



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

March 13, 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 Greco, Member Maday, Chair Pehrson

Absent: Member Hornung, Member Lynch

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Thomas Schultz, City Attorney; Pete Hill, Environmental Consultant; Josh Bocks, Traffic Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Greco.

VOICE VOTE TO APPROVE THE MARCH 13, 2019 AGENDA MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRECO.

Motion to approve the March 13, 2019 Planning Commission Agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

Arlene Johnson, 41378 Cornell Drive, said my home backs up to the far north end of the Fox Run property, but I'm not here to speak solely for where my property is located. I'm also not here, I don't think, to object to Phase 3 because I'm getting mixed messages when I call – can I ask, was Phase 3 part of the original approval? Is that a yes?

Chair Pehrson said we don't answer questions, this is for you to share your comments.

Ms. Johnson said well I'm going to need somebody to answer that at some point because I thought Phase 2 was, and I don't remember ever being able to speak at a Phase 3 project. Anyway, as I understand it, it was already approved under the original agreement with the City of Novi, so I'm here to represent my concerns along with the many residents that I have spoken to in Novi's diverse communities about the future development of this property. My concern is that while my discussions with the City's Community Development

Office have led me to believe that enough of the area of concern is regulated woodlands and wetlands, and therefore unlikely to be developed, there are ways for property owners to get around that. That's something that I was told from the City.

Fox Run is owned by Mr. Erickson, a devout Catholic. I would like to remind him of what the Pope recently said publicly – we must respect and protect the entire creation which God has entrusted to man, and it should not be indiscriminately exploited but rather made into a garden. I'd also like to remind the Council that there's been a 57 percent loss of wetlands in Oakland County, according to the DEQ. The County has 580,232 acres and only about 10 percent, or 52,131 acres of wetlands still exist. The property owned by Mr. Erickson and Fox Run is on regulated woodlands and wetlands, also known as a Conservation Easement. Key word, conservation. So while this is unlikely to be developed, I am uneasy about the word unlikely. Especially seeing how aggressively Fox Run advertises, leaving me to believe they need to develop the demand which will inevitably lead to more and more building on this property.

Michigan's wetland laws recognize the important benefits provided by wetlands and their vital role. Today we know that wetlands provide many important services to the environment and to the public. They offer critical habitat for fish, water fowl, and other wildlife, they purify polluted waters, they help check the destructive power of floods and storms. Wetlands are highly productive and biologically diverse systems that enhance water quality, control erosion, maintain stream flows, sequester carbon, and provide a home to at least one third of all threatened and endangered species. Not only does this property have a small river rouge tributary stream running through it, but has a large wildlife population. In a Detroit Free Press article from January 7 of 2014, and I quote, Wetlands are known as nature's kidneys, filtering out pollutants that would otherwise wash into lakes and rivers and also provides vital wildlife habitat, nesting grounds for duck and geese, temporary refuge for migratory birds, and spawning areas for fish. They go on to say that wetlands have been relentlessly filled and drained for farms, housing, and cities. Living in this Fox Run-owned area currently are white-tailed deer, raccoons, coyotes, possums, woodchucks, owls, egrets, blue heron, red fox, red-tail hawks, a variety of types of woodpeckers, and on and on. If development continues at the pace we currently see, where will they go and when does it end?

Ms. Johnson said out of respect to time and other business that Council has on their agenda, I'll give the floor to others. But I hope the takeaway of what I have said is that I do object to the development of Fox Run beyond Phase 3, because I don't think there's any chance we can do anything about Phase 3. But I will look into it. And will do all that I can do to educate citizens affected if I'm not reassured that there's a limit to the amount of wetland destruction planned by the owner of Fox Run. A copy of what I just said will be going to Nature Conservancy, Michigan Department of Natural Resources, and the US Department of Natural Resources. Thank you for your time.

Kevin Adell, 43700 Adell Center Drive, said I just wanted to say thank you for allowing me to be here, I'm honored to be here tonight. I just wanted to give an update to Planning Commission, as we are moving very forward. I hired Stante, the underground people, and they'll be moving forward to put in the underground and the main, as well as the fire hydrants. So by April 16th, we'll have water to the property, all the utilities in, and then my users can actually start. So you should see construction after April 16th. And I just humbly ask that we don't delay our user tonight. I have iFly here and Texas Roadhouse, so I just humbly

ask that we move the project forward and not table that, maybe with conditions if necessary.

But I just want to say thank you again and that's why I'm here, to show you that I'm on it and I'm not leaving the project. I'm fully here watching the project every day and working with Staff. And I appreciate Sri and Barb and the attorneys and the Staff here, as well as the City of Novi. The quicker we can get this done, the quicker the companies can start making money and paying taxes. All the property has been split, so once the companies are built we can start collecting taxes for the City of Novi. Thank you.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

City Planner McBeth had nothing to report.

CONSENT AGENDA

There were no items on the consent agenda.

PUBLIC HEARINGS

1. FOX RUN NEIGHBORHOOD 3 JSP18-18

Public hearing at the request of Erickson Living for Planning Commission's recommendation to the City Council of a Revised Preliminary Site Plan with a PD-1 Option, Revised Special Land Use Permit, Revised Phasing Plan, Revised Wetland Permit, Revised Woodland Permit and Revised Stormwater Management Plan approval. The subject property is 102.8 acres in Section 1 of the City of Novi, located north of Thirteen Mile Road and west of M-5 in the RM-1, Low Density Low-Rise Multiple-Family District. The applicant is proposing to revise the original approval and layout of Neighborhood/Phase 3 of the Fox Run Community.

Planner Bell said Erickson Living is proposing to move forward with Phase 3, or Neighborhood 3 of the Fox Run Community. The total Fox Run site is over 102 acres and located in Section 1, north of Thirteen Mile Road, west of M-5. The location of Neighborhood 3 is north of the Fox Run ring road. The proposed Phase 3 consists of four residential buildings, associated parking and utilities. Within the buildings would be 370 independent living units, multiple dining facilities, as well as spaces for social gathering, classrooms, fitness and other lifestyle amenities for residents.

This project previously came before the Planning Commission on September 12, 2018. At that time the applicant and Staff determined that additional issues needed to be resolved, so the item was postponed after the public hearing to allow time for corrections to be made.

The subject property is currently zoned RM-1 and developed under a PD-1 Option development agreement. The properties to the east are zoned RM-1 low density low rise multiple family (Lenox Park) and RA Residential Acreage (developed as Brightmoor

Church). The property to the west is zoned Mobile Home District and is the location of the Oakland Glens community. On the north and northwest sides is the Maples of Novi community, zoned RA Residential Acreage. The northwest side is zoned R-2 One Family Residential and is part of the Haverhill Farms development. South of Thirteen Mile is zoned RA and contains single family homes and vacant land.

The Future Land Use Map indicates Multiple Family with the PD-1 option for the subject property. The property to the west is planned for Manufactured Home Residential. The northern east side is planned for multiple-family. Remaining adjacent land to the north, east, and south is planned for single family uses.

