



**MASTER PLANNING & ZONING**  
**City of Novi Planning Commission**  
**November 19, 2009 at 7:00 p.m.**  
**Novi Civic Center – Conference Room C**  
**45175 W. Ten Mile, Novi, MI 48375**  
**248) 347-0475**

**CALL TO ORDER**

The meeting was called to order at 7:00 PM.

**ROLL CALL**

**Present:** Members Victor Cassis, Andy Gutman, Michael Meyer

**Staff Support:** Mark Spencer, Planner, Barbara McBeth, Deputy Community Development Director, Kristen Kolb, City Attorney

**APPROVAL OF AGENDA AS AMENDED**

Moved by Member Meyer, seconded by Member Cassis – **Motion passed 3-0**

**VOICE VOTE ON AMENDED AGENDA APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER CASSIS**

**Audience Participation and Correspondence**

Planner Spencer suggested to include audience participation with the review for the study area. Committee agreed.

Chairperson Gutman asked Planner Spencer if there was any correspondence. Planner Spencer responded none.

**Staff Report**

Planner Spencer stated he has been working on the schedule for the Committee for next year, but I'm looking at the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays through the rest of the master plan review process and then backing off to one meeting a month if needed on the 1<sup>st</sup> Thursday of the month.

Member Cassis asked if we could move from Thursdays to Tuesdays. Chairperson Gutman stated he was fine with that so long as it doesn't conflict with the Planning Commission Meetings. Planner Spencer stated that in the past they did opposite Wednesdays of the Planning Commission meetings, is that something we can consider. Committee agreed with Planner Spencer on the Wednesdays for the meetings. Second preference would be the 1<sup>st</sup> Thursday of the month. Planner Spencer will work on some dates for Wednesdays for the next meeting.

**Matters for Discussion**

Item 1

Master Plan for Land Use Review

a) Recommended Master Plan Amendments

1) Grand River Avenue and Beck Road Study Area

**Future Land Use designations and Future Land Use Map**

Future land use designations. Staff proposes to eliminate the Office use designation in this study area and replace with Office, Research, Development and Technology for all Office use areas in this district. He explained that the Committee previously agreed to Staff's proposed amendment to eliminate the Office designations and replace with three new categories: Community Office; Office Commercial and Office, Research, Development and Technology. He stated Staff also proposes a definition for a special office area, Office, Research and Technology with a Retail Service Overlay. The [proposed] definition for retail service overlay is land uses designated with a Office, Research

Development and Technology designation an additional retail services overlay designation to include retail service uses that serves party and visitors to an office use area including but not limited to fuel stations, car washes, restaurants including drive-thru's, and convenient stores in Office, Research, Development and Technology use areas.

Committee agreed with Planner Spencer on the definition.

Ms. Kristin Kolb [city attorney's office] stated that Mr. Schulz City Attorney was going to get Planner Spencer some comments on that, he wanted to formulate some language to fill in a gap in the master plan because right now there is no guidance on what that retail services overlay would include. He was going to propose adding a provision in there to indicate if and when that overlay is developed the standards that are developed will apply then that designation would kick in.

Planner Spencer asked Ms. Kolb "if it would only kick in when the standards are developed" is the language that you wanted to add to the definition.

Ms. Kolb responded yes. Mr. Schulz had a concern regarding a past parcel that there was no related district created and there were no standards or guidelines for how that overlay district would be implemented.

Planner Spencer indicated he had also included goals, objectives and implementation strategies. He added is there still another gap to go with this? Ms. Kolb stated yes. She also said that typically overlay districts have standards and guidelines. Ms. Kolb said that Mr. Schulz will get some language to the committee to consider.

John Bowen [in audience] commented that this is one of his issues with the overlay concept. As a developer he likes the idea of the overlay concept it gives the city some flexibility with the type of uses that are permitted. He stated they need some certainty with some pieces on what is permitted. He also indicated previously we had talked with the city about a parcel [pointing on map] in terms of commercial zoning or B-2 or B-3 something that would specifically outline what they could do with the site. He stated that is what is required to market the piece. You can say retail overlay allows for certain uses, but without an identification for instance, is a drugstore permitted across the street from Providence Hospital that would service people going to the hospital. He asked for Planner Spencer's opinion on that.

Planner Spencer stated his opinion is that the zoning ordinance would be developed under the Master Plan guidelines and that is something that would have to be figured out during the drafting of specific zoning ordinance language.

