screening, especially given the change in height.

Member Lynch asked Mr. Jonna if the parking lot is going to be used just for that purpose if they're going to use it for a fair or any outdoor events.

Mr. Jonna said it will be used only for vehicular parking.

Member Lynch asked if this was part of the already approved master plan for the site.

Mr. Jonna said no master plan for the site has been shared with the City but as part of the internal master plan the only logical place to expand the parking was to the north.

Member Anthony asked if the church parking area is located at a higher elevation than the adjacent condos.

Landscape Architect Beschke answered saying the parking lot is coming up a little over the existing ground but then there'll be the berm where it falls away onto the adjacent properties, which are two story structures. Landscape Architect Beschke would guess that the parking lot and the deck are roughly even. In addition there will be another 97 trees that will be woodland replacement trees that are going to the east side of the parking lot that will buffer people that are farther down in Lenox Park.

Member Anthony asked if the baseball diamonds are part of the church facilities and what activities take place on the diamonds.

The pastor of Brightmoor Christian Church said the fields are primarily used by athletic teams. There is a K-12 school that is a part of the church property as well. They play almost exclusively on weeknights and there's nothing after dark because there's not field lighting. There is a church softball team that plays on the fields as well. Sometimes the fields are loaned out to little leagues teams to practice during the baseball season but that's been the exception rather than the rule.

Member Anthony asked how filled the parking lot gets when the baseball diamond is in use.

The pastor responded that the existing back parking lot might be a third to a half full.

Member Anthony asked if the plan meets minimum standards relative to the berm and the opacity.

Beschke replied yes staff is working with the applicant to make sure those standards are met.

Member Anthony asked is the waiver of the Noise Impact Statement something that is usually granted in these situations.

Deputy Director McBeth answered yes; in this case the applicant is proposing only a parking lot, and is not proposing any kind of noise generating equipment.

Moved by Member Anthony, seconded by Member Prince:

ROLL CALL VOTE ON SPECIAL LAND USE PERMIT APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER PRINCE:

In the matter of Brightmoor Church Parking Lot Expansion, SP12-25, 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 because the existing use will not change, and its size and scope of operations are not being expanded;
 - The proposed use will not cause any detrimental impact on the capabilities of public services and facilities because the plan adequately addresses management of the increased stormwater volumes;
 - The proposed use is compatible with the natural features and characteristics of the land because the plan does not impact adjacent wetlands and adequately addresses woodland replacement and protection;
 - The proposed use is compatible with adjacent uses of land because the use of the property will not change and the plan adequately buffers the expanded parking lot from adjacent residential uses;
 - 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
- b. **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 regulation of the zoning district in which it is located**

because the plan is otherwise in compliance with Article 3, Article 4, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Moved by Member Anthony, seconded by Member Prince:

ROLL CALL VOTE ON PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER PRINCE:

In the matter of Brightmoor Church Parking Lot Expansion, SP12-25, motion to approve the Preliminary Site Plan, subject to the following:

- a. Planning Commission waiver of the Community Impact Statement requirement;
- b. Planning Commission waiver of the Noise Impact Statement;
- c. A revised woodlands inventory, tree replacement plan, and woodlands protection plan to be submitted that addresses the comments of the City's environmental consultant; and
- d. The conditions and items in the staff and consultant review letters being addressed on the Final Site Plan submittal

because the plan is otherwise in compliance with Article 3, Article 4, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Moved by Member Anthony, seconded by Member Prince:

ROLL CALL VOTE ON THE WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER PRINCE:

In the matter of Brightmoor Church Parking Lot Expansion, SP12-25, motion to approve the Woodland Permit subject to compliance with all the conditions and requirements listed in the staff and consultant review letters, particularly the woodlands consultant's review letter 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 5-0.*

Moved by Member Anthony, seconded by Member Prince:

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER PRINCE:

In the matter of Brightmoor Church Parking Lot Expansion, SP12-25, motion to approve the Stormwater Management Plan, subject to the conditions and items listed in the staff and consultants review letters being addressed on the next plan submittal because the plan is otherwise in compliance with Chapters 11 and 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

2. SOUTH UNIVERSITY – PARKING LOT EXPANSION SP12-27

Consideration of the request of Boss Engineering on behalf of HEFCO Properties for Preliminary Site Plan approval, Woodland permit approval, and Stormwater Management Plan approval. South University is located in Section 14, at 41555 Twelve Mile Road, at the southwest corner of Twelve Mile Road and Meadowbrook Road, in the OST, Office Service Technology District. The subject properties are approximately 6.7 combined acres and the applicant is proposing to expand the existing parking area by 109 spaces to a total of 330 spaces.