Planner Bell said there are many acres of wetlands and woodlands throughout the Fox Run parcel. The proposed project site contains 5 wetland areas, and is protected by an existing conservation easement. One small wetland outside of the conservation easement will be permanently impacted by the proposed development. A City of Novi minor use wetland permit would be required for the permanent impacts of 0.044-acre, as well as an Authorization to encroach into the 25-foot natural features setback. Temporary disturbance of 0.048 acres and permanent disturbance of 0.176 acres are proposed within 25-foot wetland buffer areas. The applicant has proposed 2 small areas of mitigation located south of the existing parking lot near Building 3.3, adjacent to an existing pond, that would fulfill the mitigation ratio requirement for the project.

Woodland review determined that 311 regulated trees are proposed to be removed, with a total of 674 woodland tree credits required. The applicant intends to plant 16% or 108 of the credits on-site and contribute to the Tree Fund for the remaining 566 credits.

The proposed 370 dwelling units would complete the build-out of the originally approved 1,497 independent residential units in the Fox Run development. The current building layout and design has been modified somewhat from previous approvals while maintaining the same general area of disturbance and respecting the previously established Conservation Easement to the north and south.

The proposed buildings are 7 stories, with a height of up to 90 feet. The applicant has stated that the additional building height is necessary to build the approved number of units while accommodating the market demand for larger units. The Ordinance indicates that structures exceeding the maximum height limit of the district should have increased setbacks of one additional foot for each foot the building exceeds the maximum. In this case the building closest to the west side yard, RB 3.4 is 83 feet, which would require an additional setback of 48 feet for a total side yard setback of 123 feet, which is what is proposed at this time. All other setbacks for the buildings exceed the additional setback requirement. The deviation for building heights will require City Council approval and a recommendation from the Planning Commission. Staff supports the request for additional building height because the location of the Phase 3 buildings are buffered from surrounding properties as well as previous phases of the Fox Run community. In addition the height allows the building footprint to remain smaller for less impact to the significant natural features of the site.

Buildings 3.3 and 3.4 on the west side of the project site are proposed to be connected by a 4-story pedestrian link or hallway, with additional units located on the east side of the structure. The resulting structure – buildings 3.3 and 3.4 together – is a total length of 515

feet, while the Ordinance only allows up to 360 feet with increased setbacks.

Planner Bell said all buildings within the Fox Run community have pedestrian links between them in order to provide safe passageways for residents that offer protection from the weather and make it easier for seniors of all abilities to get around the campus. The 4-story link between buildings 3.3 and 3.4 offers this same amenity, but also includes living and gathering space on the eastern side of the hallway. The full building length will only be visible from above, as there are protruding corridors and recessed areas that break up the façade from all vantage points on the ground. The visual bulk of the buildings are broken up by 90 degree wings as well as the shorter recessed structure that connects the buildings. Staff supports the request for additional building length because the intent of the Ordinance is met by the design and the connected buildings will better serve the residents of Fox Run. City Council approval of the deviation in building length is required.

The minimum distance required between buildings 3.1 and 3.3 is short by 3 feet between those buildings. This variance is also requested by the applicant.

Garage parking is proposed under 3 of the 4 buildings. A total of 388 parking spaces are proposed under and around the buildings, which exceeds the parking requirement.

Access drives to the parking facilities and buildings require a waiver for same-side driveway spacing along the north side of Fox Run Road, as well as a waiver for sight-distance at the southern parking lot entrance. The proposed sidewalks off-set also deviate from the City standard of 15 feet, but are consistent with the rest of the Fox Run campus.

All reviewers are all recommending approval of the Preliminary Site Plan with additional concerns to be addressed with final site plan submittal.

Planner Bell said the Planning Commission is asked tonight to hold the public hearing as scheduled for this evening and to make a recommendation to approve or deny to City Council. Julian Wargo is here representing the applicant, as well as some members from the Fox Run community, and Staff is here to answer any questions.

Julian Wargo, with Zemiet Wozniak and Associates, said with me tonight is Ken Weikal, our Landscape Architect, Andrew Hirshfield from Erickson Living. Our architect unfortunately is not with us this evening, he was snowed in in Denver. But we'd be happy to answer any questions you may have as they arise. Thank you.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project.

Patricia Franks, 40602 Lenox Park Drive, said I have a question. Who owns the wetlands?

Chair Pehrson said this is just for you to give your comments. We can't answer questions right now.

Ms. Franks said ok well that's one of my questions, I'd like to know who owns that. I moved into Lenox Park four years ago and prior to my moving in, I came to Novi here and asked the Planning Department who owns the property. And they told me that Lenox Park owns the property. I live directly behind in the woods, I back up to the woods. And they told me

that Lenox Park owned it, so I was fine, and they told me it was protected wetlands and that there would be issues with that. Fine, I purchased the property.

Two years later, through a winter and everything, I noticed that there were two oil barrels out in the woods. So I went to Lenox Park and asked them to remove those oil barrels and they told me, Kramer-Triad our management company, told me that they don't own the property, the City of Novi owns the property. So I came back to the City of Novi and inquired about that, and they told me again that they don't own the property and that Lenox Park owns the property. So that is one of my concerns, who owns the woodlands so that these expansions can take place? And how does it come about that as a Lenox Park resident, I was never notified of this expansion? Thank you.

Chair Pehrson asked if there was anyone else that wished to address the Planning Commission regarding this project. Seeing no one, he said I think we have some correspondence.

Member Greco said we do. For this matter, we received a few response forms for the City of Novi. The first one here is from Lisa and Herman Smith, they object to this project as taxpayers in this community for the following reasons – disruption of lifestyle, increased traffic, loss of peace and quiet, loss of scenic views behind our home, decreased property values along with the loss of scenic views, and destruction of wildlife habitat and negative impacts on the environment. We received another form from Gerald McDonnell, 30151 Brightwood Drive, also objects as the wetlands should not be disturbed, because of increased traffic on 13 Mile Road, because no structure should be 7 stories, he questions how many vacancies are present in the existing buildings, complains that the noise level has been non-ending except for this year, and thinks that we do not need a mini city in this community. We received another response form from Kristina Atanasoski, 30138 Lanford Drive, who objects to the idea that Fox Run can build on protected wetlands, and that the property is already so big, and that the people of Lenox Park have already suffered enough construction in the last five years.

Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for their consideration.

Member Anthony said I believe our consultants ECT are here, if I could call you up and ask some questions.

City Environmental Consultant Pete Hill, with ECT, said good evening everybody, I'm with ECT, Wetlands and Woodlands Consultants.

Member Anthony said wetlands and woodlands are always a concern. One thing about Novi that we've been really good with is preserving all of those, and I think it's good to perhaps show how, with this site, how this process works. When you are looking at whether there are wetlands or not here, I think you can break it into two categories, City-regulated and State-regulated. Can you tell us a little bit about the difference there?