John Bowen stated we have been working on this since February and [the City] hasn't come up with a change of use for that site. Planner Spencer stated that the Master Plan changes come first and then the zoning ordinance follows it. Mr. Bowen agrees that the language needs to be more specific about what is contemplated.

Member Meyer stated if he is hearing correctly both from our attorney and from the conversation we are looking for a clarification of the uses. Ms. Kolb City Attorney stated that in any zoning district you would need some guidelines and regulations. Ms. Kolb also suggested to Planner Spencer to put some language to indicate that the retail services overlay essentially doesn't kick in until the standards are in place in the zoning ordinance. Planner Spencer answered he doesn't have a problem with putting that language in.

### **Related Objectives and Implementation Strategies**

Planner Spencer went on to discuss the goals, objectives and implementation strategies under the land use category are already in the master plan. The goal is to develop the Grand River and Beck Study Area in a manner that supports and compliments the neighboring areas. The objective is to develop the Grand River Avenue and Beck Road Study Area in a manner that facilitates continuing

reinvestment in the area and high quality development. Implementation strategies would be to gradually phase out outdoor storage uses as redevelopment occurs in the study area. The second one is to encourage the use of landscaping or other buffering techniques to improve the appearance of the study area from I-96 and Grand River Avenue and Beck Road. The next objective is to improve traffic circulation in the Grand River and Beck Road Study Area with an implementation strategy of developing a new traffic circulation system as depicted on the Grand River Avenue and Beck Road Study Area Transportation Plan, to create greater potential for additional development and redevelopment to reduce conflict on Beck Road and Grand River Avenue. The last goal objective falls under the current economic physical category. The existing goal is to ensure that Novi continues to be a desirable place to do business. A current objective is to continue to promote and support development in Novi's Office Service Technology district. The strategy would be to investigate amending the zoning ordinance to permit retail services within office use areas designated on the Future Land Use Map for retail services overlay as a special development option conditioned on restricting access to streets other than arterial or section lined streets.

### **Transportation Plan Map**

Planner Spencer moved on to discuss the transportation review [committee's packet] dated November 17<sup>th</sup> from Birchler Arroyo and their recommendation stems from the three traffic alternatives we gave them. Planner Spencer went through the three alternatives with the committee. Based on the review from Birchler Arroyo they are recommending a modified option, which is to move the proposed loop road further away from the drive way into Providence Parkway this is to meet our current drive way spacing requirements. Planner Spencer said on the North side [pointing on map] this is where Birchler Arroyo originally proposed a traffic light [between Rock Financial and Beck Road] meets the Road Commission's requirement for spacing.

Mr. Bowen stated that he feels the collector road moving down further by the Rock Financial Showplace makes a great deal of sense he also added you would have freeway access and a Grand River access. He feels that will spur a lot of technical developments. He also said he would like to see that piece [the proposed Retail Service Overlay area] slide over [to the east] and get a little more retail space and make some parcels that are marketable.

Planner Spencer stated that we considered how many different retail services are needed to support this area for the motoring public and the people coming in and out of the area when making our recommendation.

Ms. McBeth Deputy Director of Community Development Department asked Planner Spencer how many acres are in the area that he has identified. Planner Spencer answered on the north side we have about 3 1/2 acres [pointing on map] 1.9 acres and 2.5 acres. Committee went on to discuss further with the audience the different parcels and what is usable for development and what is not.

Planner Spencer also said that Birchler Arroyo is strongly recommending no left turns onto Beck Road out of this area. Committee discussed the traffic situation further in the Beck Road and Grand River Avenue Study Area.

Mr. Bowen asked Planner Spencer if Birchler Arroyo explained why it would be a problem to put a signalization at Beck Road and Grand River.

Planner Spencer stated that Birchler Arroyo did say the existing left hand turn lane from the collector loop onto southbound Beck should be prohibited once there is an alternative route to Grand River.

The committee discussed further the collector road system and Birchler Arroyo's alternatives with the audience.

Chairperson Gutman asked Planner Spencer if the proposed retail overlay is providing additional services that don't already exist right now. Planner Spencer said yes.

Committee discussed further the Retail Service Overlay use designation in the area and how the increase in retail will generate more traffic.

Planner Spencer discussed staff's findings in Planner Spencer's review.

I-96 Grand River Avenue and Beck Road vicinity has a limited amount of retail services to serve visitors and employees who travel to the area. Allowing a limited amount of retail services in the study area is suggested in the retail services overlay designation and beyond what is permitted in the Office, Research, Development & Technology land use designation. [limited retail] may encourage the development and redevelopment of neighboring properties. Planner Spencer said staff's thoughts are if you had some conveniently located services it might encourage the location of an office building nearby.

