



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

April 17, 2019 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 7:00 PM.

ROLL CALL

Present: Member Anthony, Member Avdoulos, Member Hornung, Member Lynch, Chair Pehrson

Absent: Member Greco, Member Maday

Also Present: Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Beth Saarela, City Attorney; Josh Bocks, Traffic Consultant; Pete Hill, Environmental Consultant; Doug Necci, Façade Consultant

APPROVAL OF AGENDA

Motion to approve the **April 17, 2019 Planning Commission Agenda, as amended, to move the public hearing for Lakeview JSP18-16 to Item 2 under Public Hearings. Motion carried 5-0.**

PUBLIC HEARINGS

1. **CHICK-FIL-A JSP18-75**

Public hearing at the request of GPD group for JSP 18-75 Chick-Fil-A for Planning Commission's recommendation to the City Council for approval of rezoning from Regional Center (RC) to Regional Center with a Planned Development 2 option (PD-2), Preliminary Site Plan with a PD-2, Special Land Use and Stormwater Management Plan approval. The subject property is located at the southeast corner of Novi Road and Twelve Oaks Mall Road in Section 14. The applicant is proposing to develop a 4,990 square foot Chick-Fil-A restaurant with a drive-through. The applicant will be utilizing the Planned Development 2 (PD-2) option to propose a drive-thru.

In the matter of the request of GPD Group for JSP 18-75 Chick-Fil-A, JSP 18-75 with Zoning Map Amendment 18.729, motion to recommend approval to City Council to rezone the subject property from Regional Commercial (RC) to Regional Commercial with a Planned Development 2 Option (PD-2) for the following reasons:

1. The recommendation includes the following ordinance deviations for consideration by the City Council:
 - i. Deviation to waive the required Rezoning Traffic study as a Traffic Impact Study is submitted that addresses the traffic impacts.
 2. The rezoning request fulfills one of the Master Plan for Land Use objectives by fostering a favorable business climate.
 3. The rezoning is a recommended land use that will be consistent with the surrounding zoning and existing developments.
 4. The rezoning would increase development potential of the subject property.
 5. The rezoning provides a redevelopment opportunity for a challenging site in a visible location along I-96/Novi Road corridor.
 6. The rezoning will not have impact on public utilities.
- Motion carried 4-1 (Hornung).*

In the matter of the request of GPD Group for JSP 18-75 Chick-Fil-A, motion to recommend approval to the City Council for Special Land Use based on and subject to the following:

1. The proposed use will not cause any detrimental impact on existing thoroughfares *(based on Traffic review)*;
2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities *(based on Engineering rezoning memo and the review)*;
3. The proposed use is compatible with the natural features and characteristics of the land *(because there are no regulated natural features on site)*;
4. The proposed use is compatible with adjacent uses of land *(because the proposed use is similar to an existing restaurant use with an addition of drive-thru)*;
5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use *(as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi)*;
6. The proposed use will promote the use of land in a socially and economically desirable manner *(as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi)*;
7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-1 (Hornung).*

In the matter of the request of GPD Group for JSP 18-75 Chick-Fil-A, motion to recommend approval to the City Council for Preliminary Site Plan with a PD-2 Option based on and subject to the following:

1. Planning Commission findings that the standards of Section 3.31.4 of the Zoning Ordinance are adequately addressed, as identified in the Planning Review Letter;
2. The applicant shall direct exiting traffic from the site to the eastern exit to Twelve Oaks Mall road with appropriate site signage, subject to review and approval by City's Traffic Consultant at the time of final site plan submittal;
3. The dumpster pick up times shall not conflict with peak hour traffic;