Planner Campbell said South University is located within the building originally known as the Meadowbrook Medical Building on the southwest corner of 12 Mile Road and Meadowbrook Road in Section 14 of the City of Novi. Across 12 Mile Road to the north is Michigan State's Tollgate Farms, across Meadowbrook Road to the east is undeveloped land, to the south are single family homes, and to the west is an undeveloped parcel.

The applicant is proposing to expand the parking lot along the south side of the existing building resulting in a net increase of 109 parking spaces. The proposed work will include landscaping and screening around the perimeter of the expanded lot, interior parking lot landscaping and additional parking lot lighting. No new buildings or changes to the existing building are proposed at this time. The proposed area for the parking lot sits on a separate parcel owned by the owners of South University. The applicant intends to combine the parcels. The parcel to be developed is covered by City regulated woodlands so the proposed work requires a Woodland Permit and is subject to the City's Woodlands Protection Ordinance.

The zoning of the South University property as well as the parcel south of it to be developed is OST, Planned Office Service Technology. Colleges and universities are a principle permitted use in the OST District. The properties to the east, west and south are also zoned OST and the Tollgate Farms property to the north across 12 Mile Road is zoned RA, Residential Acreage. The subject property as well as property for the parking lot expansion is master planned for Office Research Development and Technology as are the properties to the east, west and south. Across 12 Mile to the north, properties are master planned for Single Family. As for natural features, there are regulated woodlands covering the area of the proposed parking lot expansion. There are no regulated wetlands identified in or adjacent to the parking lot expansion area.

Planner Campbell stated the applicant is proposing to increase the parking lot by 109 parking spaces for a total of 330 spaces. The expanded lot will continue to be served by the two existing driveways; one on 12 Mile Road and the other off the west side of Meadowbrook Road. The expanded lot would maintain its existing general layout and configuration. The area of the proposed expansion is covered by City regulated woodlands and the applicant is proposing to remove trees within the portion of the subject property to be developed. The applicant has submitted a woodland survey and replacement plan. They are proposing to plant some of their required replacement trees around the detention basin onsite. As for the remainder, the applicant proposes to contribute the monetary equivalent into the City's tree replacement fund. The City's environmental consultant recommends Preliminary Site Plan Approval subject to items to be addressed on the Final Site Plan.

The proposed landscape plan includes landscapes islands within the expanded lot along with new and relocated perimeter plantings. The City's landscape architect has recommended approval of the Preliminary Site Plan. The Planning Division recommends approval of the Preliminary Site Plan subject to confirmation from the Assessing Department that a lot combination has been applied for as well as minor items to be addressed on the Final Site Plan. The Engineering Division, traffic consultant and Fire Marshall recommend Preliminary Site Plan approval with items to be addressed on Final Site Plan. The Engineering Division is also recommending approval of the Stormwater Management plan with items to be addressed on Final Site Plan. If the Planning Commission so chooses, based on positive recommendations from staff and consultants, they can grant Preliminary Site Plan approval, approval of the Woodlands Permit and approval of the Stormwater Management Plan.

Howard Friedlaender, owner of building said this parking lot expansion is something that was anticipated from the get-go. South University is currently in the process of determining which of their programs they will be offering at this location and that will determine how they finish the remainder of the interior of the building. When they do the interior build out, that will require some of the existing parking lot being used for staging. So the time to get going on the project is now. All the comments in the review letters will be addressed on the Final Site Plan.

Member Lynch said he is glad to see the demand for the university services continuing to rise and wondered if they were meeting all of the landscape requirements.

Landscape Architect Beschke answered they upsized their landscape islands to make sure they met the

standards. If anything you're going to see a much more mature landscape when the existing materials are relocated and the new materials are in place and any relocated plants are still covered under the same warranty as if they were new.

Chair Pehrson asked if additional barrier free spaces were required.

Planner Campbell answered no. The existing barrier free spaces already meet the requirements.

