



PLANNING COMMISSION MINUTES

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Member Avdoulos said I'd like to make an amendment to the agenda to move Item 3 – Lakeview JSP18-16 to be Item 2 on the agenda, and the following items to be numbered accordingly.

Moved by Member Avdoulos and seconded by Member Lynch.

VOICE VOTE TO APPROVE THE APRIL 17, 2019 AGENDA AS AMENDED MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to approve the April 17, 2019 Planning Commission Agenda. *Motion carried 5-0.*

AUDIENCE PARTICIPATION

Nobody in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

Planner Komaragiri said there is nothing to report.

CONSENT AGENDA

There were no items on the consent agenda.

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-through.

Planner Komaragiri said the applicant proposes to redevelop the 1.4-acre site located at the northeast corner of Novi Road and I-96 exit ramp intersection. The new restaurant will be approximately 4,990 square feet. It includes a drive-through and a play area inside the building. The restaurant proposes 114 indoor seating and 16 outdoor seating.

The property is currently zoned RC, Regional Center. The existing building is considered a legal non-conforming structure, as it doesn't meet the current parking or building setbacks. The proposed redevelopment is required to conform to the Ordinance standards and is not allowed to follow the non-conforming setbacks. As noted in the rezoning review, this would limit the development potential for the site. The applicant is proposing to redevelop the site using the PD-2 Option, which provides a greater flexibility for redevelopment and also allows a drive-through. The subject property would be rezoned from RC to RC with a PD-2 Option.

The PD-2 Planned Development Option is intended to permit the limited application of more extensive commercial uses in a district otherwise restricted to community and regional oriented shopping centers. Our Future Land Use map indicates Regional Commercial for this and surrounding properties. This is located in close proximity to the properties to the west across Novi Road and properties along Twelve Mile Road which are designated as PD-2. This is also located on the periphery of Twelve Oaks Mall, similar to McDonalds drive-through to the north.

The Engineering review letter notes that rezoning will result in utility demands that are approximately equal or less than the utility demand if the property were to be developed under the current zoning.

The applicant has submitted a Community Impact Study, Noise Impact Study, Traffic Impact Study, Parking and Queuing Study. The studies noted that the impacts of the development are not anticipated to degrade levels of services beyond those under existing conditions during either the AM or PM peak periods.

Planner Komaragiri said our Zoning Ordinance allows the Planning Commission to proceed simultaneously with review and recommendation on applications for rezoning, PD Option and Preliminary Site Plan with a Special Land Use approval at the same time. Conditions of Special Land Use, as noted in the review letter, should be considered. Deviations from the Ordinance are considered and are subject to City Council approval based on Planning Commission approval and will be part of a PD agreement. The applicant requests about 19 deviations for the current layout. Most of the deviations are because the plan is trying to accommodate a drive-through and associated uses in a relatively small site.

Some of the deviations are straightforward, such as lack of Rezoning Traffic Study and distance from another restaurant. They are supported by Staff. Some required additional conditions, such as loading zone and dumpster location, which are located in an interior side yard and it was hard to avoid, as the site has frontage on three sides. All parking setback deviations are consistent with existing non-conformities. The proposed building location would require a deviation, with 50 feet required and 32 feet proposed. The applicant may expand on this during their presentation. The building is proposed at the current location to accommodate required queuing and site visibility from Novi Road. The applicant noted that multiple alternatives were considered before setting with this one.

If you may notice, the original plan that was part of the packet included angled parking in this location, but they provided revised layout that shows perpendicular parking. A deviation is required for a lack of bypass lane for a limited stretch, as indicated in the red circle on the screen. The applicant is providing an 11-foot bypass lane when two drive-through lanes merge into one around the northwest corner. Fire has confirmed that it has access to all sides of the building and has no additional comments or concerns to the proposed layout. Traffic is in support of the layout based on the Queuing Study findings.

Another major deviation that is required is for the lack of minimum parking. Based on the restaurant size, a minimum of 100 spaces are required and the applicant is only providing 65. The applicant has provided a Parking Study to support the proposed number. The Study compared three different existing locations. Two of the location required about 62 spaces at peak time. The Grand Rapids location, which is one of those three, required 79 parking spaces. The proposed parking is closer to the peak demand, however it is less than the 79. However, we recommend that the applicant pursue a shared parking agreement with the La-Z-Boy facility to the east to alleviate issues if potential peak parking reaches parking needs similar to Grand Rapids.

Planner Komaragiri said a Queuing Study was submitted, which compared queuing demand at three similar locations. The existing demand is between 11 and 20, depending on the location. The current plan proposes 17 spaces from the pick-up window to here. The Traffic review recommended designating the spaces for employee parking, indicated in red, to avoid potential conflict with excessive queuing so people are not stuck in those spaces trying to get out.

Most of the Landscape deviations were not supported earlier based on the packet you received. However, the applicant has been working with our Landscape Architect on possible revisions in the last couple of days. Staff now supports all the deviations at this time, as they made an attempt to reduce the intensity of what they were asking before.

Stormwater would be collected by a single storm sewer collection system and discharged to a regional detention basin, which is why you don't see a pond on the site at this time. The building elevations conform to the code and do not require any waivers. Engineering and Fire recommend approval, with additional changes to be made with Final Site Plan.

As the proposed rezoning is not supported by the Future Land Use map, the rezoning request was presented to the Master Planning and Zoning Committee for input. The Committee provided favorable input and asked the applicant to address issues regarding circulation in and out of the site. Our Traffic consultant, after reviewing this exhibit, recommended that the exiting traffic from the drive-through should be directed towards the eastern exit, not the northern, because people exiting the site will not be able to turn left at either of those exits and they'd have to turn back to Twelve Oaks Drive to get back to Novi Road. The applicant is going to present and expand on this as part of their presentation.

Planner Komaragiri said the Planning Commission is asked tonight to hold the public hearing and make a recommendation to City Council for the items stated earlier – the rezoning, PD-2 Option, Site Plan, Special Land Use, and Stormwater Management Plan, along with the mentioned deviations. The applicant, Jason Hill, is here tonight the design Engineer, Ellen Selle, and will make a presentation shortly. We have our Traffic Consultant, Josh Bocks, and Façade Consultant, Doug Necci, here tonight if you have any questions for them. Thank you.

Jason Hill, with Chick-Fil-A, said it's good to see you all again, we're excited to be here. The first thing I'd like to do is thank you, Mr. Chair and members of the Planning Commission, for hearing our case tonight. We know it takes time and energy and effort to review it, so we thank you for that. Most of all, I want to thank Sri and the rest of the Staff – you've been really great to work with, you're very smart folks and you represent the City of Novi really well, so we thank you for that and most of all for your thoroughness.

Given that you've got a full agenda tonight, I'll be brief. We're just really excited about being here. I won't go into the Chick-Fil-A spiel per se, I just want you to know that we worked really, really hard to take a unique piece of property that had a lot of physical challenges with it and maximize it to the best of our ability to support our operations. And we worked hard to minimize the number of deviations and working back and forth with Staff. What you have before you presents the latest and greatest in the innovations that we've got, both inside the building as well as outside of the building on the site specific to the drive-through use. I think you'll notice that if you go to any of our locations during peak times, we have team members outside taking orders face to face to help efficiency through the drive-through. And in order to help do that in a way that's most comfortable for our team members, we have instituted some canopies to do that. So we would envision our drive-through to function at high efficiency at this location because of all the innovations we've got incorporated into this.

As mentioned, we designed the site to maximize the parking as much as we can. We provided the Parking Study, which shows the numbers are pretty close to the 68 spaces that we've been able to provide. We have since reached out to the La-Z-Boy ownership. They're not currently in support of providing us with a Shared Parking Agreement, so I just want to be transparent about that – we're not able to maintain that, so we're hopeful we can garner your support in spite of that. With that, I'll turn it over to Ellen Selle from GPD to

give you a low-down on the site layout.

Ellen Selle, with GPD Group, said I'm going to skip through these first few slides since Jason did a great job talking to us about Chick-Fil-A. So here is the overall Twelve Oaks Mall layout, and you can see where Chick-Fil-A is proposing to go. And it's not just a straight up rectangular site, there are some unique characteristics to it. We border Novi Road primarily, we also border I-96 and also Twelve Oaks Road, a one-way just north of us.

So here is just a closer view that shows that same layout that Sri was showing us. You can see that we are looking to best drive the customers out of the site. We've been in discussions with the mall and with the property owner to see what is best for that. So talking with the Traffic engineer, we're looking at putting a Stop sign here at the end of the drive-through, again forcing all of that traffic out of the site through La-Z-Boy coming out of the southern drive. From there, they have the option to either go north or south. North will take them to the closest signalized intersection, and south will take them around the ring road. And you can see that a little better here. Not everyone will go out those first drives, that can be seen better in the distribution in the Traffic Study so you can look at that a little more to see exactly how many are going to go where.

Ms. Selle said, I also want to point out the Shared Parking that we weren't able to get, as Jason mentioned, but we have done a lot on the site to help get our numbers there. Sri had mentioned that we had 63 parking stalls, and we actually have moved that up to 68. With taking those angled spots at the top and making them perpendicular, we've been able to pick up a few spots there. So we're really working to get towards that number. The other thing was the Queuing Study said that 77 was the maximum at the 95 percentile, that was the number of vehicles that were parked at the one particular location out of the three. But the average number was 71, and 71 is a lot closer to the 68 that we're looking at and that was again, only at one of the three. The other three were well under the 68. We also have internally looked at other sites around the Michigan area that have similar size footprint, and they're all within that just under 70 number – between about 55 and 70, and they're all right there and all performing very well and they're not overly parked. So we are well within that range and we feel comfortable with the number of 68 that we've presented.

Here is the proposed site plan that is overlaid, you can see where that existing building is, how Sri was talking about the setbacks, and how we have this uniqueness to the site. So we have laid out the building to be along that angled to allow us to have the most stacked cars. We have a 22 stack here and that is a pinchpoint, but that's where the two lanes come together so you don't want those two lanes picking up from the drive-through area so you need that area to constrict down. So with that, we've talked to the Fire Department and we've actually worked with them to be able to bring the fire truck in along the drive-through side. If there was a fire, they would have the space. The reason for that bypass lane was so the truck could fully circulate. So we worked our way around that and talked to them about making those modifications and you can see the square in red is our canopy for where our order point is, that's where those two lanes are and then they're going to pinch down into one. And the other area that's kind of in red there, that's where our drive-through canopy is, and that's been shortened closer to the building so that fire truck can have access. And here you can see it a little better on our site plan. And then these are the auto-turns that just kind of shows you how those vehicles are going to get in and it's still going to work. Here is the garbage pick-up, here is that fire truck that

is going to pull in along the building side and still have room to make those maneuverability, and also we have the box truck that is going to deliver in that loading zone.

Ms. Selle said the Landscape plan we worked through extensively with Rick and I'm so happy to say that today we got confirmation that all the trees we got put in and all the landscaping, we're looking at I think close to 52 trees and we really tried to maximize everywhere we could. Some of the things we discussed are that when we put in the parking stalls, we were able to rearrange some of the square footages up there so we would have space to put in additional endcap trees that were required, also get that square footage up to where we need to be. And then I can show you a little better, here's the landscape plan again and the grading plan. So we've really worked with the existing conditions of the site and one of the conditions was that they wanted the drive-through screened. So with the site being lower than Novi Road and being lower than the highway right there, we were able to work with those elevations so our site is a little lower, we've also bermed up a little bit and then added the row of trees and shrubs that fully blocked your view of the drive-through. And then with this, I just wanted to point out the two existing utilities that have limited us from putting in trees in those endcap islands. It's at the two ends closest to the La-Z-Boy, there's some utilities that we're working with that we can't put one in but again, we've worked with Rick to maximize what we can to put additional square footage and all the trees that we could put on site.

I want to show some of the elevations. We do have a materials board, it shows the two different kinds of brick that we're proposing. And this top elevation is the drive-through side, so that's what you'll see from Novi Road. But again, you won't see all of it because it will be screened by a lot of trees, shrubs, the berm, and then also there will be some cars possibly on the drive-through so you won't be able to see all of that building. The lower one is what you'll see from the parking lot. The top elevation here is the front entry that kind of faces caddy corner to Novi Road, and that will have a patio in front. And then the bottom one is obviously the rear, and that faces the dumpster side and the highway side. And these are just generic perspective views, it's not exactly how the site lays out but you can kind of get a better idea of how the building is. And this is the overall floor plan, it shows that Play Place that we discussed.

We're happy to say that we've worked through a lot of those waivers and we feel that we have the City staff's recommendation for approval on all of the waivers we've asked for. So if you have questions, we'd be happy to answer.

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

Leonard Riber, 42901 W Thirteen Mile Road, said I'm opposed to the rezoning. I don't mind the restaurant, I just don't want to change the way things are. There's always plenty of congestion on Novi Road. Thank you.

Jennifer Riber, 42901 W Thirteen Mile Road, said I'm opposed to the drive-through aspect of the restaurant. I think that even though they've talked about how they're going to reroute traffic, it's still going to cause too much of a problem. Thank you.

Gladye Moulder, 25147 Sullivan Lane, said I don't know how many of you go out shopping

in Christmas season starting October to January. If you try to get out of the mall around that drive, you can't make any turns. The traffic is already backed up all the way inside the mall. I have no issues with having the restaurant. The drive-through portion of it, it's going to make life a lot more difficult for the shoppers at the mall, people who are trying to get to the mall, get out of the mall. As it is right now without the drive-through there, if you are trying to get out of the mall on Sunday afternoon for instance. The mall closes at 6 o'clock, and by 5 o'clock, 5:30, the traffic already is backed up. On the exit of the mall to get onto Novi Road, there is one traffic light and a stop sign that is exactly where the site is. How do you think people are going to get in and out of the mall, or for that matter get in and out of the restaurant? Because it's already backed up. Just food for thought. Thank you.

Ron Jones, 42323 Park Ridge Road, said I've been here for over forty years, I don't see anything wrong with replacing one restaurant with another restaurant. And I'm tired of driving all the way to Troy or Toledo for a Chick-Fil-A. I'm in support of this Chick-Fil-A. We've put restaurants in, we've taken restaurants out, we've taken businesses in and out. Sears is closing down, so we have enough removal of some traffic that will help alleviate any Chick-Fil-A parking problem we might have. And Christmas is Christmas, I don't care which mall you go to - you're going to stand in line to get in, stand in line to get out. So I'm in support of Chick-Fil-A.

Dorothy Duchesneau, 125 Henning, said I like chicken. I am concerned, however, with this proposal because of the rezoning to allow the drive-through. This results in an increasing number of in-and-out trips because of the nature of the drive-through. The traffic count impact study that was done in mid-January and February will likely be much different than one done in the back-to-school or Christmas holiday season, at least as far as the regional shopping mall is concerned. Although other outlots surrounding this mall can, and some do, include a drive-through option, this site with the location literally behind the La-Z-Boy does not. This lot's location and its access might have been the reason for this exclusion in the zoning when the mall was created back in the late 70s. Chick-Fil-A is a primary drive-through location, they say that their expectation is that 60 percent of their business to be drive-through. It will have much different traffic patterns and volume compared to the previous 24-hour Denny's. The stacking request of 22 cars seems to indicate this; it is double the 12 slated for the Starbucks expansion across the street, which I supported.

The west-east traffic flow coming off the northbound Novi Road exit from the westbound expressway runs only one way east to the mall road. It's an easy access into the mall without having to use any of the Novi traffic lights when heading north, but that inbound east road also causes issues when you try to get back out. Going south, you have to know that there's a no left turn sign at that spot. On top of that, on the ring road, you do have to keep an eye out for the small sign that says turn right here to get to the Denny's or the La-Z-Boy. For me, grabbing a meal while on the run means getting in and out of a drive-through location with the least amount of hassle. That means easy access in and quick and easy access back to the road I was on so I can continue my journey to wherever. I would like to know what the mall's views are on the increasing usage of the La-Z-Boy ingress-egress point being used for left turns to get back on the ring road, especially during shopping seasons. Page 220 of your packet shows all those exits more clearly because it shows the entire mall. If you do the expanded Google Maps view of the three similar sites listed by the applicant on pages 170, 370, 475, they show much easier and cleaner and in some cases more ingress and egress points than what is remotely possible

for this site. We've lost a Big Boy's and a Bob Evans in the past due to access issues, hate to see that happen to Chick-Fil-A. Thank you.

Michel Duchesneau, 1191 South Lake Drive, said many of the residents of Novi have approached me and said they'd love to see a Chick-Fil-A in Novi. However, this is not the plan or location that should be supported. The applicant's Chick-Fil-A request for rezoning should be denied. The applicant's proposal does not meet the City's current ordinances for a drive-through restaurant. For this location, the applicant should consider building a restaurant without the drive-through feature and have more parking. A sit-down restaurant is a viable use for this site under its current zoning. The Denny's restaurant is evidence of that. The restaurant flourished for decades and was still successful when it closed. The applicant's proposal has a lack of on-site parking. This is a major deviation and is the main reason for denying this proposal. The plan that is proposed, and I've updated it, provides for only 68 of the 100 parking spaces required. Currently, Denny's has 90 parking spaces. The applicant's proposal removes 22 parking spaces from what is currently on site. In addition, the applicant's submittal also indicates 20 to 22 vehicles maybe in line stacked up in the drive-through. This is extensive vehicle stacking, access to parking spaces will be further hindered, customers coming for indoor-outdoor seating will most likely use the La-Z-Boy parking spaces for overflow or convenience.

A bypass lane is required by City Ordinance for a drive-through. This requirement is not met. Access to the site is a concern for this establishment. The egress, which has been mentioned, basically routes you in a long way and it's awkward for the drive-through. The site is too small for the applicant's proposal. This is evidenced by the large number of deviations required and these include not meeting required setbacks and not meeting City's landscaping requirements. It sounds like they have made substantial improvements with the landscaping based on what was said earlier, but it sounds like there are still deviations needed. Every time we grant such a large number of deviations to an applicant, we dilute the value of our Ordinances. Thank you.