4. The recommendation includes the following ordinance deviations for consideration by the City Council:
 - i. Deviation from Sec. 5.2.12.C to allow reduction of minimum required parking spaces for fast food restaurants. A minimum of 100 are required, 65 are proposed;
 - ii. Deviation from Section 3.31.7.B.v.a, the use conditions for fast food drive-thru under PD-2 Option as listed under that requires a minimum distance of 1,000 feet between a proposed independently freestanding restaurant from any other such use on the same side of the street;
 - iii. Deviation from Section 5.3.11.D that requires a bypass lane, minimum of 18 feet width. The applicant is providing an 11 foot by pass lane when two drive-thru lanes merge into one around the Northwest corner of the building;
 - iv. Deviation from Section 3.31.7.D for not meeting the minimum building setback requirements for exterior side yard along I-96 (south west frontage). A minimum of 50 feet is required, 32 feet is proposed;
 - v. Deviation from Section 3.31.7.D for not meeting the minimum parking setback requirements for Exterior side yard along Twelve Oaks Mall Road (North). A minimum of 20 feet is required, 14.5 feet is proposed;
 - vi. Deviation from Section 3.31.7.D for not meeting the minimum parking setback requirements for Exterior side yard along I-96 (Southwest). A minimum of 20 feet is required, 9.3 feet is proposed;
 - vii. Deviation from Section 3.31.7.D for not meeting the minimum parking setback requirements for rear yard (east). A minimum of 20 feet is required, 6 feet is proposed;
 - viii. Deviation from Section 5.4.1 for reduction of minimum required loading area. A minimum of 2,110 square feet is required and 360 square feet is proposed;
 - ix. Deviation from Section 4.19.2.F for allowing a dumpster in the exterior side yard instead of required rear yard.
 - x. Deviation from Section 4.19.2.F for allowing a dumpster in the parking setback. A minimum of 20 feet is required and 12.1 feet is provided.
 - xi. Landscape deviation from Section 5.5.3.B.ii and iii for insufficient greenbelt width along I-96 frontage.
 - xii. Landscape deviation from Section 5.5.3.B.ii and iii for lack of berm or wall along entire frontage.
 - xiii. Landscape deviation from Section 5.5.3.B.ii and iii for deficiency in greenbelt plantings (sub canopy trees).
 - xiv. Landscape deviation from Section 5.5.3.C.(3) Chart footnote for deficiency in perimeter parking lot canopy trees. 24 deciduous canopy trees are required. 13 canopy trees and 6 sub canopy trees are proposed.
 - xv. Landscape deviation from Section 5.5.3.C. for deficiency in interior parking lot trees. 12 trees required, 9 trees proposed.
 - xvi. Landscape deviation Section 5.5.3.C. for missing endcap island trees.
 - xvii. Landscape deviation from Section 5.5.3.D. for providing less than 60% landscape along the façade facing road.
 - xviii. Landscape deviation from Section 5.5.3.D. for proposing some of the required building foundation landscaping away from the building. Supported by staff.
5. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-1 (Hornung).*

In the matter of the request of GPD Group for JSP 18-75 Chick-Fil-A, motion to recommend approval to the City Council for Storm water Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-1 (Hornung).*

2. LAKEVIEW JSP18-16

Public hearing at the request of Robertson Brothers Homes for Planning Commission's approval of the Preliminary Site Plan with Site Condominium, Wetland Permit, Woodland Permit, and Stormwater Management Plan. The subject property is zoned RM-2 with a Planned Rezoning Overlay (PRO), which conditions development to the terms of a PRO Plan and Agreement. The subject property is approximately 3.15 acres and is located south of 13 Mile Road on the east and west sides of Old Novi Road (Section 10 and 11). The applicant is proposing the development of 20 single-family detached site condominiums and stormwater management facilities.

In the matter of Lakeview JSP18-16, motion to approve the Preliminary Site Plan with Site Condominium based on and subject to the following:

- a. The applicant shall revise the alignment of the sidewalk on the east side of Old Novi Road and not encroach into the 25-foot stormwater buffer;
- b. Fences shall be added to the east side of lots 14, 15, and 20 in conformance with the PRO Agreement;
- c. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters, as well as all of the terms and conditions of the PRO Agreement as approved, with these items being addressed on the Final Site Plan.

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

In the matter of Lakeview JSP18-16, motion to approve the Wetland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

In the matter of Lakeview JSP18-16, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the

Ordinance. *Motion carried 5-0.*

In the matter of Lakeview JSP18-16, motion to approve the Stormwater Management Plan, based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

3. ONYX PLAZA JSP19-01

Public hearing at the request of Potluri Estates and Dice Holdings for Preliminary Site Plan, Woodland Permit, and Storm water Management plan approval. The development area is approximately 14.29 acres and is located north of Ten Mile Road along the west side of Novi Road in Section 22. The applicant is proposing a 34,173 square foot, 9-screen theater with 709 seats and 18,178 square foot retail building within the B-3 zoned area with associated parking and site improvements on the adjacent parcel zoned OS-1.

