

PLANNING COMMISSION  
MEETING MINUTES EXCERPT  
JUNE 23, 2010



# PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

**Wednesday, June 23, 2010 | 7 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile  
(248) 347-0475

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Baratta, Member Cassis, Member Gutman, Member Lynch, Chair Pehrson, Member Prince

**Absent:** Member Greco (excused), Member Larson (excused), Member Meyer (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; David Beschke, City Landscape Architect; Lindon Ivezaj, City Engineer; Rod Arroyo, Traffic Consultant; John Freeland, ECT; Doug Necci, Façade Consultant; Kristin Kolb, City Attorney

## PUBLIC HEARINGS

### 1. WEISS MIXED USE DEVELOPMENT, SP09-26 WITH ZONING MAP AMENDMENT 18.690

Public Hearing for Planning Commission's recommendation to the City Council of a Planned Rezoning Overlay associated with a zoning map amendment to rezone from I-1, Light Industrial and OS-1, Office Service to B-2, Community Business and OS-1, Office Service, with a Planned Rezoning Overlay (PRO). The Subject Property is located in Section 26, east of Novi Road and south of Ten Mile Road.

Planner Kapelanski stated that the applicant is proposing the Rezoning with PRO of an approximately 28.7 acre piece of property located on the south side of Ten Mile Road, east of Novi Road. This property is proposed to be rezoned from I-1, Light Industrial and OS-1, Office Service to B-2, Community Business and OS -1, Office Service with the Planned Rezoning Overlay.

Planner Kapelanski explained that various industrial uses are located to the north of property across Ten Mile Road. To the west are office uses, to the south is vacant land and multiple-family residential, and to the east, there is an existing industrial use, east of the railroad tracks. Notice for this rezoning was provided in the newspaper as a rezoning from I-1, Light Industrial and OS-1, Office Service to B-2, General Business. The name of the B-2 District was incorrectly stated as General Business and it should be noted that the correct name is Community Business. General Business is the name of the B-3 District. Planner Kapelanski explained that the City Attorney's office has determined that the notice to the public of the pending rezoning was sufficient.

Planner Kapelanski explained that the property is currently zoned I-1 and OS-1. The site is bordered by I-1 and I-2 zoning to the north, I-1 zoning to the east, OS-1 zoning to the west, and RM-1 and I-1 to the south. The current Future Land Use Map designates the subject property for further study and the majority of the property surrounding the site is Master Planned for Office. There are also existing wetlands on the site which are mainly concentrated along the creek. The majority of the site is also part of regulated woodlands as shown in green on the most current woodland map.

Planner Kapelanski stated that the Planning Staff has noted that the proposed rezoning is not in compliance with the current Master Plan which recommends future study for the subject property. Previous Future Land Use maps have partially Master Planned the subject property for local commercial and light industrial development. Some sections of the Master Plan were recently opened for review and amendments have been drafted.

Planner Kapelanski explained that the subject property was included in this review and a Public Hearing on the proposed Amendments is set for July 14, 2010. Also noted in the planning review, is that the City currently has a surplus of land zoned for retail use and a retail vacancy rate of about 10%.

Planner Kapelanski stated that the applicant is proposing a 64,000 square foot Kroger store and a 41,000 square foot shopping center, as well as space for additional buildings in the future. Those future buildings are ghosted in on the plans and are not intended to be part of the Concept plan itself, and are shown to provide an idea on what might be built in the future.

Planner Kapelanski stated that there a number of issues regarding the proposed Concept plan. It is staff's opinion that there is insufficient information to fully evaluate the plan. The applicant would need to seek deviations for the proposed building height of the shopping center and Kroger store, deviations for the loading space and the dumpster location and façade waivers for both the shopping center and the Kroger store. Four driveway spacing waivers would be required and various landscape waivers would be needed.

The PRO requires the applicant to propose a public benefit that is above and beyond the benefit that would normally occur as a result of the development of the property. The applicant has proposed the grading of a sports field to be located in the existing park behind the Novi Ice Arena and this would also include providing seed for the field as well as the irrigation. Twenty gravel parking spaces would be installed along with a landscaped park entrance-way.

