



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**February 26, 2020 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 Ferrell, Member Gronachan, Chair Pehrson

Absent: Member Anthony, Member Lynch, Member Maday

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

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Gronachan and seconded by Member Ferrell.

**VOICE VOTE TO APPROVE THE FEBRUARY 26, 2020 PLANNING COMMISSION AGENDA MADE BY MEMBER GRONACHAN AND SECONDED BY MEMBER FERRELL.**

**Motion to approve the February 26, 2020 Planning Commission Agenda. *Motion Carried 4-0.***

## AUDIENCE PARTICIPATION

Nobody in the audience wished to speak.

## CORRESPONDENCE

There was no correspondence.

## COMMITTEE REPORTS

There were no committee reports.

## CITY PLANNER REPORT

There was no City Planner report.

## CONSENT AGENDA - REMOVALS AND APPROVALS

### 1. EBERSPAECHER WAREHOUSE INFILL, JSP 17-69

Approval of the request of Eberspaecher North America for a one-year Preliminary Site Plan extension. The subject property is located in Section 12, on the west side of Haggerty Road, south of Thirteen Mile Road in the OST, Planned Office Service and Technology District. The subject property currently has a 63,957 square foot building with a courtyard, and the applicant proposes to add 7,702 square feet to fill the courtyard gap.

Motion made by Member Avdoulos and seconded by Member Gronachan.

### **ROLL CALL VOTE ON THE APPROVE THE REQUEST FOR A ONE-YEAR EXTENSION OF THE PRELIMINARY SITE PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

**Motion to approve the request for JSP17-69 Eberspaecher Warehouse Infill for a one-year extension of the Preliminary Site Plan. *Motion Carried 4-0.***

## PUBLIC HEARINGS

### 1. 2020-2026 CAPITAL IMPROVEMENT PROGRAM

Assistant City Manager Victor Cardenas gave a brief presentation on the 2020-2026 Capital Improvement Program to the Planning Commission.

Chair Pehrson opened up the Public Hearing for comments and seeing no one, and receiving no written comments, Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission for consideration.

Chair Pehrson expressed how much he appreciated the spreadsheet and the work that goes into this program.

Member Avdoulos appreciated the work that went into the program and discussed how he enjoys seeing how everything is budgeted for in a comprehensive manner.

Member Gronachan commented on how grateful she is of the staff that put this program together. She discussed how she enjoyed getting to sit in on the meetings and it was a great experience for her. She said she is very lucky to be a Novi resident and commented on how well the staff runs and organizes the City.

Member Ferrell agreed with his fellow Commissioners.

Motion made by Member Gronachan and seconded by Member Avdoulos.

### **ROLL CALL VOTE TO ADOPT THE 2020-2026 CAPITAL IMPROVEMENT PROGRAM AS PRESENTED MADE BY MEMBER GRONACHAN AND SECONDED BY MEMBER AVDOULOS.**

**Motion to adopt the 2020-2026 Capital Improvement Program. *Motion carried 4-0.***

## **2. CATHOLIC CENTRAL FRONTAGE IMPROVEMENTS JSP 19-48**

Public hearing at the request of Catholic Central High School for Planning Commission's approval of Preliminary Site Plan, Wetland Permit, Woodland Permit and Storm Water Management Plan. The subject property is currently zoned R-1 One Family Residential, B-1 Local Business, and I-1, Light Industrial and is located in Section 18, west of Wixom Road and south of Grand River Avenue. The applicant is proposing to enhance the property's Wixom Road frontage, including the two entrances to the property.

Planner Bell said the subject property is in Section 18 south of Grand River Avenue on the west side of Wixom Road. The parcel is over 70 acres and is the existing site of Catholic Central High School. The property is zoned R-1, Single family, B-1, Local Business, and I-1, Light industrial. The area to the west is zoned R-4, One Family Residential. To the north is the Berkshire Pointe community, zoned RM-1, Low-Density, Low Rise Multiple Family. The area to the south is zoned R-1. To the east is Novi Promenade, zoned I-1 but developed under a consent judgement as B-3, General Business. The Future Land Use map indicates Educational Facility for this property with single family residential on the north, west and south. East of the property is planned for Community Commercial uses. There are wetland and woodland areas on the property.