Jim Brady, 50983 Glades Court West, said my daughter Megan has some words to say in support of Chick-Fil-A.

Megan Brady, 50983 Glades Court West, said I am nine years old. I am here to support our community and the business in Novi. I believe opening a Chick-Fil-A in the City of Novi is a fabulous idea. When I was younger and I lived in North Carolina, I went to Chick-Fil-A a lot because they had great chicken that was good for you, nice people who worked there, an amazing customer experience, and always very clean. By adding a Chick-Fil-A to Novi, it would bring good tax dollars to the City and give support to the community. Thank you.

Mike Garbacik, 24655 Dinsler Drive, said I've lived in Novi since 1988 and I can tell you that the mall now is not what it used to be. We need more things that will drive people to come to the mall, come to Novi, and Chick-Fil-A will be one of those things. Everybody travels to go to Chick-Fil-A, people enjoy it. This mall has 1.5 million square feet of retail space and over 7,000 parking spots. They can get people in and out of there, there is no problem moving around that mall. And having another full operating restaurant instead of the dead, empty, decaying Denny's that it is now – I think that would be a great thing to see the first thing when you come off of the Novi Road exit.

Chair Pehrson asked if there was anyone else that wished to address the Planning

Commission regarding this project. Seeing no one, he asked if there was any correspondence.

Member Lynch said yes. We have five letters of support.

Chair Pehrson said those will all be entered into the record. Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for their consideration.

Member Anthony said Rick, so now we've at least been able to get an update on the Landscaping. I just wanted to hear from you about that update, how you feel about it.

Landscape Architect Meader said so they've eliminated a lot of the waivers that they had, and of the waivers that are left, the primary one would probably be the width of the setback on the southwest corner but that basically has a huge area in front of it so I didn't really think that that was too much of an issue. They have a couple endcaps where they can't have the trees because there are utility conflicts. And then they can't have all of the foundation plantings at the building just because of the way the layout is and the drive-through, so they have them across the aisle but there's still a lot. So from the road, it will still look like the foundation is basically landscaped, it's just not right at the foundation. So that's where those primary ones were that we were working through, but they were able to shift things around to get more of the interior islands that I was looking for. So I think it will be a really heavily landscaped site and I think it will be attractive.

Member Anthony said and I think it was 59 trees now that would be there.

Landscape Architect Meader said I didn't count the total trees. If that's what she said, I trust her.

Ms. Selle said it was around 52.

Member Anthony said I do have to say, I didn't think you'd be able to pull off landscaping like that, so good job and good work there. The trees that are closest to the road on Novi Road, are they angled like that so that you don't disrupt the line of sight for cars moving in and out of the road?

Landscape Architect Meader said no they're pretty well centered along there, and they may not even be able to be planted anyway if the Road Commission for Oakland County says no. But they're ok, because that is the drive in only so it's not really blocking any visibility. But the Road Commission does what they want to do, and we will go along with that.

Member Anthony said so the Road Commission will still have final say in making sure that that visibility is open and safe?

Landscape Architect Meader said for those four trees, yes.

Member Anthony said alright, good. I like our rezoning from the Regional Center to the PD-2, simply because we maintain control of that property and if this were to move to another business, we also would have another shot at that. When I look at the Traffic

Study, we have good engineers that we hire from the outside. They went through and they saw minimal degradation to the traffic, and I think part of that is because the Chick-Fil-A is within the mall complex as opposed to out on Novi Road with the access. So wherever that goes within that mall, you would end up with the same effect anyway. So the traffic seems to fit well. The issue is on the parking, and this question I have for the Chick-Fil-A staff. I know you gave your pitch on that, but have you talked with the mall? Because there is considerable space for parking across in the mall parking lot.

Mr. Hill said yes, our concern with that is that we don't want to direct people to park there because one it's a long way to walk and two there is not adequate pedestrian activity from that mall parking all the way to our site. And we don't want to start introducing the opportunity for people to cross what folks have already described as a busy ring road. Just to keep it safe for everybody.

Member Anthony said yeah, I think you will have parking there anyways. You can see that this is going to be a pretty popular site, I bet it matches your flow in Grand Rapids. At least with the parking, it's contained. It's not going to cause an overflow out onto Novi Road, it's going to be contained in our mall area. And this leads me to addressing the one comment on a site that has many deviations. Often we have a site that is difficult and you can see where businesses may struggle with that location. But there is an opportunity to put a store that right now has a tremendous draw into a region where we do see some decline. And those deviations are often necessary in order to do that. So I look at this and realize we have a tough spot, but I do think this is good for that particular area and I do feel good that at least the Novi Road traffic is cushioned from the location. And I would support this.

Member Lynch said very briefly, I am familiar with this area. I did own a residential property at the Enclave, which is over there by the mall. And you're right, at Christmas time, traffic is bad with or without the restaurant. There are better ways to avoid the traffic – once you live there, you know to go out the back way. But what's worse than that is having a decaying site, which is what we have now. We have a restaurant, two restaurants, that went out of business. I don't like seeing that either, I think that's worse. Right now, my understanding of the district is drive-throughs are in fact permitted. I like what you did, I know it's a tough site. I think you did a great engineering job with that tough site.

I agree with Member Anthony that Chick-Fil-A is going to be a draw, and not only good for Chick-Fil-A but I think it's going to be good for the mall – when you're there, you go to the mall, you go to Chick-Fil-A. I think it's a good thing for Novi. I don't see the traffic problems, and I'm not too concerned about a few parking space issues with the drive-through. I am very familiar with that specific area, it's where I used to drive in to get to my property. I think it's a good addition, I think you did the best you could with the site. I think you're well within the zoning. The zoning change really is advantageous for the City, I think the PD-2 Option gives the City a little more say in final approval. So I think that's a good thing. So overall, with that particular site, I think you did an amazing job. I did read through the packet and thank you very much for working with Staff. I am totally in support of this, I think it's going to be good for Novi. I think that Christmas is going to be Christmas, but the other 360 days of the year we have a more even flow. I don't think there are going to be as bad of traffic and parking issues as some may think. If you take Christmas on its own, that whole week there – yeah there is traffic and parking issues everywhere. But if you look

at the entire year, I think it's going to be an overall benefit to the City and I appreciate you coming to Novi and I appreciate the work that you did.

Member Hornung said can we put the circulation map on the board? So from what I've seen by studying this packet is that I do see some severe concerns about this particular circulation. Everybody is coming in either through this route at the top and turning in, which I think is typical for northbound traffic. And some folks might come in this way. Now based on what was said earlier, 100 percent of the vehicles leaving the site will leave through here, is that correct?

Ms. Selle said no, just 100 percent of the drive-through traffic will leave that way.

Member Hornung said ok, drive-through traffic will be forced to go only this way. The parked traffic can make a choice.

Ms. Selle said they still have the option, yes.

Member Hornung said ok. At the current La-Z-Boy location, this area right here is the loading dock for that store. And right here, there are two speed bumps in this space. My question for Staff is, is there anything that would prevent or allow La-Z-Boy to continue to have those for all of that exiting traffic?

Planner Komaragiri said can you please repeat the last part?

Member Hornung said so La-Z-Boy has two speed bumps in the way that all of the drive-through egress traffic will be leaving the site. Would La-Z-Boy be able to maintain those or even add more if they thought that there was too much traffic going through their loading zone?

Planner Komaragiri said this seems like a good question for Josh Bocks, our Traffic consultant, to respond. I'm pretty sure those speed bumps were part of a traffic calming technique. If you don't mind, I'll defer to Josh.

Traffic Consultant Bocks said good evening. As far as speed bumps, I do not know that answer off the top of my head. That is something that I would have to look in to, I apologize. But it is possible that they could add more, I'm not 100 percent sure.

Member Hornung said and that drive, that space there that La-Z-Boy is using, is completely on their property and controlled by them? Is that true?

Traffic Consultant Bocks said I believe the roadway is part of the overall site. Their loading zone would have to allow a bypass lane by code anyways, just like the loading zone for Chick-Fil-A and other businesses are required to do.

Member Hornung so that bypass lane right now in this picture is showing two-way traffic. Is the design that traffic could come in through this route, if they so choose, and this is designed and planned for two-way traffic? And we're only required one bypass lane for this particular site?

Traffic Consultant Bocks said I believe so.

Member Hornung said I think one of the things that is going to be paramount in today's meeting is the idea of being good neighbors. And it will be incumbent upon this development ever succeeding that La-Z-Boy and Chick-Fil-A get along really well. Because if La-Z-Boy pulled up a big truck and blocked the way, there's really no other avenue for drive-through customers to leave and Chick-Fil-A doesn't have any recourse on that. So there's another problem that I've seen in this particular layout. When traffic leaves here, there's currently a blockage right here so that nobody can turn left. So this map is not correct and there is no way to actually do this at this time. So all traffic leaving the Chick-Fil-A must go down to here, and I think they can pull a U-turn over here but we're looking at approximately 1,100 cars per day on average based on the numbers that were supplied in our packet.

Chair Pehrson said can you show that again?

Member Hornung said so what's happened here, the mall has a curb here in this space.

Chair Pehrson said that stops short up to where that blue arrow is. I've seen it, I was there last night.

Member Hornung I respectfully must disagree because I stopped there on my way here today. My concern, whether it's there or not, is the amount of traffic that we're going to have flowing in an odd configuration. If Chick-Fil-A had an exit to Novi Road, it would plug up Novi Road but what it would not do is a strange U-turn situation going on back here, and a trip through somebody else's property. And based on that, I can't see that this is a good fit. One of the first things that the applicant said when they walked up to the microphone was this site is a bad fit – not those exact words, but that was the message I heard. And I fully agree, I think this site is a bad fit for the particular development. Thank you.

Member Avdoulos said, I was looking at slide 10 in our packet and looking at zooming in on where that boulevard ended. As of now, I don't see an issue, so we could verify that. To the applicants, I've got a couple questions. There's a 22 car stack and then there's 68 spaces?

Mr. Hill said that's correct.

Member Avdoulos said would there ever be a situation where you have all spaces full and the whole thing stacked at the same time?

Mr. Hill said I don't want to say it's impossible, but the frequency with which that would happen would be fairly minimal.

Member Avdoulos said ok, and your hours of operation are still Monday through Saturday, closed on Sunday?

Mr. Hill said that's correct.

Member Avdoulos said so that's one of the things that we were discussing when we had the opportunity to meet with Chick-Fil-A when they were first presenting this project and

they were walking through the site and we were looking at what was existing and what was being proposed, and the applicants have really worked towards making the site operate in its maximum efficiency. Chick-Fil-A is a national brand and they know how to look for business and know where to put their business. They've got their queuing and circulation I think down to a science. We're looking at canopies to help protect the cars going in and also their team members as they're going out to make the queuing a little easier. The emergency access, in working with the City and the Fire Department, talking with the mall, and making sure that everything is being addressed, I think that with the landscaping there were a lot of issues there.

So I think based on what has been presented, all the efforts that have been made, I think we're taking a site that is going to be difficult because of its geometry and configuration but I think the placement of the building, the way that we're looking at providing the drive-through, and understanding the queuing is all thought through. I have to say that nowadays, most restaurants that are being built or are already built are adding drive-throughs anyway. That's part of the method of doing business nowadays, everyone wants things quick. Mostly all of the Panera's that I know have started to add drive-throughs, Jimmy John's is doing the same thing. It's just part of our culture. So I think if we have corporations and companies that are trying to make it safer for us, that's all we can expect. I think it is a bonus for the City, I agree with the comments from Member Anthony and Member Lynch related to this as a PD-2 so that allows us to have some flexibility so that if it's rezoned, it's not a permanent rezoning and it's something that can be worked with in the future. So, saying that, I'd like to make a motion.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REZONING MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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).

ROLL CALL VOTE TO RECOMMEND APPROVAL OF SPECIAL LAND USE MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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-through)*;
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).*

ROLL CALL VOTE TO RECOMMEND APPROVAL OF PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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-through 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-through 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).*

**ROLL CALL VOTE TO RECOMMEND APPROVAL OF STORMWATER MANAGEMENT PLAN
MOTION MADE BY MEMBER AVDOULOS AND MEMBER LYNCH.**

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.

Planner Bell said as you stated, the applicant is proposing 20 single-family homes along Old Novi Road, south of Thirteen Mile. This project was the subject of a Planned Rezoning Overlay project, which was recommended for approval by the Planning Commission on September 26, 2018. The rezoning to RM-2 District, subject to the conditions in the PRO Agreement, was granted final approval by the City Council on February 11.

Surrounding the properties are single-family neighborhoods to the south, east, and west. There are business uses north of the area: the Lakeview Bar & Grill, a Veterinary office, and Lakeview grocery store. These commercial areas are zoned B-3, and the surrounding residential neighborhoods are zoned R-4.

The Future Land Use Map identifies this property and parcels to the north as Pavilion Shore Village, which is called out as a redevelopment site.

The Preliminary Site Plan before you reflects the terms of the approved PRO Agreement and Concept Plan. There are 10 single-family homes on the east side of Old Novi Road with driveways off Linhart and Wainwright Streets, and 10 single-family homes proposed to front on the west side of Old Novi Road. Each single-family home has a two-car garage. The site plan also includes pedestrian walkways along Old Novi Road to connect the existing and proposed homes to the Pavilion Shore Park to the north on Walled Lake. A storm water detention pond is shown just south of the existing Lakeview Bar & Grill.

The applicant has agreed to minor changes to be reflected on the Final Site Plan, such as modifications of the sidewalk alignment on the east side of Old Novi Road and adding fences on Lots 14, 15, and 20 to provide a buffer to existing homes. Conservation easements have been proposed to protect remaining wetland areas and woodland replacement trees. Notes pertaining to other conditions in the PRO Agreement will also be added to the plans.

Staff and consultants are recommending approval of the site plan. Additional information has been provided by the applicant to address specific requests in the review letters.

Planner Bell said tonight the Planning Commission is asked to hold the scheduled public hearing and approve or deny the Preliminary Site Plan with Site Condominium, Wetland Permit, Woodland Permit, and Stormwater Management Plan.

The applicant, Tim Loughrin, is here from Robertson Brothers to tell you more about their proposal. Staff and the City's consultants are also here to answer any questions you may have. Thank you.

Tim Loughrin, with Robertson Brothers, said good evening. First of all, thank you for having us here tonight. Thank you, also, for moving us up. I'll try to be as brief as possible and I'd much rather answer your questions anyway. As you may likely remember, we were in front of this board in September of last year. And you also might recall that we've been working very diligently with the neighborhood in regard to this project. We've actually been working on this site for about two years, and it's really changed quite drastically over that two-year period. In September, you had recommended approval of the PRO Agreement to the City Council and in the Staff report there is a timeline of basically all the events that have happened over the year and a half that we have been working with Staff on this. But the last step that we've had was the PRO approval in February, I believe, so this would be the last step of Preliminary approval. First of all, I'd just like to say thank you to Staff and the City in general; the neighborhood, we've worked quite a bit with them; our land sellers – it's been quite a process and I think what we've proposed really is the best site.

So we have addressed all of the Staff comments, except for some items that really are designated for Final Site Plan approval. We're fine with all of the stipulations and conditions. It mostly meets all of the requirements that the PRO puts forth. There are some tweaks that we need to add to the Final Site Plan, but again we are fine with all of those requirements.

So rather than go into detail of the project and much of that history, I'll just discuss some of the changes that have happened with the site plan since you've last seen it. We have removed one lot, you'll see we have 20 lots where before we had 21 lots. They're all for sale, single-family. On both sides of Old Novi Road just south of Thirteen Mile, so that is the plan as you see it in front of you. You'll notice probably the main difference from when you last saw this is that all the homes are fronting now on the roads, and that really removes a lot of the objections that we had from the neighbors at the time if you recall. What it did is it removed the detached garages which were in the rear of the homes, which were I think 5 feet from the rear property lines. That was definitely an objection from the neighborhood. It also eliminates the headlight issue. There were some concerns that as cars were going down their driveway to that detached garage that there would be headlights shining into those homes.

We are proposing to put fencing wherever there is not fencing adjacent to existing homeowners. There was a note about a couple of the lots on the east side, I think 20, 14, and 15. We are proposing – and I think it was on our Landscape plans, it just wasn't on our site plan – we are proposing to put the requisite opaque fencing as required. I just wanted to point that out.

Just going back to the front-entry garages and some of the advantages, the homes are not as deep as they were before. That's why we lost a lot, these actually are wider and shallower homes so they're not as deep, that's going to be farther away from the existing homes. You can see there's quite a bit of green behind most of our homes, 45 feet in some situations. So I think that was a benefit, as well. And these homes will range in size, from about 1,850 square feet and about 2,600 square feet. This actually gives us a more

affordable entry point for the neighborhood, which affordability really is key in this market. We will still offer a ranch plan, like we had before, which is something the neighborhood really wanted to see, as well. We have added significant screening – it's not shown on this plan, but there is significant screening and fencing as I mentioned in order to provide a buffer to the existing residents. So we've worked with the neighborhood, we've worked with Staff quite a bit to make sure that's going to be in place. That's part of our PRO Agreement.

Mr. Loughrin said we have reduced the impact to the wetlands and we have created conservation easements, which we did not have before. Those will be all maintained by the HOA. If you notice on Units 19 and 20, that wetland that's behind those existing homes. First of all, we limited the impact to that wetland and we also took that entire wetland area out of those backyards through the PRO process and that will now be a tract that will be maintained by the HOA. So I think that's better for everybody involved.

We've also agreed to work with the Novi Historical Commission to provide for a plaque designating the Cornelius Austin home. We'll actually allow them to tour the home, as well.