Included in the packet is a memo from Randy Auler, Parks, Recreation and Cultural Services Department Director commenting on the proposed public benefit. Since that memo was written, the applicant has proposed to irrigate the field as an additional public benefit.

Planner Kapelanski explained that the landscape review noted landscape waivers could potentially be required for the lack of berms along the road frontage of Novi Road and Ten Mile Road. Also, waivers would be needed for the lack of perimeter canopy trees, more than 15 contiguous parking spaces without a landscape island, a shortage of front façade landscaping and the amount of foundation landscape plantings. The applicant has not clearly demonstrated on the concept plan that these requirements can be met.

Planner Kapelanski stated that the Wetland review notes a number of concerns regarding the Concept plan. In particular, there does not seem to be an area ideally suited for wetland mitigation, if it is required. In addition, there is concern that adequate stormwater storage has not been provided on site. No direct discharge of storm-water into the wetlands would be permitted. Dr. John Freeland from ECT is here this evening to answer questions regarding the wetland review.

Planner Kapelanski stated that the woodland review noted various concerns as well impacts to a large amount of regulated woodlands on the site. The applicant has not applied the most current regulated woodland line to the plan. In addition, stormwater cannot be directly discharged into the woodlands and the woodland area cannot be used for wetland mitigation. Dr. John Freeland from ECT is also available to answer questions regarding the woodlands impacts.

Planner Kapelanski explained that the Engineering review indicated that the proposed Concept plan would result in an increase in peak sanitary discharge. Various additional issues will need to be addressed at the time of the Preliminary Site Plan submittal. The applicant has not demonstrated adequate stormwater storage on the site. There are also significant concerns regarding whether the plan will be able to accommodate the required above ground detention volumes. The Fire Marshal has recommended approval of the proposed concept plan with items to be addressed on the

preliminary site plan. The Façade review noted that a Section 9 Waiver is required for the overages of EIFS, C-brick, and split face CMU and the underage of brick on the Kroger and the shopping center buildings. Approval of the requested waiver is recommended and Doug Necci is here this evening to address any questions regarding the façade. Planner Kapelanski asked the City's Traffic Consultant, Rod Arroyo of Birchler Arroyo to summarize the traffic review and comments.

Rod Arroyo of Birchler Arroyo and Associates, the City's Traffic Consultant, stated that he would summarize his letter dated April 16, 2010. The initial part of the letter is an introduction and some background information on the Traffic Study. On page 3, Item J, one of the items identified in the Traffic Study was that north-bound left turns on Novi Road to go left / west on Ten Mile are a current problem movement. The analysis shows a fixed limit on how much green time is allocated to turn left. If more green time was allocated, it could improve the level of service. The letter asks the applicant to share this information with the Road Commission for Oakland County as this is something that could help to alleviate the existing situation.

On page 4, the review letter states that a center driveway is shown on Ten Mile along with several other points of access to the site from Ten Mile and one to Novi Road. Since the initial submittal, this center access point has been revised rather substantially to increase the stacking space, which could be particularly beneficial as we anticipate northbound traffic will be quite heavy. Essentially, if no signal were put in at that location, the volume is projected to exceed the capacity causing a significant delay at that intersection. One of the improvements that would be necessary to mitigate that delay would be the installation of a traffic signal at that center driveway to enable the site to adequately handle the outbound left turn maneuver and provide for more smooth and efficient traffic. It would encourage some of the left turning traffic at the other driveways that aren't signalized to use that signal. A signal is critical to the operation due to 1,100 vehicles per hour expected during the peak hour going westbound on Ten Mile.