Catholic Central High School recently acquired three parcels that are zoned B-1, which now gives the property continuous frontage on Wixom Road. The applicant is proposing to enhance the frontage with new berms, landscaping treatments, and sidewalk. The two entrances to the property would be updated with new signage, and interior to the property a new gateway with signage would be constructed. No new buildings or parking is proposed at this time. During the site plan review Staff raised concerns about the 25-foot corner clearance zone not being observed at the southern entrance to the property. The applicant agreed that the walls and signage in the clearance zone could impact the safety of sidewalk users, and as stated in their response letter, they have agreed to revise the plans to correct that issue in the revised Final Site Plan submittal.

The applicant is requesting four waivers of landscaping standards, which are detailed in the project packet. Two of the requested waivers, for steeper berm slope and substituting narrow evergreen trees for the sub-canopy trees required are supported by staff. The other two waivers are not supported by staff: one waiver would allow nine trees that do not meet the definition of canopy trees to fulfill the requirement for canopy trees. The applicant also requests a waiver to place required street trees to the west of the sidewalk, rather than between the sidewalk and the curb. In the draft motion sheet, two options are given for each of these waivers and we'd ask the Planning Commission to make a decision on those items.

Planner Bell continued to say the proposed plan would impact 0.17 acre of wetland area. The applicant proposes to mitigate that impact by constructing 0.33 of wetlands on-site. Seventeen regulated woodland trees are also proposed to be removed, which will require thirty-five woodland replacement credits. The applicant proposes to plant thirty-eight woodland replacement trees on-site to meet that requirement.

The Planning Commission is asked tonight to hold the Public Hearing, and approve or deny the Preliminary Site Plan, Wetland Permit, Woodland permit and the Storm Water Management Plan. Representing the project tonight are Steve Endres and Rich Houdek from Grissim Metz Andriese Associates, and engineer Andy Wozniak.

Chair Pehrson asked the applicant if they would like to address the Planning Commission.

Reverend Richard Elmer, President Emeritus of Catholic Central High School, discussed how grateful he is to have Catholic Central in Novi and reminisced on the time when he first came to get approval from the Planning Commission fifteen years ago to build the school. He asked for the Planning Commission's approval on the beautification project.

Ed Turek, President of Catholic Central, also expressed his gratefulness to be before the Planning Commission.

Steve Endres, Grissim Metz Andriese Associates, said he was one of the landscape architects working on the project and explained a little about the beautification project. He showed a short video of how the finished product would look.

Chair Pehrson said this is a Public Hearing, if anyone in the audience wishes to speak about the project, you may do so now.

Srinivas Chaganti, 49493 Harrier Place, said he thinks the project looks very nice, but explained his concerns about replacing trees once they get removed. He was also concerned about privacy since his backyard borders Catholic Central. He also wanted to make sure light pollution would not spill over into his property from the new proposed lighted sign.

Another concerned citizen needed some clarification as to why he received a public notice as his property didn't directly abut the project area.

Uday Loka, 49477 Harrier Place, said he was concerned about his privacy being affected from the tree removals.

Jim Govan 50241 Drakes Bay Drive, said he wanted to express his support for the project and thinks it is a positive new change to the area that will not only enhance Catholic Central, but also the City of Novi. He also thinks continued improvement and beautification of projects like this are very valuable to the City.

Chair Pehrson asked if there was correspondence.

Member Gronachan said we do. The first correspondence is from Mark Anderson, 21026 Wheaton Lane who is in support of the project. Donald and Sheryl Conn, 22490 Norfolk Court, express their support. Jim Govan, 50241 Drakes Bay Drive, who just spoke in support, his letter is also a part of our packet. Joe O'Connor, Novi Resident of 21 years, expresses his support and is very pleased with Catholic Central being here. John Bebb, 22512 Devron Court, writes in full support of the project. Joseph Dulzo, 42786 Sandstone Drive, offers his support. Michael and Colleen Brady, 43099 Westchester Court, offer their support. Peter and Jo Ellen Nicholas, residents of Novi, express their support. Scott Hauncher, Novi resident, offers his support. Mamnoon Siddiqui, 27250 Wixom Road, offers his support. Jasmeet Marwah, 49661 Hartwick Drive, wrote they would object to the proposal if there are changes to zoning, especially within 100 feet of Berkshire Pointe Subdivision or changes to any of the wetland and woodland areas of the property. There is an objection from Shridevi and Chandan Nayak, 49605 Hartwick Drive. There is an objection from Uday Loka, 49477 Harrier Place, needs clarification on the wetland improvements by the entrance, unsure about the removal of trees. The general consensus on the objections is that they're not clear on exactly what's going to happen to the wetlands and to the trees. There is an objection from DeJuan and Carline Woods, 49589 Hartwick Drive. There is another objection from Chapalamadugu Udaya Kumar, 49501 Harrier Place, again with the same concerns. There is an objection from Venkata Prasad Atluri, 49621 Hartwick Drive. There is