And I just wanted to point out that we really fully intend to continue working with the neighborhood as we go through this process. Some of them have me on speed dial, that's fine. As we go through the development, I'm more than happy to work out any neighbor issues that may come up. There are two existing homes that we will be purchasing and doing a lot split as part of this process, we actually received our variances last week behind Units 4 and 5. I'm happy to work with the neighbors on Austin with any kind of neighborly issues that come up with that. We're not planning on proposing any major changes to those two homes, so I don't anticipate any issues but I just want to point out that we will continue to work with the neighborhood as we go forward. So, it's been a very long road but we're excited to finally move forward and I'm happy to answer any questions you might have.

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

Michel Duchesneau, 1191 South Lake Drive, said I'm still learning the approval process and I'm kind of surprised this is not at Final Site Plan approval as opposed to Preliminary Site Plan approval. The one item though that I see as still dangling out there that I'd like to see expedited is the dealing with the Walled Lake Post Office as far as the mailbox kiosks and kiosk patterns. Currently on the slide that you have above you, the mail person would go east down Wainwright and would hit houses 18, 16, 17, 15, loop around, come back and hit the houses 14, 13, 12, and 11. And then catch up, make a second pass, and get houses on the other side of the street, 19 and 20. These are all mailboxes on posts, the rural style. And likewise, all the mailboxes along the west side of Novi Road are done in one southerly pass in clusters of rural style post-style boxes.

What I'd like to do is to ask the petitioner to proceed and identify which houses, which streets, what the names will be with addresses, work with the post office so that they don't need the cluster boxes that you would typically see in a subdivision. This is just a few homes, I don't see any issues with mail delivery other than having Robertson Brothers to work with them. They've been outstanding as far as responding to the neighborhood

concerns. Wainwright and Linhart still would have concerns depending on the kiosk locations. Traffic might want to drive through their subdivision. I would like to avoid that for people picking up their letters. Thank you.

Rachel Sines, 2219 Austin Drive, said as mentioned, this has been a very long process over two years. As a community, we came together and we kept this from a 70-unit proposal into what you see today as 20 units. I'm here just to thank everybody for listening to us, every board, commission, council that we've been to – thanks again. And thank you also to Robertson Brothers for their continued support and being neighborly as this process continues. Thank you.

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

Member Lynch said I'll summarize. We've got three objections and one support.

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

Member Anthony said I'll start it off again. This first question is for Staff. When I read through this packet, I remember that I hit a section on mailboxes and quickly moved over it. Lindsay, tell me about the mailboxes. I don't see it as a significant issue, but it was brought up so tell me about that process.

Planner Bell said the Post Office has certain rules about new subdivisions to have cluster boxes when there's a new subdivision, from what I've read. But there are some exceptions if it's a few homes or if it's on the same or within a certain distance of other homes that are serviced by a different type, like single mailboxes or such. My understanding from Robertson Brothers in their response letter is that they're willing to work with the Post Office, but they can't do that yet because they don't have addresses – is that correct?

Mr. Loughrin said we've reached out to them. That's partially correct, typically they don't reach out until you get to the addressing portion of it when they actually will sit down with you. I want to be careful how I say this, it's the biggest bureaucracy that we typically deal with, so I can't let the project wait for them to respond to me. Generally speaking, yes all of our products have a gang box, if you will. We don't really have any common open space per se that would work for that, so we try to put them in the most logical places. If they allow us to do the rural boxes, maybe two at a time like we've done in other communities, we're more than happy to do that. I just can't get to that point yet with the Post Office. So we have reached out a couple of times, I haven't heard back yet.

Member Anthony said so this is really up to the Post Office?

Mr. Loughrin said it is.

Member Anthony said and they're more efficient if they can consolidate these, so that is their preference.

Mr. Loughrin said yes.

Member Anthony said but you're attempting to see if you can separate those?

Mr. Loughrin said yes, and we did do that in Wixom recently so there is some precedence for that. But generally speaking, it is as black and white as it comes. They want the gang boxes for new development.

Member Anthony said alright, so that's still to come and it will be whatever the Post Office decides. Good. I'm glad we switched to you, Tim. So, the units 4 and 5 that you had mentioned where you were buying those homes. Tell me a little bit more about the indent on the property boundary.

Mr. Loughrin said so those two homes and you can see, it's really hard to tell – but those two homes that are behind 4 and 5 sit back really far on those lots. So we kind of recognized early that in order to make it a cohesive development – in fact, the lot behind 4 actually goes all the way out to Old Novi, it's one long parcel so it really broke up the whole development. The other one was actually a double lot, the house goes over the property line believe it or not. So we wanted to clean that up and still provide a backyard of 20 to 25 feet – actually more for the one on the south – for those homes. So we're doing a lot split to give them those backyards, but still then be able to take what was their property into the Lakeview development.

Member Anthony said so actually Units 5 and 4 will have the same size backyard as, for instance, 6 and 7?

Mr. Loughrin said no, you can see that notches in. So that is going to be kind of a strange back yard, if you will, but it will kind of wrap around to give them more. It's 2293 and 2295 Austin, I have that engrained in my head. Those two homes give them enough of a backyard, rather than cut it all down. So those two homes, 4 and 5, we can fit houses on there, we've got the rear setback that we can still meet for those with the PRO. Those cannot be ranches because the ranches are too deep, but those homeowners will know going into buying those two lots what the situation is.

Member Anthony said so now, that leads into my next question. So when I was looking at the drawing and the issue of the screening with the fencing, six foot fence with landscaping. What's the landscaping that goes along with that fence?

Mr. Loughrin said so the landscaping requirement is for units 1 through 6 or 7. Essentially, we have to put a screened fence behind any existing home so that's going to be on every single one of them, but there is an additional Landscaping requirement if we build a two-story home behind an existing residence. So, for instance, on Lot 6, if that were to be a two-story home, in addition to the fence we'll have additional Landscaping requirements as part of the PRO.

Member Anthony said so it's only against the lots where there are existing homes?

Mr. Loughrin said correct.

Member Anthony said so are you saying that Lots 8, 9, and 10 won't have fencing?

Member Anthony said they'll have fencing, but they won't have the additional landscaping.

Member Anthony said so the fencing will continue all the way through, ok. And then on Lot 1, it will actually wrap around the southern border?

Mr. Loughrin said I believe there is fencing there, yes. And also on the north side of 10.

Member Anthony said well I do want to say that this is a good example of working with the community, working with the neighborhood. As one of the commenters said, you went from 70 units two years ago down to 20 single-family homes. Reconfigured that so we would not have the problem of the detached garages and the headlights, which was a big concern. The fencing for the additional screening, the sidewalk modifications that has to do with the stormwater easement and not crossing into that, so again, that's just another regulatory issue that will happen automatically. So I thank you for clarifying the screening and I look at this process, I think you've done a good job. Thank you for working with us, and certainly I would support this.

Mr. Loughrin said thank you.

Member Lynch said just briefly, thank you and I know how this project started, no way the 70 would get approved. I understand that and I appreciate you working with the neighbors, especially in what I think was the area that concerned me the most, the water problem around Lot 1 and I really appreciate it. That's going to save these guys down here. Around 1, 2, and 3, that was a treacherous area. Thank you for doing that.

The second thing, and I'm in total support of this, but one of the comments that I wanted to make about the mailboxes – the Post Office is going to dictate. You don't really care what they do, the Post Office is going to tell you. My recommendation to the homeowners is to write the Post Master some letters, stand at their door. Good luck with that. My understanding is that they're going to go to the combined boxes unless there is a unique situation, in other words a disability, if someone is disabled and can't get to it. Or in this particular area, they believe that this warrants it. That's where the homeowners can get involved and get in front of this, because my feeling is you really don't care where they put them.

The second thing I wanted to mention, and the reason I asked you if you have poured any foundations – one of the objections, and I won't mention the name or address, was something picked up on social media that several of your constructed homes in the area have failing foundations. So maybe they're talking about something else. That's the worry with these times, somebody will put something out on social media and I'm glad you guys talked face to face. I understand how easy it is with social media, but I appreciate everybody talking to each other in this project and calming down. Actually, I think this is a good project and I think it's going to be beautiful in this area. I think it solves a lot of the drainage problems that we saw early on and I appreciate you and the homeowners finally coming to some agreement. And Staff of course for refereeing.

Member Avdoulos said this is a great example, as was mentioned, of the residents being concerned, coming forward, working with the developers, working with the City. Yes, your voice can be heard. Some of these residents are kind of like honorary Planning

Commissioners, they're here almost every meeting whether it concerns their area or not. We do appreciate that. And with that, I'd like to make a motion.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO APPROVE PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.*

Member Avdoulos said before I do the next one, what sometimes happens – just as a clarification – the request was for a rezoning or a zoning process, then there's a Preliminary Site Plan approval process, which we are here now. Then there's a Final Site Plan process that goes administratively. So this is where the comments are taken, goes back to the City, then the applicant has to resubmit final plans and all the items that we talk about get addressed. So the City really works with the developers to make sure that everybody's concerns are addressed. So that's my simple lesson for the day.

ROLL CALL VOTE TO APPROVE WETLAND PERMIT MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.*

ROLL CALL VOTE TO APPROVE WOODLAND PERMIT MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.*

ROLL CALL VOTE TO APPROVE STORMWATER MANAGEMENT PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.

Planner Komaragiri said the applicant is proposing to combine the two parcels shown on the screen for the proposed development. The development area will include two types of zoning districts – the southern parcel is zoned B-3, General Business, and the northern parcel is zoned OS-1, Office Service. The OS-1 zoning district is intended to serve as transitional areas between residential and commercial districts. As you can see, both the existing zoning and the Future Land Use have OS-1 kind of wrapping around the B-3 districts in that corner. The Future Land Use map indicates a local commercial use for both parcels, which is kind of different from what the current zoning indicates.

The site is located in the northwest quadrant of Ten Mile and Novi Road. It is surrounded by multiple uses. But before I get into detail about the site plan elements, I wanted to acknowledge all of the public who came out here today to share their thoughts on this project. We have received all of the public input, which is the large stack that was provided to you tonight. We've gone through the comments and one common thing I've noticed is confusion with regards to what the current request is here tonight. So I wanted to clarify that before I move on to the project.

So we've seen a request for a rezoning for the same parcel last year in September, where they were requesting to rezone from OS-1 to B-2. It was required at that time because the applicant proposed a theater building on the site which is zoned OS-1 that didn't allow a theater. And then he proposed retail on the B-3 and there was common parking around it. So that required a rezoning at that time and it didn't receive a favorable recommendation. The applicant went back and revised the site plan and now the revised site plan shows both the theater and the retail buildings on the area zoned B-3. And B-3 allows theater and retail.

Chair Pehrson said which is a permitted use.

Planner Komaragiri said it is a permitted use. So in other words, the main point of discussion tonight is not use, as it was before, but the impacts that are coming out of the

development. And Staff has been working diligently with the applicant to identify the impacts of traffic, screening, and all the other items that were noted in the last public hearing and we tried to come up with some solutions, which I will go into detail on in the rest of my presentation.

The subject property does have some regulated natural features on site, but they're mostly concentrated towards the western part. Just to give a little bit of context of the area, the area enclosed in the white boundary is the development plan. It has Emerson Park, which is being developed with a PRO as a multi-family residential development to the north, and we have the existing single-family development Churchill Crossing to the west. We have the Pine Ridge shopping center, which is zoned B-3, to the south, and we have a vacant parcel which is zoned OS-1 between the B-3 zoned area and the single-family residential district.

A little bit about the site layout. Like I mentioned before, the theater and the retail buildings are concentrated within the area that is zoned B-3. So the property will have a split zoning; everything north of the red line is zoned OS-1, where they're proposed the off-street parking lot which is a permitted use for that part. And then south of the red line is zoned B-3, where they are proposing the theater and the retail. And as you can see in the image, the total site is about 14.29 acres, but the applicant is only disturbing about 8.7 acres of that site to propose what he is doing. All the area which is shown in green includes the existing wetlands and the remaining woodlands and as the applicant noted in the response letter, he is going to permanently preserve that area in a conservation easement to be dedicated to the City. In other words, it would mean that he is giving up the development rights in that area. He would not make any expansions in the future.

Just to give a little bit of a context, the distance between the residential property line – the Churchill folks – and the nearest parking spot here, is about 720 feet. And the distance between the theater façade and the first building in Emerson Park is approximately 615 feet.

This plan shows the amount of woodlands that are being proposed to be removed to develop this site plan. And the public hearing was scheduled because a woodland permit requires a public hearing. As you can see, no trees are touched on the west side of the red line. All of the trees that are being removed are toward the east of the red line. The applicant is proposing to remove about 160 City-regulated trees, and their tree removals would require about 159 Woodland replacement credits. The plan proposed to provide a total of 101, about 64% of the ones required, on-site, and the rest is proposed to be paid into the Tree Fund.

Planner Komaragiri said we were talking about the screening and the proximity to surrounding residential uses, so to help us understand how far the building is and the grades are, the applicant has provided two cross-sections that indicate the grade level change and distance from the neighboring residential districts. So one cross-section is drawn from the parking lot to Churchill subdivision, and then the other cross-section is drawn from the building to Emerson Park which is under construction. And this kind of shows the 720 feet distance talked about before from the parking space to the building, and this one shows the 615 distance between the theater and Emerson Park. As part of the required screening requirements, the applicant has agreed to provide a berm and trees at the edge of the parking lot here. And then he is proposing to have a three-foot

screening wall here to provide screening for Emerson Park folks. I believe the berm is about 3 and a half or 4 feet tall?

Landscape Architect Meader said it is six feet.

Planner Komaragiri said more than I thought. So as part of the permitted site plan development, there are a couple of deviations that were required but most of them are subject to Planning Commission approval with one exception, which is the location of the loading zone, dumpster, and transformer which is subject to Zoning Board of Appeals. The way the site is laid out, we have the retail building here and we have the theater here. The applicant showed on the plan the dumpster and loading zone where they're allowed in the rear yard as part of the original plan, but the Staff thought it would make more sense to have it here in the courtyard because it's closer to the retail area. So the applicant agreed to propose an alternate location there, which is subject to ZBA approval. And then the second one is the 3-foot wall in lieu of the berm like we talked about before. Part of the reason why a wall is proposed instead of a berm is because we are trying to protect the existing wetlands and woodlands. This is the wetland line over there.

And then the third deviation is for mobile planters in lieu of building foundation along the retail building. Currently the retail building is being developed a speculative building, so they don't know what the tenants are going to be and how much space they're going to occupy, where the entrances are going to be. So they've agreed to do mobile planters depending on how that will pan out. And then there are street trees along Novi Road. They are showing some trees right now, but if Oakland County says they don't want those trees, then they will not propose them. There's a deviation for not aligning with the opposite side driveway over here, which is supported by the Staff because it's not far apart enough that it would raise concern. And another one is for the lack of a traffic study. That is because the City has just completed a region-wide Traffic Study where they did include this development in their Traffic counts and the applicant had agreed to provide the required mitigation measures, such as right-turn tapers at both the entrances and a three-lane entry with a dedicated left-turn at the northern entrance at the time of Final Site Plan.

The packet included review letters that noted a couple other deviations as part of the landscape plan, but they were removed out of it because they have been added now as conditions moving forward because the applicant agreed to change the plan at the time of Final Site Plan.

The building elevations require a Section 9 waiver because the minimum percentage of brick is not provided on the eastern façade. In this case, the underage of brick is offset by the extensive use of granite and marble. Our Façade consultant recommends a waiver, as these are high-quality materials that are integrated into the overall design in a manner that is of equal or greater aesthetic value as compared to brick. However, if the Planning Commission recommends to conform the Ordinance requirement, the applicant did present interest that they're willing to provide revised elevations that meet the Ordinance requirement. Façade sample boards are provided, which are placed in front of the podium.

Planner Komaragiri said Fire is currently not recommending approval, as was indicated in

the packet, because earlier the plans did not meet the minimum radii requirement for the fire truck turning pattern and it did not meet the minimum distance for fire hydrants. But as part of the response letter, the applicant provided a revised layout that meets the turning radii requirements that Fire has approved and the fire hydrant requirement will be revised to be met at the time of Final Site Plan.

As noted earlier, the project has received overwhelming public response. The common reasons appeared to include traffic congestion, noise disturbance, safety concerns, increase in crime, excessive light, and loss of natural screening. As I mentioned in my presentation before, the screening has been addressed by the applicant and the light levels are kept below the Ordinance maximum.

The Planning Commission is asked tonight to consider the applicant's request and either approve or deny the site plan. The applicant, Dinesh Potluri and Raghu Ravipati, are here tonight along with their Engineer James Klinkenberger and Architect Ghassan Abdelnour. Mr. Matt Quinn will be presenting the project on their behalf. Staff is here tonight with our Traffic, Façade, and Environmental consultants to address any questions you have for us.

Matt Quinn, representing the applicant, said I'm a resident of the City of Novi and I'm an attorney practicing here in Novi also. I go back a long way with this property. I came into Novi in 1978 and at that time, this property was known as the Goat Farm. The Goat Farm was a very popular drinking establishment in Novi, ran by a man named Bob Langdon for many years. It was the highlight of Novi at the time because on St. Patrick's Day, he would dye a goat green and have it run through the bar so everybody could partake in the St. Patrick's Day festivities. After that, Paul Baker – you may remember his name – bought the bar and operated it for many years. Paul brought most of the outside activities to the bar; he put a baseball field in back, he put in sand volleyball, he put in a patio for people to enjoy his sales outside. The place was pretty rowdy back in the day. As a matter of fact, some nights after we had a City Council meeting we would go there, the Council, and get there about midnight and have a cocktail and a sandwich before we all went home.

Now that building has converted into DICE for the Indian community. That building is dilapidated. It's time to go, much like you heard earlier on the Denny's building – it's time had come also. Novi of course over the years that I've been here and many of you, has seen older properties and buildings pass away and new buildings and new commercial activities take their place. And this is the time and place now for that to occur at this particular location.