Environmental Consultant Hill said the State of Michigan, the DEQ, regulates certain wetlands based on several factors, the biggest of which are size and proximity to an otherwise regulated watercourse. So in terms of this site, I believe that all the wetlands shown on the drawings are State-regulated, as well as City-regulated, wetlands.

Member Anthony said and we often have in our City City-regulated wetlands, which end up being much smaller than even what the State recognizes. In the wetlands that are here, there four different wetlands or areas that were identified? Or is it more than that?

Environmental Consultant Hill said five on this site plan.

Member Anthony said ok, so five on this site plan. And of those five, how many are impacted?

Environmental Consultant Hill said two.

Member Anthony said two of them. And what's the requirement for mitigation? If you take those two away, then what is the developer required to do?

Environmental Consultant Hill said on a stand-alone site, there is a little bit of a difference between mitigation from the City's perspective and the DEQ. There's a minor difference. The City has a quarter-acre, a 0.25-acre threshold of impact for mitigation, which is a little bit more strict or stringent than the State's third of an acre, or 0.3-acre threshold. But I guess one thing to keep in mind on this site is that it's a phased development. I can't speak directly to the question earlier of if Phase 3 was part of the original approval and I don't think I'm the correct person to speak on that. But the project is taken as a whole. So although the actual impacts for this Phase 3, they're listed at 1,899 square feet, so that's like a 50 by 40 foot area – not huge in terms of what it could be. So that's 0.04 acres, and I think Lindsay already mentioned that. The applicant is providing mitigation for this wetland impact – getting back to that – because the project as a whole, all the phases are being taken as a whole.

Member Anthony said when the developer does mitigation for the 0.04 acres or 1,800 square feet, what size of mitigation is required to rebuild and replace?

Environmental Consultant Hill said it depends on wetland type.

Member Anthony said for this project.

Environmental Consultant Hill said for this project, they do have their mitigation area called out. In general, emerging wetland areas require a 1.5:1 replacement ratio, and that's essentially to make sure the quality of the created wetland is better than if you just did a 1:1 and you don't have any leeway in terms of your replacement. So emergent wetlands are 1.5:1 by the regulations, forested wetlands are 2:1, and they're providing a 2.17:1 mitigation ratio. It's 4,112 square feet of wetland mitigation, exceeding the City's requirement.

Member Anthony said and I think I saw in your report that that mitigation area is south of the parking lot?

Environmental Consultant Hill said yeah, it is south and west of this proposed phase. You can see it on the screen.

Member Anthony said what was the total wetland of all five areas?

Environmental Consultant Hill said the total area of all five areas is 10.7 acres.

Member Anthony said so of that 10.7 acres, it's only 0.04 acres that is disturbed from the construction. And with that, twice that area or at least one and a half times that area would be reconstructed or mitigation and tied into the rest of the wetland area. I go through this and take a little bit longer because this really illustrates the degree that the City goes through in preserving its wetlands, and going beyond what the State regulates. In this case, they also happen to connect with State-regulated wetland but Staff is very diligent with their consultant in preserving as much wetlands in their City as possible. And if you look at this specific site, this is about 3% or less of the area of the wetland that was impacted, just of this site. That's actually very good in how they're managing and controlling the wetland. With the concern of building height, I'm going to pass that to my other Commission members. But the wetland mitigation and the wetland response for this development is actually, I think I would say, professionally outstanding with what the City has done here. I know emotionally we are sometimes upset with that, but technically what they've done is very good. Thank you for taking the time to go through that explanation, Pete.

Environmental Consultant Hill said you're welcome.

Member Avdoulos said there was a question as to who owns the wetland or what property it falls on. So when we look at the property lines, I'm guessing that that rectangular area on the map belongs to this development. And then to ask the other question related to phasing, is this the final phase of this particular project? Has anything else been proposed?

Planner Bell said there were in the original approved phases five phases. Phase 4 is the Continuing Care Center, which is already partially constructed and recently approved to be expanded. That would be over in this area here. So Phase 4 will be nearing completion with that being done. Phase 5 would be the only thing remaining, and that was a chapel that was to be constructed in the south end of the property.

Member Avdoulos said so the limits of this development is basically what we see in the red?

Planner Bell said that's correct. And the number of units would be built out, as well, under the development agreement.

Member Avdoulos said and what we're looking at today, is that also going to be a phased build?

Planner Bell said that's correct.

Member Avdoulos said ok. I think Member Anthony walked through the wetlands and woodlands in a nice manner and how the development has been looking at this with the City and Staff, so I'm ok with that. And with Staff understanding this project and working with the developer over the years, and if Staff is supporting the seven stories then I have no issue with that either.

Member Greco said I just have a question for the applicant. I understand that this was previously approved and amended to make the changes that we're discussing here. What is being changed? I know it's going up to seven stories and the number of units is being built out, but what are you trying to accomplish by this change?

Mr. Wargo said well one, the configuration of the four buildings differs from what was originally master planned some ten to fifteen years ago, so how the buildings are shaped is different.

In terms of market demand, from what I understand from Erickson and the architect, the resident that was originally targeted for this community, their demographic has changed. One is that they're slightly younger, two is that they're looking for larger units. Originally, I believe there were many one-bedroom units proposed for the community. Today's buyer is looking for something along the lines of a two-bedroom unit, not that they necessarily occupy two bedrooms but they like the second bedroom as an opportunity for guests, family members, or even used a study.

Member Greco so that's what generated the interest for getting this done?

Mr. Wargo said yes sir.

Member Greco said ok.

Mr. Wargo said if I could just point out one thing, when Member Anthony was doing his map on the calculations of wetland disturbance, it's actually only 3/10 of a percent, not 3%.

Member Maday said I appreciate all of your information and how much that you presented regarding the wetlands – that was very useful to summarize it all. So with that, I feel much more comfortable. That fact that the building is taller I'm ok with, because it impacts less of the land that we're talking about. And it appears that there is a value in that for people purchasing. And as far as the length of the building, I think it's key given the demographics of the people living there to not have to walk outside and worry about the weather.

Member Greco said with that, I'd like to make a motion.

Motion made by Member Greco and seconded by Member Anthony.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REVISED SPECIAL LAND USE MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY.

In the matter of Fox Run Neighborhood 3, JSP18-18, motion to recommend approval to the City Council of the Revised Special Land Use permit based on the following findings:

Relative to other feasible uses of the site:

- **The proposed use will not cause any detrimental impact on existing thoroughfares (as indicated in findings and conclusions of the traffic review letter, including the adequacy of such thoroughfares to handle the existing improvements);**
- **Subject to satisfying the requirements in the Engineering Review the proposed**

use will not cause any detrimental impact on the capabilities of public services and facilities (*because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes in accordance with ordinance requirements as set forth in the engineering review*);

- The proposed use is compatible with the natural features and characteristics of the land (*as proposed impacts to natural features have been minimized as described in the staff and consultant reports*);
- The proposed use is compatible with adjacent uses of land (*as indicated in the staff and consultant review letters and as demonstrated by the longstanding relationship of the existing development to such uses*);
- The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, which contemplates this use;
- The proposed use will promote the use of land in a socially and economically desirable manner, as it is a continuation of this planned use;
- 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 5-0.*

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REVISED PRELIMINARY SITE PLAN MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY.