Planner Spencer stated a limited amount of retail services could be designed to be compatible with nearby Office, Research, Development & Industrial uses. Requiring retail service developments to have access to both Beck Road and Grand River Avenue will reduce traffic impacts of any retail development on Beck Road especially by eliminating left hand turns out onto to Beck Road north of Grand River Avenue which is recommended in the traffic engineering review letter of November 17, 2009.

Planner Spencer indicated that a new collector road system could facilitate the development of the existing deep lots fronting along Grand River Avenue by providing additional road frontage. Redesignating the Office Land Use Area in the Study Area to Office, Research, Development & Technology use designation will support the OST zoning district and help promote these areas as an attractive place for new and existing businesses to locate.

Planner Spencer stated in the 2001 Grand River geographic area plan supported a limited amount of retail in the Study Area. He said a limited amount of retail services in the Study Area would have little impact upon the city's infrastructure.

Mr. Spencer indicated that 55% of the 2009 Master Plan Review Survey respondents strongly agreed or agreed that it is important to provide retail services to serve the motoring public in areas in the city that have a high volume of visitors and employees that travel through the areas.

Planner Spencer stated next that 94% of those same survey respondents strongly agreed or agreed that it is important for new developments to have good internal roadway and driveway systems to minimize the impact upon existing road systems.

Review rezoning submittal 18.691

Planner Spencer will go through Planner Kristen Kapelanski's rezoning review.

The petition is for 1.64 acres currently zoned OST. The applicant is asking to rezone it to the Freeway Service District, which does not comply with the current Master Plan designation of Office uses. Staff is suggesting the applicant wait until the Master Plan process is completed and ordinance changes are in place.

Member Cassis asked how long would that take. Planner Spencer answered it could take about 3 months.

Chairperson Gutman asked Planner Spencer if we were to recommend approval of this rezoning what exposure would this bring to the city if we were to push this forward.

Planner Spencer answered it would give more leverage to other people to rezone properties that are contrary to the master plan.

Planner Spencer went on to discuss another consideration for zoning of this nature could be considered a spot zone since your only talking about 1.64 acre parcel surrounded by office [OST].

Planner Spencer stated that the infrastructure concerns he had previously gone over with the committee. He stated that he had talked about a potential development between 9,000 and 11,000 sq. ft of office to be placed on this parcel [pointing on map]. When compared to a 16 pump gas station and a 2,000 sq. ft fast food restaurant that could be placed on this parcel we are talking about 10 times the traffic impact.

Planner Spencer discussed some site issues with the committee.

John Bowen [in audience] stated that he has brought some boards to show the committee the high quality proposal of the gas station. It suits the quality that he feels the City of Novi expects and provides some uses to the area that are desperately needed. He stated he believes that they can meet the city's standards on site with either some argument for equivalency on parking we can deal with those issues. He stated we are asking the committee tonight to move the project forward. He asked if the committee had any questions.

Planner Spencer wanted to comment about the traffic issues. One of issues Birchler Arroyo did mention is the pass through traffic. The amount of traffic and the amount of turn movements in and out of the site including the customers that will be coming off the road and will be going back onto the road are the things that slow the efficiency of the road way down.

Mr. Spencer asked Mr. Bowen about the floor plan of the building, is there going to be a beer room. Mr. Bowen stated that will be selling beer and wine. Mr. Bowen asked Planner Spencer if there was a city issue with that type of use. Planner Spencer stated he was just bringing this matter to the attention of the Committee and that the City was considering regulating alcohol sales at gas stations. He went on to talk about the features of the building.

Mr. Bowen stated that they would like customers to perceive them as a high end wine shop with liquor and convenience items. Committee discussed further the gas station/convenience store proposal.

Member Meyer stated that at the last Planning Commission meeting there was discussion of a possible ordinance amendment related to sales of liquor, beer and wine at gas stations.

Ms. Kolb City Attorney stated that we were trying to get some direction from the Planning Commission whether they wanted to pursue an ordinance and if so what kind of ordinance. She said they didn't want to pursue it at this time.

Ms. McBeth Deputy Community Development Director stated that the Planning Commission discussed looking at any additional statistics or any kind rationale further discussion to bring the Chief of Police in for further discussion, but no formal motion was made at that time.

Member Meyer stated that he thinks it would be important at some point to have a decision made on this issue.

Committee went to discuss the objectives with Mr. Bowen on the site. Mr. Bowen stated they would just like to move forward with the Planning Commission and then they can work out more of the details.