an objection from Srinivas Chaganti, 49493 Harrier Place. One last objection is from Srinivas B Sunkara and Lakshmi M Ravi, 49485 Harrier Place.

Seeing no more correspondence Chair Pehrson closed the audience participation and turned it over to the Planning Commission.

Member Avdoulos said to Father Elmer, it's so good to see you. I was on the Planning Commission when this project first came out a long time ago. I remember some long nights and driving home at 2 o'clock in the morning, but it was well worth it. Catholic Central is a great institution and great to have in the City of Novi. First of all, it was exciting to look at the packet. I have worked a lot with Grissim Metz Andriesse over the years. I know Steve and Randy and when Randy gets excited about a project, you know it's a good project. Having worked with Steve and his team over the years, they do very good and very thoughtful projects. This particular project is very simple, but the simpler the project, the more difficult it is to pull off. The video actually helped to show how elegant it is going to be. When we were first looking at this project the entire school was tucked behind Wixom Road, it had an entry, but it wasn't one of prominence. I'm not talking prominence to be arrogant; I'm talking just to identify the space. Yes, it was going to be difficult at times to find the entrance and I knew that at some point this was going to come back to the Planning Commission, so I'm glad to see it. It's going to be landscaping connecting the space between the two drives. I really appreciate what the staff was doing to work with the team. I understand that one of the waiver requests is trying to showcase the berm and the landscape by not putting trees on the roadside of the sidewalk. I assume the intent in that is to make it look clean?

Richard Houdek, Grissim Metz Andriesse, said first of all I just wanted to say thank you very much to the staff. It's been great working with Rick, Lindsay, and Barb through this process and just having great dialogue and we've been getting all our questions answered. With that said, yes, there are the two waivers that are out there: one being the street trees and the other one being the change to one of the varieties of trees. This whole project we've tried to emphasize that it is completely a landscape identity project. That's all it is. There are no buildings or parking lots being added, there's nothing else outside of the landscape and the signage to create an identity for Catholic Central. We really tried to take the site and marry it into the woodlands and wetlands and make something out of it and it's a fabulous site. So now we've had this opportunity to bring it out to the frontage and we're really using this landscape plan to not only tie into the existing wetlands and woodlands, but to emphasize it more so that when someone drives by they notice it. We're not trying to meld it so much that it just blends as a part of the rest of the street scape. It's an identity and says "this is Catholic Central" and there's a reason for why we've done the steel I-beams as signage, the natural stone, and the variety of trees. They're all a very strong design element and we've felt very strongly as to that. If we bring those street trees out to Wixom Road between the sidewalk and the curb line, it creates a veil in front of this image we have been trying to create. Now all of a sudden you're looking through the trees into this landscaping and you've taken away a lot of the identity and the impact of what we're trying to propose here. That's why we feel strongly in what we're doing.

Mr. Houdek continued, I also didn't even mention, one of the big things, is that there are some huge powerlines that sit right there at that front entrance of the school. Catholic Central, at their own cost, is now working with DTE to relocate those poles, so this is another whole level of beautification. How many people do you know that would spend a lot of money to move utility poles just to make the property look better? This is substantial. Every one of these things that have been done goes on to emphasize just what it means to Catholic Central to have their identity out along Wixom Road. It's just another layer of each item. So along with the street

tree items, we also had the Armstrong Maples that we requested. We know that it doesn't meet the 20-foot minimum spread. The trees do grow well in excess of 30-feet to 50-feet in height. Again, it's another element; there is verticality to all the types of trees that we have used: the Spruce, Junipers, and Ginkgo trees, it just helps reinforce that image. So here we are trying to do a landscape project and create an image and yet we're still being restricted in being able to create and use that creativity to develop the image that we want to present.