Even with a signal, there will still be some issues with traffic delay. To provide acceptable levels of service there would have to be a five lane road section from Novi Road through the center driveway. This provides for two through lanes in each direction and provides a center turn lane. Providing this improvement on Ten Mile would improve the projected levels of service. There will still be some outbound delays at the other internal driveways. Those are not going to impact the public road system. With the signal in place and with the additional lanes the intersection will operate in an appropriate manner. The drive on Novi Road has been modified to add an additional lane. This design will need some tweaking and we believe this is something that can be addressed as we go through the plan approval process.

On page 6 of the review, it is noted that four vehicular access points have driveway spacing issues:

- Same side driveway spacing between the proposed Novi Road driveway and the south Walgreens driveway is only 116 feet proposed versus 230 feet required;
- Same side driveway spacing between the proposed west driveway on Ten Mile and the east Walgreens driveway is 225 feet versus 230 feet required;
- Opposite side driveway spacing between the proposed center driveway on Ten Mile and the rather low volume opposite industrial driveway is 65 feet to the east; and
- Another opposite side spacing waiver would be required between the proposed truck egress on Ten Mile and the first opposite side industrial drive in either direction. That is likely a very low volume driveway, but, nonetheless, there are some driveway spacing issues per Novi's ordinance requirements.



On page 7, the traffic review letter notes that it would be advantageous if some kind of cross access easement could be developed between this property and the Walgreens site. With a shopping center of this type, which is neighborhood commercial, it is very likely that there will be interaction between the Walgreens site and the shopping center site and people will be making multi-purpose trips. A connection between the uses would minimize the number of trips that have to go onto Ten Mile Road.

On page 7, item 13, the west driveway should be widened to 40 feet and striped in a manner for two out-bound lanes and one in-bound lane. The letter talks about the proposed connection between the center driveway and the outlot parking to the west being too close to permit traffic to enter the parking lot at this location. The letter is suggesting an alternative would be if you are going to have a driveway here, that it be inbound only and angle the parking and, if it were necessary, you would end up with an out-bound driveway. Another minor site issue which could easily be resolved later is some of the barrier free striping for appropriate spacing requirements for ADA access. The pharmacy area at Kroger has some access issues in terms of location and circulation along with some other minor end island changes and radii adjustments to enhance circulation.

Chair Pehrson asked if the applicant would like to make a presentation.

Mr. Matthew Quinn came forward appearing on behalf of the applicant. Mr. Quinn explained that this plan started with the City of Novi adopting its 1990 Master Plan which designated the Ten Mile frontage in this area as commercial and also Novi Road as commercial. Mr. Weiss has owned this property for over 30 years and was there when it was rezoned, which started the process of this neighborhood commercial development.

Mr. Quinn said, the last Master Plan designation was commercial. In 2004, it became a special study area and went into a holding pattern. It was a study area because Mr. Weiss had submitted this plan in 2004 and it was bigger at that time and had more commercial, more office space, less green space. As you see in the new numbers, it has been shrunk to something that is much more manageable. When the plan was presented in 2004 and went to the Planning Commission for a public hearing, the Planning Commission made comments as well as the Planning staff. Mr. Weiss and his group then went back and considered those comments and that is how the shrinking of this entire plan came out over the years. The plan was resubmitted in 2009 and this is a project that when completed will be a 20 million dollar project and under Novi's current tax code, it is a little over \$200,000 to the City itself and this does not include the monies that would go to the schools and the other taxing authorities.

Mr. Quinn explained that there is a written statement from Mr. Ragsdale from Kroger and that he is present this evening. He is going to tell you that Kroger is buying their acreage as a general condominium and is buying approximate 9 acres to build on.

Everything is in phases. The first phase is the Kroger building and that includes all the Ten Mile Road improvements, green space improvements, and the interior east/west connector road from Novi Road into the Novi Road Kroger property site. Phase II is the other properties. As Mr. Weiss develops the neighborhood center, he is not going to spec anything. He is not going to build until he has financing in place. Also, this is not going to be just massive construction occurring right away for the entire area. The phasing is important.