Now a few things in how this application differs from the previous two hearings, of course, is that this is not a request for a rezoning. This is merely a site plan application being made to the Planning Commission and to the City to determine if the site plan Ordinances are met by this particular development. And I think that's a major implication and I thank Sri for mentioning that and her presentation was actually something I could've given – I think maybe she saw my notes and took it from there, but thank you very much. Now what we're looking at here is two parcels of land, the southerly parcel is zoned B-3 and under your Ordinance, a movie theater and retail uses are allowable uses. In other words, uses as of right. No one in the City can determine that this property cannot be used for a movie theater and retail uses, as long as the site plan meets the minimum City requirements. The parcel to the north, the OS-1 parcel, is being proposed to be used for parking. Again, that parking is matter of right, it's a use that's allowed by the Ordinance.

No one in the City can deny the use of that parcel for parking, as long as the site plan meets the requirements of the City.

Now of course we're looking at about 14 acres here for the two parcels. The parcel's neighborhood is Novi Road frontage, to the south we have a retail component called Pine Ridge Shopping Center – that works nicely with our retail component that will be up front. That retail component will be about 18,000 square feet, half of which will be a restaurant use, more than likely an Indian restaurant. The movie theater itself will hold about 709 seats and have 9 screens. The theater will show approximately, and this is always subject to movement over time, 80% of what I'll refer to as Hollywood movies and 20% of Bollywood or Indian-orientated movies. Of course, it's open to everybody. But what we see again, which happens repeatedly in Novi, is we have another cultural identity spot that's opening up. Of course Novi is noted right now in Michigan and this entire area as a melting pot. We have places of worship for multiple religions from around the world, we have restaurants from multiple places and cultural areas around the world, we have different cultural aspects from different communities from around the world, and this may be one of them again with a theater that shows Indian movies with an Indian restaurant.

Mr. Quinn said by the way, the closest theater that would be similar to this is in Southfield. So what we're allowing is people in our community and people immediately surrounding not to have to travel to Southfield to see Indian movies, they will be allowed to do that here. And if I misspoke, I apologize.

So we know we have the right to use the theater, the retail, and the parking in the spaces. So now that we have the right to build these things, what else do we do to comply with the City Ordinances? Well first we looked at woodlands and wetlands, and what you'll see from your review letters is that we have letters of recommendation of approval from your wetland consultant. The wetlands are not being impeded to the extent that they require any mitigation whatsoever, so we're protecting the wetlands. Your woodland consultant has also granted an approval recommendation with his letter. Now yes, we are going to take down a few trees on the northern parcel mostly, but those trees that are regulated will be replaced according to the City's Ordinance. Now how is that done? First of all, we're going to replace about 101 trees on-site, and then the balance of tree credits that we cannot plant physically on the site we are going to pay into the City's Tree Fund. And that's at \$400 a tree, so we'll be paying a little bit in excess of \$23,000 to the City's Tree Fund. So we have now taken care of the environmental areas, the wetlands and the woodlands.

Now we look at the interior landscaping and again, we have a recommended approval from the City's Landscape department. There are a few conditions that we're going to meet to make the building areas a little more beautiful and provide a little more protection. We are, of course, concerned about the new people that live in Emerson Park to the north, so we are going to build a wall adjacent to the property on the north. That's a waiver we asked you for because you can't really fit a berm there because of the adjacent wetlands, so we're going to put a wall throughout that area. On the west side, our neighbors at Churchill Crossing – our property abuts four houses on Churchill and Sri showed you a diagram of the differences in elevation between those backyards right here and where our parking lot goes. As you can see, any lights from any cars that are parked in the parking lot go straight ahead and are stopped both by the berm that we are going to put adjacent to the parking lot, the trees that will be planted, and then the

existing trees throughout the wetlands and the natural area. So you will not have any vehicle lighting going to the west. And the same of course is true to the north for Emerson Park. So I must note that we meet the City's requirements for the parking lot lighting requirements. Of course, Novi requires all lights to be facing down and that you do not have any light infiltrating at your boundary to any adjacent properties. We meet the City of Novi Ordinances in that regards.

Now also to protect the property to the west that I talked about, the wetlands and the woodlands that exist, we are going to enter into a Conservation Easement with the City so that the property owners can never develop that land. Those lands will always remain as wetlands and woodlands for perpetuity. Now this project is about \$6.5 million dollars to be put forward by the property owners, and it's going to be, as you saw from the facades and the elevations, a beautiful looking project.

Mr. Quinn said now to recap, we have the Planning Staff review and positive recommendation, we have the Engineering positive recommendation, we have the Landscape positive recommendation, Wetlands positive recommendation, Woodlands proposed property with approval, Traffic approval, and the Fire Department we are meeting at the time of Final Site Plan. We have to go to the ZBA for just a few matters, transformer location and loading location, and we also have to get a dumpster variance. Things like that, that you can't grant. In my 45 years of practicing law and looking at site plans, this is one of the cleanest site plans which requires the minimal amount of waivers and/or variances that I've ever proposed. I think the property owners have listened to the neighbors. They certainly have listened to the Planning Commission, because they've moved this entire project from one lot to the other and they moved everything forward toward Novi Road to grant greater protection to the adjacent property owners. So they've listened to you, you've listened to me, you're probably going to hear a person or two after me, but in the end we would like you to consider a positive vote on approving the site plan, granting the necessary waivers. And as stated, the property owners and all of our Staff is here to answer any questions you may have. Thank you.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project. He said for the record, we will not tolerate any outbreaks, please do not applaud. If you wish to come up and make a statement, you will have three minutes to do so. Please state your name and address clearly for the record. Please line up on that side of the wall so we can keep things moving.

Jennifer Harvey, 43905 Winthrop Drive, said I moved here in 1983 and built my home here in Orchard Ridge. I taught in the Novi school system from 1987 to 2017 and I just retired from Novi High School approximately two years ago. I put seven children through the Novi school system and I have watched it change, and I've watched the accidents and I've watched my students involved in accidents on Novi Road and Ten Mile as I'm coming home or going to the mall or going to other places. I got so worried about it that I called Oakland and asked Oakland and I'm not sure of the exact terminology of who I called, but they agreed to redo the lights for me because the lights were not allowing the students to flow and the teachers to flow out of schools. Now imagine the traffic in the evenings and the weekends coming out of the movie theaters, just imagine that. Imagine how it would exacerbate the long horrible waits on Ten Mile and Novi Road. It's narrow, those straights are narrow and the only analogy I can give to you if we increase that is if you've ever been to Germany, it's called a stau where traffic comes to a standstill, or DC

where a lot of my family live with no HOV lane.

We have two theaters nearby, I can't give the exact mileage, probably within 5 miles each I would say. We will definitely increase crime. I've watched it happen since 1983, I've watched it happen as I've taught in the various schools here, and I've watched it increase everywhere. You add public noise, congestion, more back-ups, you're going to get more. You're going to get more noise. You will be in the backyard of homes. And you can put a fence, I hope it's an extremely high fence because you will get light, you will get a lot of noise.

We already have some very poorly planned areas in Novi. One is Twelve Mile crossing, extremely difficult to get around. And two is our quote downtown Novi. I watched that evolve, I knew it was a problem, we all know it's a problem and we know it's very poorly used. I urge you to resist this, what I consider an unnecessary – we don't need another theater, illogical – it makes no sense to invite that and increase problems into Novi, and totally and absolutely wrong for Novi. May be nice for someplace else, but in that vicinity at Novi and Ten Mile, especially at Christmas as was stated before, I really urge you to consider this very, very carefully. Thank you for your time.

Supraja Morasa, 24330 Thatcher Court, said good evening ladies and gentleman. I live at 24330 Thatcher Court with my husband and two kids. We have made Novi our home for more than 16 years now. The reason I'm here today is because I received a letter in the mail from City of Novi to voice my opinion about the proposal to build a movie theater and retail businesses on the property that is close to our backyard. I understand that a handful of us have not received this letter from the City of Novi specifically to our home addresses. I was here last fall on September 12, 2018 to object the same proposal, which is now presented in the adjacent lot. I've come back to strongly object the movie theater at this location due to noise and lights during the late nights, safety, and I strongly believe that the entertainment zone or center belongs north of Grand River. On September 12, 2018, the Planning Commission rejected this movie theater proposal at this location on the grounds of increased traffic and that the entertainment district is north of Grand River. South of Grand River is residential and not the appropriate place for a movie theater.

When you look at the proposal, the original proposal is here, which is zoned as OS-1, which was presented on September 12, 2018 and was rejected. And now the current proposal has been moved, the location of the movie theater has been moved here, which is zoned B-3. So the current proposal is going to be hosting the theater and retail businesses while this zone is going to be parking lot because the theater definitely needs a parking lot. So does combining these two proposals, OS-1 and B-3, result in automatically rezoning the current OS-1 to B-3? It's a simple mathematics, right, elementary mathematics. $A=B$, $B=C$, which means $A=C$.

So coming to the current proposal, on one of the pages of the agenda for tonight says that the previous request was not received favorably at that time mostly due to the placement of the theater. It was based on the grounds of close proximity of the residential neighborhoods. But when you look at the meeting minutes that were posted from the last Planning Commission meeting, Member Avdoulos mentioned that, and to quote him, 'you do have a nice big gap between the residents and this particular development, so that part of the planning does not bother me as much.' That means that was not the consideration for rejecting it, so what was the consideration for rejecting the last

proposal? Going back to the Planning Committee meeting minutes, Member Greco mentioned that 'this is an entertainment-type retail project, I don't think that it fits.' Again to quote him, 'this does not seem to fit. I just don't think that an entertainment complex in that area fits. It looks like it fits more to the north.' Again to quote Member Lynch, 'the entertainment district has been focused on the Grand River, 96, Town Center area. Going this far south and putting an entertainment district, I think doesn't make sense. I'm not willing to put another entertainment district that will compete with what the City has decided will be our entertainment district on Main Street, which would be in the Town Center area.' And on the same day last fall, Chairman summarized, saying that 'this project is a great idea if it were somewhere else located in the entertainment district somewhere north of Grand River. I believe that the buffer to the residential, which we always look at residential as a primary factor when we are trying to weigh,' and he also counted, 'this is a pretty intense use of the property.'

Chair Pehrson said if you could summarize, ma'am, you're over time now.

Ms. Morasa said so while we support the growth and development of Novi and encourage entrepreneurship, we expect the City to be sensitive to its residents and take a balanced approach to such projects. You might have received 100+ letters in support, but this project is not planned in their backyards, they don't live in close vicinity of this location. For the developer, this is a business. For us, it's personal, as we live here and we have strong objection to the movie theater at this location. We welcome the retail business, the restaurants, but we strongly oppose the movie theater. I've come here tonight to request the Planning Commission to uphold the previous judgement and reject the movie theater at this location. Thank you.

Alejandro Brarda, 24318 Thatcher Court, said I live in the community just behind this complex and I have several objections. I don't want to repeat it, but the traffic, the light, the noise are going to be late at night. But I wanted to make a focus on the safety. I feel very safe living in this neighborhood and I don't feel safe when I go in other entertainment areas, like Twelve Oaks Mall. I think everyone here, when we go for that kind of entertainment plaza, we double check that the car is locked, nothing valuable can be in the car. Even if locked, we know that there is a high risk that the car will be damaged and the glass will be broken to remove whatever is inside. And definitely I think that will be our life if this project is approved.

I can see the proposal is replacing beautiful good land – deer, birds, we have rabbits. But bad boys. Because bad boys normally are looking for the opportunity to get something that is not from them and definitely this situation is quite common in entertainment plazas with movie people late at night. So definitely my question here is, who will be responsible when we start facing security issues due to this project? That will be the police? This council? The people that are making the investment? Whoever finally will be responsible, it will be too late. So I expect that this project will not be approved. Thank you.

Gladye Moulder, 25147 Sullivan Lane, I live in the subdivision adjacent to the Churchill sub adjacent to the property. As everybody has said here, we have been here before. The same Council denied the project last year, and now as you can look, all they did was reverse the order of the building. The consequences are still the same for us, for the residents who live next to where this proposed building movie theater is supposed to take place. Our concern is for the community. We live next to it, we walk our pets next to it, our

kids come out of school walking next to it. Do we really want to invite all the people that don't live in our community to be in our backyards? Do we want to run away all of the little bit of the wildlife that we still have in our backyards? I have a swamp behind my house. I see deer, I see rabbits, turtles, all kinds of amazing creatures that make our community welcoming as it is.

Apart from that, the gentleman that addressed us before, he made some remarks that I found very insulting to our community and I'd like to address it. As we wish, we the residents, to include people, not to separate people. Cultures are not to be separated. We want to have integration, not separation. We're going to build a movie theater so we can have just the Indians go to? As he said, an Indian restaurant will be there. That statement, sir, is not welcome here.

Chair Pehrson said ma'am, if you could please address the site plan and not individuals.

Ms. Moulder said again, this investment might be a wonderful investment for the company, but not for this society, not for Novi residents. Can you please consider our wishes not to have this movie theater in our backyards? Please, I'm begging you. Thank you.

Srikanth Gogineni, 24552 Cavendish Avenue, Churchill Crossing. I have lived there in Novi since 2003. I strongly object this proposal to have a movie theater in the backyard of quietly living people in Churchill Crossing for many of the reasons that other people have mentioned already. The traffic, the noise, and increased crime. The other thing I also want to bring to notice is that we talked about putting trees in the bank and money being put in the bank, but cutting down hundreds of trees and putting them in a bank to put them somewhere else absolutely doesn't make sense to me. And the attorney earlier spoke about this being a melting pot, but the concept there is look at all of the people standing in line in red shirts saying no. It's the same community that is saying no, we don't want a movie theater here. We want to melt, not just being separate having an Indian movie theater.

And the other thing I want to question and address to the Planning Committee and the City is we are going in a wrong path of putting movie theater in one lot and saying that the parking lot is going to be somewhere else in a different lot. It's just like saying that I'm going to build a restaurant here but I'm going to put a parking lot other there that belongs to John, and this belongs to Pete. That doesn't make sense, they are two different owners. How can you show that these two lots that belong to two separate individuals can be built as one project? Are they saying that you're zoning them as one? If they combine the zoning, what zoning is it considered? How can you have a theater with absolutely no parking? What happens long term if these two individuals are separate? If these two particular lot's owners decide to be separate? You have a theater with no parking, or parking with no theater. Something to think about.

And the City Planning Commission's notes also mention about a right of use, but I looked through the manual up and down and I did not see anywhere that it's in B-3. If it is somewhere there, I missed that. I would like to see that. The theaters in our Ordinance should go in B-2, not B-3. There is nothing that says a theater can go in B-3 and vice versa, I didn't see anything in that nature. So for all those reasons, I strongly oppose having a theater. It's a wonderful design, I would love to see a restaurant there. Restaurants and

shops are fine, but absolutely, absolutely no to theater. Thank you for your time.

Santhi Movva, 24351 Cavendish Court, said I live there with my husband and two young kids. I strongly object the proposal because it is a commercial property next to a densely populated residential community, unlike Emagine Theater and Novi Town Center. My daughter, Sanvi, would like to add more.

Sanvi, 24351 Cavendish Court, said I am eight years old. I object the idea of a movie theater. The Ten Mile Road is already very busy in the evenings when we come home. It will be very scary to ride my bike to the library or go to my friends' place by walking from home because of the heavy traffic and unknown people in the area. So I object the idea of a movie theater. Thank you.

Soma Suryadevara, 24656 Thatcher Drive, said just to refresh once more for memories, in September 2018 the Planning Commission passed this unanimous motion denying the proposal to rezone OS-1 and B-3 to B-2. As we know, the two parcels are presently zoned as OS-1 and B-3. This is the zoning use matrix. The principle permitted uses of theaters are under B-2 and B-3. And also please note that the use matrix says if there are any conflicts between this table and the uses listed below in Section 3.1, the latter will control. Which means Section 3.1 will control. Please note under B-2 and B-3, theaters is a permitted use per the matrix. Now, this is the B-3. Here are the principle permitted uses of B-3 and please note that the listed does not include a theater. Here is the B-2 list, which has theater as a permitted use. But not in B-3. Now this is the current proposal, which states 4.271D allows theater when conducted completely within enclosed buildings. Now let's go to 4.271 of the Ordinance. The 4.271 is applicable for B-2, TC, and TC-1 districts – where theaters are not permitted. But B-3 it doesn't state. Now the present proposal also states that all service uses from B-2 are permitted uses under B-3. I looked at all the Zoning Ordinances as of today, and have not found that being part of Novi City Zoning Ordinances as updated from time to time and conclude that this is only as assumption.

Now the important next thing to mention in this proposal is request to be combined into one parcel, which indicates that there is going to be zone change if this proposal is accepted. If so, would these two parcels be zoned as OS-1 or B-3? In either case, they don't allow a theater as a permitted use. Also, as for Section 4.67 for Amusement & Entertainment Uses regarding theaters, it says that no such amusement or entertainment uses shall be located adjacent to a residential district. Which is the main reason for denial of the proposal, that theater in this location doesn't fit. Off Grand River, near residential zones. To conclude, I request the Planning Commission not to approve this proposal to build theaters, as it doesn't conform to Zoning Ordinances. I have no objection to putting a shopping mall. Thank you.

Ankireddy Ankrieddy, 24631 Thatcher Drive, said I like the movie theater in the City but I wish the building chooses a different location and not near Ten Mile and Novi Road. Here is why: the plan for the theater for the original plan was unanimously rejected by the City Planning Commission back in September last year for multiple reasons. A couple of them being traffic congestion and the entertainment district north of Grand River. The second reason is current data shows that 49,000 vehicles go out of Novi and 29,000 come to Novi. During peak hours, Ten Mile Road is backed up to Taft Road on one side and Meadowbrook on other side. Novi Road is overcrowded from I-96 ramp on roads towards Ten Mile. Per the attached doc, which is what I took from the meeting minutes, you can

see that this crosses way above the threshold. And another point is that Pulte already built Emerson Park that adds up to 124 homes on Novi Road, and you can imagine the condition of the traffic in the future once the residents move in.