In the matter of request of Potluri Estates and Dice Holdings for Onyx Plaza JSP19-01, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. The applicant shall revise the plans to include right turn tapers at both the entry drives along Novi Road as noted in the Traffic review letter;
- b. The applicant shall revise the north driveway to allow for 3 lanes of traffic as noted in the Traffic review letter;
- c. The applicant shall protect all remaining undevelopable wetlands and woodlands on property in a conservation easement as offered by the applicant in the response letter dated April 10, 2019;
- d. A Section 9 waiver for underage of brick on eastern façade (30% minimum required, 0% proposed) due to extensive use of granite and marble, which is hereby granted;
- e. Landscape waiver from Section 5.5.3.B.ii for lack of required street trees along Novi Road frontage due to conflicts with exiting utilities, which is hereby granted;
- f. Landscape waiver from Section 5.5.3.D. to allow movable planters in lieu of the required building foundation along northern façade as the future tenant spaces are not determined, which is hereby granted;
- g. Planning Commission determination to allow a 3 foot screening wall as an alternate to the required berm noted in Section 5.5.3.B.ii and iii along the northern property line in order to preserve existing woodlands and wetlands;
- h. Planning Commission waiver from Figure IX.12 from Sec. 11-216-d. of Design and Construction Standards Manual, for not meeting the minimum standards of driveway spacing between opposite driveways along Novi Road, which is hereby granted;
- i. Waiver for lack of required Traffic Impact Study as the site falls under the study boundaries for the Comprehensive Traffic study completed by the City;
- j. A Zoning Board of Appeals variance from Section 5.4.1. for allowing the loading zone in the interior side yard instead of the required rear yard;
- k. A Zoning Board of Appeals variance from Section 5.4.1. for allowing the loading zone in the interior side yard instead of the required rear yard;
- l. A Zoning Board of Appeals variance from Section 4.19. for allowing the dumpster in the interior side yard instead of the required rear yard;

- m. A Zoning Board of Appeals variance from Section 4.19. for allowing the transformer in the interior side yard instead of the required rear yard;
- n. The findings of compliance with Ordinance standards in the staff and consultant review letters, including water main extension issue to be resolved by engineering and city administration and the conditions and the items listed in those letters being addressed on the Final Site Plan.

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

In the matter of request of Potluri Estates and Dice Holdings for Onyx Plaza JSP19-01, motion to approve the Woodland Permit based on and subject to the following:

- a. The applicant shall protect all remaining undevelopable wetlands and woodlands on property in a conservation easement as offered by the applicant in the response letter dated April 10, 2019;
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

In the matter of request of Potluri Estates and Dice Holdings for Onyx Plaza JSP19-01, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

4. ZONING ORDINANCE TEXT AMENDMENT 18.282

Consideration for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at several sections in order to clarify items, address inconsistencies between the former version and the newer ClearZoning format, errors within the ordinance, and other items deemed necessary.

Motion to recommend approval to City Council for amendment to City of Novi Zoning Ordinance, Zoning Ordinance Text Amendment 18.282. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. DAIFUKU TEST BUILDING JSP19-13

Consideration at the request of Northern Equities Group for approval of Preliminary Site Plan and Stormwater Management Plan approval. The subject property is 10.28 acres located in Section 1 of the City of Novi and located north of Thirteen Mile Road and east of Cabot Drive. The applicant is proposing to construct a 1-story research and testing building, consisting of 24,100 square feet, on the east side of the property. The site previously received approval for a 76,549 square foot office building for Daifuku North America Holding Company's headquarters, which has

been constructed.