In the matter of Fox Run Neighborhood 3, JSP18-18, motion to recommend approval to the City Council of the Revised Preliminary Site Plan with a PD-1 Option based on and subject to the following:

- a. City Council finding that the standards of Section 3.31.4.A of the Zoning Ordinance are adequately addressed;
- b. Waiver from Section 3.8.2.C for a building exceeding 180 feet in length, up to 515 feet proposed, *because the interconnected facility will better serve the population by providing a protected pedestrian link, the visual appearance of the buildings are broken up by 90-degree wings and the shorter recessed structure connecting the buildings, and the ordinance allows the Planning Commission to modify building length when additional setback from adjacent uses is provided and common areas within the buildings are present, as they are in this proposal*;
- c. Waiver to allow building heights to exceed 48 feet in height, up to 89 feet (7 stories) proposed, *because the additional height allows for the building footprints to be minimized to protect natural features on the site, the site is buffered from adjacent neighborhoods by significant tree cover, parking is provided under the buildings, and the ordinance allows for additional height when additional setbacks are provided, as they are in this proposal*;
- d. Deviation to allow a reduction in the required 82 feet distance between buildings RB3.1 and RB3.3, 78 feet proposed, *because the site area is maximized and the layout reduces the impact on natural features*;
- e. Waiver for the same side driveway spacing on the north side of Fox Run Road, *as the drives have been minimized and consolidated to the extent possible,*

and the service drive has been separated from entrance and parking lot drives to minimize traffic conflicts;

- f. **Waiver for the sight distance at the southern parking area driveway less than the required 260 feet, because the road speed is relatively slow and many trees would need to be removed in order to obtain the proper distance;**
- g. **Waiver of the requirement for the outside edge of the sidewalk to be located a minimum of 15 feet from the back of curb, 7.59 feet proposed, because the placement is consistent throughout the Fox Run community and the safety of the existing sidewalks has not been an issue;**
- h. **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, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REVISED PHASING PLAN MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY.

In the matter of Fox Run Neighborhood 3, JSP18-18, motion to recommend approval to the City Council of the Revised Phasing 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 Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REVISED WETLAND PERMIT MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY.

In the matter of Fox Run Neighborhood 3, JSP18-18, motion to recommend approval to the City Council of the Revised 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 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REVISED WOODLAND PERMIT MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY.

In the matter of Fox Run Neighborhood 3, JSP18-18, motion to recommend approval to the City Council of the Revised 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.*

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REVISED STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY.

In the matter of Fox Run Neighborhood 3, JSP18-19, motion to recommend approval to the City Council of the Stormwater Management Plan, subject to 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 Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

2. ADELL CENTER PRO FIRST AMENDMENT JZ18-24 AND ZONING MAP AMENDMENT 18.724

Public hearing at the request of Orville Properties, LLC for Zoning Map Amendment 18.724 for Planning Commission's recommendation to the City Council for an amendment to the previously approved Planned Rezoning Overlay (PRO) Plan and Agreement. The subject property is approximately 23 acres and is located on Expo Center Drive (now Adell Center Drive), north of Grand River Avenue and south of I-96 in Section 15. The applicant is proposing to develop the property as a multi-unit commercial development. The current amendment is requested as changes are proposed to the approved layout for Units 6 and 7, common landscape areas, building signage, and location of accessory units.

Planner Komaragiri said the subject property is referred to as Adell Center and is located on the west side of Crescent Boulevard and south of I-96 expressway ramp. It is currently zoned TC, Town Center, with a PRO and is surrounded by industrial uses to the south and west, Town Center to the east, and Conference district to the north across the expressway.

There is an existing water tower which is proposed to remain and be located on its own unit. There are regulated wetlands and woodlands along the southern side of the property, but those are not impacted with this current revision.

As you know, the applicant has received rezoning approval to develop this property as a multi-unit commercial development by City Council at their October 22 meeting in 2018. The approved plan proposed a mix of hotels, indoor recreational centers, restaurants, and an unlisted use. As the applicant indicated earlier tonight, the roads and utilities site plan has received final approval and are under construction at the moment.

We have presented parts of this overall development in phases as the individual units are trying to get their site plan approvals. The current amendment is requested as changes are being proposed to the approved layout, primarily for Units 6 and 7, common landscape areas, building signage, and location of accessory units. The change is a result of the size of Unit 7 was increased from 1.5 acres to 2.55 acres, which made Unit 6 smaller. The end user for Unit 7 is Texas Roadhouse, so the building size was increased from 6,000 to 7,163 square feet. There was shared parking between Units 6 and 7 as part of the approved PRO plan. Shared parking is not proposed at this time, each unit stands on its own with regards to parking needs. The current revised plan will be subject to all conditions listed in the original PRO Agreement unless otherwise amended with this approval.

Staff reviews have identified multiple deviations with the revisions that were not part of the original submittal, as noted in the motion sheet. Most of the deviations have to do with the

Texas Roadhouse plan with Unit 7 itself. Deviations to location of dumpsters, transformer locations, loading space, berm and wall along Adell Drive are all Staff supported and minor. Staff recommends that transformer locations be deferred subject to Planning Commission approval at the time of site plan, as the final locations are not yet identified at this time. We also recommend including Unit 5 and 8 for alternate locations, as those units also have multiple frontages.

Planner Komaragiri said the applicant has requested a deviation from minimum parking for Texas Roadhouse, Unit 7. A minimum of 196 spaces are required, 166 spaces are provided. The applicant has provided floor plans and maximum occupancy counts. Per the applicant, it is typical for Texas Roadhouse facilities with the same square footage or greater with less parking spaces to have around 164 spaces. They included site plans of restaurants at other locations for reference. An updated review letter provided by the applicant is provided as part of the printed set you have received today. The applicant will expand on this as part of his presentation. The Planning Commission should note that the additional parking on site cannot be achieved unless the building size is reduced or the site size increased.

Texas Roadhouse building plans were provided, and our consultant identified one deviation which is supported by us. A façade sample board is provided. The applicant has agreed to revise the elevations based on our consultant's suggestions at the time of Final Site Plan.

Sample motions are included in the packet either to approve, deny, or postpone. The applicant has been working with Staff closely for the past two weeks to identify and address major issues prior to this meeting. Staff provided input to our best ability for many updates provided in a short period of time, but additional time would have resulted in more thorough reviews. The motion to postpone addresses three primary pending Staff comments at this moment. Staff believes that these comments can be addressed satisfactorily provided additional time for review.