Mr. Quinn stated that he knows the Commission might say why do we need a Kroger store at Ten Mile and Novi Road? The market study that was done, prepared, and submitted with the concept plan documented that this area of Novi needs a grocery store. Planner Spencer's report to the Planning Commission stated that you need one grocery store for every 8,500 people in the community. That

being, Novi would need six plus grocery stores for the population of approximately 53,000 people.

There is an existing Kroger store on Grand River Avenue and Beck Road and it was built in 2000. Also, the former Farmer Jacks at Ten Mile and Meadowbrook Road is now a Busch's Market and is 30,000 square feet and was built in 1970 and with that, Novi is under the national average.

A phone survey was also done with 300 Novi residents and the survey showed over 78% said they were very likely to shop at a new supermarket, should it be located at Ten Mile and Novi Road. Also, 64% surveyed said that the location at Ten Mile and Novi Road is more convenient. Planner Spencer's report stated that the average shopper goes to the grocery store 2.5 times per week. The survey and the national standards and the studies provided by the national people show that a grocery store is needed.

The Novi Planning Staff noted that 10% of the City's retail space is vacant. The other question was about industrial vacancy. The staff proposal is to leave this land zoned industrial. Novi has over 8 million square feet of industrial buildings currently. As of May, 2010, 16% of industrial space is vacant and 21% of industrial is available for lease because leases are about to run out. Also, contained within this information and according to staff, there is a 18 – 48 year supply of vacant industrial land in this community. Surrounding this site and across the railroad way is a vacant site totaling 107,000 square feet of industrial space that has been vacant for 5 or more years. Nine Mile and east of Novi Road one mile away there are two vacant industrial buildings and one is 132,000 square feet and the other is 109,000 square feet and they are across from one another. There is an excess of 300,000 square feet of constructed industrial buildings and someone could move into these vacant buildings today if they wanted to.

Mr. Quinn asked why would a tenant come to this site and build something new, when they could come in tomorrow and move into a one of the vacant buildings. It doesn't make sense to leave the property industrial and let it be vacant for 48 years. Is this what a Planning Board for a community wants?

The Kroger store is ready to go and be built and there will be an immediate tax base for the City along with the traffic improvements given along Ten Mile Road. Maybe City Traffic Consultant Arroyo didn't quite state this, but one of the public benefits is instead of having excel/decel lanes along Ten Mile Road, the applicant would build a brand new center turn lane for its entire length which is not a requirement.

There is some conflict with the issue of the traffic signal at this intersection. City staff say that there should be a traffic signal there and the RCOC has concerns because there could be a backup of traffic from the light to the railroad tracks that could be a dangerous situation. The Traffic Study showed that if the timing of this traffic signal is done correctly, then there would not be a backup. Is that a benefit if that traffic signal is put in? Mr. Weiss and his associates tonight will tell you if that traffic signal is deemed necessary and the City and the county can agree, it will be put in. That is a definite improvement. Other benefits would be local employment in the Kroger store and other stores.

At the Ice Arena, Mr. Weiss is agreeing that the park land behind the Ice Arena is designated park land on the City's Master Plan and it is undeveloped and simply overgrown. After meeting with Parks and Recreation Director, Randy Auler, the plan now is to level off as large an area as possible roughly 300 by 300 feet. Director Auler can use that for multiple purposes fitting in three to four soccer fields, a lacrosse field, football and all in different combinations. We have agreed to spend the money in tens of thousands of dollars to grade that entire area and seed and irrigate that entire area. Director Auler has asked for twenty additional parking spaces behind the Ice Arena and we have obliged. This is a public benefit and a donation to the Parks and Recreation Department. In addition to the parking, a

sculpture will be placed at the entrance of the park of children leap frogging over each other. A sign and landscaping will also be provided.

Besides the traffic benefits already talked about, the east/west driveway is actually a traffic benefit also. People will not have to go out from Novi Road onto Ten Mile to gain access to the building and they can go through the interior driveway, private road to get access and also for people to get out. They will not have to go out onto Ten Mile and come down Novi and they will be able to go through and access the site. There was a comment about the Walgreens doing an easement there; but that would be very difficult due to an 8 foot elevation drop between the Walgreens property line and the Weiss property line.