Member Avdoulos said I appreciate that information, and that's why I wanted to bring it up. I know Rick is very good at working with our projects, applicants, and all our developers. I very rarely challenge staff. If staff doesn't recommend a variance, I acquiesce; but I understand where this project is coming from and what it is trying to do. So I like what they are doing and because of what was originally done, how Catholic Central was built into its setting, you really don't know that there is something that big as you pass by on Wixom Road. That was nicely done; it really blends into the woodlands. Now that were talking about the woodlands, can you identify for the residents that spoke earlier and were curious about wanting to know what was happening in the area behind them? I just wanted to see if we could identify that area so we can be assured that's not going to be something that's going to be affecting them. Also, I saw from the images that you showed the lighting of the entrance and I'm sure it's not going to be anything glaring and it will be subtle, at least that's what my take away is.

Steve Endres said absolutely, the questions definitely do have merit and I would love to go ahead and explain this a little bit. Of the seventeen trees that are being removed that require mitigation, there are two that are located in the vicinity of the neighbors to the north at Berkshire Pointe. They are two silver maples that are being taken out that are eight inches and above in caliber and are being replaced per the Ordinance requirement. We do want to suggest that in addition to the required Ordinance trees that are being provided on this project, we're providing a substantial amount of trees in addition to adding it to the green belt as part of the beautification effort. The remainder of the impact area is low shrubs, buckthorn, and invasive species. Then, what is going back in this location is a combination of evergreen trees, deciduous trees, and landscaping that is going to complement the existing woodland edge and grow into a naturalized dense aesthetic as a backdrop to the signage. Just how the neighbors don't want to see through their property into the Catholic Central site, we don't want the signs sitting out in the open without a visual backdrop behind them. We will lose a lot of depth, so we have the same interest they do that the privacy and visual density can be maintained. It's very important to us and I'm sure it is to them.

Mr. Endres showed a slide on the screen and said this is the frontage area. The yellow shows the impacted area and the green shows the existing woodland area. There was also some discussion about what is occurring in the back, by the gateway signs. So again, from our demolition plans, we are closer, obviously, to the property line and what is being cleared is the brush in these areas. In addition to that, Catholic Central wants to be good neighbors and is willing to work with our neighbors to ensure that they have the privacy maintained from our side of the site as much as possible.

Member Avdoulos said that helps a lot. Again, it's a major landscape project on a pretty major thoroughfare. Island Lake to the south of the project has done a nice job with their landscaping and even on the other side with the schools. Wixom Road is actually a really nice road so this is going to be exciting. Eleven hundred lineal feet is a big stretch of commitment that the school is making and I appreciate that. I want to make a motion and we can continue discussion after that.

Motion made by Member Avdoulos and seconded by Gronachan.

**In the matter of Catholic Central Frontage Improvements, JSP 19-48, motion to approve the Preliminary Site Plan based on and subject to the following:**

- a. **The applicant shall redesign the southern entrance at the time of Final Site Plan to show and observe the requirements of Section 5.9 for a 25 foot Corner Clearance;**
- b. **A variance from the Engineering Design Manual, to be approved administratively by the City Engineer, for the meandering sidewalk design;**
- c. **Planning Commission waiver from Section 5.5.3.B for proposed berm slopes of 1:2, which is steeper than the maximum 1:3 slope, *because the applicant proposes no-mow seed on the berms so the steep slopes will not impact maintenance operations, which is hereby granted;***
- d. **Planning Commission waiver from Section 5.5.3.B to use narrow evergreen trees in place of the required sub-canopy trees, *because the substitution creates consistency with the overall design theme of the project, which is hereby granted;***
- e. **Planning Commission waiver for the use of 9 trees that do not meet the Ordinance definition of a canopy tree due to their mature width, which is hereby granted;**
- f. **Planning Commission waiver for the location of the street trees west of the sidewalk, rather than between the sidewalk and street as required by the Ordinance, which is hereby granted; and**
- g. **The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.**

**This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.**

Member Ferrell said so an area you mentioned where some of the brush was going to be taken out was at the curve in the road right before you get into the parking lot. Are any trees going to be taken out of there, as well as the brush?

Richard Houdek said there are no regulated trees coming out of there.