Number six, the movie theater with 700+ seats will make the situation worse, the commute to work may take an additional hour each day. Coming to the crime rate, per William Dokianos, Crime Analyst for the City of Novi. Here is a report for emergency response, you can see that for Fire and EMS at Emagine Theater there were 15 responses in 2017, Pine Ridge Center had 0 responses. For Police, Emagine 139 responses, Pine Ridge Center 12 responses. You can clearly see that the crime rate will be increased at this location if there is a theater and we as the residents, we don't feel comfortable with that. Number six, the long commute for Novi residents is adversely affecting the health and also the relations and bonding and everything. If the theater is permitted, there will be health problems, increased crime rate, decreasing our house prices, the quality of the life of Novi residents in general will suffer. Please make the choice wisely. Thank you.

Sriram Vaidyanathan, 24424 Cavendish Ave West, said I've been living in the Churchill Crossing subdivision since 2002. Construction of this movie theater and the proximity of a residential property is irresponsible and I vehemently oppose it. The residents of Novi went through a pretty long list of objections to the construction of the theater at the last planning meeting in September and are here with those objections once more. Novi City Planning has generally designated areas north of Grand River for development of commercial properties like theaters and entertainment areas. The encroachment of the theaters south of Grand River closer to residential neighborhoods would result in lack of separation between residential and commercial zones and would constitute non-ideal City Planning.

The builder has moved the property slightly south of the old proposal, as my friends have alluded to, but the fundamental core issues related to making it a family-friendly community are still very much valid and are show stoppers. The property values of homes in the vicinity of the movie theater will suffer. There is a high possibility of existing homeowners relocating to a more family-friendly neighborhood in other cities, as well as loss of reputation for Novi of a family-friendly city leading to lower tax revenues, higher budget shortfalls, and low services provided to the residents. Pulte is building townhomes, Emerson Park, next to the movie theater and families with children will be apprehensive of living so close to a theater. Single lane roads on Novi and Ten Mile is an existing nightmare that residents have to contend with every day during peak commute times. Traffic backs up all the way on Ten Mile from Haggerty to Beck. Adding movie theater traffic, left turns onto Ten Mile with no signal, and clogged I-96 freeway traffic will make the lives of residents even more miserable during peak commute times.

There has been a growing trend in the past decade of ethnic communities, like Indians or Chinese, moving to Novi due to the high academic grading of the school district. Construction of entertainment areas like theaters and liquor stores close to the residences will reverse that trend and cause these communities to move to other cities. There is potential for a higher level of crime and car break-ins near the movie theaters resulting from drunkenness, arguments, conflicts. The presence of an existing liquor store right next to the movie theater is also going to provide more opportunities to consume alcohol and result in bad behavior. Similar to the ordinance near the Emagine theater, the City may be required to reduce curfew and other ordinances to prevent teenagers from loitering

near the theater. Novi has seen an increase in teenage drinking and vaping, and the school is conducting forums to educate parents and families about this very unhealthy trend. Construction of a movie theater near schools will increase the probability of groups of school children perpetuating these bad habits. Loud noises from the theater and possibly from the theater guests engaged in loud discussions, arguments, and conflicts in the parking lot and the nearby areas will be another source of problems.

Last but not least, wetland and woodland area degradation at the cost of the development would lead to habitat loss due to destruction and fragmentation of habitat and is going to pose a threat to the survival of wildlife. Routinely, I see deer and other small mammals running across the street in an attempt to survive habitat loss. A movie theater development will increase the stress on the ecosystem. Maybury State Park, one of my favorite recreational areas, is filled with tall majestic trees and lots of wildlife. Looking at the high density of City development, it's difficult to imagine that these areas we live in were once filled with these same tall trees, and preservation of nature would be a responsible act by us to make Novi an attractive place for future generations. No matter how hard and how many times the builder tries to oppose the will of the residents, he's going to find it very difficult to break the unity among our community when all of us vehemently oppose this. I request the Planning Commission to consider the impact this theater is going to have on the residents, their lives, their community, their families, and unanimously vote to reject this theater proposal similar to the position you took last time. Thank you very much.

Seetaram Ponugupati, 24691 Thatcher Drive, said I live in the Churchill Crossing subdivision and I'm also a proud member of an integrationist community. We do not believe in segregation. Now coming to the core point of today, we are here to discuss a proposal that is slightly modified from what was rejected last year. So what was rejected last year on several grounds. So I'm afraid to say that none of these points that the respected Planning Commission raised last year, were not addressed. The builder decided to hide behind zone.

Now coming to the other points here, so the builder proposes to build a 3-foot wall on border with future Emerson Park community. So what is this going to do for future Emerson Park residents? In my opinion, nothing. Are we telling the residents of that community to try and jump the wall? Maybe. Now I want to draw our attention to this point here. Here, this Ordinance 4.67 clearly says that there should be some sort of reasonable separation between entertainment districts and residential districts. However, here it is mentioned in one different context – OSC District and residential district. So this looks to me like a legitimate right for the residents. Why hide behind B-3 zone to deny this legitimate right to the residents. So your decision here is easy, to reject the proposal. Thank you.

A resident, 24475 Bashian, said good evening everyone, let's bring some positivity. As a long-time member of the community and I've worked in the City for years, I wanted to come in support of Onyx Plaza. I want to share a small story with you guys. A couple years ago, I think it was Coco, an animated film I was going to take my little siblings and nieces and nephews that came into town to Emagine. We got out late on a Saturday night and all over that Fountain Walk area, you have bars, clubs, people entering, going, not stopping at the stop signs, speeding, things like that. They heard some things they shouldn't have heard, they saw some things that they shouldn't have seen. It's a party atmosphere out there. That is a true entertainment district, and I kept thinking that I don't

want my little 4, 5, 6 year old nieces and nephews to be exposed to something like that. When I'm out with my friends, sure, I've been out there several times. But that's the environment for kids. And when I heard of the project a few months ago, I thought this would be an excellent relocation for folks that want to utilize it for that space – for a family-friendly, relaxed environment.

And in addition to that, a lot of, figuratively speaking, the noise that comes about with a movie theater and entertainment district; it's not the actual movie theater itself, it's the adjoining properties and the other establishments. It's the bars, it's the clubs, it's everything else that brings about the negative connotations. So just a movie theater, especially of the actual size that they are proposing, and also the 18,000 square foot retail – that is miniscule compared to a true entertainment district, which Fountain Walk is, which downtown truly is. So I think the negative aspects that we've been hearing for the last 20 minutes are not true concerns that such a small development could actually bring about. I think it's something that I could take my nieces and nephews, or even my family, on a relaxed evening in a more family-friendly environment. And in addition to that, as a realtor, as an investor, I'd be giddy with joy as far as if there was such a development close to my properties or even adjacent to my properties. Thank you again.

Vishwanatharaju Brahmandhabheri, 24659 Cavendish Avenue E, said four years ago while I was scouting for a future home in City, my selection criteria was for a City with utmost security, safety, good schools, and good City administration. I was glad that Novi City fit the bill perfectly and made me move to Novi City. My respect for each one of you on the Planning Commission went up a notch when you rejected this bill back in September. Now that the proposal to build a theater right next to my neighborhood is back, I'm worried that I will not be able to keep up my promise to raise my 5-year-old daughter in an environment that is free from crimes and insecurity. And as you all know, historically the potential for crime goes higher at the places such as theaters, which are open late for businesses and associated night life activities. The safety and security will be at stake given 3,000 to 5,000 flocking to my neighborhood on a daily basis. I would like to use the following reference of crime statistics for Emagine theater in Novi for the year 2017 as quoted by William Dokianos, the crime analyst for the City of Novi. Police were called 139 times and most of the time was related to crime-related incidents.

I'm also worried about the impact that a theater can have on school-going kids due to its proximity to Novi schools. I happened to meet Novi Woods Elementary School principal, David Ascher, and when I mentioned about this plan, he did not appreciate this plan either. Who else would know better than a school principal on impacts that a theater can have on school-going kids? I'm sure this is not the desirable environment every parent here in Novi wants to provide for their kids, as well as future generations. People, if any say yes to the theater, either they don't have a home in Novi, they don't have kids going to Novi schools, as the subject property is not at all close to them. As a matter of fact, the person who spoke before me is from Bloomfield Hills. And this person, I fail to understand how this person is going to face the brunt from increasing traffic, property decline, crimes, insecurity, and what not. Finally, I sincerely request the Planning Commission to reject the proposal and also pay attention to the people. Thanks again for giving me this opportunity to express my concern. Thank you.

Guang Zeng, 24408 Cavendish Avenue East, said I oppose this project. My first concern is about the noise pollution. I think if this cinema is built, my house will be the closest one to it.

Today, even though I close all of my windows and doors, I still can clearly hear the traffic noise coming from the Novi Road side. I think if this cinema is built, it definitely will generate more serious noise pollution for my family and my neighbors. I also have big concerns about the traffic issues, I think a lot of people would agree with that. It's already past 9:30 and a couple of minutes ago I checked the traffic condition at the intersection of Novi Road and Ten Mile Road, and it still shows red in four directions. And I think once this project is built, it's definitely going to make those things even worse. I also have concerns about building a cinema so close to a school. It will definitely have a very negative influence to the students. I hope the City Committee can take my concerns into consideration. Thank you very much.

Raman Mehta, 24729 Cavendish Avenue East, said last year most of us were here and this was rejected overwhelmingly. And one year later we are here and somebody says this is the best proposal in their history. It sounds too good to be true, and it is. So today, we need to really understand what we're up against. 15 years back, I made a promise to my two daughters that the only time we will leave Novi is when they go to college. And today, both of them are in college. So I have kept my promise to my kids, it's about time that the City of Novi keeps its promise to its residents. This will create a lot of problems we talked about, I mean all you have to do is drive between 8 and 9 in the morning and see how much productivity we are going to lose.

The thing that was not talked about, the theater business as a business is going out of fashion, with the streaming and the Netflix rates. What is the guarantee that this property will be a viable business? Will it not become an eyesore? A theater cannot be repurposed – an office complex can be, a mall can be, you can find new tenants. But a theater that goes out of business will remain an eyesore. So I strongly urge, nothing has changed since last year. We cannot move a few Lego blocks around and it becomes a great proposal. We all need to think through the safety we've talked about. We cannot trade our trees for some money. Ultimately, if the revenues go down from the tax perspective, we all lose. It's our chance to look for safety, security, and making the best deal that is environmentally very, very conscious. We're all good for retail, but theater makes absolutely zero, zero sense. Thank you very much.

Sirisha Uppalapati, 1853 Twin Sun Circle in Commerce Township, said I am one of the investors in the DICE property. So I'm hearing a lot of people coming here and saying their opinions. I'm a planner, a planning analyst by profession. I do this, I analyze development properties with respect to demographics on a daily basis. I make my analysis with hard facts and in depth analyses, and not with just unsubstantiated opinions. So with your permission, I would like to present for you excerpts from the 2016 Master Plan update for the City of Novi. So, the City of Novi is slated to gain an additional close to 2,500 people in the next 7 years, and the Master Plan recognizes that the two fastest-growing components of the population are baby boomers and young households. And the plan goes ahead and says that to attract these segments of the population, they need passive and additional activities and in addition to just these types of households, for all households, walkability is the primary concern and that is the way to capture them.

This is the economic component of the plan, and Novi is projected to gain additional 500-800 jobs in the leisure and hospitality industry and the plan specifically recognizes that more than 90% of the entertainment dollars that the residents spend today go to the locations outside the City. It says additional opportunities need to be found where food

services blend in with the environment and the plan further goes on to say that the City lacks the mix of this kind of opportunities under one roof. So as part of the Master Plan Update public comments – I’m not sure how many of these people were present there – but the City received comments from residents from all across the City, not just one subdivision, and most of the comments again centered on walkability and bikeability. Many of them said they don’t want to use their car very often and they said that the development trend is counter to that in Novi. They said the millennial group is unrepresented in Novi, they want a vibrant place like Northville or Plymouth. And then retirees, they said when they retire where can they move to in Novi that allows them to walk or bike a mile or two to access entertainment. And when they were asked what would make Novi better ten years from now, the overwhelming answer was walkability and bikeability to entertainment places. An area to live in Novi where I can walk or ride a bike a mile or two to entertainment. Walkability, bikeability, find a way to attract millennials.

So based on all of these comments, the City came up with a bunch of goals and objectives. Two of the five goals said that they need expansion of commercial opportunities and the City should strive to maintain a balance between economy, environment, and the community that meets the current needs and also the future residents’ needs. And the objectives that they came up with were creating gathering places for residents and community activity, retain and support the growth of existing business, Novi needs to take steps to become more vibrant, the City should provide more activities and shopping within walking and biking distance. So this project that is proposed today addresses all these objectives. It’s 100% in line with Novi’s vision for the future, and all the comments that I hear today are completely counter to that vision. And in addition to that, I know I’m probably out of time but just one quick comment, people keep saying theater is not good for students. I would like to remind everyone in this room that in 2008, the Novi School District in conjunction with the Novi Youth Council and Police Department conducted a campaign that said ‘addicted to movies and not to drugs.’ Thank you.

Shalini Singh, 24559 Perceval Lane, said I live in Novi close to where this proposal is being made. Over the years that I’ve been here, over 14 years that I’ve lived here, the intersection of Ten and Novi Road has become a lot more challenging. Trying to get home in the evenings is a feat of patience, we have no left turn to get into our sub and the oncoming traffic is already horrendous as it is. This proposal would definitely impact that. At night, it is also very challenging. Six o’clock in the morning is when you can get through it very easily. But that may be what it is.

The second thing is, it’s very easy to take bits and pieces of statements and quote it as you wish. When our own children tell us that they don’t want a theater in close proximity to the their school, as my daughter came and stated the last time this was proposed, I would have trouble saying that it’s for the kids that we’re doing this. When our own children feel that they don’t want that volume of traffic in their backyard, I would have trouble believing that we’re doing this for them. We believe that we are fighting for the safety of our neighborhoods and the maintenance of the peace and tranquility that we have come to believe is part of our neighborhood. When you buy a house, you’re not just buying a piece of land. You’re buying an environment. And we understand that environments change, and we appreciate the fact that environments should change. But a certain level of that environment should not be compromised. And I would please urge you to help maintain some of that tranquility, peace, and beauty that is Novi. Thank you.

Matt Lazell, 24396 Cavendish Avenue East, said it's in my backyard, the actual theater is in my backyard. Your drawings indicated the parking lot had ended at my neighbor Guang who spoke earlier. I'm right next to Guang so the theater will be in my backyard. So to say that it's not going to be a disturbance, you left me off the list. I just wanted that out there. Traffic is an issue, it's an issue right now. With those townhomes or condos or whatever they get called, when they're finished there's going to be an extra 200 or 300 vehicles in the morning and in the evening and all throughout the day. So I don't know how this fit into the traffic plan or how it got approval for traffic flow, but this is going to add a lot more traffic.

The noise level – vehicles make a lot of noise, people make a lot of noise. Groups of people make even more noise leaving the theater. If they're leaving in groups of one or two that would be great, but they're going to leave in groups of 25, 30, 45, 50, however many people are in the theater. So noise is a concern. I've lived here 16 years, original owner. Walkability is a great idea but I've never once said I want to walk to a theater, I hope they build one right around the corner. The lady just before me had indicated the Master Plan and she brought that up, however she left out the number one goal is quality and variety of housing. The City of Novi is known for its high-quality residential neighborhoods and should strive to ensure the availability of a wide range of attractive housing choices that are protected from noise, traffic, and other impacts of non-residential development. She left that one out. Thank you.

Vicki Garon, 25123 Sullivan Lane, said I was born and raised here from 1965 so I think I've got a lot of y'all beat on being out in this region. And I've seen Novi grow from the times all it was where we could ride our dirt bikes to what it is today. And I also want to address the Master Plan comment on being walkability, to be like Northville, to be like Plymouth. I think Novi tried that and that's called Main Street. And that's why we set up the entertainment district in that same general area. We can't be like Plymouth in the full sense, we weren't built that way. Novi was never started that way as a City that Northville and Plymouth were. But I think if that's where we take that idea in the Master Plan, that's why we have the entertainment district and that's why it is where it is.

I want to address the Woodland Permit. To get this where it needs to be, there are some variances that need to be granted. I find it interesting, it's 160 trees that are going to be removed, 101 replaced. Yet Chick-Fil-A on their very small piece of land are able to put 52 trees in there. So as an element to maybe get more trees where they belong rather than just in the bank, is take that 3-foot wall out on the north side. Sacrifice those 30 parking spaces, or do they have to have that in order to meet parking so they don't have to ask for a variance on parking. But if we take those out, we put in a berm, we place trees all along the berm. We now have more trees that don't need to go into a landbank. Traffic Study – I can't recall, I was here in September, if the traffic study that Novi did included the residential development that was just put in, if it included all that and already all the future elements that are supposed to be set and that we know are coming. Or is some of that missing here, where maybe rather than completely relying on Novi's traffic study, they filled in that gap. Maybe there was a small element that they needed to address saying this is coming too, so we just need to fill in that gap. I think that's their responsibility to do that, as well. The Wetlands – I see that we're going to have them address MDEQ to make sure that everybody's wetland pictures are the same. I presented back in September that the Wetland map that the State of Michigan had on their website was

much larger than the Wetland map that was in Novi's. And I wanted to make sure that those two did jive and that they did obtain the necessary approvals or at least a letter from the DEQ to you stating that the Department State of Michigan agrees with your wetland map so we don't get caught in a corner where we granted something that the State is going to come back and Novi doesn't need, nor the residents, to get caught in that situation.

The last element is, I'm not up on the Ordinance and I heard representing about theaters cannot be adjacent to residential and this switching around by putting the parking lot in the office section and then the theater down below. I just want to make sure we don't play the game of 'well the theater is not directly adjacent to residential, there's a little bit more OS between them and to the west,' because they're just manipulating and playing the game to make it work. And I don't think that's the intent of what our Ordinance and how we wrote it with some of those restrictions are. I do oppose this, I don't think it's the right spot for that theater. I do believe we do have an entertainment district for that, where we can go and people are cordial there and that's where it's meant to be. Move it someplace else. That's not what it was meant for. Thank you.

Reba Pilibosian, 24504 Cavendish Avenue East, said I was here last meeting too, I heard everybody and what they said today too. I was really shocked when I heard the first speech from the lawyer saying that the City can't do anything, they can build the theater, they can do this, they can do that. But we are here to say we don't want a theater. And I'm really confused about the zoning too, we feel like there is a zoning problem that somebody else said – B-1, B-2, B-3. I'm not a lawyer, I'm not a planning agency so I don't know about those zonings, but I'm against the theater in that area. We're not against entertainment, we love theaters.

Somebody else was talking about us walking, we are the ones that will be walking to the theater not the person talking about walking there. She lives in Commerce. So we don't really want to walk to theaters. When I was a teenager, we used to go to the theater for entertainment, we used to drive to the theater because it was fun, it was a day to spend there. It wasn't just walking like let's miss class and let's go to a theater and then we can go home. I am aggravated because all these people here, we are opposed to theater. We left our work, we came here. We really don't want a theater.

Nobody talked about pollution. Do you know how much pollution this theater will bring, those cars? Everybody is talking about pollution, we don't have emission tests and stuff like California has for the cars. You know how much pollution and this cancer is spreading everywhere and people will get all these diseases and stuff, breathing? Plus, the lady before me said are you counting for this new subdivision coming, how many people will use Ten Mile and Novi? I don't think this is proper for Ten Mile and Novi. They should move it somewhere else. I'm not against any retail because retail doesn't get 3,000 people at one time, or 1,000 people. I don't understand, look at Twelve Oaks Mall. Half of the mall is already closed, there's so many places that I don't know why we have to congest everything in these parcels. Thank you very much.

Cecelia Gallagher, 41551 Woodland Creek Drive, said I probably am the newest person in Novi, I've only lived here a year. I moved to Novi because I wanted to get away from the congestion, I wanted to get away from the noise. And I also grew up in Livonia and I remember them putting in a theater over on Plymouth and Middlebelt and once the

theater went in, the crime went up. And you can ask those people over there. As far as sitting at Ten Mile and Novi Road with my family for dinner a few weeks ago, I almost saw so many accidents that took place over there. In fact, I asked the wait staff and they're scared half the time that a car is going to go through their business. So I understand how these people in this area feel. A wall, you can put up a wall. But it's not going to stop the crime. Thank you very much.

Radha Kolli, 50609 Billenca Drive, said I'm actually here to express my strong support for this development and here are my primary reasons why. Primarily, this is going to cater to various language movies and Hollywood movies, as well, for all of our families. Many of the kids who are born and brought up here have come really come to enjoy these movies and I'd really like them to continue to do so. Currently, there's no single multiplex in Michigan which screens all language movies of the Asian community. They are screened at different theaters in Troy, Ann Arbor, Livonia, Southfield, Walled Lake, and Novi. This multiplex is aimed at bringing all of these movies to be screened at one location and Novi, I think, is a great choice, given its demographics. This will also reduce the driving distances to all the cities, saving movie-lovers hours of driving time.

The architectural design caters to shopping, eating, getting together, and viewing movies all at one location. It definitely promotes a good lively community feel versus the typical entertainment types, as one of my earlier colleagues had mentioned. To go to Emagine, I do hesitate with little kids. This is more of a community feel kind of development that is being proposed. The proposed development actually, contrary to many of the opinions here, has very less impact on traffic than any office, commercial, or multi-residential possibility, as this traffic that we are talking here is typically on weekends and after 6pm. It has nothing to do with your morning rush hours, evening rush hours. I'm inspired by Mayor Bob Gatt's approach, the City of Novi typically would not turn down any development because it is going to bring in traffic. He believes that in the City of Novi, developers are not responsible for figuring out how to fix the traffic issues. This has made why Novi is not only my home, but a home for 60,000 other residents and 3,000 businesses.

Looking at this from a much initial larger level, we are talking about a commercial property facing a 5-lane road with multiple businesses in the vicinity. This property was zoned for this way long back in 1999, and I truly commend the vision and planning of Novi City's Planning Commission for this. I appreciate the City's intent to help the current residents, who are also here by permitting cutting a number of trees, filling up numerous wetlands, and numerous deviations of setbacks from the Ordinance to help them with what they have now which is called Churchill today, despite a serious traffic concern of adding 2,000 cars a day then. Looking back, it was a great decision as we see by the City and Planning Commission. I cannot end without appreciating the developers for their respect to the neighborhood and conservation of wetlands and woodlands. They have left untouched around 700 feet of woodlands and wetlands towards the neighboring end. Roughly 6.5 acres of the 14.29 acres, which is 46% of the total property, has been permanently conserved for wetlands, a pond, and woodlands. I really struggle to find how many developers have done that or even propose to do that. All these make me support the developer and the City of Novi's diversified, progressive, and developmental outlook to all communities from all over the world. #NoviForAll.

Parijat Medhora, 24259 Thatcher Court, said I just heard the theater that is being proposed. No to the proposal. I came here to tell when I moved in 1994 I got the job in

one day, but looking for where to settle because I realized Detroit was not the right place. So we did quite a bit of research and in one month we decided to move to Novi because it's a center of everything, had good education, and good living – safety, security, everything was there. So we said ok we'll move today. And today I am so proud to tell that we are ranked 6th top most city to live in, as per US News last month. So it's very proud to be taken on that note. So I would say I watch a lot of movies, I'm a proponent of theaters. But being a very residential area, it doesn't seem safe and secure for me. Since my two children were born and brought up and went to the college right here in Novi, now I have to think twice what I have to do for my safety in the case if it turns out the night. So I would request the City to consider no to the proposal.

Vamsi Vellanki, 25590 Portico Lane, said I have come here in 2016 and moved from a different city and I lived here for 6 months researching which would be the better option for me and my family to own a house and live for good. So I found that Novi would be the best place for me and my family, as well, just because I see everything in a very close proximity. And now today, hearing that there would be a new movie theater that's coming up here within a very close distance from my residence, I felt so happy. Why? Because all of us watch movies every day, or at least once in a week. Don't say that there's nobody who would not watch a movie. You go to Livonia, you go downtown, you go to Southfield, to Emagine. But also I would say that every year in the Novi school district, the school itself encourages the students to go with their parents to watch a movie. So where do they go? They go to Emagine. So why not here, have a movie theater here. When you talk about the crime at Emagine, nobody can stop a crime. The person who would like to make a crime can get into any place, anywhere, and do a crime. So you don't say the crime rate is increasing and here with the close proximity behind a subdivision there would be crime, so I don't feel there's any sense that makes that stopping a movie theater or a development here. When I used to ask any of my friends who are living here where they were from, they used to say Detroit. And these days, they say Novi because Novi is highly recognized by everybody. This is because of the huge developments, the huge residential areas, commercial areas, that came up. So I strongly support that this would be a good development for all the neighbors over here in a very close proximity. Thank you.

Netresh Rege, 24444 Cavendish Avenue East, said I'm one of the five houses that was shown on the screen there. I wanted to thank you for hearing us, I know it's late. I will echo a lot of the points that the people brought up before. And I especially came here for only thing, to thank you guys for asking people's City and where they live because some of the things you see is if let's say I live in Commerce or Bloomfield or Canton, I would like a theater in Novi but not in my backyard, right. So if you can keep that up, maybe you'll see that the people who are all saying yes will probably be living far from there. We're the guys who will be living right behind this development. Like one lady very nicely said, we're not experts in zoning, but it just seems like they just moved it like this and they're saying that this is now fine – it blows my mind that this is possible. So as a resident, I oppose the development and I just wanted to put it on record.

Dr. Nitin Chouthai, 24584 Thatcher Drive, said I am a neonatal intensive care specialist, I am a pediatrician that looks after babies that need intensive care and recently I received an invitation to go to a viewing of a 17-year-old boy, a son of my colleague, who took his life after getting addicted to drugs. That colleague of mine is not only very dear to me but dear to the entire division and department. And she would come and tell you that even

one life lost of a drug-related issue or a crime-related issue is not worth millions of dollars that somebody with these properties put up. I personally do not live near this theater, but I have kids who will go to Novi schools and I'm sure the hundreds of people here have kids who will go to Novi schools. The access to a location where crime can thrive and giving kids access to an area like this is criminal. I'm sorry I'm using strong words because you guys do not get to see this things happening every day. I do. I see all these problems and I don't want this to come to Novi. Today only, the government raided hundreds of places all over the USA. The northern-most place that they did was Ohio. Five years from now, it will be Novi. They will be raiding places if you allow these things in residential areas. Please do not do it. I do not want to be negative to those who have invested millions of dollars and hundreds of dollars of planning this. They should put in a sports complex if they want to have something that makes them money. Put up an indoor stadium where people can play baseball or cricket. The same places that baseball can be played, cricket can be played. You make available a kids place to play in winter, that will be better for the near future for American kids rather than putting up a theater. That's where I rest my case. Thank you.

Lori Pilibosian, 24504 Cavendish Avenue East, said I graduated from Novi High School in 2006 and we've been living in the City of Novi for over 15 years. So a couple of points I just wanted to mention. It was mentioned that the proposal to the nearest home was about 720 some feet, I just want to put that into perspective. Our lot is currently right behind the Pulte development, and now that the trees are cut down and the land is completely flat, we can clearly see across Novi Road into where the construction CAT vehicles are rented. I just wanted to mention it, meaning that once these homes are built up, the people are going to be able to see directly into my home, which invades my privacy. So I'm pretty sure that the people who are going to be living directly behind the movie theater are also going to be having this issue. And when you're able to see that closely, it's a very easy walking distance from a parking lot to someone's backyard, especially when we don't and we are not allowed to have fences in our own backyards to protect our homes. So that was one point.

Another point is that somebody brought up that they want to bring positivity to all the negativity. This isn't a positive and negative narrative, this is about the safety of the residents that are directly affected by this. Also, I wanted to mention that yes sounds come with the entertainment aspect of this. My house directly is about a mile away from where the Novi High School band practices from. I can hear Novi High School band practices while I am in my bedroom, so that is how much the sound travels and how easily it travels. So if somebody's alarm is going off in this parking lot, I'm going to hear it. And so is everyone else. And I think that's it, I clearly strongly oppose.

Mark Russell, 23408 Winnsborough, said I'm in Mystic Forest, I've lived in this community for 22 years now. I'm going to make this very brief. I heard somebody mention Novi Road being five lanes going north. I happen to live where it's two lanes and there's seven subdivisions that come off of Novi Road. And if you have to turn left it's extremely, extremely difficult, especially on weekend, anytime between Thanksgiving and Christmastime, it'll be a 5-minute wait sometimes just to pull out. And I believe that having this type of an entertainment center is just going to bring an extraordinary amount of traffic and just going to make a bad situation even worse. So I oppose this theater. Thank you.

Narayan Parthasarayhy, 24508 Perceval Lane, said I think you've heard enough, it's close to 10 o'clock. I'm not going to say too much on what the proposal does or whether we are in favor or not. But a couple of things that came pretty clear today, everybody brought in their slides and their sections and all the Ordinance numbers. One humble request to this Planning Commission if you all want to continue building a good community here, you need to learn to stop the technicalities that have brought us back here from 2018. We have come right back to the same conversation, it's been the same 4 hours here again. The technicalities and the legal flip that we have done here has brought us back to this 4-hour conversation. That is one. We landed on number 6 on the list of best cities to live in, due to a particular reason. Tranquility, we came to Novi looking for that. So obviously that is missing. This Planning Commission and everybody else who is in respective City jobs are responsible for building a concrete jungle around Novi. That is exactly what is happening. We are continuing to build Pinnacle, we continue to build Island Lake, we have built houses all over the place and the hearing before this you approved another building, and we continue to build Emerson Park. So somewhere, you all need to make a conscious decision, are you going to continue down a Plymouth or Northville style? Or are we going to become a concrete jungle and in 5 years have all the problems? So again, I'm not opposing anything or the business cases, but I want the business folks to also understand that this is the voice of the customer that you heard today. This is the same client you expect to come to the movies and the retail park. What part of business that is not appropriate. Listen to the voice of the client, listen to the voice of the customer, and then you make a decision. I'll leave it to you. Thank you for the long hearing, I appreciate your thoughts and hope you make a wise decision. Thank you.

Surya Nalamati, 24560 Thatcher Drive, said it's been a long night so I'm going to keep it short. I do not approve this project. There are a couple of reasons why. We are already seeing the traffic crisis. I'm a physician, so I leave the house when there's no traffic. I leave at 6 o'clock and there's no traffic, I'm fine with that. By the time I come home, tired, to get from Novi exit to my house it takes me almost 20 minutes. And now you're proposing a plan that would increase this time more. I just got a trauma call and if this plan goes through, if I responded to the trauma, taking a left turn with the theater there which would leave people out, now I'm going to wait another 5 to 10 minutes before I respond to the trauma. So I picked Novi for living here ten years ago when I was looking at Novi and Northville, I thought Novi was a very good community, not very built up. Now you are building up like crazy and I don't mind it, I don't mind having theaters. I'm pro-business, I invest in real estate. But there's a place for building the theaters, in the entertainment sections. There is an Ordinance for entertainment and we need to adhere to that. So with all due respect, I would request you to deny this application. Thank you.

Praveen Jettipalle, 28340 Clymer Drive, said I think for a change I'm going to support this proposal. I'm a resident, I'm an investor, I've also been here for the last 20 years. So I've seen the City growing up. I keep hearing about the traffic concerns from a lot of residents around here. True, to the fact that during rush hour there is a traffic concern anywhere you go in Novi. It's not just Ten Mile, go to Twelve Mile, go to any mile and you will hit that. But I think it's the responsibility of the City to take care of those, is how I look at it. From a movie theater perspective, it's off hours. You're looking at the weekends, you're looking at Friday evenings, that's the most you're going to see the maximum traffic out there. So I just want to cut that discussion out saying that traffic is a concern. Yes, during rush hour, I totally agree with that.

Now coming to me coming here, investing in the properties here, I look to City to provide me what kind of business I can build in those. As long as we are adhering to these rules and regulations of the City, I don't know if somebody can come and tell me that I can't build this thing here. It's my money. It's my hard-earned money that I'm putting in there. And I expect the Planning Commission to make the decision according to what they have published out there. As long as the builder is adhering to all the rules and regulations, they have the right to do what they want to do and support the community in the process. So that's where it is. I do live close to Emagine theater. I keep hearing about the traffic and the security and the property values going down – I didn't see that in my community. It went up actually. If you want to go check it, please do it.

And then also, the traffic is something that Mayor Bob Gatt addressed. So it's the City's responsibility to fix the traffic, I don't think it's the developer's responsibility to handle the traffic issues. It's a legitimate concern that needs to be addressed for sure. And then I also wanted to bring this up just to see how things have changed. I've been here for the last 20 years, as I said. This is what Churchill Crossing used to look like before. That was all wooded area. And if you have a concern, that property has been there since before Churchill Crossing came in. The zoning was done and agreed upon. Whoever has bought the houses there, they should have known that. It's a commercial property, it's a B-3. So the builder or whoever the investor is has the right to do what they want. You cannot deny that. And look at the number of exceptions they had to go through to build that sub. Finally, I just want to make sure. There is another property right there behind the proposal they're committing to. Tomorrow, there could be a commercial building there. Are you going to stop that commercial building saying it's too high right behind my houses? If somebody is going to invest there, they're going to have their own interest to build what they want to build there. I just want to rest my case right there, saying please approve this.

Prasad Gondhi, 23652 Dunston Drive, said I would like to just address one concern, the traffic. I know people addressing this at the beginning mentioned about 700 seating capacity. I just want to bring one technical point here. All 700 viewers will not come out of the theater all at one time, maybe every 30 minutes 10% of the people will start coming. So I don't think traffic is going to be as bad as people are presenting it, not all 700 people will come out. So with that, we would like to support this project and hope that Novi Planning Commission will approve this project. Thank you.

Raghu Ravipati, 41713 Dukesbury Court, said I'm here as a resident of Novi. In fact, I will also state that I am a partner in the retail part of it, but I'm not here to talk about retail. I'm going to talk about the movie theater that my friend is building here. Everybody talked about the theater bringing crime. I would like to ask the City of Novi why would a City of Novi as a whole award a 2008 Best Business to Emagine Novi? Why would we do that if it is such a crime-attracting place? Why would we do that, and why would we partner with Emagine Novi and another movie establishment to say, 'let's be addicted to movies, not drugs'? Why would do a campaign? I do not understand, everybody is saying movies will attract crime. Show me one instance. Somebody talked about 139 incidents from the police department. I digged into that number, that was 139 calls made for the entire Fountain Walk area. So expect 59 of those calls were just related to helping an elderly person. Dig into the information yourself and you will find it. I have done a lot of due diligence about the movie theater, counter to what everybody says. If they want to believe a movie theater brings crime to that area, so be it. But I feel that it is secure, and

that's why the City of Novi awarded Best Business award to Emagine Novi in 2008. We also run a summer camp during the summer hours. One of the summer camp outdoor field trip programs is going to Emagine Novi. It's funny that some of the residents in this room are involved in that program and we took them to the movies for a field trip, to Emagine Novi. I love Emagine Novi, I will continue to go there if the movie is there that's not in this theater. So just saying that for the opinion that movies attract crime, I don't think it's a fact. So please consider that as fact in my opinion. Thank you.

Mehar Velagapudi, 6008 Cherry Crest Drive in West Bloomfield, said Mr. Dinesh Potluri is my friend and a family friend. For more than two decades I've known him, and our kids went to school together since childhood, and he's a very good gentleman and he has a very good heart and very good business that he brought up in the last 20 years. And he does the right thing for a community and family, and he treats everybody as his own. So any business that is done by a right person in a legal way would definitely help to the City. And it is in the limits of your City legality, please allow him to do his business so that it helps your City and brings you more wealth to your City. Thank you.

Sai Gadam, 24692 Thatcher Drive, said I am here to strongly oppose this development. I have two kids, my 11-year-old fifth grader rides in the subdivision. I'm pretty confident and feel safe right now. But with this kind of development that is being proposed, I won't feel safe to let children in our subdivision go freely because the proximity of this development. I feel mainly concerned about the crime or undesirable people getting into our neighborhood. And then of course I have all the other concerns also. The traffic condition. The thing that kind of struck me - the first speaker that was in support of this mentioned that this was a rowdy place at one time. I don't like a rowdy place behind my neighborhood or in proximity to where I live. So that's my concern. Thanks for your time.

Alagappan Sundarakesari, 24591 Cavendish Avenue East, said I'm here to oppose this proposal, as well. I've heard all the things said for the first time actually, last year I was not able to come here to join but I heard very good arguments for the 'no' side and you've got investors supporting on the 'yes' side. So we have a shift of the 'no' side with investors coming in trying to support whatever they can, and the investors have said it's the City's job to solve the traffic issues and the crime issues and the noise issues, whatever comes. They can build a 3-foot wall, they can replace some of the trees, but the City has to solve the rest of the issues. And if the City can solve all these issues, my view is if the City can address all of these issues for traffic, safety, and noise, then we can address the proposal at that time. So at this time, I mean I know how much traffic there is when I come back from 696 and take the Novi exit. And during Christmas time, I don't even take that road because I have to take an alternative road, which is Ten Mile. And now people are going to take Ten Mile more often because it's going to be closer to the theater, and the Ten Mile and Novi Road is going to be jammed up even more because they can go through the mall area. I would just let the City decide and first come up with a solution for the traffic and congestion and the crime before we even entertain a proposal like this. Thank you.

Jithendra Bondada, 41303 Scarborough Lane, said I live very nearby, not exactly in the neighborhood but very nearby. So we have seen a lot of emotions and a lot of opinions that were shared, but I would request the Planning Commission to look at it from the standpoint of the City, as well as from the rules and regulations that needs to be followed. Those that adhere to, I feel that you should approve this and I support this because it

makes the place vibrant. There's employment opportunities that come along with that and also revenue that comes to the City. Thank you.

Bao Wei, 24604 Cavendish Avenue East, said with the current technology, it's easier to quantify the interference with the neighborhood, like what's the lighting level, what's the noise level. It's easy to quantify. At this moment, there isn't any kind of a study about that. So I personally think that the developer doesn't really care about the neighborhood. They only care about the business. So with this point of view, the neighborhood doesn't want this kind of business coming in that doesn't care about the neighborhood. So please City, members of the Council, this kind of business should not be contained in our neighborhoods. Thank you.

Praveen Yalavarty, 24524 Thatcher Drive, said I'll make it brief. There was a similar discussion 6 months ago, and the Committee made a decision unanimously to keep the entertainment north of Grand River. And this is again coming back in the same proposal and I think we should consider what decisions were made at that time. We're not opposed to shopping or similar activities, but movie theater is a no. And I strongly oppose this proposal. Thank you.

A resident, 5604 Warrenshire Drive in West Bloomfield, said I am in support of this project and I have been hearing many discussions going on, mostly emotional. And most are from the subdivision that is just behind this. While I can understand the feelings of the people who are against this, I would like to point out a couple of points to the Planning Commission. First of all, this approval process is based on some principles and the zoning. And if it's not approvable by the zoning, whatever we talk, it's not going to be approved. So you can go through that, that's the first point. The second point if there is a rule that there should not be any use of the property it will not be approved, whatever feelings we have. So I think you will consider that. If there is a rule that it should not be there. With those two points, I think you will consider the probability of keeping the situation that the investors came in and bought the land and tried to put money. That isn't why I'm coming in. The theater's owner is my childhood friend, I know him from high school and he is very passionate and he is very interested. And he came here to do this project, and he believes in this project. And the other people I also know very well, and he's a community leader. He did an excellent job. And they will be responsible people in putting the property in in a proper way.

Other than that, I would like to address the other points while again remembering the zoning and the conditions. So definitely this is going to give a lot of services closer to many other residences, and it will bring more taxes that is revenue that can be used for law and order or the security that you are having worries about. Also there will be jobs for the youth and other jobs. I don't think it's a problem, but what I see from the plan is there's a lot of wetland between the property and the subdivision that I don't think anybody can just walk in just like that. And I don't see that as a problem but I think you can evaluate that better than me. Another point that I hear is that sound is an issue. If the sound is an issue, there's not a multiplex there anymore. It will be a single theater. If there is a sound issue then the people cannot even look at the picture. So the sound is not an issue, especially in this particular area and time. And if somebody is saying that they are able to hear the band from the school, are you going to ban the school now? It does not work that way.

The last thing is security. Security is definitely a concern, but that's why law and order is

there and the police station is nearby. And definitely there will be a lot of restriction to the property owners to follow all the rules that they have to follow through for security. And the traffic that is the main issue, I also agree. But traffic is already an issue now, and Novi City already should be taking care of that traffic issue by improving lanes or whatever way, I don't know. But theaters, this is only nine theaters, and every ten minutes it will be closing and coming up so I don't think it's going to add too much of a traffic issue but definitely there is an issue not only for the theater but for other businesses so it should be approved. So using this, and this is a business that is legal, it is not gambling, it's not a casino, it's a very casual theater where we all can see. So it's not going to be a law and order issue for the homes. That's why I'm requesting people to consider all the rules of zoning and limitations of the land, and approve the project. Thank you.

Aravinda Kancharla, 24704 Thatcher Drive, said I am from the Churchill subdivision. Many people said there are lots of concerns, and I agree with them that all of those concerns are true. So when it comes to development, I truly welcome the developers intent to bring the tax dollars to Novi City, but the kind of development that they're bringing is not aligned with the residents of the City here. So this is a purely residential area, and the entertainment zones are proposed somewhere else north of Grand River. Someone quoted that movie addiction is better than drug addiction, so when you talk about additions, both are bad. One point less, movie addiction may be one point less than drug addiction. Are you encouraging movie addiction rather than drug addiction? I certainly say that's not a good comparison. So I strongly oppose theater and I encourage the developers to consider the retail business. We have no problem with the retail business, but I strongly oppose theater. Thank you.

June Moran, 23690 Greening Drive, said I simply want to get up here and say that I am in support of all of the majority of folks here in saying I also oppose this development. Thank you.

Balachander Mettu, 24306 Thatcher Court, said I do not support the theater development. I support the development but not the theater part. My main concerns are the traffic, noise, and safety. And I urge the Commission members to consider this and take appropriate action. Thank you.

A resident from Churchill Crossing said that I am a very proud Novi resident. I appreciate the entrepreneur who is coming to build in Novi theaters, but not the location. If he really wanted to build the theaters, there are plenty of locations available. They can build at 96 or different places. The same location came the last time and is coming back again this time. It's not fair, investing so many people's time again, I feel very sorry for this. If you look at the Indian movies, AMC has an association with all Indian movies in the entire US. Then theaters are coming up in Farmington Hills where the same promoter was building it, and he wanted to build one more Indian theater in Novi. I don't know the viability of this project. As a Novi resident, if some income is coming to Novi, we appreciate it. But definitely the promoter has to consider the right location to build a theater and we don't have any objection for a strip mall which the promoters wanted to build. Thank you very much.

Rajesh Vunnam, 24327 Cavendish Avenue West, said I do not support this proposal. Two years back, I moved to Novi. Before that, I used to live in Farmington Hills and the traffic was horrible in the intersection where I used to live. So I moved here and now it is

becoming even worse than what the Drake traffic was in the Ten Mile and Novi Road. I'll give you one example. I work in Southfield and I come back home around 5 o'clock. I have to take my son to a swimming class, he goes to Aqua Tots. It takes 20 minutes for me to start the car from my house and go to Aqua Tots. It's less than probably 1.5 to 2 miles. It takes 22 minutes, during 5 to 6 o'clock in the evening. And think about any of this additional construction. And people talk about 3 lanes and all that stuff, I'm surprised when I hear people talk about 3 lanes. I only see 2 lanes both sides, but that's it. And the worst is the traffic between Novi and Ten Mile. And this whole construction is not going to solve that problem, it's going to make it worse. And I'm really surprised that the builders or the investors are talking about the issue is that the City has to deal with the traffic problem. I mean, that baffles my mind to be honest with you that investors think the City has to deal with the traffic problem, that the City has to deal with the noise problem. And some folks mentioned here about hearing the Novi band. Actually, that Novi band wakes me up a few days a month. So think about the theaters waking up in the middle of the night. And if that's the thought process these investor have - that it's good, that what they're saying. Now think about what will happen if the theater is built, if it's good like they're saying that the band wakes me and the noise level wakes me up, then they don't care about that, think about what will happen if they build this property. And that's, to be honest with you, this came before and it's baffling my mind that it's coming back again. Somebody mentioned about Lego pieces, just moving the puzzle pieces and changing those bricks, that's exactly what this is about. And I just don't understand how this in fact came back without much of a due diligence because it was denied before and it should be denied again. Thank you.

Sanjay Mehta, 24377 Thatcher Drive, said I will make it very short. So just thinking, if we are humans, then we should consider the human factor in this. If we were all machines, robots, all for this project. Just for money, just for the profits, just for the revenue, go for it. I would say consider the human aspect, the sentiments of the people who are right next to this proposed theater. Thank you.

Ramesh Vemula, 24536 Thatcher Drive, said I oppose this theater proposal. The traffic is already worse, I think this theater would make the traffic condition much worse. And also the crime rate will go up and the noise pollution, so that's why I oppose this proposal and I request you to oppose it. Thank you.

Jayaraju Krishnamurthy, 24716 Thatcher Drive, said Canton's population is increasing, right? More than Novi. And they're still closing a theater. There's a reason why, because of 5G and people can download the movies on their phones and watch. I think this is a terrible idea, I hope you guys make the right choice. 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 several letters to read. Member Lynch, can you give us a count?

Member Lynch said there are approximately 200 opposed and I have one comment in here that is a support.

Chair Pehrson said those will go into the record. Chair Pehrson closed the public hearing and turned it over to the Planning Commission for their consideration.

Chair Pehrson said Sri, do you have the B-3 zoning document? Just to be clear, I don't normally start, I normally let the other Planning Commissioners start, but I wanted just to set a few bases that I think were misunderstood. The B-3 District, whether it was a typo or a PDF conversion issue, just for everyone's clarification, theaters are permitted in a B-3 utilization, in a B-3 district. Correct?

Planner Komaragiri said correct. Do you want me to explain further?

Chair Pehrson said please.

Planner Komaragiri said it is a little unusual, we don't come across it that often but back in 2015 we went through a reformatting of our Zoning Ordinance from a standard PDF document to a ClearZoning format which has tabs and it has links within the document that takes you to another place. At that time, we did not make any changes to the actual text, we just reformatted the language into different tabs. But as part of the transfer, there was some text that was lost in translation, not necessarily because we made a formal text amendment but there were just some typos lost in translation. And this was one of those situations. Before I get into detail, we also have another text amendment on the agenda tonight which kind of addresses this amongst many others.

The images below refer to the snapshots from the old PDF version of the document, where Article 15 for B-3 General District says any retail business or service establishment in B-1 and B-2 as principal uses are allowed as permitted under B-3. And then under B-2, all retail or service establishment uses list theaters, assembly halls, concert halls, and museums. When this was converted into ClearZoning format, Section 4.27 is supposed to read in the B-2, B-3, TC, and TC-1 Districts, and the word B-3 got left out which we fixed. However, when you look at the permitted uses under B-3 it refers to retail business and retail business service uses and it refers back to 4.27. So when the applicant brought the different alternative back to us after the previous meeting, we went through an extensive back and forth between the two Zoning Ordinances before we made the determination that what the applicant proposed is permitted.

Chair Pehrson said thank you. So that clears that up. Relative to the matter of September 12th when this came to the Planning Commission: again, for those that aren't aware, the petitioner was asking for a rezoning. That rezoning was denied based upon the fact that it did not fit the rezoning request at that time being requested. As Sri pointed out earlier in her first slide and as part of what we do here and the Planning Commission is we don't make a judgment based upon anything other than the facts given to us by the zoning and by the district particular businesses wanting to go in. In this case, this particular petitioner wanted to go in, whether they knew it or not, they went back and did their homework and found out that theaters are part of the B-3 district. We don't make the judgment, we can't make a judgment on what we like, what we don't like, what we don't want to see, what we can see. They're written into the Ordinances based on the City. The OS-1 District is available for parking.

So based on that, based on what we're being presented with today, we can ask for, we can assist and modify, we always do – as what this Commission does – look out for the citizens and try to make the best out of the properties that are available abutting residential to make sure that there is harmony between the petitioner and the residents. And I dare say, and I've been there and I know what you're going through, nobody likes it

in their backyard. So if you didn't want a theater, you probably didn't want an auto wash, you probably didn't want a fueling station, you probably didn't want a dry cleaner, probably not some type of a gas station, the list goes on and on and on. A tattoo parlor. Those are all permitted uses inside the B-3. So for us now to consider, I just want to put those facts out on the table. Everything that you've come forward to us with as far as traffic, as far as crime, as far as noise – noise we can do something about, lighting we can do something about, because they're written in the ordinances. And any of those other businesses that would've come forward to this particular location unfortunately would've brought all that same stuff. And the reason why we're voted number 6 in the magazine or whatever article it was, is because of the superior job that the Novi Police Department does do in this City. So if you think the crime is going to go away or be different between a theater or a brewpub or tattoo parlor, I'm sorry to say that's not correct. I understand the emotions and I get it, but we have to base our judgment for this particular petitioner based upon the Ordinance and what's available for and in this district. So that's the case that we're working on right now. And with that, I'll turn it over to the Planning Commission for their consideration.

Member Anthony said so with that, when I look at this, I start with the Master Plan, Future Land Use Plan, and the Zoning Ordinance. Any decision that we make has to be within those three, it can't be outside of that. Sri, can you put this map up which shows the zoning? So the first thing I take a look at is I see in the corner it makes sense at Ten Mile and Novi Road it is B-3, and then I know Churchill Crossing is single-family. So I'm looking for in between something that would be a transitional zoning, something that creates a buffer or a softer transition from the B-3 to the residential. And with that, we have the OS-1, the Office zoning. That is good transition. And the City then goes further with their Ordinances and they have this table, there's a part that's called non-compatible land and what they try to do is increase the screening whenever they have this kind of land that abuts right up against residential. And when we look at what we're working with, we then compare when the plans come in against what those Ordinances are.

So that leads me to my first question with you, Rick. One of the things we look at is opaque visibility in the buffering, and then we're also looking for a reduction of noise in our buffering. So the first parcel that I wanted to look at is the northern one, which is the OS-1. And that ends up being the parking lot, but before you go there I had this other question which I wanted to bring to our City Attorney for legal interpretation. Because I did look at it, as well, and thought how clever it was to put the theater on the B-3 and the parking lot next door. Parking lot fits all the OS-1 requirements. But does that change the intent or cause how they're using it to not comply with the zoning?

City Attorney Saarela said it does not. Even if they combine the parcel, you can have a parcel that has two different zonings on the parcel.

Member Anthony said and that way you can develop differently on each one depending on how it's zoned?

City Attorney Saarela said you can.

Member Anthony said so legally, that can be done. So now we go back to where our Ordinance is, and now I come back to you, Rick. So when we look at that northern piece, I'm concerned because of the residential, you know me that I zone in on what's the

screening between the residential and the more intense use. So we have wetlands way in the back, in the very western side of that. And I remember thinking way back when they were building Churchill Crossing that I was concerned with how much of that we were going to lose even when it was OS-1. So how much is preserved there and what are we doing now for a visual screen and audible screen? I know we have the retention pond, so that's going to give hydraulic wave with the wetland. What about visual and sound?

Landscape Architect Meader said so the wetland is not being impacted at all, it's staying and then they're going to put the pond east of that. And the requirement for the required buffering is a 4.5-6 foot berm between the OS-1 – or parking use – and residential, that's what the Ordinance calls for. They said they would do the berm, they haven't had a chance to revise the plans to show it, but there's room there for about a 5.5-foot tall berm. And then there's going to be a lot of landscaping, which is a combination of perimeter trees and also a lot of replacement trees between the parking lot and retention pond. And then there's going to be the shrubs, which won't do that much. And then there are trees beyond that that they're going to plant.

Member Anthony said so in the Ordinance when I look at the screening, they talk about large evergreen versus deciduous. So it gives it an either/or. And we know those large evergreens give us a 4-seasons screen. Can we, as the City, then put a requirement that those trees are large evergreen trees in association with that berm, helping create a stronger visual barrier?

Landscape Architect Meader said yes, we can do that at Final Site Plan. We can ask them to revise. We've done that for other projects.

Member Anthony said ok, so you know the intent of what I'm going for here. Because it's going to keep in more thick foliage, even though they're needles, give a greater height which helps drop sound and increase the opaque nature of being able to see through that.

Now before I move on, I wanted to say unfortunately what that map doesn't show is how much of the wetland is actually preserved. Look at that. Because the actual wetland, I looked into moving into Churchill Crossing at one point, the actual wetland right away that's behind those homes is only about 30 feet. It's not really that wide. And now with this becoming a wetland, you actually have one of the biggest buffers and it alleviates one of the bigger concerns. So you preserve the natural habitat and they're going to go through all the State and City wetland rules, and the City wetland rules are stricter than the State wetland rules. And believe me, the State will show up when they see the development out there to ensure that it's done, as well as our City inspectors. So if we can get that visual barrier, that really helps that line of sight and that completeness.

One of the things I looked at, as well, when they did the elevation and the line of sight with that – they kind of put the line of sight as if you're 12 feet tall, so I took my own ruler and went lower with it. So those trees, that 5 foot berm with taller large evergreen trees, will take care of line of sight. Now let's go back down to the parcel that has the building itself. So we at least have some wetland that's being preserved over on that side. What kind of vegetation, what kind of screening, are we doing anything there?