Moved by Member Anthony, seconded by Member Lynch:

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

In the matter of South University Parking Lot Expansion, SP12-27, motion to approve the Preliminary Site Plan, subject to the following:

- a. The submission of a revised woodlands inventory and corresponding tree replacement plan that addresses the comments of the City's environmental consultant; and
- b. The conditions and items in the staff and consultant review letters being addressed on the Final Site Plan submittal

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 5-0.*

Moved by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH:

In the matter of South University Parking Lot Expansion, SP12-27, motion to approve the Woodland Permit, subject to:

- a. The submission of a revised woodlands inventory and corresponding tree replacement plan that addresses the comments of the City's environmental consultant; and
- b. The conditions and items in the staff and consultant review letters being addressed on the Final Site Plan submittal

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 5-0.*

Moved by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON STORMWATER MANAGEMENT PLAN APPROVAL MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH:

In the matter of South University Parking lot Expansion, SP12-27, motion to approve the Stormwater Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the next plan submittal because the plan is otherwise in compliance with Chapters 11 and 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. TWELVE MILE CROSSING AT FOUNTAIN WALK – NEW RETAIL BUILDING SP12-26

Consideration of the request of Cahen Architectural Group for recommendation to the City Council for Preliminary Site plan and Stormwater Management Plan approval. The subject property is located in Section 15, at 44275 Twelve Mile Road, south of Twelve Mile Road and west of Donelson Drive, in the

RC, Regional Center District. The subject property is approximately 67.2 acres and the applicant is proposing to add a 57,793 retail building with associated parking and landscaping near the center of the existing Twelve Mile Crossing at Fountain Walk Development.

Planner Kapelanski said the applicant is proposing to add a 57,793 square foot retail building at the 12 Mile Crossing at Fountain Walk shopping center. The subject property is surrounded by the existing shopping center. The subject property is zoned RC, Regional Center District and is surrounded by RC zoning. The future land use map indicates Regional Commercial uses for the subject property and surrounding shopping center with PD-2 uses planned for the West Oaks shopping center further to the east. There are no regulated woodlands or wetlands on the site as indicated by the natural features map.

The Planning review recommends approval and indicates the applicant is requesting variances for the loading zone and dumpster in the exterior side yard. The applicant has submitted a Shared Parking Study demonstrating adequate parking for the entire center has been provided. Plans in the RC District require the approval of the City Council after a review and recommendation from the Planning Commission.

Planner Kapelanski continued noting following completion of the staff and consultant review letters, the applicant submitted a phasing plan showing Phase 1 as the parking lot and landscaping, Phase 2 as the anchor tenant building and Phase 3 as the remaining tenant spaces. Staff has done an informal review of the phasing plan and is comfortable sending it forward for consideration at this time provided the conditions noted in the suggested motion are included. The applicant has agreed to the suggested conditions.

The Landscaping review recommends approval of the plan noting a waiver is required for the building foundation landscaping. The applicant should provide additional landscaping along the building frontage or in the parking lot to offset the proposed deficiency. The traffic review recommends approval noting a City Council waiver of the Traffic Impact Study is recommended as the new building would be a small part of a larger center whose traffic impacts were assessed when it was originally approved. The façade review recommends approval of a Section 9 waiver for the overage of EIFS, consistent with the design of the existing center. All other reviews recommend approval with items to be addressed on the next plan submittal.

Scott Boduch, project manager said this development was built in the late 1990's and was fully built out at least internally. Then in 2006 the previous owner decided to remove the existing retail buildings that were in the center of the development. The new ownership is very excited about wanting to finish this development and they are aggressively working on getting tenants into the existing spaces as well as being able to maximize the site to be able to get additional retail that makes up for what was taken down a few years back. So with that being said, the plan is proposing a new parking lot that is going to encompass about 224 spaces and is intended to be used for the new retail business and also for the existing retail spaces to the south. As part of the owner's aggressiveness to get tenants in there, one of the concerns is having parking. Part of this project is trying to provide more strategically located parking for both the existing as well as the new facility.

As far as the phasing is concerned, the owner is hoping to get this done as soon as possible but doesn't want to overcommit on the building until he can get some leases in place. That's why the phasing has been requested, to allow the owner the opportunity to be able to get the parking in initially and then be able to develop the buildings as tenants are lined up. The modifications requested by staff are acceptable. The waiver for the landscape is not so much about the amount of landscape but just strategically locating it within the development to give the owner flexibility for tenant spaces, where doors go, etc. Also as old tenants leave, the door might have to be moved for new tenants so we'd like to have the flexibility to move those access points as well as not affect the landscaping and the Mr. Boduch is willing to work with the staff to make sure those amounts are met per the Zoning Ordinance. The owner

wants to get the parking lot in by the fall if possible and start taking the next steps to get this improvement finished off.