Member Ferrell said brush acts as a screening, so if you remove a lot of that, that's going to open it up a lot more to the housing. I just wanted to address some of the resident's concerns because the way you said you're going to remove some of the brush seems like there's not a whole lot there to begin with. If you did remove most of it, is that going to open it up more?

Richard Houdek said there's a greenbelt zone that's along the southbound property line before you get to the sign that will be there. I also just wanted to address the signage lighting. We are working with a lighting designer and it is our intent that on top of the landscaping, the lighting will emphasize and enhance the project in a design sense. All of the lighting is going to be nondescript. We're looking at strip lighting and possible linear spotlights that would be controlled by an astronomical clock with dimmers. We want to be able to add a glow to the signage to make it read, but we don't want to make it look commercial. We don't want this to be a glaring, blinking sign at all. So right now we've gone in with the sign application with the Ordinance Department and are working through that process and created some renderings that will be presented to them. It would definitely be something that is within Novi's Ordinance requirements for light levels.

Steve Endres said we expect, as part of the Novi sign permit application, to stand before the Zoning Board of Appeals and present the design intent with regards to the signage and provide similar graphic illustrations and information to support the lighting intent.

Member Ferrell said thank you for explaining that, hopefully it is helpful for the residents. Also, going back to the brush, I know you were in the middle of saying something about that.

Richard Houdek said yes, as it comes across the road there's actually a zone in there that's from the end of the property line and goes back and is being retained.

Steve Endres said there's a stretch of existing wetlands that runs between where would be the end of the sign and the property line. That area will not be affected and that brush will be maintained.

Member Ferrell asked Steve Endres to point that area out on the map and Steve Endres explained the location. Member Ferrell said I also wanted to ask the City Landscape Architect some questions about the trees between the sidewalk and the road and the thought process behind that and also ask about the different species of trees that the applicant is requesting that staff does not support.

Landscape Architect Meader said let me talk about the street trees first. I will read what my review says so I don't miss anything. I strongly disagree with the placement of the street trees west of the proposed sidewalk because the benefits of having the trees near the street are not realized when they are located well away from the curb. These benefits are for pedestrians, traffic, and the environment and that is why it is a requirement in our Ordinance. Benefits to pedestrians are that it provides a sense of security and buffer from traffic and also cover from rain and sun. For traffic, the trees near the road provide traffic calming, we know people speed down Wixom Road, and studies have shown trees near the roads can have a traffic calming effect and help to shade the road and cool the pavement. As part of that, they have environmental effects that sharply reduce the quantity of rainwater reaching the road because the canopy captures water and takes up pollutants more effectively close to the road than far away. These trees are proposed about 50-60 feet away from the curb, not 20 feet and they can reduce the creation of ozone due to lower pavement temperatures because of the cooling. Finally, the City benefits are that street trees add value to the area of businesses and homes. It increases the life of pavement and reduces storm water in the City storm system.

Landscape Architect Meader continued, while it is a redevelopment, the City typically uses redevelopments as opportunities to fill gaps in areas that don't meet the City's standards, such as a missing sidewalk. Street trees are present near the road north and south of the school's property as a City requirement to provide the benefits noted above. Staff has offered areas of compromise with the applicant in regards to this requirement provided at least some of the required street trees and gain some of the above benefits, but they refuse to work with staff to minimize the extent of the waiver requested to the point where the waiver could have been supported by staff. We've consistently asked everyone else to do street trees and to not ask them to even place some of them is not consistent with the Ordinance. The other one about the species, it's that we have a standard that is for a minimum mature canopy of 20-feet and Armstrong Maples are 15-feet and can maybe reach 20-feet. That standard has been in place for a long time so in my regard it's not really a canopy tree that they are providing.

Member Ferrell said with the trees you were just talking about, how strictly does that typically

follow the Ordinance?

Landscape Architect Meader said we've been consistently requiring the species identified in the Ordinance since I've been here. That's for five years now. I can't speak before that. To me though, that is not as big of a deal as the street trees.

Member Ferrell said I would probably agree with you on that and I think having the trees by the roadway would create a nice buffer. We're talking about a school where there will be kids walking down the sidewalk and the only one way to cross to get into the Target parking lot is at the street light that's coming out of the north entrance. So if you have students, residents, or really anyone that is walking down the sidewalk to cross there, I wouldn't feel comfortable with them not having some sense of the buffering. I know what that feels like to walk on sidewalks next to the road from personal experience. It gives you the illusion or the feel that maybe the people driving are going to slow down and not go as fast because there is a sidewalk.