Member Meyer commented that we don't have a freeway service overlay in place. Planner Spencer responded by saying we do have a freeway service zoning district in place. Member Meyer asked what is preventing them from going ahead and presenting this to the Planning Commission. Planner Spencer stated there is nothing preventing them from doing that if they insist on going ahead with it

they can go to the Planning Commission, but Staff's recommendation will be that it doesn't match the master plan.

Ms. Kolb City Attorney stated that there is an existing zoning district called freeway service that property is not zoned that way.

Mr. Bowen as a property owner asked the committee to take an existing zoning district and put it there right now while I have an active purchaser with an active site plan so that I can make my presentation to you and try to persuade you that in this particular circumstance that rezoning makes the best sense for the community and will be a worthwhile project for the city.

Chairperson Gutman stated that listening to Mr. Bowen comments here it sounds like his desire is to go before the Planning Commission, but the staff and The Master Plan & Zoning Committee has concerns with the project. Planner Spencer wanted to clarify that we are not saying we are not in support of the project, but with this type of project there are site plan issues, size of site kind of small would do better with a bigger site. Planner Spencer stated it could be proposed with a PRO or some other kind of concept plan that includes the infrastructure that we are saying is deficient.

Ms. McBeth stated they are not presenting this as a PRO so they are taking the risk whether they have enough land there to ask to be rezoned.

Mr. Bowen and the committee discussed a PRO process.

Chairperson Gutman stated that the staff thinks a PRO might be more acceptable. Ms. McBeth stated that we cannot require a PRO that is something that would be offered to the developer. The other thing is the freeway service district [gas stations, drive-thru's] are permitted uses in that district so there is no additional layer of protection of a special land use.

Planner Spencer stated that on rezoning petitions we have not had the Master Plan & Zoning Committee make a recommendation in several years there have been discussions. Each commissioner has said what they like or dislike to the applicant and then they take in that feedback before they go to the Planning Commission.

Chairperson Gutman stated to Mr. Spencer that he didn't think were making a recommendation on the project, we are making recommendation to go before the Planning Commission for rezoning. He questioned if we were doing that anymore. Planner Spencer indicated that in recent years the committee hasn't been making recommendations in favor or against any rezoning. Planner Spencer stated that is fine to tell the applicant to go before the Planning Commission with their application for rezoning.

Member Meyer asked Chairperson Gutman if this is 1 of 3 study areas in the city. Chairperson Gutman answered yes. Member Meyers asked if tonight is the night that we are making our comments as to whether this is what it's going to be on the master plan for land use that is recommended to the Planning Commission in January or February whenever the process is done, or is this just another conversation tonight without any decision.

Chairperson Gutman stated that is a very good question. The intent is to make a recommendation ultimately it will be bundled up in the end with the final review.

Chairperson Gutman asked Planner Spencer if he had anything else to put on record. Planner Spencer answered no unless Ms. McBeth had something. Ms. McBeth answered no. She asked Planner Spencer if he wanted to offer some guidance. Planner Spencer stated his guidance is to approve the text as submitted with the changes that City Attorney would make.

Member Cassis asked Planner Spencer if the boundaries are the same ones that Mr. Arroyo talked about.

Planner Spencer stated that Mr. Arroyo asked us to include this small piece [pointing on map] and Planner Spencer said he has no objection to adding that piece of the Ward property to the Retail Service Overlay area.

Mr. Bowen stated that alternative 3A would be an option for tonight that you could make a motion to approve, which would be to move the boundary line.

Committee went on to discuss the boundary line with Mr. Bowen and squaring off that small piece of property before the motion is made.

Motion by Member Cassis supported by Member Meyer to accept staff's addition of small area south of Grand River to Retail Service Overlay as recommended by Birchler Arroyo, and city attorney's changes to Retail Service Overlay definition. **Approved 3-0**

## **MINUTES**

Moved by Member Cassis, seconded by Member Meyer

### **VOICE VOTE ON MINUTES APPROVAL MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER MEYER:**

A motion to approve the October 7, 2009 minutes. Motion carried 3-0

## **ADJOURN**

Moved by Member Cassis, seconded by Member Meyer:

### **VOICE VOTE ON ADJOURNMENT MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER MEYER:**

**A motion to adjourn.**

The meeting adjourned at 9:17 PM

### **Future Meetings**

December 3, 2009

December 17, 2009

Transcribed by Bonnie S. Shrader  
Customer Service Representative

December 10, 2009

Date Approved: