



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

June 12, 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 Avdoulos, Member Greco, Member Hornung, Member Lynch, Chair Pehrson

Absent: Member Anthony, Member Maday

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Thomas Schultz, City Attorney; Doug Necci, Façade Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Greco.

VOICE VOTE TO APPROVE THE JUNE 12, 2019 AGENDA MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRECO.

Motion to approve the June 12, 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

City Planner McBeth said good evening. I want to report on the June 3 City Council meeting. A couple of items that the Planning Commission recently considered were approved.

The final approval for Erickson Living for Fox Run for the revised Preliminary Site Plan, primarily for the work that they intend to do on the north end of that development. Now that that's approved, we would expect the plan to come back for Final Site Plan approval.

Also receiving final approval is Keford Collision & Towing, a Planned Rezoning Overlay with an agreement and concept plan approved at that meeting. We would expect that the Preliminary Site Plan would return to the Planning Commission. An additional provision was added when it went to the City Council; it was a deviation to allow a gravel parking lot instead of a hard surface parking lot.

CONSENT AGENDA

There were no items on the consent agenda.

PUBLIC HEARINGS

1. MRL GROUP DAY CARE, JSP18-63

Public hearing of the request of MRL Child Care LLC, for Special Land Use Approval. The subject property is located at 44879 Stockton Drive in Section 10, north of Twelve Mile Road, west of Dixon Road in RA residential Acreage zoning district. The applicant is proposing to operate a group day care in their existing residence for no more than 12 children.

Planner Komaragiri said the applicant is currently operating a daycare at the primary residence with six children. He would like to expand the daycare for up to twelve children, which is why he is here today. To have a daycare in a residential district for up to twelve children would require a Special Land Use. The Ordinance defines operations supervising seven to twelve children as group daycare homes. The property is currently zoned RA, Residential Acreage, surrounded by the same on all sides. It is designated as Single-Family for Future Land Use. It has wetlands on the west a little bit.

As noted in our review letters, the location does not meet the three use standards that are required for a group daycare home in a private residence. Deviation from these standards would require approval from the Zoning Board of Appeals.

The first item is that it does not meet the minimum lot size requirement. A minimum of 0.5 acres is required. The site measures approximately 0.21 acres. The subject property is located in the Liberty Park Subdivision, which was developed using a Consent Judgment, which is why the lot size is much smaller than the typical 1-acre lots found in RA zoning.

A minimum of 2,000 square feet of recreational area is required for a group daycare with 12 kids. Based on the exhibit the applicant has provided, there appears to be approximately 1,300 square feet of space available – about 35 percent less than required. The backyard proposed for outdoor recreation also has a unique shape, which limits the use of the entire 1,300 square feet.

The recreation area is required to be securely fenced and screened from any adjoining lot in any residential district with appropriate fence and landscape materials. As you can see from the images that were provided, it is only partially screened with some evergreen shrubs on a couple of sides. There is not appropriate fencing that would restrict access to Twelve Mile Road. The existing shrubbery is not tall enough to provide an appropriate

protection from the wetlands behind the shrubs. In summary, we think the existing screening raises certain security concerns which weren't adequately addressed or proposed to be addressed.

Planner Komaragiri said parking and traffic circulation to and from the subject property is another item that was discussed in the Staff reviews. The applicant has agreed to direct daycare users to take the path shown in blue, as recommended by Staff. The applicant's residence has a two-car garage and the driveway appears to most likely hold one car, which would be required for the employee for having six additional children. So parents would most likely use the area shown in yellow to park and drop the kids off. The applicant has provided correspondence from the Home Owners Association saying that it is allowed. In his response letter, the applicant indicated that staggered pick-up and drop-off times will be offered so that there won't be more than three parents coming in the same time slot to avoid congestion during pick-up and drop-off hours. He also noted that there will not be any planned parties that would require parking for parents of all twelve kids at the same time. However, Staff still has some concerns about the efficiency and enforcement of the parking and drop-off strategy as noted in the applicant's response letter.

Staff is not recommending approval for concerns noted in my presentation and the items listed in the recommended motion. However, the applicant has requested an opportunity to present his request for your consideration.

The Planning Commission is asked tonight to hold the public hearing and to either approve or deny the Special Land Use request. The applicant, Tarek Dakhallah, is here tonight and wanted to share his reasons for the current request.

Tarek Dakhallah said good evening, I'm the applicant and the current owner of that property. I'm here today to help explain the mitigation items for the concern points raised by the Planner. So I have a list of about six items that I'd like to cover.

For the first item, the around 1,300 square feet of outdoor space, the space is less than the minimum requirement for the City of Novi. However, I want to share with you that the State of Michigan inspector has approved this space for the group daycare up to twelve kids. So, actually this whole thing got started by the State inspector. She said, when she inspected the property for up to six, she said this is appropriate space for up to twelve as well, but that's the max. So it's less than the requirement but it's also approved by the State of Michigan inspector for the daycare.

The total number of kids is estimated to be, if approved, between six and nine – not necessarily twelve. The number twelve comes from the State of Michigan rules that if you want to have any number above six, you have to have the license for up to twelve. So that doesn't necessarily mean that the daycare will have twelve kids every day, which limits the traffic and makes the drop-off and pick-up easier.

Also, I'd like to address the traffic concern. It's easier if you guys see it. So basically, the Planners Sri and Barbara, when we met they proposed this way of drop-off and pick-up that comes through Declaration, to Lafayette, and then circle back to Stockton to drop-off. So this is currently a strategy used and shared with the existing parents, which will minimize or make the traffic problem or concern a lot easier than the previous proposal.

So this is something that we're going to be sharing with parents and anything above six will also be shared with new parents for drop-off and pick-up strategy for the traffic.

Mr. Dakhilallah said also I want to mention for the drop-off and pick-up, we've experienced with up to six kids currently, an average of two minutes. It's no more than two minutes to drop-off or pick-up for a parent. And the parent doesn't stay, of course, they drop off and leave and then come back around the end of the time. And then to pick up the child also takes two minutes. So if you want to maximize at more than double, five minutes a parent, we also shared this schedule with parents so that they don't come together. Every parent will have a slot of five minutes to come drop-off and another slot designated for that parent for pick-up, which will ease up the traffic as well. So five minutes, but the actual measurement I did on this I think is about two minutes.

One more thing for the driveway – currently, the parents actually use the current driveway for pick-up and drop-off. Initially, before we shared this schedule for drop-off and pick-up, three parents could come at the same time and the third parent can use the area on the fence side of the house. This area, on the side of the yellow line. So two in the driveway and one in that area. But that's for worst case scenario. With the schedule, as I mentioned, that will not be the case. Two parents, if needed, could come in at the same time and leave at the same time and they can use the driveway.

For the fencing requirements, also the mitigation for this is that the natural fence that was put in together for this property and was also approved by the State of Michigan inspector has a safe enough natural fence. So as you see, there's bushes dense enough that it does not allow a child to go through, and that was also tested by the inspector. This open area here, I do find to also close it off using the same size evergreen of the same density, which will close that area. I want to add to this that while kids are outside doing outdoor activities during the daycare time, all time supervision is a requirement by the State of Michigan and this is the case. The kids don't stay out there without supervision.

Also, I want to talk about my neighbors. My next door neighbor – the only neighbor I have – actually appreciates the current business. Not only that, but the next door neighbor loves the landscape and we have a great relationship with them and there's no issues whatsoever with this neighbor. Also the other neighbors are about 300 feet, and some of them actually appreciate the fact that they have the daycare in the same subdivision. In fact, there's at least one parent that lives in the same subdivision. That's pretty much it, that's all I have to mitigate the concerns raised by the City of Novi for the items that don't meet the requirements. If you have any questions or if any other clarification is needed, I'll be happy to answer.

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 yes, we have some correspondence. The first one is from Wenhui Hua, 44873 Stockton Drive. Her objection is increasing traffic with up to twelve children, especially during snow season. Her house is right next door and is concerned about potential decrease in property value. There is one from Chao Zhang, 44885 Lafayette Drive, in support. And a support from Rajesh Gopinathan, 44837 Stockton Drive, that says he thinks it will be nice to have one of the neighbors provide a much needed service.

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

Planner Komaragiri said I forgot to mention earlier that we provided print-outs of revised motion sheets which are different from the ones that were posted online.

Chair Pehrson said thank you.

Member Hornung said a question for the applicant. You mentioned that the State of Michigan has approved the 1,300 square feet for the twelve child daycare. But I didn't notice any documentation referring to that in our packet. Do you have any documentation that can support that?

Mr. Dakhllallah said I do have that, but not handy right now. It's the actual license issued by the State of Michigan. I can send an email copy of that, like a screenshot, to Sri to show that. I just don't have it right now with me.

Member Hornung said and then a question for Staff on that topic. My understanding is that the State of Michigan sets standards, but the City of Novi is also able to set their own Ordinance standards. In this particular situation, the City of Novi does have the ability to set the Ordinance standard even though it's approved by the State of Michigan, is that correct?

Planner Komaragiri said we've noticed in the past that the requirements for the square footage of the outdoor recreation, the State of Michigan has a lower requirement than the City of Novi.

City Attorney Schultz said just to follow that up, absolutely you have an entirely different regulatory scheme, Ordinance standards, and review authority. So the fact that he's received approval from the State of Michigan, again, is presumed in way he still has to meet your Ordinance and that is an evidence that he will.

Member Hornung said thank you, I appreciate that. I think that that speaks to almost two hurdles that you would need to cross in this particular case when it comes to the amount of square footage. And really, that's the only thing that kind of stands out to me. 1,300 square feet does seem a little bit tight if you were to expand out to twelve children. And I know you're bound by that, but I don't think I would support changing our Ordinance to something so small. So it is difficult for me to support that space. Thank you.

