



MASTER PLAN & ZONING COMMITTEE
City of Novi Planning Commission
December 2, 2008 at 7:00 p.m.
Novi Civic Center – Council Chambers
45175 W. Ten Mile, Novi, MI 48375
248.347.0475

ROLL CALL

Present: Members Brian Burke, Andy Gutman, Michael Meyer, Wayne Wrobel

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; Kristin Kolb, City Attorney

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Burke:

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

MATTERS FOR DISCUSSION

1. Weiss Mixed Use Project

Request for discussion to provide comments, suggestions and questions on rezoning a portion of a parcel from OS-1 and I-1 to B-2 with a PRO with the balance of the property remaining OS-1 and I-1.

Planner Kristen Kapelanski said the Applicant is proposing a 41,000 square-foot retail center, a 64,000 square foot Kroger store and other associated outlots for three medical buildings, two restaurants, a bank and a retail store. The site is the southeast corner of Ten Mile and Novi Road and the proposal is for just a portion of the property. The surrounding zoning includes various Residential, Industrial, Office and Commercial zones. The subject land is mainly along the Ten Mile frontage; the property outside of this development area will remain zoned OS-1 and I-1. The far west property will remain OS-1.

There are regulated woodlands and wetlands. The boundary lines shown on the maps are guidelines, and these boundaries will be adjusted as necessary after field review.

The majority of this property is classified as a Special Planning Project Area, with the balance to the west master planned for Office. Considering the Master Plan offers little guidance in this area, Ms. Kapelanski said it may be wise for the Planning Commission to commence a study similar to those done for other areas of the City earlier this year. This could be done early next year and could be completed hopefully mostly by Staff, and it could be rolled into the Master Plan examination for 2009. The Applicant would have the option of waiting for the study to be complete, or proceed without the benefit of any updated study or additional guidance from the Master Plan.

The Applicant has not identified a public benefit, as required with all PROs. The variances are summarized in the Plan Review Chart. The plan is set up to be a site condo, and many of the variances could be eliminated with a general condo instead.

A similar project was proposed about four years ago. The minutes regarding that project were provided to the Committee in their packet.

Deputy Director of Community Development Barbara McBeth agreed with Ms. Kapelanski's suggestion that the Master Plan and Zoning Committee's recommendation could be to perform a study on the Special Project Planning Area. She preferred that this be accomplished prior to the project going forward. This would be a sound basis for the recommendations that will be made.

Matt Quinn addressed the Committee on behalf of the Applicant. He said that the last proposal came before the Committee twice; once it was unanimously accepted and once the review was a bit mixed. There was a bit more commercial when the plan went before the Planning Commission. The plan then went on hiatus. Kroger is the anchor that will make this project go. Now they are ready to go, and their contracts are in place.

Mr. Quinn said the market study shows the need for this project. He said it made sense to bring this project forward as a PRO. He described the various buildings and their relationship (distance) to the Walgreen's on the corner. The Chapman Creek natural features may be proposed as a nature area for one of the project's public benefits. The Applicant is also considering offering a Ten Mile center turn lane that connects to the improvements made at Novi Road.

This project has been on the table since 2001. The City told them at one point that it couldn't handle the project until the Novi: Ten Mile intersection was improved. Mr. Weiss said he would wait. The improvements have now been made.

Mr. Quinn said that the overall regional detention for the area could also be part of the community benefit offered.

A boardwalk from the south side of the development to Arena Drive is also under consideration. This would allow people from River Oaks Apartments to walk to the commercial center. A bridge of some sort would have to be built across the gorge.

Mr. Weiss and Mr. Quinn have been working with Parks and Recreation on naming the ice arena park after Mr. Weiss. He donated that land in the 1990s. A park design and one or two soccer fields would be a nice fit in the area. Mr. Weiss may donate some fill and seed to facilitate that purpose.

Mr. Weiss has owned this land for over 35 years; he leased it back to Erwin's Apple Orchard when it was in business.

Mr. Leonard Siegel addressed the Committee. He said the easterly section is zoned I-1 and the westerly section is zoned OS-1. The dividing line is about half-way between Novi Road and the CSX railroad – about 1,000 feet in each direction. Chapman Creek seemed like a rational boundary line for a zoning line, and it never occurred to him that the Office zoning should continue along the other side of the creek.

This request is for about twenty acres along Ten Mile. This is 39,000 square feet smaller than the request from 2004. There is a wetland near the credit union that is proposed for mitigation. This is a pond area that collects the runoff from the west side of Novi Road. Many of the outlot features are conceptual only, though there is one bank interested in the project. 8.5 acres of this site will remain zoned OS-1.

Mr. Quinn concluded by acknowledging the irony in ultra-conservative Dan Weiss coming forward in this economy with a proposal for a new development. He said that Mr. Weiss will continue to move forward on this project regardless of whether the City chooses to study this Special Area as designated on the Master Plan. He said that the City has had ample opportunity to review this location, and his client will not wait for the City to complete a study. He expected the plans to be submitted in January.