In the matter of Daifuku Test Building, JSP19-13, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Planning Commission waiver to permit the reduction of parking lot setbacks on the north (20 ft required, 12 ft provided) as listed in Section 3.1.23.D. based on Section 3.6.2.Q. due to improved use of the site and because a greater setback is provided on the south side of the site, the modification does not reduce the total area of setback on the site below the minimum setback area requirements for the subject property, which is hereby granted;
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

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

In the matter of Daifuku Test Building, JSP19-13, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

2. BECK NORTH UNIT 54 – LANDBANK PARKING JSP16-36

Consideration at the request of Dembs Development for Revised Preliminary Site Plan with Land bank Parking approval. The subject property is located in Section 4, east of Beck Road and north of West Road on Nadlan Court, in the Light Industrial (I-1) zoning district. The applicant previously received Special Land Use and Preliminary Site Plan approval for a speculative building in October 2017. The applicant now proposes to add a mezzanine to the building for additional office space for a tenant identified to occupy the building, as well as 32 land bank parking spaces and other minor changes to the site. The proposed parcel is approximately 5.53 acres.

In the matter of Beck North Unit 54 JSP16-36, motion to approve the Revised Preliminary Site Plan based on and subject to the following:

- a. Approval of up to 32 landbank parking spaces (203 required, 171 provided, 32 land banked), due to Planning Commissions finding below, which is hereby granted;
 - i. The applicant has demonstrated through substantial evidence that the specified occupant and building use will require less parking than what is required by the Zoning Ordinance;
 - ii. Parking will not occur on any street or driveway;
 - iii. Parking will not occur on any area not approved and developed for parking;
 - iv. Parking will not occur on that area where parking construction has been landbanked until such time as that area is constructed for such parking;
 - v. The requested parking landbanking will not create traffic or circulation problems on or off site; and
 - vi. The requested parking lankbanking will be consistent with the public health, safety and welfare of the City and the purposes of the Zoning Ordinance;

- b. If the landbanked parking is determined to be needed by the building owner or the City's Building Official, a Final Site Plan shall be submitted for review and administrative approval prior to construction, which shall conform to the Ordinance standards;
- c. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan;
- d. Subject to all conditions of the previous Preliminary Site Plan and Special Land Use approval, as noted in the Planning Review letter.

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

In the matter of Beck North Unit 54 JSP16-36, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

3. VARSITY LINCOLN INVENTORY LOT JSP19-15

Consideration at the request of Cityscape Architects for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is 6.1 acres and is located in Section 17, on the east side of Wixom Road and south of Grand River Avenue. The property is zoned B-3 General Business. The applicant is proposing to repurpose a portion of the existing parking lot on the west side of the site to accommodate additional vehicle inventory parking for the existing vehicle dealership.

In the matter of Varsity Lincoln Inventory Lot JSP19-15, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Landscape waiver from Section 5.5.3.B.ii for a Right of Way berm, which is hereby granted. Continuous hedge will be planted to provide alternate screening to be maintained at three feet;
- b. Landscape waiver from Section 5.5.3.B.ii. for absence of greenbelt sub-canopy trees along Wixom because this is an existing condition and the parking lot is not significantly changed, which is hereby granted;
- c. Landscape waiver from Section 5.5.3.B.ii. for absence of street trees along Wixom Road because of conflicts with existing underground utilities, which is hereby granted;
- d. Landscape waiver from Section 5.5.3.C. for deficiency in the required parking lot interior landscape space, because the single existing island will be maintained, which is hereby granted;
- e. Landscape waiver from Section 5.5.3.C. for deficiency in interior parking lot trees, because the existing trees will be maintained, which is hereby granted;
- f. Landscape waiver from Section 5.5.3.C.(3) for deficiency in parking lot perimeter trees because the existing parking lot perimeter is not changing, which is hereby granted;
- g. Landscape waiver from Section 5.5.3.D. for deficiency in the building foundation landscaping because no changes are proposed to the building or the base of the

- building, which is hereby granted;
- h. Waiver from Section 5.3.12 for painted end islands at the ends of the central parking bay with the reasoning that this area is gated from public traffic, which is hereby granted;
 - i. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

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

In the matter of Varsity Lincoln Inventory Lot JSP19-15, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

4. APPROVAL OF THE MARCH 27, 2019 PLANNING COMMISSION MINUTES

Motion to approve the March 27, 2019 Planning Commission Meeting Minutes. *Motion carried 5-0.*

ADJOURNMENT

The meeting was adjourned at 11:29 PM.

**Actual language of the motions subject to review.*