Member Lynch said although I appreciate what you're trying to do here, I worry that as I read through this, I worry that we're kind of opening up a can of worms. Where does it end? We have a residential property for single-family residential, and we turn it into what really is a commercial use. I'm wondering if we set precedent by approving this, where does it stop? It's a daycare, let's say we approve a daycare in a residential use, then what? Somebody wants to open up a T-shirt printing shop and wants to do it out of their home, would we be obligated and set precedence to allow that? Although I appreciate the applicant's effort, I'm concerned that we have other business owners that follow the Ordinance, they create their Montessori schools or they have daycare centers, and in this individual case we would be allowing a variance from that and I just think we're going to

regret it in the future if someone else in another residential area comes in and asks for the same thing. So right now, I prefer to stick to the Ordinance, right now it's not allowed. Certainly, if there's variances agreed to by the Zoning Board of Appeals, then we can address it again, but right now, it's not permitted in a residential area and I don't see at this time that I'm willing to support a deviation from what's contained in the current Ordinance.

Member Avdoulos said how long have you been operating in the house currently?

Mr. Dakhllallah said it's been since we moved in in August of 2017. But prior to that, we were actually living in this house on Lafayette and we had that operated for about four years.

Member Avdoulos said ok. And it's up to six that you have? So when it's up to six, it's not a Special Land Use?

Planner Komaragiri said it's permitted.

Member Avdoulos said it's permitted. And then I know the question has been asked, but have you gotten approvals or reviewed it with the Homeowner's Association to see if what you want to do is permissible?

Mr. Dakhllallah said I have not done that particular thing with the Homeowner's Association.

Member Avdoulos said ok. And so then, I want to dovetail a little bit to Commissioner Lynch's question. So this being a little bit larger use, does this also fall into where the residents would have to become ADA Accessible?

Planner Komaragiri said our Zoning Ordinance doesn't allow the changes that are required inside the building, we don't regulate those. The State of Michigan, as part of their licensing process, would regulate the security system and the fire suppression and all the other elements.

Member Avdoulos said I think I'm probably drifting to what our other two Commissioners had indicated. I understand what the State has, but the City has certain ordinances and requirements that we need to meet. And the one that was troubling me the most was we've got the deviation for the square footage for the recreation, but the lot size is basically like less than half of what's even required. So that makes it even more difficult for me to support this. So that's where I stand. I can make a motion if nobody else has words to add.

Motion made by Member Avdoulos and seconded by Member Lynch.

Chair Pehrson just for my two cents, I agree with what the Commissioners have said. The lot is insufficient, there's got to be a fence, you can't rely on brush or berm to keep kids in and away. And I don't believe that on any given day, we're going to find the parking and parents coming in within two minutes of each other. They're all going to stack upon one another and that's going to become a nuisance to the neighborhood. So I would agree.

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

In the matter of MRL Group Daycare JSP18-63, motion to deny the Special Land Use permit for the following reasons:

1. The parcel does not meet the qualifying criteria (Use Standards) for a Group Daycare use as listed in Section 4.12.1., all of which would require a use variance by the Zoning Board of Appeals as follows:
 - a. The parcel does not provide the minimum required outdoor recreation area. A minimum of 2,000 square feet is required, the applicant proposes approximately 1,303 square feet.
 - b. Outdoor recreation area does not meet the minimum requirements for screening. Outdoor recreation area is screened with evergreen trees for only part of the recreation area.
 - c. The parcel does not meet the minimum requirements for parcel size. A minimum of one-half (0.5) acre is required; the current parcel measures 0.21 acres.
 - d. The applicant is already making significant use of the parcel, which has a single-family home with a day care located on it, which is relevant for purposes of determining if it qualifies for a use variance.

In addition, because the use is not permitted on the property, and would require a use variance in order to be allowed, the parcel does not meet the criteria for a special land use approval. More specifically:

- i. The proposed use is not compatible with adjacent uses of land *(because the use is not permitted by the ordinance due to the small size of the parcel and the lack of recreation area)*;
- ii. The proposed use not consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use (given the need for use variance approval);
- iii. The proposed use, while listed among the uses requiring special land use approval in the district, is by definition not in harmony with the purposes of the ordinance and does not conform to the applicable site design regulations of the district as noted above.

Motion carried 5-0.

2. ZONING ORDINANCE TEXT AMENDMENT 18.287

Public hearing for Text Amendment 18.287 to consider amending the City of Novi Zoning Ordinance at Section 3.31, Planned Development Options, in order to reduce redundancies, clarify ordinance language, and other items deemed necessary.

City Planner McBeth said as you know, the Planning Department periodically identifies Ordinance standards that are inconsistent with other sections of the Ordinance or need clarification where clarity could be provided. In this case, we did identify several provisions of Section 3.31, the Planned Development Option section, that could be clarified or made more consistent with other sections of the Ordinance. Three fairly simple changes are proposed.

The first modification is proposed to clarify where the Planned Development Options are identified on the City's maps. Previously, the PD Option had been identified on the Master Plan for Land Use map. This adjusted change would allow PD Options to also be shown on the Zoning Map, as that is the map that is frequently referenced when identifying Zoning Ordinance standards and allowable uses. This proposed change was identified when the Chick-Fil-A plan was recently processed. The property involved there, which was the former Denny's restaurant on Novi Road, was not shown as qualifying for the PD Option in the Master Plan for Land Use map. It was processed effectively as a Zoning Map Amendment to show the PD Option. This language would clarify and confirm that process.

The second modification that is suggested is to remove the requirement that a site plan using the PD Option would need to return to the Planning Commission or the City Council anytime there is a physical change to the exterior building wall façade materials or physical alterations that would change the appearance of a building, which is what the Ordinance currently says. This change is suggested to streamline the process for applicants wishing to make changes to previously approved buildings. Requests that would require a Section 9 Façade Waiver would still need to be presented to the Planning Commission and City Council as needed, but those changes that are in compliance with the Façade standards could be approved administratively if this amendment goes through.

And finally the third modification is proposed to the site plan approval limitations section. The language provided in the PD, Planned Development Option section is very similar to the existing sections 6.1.6 and 6.1.7, which provide for site plan approval limitations and provide provisions for extensions of site plan approval. This is a public hearing this evening, Mr. Chair, and we're asking that the Planning Commission make a recommendation to the City Council.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project. Seeing no one, he said I don't believe we have any correspondence.

Member Lynch said correct, we do not.

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

Member Avdoulos said I don't really have any issues with what's being presented, so I can make a motion to forward the recommended draft language to City Council for their reading and adoption.

Motion made by Member Avdoulos and seconded by Member Greco.

Member Hornung said we had discussed this a little bit earlier, particularly the second piece here seems to take out of the Planning Commission's hands all of façade or changes in appearance of a building. My only concern with that is it would allow an applicant to come to the Planning Commission, tell us what we want to hear and we approve it, and then change things after the fact and as long as they fit within the requirements of the Façade Ordinance, it would be administratively approved. And I do have some concerns over that, specifically related to some buildings may not have an

appearance that fit with the décor that we're looking for in a particular zone. And since those PD Options are pretty unique, I feel like that does deserve a little bit of extra attention from Planning Commission and City Council.

Member Greco said I have a question to the Staff. What would be like a drastic example of something that Commissioner Hornung brought up? Because what it sounds like is like it is taking away the review from a change that came before us, but it also sounds like something could be an administrative change because it's not that big of a deal, right? So are we talking about drastic changes in color, or is the just material? That's our concern.

City Planner McBeth said I think a similar example that was recently brought back to the Planning Commission was the iFly building. They had one design and one color and certain details on the building that they then proposed to change significantly in terms of color and taking away some of those details and modifying it. Staff thought that was a big change, we better bring that back to the Planning Commission for review. So something like that would potentially come back to the Planning Commission. Even if this Ordinance is modified, the Staff would say we think this is a major change and we would likely bring it back to the Planning Commission.

Member Greco said but with regard to the iFly one, under this Ordinance would that technically not be required to come back based upon what they proposed? Because there were some changes that were different, I don't want to say good or bad or anything. But I think echoing my fellow Commissioners, the concern is what is it.

City Planner McBeth said with that one, that was a Planned Rezoning Overlay and we considered that to be a fairly major change from what had been presented earlier. So we thought it would be best to bring that one back.

Member Greco said but I guess my question is, under this proposed change to the Ordinance is that one that could not come back because it otherwise fit within the Façade?

City Planner McBeth said what I'm suggesting I think is that Staff would make that determination. Staff would review it and say even though it does meet the Ordinance requirement, we think it's substantially different than the one that the Planning Commission saw.

Chair Pehrson said which is pretty much the case in your judgement right now, is it not?

City Planner McBeth said yes.

Member Greco said so I guess to follow up on my question, did the change to iFly meet the Ordinance standards that it would not need to come back? That's my question.

Planner Komaragiri said so the deviation for iFly that was initially approved was for the overage of flat metal panels, and then the original color was a combination of a dark gray and red. So there's a section in the Ordinance that allows the Façade consultant to make a subjective determination whether it met the intent and if the colors provided were harmonious with the surrounding. So that was a little bit of a subjective

determination, which we thought the change of color from red to blue did not meet the intent, so we brought it back to the Planning Commission.

Member Greco said so your determination of that one would be that it doesn't fit with the intent?

Planner Komaragiri said yes, it did not meet the intent and is substantially different.

Member Greco said so that would fall outside of what is permitted by this Ordinance change?

Planner Komaragiri said yes.

Member Avdoulos said so to back up on that, the Staff also engages the consultants for these reviews?

Planner Komaragiri said every change to the Façade would be reviewed by our Façade consultant to determine. I think the intent here is if there are any changes that still conform to the Ordinance but the applicant is just changing minor things because the door design changes or something else changes, then the applicant may have to move the same percentage of material or other minor changes that would come up due to floor plan changes. If there are any changes that would not meet the intent or are substantially different from the previous approval, or exceeds the maximum allowed or minimum allowed, we would most likely bring it back.