Member Burke asked about the original submittal's concept plan and parallel plan. Mr. Quinn said that the parallel plan was provided to demonstrate what could be built on the site under its current zoning. The concept plan had another retail building with four units, and the retail attached to the Kroger was larger. Mr. Siegel added that the wetland previously discussed is new and has formed over the last four years.

Member Burke compared the old and new plans and noted that the curb cuts have been reduced by one. He was concerned whether the roads could accommodate the increase in traffic. Ms. Kapelanski said the Traffic Consultant didn't conclusively determine whether an additional Novi Road traffic light would be needed. They did recommend one west of Kroger, and they also recommended that the drives be relocated.

Member Burke felt that the important aspect of this review is to determine how to mitigate the traffic increase. He thought that a longer center lane would help. It is difficult to leave Walgreens via Novi Road with the hopes of turning west onto Ten Mile at the light. Though he felt the traffic has improved since the work on the intersection, he still felt that there were traffic issues in this area. Mr. Quinn felt that the previous traffic study didn't warrant additional traffic lights and he didn't think this new plan would either, though perhaps the County reviewers will have since changed their minds. Mr. Siegel added that the existing zoning would have a more negative impact to the peak morning drive time. Overall, there wouldn't be a big difference.

Member Meyer agreed that the improvement of the intersection allows for the possibility of additional traffic at this corner. Member Meyer did not think that the increase in the taxbase was a significant enough community benefit to move this project through the PRO process, which may have been the sticking point with the 2004 submittal. Mr. Siegel said that with this new proposal they are exploring what roadwork may be proposed as an additional community benefit. They may propose a conservation easement along Chapman Creek. They may improve the park behind the ice arena. Member Meyer thought these were nice amenities. He asked for additional comment on the land itself.

Mr. Siegel said the land slopes from Ten Mile south to the creek. The proposal would provide a landscaped area near Ten Mile with a steep drop down to a parking area that would still slope to the south. The south end of the property would be built up and a retaining wall would be added just north of the creek outside of the wetland area.

Member Meyer asked about the trees from the orchard. Mr. Siegel responded that the trees would be maintained near the creek, but once the site is balanced, a majority of the site's trees would be removed. The trees are junkers. Deputy Director of Community Development Barbara McBeth said the trees were discussed at the pre-application meeting. They discussed whether the woodland extended into the interior of the site, and she noted that the new woodland map would be presented soon to the Planning Commission. Mr. Siegel said there were two landmark trees measuring greater than 36 inches. He did not think that they could be saved. The rest are six-to-eight inch apple trees.

Member Burke recommended that additional information be provided on the orchard trees, soil testing for potential arsenic contamination from the orchard, and the elevation drop near Ten Mile. Mr. Siegel said if the soil is contaminated it would be relocated to a secluded area. Member Wrobel asked if it had to be hauled off site. Ms. McBeth said she thought the standards were different for a commercial development, and that this issue wasn't necessarily the purview of the Planning Commission, unless they wished the Applicant to make the removal of the soil a community benefit.

Member Gutman encouraged the Applicant to give a clear definition of the public benefit when the proposal comes forward. He asked Ms. McBeth how quickly the study of this site could be completed. She responded that the previous Master Plan study covered three study areas. She spoke with her Staff regarding this issue and decided that if this Committee feels that a study is the appropriate thing to do, a resolution could go before the Planning Commission recommending that the subject area be opened for study. If the work was done in-house, it wouldn't have to go out for a bid. That would save a few weeks. The Staff could begin the study, and hold weekly, bi-weekly or monthly meetings with the Master Plan and Zoning Committee to seek input. They could also host public input sessions. This would take a couple of months – perhaps three. The notification process required by State Law to notify the surrounding communities and public utilities would increase the timeframe to about nine or ten months. Mr. Spencer added that the study portion is the short part of it; the Master Plan Amendment process would take the nine months or so to complete. 2009 is the year that marks the five-year increment in the Master Plan Review process.

Member Gutman thought that the City's review of the site was important for the Committee to consider.

Member Wrobel said that food shopping is inconvenient for the east side of Novi. However, he and his neighbors would not be happy with another neighborhood center or strip mall. Residents complain about the existing vacancies and ask why more buildings are being constructed.

Member Wrobel was concerned about the Ten Mile westbound afternoon and evening traffic. He said that it can take thirty minutes to travel this Ten Mile segment on a busy day. A big development will create a mess. A turning lane would not benefit the intersection since the development of the City has gone west. The turning lane would only benefit this Applicant.

Member Wrobel would like the Applicant to explain the public benefit of this proposal. The outlots are speculative and there is no firm timeline.