Item 1: The initial submittal has indicated an undetermined use and vacant lot for Unit 6. Even though the amendment is primarily for Unit 7, the expansion of the site size resulted in a smaller and unique-shaped lot for Unit 6 and Staff wanted to make sure that the size of Unit 6 results in a feasible development. The applicant has worked with Staff, primarily with Planning and Fire Department, to make sure that they can come up with a layout that would work for a 2,300 square foot restaurant. However, the plan was not distributed for review for Landscape, Engineering, or Traffic reviews. The applicant states that it will most likely change once the end user is determined and would like to defer further review for a later time.

Item 2: At the time of initial PRO approval, the applicant was not able to provide sufficient information to identify light levels across the units and Adell Drive frontage because at that time, most of the information was not determined. Two deviations with regards to spillover across Adell Drive and units were included to account for possible scenarios at that time with an assumption that information will be clarified at the time of individual site plan reviews. We have reviewed site plans for most of the units – 1, 2, 3, 6, 7, 8 – but Staff is unable to determine the light levels for the overall development because they were coming in in bits and pieces and we were not able to figure out when a new one comes in how that would affect the other current ones. So we asked the applicant to provide an

overall lighting and photometric plan for the entire development in this round, so that we can identify if any light poles have to be moved or reduced in height or considered differently.

Item 3: The applicant has requested three deviations from the Sign Ordinance in their cover letter. Two of them refer to Unit 7, Texas Roadhouse, and one for Unit 2, Planet Fitness. However, sign permit applications as requested in the review letter were provided in the last two weeks. Staff was able to identify the deviations quantitatively as noted in the motion sheet, but are not clear as for the reason for the request. The applicant stated that it is to comply with their national branding.

Planner Komaragiri said there are no impacts to wetlands or woodlands proposed at this time. All reviewers are recommending approval with additional items to be addressed with the Preliminary Site Plan.

The Planning Commission is asked tonight to hold the public hearing, review the presented proposal, and make a recommendation to City Council. The Planning Commission can either postpone so that they can reconsider additional information requested, or direct the applicant to work with Staff to address these pending items prior to City Council meeting. Staff is available tonight if you have any questions. We have our Traffic consultant, Josh Bocks, and ECT consultant, Pete Hill, here. And we have representatives from Texas Roadhouse with the project engineer, Dan LeClair, who would like to expand a little bit on these issues we've discussed so far. Thank you.

Dan LeClair, with GreenTech Engineering, said thank you Sri for your presentation, I'm just going to reiterate a few things here. As Sri mentioned earlier tonight in one of her previous slides, the focus tonight is primarily on the Texas Roadhouse site which is Unit 7. When we were helping Mr. Adell bring the original PRO through the process, he was at that point in time talking to Texas Roadhouse and working out some of the details as far as where they wanted to be, what they're looking for for the area and the size of their project, but weren't finalized to the point that we were able to bring this plan through to Planning Commission and to City Council in line with the rest of the project. So that's partly the reason why we knew we were going to have to come back and amend the PRO for this site specifically.

Fortunately, there's been a little bit of time between then and now and we've gone through the site plan approval process for some of the individual units and we are able to now, instead of going to concept plans, go to real plans and site plans. And we're able to determine that there are a couple more deviations that we need. The transformers, for instance, are one. There have been some loading areas that as we go through the site plan process, it just makes common sense to make some changes and deviation requests to accommodate those from a practical standpoint.

On the screen, this is just a blow-up of the Texas Roadhouse site. They sit on Unit 7 and in addition to that, we did kind of modify the plan for Unit 6. I can tell you, and Mr. Adell is here and is probably not objective to me saying that he's looking at some smaller users. For Unit 6, it would be something like an ice cream store or a smoothie operation, something that kind of blends and jives with the rest of the development. And then a couple of hotels having activities, work out activities, he's looking for users that would blend and fit into this development, yet also fit on the smaller site because the site is

compact and it's got some constraints because of the shape of the property. But the layout that you have in front of you here, I suspect when we do come back with a user for Unit 6, it is probably going to look very similar to this because now we're at the point where we can cater the user to the site at this point.

Mr. LeClair said staying on this slide here, what I do want to do is address the couple of deviations that were talked about. I'll use my pen to point, and right at the tip of my pen, there's a little jog. When I-96 was dedicated to the public for the creation of the expressway, one of the parcels of land exempted or given to the State created a little jog in our property line right there. And as small as it is, I think from the straight line it's about 8 feet that it sticks into the site. So to be harmonious with the remainder of the site, one of our deviation requests was to continue the side yard parking lot setback to be consistent so that everything is harmonious and runs across that line. You cannot tell a difference out in the field looking at it, when you're driving along the freeway or even when you are sitting in one of these parking lots. So that was one of the deviations that we were looking at.

With respect to parking, I'm going to ask Emily Bernahl, the project architect representing Texas Roadhouse. We brought a couple of exhibits with us just to talk about Texas Roadhouse and their operations with respect to parking and how it pertains to the Ordinance. But we run into this in a lot of situations, especially with the national retailers or restaurants, where they have built hundreds of restaurants across the country, they have their models and what they use and what they have to fulfill their needs. They don't want to over-park a site when they know exactly what they need. And this happens to be one of those situations. So if I may, I'll ask Emily to step up and talk a little bit more about their operations.

Emily Bernahl, with BDG Architects, said my firm will be the architect of record for the Texas Roadhouse project. Presented before you is just a list of some active under construction projects, projects that are in permitting, and existing stores that are currently open and have been operating for fifteen, twenty years. Essentially what this is showing is that when Texas Roadhouse approaches a market and approaches a parcel of land, they have created a formula based on their tables, the number of barstools in their stores, their anticipated customers in terms of driving one car to the site, that kind of thing. So they have this pretty detailed formula that they apply to every location and ultimately include the wait time and turnover into that as well. Historically, city to city anywhere in the US, they consistently target 160 to 165 spaces, give or take based on the parcel of land they are able to use. A couple of these locations that are listed here, those in Kentucky, are well established stores and are over the square footage that we are requesting here in Novi and actually are their highest performing stores in their portfolio. So they have above average sales and particularly Somerset, that's one of their higher performing stores, it's larger in square footage and actually has significantly less parking.

Essentially, what I'm trying to demonstrate here is that, to Dan's point, when they approach a community, they are really looking to find a parcel of land that really accommodates their customers. They have a really detailed methodology to how they approach it, and they arrive consistently for their stores and their facilities to function properly around 160 to 165 spaces. So overall that's really kind of a summary of the comparable sites that we have given you today. If you have any other questions related to the parking, I'd be happy to answer.