Member Avdoulos said right, and that was my assumption that Staff would coordinate with the Façade consultant and if we saw something drastic like a full-on design change, that would come back. If they reduce the building by a bay size and it changes, that would come back. I think the minor adjustments are basically what I was looking at, but the fact that we have a Façade consultant is what makes me a little bit more comfortable.

Member Greco said I have one more question. For example, under the way the Ordinance is written right now, let's say they had to move a door over ten feet. Do you guys interpret that, right now, that it would have to be brought back to us?

Planner Komaragiri said it kind of depends on how the changes ripple out. If they stay within the previous allowable Section 9 Waiver percentages and if they stay within the design intent that was previously approved, we would typically review it administratively.

Member Greco said so if they just moved a door over a couple of feet, it clearly under the language changes the appearance because it's moved something and it's something that is different. But right now, it's not different enough for you guys to bring it back to us in my example.

Planner Komaragiri said yes.

Member Greco said ok.

Chair Pehrson said which is still the case in the Ordinance today.

Planner Komaragiri said yes, for other districts.

Chair Pehrson said when a change is made, Staff makes the determination as to whether or not it's severe enough to take back to the Planning Commission. That still is in their purview to do that, either to bring it to the Planning Commission or do it administratively. There are probably times when that happens that we don't even know about it. It just goes through the normal process, right?

City Planner McBeth said that's correct.

Member Lynch said I guess quickly, my opinion is the more you can do administratively. We're looking at things from a 30,000 foot level – does it all fit, does it make sense. That's really all we do, you guys are the experts. Little things like moving the door, moving a window, changing materials, I really don't need to spend time seeing it. As long as we can see the big stuff, I have no issue with it.

Member Hornung said the only thing I would add on there is one, I would prefer to see the applicants come forward in good faith with their final design plan and I think this doesn't incentivize that. And two, we have wonderful Staff here right now and we're making a change that could potentially outlast our wonderful Staff, so if somebody wanted to change what is interpreted today, they may be able to do that down the line. And I don't know if this is the place to necessarily change the rule. So my question is procedurally, are we doing a motion on all three of these as one?

Chair Pehrson said yes. The motion is on the table.

ROLL CALL VOTE TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRECO.

Motion to forward a favorable recommendation to the City Council for reading and possible adoption of the ordinance as drafted. *Motion carried 4-1 (Hornung).*

MATTERS FOR CONSIDERATION

1. SPEEDWAY #2224 JSP 17-63

Consideration at the request of McBride Dale Clarion for Preliminary Site Plan and Storm Water Management Plan approval for a new Speedway gas station facility. The subject property is approximately 2.03 acres and is located on the southwest corner of 14 Mile Road and Haggerty Road (Section 1). The parcel is zoned B-3 with a Planned Rezoning Overlay. The applicant is proposing to demolish the existing gas station and replace it with a larger convenience store with an outdoor seating area, 8 double-sided fuel dispensers, associated parking and storm water detention pond.

Planner Bell said the map here shows the subject property, which is about 2.03 acres of land and it's located at the southwest corner of Fourteen Mile and Haggerty Road in Section 1 of the City. The property has been rezoned so that it is now all B-3, General Business, with a Planned Rezoning Overlay approved by City Council on February 25, 2019.

The Future Land Use map indicates Office, Research & Development, Technology for both the subject site and the surrounding parcels. The Natural Features Map shows that the subject property has no regulated woodlands or wetlands on site.

The Planning Commission last reviewed the PRO Rezoning request with the Concept Plan in September 2018. A public hearing was held, and the Planning Commission recommended approval to the City Council.

Planner Bell said the Preliminary Site Plan is in conformance with the Zoning Ordinance, except for those deviations approved in the PRO Agreement and Concept Plan. The existing 2,400 square foot building and the six double-sided fuel dispensers that are on the site today would be removed in order to construct a larger convenience store (4,600 square feet) with an outdoor seating area. The site plan also includes a 5,400 square foot canopy over eight double-sided fuel dispensers.

The applicant previously submitted a Traffic Impact Study, which has been reviewed by the City's Traffic consultant. The study does not contain all of the required elements and additional information is needed to grant that final approval. However, Traffic recommends approval of the site plan to move forward with the condition that the study will be updated as required and submitted with the Final Site Plan. No additional deviations are proposed at this time and all reviewers recommend approval.

Tonight the Planning Commission is asked to approve or deny the Preliminary Site Plan and Stormwater Management Plan. The applicant, Rob Sweet, and Kevin Foley from Speedway, are here this evening to provide a few comments and answer any questions that you may have.