Member Gronachan said I was on the Zoning Board when Catholic Central came twenty years ago and I remember going through the plans with great detail. There were so many plans and the drawings were so thick. It was one of the most momentous cases that I have done. Having said that, I share that information with everyone because it shows what kind of project Catholic Central brought to Novi. You did ask for quite a few variances, if my memory serves me correct, but you proved that there was a necessity and those variances were granted. I think that this design is outside the box. I hear the previous speaker and I hear the City, but I think that this is an exception to the rule. The reason why I say that is because of the fact that this is opening up a landmark to Novi. This school is not going away for the next five, ten, fifteen years, we hope. This is definitely a wow factor. It's too bad that it wasn't there before because when you drive down Wixom Road, it's too bad that you don't see that this is part of the campus. How exciting to have this there and to say this is a part of Novi. Now I get the part about the trees, but I don't agree about the safety factor. The reason why I don't totally agree is because I think there's something else that's going to happen down Wixom Road that's going to have a different effect to it. You are far enough away from the road, that in the future, whatever happens to Wixom Road, I don't think you're going to be negatively impacted by doing this project. Just because we've had this rule for the trees for all these years, I don't think that it meets this project. I think that those trees alongside the road would actually take away from the purpose of what you are trying to do here so I would be in full support.

Chair Pehrson said so this has got me in the cross hairs of dilemma because I've been on this Commission long enough to fight for a single tree and that's how important these kinds of decisions are when petitioners and applicants come in front of us and residents bring up their concerns. We don't very often just side with one or the other, we try to find that middle ground. As I look at it and as I understand what your striving for Rick, I'm leaning more towards what Member Gronachan had spoken about, as far as creating the landmark and creating something that would be more aesthetically pleasing than the placement of a few random street trees. Therefore, I think the right decision is what you have shown on this particular plan. I would like to find some middle ground, but I think that would lessen the impact on what you are trying to achieve here. It's very rare that I think we've ever gone against what Rick wants, but with that I am in support of the motion as it has been read because I think this is the kind of thing where you couldn't ask for a better neighbor in what you've done for the City and the mutual relationship that we've gained with Catholic Central being a part of this so I'm in support of this particular motion. If there are no other discussions I would like to call the role please.

**ROLL CALL VOTE TO APPROVE PRELIMINARY SITE PLAN OF JSP19-48 CATHOLIC CENTRAL FRONTAGE IMPROVEMENTS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

In the matter of Catholic Central Frontage Improvements, JSP 19-48, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. The applicant shall redesign the southern entrance at the time of Final Site Plan to show and observe the requirements of Section 5.9 for a 25 foot Corner Clearance;
- b. A variance from the Engineering Design Manual, to be approved administratively by the City Engineer, for the meandering sidewalk design;
- c. Planning Commission waiver from Section 5.5.3.B for proposed berm slopes of 1:2, which is steeper than the maximum 1:3 slope, *because the applicant proposes no-mow seed on the berms so the steep slopes will not impact maintenance operations, which is hereby granted;*
- d. Planning Commission waiver from Section 5.5.3.B to use narrow evergreen trees in place of the required sub-canopy trees, *because the substitution creates consistency with the overall design theme of the project, which is hereby granted;*
- e. Planning Commission waiver for the use of 9 trees that do not meet the Ordinance definition of a canopy tree due to their mature width, which is hereby granted;
- f. Planning Commission waiver for the location of the street trees west of the sidewalk, rather than between the sidewalk and street as required by the Ordinance, which is hereby granted; and
- g. 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.

*Motion carried 3-1. (Ferrell)*

Motion made by Member Avdoulos and seconded by Member Gronachan.