Member Wrobel noted that a previous planner suggested that the buildings be moved closer to the road to give it a different look – something distinctive other than looking like a shopping center. This is a focal corner. He understood that Kroger had issues with moving the store because of the loading docks, and this is not a major concern to Member Wrobel because the trucks are not parked there all day long.

Member Wrobel asked about the size of the Kroger, which was determined to be slightly larger than the Kroger on Beck Road.

Member Meyer asked whether the Applicant should move forward in light of the current economic indicators. A representative from Kroger said that when he looked for a new home in Novi, he realized that a store should be located in this area of the City for the sake of convenience. Mr. Siegel said that the City's consultant, the Chesapeake Group, indicated that this section of the City does need neighborhood shopping. He said that securing financing for the project may become the issue. He added that there is enough interest in the area to support this amount of retail. Member Wrobel asked the Applicant to provide documentation of residents who say they support the proposal, because the general comments he hears are contrary to that statement.

Mr. Siegel suggested that this project could actually reduce the level of traffic in the area by giving the local residents a nearby shopping venue.

Member Wrobel asked about an additional Ten Mile signal. Mr. Spencer said that the traffic study will shed light on whether a light is warranted. The developer is typically responsible, though sometimes the City or adjoining property owners cooperate in these additions when the light provides services outside of the subject proposal's needs. The turn lanes may be a requirement of the site plan anyway -- this will be determined during the site plan review. Mr. Siegel said their concept may exceed what will be required.

The Committee encouraged the Applicant to provide a façade that is attractive and does not appear to be a standard shopping center design.

The Committee discussed whether a study is necessary. Member Meyer said that he routinely hears that Novi sets up all these hurdles which keep businesses from wanting to develop here. If this study is a necessary hurdle, then so be it; otherwise, the City should forego the effort. Making the City easier to develop in is one of the forces that drives Member Meyer. Member Wrobel added that the Committee just wants to be sure that the City is doing the right thing. Ms. McBeth said that the Staff would perform would hopefully complete the study within a couple of months. It could be started sooner or along with the Master Plan review. She said it comes down to whether it is worthwhile to take a closer look at this proposal and do a study similar to those done on the three areas reviewed earlier this year. This study could be done with smaller detail, less time, probably fewer meetings, less public input opportunities, but still the City could get the value out of it, which would be some public input, more in-depth study of what is in the vicinity, an update to the retail analysis and traffic studies - all of these Master Plan kinds of things that are of benefit when the City needs to make a decision on a zoning issue. For these reasons, Ms. McBeth said they would recommend that the study be conducted – maybe concurrently with the submittal – and it could be done for everyone's benefit. The study would take in the Applicant's perspective and the residents' perspective. The City found that these items were valuable and helpful during the last review. It also makes the public aware of the proposal before it comes before the Planning Commission for a Public Hearing.

Mr. Spencer said that Novi has, over the years, tried to rezone property in accordance with the Master Plan. As a backbone for those rezonings, the Master Plan is a very valuable tool. He agreed with Ms. McBeth that the study could be completed for this purpose long before the Master Plan update is complete.

Member Burke asked how many Staff hours would be needed to complete a survey on this area. Ms. McBeth said she didn't think a survey would be accomplished. She said they found that the open house was effective and stakeholder meetings provided valuable information. She felt with the slowdown in work the Staff would be able to work on this project, and it is less complicated than the other study areas.

Ms. McBeth said the Staff could start the review within a couple of weeks. They could meet with the Committee in early January. She hoped that the Staff could be through with the project by the end of February. Member Burke asked whether previously there was criticism of the City for performing the Master Plan review when there were site plans on the table. Mr. Quinn said that it was he who criticized the timing.

Ms. McBeth agreed with Mr. Spencer that it is good to make zoning changes based on the Master Plan designations. This subject land in this proposal has no Master Plan designation. With this request to rezone, it would be good to have an enhanced planning study. Mr. Spencer added that the study could be beneficial to many, as it may also apply to other sites in the area.

City Attorney Kristin Kolb said it made sense that the study happen concurrently with the review of this proposal.

Moved by Member Burke, seconded by Member Gutman:

VOICE VOTE ON TEN MILE: NOVI ROAD STUDY RESOLUTION MOTION MADE BY MEMBER BURKE AND SECONDED BY MEMBER GUTMAN:

A motion of recommendation to the Planning Commission for a resolution to commence a study of the Special Planning Project Area at Ten Mile and Novi roads that will be completed concurrently with the Applicant's site plan submittal. *Motion carried 4-0.*

Mr. Spencer said that the Applicant might wish to consider a site design with the buildings closer to the road. This is a concept that encourages pedestrian activity. Because this is a PRO, the Committee can also engage in a dialogue with the Applicant to discuss the public benefits associated with aesthetic design elements such as building location. The Applicant responded that the "closer to the road" concept will not happen. He said it is not a practical idea, and it squeezes the small store owners out of parking.