Rob Sweet, with McBride Dale Clarion, said I'm here tonight with Kevin Foley, he's the construction project manager for this one. A couple of things, thank you to Staff. We've been on this project for quite a few years now – and part of that is our fault, part of that's our fault, and the other part of that is our fault. We've changed the plan a few times as we've been going through this. We started off with a little bit smaller building, a little different side arrangement, and we came back, as Ms. Bell said, in 2018 requesting approval of the PRO Agreement with the site plan. These are the elevations that are approved with the PRO Agreement. Basically, in a nutshell, it's a complete raze and rebuild. Everything is coming out of the ground, the buildings are coming down, and a new building will be built there. We are also proposing some new sidewalk extensions, a Welcome to Novi sign as part of our agreement, a new taper lane off of Haggerty Road, and some Right-of-Way dedication on Fourteen Mile, we are also relocating the driveways, as well.

With that being said, we're really looking forward to doing this. If this were a human, it would be about four years old and it would be going to the daycare or Montessori school. That being said, we're happy to answer any questions. We'd like to get construction started late first quarter, early second quarter, of next year and hopefully you guys will quit seeing our faces in front of you. Thank you.

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

Member Avdoulos said I appreciate the tenacity to get this thing done.

Chair Pehrson said the price of gas has changed since then.

Member Avdoulos said by the time you get done, it'll be two dollars a gallon.

Mr. Sweet said easy now, we can't promise anything there.

Member Avdoulos said I guess the only concern I had was with the Traffic Study, where on our sheet it says approval not recommended. But then when I looked at our packet here where it gave us our little summary, it says that Traffic is recommending approval for Preliminary, so I think we kind of worked through that. And then a lot of this is going to come into Final Site Plan approval. So 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 Speedway #2224 JSP17-63, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Revised submittal of the Traffic Impact Study to adequately address the comments in the traffic consultant's review letter at the time of Final Site Plan;
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters and the remaining items listed in those letters being addressed on the Final Site Plan, and subject to the terms and conditions of the PRO Agreement.

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 AVDOULOS AND SECONDED BY MEMBER LYNCH.

In the matter of Speedway #2224 JSP17-63, 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. PET SUITES JSP 19-18

Consideration at the request of Hogan Real Estate for Preliminary Site Plan and Storm Water Management Plan approval for a pet boarding facility. The subject property is approximately 2.48 acres and is located on the south side of Grand River Avenue, east of Beck Road (Section 16). The vacant parcel is zoned I-1, Light Industrial. The applicant is proposing to construct a 10,980 square foot building with a fenced outdoor recreation area for the boarding of cats and dogs.

Planner Bell said the subject property is in Section 16 on the south side of Grand River Avenue and east side of Beck Road. The parcel will be approximately 2.48 acres. The

parcel is zoned I-1, Light Industrial, and is currently vacant. Parcels to the east and west are also zoned Light Industrial. On the south is a parcel zoned OS-1, Office Service. To the north across Grand River is zoned OST, Office Service Technology. The Future Land Use map designates this area as City West. City West is a recommended new Zoning District envisioned as a cohesive mixed-use development. There are wetland and woodland areas on the southern portion of the site, which will not be impacted by the proposed development.

The applicant is proposed to construct a 10,980 square foot building with a fenced outdoor recreation area for the boarding of dogs and cats. Stormwater would be detained in an underground basin. A shared driveway is proposed to access this site and the adjoining property to the east. The driveway will require a same-side driveway spacing waiver, which is unavoidable given the location of the existing driveway to the west.

The applicant is also requesting two landscape waivers, which are supported by Staff. One less required sub-canopy street tree is provided due to lack of space. The second waiver would allow a portion of the foundation landscaping to be located away from the building.

Planner Bell said a Section 9 Façade waiver is requested for the overage of EIFS on the north elevation and an overage of Flat Metal Panels on the south elevations. Our Façade consultant determined the EIFS on the north is consistent with the overall composition of the Façade and reducing the percentage would not increase the overall appearance of the building. The south elevation is not visible from the major thoroughfare, and the overage of metal panels is relatively small.

The Site Plan meets all other Zoning Ordinance requirements, and all reviewers are recommending approval with additional comments to be addressed at the time of 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 is Thom Dumond from PEA to answer any questions you may have. Staff is also available for questions. Thank you.

Mike Leonard, with Hogan Real Estate, said I'm joined by Thom up here. I'm with Hogan Real Estate, we're the developer of the project and just really would like to take the opportunity to thank the Commission for considering our project and Lindsay for the work you've done with Thom, and the rest of the Staff as well. We'll be available for any questions there might be.

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

Member Hornung said first thing I'd like to say is that I really appreciate the preserving of the woodlands behind the site. I think that's wonderful, that's what we like to see. And I think the site looks really nice, I think what we're trying to do down there on Grand River is to have a very walkable feel and that's all according to the Master Plan and I think this site really does a nice job of that. Thank you.

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

Motion made by Member Greco and seconded by Member Avdoulos.