**ROLL CALL VOTE TO APPROVE WETLAND PERMIT FOR CATHOLIC CENTRAL FRONTAGE IMPROVEMENTS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

- a. In the matter of Catholic Central Frontage Improvements, JSP 19-48, motion to approve the Wetland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE WOODLAND PERMIT FOR JSP 19-48 CATHOLIC CENTRAL FRONTAGE IMPROVEMENTS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.**

In the matter of Catholic Central Frontage Improvements, JSP 19-48, motion to approve the Woodland Permit based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

Motion made by member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE STORM WATER MANAGEMENT PLAN FOR JSP 19-48 CATHOLIC CENTRAL FRONTAGE IMPROVEMENTS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.**

In the matter of Catholic Central Frontage Improvements, JSP 19-48, motion to approve the Storm Water Management Plan, based on and subject to:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

**3. TEXT AMENDMENT 18.292 – INSTRUCTIONAL CENTERS IN OS-1**

Public hearing for Planning Commission's recommendation to the City Council for Text Amendment 18.292 to update the Zoning Ordinance to allow 'instructional centers' as an allowable use in the OS-1, Office Service District throughout the City of Novi subject to conditions and related changes.

Planner Komaragiri said on January 15, 2020 staff presented a Draft Amendment in order to include instructional centers within allowable uses in the Office Service District and Planning Commission set the date for tonight to hold the Public Hearing. The proposed Office Service, OS-1, Text Amendment was introduced per the request of the applicant. The applicant currently owns three buildings which are located on the south side of Ten Mile Road and west of Haggerty Road and are currently zoned OS-1. The current uses in the building include medical and personal service establishments. The applicant recently leased a space to Claire's Music Academy and Curie Learning Center. The uses are currently not permitted under OS-1 Zoning, so the applicant is requesting the current proposed amendment to allow for these businesses to continue at this location.

Historically, these uses are predominantly allowed as permitted uses in business districts such as B-1, B-2 and B-3 and retail districts such as TC (Town Center), TC-1, and RC (Regional Center) and in limited capacity under Commercial Office Districts. The specific property is surrounded by R-4 (One-Family Residential) to the south and OS-1 on all the other sides. Office Service, OS-1, is considered the least intense Office District to serve as a transition between residential and non-residential uses and to provide a transition between major thoroughfares and residential districts. The proposed Amendment is addressing two items: defining different types of educational uses other than public/private schools and colleges/universities and proposing to allow instructional centers less than 2,000 square feet as a Permitted Use and above 2,000 square feet as a Special Land Use.

OS-1 currently allows private fitness facilities subject to similar square foot requirements. At the last meeting, the Planning Commission agreed with staff's concern that allowing larger facilities as a permitted use will not provide further review and protection a Special Land Use would offer.

Planner Komaragiri continued, the current uses in the subject property are smaller than 2,000 square feet. So if the amendment is adopted, they can continue their use. However, at the last meeting, the applicant indicated that a future expansion is planned. If this is adopted the applicant will be required to apply for a Special Land Use permit prior to expansion. The Planning Commission was in agreement with the draft as provided at the last meeting, but asked the staff to provide some additional clarity to the definitions of educational uses. Staff has revised the definitions as presented at the last meeting. Other than the obvious public schools, colleges, and universities the Ordinance Amendment identifies three different educational uses. Business schools, colleges, or private schools operated for profit are considered a higher education institution aimed at skills for career development such as clerical, managerial, or similar subjects. The second one is an instructional center which is mostly places that offer supplemental or recreational instruction for all ages not just for school-aged children. The third one is trade or industrial schools, which are typically allowed in I-1 and I-2 districts which offer training for mechanical or industrial jobs. The proposed amendment, if approved, would apply to all current and future OS-1 districts. While most of the OS-1 Districts are developed, we still have about 53 acres of OS-1 Zoned Districts which are currently undeveloped. The Planning Commission is asked tonight to hold the Public Hearing and make a recommendation to the City Council for reading and adoption. The applicant Edna Zaid is ready to answer any questions you may have.

Edna Zaid, applicant, said I wanted to double check that tutoring was included on the list of proposed uses.

Planner Komaragiri confirmed.

Edna Zaid said I wanted to thank everyone that's worked on this. I've heard a lot of background information tonight on people's affiliations with the city. In 2013, my son, one of the tenants in my building, convinced me to get involved in an auction foreclosure and never in my wildest dreams did I think that I was going to get these three buildings and I did. If I ever were to sell my business I would love to help put together a packet for new business owners with all the rules and all the things that you don't want to do backwards. Staff has been very helpful through this process, like when realtors brought these tenants to our property management company and signed leases, I had no idea the zoning was inappropriate. I just assumed realtors would know that before they brought them, but now they're educated as well and we know before any leases are signed that the zoning has to be correct.