Mr. LeClair said just to expand on what Emily had also indicated, one of the things that all of the users are looking at is the interaction between units within the site. This development has two hotels, with 160 to 180 rooms I believe in each of the rooms. So there are probably 350 to 400 people on a daily basis that are going and looking for someplace to eat. This restaurant happens to sit within easy walking distance, even two weeks ago in the cold weather, from those hotels to the front door. We did not do a shared parking study on this property yet because the parking requirements, or the user requirements, match what they need on standalone sites throughout the country. So we're thinking that this site may actually be a little bit over-parked, given the fact that we're going to have a lot of walking customers coming across the road and eliminating the need for additional parking.

One of the other items that Sri had mentioned was the signage. Sri, could you pull up the slide with the elevations? With this slide and Emily may be able to expand on this, the north elevation on this slide is almost a mirror image of the south elevation because this site, similar to the Carvana site, has frontage on the freeway as well as on the interior road. So one of our deviation requests is to actually put the Texas Roadhouse sign on both sides because we think there is going to be a significant amount of traffic and recognition obviously along the freeway and off-ramp, but in addition now that Crescent Boulevard is being expanded and lengthened down to Grand River, we feel that the signage on both sides of this building are going to help us get exposure from both directions. So it does two things – one, it generates more notoriety or more publicity from the travelling public up and down on 96, bringing customers not only to this site but to the whole development as well. And in conjunction to the additional signs that City Council has granted deviations for – certain increased signs, additional signs, that will help bring that attention to this site, this kind of follows right in. So the signs that we're asking the deviation for is basically an additional sign, as shown, that would be on the freeway side of the building. The applications are with Staff now, they were not able to get them in time for you to review, but they're in and we're hoping that you can give us some flexibility to have Staff review those and give their review to us prior to City Council.

The third item that Sri mentioned was with respect to the site lighting. The site lighting issue may actually kind of linger around with us for a while. We've done a photometric plan as part of the Roads and Utilities and the overall PRO that you folks approved and City Council approved. Now, while each of the sites are going through the site plan approval process, the photometric plans for each of the individual sites are being reviewed and approved. As the engineer for the overall development, we have requested that each of the users – iFly, Carvana, as well as the two hotels – bring us their photometric plans so that we can present it to Staff so they can review for site light levels. We're working on that. Our office is also doing the Planet Fitness site, we're working with Kevin, as well, for the water tower site and Unit 6. So some of this is going to continue to come in as pieces as the site plans are put together, and we certainly will be working with Sri on that. So she will be getting an updated plan here probably in the next week with the site lighting levels, as we take the site lighting levels from the individual sites and project on top of the overall site.

Mr. LeClair said with that, I think with a little bit of consideration to allow us to be able to take the signage to City Council, I think that we can certainly meet all the requests of Staff to be able to push this site forward through the process. If you have any questions, we're

happy to answer them. Thank you.

Chair Pehrson asked if there was anyone that wished to address the Planning Commission regarding this project. Seeing no one, he asked do we have any correspondence?

Member Greco said we do have one letter addressed to the Community Development Department from John Gasaway, 44669 Kerri Court, dated February 22. Mr. Gasaway is writing in reference to the public hearing scheduled for the Adell Center tonight. He understands that the City looks favorably on this for the additional tax revenue and services. He indicates that personally he will use the Planet Fitness on the site to save drive time for the Planet Fitness that he currently uses. The major issue he sees with the development is traffic at Novi Road and Grand River, as he believes it is already over capacity. He thinks this development may make things worse and should only be allowed if a road development project is included. New development must have direct access to Grand River so that all of its traffic does not end up on Novi Road.

Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for their consideration.

Member Avdoulos said I think we had talked about this in a meeting prior to this meeting related to the deviations and I know we went through a lot of deviations and gymnastics in order to get to the plan that was finally approved. I had an understanding that we would probably get into situations like this where once something has been identified and is final, we're going to have some push and pull. I do appreciate the architect from BDG explaining the parking and I'm sure that, because of what they showed and the model used around the country, you know your own business. I appreciate that. The question I had is on the approved development, were we looking at shared parking between all of the sites?

Planner Komaragiri said not with regards to numbers, but they always indicated that people will be sharing, like they will be cross parking but not sharing the amount of parking spaces. But with regards to Unit 6 and Unit 7, there was supposed to shared parking between the units.

Member Avdoulos said I think there's access at least to get from Unit 7 to Unit 8, and then you can get from Unit 7 to Unit 8. The big concern we have, and the project that we were looking at earlier that is going to come to Planning Commission in about a month, is when sites are tight and you need to get from one side to the other, I don't like seeing somebody having to get on a main road to have to get to the property right next to them. So if we at least maintain interconnectivity, I think that that's good. I do like having the ability that if one area is overpopulated to be able to get to the other side. Unit 8 is Carvana, so there wouldn't necessarily be a need to go back and forth, if we just wanted to do some kind of pedestrian link. But I think a lot of the questions have been answered.

So there's an undetermined use for Unit 6, my concern was that it was being squeezed out to being something practical. But I think the explanation given as to what may be the possible use, that sort of fits the overall concept of the site. So with what has been presented so far, there's many items as you're going through the report that Staff wasn't supporting, some due to insufficient information. From what you see now and what you know now, are you a little bit more comfortable than what was previously reviewed?

Planner Komaragiri said when we were given the first review letter, which was included in our packet, our biggest concern was Unit 6 was vacant. And we weren't sure what kind of use would fit there because it's such a small site. But then they did provide a layout, Jason worked with me and the Fire Marshal to make sure that secondary access points and the fire safety was addressed. But there were some minor pending comments left, like how does the loading zone work and the loading truck come in and out. And those are the items that I think we would benefit from our Traffic consultant looking at the plan, which they didn't get a chance to do. Other than those little details to be clarified, I think we have a better sense of how Unit 6 can be developed as a 2,000 square foot restaurant with parking. However, the parking calculations for that is based on the square footage, so when they come in with the restaurant and they may require additional parking based on the seating, the applicant should note that it will be restricted based on parking that's available.

Member Avdoulos said right, because it seemed like the original one was about 1.5 acres so this is 2.5, so an acre was taken away. And I guess what we don't want to see is what has been there, and I think it's still unoccupied, the building there on Novi Road by Wendy's that's been empty for maybe ten years, maybe more. So we don't want to create a hardship like that, and I'm sure being the business person that you are, you're not going to put this development or yourself in a hole and get something that is not going to work.

Mr. Adell said I can answer on Unit 6, if you want.

Member Avdoulos said if you could expand on that, it would be appreciated.

Mr. Adell said I've been talking to Wahlburgers, so something new, unique, like a little hamburger joint. I was talking to Wahlburgers about developing that site. If not, I have a concept called Novi City Pops, so it would be kind of like a little ice cream store. So if Wahlburgers doesn't take it, it's been rolling around in my head that I would actually put like a little ice cream store. It would fit with iFly possibly, with entertainment, hotels. It would be a cute little thing about Novi and the history of Novi. I also bought the Novi Special, the actual racecar, so I could put the front end of the Novi Special hanging in the little ice cream store. It would be about 2,000 square feet and it's simply just to help the area. I'd probably put a little fire pit out there, so you could have ice cream. So while you enjoy yourself at Texas Roadhouse, the kids could have ice cream.

Member Avdoulos said ok, and again, in all projects that I get involved in, I don't like seeing over-parking. So I was looking at the size of what Texas Roadhouse was, how the property grew – maintaining the number at 160 and it working with the business model, I think that's fine. So if that's going to work with what you have, that's great. I have no issues, but I would like just a continued effort between the development and the City to constantly work because it's only going to make it better for everybody.

Mr. Adell said and we have sidewalks, so a lot of people will be using those. There's not going to be barriers in the parking, so it looks open even though there's designated spots. You're going to have sidewalks if you want to go from the hotel, to Planet Fitness, to iFly. So it's going to be user friendly, I'm big on landscaping obviously and beautification so it will be very nice. And the last lot, it's not going to be a fast food – I've turned down many

fast food restaurants. I don't want a Culver's or anything fast food, like Krispy Kreme. I've turned down offers like that. And so if I do do something, it would be a 1,500-1,800 square foot building that I would put up, which would be a little ice cream store. It's not going to be a big parking issue. I'll make sure that I make it a great site.

Member Avdoulos said thank you, those are my comments.

Member Anthony said I'll make my comments quick. Initially when I looked, I thought there were a lot of deviations as well which made me lean towards the original recommendation of postponement. But after listening to the discussion, they all make sense. If it also helps with parking, I quickly used the wonders of Google Earth to look up one of their stores and counted up the parking spaces and they really do have substantially less parking spaces than we require and it seems to work, at least in the aerial photo. I know we're coming up on construction season and a lot of work can be done, so I would lean towards approval with the requirement to work with Staff to finalize.

Member Greco said with that, I would like to make a motion.

Motion made by Member Greco and seconded by Member Avdoulos.

Member Anthony said does motion have in it the requirement to work with Staff? Or did we need to insert that as an additional condition?

Planner Komaragiri said there is a list of items recommended in the motion sheet that they need to provide to us prior to the Council meeting.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF PRO AMENDMENT MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER AVDOULOS.

In the matter of the request of Orville Properties, LLC, for the Adell Center JZ18-24 with Zoning Map Amendment 18.724, motion to recommend approval to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following conditions:

- 1. This approval is subject to all conditions listed in the original PRO agreement dated October 26, 2018, unless otherwise amended with this approval;**
- 2. The current amendment is required as changes are proposed to the approved layout for Unit 6 and 7, minor changes to common landscape areas, building signage and location of accessory units.**
- 3. The recommendation includes the following ordinance deviations with this revision for consideration by the City Council:**
 - a. Planning deviation from Section 5.12 for not meeting the minimum required parking Unit 7 (A minimum of 196 spaces are required, a total of 166 spaces are proposed);**
 - b. Planning deviation from Section 4.19.2 to allow a dumpster enclosure within the interior side yard off the building for Unit 7;**
 - c. Planning deviation from Section 5.4.1 to allow the loading area within the interior side yard for Unit 6 and 7;**
 - d. Planning deviation from Section 5.4.2. to allow for a reduction in the size of the proposed Loading Area for Unit 7 (847 square feet minimum required, 786 square feet proposed);**

- e. Façade deviation from Section 5.15 to allow exceeding the maximum allowable percentages for standing seam metal for the building on Unit 7 (A maximum of 25% standing seam metal roof is allowed, 35% on East elevation and 29% on west elevation is proposed);
- f. Landscape deviation from section. 5.5.3 for lack of undulations in the landscape berm with a 3' height along I-96 frontage.
- g. Planning deviation to allow placement of transformers in alternate locations instead of required rear yard, provided proposed locations conform to other code requirements and appropriate screening will be provided at the time of Preliminary Site Plan review. This is applicable for Units 1, 2, 3, 6 and 7.
- h. Planning deviation from Section 3.1.25.D to allow reduction of minimum required exterior side parking setback of 20 feet for Unit 6 (A minimum of 20 feet is required, a minimum of 13 feet along the northeast property boundary indentation is proposed for approximately 50 feet as shown on the plans;
- i. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 7 Texas Roadhouse as listed below (Not recommended by staff since the applicant has not demonstrated that the provisions sought to be deviated from would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest and would be consistent with the Master Plan and the surrounding area);
 - a. A variance of from code Section 28-7(a)(9) would be required for an oversized illuminated window sign 14.6 square feet over allowable size (3.5 square feet) for illuminated window sign
 - b. A variance from code Section 28-5(b)(1)b. would be required for front and rear building wall signs as noted below:
 - i. Front elevation sign is over sized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 off-ramp. A maximum of 60 square feet is permitted;
 - ii. Rear elevation sign is over sized by 94.5 square feet based on 273 feet from the centerline of Adell Center Drive; A maximum of 136.5 square feet is permitted;

The following items shall be addressed in the PRO Concept Plan prior to City Council consideration of Planned Rezoning Concept Plan, and/or items listed above based on Planning Commission's determination:

1. The applicant shall provide a formal revised submittal to provide sufficient time for staff and consultants to review the revised layout for Unit 6 dated 03-07-19, as submitted with the response letter dated 03-07-2019. Additional comments may be warranted since Unit 6 has been reduced in size from the approved PRO Plan and detailed information was not provided in time for a complete review by staff);
2. The applicant shall provide necessary information to identify the necessary deviations from Chapter 28, Signs from City Code of Ordinances for Unit 2 –Planet Fitness prior to the City Council's consideration for tentative approval of PRO Concept plan;
3. The applicant shall provide an overall lighting and photometric plan for the entire development for staff to verify overall light levels. The plan shall include, but not

limited to, the following:

- a. Location of light fixtures within individual parking lots and along Adell Drive
 - b. Specification sheets
 - c. Height of the fixtures
 - d. Foot candle values along lot lines
 - e. Average to minimum ratio per each unit
4. The applicant shall provide revised building elevations for unit 7, Texas Roadhouse that address the following:
- a. The applicant shall reduce the proposed Split Faced CMU on the north (I-96 Exposure) façade that are not to exceed 10% of the façade materials on that elevation by substituting brick or stone on the dumpster enclosure portion of the building façade, as noted in the façade review letter;
 - b. The applicant shall screen all roof top equipment from view from all vantage points both on-site and off-site using extended parapets or roof screens constructed of materials in compliance with the Façade Ordinance
5. In lieu of a continuous decorative brick wall along the Adell Drive Frontage, as noted in the approved PRO Agreement; the applicant shall provide a combination of decorative brick wall and decorative railing as shown in the revised plans. This is proposed to create interesting aesthetic along Adell Drive and is supported by staff;
6. The applicant is encouraged to address the sign deviations required and provide information showing how each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and would be consistent with the Master Plan and the surrounding area;

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement:

1. Future use for Unit 6 shall be updated to "Restaurant" in order to be consistent with the approved PRO Agreement, since information has not been provided with this submittal to address any proposed change in use.
2. Unit 6 shall have only one primary access off of Adell Drive, which is currently shown as shared with Unit 7 on the plan.
3. Unit 6 is currently approved as a restaurant. Minimum parking requirement for Unit 6 is calculated based on gross leasable area since the end user is unknown. The applicant shall note that the number of seats for future restaurant shall be dependent on the available parking.

This motion is made because the proposed amendment is proposing changes that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. iFLY NOVI JSP18-49

Consideration at the request of SkyGroup investments, LLC for JSP 18-49 iFly Novi for approval of a Section 9 waiver. The applicant is proposing a 6,713 square foot indoor recreational facility; popularly known as iFly that provides an indoor skydiving experience. The applicant is requesting a revised Section 9 waiver for changing the color of flat metal panels.

Planner Komaragiri said iFly is Unit 1 in the Adell Center development and Planning Commission had approved the Preliminary Site Plan with some deviations from the Facade Ordinance at their October 24 meeting last year. At that meeting, certain deviations were approved for the building materials. The applicant has recently made a revision to the color of flat metal panels as part of their national prototype design development. They were originally gray, but are now changed to blue. And no changes to material calculations are proposed at this time. Everything else stayed the same except for the change of material. The façade samples are in front of the podium. So they're changing it to the blue, which is on the top left corner. Our Façade consultant noted that the revision is consistent with the original approval; however, given the high visibility location, we are presenting the revised color for your approval. The Planning Commission is requested tonight to consider the revision and to either approve or deny the change of color.

Greg Allen said good evening, I'm the corporate architect for iFly, their design manager. First and foremost, I want to give thanks to Sri – we have been working with her for what seems like forever, and she has always been a help getting us to this point so I just want to say thank you, Sri, for your help on this. When we first started this project last year, we were developing a whole new prototype for iFly. And we've gone through a whole lot of changes not only on the exterior, but on the interior, as well. And this is one of the last iterations that we've done for the North American segment of this prototype. And the dark panels, when started talking the metal panel company, they started giving us a lot of warnings about using that dark panel. It would have to be more of a custom color, they don't usually have that on the shelf. They offer it as a color, but they don't sell it very often because in the heat, it does capture that heat and start doing some funky things to the building and the panels.

So after talking with them, we asked them if we used this blue if it would do the same thing and they said that it would not do the damage that the dark color would. So we ran it through our corporate design committee, they have approved it, so that's what we're applying for tonight. Thank you.

Chair Pehrson turned it over to the Planning Commission for their consideration.

Member Avdoulos said a quick question to the architect. So this is changing the color, but is there also an addition of the red banding around the glazing?

Mr. Allen said are you talking about the window frames themselves?

Member Avdoulos said the one has the red vertical element and then there's nothing around the curtain wall, and that one has the red around the curtain wall. So are we adjusting like locations and quantities? Is the design changing a little bit on the façade?

Mr. Allen said mainly that came from the design, that red chimney as we call it, was actually to give us access to the elevator. And we have changed the elevator, so that piece of the puzzle that was sticking out from the building was no longer needed.

Member Avdoulos said I actually like this design better, it's a lot cleaner and I like the additional fins to go across to break up the façade. So I appreciate this direction to make it better. So I'd like to make a motion.

Motion made by Member Avdoulos and seconded by Member Maday.

ROLL CALL VOTE TO APPROVE SECTION 9 FAÇADE WAIVER MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER MADAY.

In the matter of the request of SkyGroup investments, LLC, for the iFly Novi JSP 18-49, motion to approve the Section 9 Façade Waiver based on and subject to the following:

- 1. Approval of change of metal panel colors from approved grey to revised blue as indicated in the façade sample board;**
- 2. Subject to conditions of the Section 9 waiver approved on October 24, 2018, subject to the following:**
 - a. exceeding the maximum allowed percentages for flat metal panels (50% maximum allowed, 75% on the front, 80% on both sides, 75% on the rear proposed);**
 - b. not meeting the minimum requirements for brick (30% minimum required, 25% on the front, 20% on both sides, 25% on the rear proposed);**
 - c. not meeting the minimum requirements for combined brick and stone (50% minimum required, 25% on the front, 20% on both sides, 25% on the rear proposed).**

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.

2. ZONING ORDINANCE TEXT AMENDMENT 18.282

Set public hearing for Text Amendment 18.282 to consider amending the City of Novi Zoning Ordinance in order to clarify items, fix inconsistencies between the former version of the Ordinance and the new ClearZoning version, and other minor adjustments deemed necessary.

Planner Bell said in your packet, you'll find a number of the proposed text amendments to the Zoning Ordinance as proposed by Staff. These changes are intended to clarify items, fix inconsistencies between the former version and the ClearZoning version that was done a few years ago, and other items as deemed necessary. Just a quick selection of a couple of those – they would include renumbering and updating the formatting for the RM-1 district; clarifying the types of retail businesses allowed; removing redundant entries and adding instructional centers back into B-2 and B-3 districts; clarifying side and rear yard parking setbacks in the notes to district standards; clarifying the location and screening of transformer units and other small utility boxes; as well as adding a use standard for marijuana establishments, which states they are prohibited to reflect the recent City Council action; as well as a request from the City Clerk's Office to add a procedure for protest petitions under Article 7.

The Planning Commission is asked to review the proposed amendments and if acceptable, set a public hearing for the text amendment at a future meeting. Following the public hearing, the Planning Commission will be asked to make a recommendation to the City Council on the proposed Ordinance amendments.

Member Maday said I just have one question, it's related to number 10. What is the

purpose of that one?

City Planner McBeth said so for the Gateway East district, the Ordinance indicates that there would be a public hearing for certain projects in that district at the Planning Commission and then another public hearing at the City Council. We felt that sometimes can be a little bit redundant, so instead of a public hearing at City Council too, it would just require a public hearing at Planning Commission.

Member Greco said with that, I would like to make a motion.

Motion made by Member Greco and seconded by Member Avdoulos.

ROLL CALL VOTE TO SET A PUBLIC HEARING MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER AVDOULOS.

Motion to set public hearing for Text Amendment 18.282 to consider amending the City of Novi Zoning Ordinance. *Motion carried 5-0.*

3. APPROVAL OF THE FEBRUARY 27, 2019 PLANNING COMMISSION MINUTES

Motion made by Member Greco and seconded by Member Maday.

ROLL CALL VOTE TO APPROVE THE FEBRUARY 27, 2019 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER GRECO AND SECONDED BY MEMBER MADAY.

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

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

Nobody in the audience wished to speak.

ADJOURNMENT

Moved by Member Avdoulos and seconded by Member Greco.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRECO.

Motion to adjourn the March 13, 2019 Planning Commission meeting. *Motion carried 5-0.*

The meeting was adjourned at 8:27 PM.