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

In the matter of Pet Suites JSP 19-18, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. A waiver for same-side driveway spacing because there is no reasonable access point for the site that meets the ordinance requirement for 275 feet, which is hereby granted;
- b. A waiver for deficiency of sub-canopy street tree due to lack of space in the right-of-way and an extra canopy tree is provided, which is hereby granted;
- c. A waiver to allow a portion of the foundation landscaping to be located away from the building because the area provided exceeds the requirement and is located near the building, which is hereby granted;
- d. A Section 9 façade waiver for an overage of EIFS on the north elevation (32 percent is proposed where a maximum of 25 percent is allowed) and an overage of Flat Metal Panels on the south elevation (57 percent is proposed where a maximum of 50 percent is allowed), which is hereby granted;
- e. The findings of compliance with Ordinance standards in the staff and consultant review letters and the remaining 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.*

Member Avdoulos said not related to Stormwater Management, but I wanted to echo Commissioner Hornung's comments. We appreciate the project, it is a sharp looking building and obviously this kind of need is very important to the City. Hopefully you'll be successful and help spur on other developments. Quick question – do we know what's going on on the other property? Or is it just set up that way for potential uses so that we don't have to come back?

Mr. Leonard said it's set up that way for the next use. But we will be purchasing only half of the property, and economics drive that to a certain extent. So the current landowner will retain the other piece, so I expect that piece comes back later in the process.

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

In the matter of Pet Suites JSP 19-18, 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. SLI MEDICAL OFFICE BUILDING JSP 18-74

Consideration at the request of SLI Medical Preliminary Site Plan and Storm Water

Management Plan approval. The subject property is zoned B-3 and is located on the north side of Grand River Avenue and east of Novi Road in Section 23. The applicant is proposing to remodel and occupy the existing 45,200 square feet building for medical and general office use along with warehouse space housing medical equipment. The applicant is proposing to build additional parking and related landscape improvements to accommodate the change of use.

Planner Komaragiri said the property is currently zoned B-3, General Business, surrounded by the same to the east and west and south, and I-1, Light Industrial, to the north. The Future Land Use map indicates Town Center Gateway for that property and all the surrounding properties. There are no regulated woodlands and wetlands on this property.

As noted before, the subject property has an existing building, which is proposed to be remodeled and occupied with 12,810 square feet of medical office space, 9,390 square feet of general office space, along with a large warehouse space of approximately 23,000 square feet to house medical equipment. Cort Furniture, a furniture rental office, showroom, and warehouse previously occupied the building. The applicant is proposing to build additional parking and related landscape improvements.

The property is associated with an approved site plan from 1994 which reserved some area for future parking along the western boundary as part of the previously approved site plan. The current site plan is also required to meet the landscape improvements approved at that time in 1994.

The use as proposed would require a minimum of 122 parking spaces. However, the applicant has submitted a Parking Study that states that a minimum of 64 spaces are adequate for the mix of overlapping medical uses proposed at this site. Our Traffic consultant after reviewing the Study recommended that a minimum of 75 spaces would be more appropriate. The intent is that the surplus would allow for high-volume or long visit scenarios. A Zoning Board of Appeals variance is required for the reduction in parking. The request was presented before the board last night and it was approved for 75 spaces.

The applicant has requested for the ZBA Variance at the same time as the site plan request. As part of the revisions made to address site plan comments, the current site plan resulted in 74 spaces, about one space less than what was approved by the ZBA. In response, the applicant has agreed to revise the site plan at the time of Final Plan review to comply with the ZBA approval.

Planner Komaragiri said in the reviews, Staff has asked the applicant to demonstrate the feasibility of truck turning patterns within the site. We have asked what would be the largest truck that would access the site, and whether it has enough turning radii to come in and go out. And we've also asked to assess the need for additional handicap parking due to the physical therapy service provided at this location and if they'd require more than the standard ADA requirement. The current site plan at this time does not satisfactorily address those comments.

The Landscape plan that was originally included in the packet was also not complete, so the Landscape review was not recommending approval when we put the packets together, as we were not able to identify the deficiencies or conformities at that time. However, the applicant has worked with Staff and provided a revised Landscape plan

earlier this week that addresses most of the Landscape requirements. And the motion sheet as provided provides general deviations that cover the Landscape plan that was provided.

So the applicant has requested additional time to defer addressing the comments about circulation and ADA accessibility until Final Site Plan review. Given that the proposed improvements do not propose significant changes to existing improvements, Staff has agreed to work with the applicant to resolve the issues at the time of Final Site Plan. Staff wanted to note that we anticipate that changes may be required to the site plan at the time of Final review that may or may not result in reduction of parking or maybe a slight change to the circulation patterns. If it results in a reduction of the parking count, the applicant is notified that they may have to go back to the ZBA. But with regards to the site plan approval, the changes would be considered administrative if the changes are minor with regards to the circulation.

The Planning Commission is asked tonight to review the request and to either approve or deny the application. The applicant, Josh Kaplan, is here tonight with his engineer architect Ryan Schneider, if you have any questions for them. We are here to answer questions, as well. Thank you.

Josh Kaplan said just quickly we would like to thank the Staff for their help in getting this in front of everybody, and we appreciate your consideration. We're happy to answer any questions you may have.