Ms. Zaid continued, to get to the point, both tenants, Curie Learning and Claire's Music Academy were so excited and actually grew out of their space within a few months and we've had to slam on the brakes when we found out that they did not have approval to be there. They both had their eyes on bigger spots and are ready to go and I feel like I've taken their money for the last seven months and they're just not getting their signs or doing their promotions because they don't feel like they are solid yet. I think the reasons for the Special Land Use are very good. From what I hear, you have to take those on a case by case basis. I'm just hoping that because we already have these tenants, we could have these grandfathered before this is passed so that they can move forward tomorrow and not have to wait for more processes of getting approved. It's dragged on so long for them. Both wanted to show up tonight, but because of the weather I'm here to represent them. So I appreciate everything everyone did

and I don't know all the criteria for what's supposed to be done, but if there's any chance of grandfathering these two into the largest space because I think both are looking into over 2,000 square feet so they can just get started tomorrow promoting their businesses properly and getting their signage up and for me to accept their money happily and not just taking it because they're still on hold.

Chair Pehrson said this is a Public Hearing, if anyone in the audience wishes to address the Planning Commission you may do so now. Seeing no one, and confirming that there was no correspondence on this, Chair Pehrson closed the public hearing.

Chair Pehrson said to answer Edna's question, there's no way to circumvent the government at this point in time. We are where we are.

Member Avdoulos said I can begin by indicating that I appreciate the staff coming back and helping to clarify some of the questions we had as it related to some of the definitions. I personally do not have an issue so I'm comfortable with what's being provided and what we can recommend to City Council. I'm prepared to make a motion.

Motion made by Member Avdoulos, and seconded by Member Gronachan.

**ROLL CALL VOTE TO PRESENT TEXT AMENDMENT 18.292 AS SHOWN AND TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR READING AND ADOPTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

**Motion to present the Text Amendment as shown and make a favorable recommendation to City Council. *Motion carried 4-0.***

## **MATTERS FOR CONSIDERATION**

### **1. APPROVAL OF THE FEBRUARY 12, 2020 PLANNING COMMISSION MINUTES.**

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE FEBRUARY 12, 2020 PLANNING COMMISSION MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.**

**Motion to approve the February 12, 2020 Planning Commission minutes. *Motion carried 4-0.***

## **SUPPLEMENTAL ISSUES**

City Planner McBeth said I just wanted to remind everyone that our good Planner, Sri, has been with us for five and a half years and she's worked hard every day and worked on a lot of things that we are all very familiar with including some very difficult projects and got them to cross the finish line. She's also worked to get her AICP certification. She's a published author now; you can find that in your packets. Sri has an announcement she would like to make.

Planner Komaragiri said I put some thoughts together that I would like to share so I don't forget anything. When I became a mom, I took an unplanned break from my career. At the time I thought changing diapers was my specialty. Barb believed in me and gave me a second chance. So this job has been very special and personal to me and everyone became my

extended family. You have all been very kind to me. I am thankful for that. Your commitment to the City is very inspiring and contagious. As you can sense from my voice, it was a very hard decision, but I recently accepted a different position at a private consulting firm. It's just a different experience I wanted to try. This is my last Planning Commission Meeting and March 10<sup>th</sup> will be my last day. I was counting this morning and realized that I presented to you about 135 times including tonight and it has been an absolute pleasure. I will miss presenting to you terribly. Having said that, I am a resident of Novi so I may show up for public input at the podium just for fun. So you're not done with me, you will probably see me around, I hope. I will pop up at all the City events. Thank you to everyone for listening to me throughout all my presentations.

Chair Pehrson said we would be remiss if we didn't have the same emotions and feelings for you. We've seen you grow up and we've seen you struggle with the good, the bad, the different plans you've brought in front of us, and your explanations. Your dedication to the City is to be untouched. You're a fantastic human being and you're going to be missed. We wish you all the best and please come back.

### **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

### **ADJOURNMENT**

Motion to adjourn moved by Member Avdoulos and seconded by Member Gronachan.

### **VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

Motion to adjourn the February 26, 2020 Planning Commission meeting. *Motion carried 4-0.*

The meeting adjourned at 8:25 PM.