Member Anthony asked if the building footprints would remain greenspace until construction on those phases began.

Planner Kapelanski said the applicant originally proposed as part of this phasing plan to include the building pads and foundations in phase. Staff went back to the applicant and said why don't you include the parking lot as part of phase one but there's already nice grass in that area so leave that as grass or green space until you're ready to build the entire building and not just the building pad or building foundation.

Member Anthony said so once the parking lot is done with its landscaping, instead of pouring a concrete slab of the footing, they'll hold off on that until they're ready to build the building and then that area will be a grass field or a landscape lawn.

Planner Kapelanski said that was the idea and one of the conditions that was included in the approval motion for the phasing plan.

Moved by Member Anthony, seconded by Member Prince:

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL RECOMMENDATION MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER PRINCE:

In the matter of 12 Mile Crossing at Fountain Walk – New Retail Building, SP12-26, motion to recommend approval of the Preliminary Site Plan, subject to the following:

- a. Zoning Board of Appeals variances for the loading zone and dumpster locations in the exterior side yard;
- b. City Council approval of the Shared Parking Study;
- c. City Council waiver of an updated Traffic Impact Study;
- d. City Council waiver of building foundation landscaping provided the applicant provides additional landscaping along portions of the building frontage or within the parking lot islands;
- e. Section 9 façade waiver for the overage of EIFS on all facades which is consistent with the previously granted façade waivers for the center;
- f. The applicant revising the plan to comply with the requirements of the Fire review letter; and
- g. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan submittal

because the plan is otherwise in compliance with Article 17, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Moved by Member Anthony, seconded by Member Prince:

ROLL CALL VOTE ON THE PHASING PLAN APPROVAL RECOMMENDATION MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER PRINCE:

In the matter of 12 Mile Crossing at Fountain Walk – New Retail Building, SP12-26, motion to recommend approval of the Phasing Plan, subject to the following:

- a. All facades of the anchor tenant building identified as Phase 2 must meet the standards of the façade ordinance or any waivers that are granted. The applicant must provide a note on the plans to indicate compliance with this condition;
- b. The area identified for Phases 2 and 3 shall be maintained as landscaped greenspace until construction on the respective phases begins;

- c. A portion of the pathway totaling at least 5 feet in width and included in Phases 2 and 3 along the proposed building frontages shall be installed with the construction of Phase 1;
- d. Loading zone screening consisting of landscape materials approved by staff shall be installed along the south side of the existing loading zone in the area where Phases 2 and 3 are currently shown within one year of the completion of Phase 1 if construction on Phases 2 and 3 has not begun; and
- e. Any additional concerns identified by staff being addressed on the Final Site Plan submittal because the plan is otherwise in compliance with Article 17, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Moved by Member Anthony, seconded by Member Prince:

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL RECOMMENDATION MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER PRINCE:

In the matter of 12 Mile Crossing at Fountain Walk – New Retail Building, SP12-26, motion to recommend approval of the Stormwater Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the next plan submittal because it is otherwise in compliance with Chapters 11 and 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

2. APPROVAL OF THE JUNE 13, 2012 PLANNING COMMISSION MINUTES

Corrections to the minutes were made by Member Lynch.

Moved by Member Gutman, seconded by Member Prince:

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

Motion to approve the June 13, 2012 Planning Commission minutes including the corrections made by Member Lynch. *Motion carried 5-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda Removals.

MATTERS FOR DISCUSSION

1. MUNICIPAL ROAD MILLAGE

Deputy Director McBeth said this item is on the August 7th ballot. City staff have been getting questions from the public about the road millage and staff thought this sheet of frequently asked questions would be helpful to pass out to the Planning Commission. There is a lot of information available on the City's webpage if anybody has any questions. There are two primary contacts if there are specific questions: DPS Director Rob Hayes and Communications Director Sheryl Walsh.

2. OST, PLANNED OFFICE SERVICE TECHNOLOGY LAND USE FACTS

Deputy Director McBeth said periodically one of our staff planners goes through and updates the OST District Land Use Facts periodically because it is such an important zoning district in the community. There have been a number of updates since the last time this report was prepared. An update to the Retail Land Use Facts should be summarized shortly.

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 June 27, 2012 Planning Commission meeting. *Motion carried 5-0.*

The meeting adjourned at 8:09 PM.

Transcribed by Valentina Nuculaj

June, 2012

Date Approved:

Richelle Leskun, Planning Assistant