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

Member Hornung said it looks like we have a change from our original packet, so I'm interested to hear about the changes in the landscaping between what we saw in our packet and the new changes that we're seeing today.

Landscape Architect Meader said sure. So on the original plan, they didn't really go either direction where they were trying to conform to the original plan or the current Ordinance, and there were no calculations. It just really was not something that I felt comfortable recommending either way. And it wasn't done by a Landscape Architect. So then they went and hired a Landscape Architect who did this plan, and this is much closer to conforming to our current Ordinance, which is good. We weren't going to have them do that since the site wasn't changing a lot, but they are in conformance as closely as possible to the current Ordinance. There's some areas where they can't, like along the southwest edge there, there's not enough room for perimeter trees. But for the most part, they're working to conform as much as possible.

Member Hornung said thank you very much. This being along Grand River, this is also really important to the look and feel of what we want Novi to look like. And with this particular property, there's not much space there to make any better improvements. But I am very encouraged to see the changes that we're before today, so thank you very much.

Member Greco said it looks like from the packet that we were provided that the parking issue's been resolved, at least for now. And the landscaping has at least been addressed, right? Are you comfortable with where they're at?

Planner Komaragiri said like I mentioned, there are still issues that the applicant needs to address with regards to the truck circulation and ADA. But the applicant feels comfortable that he can address them at the time of Final Site Plan.

Member Greco said ok.

Member Avdoulos said I'm encouraged that we're taking an existing building and repurposing it, so I think that's great. I'm a big fan of utilizing as many parking spaces as you need, not flooding the site with maximum parking. Not to say we shouldn't meet Zoning Ordinance requirements, but if we do things smartly, I think it benefits everybody. I couldn't tell, are we doing any improvements to the elevations? Or are we just utilizing the building as is?

Planner Komaragiri said they are adding an elevator shaft towards the parking lot, but not major changes. The applicant may expand on that.

Mr. Kaplan said essentially the rear end of the building, as you can see in the bottom part of the drawing, is currently metal facing. We would be upgrading that to match the front end of the building to help the appearance and not look like just a warehouse anymore.

Member Avdoulos said ok. And again, I appreciate trying to work with what you have, what's there, and I think that's a plus for the City. So thank you.

Mr. Kaplan said thank you.

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

Motion made by Member Greco and seconded by Member Avdoulos.

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

In the matter of request of SLI Medical for JSP 18-74 SLI Medical Office Building, motion to approve the Preliminary Site Plan based on and subject to the following:

- 1. The applicant shall revise the layout to provide a minimum of 75 parking spaces including the minimum required barrier free spaces at the time of final site plan;**
- 2. The applicant shall provide a truck circulation diagram as noted in the Traffic review letter at the time of final site plan;**
- 3. Traffic waiver to allow Parking study in lieu of performing a Traffic Impact study because the change in number of trips from existing use is not significant, which is hereby granted;**
- 4. The applicant shall provide a revised landscape plan, subject to approval of the City's Landscape Architect, that complies with the following landscape waivers, at the time of final site plan approval:**
 - a. Landscape waiver from Sec. 5.5.3.B.ii for lack of street trees along Grand River Avenue frontage due to conflicts with existing utilities in right-of-way, which is hereby granted;**
 - b. Landscape waiver from Sec. 5.5.3.C.iv for not meeting the minimum required parking lot perimeter trees due to a lack of room between the parking and the west property line, provided that the applicant work with the City's landscape**

- architect to maximize number of trees along other areas of the parking lot, which is hereby granted;
- c. Landscape waiver from Sec. 5.5.3.B.ii for reduction in required greenbelt width along Grand River Avenue due to existing conditions which were previously approved, which is hereby granted;
 - d. Landscape waiver from Sec. 5.5.3.B.ii for lack of berm along Grand River Avenue, due to existing grading which is not changing, which is hereby granted;
 - e. Landscape waiver from Sec 5.5.3.D. for proposing less than 75% of the building foundation with landscaping, and locating some foundation area away from the building along the existing berm facing Grand River Avenue, which is hereby granted;
5. Zoning Board of Appeals variance from Section 5.2.12. for reduction of minimum required parking for the proposed use (122 spaces required, 75 spaces proposed);
 6. The findings of compliance with Ordinance standards in the staff and consultant review letters and the remaining 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 GRECO AND SECONDED BY MEMBER AVDOULOS.

In the matter of request of SLI Medical for JSP 18-74 SLI Medical Office Building, 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.*

4. APPROVAL OF THE APRIL 17, 2019 PLANNING COMMISSION MINUTES

Motion made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE TO APPROVE THE APRIL 17, 2019 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

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

5. APPROVAL OF THE MAY 8, 2019 PLANNING COMMISSION MINUTES

Motion made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE TO APPROVE THE MAY 8, 2019 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

Motion to approve the May 8, 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 Avdoulos.

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

Motion to adjourn the June 12, 2019 Planning Commission meeting. *Motion carried 5-0.*

The meeting was adjourned at 8:02 PM.