Landscape Architect Meader said there are perimeter trees along the edge. There's not

as much there because there's not as much room to work with. They have perimeter parking trees along, very densely packed. They're not evergreens. There is room in the Ordinance to allow flexibility to allow more evergreens. We typically want perimeter canopy trees because it shades the parking lot better, but we could ask them to convert those to evergreens too and that wouldn't be a problem.

Member Anthony said and that would be helpful. But I think as a City what we really need to look for in that portion is the OS-1. Because at some point, when somebody comes in to develop OS-1, that's going to be right up against the residential and we'll need pretty strong screening. So changing that vegetation to evergreens on the west side of the building will help, but we've got to keep our eye for future as well. Now, whether I go to the Planner or the Engineer, the lighting that's on the back of that building can be really strong. What do we have on the back?

Planner Komaragiri said are you talking about the southern side?

Member Anthony said the western side, that's what Churchill Crossing will see out of their back window.

Planner Komaragiri said so that's the side where there are no building entrances, so there won't be any building lighting on that side. The applicant can confirm what I'm saying, but there are no entry points into the building from that side so there are not building lights.

Member Anthony said very good. I also saw that the City was requesting that they change the parking lot lights to LED, so with that, I have two questions. Can they make them lower? I know we have some Ordinance on the height, but let's look at how low we can put them. And with the down lighting, since it's LED, can we change the color? So there are many shades of white and sometimes you go towards yellow. And by softening the color, it ends up not being harsh but creates the lighting that they would need for the parking lot.

Planner Komaragiri said so we can definitely work with the applicant to consider options, but one thing to consider is when you decrease the height of the pole you would end up adding more lights to get the spread. So when you have a higher height, you have a lesser number of poles because you get a better spread.

Member Anthony said so it's a function of density versus height. The higher you go, the less dense your lights are.

Planner Komaragiri said right. But when there are properties abutting residential, the maximum height of poles is limited to 20 or 25, but it's definitely not more than that. So because this is adjacent to residential, the height of the poles are limited to under that height.

Member Anthony said ok, it's the western boundary that I'm most concerned with. And there are actually some really good things that are proposed. But now when we look at the northern boundary, now we're up against multi-family. So actually, we now have a much softer transition – for lack of a better word – going from the OS-1 into the multi-family. So I can see it's not as aggressive of a barrier. But the 3-foot wall, I'm thinking with 3

feet does it even stop the headlights? Should we be a little bit higher?

Landscape Architect Meader said the vehicles wouldn't be higher than 3 feet and they're pretty close to the parking lot, so that's the idea that those will stop the most intense part of the headlights. And then there are trees above that, and there are trees beyond that, so that's the thought.

Member Anthony said so I'm going to hit you on the trees again on the large evergreens. I know we really try to get more of a natural setting so we get a mix because it has a real aesthetic appeal. But when we're using vegetation to help with sight and sound and we're in Michigan and we have a hard winter, the large evergreen trees really do help create a better screen. With that, I'll turn the rest of the questions over to my other Commissioners.

Member Avdoulos said I appreciate the explanation related to our zoning. I thank all the residents, actually, for coming out and being able to speak. We look at every project based on the information that we're given and the information that we need to follow. This is a B-3 District and it has certain things that are allowed to be placed on it. And somebody who buys a piece of property and wishes to develop it and follows all the rules and it may not seem fair, but the Churchill development is bordering an area that is a transitional area so it's going to have OS, it's going to have B, the Emerson property is multi-family so that's a transitional from a typical residential neighborhood. And these are the things that we have to take a look at.

This particular development, and somebody had put my words up on the screen from the last iteration of this where I said something about a larger gap between the actual development and the residences, this particular layout actually works better than before because the theater is right next to the retail business at Pine Ridge and then the parking acts as a transition between the theater and the Emerson development. And then there's also greenery that goes between the edge of parking and Emerson. The fact that this is justified east on the lot and the fact that this is 14+ acre site and only 8.7 acres are being developed and then the rest is being given into a preserve shows that there is consideration for siting the property appropriately and siting it with the concerns of being sensitive, at least, to the neighbors.

I don't see anything from the City in their reviews, most of everybody has approval recommendations from Planning and Engineering. The applicant will work closely with Landscaping I think to create more of those buffers. There are some things that Staff has requested that made the location of the loading area and the dumpster work a little better, that's a Zoning Board of Appeals variance they'll have to go for, but that is working with the Staff. I think the rest of the approvals – Traffic has done their recommendations – so what I would like to do is make a motion.

Motion made by Member Avdoulos and seconded by Member Anthony.

Member Hornung said earlier today, I had said that a lot of things coming up to us today had to do with being good neighbors. We are kind of locked in with this one, as has been mentioned, as far as the developer has followed all the rules and so that is not really a place for us to make a decision. So we do have to move along here, but this paper speaks volumes to the community in Novi and this vote is going to break my heart. Thank

you.

Member Lynch said I understand law and that we have little discretion here, and I understand that the builder met his requirements and it's zoned that way, so I get all that. One thing I do want you to focus on though is this Tree Fund stuff, I've harped on this forever. I'm not a big believer in a Tree Fund. If there's any possible way the trees being removed can be replaced somewhere on that property to add as a buffer to the Churchill Crossing before it can go in there.

ROLL CALL VOTE TO APPROVE PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER ANTHONY.

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.*

ROLL CALL VOTE TO APPROVE WOODLAND PERMIT MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER ANTHONY.

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.*

ROLL CALL VOTE TO APPROVE STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER ANTHONY.

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.

Planner Bell said Planning Staff is proposing a number of minor zoning text amendments to address inconsistencies and minor errors between the former version of the Zoning Ordinance and the ClearZoning format, as was just mentioned by Sri when it came up in the previous case, as well as many other instances. These changes include correcting titles, formatting, and numbering; adding assisted living type facilities and accessory buildings and uses are added to the Special Land Uses in the RM-2 District; in the B-2 and B-3 Districts the types of retail businesses allowed have been restored; redundancies removed; and instructional centers have been added as had been the interpretation of the Ordinance in the previous format; the performance standards and the noise level chart is simplified to separate residential standards from non-residential and mixed use.

Other minor but substantive changes include updates to address Michigan's law regarding marijuana establishments and the City Council's recent action to prohibit them

in Novi; expanding requirements for sidewalks to apply in all residential districts; prohibiting the cutting of vegetation within wetland and watercourse setbacks; updates to ensure business servicing and processing are conducted within buildings in both the B-2 and B-3 Districts except as otherwise permitted; the Special Development Option for the Gateway East District is modified to remove the requirement for the City Council to conduct a public hearing in order to be consistent with the requirements in the other districts that require City Council approval. The Planning Commission hearings would still be required in advance of that.

Changes to the daycare – group daycare, adult daycare – would allow the Planning Commission to modify the outside recreation area required, as well as adding B-3 to the list of districts where such uses are permitted, and renumbering the section for consistency. Section 4.19 which deals with accessory uses is modified to add language related to the placement and screening of transformer and other utility boxes; the use standards in several sections are modified to include the other relevant districts where those uses are permitted; the façade materials chart is modified to add a footnote to address how fiber cement architectural panels are reviewed, since we are seeing those more recently on many projects; and finally, a new section is proposed to provide a process for protest petitions in conformance with the Michigan Zoning Enabling Act, which was brought to us by the Clerks' Office.

The Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council for reading and adoption.

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

Member Lynch said we have one letter from Mr. Kuenzel.

Chair Pehrson said that letter will be entered into the record. Chair Pehrson closed the public hearing and turned it over to Planning Commission for their consideration.

Member Anthony said a couple of things. One, in Section 2. Notes, the Wetland and Watercourse Setback section where you have those corrections that talk about no deposition of any material, removal of any soils or minerals, cutting or removal of vegetation, dredging. Should an equivalent of that be put into the Woodland Ordinance? I was searching for the Woodland equivalent to it and I couldn't find it in time, and I just note it to go look.

Landscape Architect Meader said we can look. There's a lot to do with ground covering and stuff in the Woodland Ordinance, so it could be something we could look at. But it's a whole different Ordinance.

Member Anthony said the whole intent is that we have consistency. So the other one is Section 2. Notes L, when I saw that the parking lot setback was 20 feet it made me go back and look inside our Ordinances and look at the summary sheets that are in there. And I noticed that the back setback for B-1 was 20 feet, for B-2 was 30 feet, and then B-3 was 20 feet. And it didn't make sense to me that it got smaller or why there was that inconsistency. That's it.

Chair Pehrson said is that just a note for them to look up those inconsistencies?

Member Anthony said yes. There might be a logical reason why it is that way.

Chair Pehrson said if there are no other comments, I'll look for a motion.

Motion made by Member Anthony and seconded by Member Lynch.

ROLL CALL VOTE TO RECOMMEND APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH.

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.

Planner Bell said the subject property is in Section 1 on the north of Thirteen Mile and east side of Cabot Drive, west of Haggarty Road. The parcel is 10.3 acres. It is zoned OST, Office Service Technology, and surrounded by OST-zoned properties.

The Future Land Use map indicates Office Research Development & Technology for this property and surrounding properties.

There are wetland or woodland areas on the southern portion of the site, which will not be impacted by the proposed development.

The site has an existing 76,500 square foot office building built in 2016, which is the headquarters of Daifuku North America. The applicant is proposing a new 24,100 square foot, 1-story research and test building and associated parking on the east side of the site.

Planner Bell said the existing site access off of Cabot Drive will not be modified. The applicant is requesting a waiver for the parking setback on the north side of the site, which is supported by Staff because the modification does not reduce the total area of setback below the total minimum setback area on the site.

The site plan meets all other Zoning Ordinance requirements, and all reviewers are recommending approval with additional comments to be addressed in the Final Site Plan.

The Planning Commission is asked tonight to approve or deny the Preliminary Site Plan and

the Stormwater Management Plan. Representing the project tonight are Matt Sosin from Northern Equities and Jeanie Moss from Daifuku to answer any questions you may have.

Matt Sosin, with Northern Equities, said I had a 40-page essay about this site, but given the time I guess I'll forego and just say that we're really excited to have Daifuku expand here. It's a great company, they've made a huge investment in the City and within the park. We're here to answer any questions you might have.

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

Member Hornung said when I looked at this plan, it looks like the only thing that's a little out of the usual is right up here. And that has to do with the setback from your neighbor to the north. Is there a different picture that shows the actual setback? Because the setback is right here, this little jotted line right here. So what we have is this road that leads around the building here and it goes around here, so it loops. And the setback is right here, and it would infringe on that particular space and maybe two parking spots is what we're looking at, right?

Mr. Sosin said yes.

Member Hornung said so my question is there anything that could be done to redesign that space to respect the boundary with your northern neighbor?

Mr. Sosin said so I am the northern neighbor on both accounts, and so I'm ok with it. I didn't mean to be flip there, I'm sorry. It is a very difficult site, and to get the circulation not only for Daifuku's needs but also obviously to meet the Fire Code, we do need a driveway that goes all the way around the building. I think that was the least intrusive way to do it. Not on this drawing, but there are trees in between the back of curb on the north curb of the driveway and the back of the neighbor's curb. So there's plenty of screening and green up there.

Planner Bell said may I add to that?

Chair Pehrson said yes.

Planner Bell said the parking setback really only applies to the parking spaces. The drive aisles may infringe on the parking setback, so it's only really the one space that is infringing on that. And that's the waiver they're requesting.

Member Hornung said so it literally is just for on the northeastern side for basically two parking spots?

Planner Bell said that's right.

Member Hornung why not just lose those two parking spots?

Mr. Sosin said I think the parking is needed, that was Daifuku's request there. Again, there's plenty of screening, it backs up to other parking. My guess is, given the grades there, it's well below the grade of MTU to the north. So you wouldn't even see it. It's a small waiver, I think it just makes sense to have the parking there.

Member Hornung said ok, thank you.

Member Anthony said my quick comment is this was probably the easiest one of all of these to look at. And the issue with the parking, because I have a different view of parking, is that this is all surrounded by office. So the waiver is not really material.

Member Avdoulos said I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO APPROVE PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.*

ROLL CALL VOTE TO APPROVE STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.

Planner Bell said as you mentioned, the construction of that previously approved building is largely complete at this time, and the owner has identified a tenant to occupy the building. The tenant, Hexagon, Inc. has a need for additional office space, and so the applicant would like to build a mezzanine to provide 21,348 square feet more office area. Windows would also be added or enlarged to provide more daylight into the mezzanine space. The façade changes proposed are still consistent with the Section 9 waiver previously approved by the Planning Commission.

The loading/unloading docks located in the northwest corner of the building would be modified somewhat to accommodate smaller trucks anticipated for this user.

The applicant is seeking Planning Commission approval of 32 landbank parking spaces for the additional parking required as a result of the increased office space. There would be 171 parking spaces provided on the site, while the Ordinance requires 203 spaces. Hexagon, Inc. is expected to have 147 employees initially, and expects the 171 parking spaces to be sufficient for their needs. The site plan showing the layout of landbank parking on the north side of the building that could be constructed if determined to be needed in the future. The layout would meet the requirements of the Zoning Ordinance. If the landbank parking is approved, the applicant would need to submit a Final Site Plan for the landbank parking before construction if and when that parking is determined to be needed. The applicant plans to combine a portion of the two lots to the north with this parcel to gain the area needed to provide that additional landbanked parking.

The reviewers are all recommending approval with additional items to be addressed with final site plan submittal.

Planner Bell said the Planning Commission is asked tonight to approve or deny the preliminary site plan and stormwater management plan. The applicant Glenn Jones from Dembs Development is here tonight. Staff and consultants are here to answer any questions you may have.

Glenn Jones, with Dembs Development, said I'll be even more brief than our competitor Mr. Sosin who was up here earlier and I'll just answer any questions you might have. But first and foremost, I want to give some special thanks to Lindsay and Barb McBeth for assisting in pushing this through to get us on an agenda with you guys to look at this for our user for the facility, Hexagon Technologies. As mentioned, when we first brought this project to you gentlemen about a year and a half ago, we planned to put a high-tech use in this facility and that's what we've found with Hexagon. They're a really good company, not really all automotive related but somewhat automotive, aerospace, real high-tech. So a good user. Thank you.

Member Avdoulos said I'm a big fan of not building what you don't need, so I'm good with the 32 spaces being landbanked. It's less surface to worry about and then they can add it when they need it, and they have a space for it. So because of that, I'm going to make another motion.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO APPROVE REVISED PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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 landbanking 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.*

ROLL CALL VOTE TO APPROVE STORMWATR MANAGEMENT PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.

Planner Bell said the subject property is in Section 17 on the southeast corner of Grand River Avenue and Wixom Road. The parcel is 6 acres and is the existing site of the Varsity

Lincoln auto dealership with showroom, service center and inventory parking. The property is zoned B-3 General Business, as is the property to the east. The area to the west is zoned RM-1. The City of Wixom is located to the north, which is developed with fast food, gas station, and car wash uses. The parcel to the south is also owned by the applicant and used for inventory parking.

The Future Land Use map indicates Community Commercial for this property and those to the east and south. West of the property is planned for single family uses. In terms of natural features, there are no wetland or woodland areas on the property.

The applicant is proposing to repurpose the service parking lot on the southwest side of the building to accommodate an additional 51 spaces for vehicle inventory storage. Existing access to Grand River and Wixom Road would not change from the current configuration. No changes are proposed to the existing building. No new areas of impervious surface are created by the plan so the existing storm sewer collection system does not require modifications.

The applicant is requesting seven waivers to Landscaping standards due to existing conditions on the site, which are detailed in your packet. The requested waivers are supported by staff because no deficiencies are created by the proposed changes – they are all existing conditions. Landscape recommends approval.

Planner Bell said the applicant also requests a waiver for two painted parking lot end islands in the middle bay of parking in lieu of the required raised islands, which is within the gated area not accessible to the public and is able to be waived by the Planning Commission. Staff supports this waiver.

All reviewers recommend approval. The Planning Commission is asked tonight to approve or deny the Preliminary Site Plan and the Stormwater Management plan. Representing the project tonight are Mike Stanford from Varsity Lincoln and Tony Dellicolli from CityScape architects. Staff is available to answer any questions you may have.

Tony Dellicolli, with CityScape Architects, said thanks for your time tonight. Here with me tonight is Mike Stanford, the owner of Varsity Lincoln. In the interest of time, I know you have had a long night, really we're just here to answer any questions you may have. The only thing I would mention is that Mike has been very involved in the community in the last 25 years with their existence on this corner in Novi. I don't know if any of you pay real close attention but he is very meticulous about how that site is kept. I've walked the site with him and despite his bad back, he will bend over and pick up a bubblegum wrapper and put it in his pocket so he can throw it away when he goes back into the building. So he's going to continue to maintain the quality that he's sustained over all of these years.

And really in essence all we're asking to do here is to lower the screen wall and we're going to be adding five lights, and architecturally that's the only thing we're really doing on the site. We're providing and meeting the requirements requested by your Landscape Architect, 36-foot high contiguous planting screen along this frontage on Wixom Road. And we've complied with all the other items in the 34 pages of review comments that were given to us, and those items have all been picked up and resubmitted to Lindsay.

Chair Pehrson said thank you for sticking around for our evening this evening. Chair

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

Member Avdoulos said because our Landscape Architect is approving and recommending, and all waivers are supported, I think that's a good thing. I'm going to make a motion.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO APPROVE PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

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.*

ROLL CALL VOTE TO APPROVE STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER AVDOULOUS AND SECONDED BY MEMBER LYNCH.

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 made by Member Avdoulos and seconded by Member Anthony.

ROLL CALL VOTE TO APPROVE THE MARCH 27, 2019 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER ANTHONY.

Motion to approve the March 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 Lynch and seconded by Member Anthony.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY.

Motion to adjourn the April 17, 2019 Planning Commission meeting. *Motion carried 5-0.*

The meeting was adjourned at 11:29 PM.