An additional public benefit being proposed is to extend the sidewalk from the Weiss property and to put a bike path all along the front and extend it on the Walgreens property as long as the City has an easement. For pedestrians, this entire project is going to be pedestrian orientated and everywhere there is a pedestrian walkway or entranceway; there will be a sidewalk that connects. There will be benches, bike racks, and a gazebo in the center that is tied into the sidewalks. As far as open space benefits, Mr. Weiss is going to donate to a nature conservation area to the City more than three acres of land that will be in a permanent easement. Another thing to remember on this site is that 41% of this site is green space and this is a significant number.

Planner Kapelanski stated that there were a lot of deviations. Mr. Quinn would like to go through the deviations that are referenced and tell the Commission why some of them should be deleted.

Under a, Ordinance deviation for excess building height in the shopping center, 30 foot required, 35 provided. In the letters, the City staff is supporting that. The neighborhood shopping center and Kroger are set far back and are in a hole. This goes back to the Chapman Creek that is there and these are going to be a bit taller than usual so they are able to be viewed from the site and we have staff support.

Ordinance deviation for location of the shopping center loading zone in the interior side yard. Again, staff supports this deviation with landscaping.

Ordinance deviation for the shopping center dumpster location in the interior side yard, just the location of that, is a minor deviation.

Ordinance deviation for the coverage of EIFS, concrete "C" brick and split face CMU in the shopping center façade. The Section 9 Waiver is being recommended by the Architectural Façade Consultant because he is satisfied that what we are using meets the intent of the ordinance.

The building height for the Kroger store again is supported by staff in the letters.

The elevation and the materials for the Kroger store is supported by the Architectural Façade Consultant.

In point G, Mr. Quinn asked the Commission to delete the first three items. A 3 foot tall berm along all road frontages will be provided as will the perimeter trees and no more than 15 contiguous parking spaces without an interior landscape island will be adhered to. The next areas all deal with one thing and that is putting landscaping up close to the buildings, both to the Kroger and the shopping center and all of the future out-buildings are going to comply, but the ordinance requires there to be a four foot green space, landscaped area around all buildings. That would be basically all around the entire Kroger building, and all along the neighborhood shopping center along the front and the back. That landscaping cannot be provided. In the rear of these buildings you have nature for about ½ mile and

there is no one back there and they do not serve any purpose on the rear of the building and on the side you have a railroad track. So, why go through the time, effort and money of landscaping and irrigating something that no one can see. The front areas are where landscaping is proposed. Please remember, 41% of the site is green space.

Mr. Quinn continued: ordinance deviations for the driveway spacing requirements; those have to be requested and Traffic Consultant Arroyo went through those and they're basically on Ten Mile Road for across the street. None of those driveways across the street comply with the ordinance today. When they were put in, this ordinance was not in place. Now, this site is stuck with having to comply with non-conforming driveways and that does not make any sense. On Novi Road, there is a conflict with the Walgreens driveway. Traffic Consultant Arroyo did not really say there is a problem there, except that per the ordinance those variances are required. So the driveway spacing would be referenced.

On the next page, letter i, storm water. The storm water is adequately detained above ground and on the site with no additional discharge into wetlands. The applicant will comply with that. There are adequate areas for storm water detention. If not, that will be fixed at the site plan submittal. The applicant can comply with this, once it gets to the site plan and has no issue with making it a condition of this PRO acceptance.

Mr. Quinn said the applicant shall comply with all the conditions and items noted in staff and consultant review letters. The applicant does not have particular problems with any and has responded to those.

This rezoning to B-2 for the frontage of Ten Mile Road and leaving the balance of it OS-1, combining these two projects together gives what the Planning Commission and staff have always looked for and that is a coordinated plan of commercial and office. A tree count has been done and there are approximately 939 trees onsite. Trees to be removed are 771 and trees remaining are 168 with replacement numbers totaling 825. Either trees will be replaced or money paid to the tree fund. Nothing here has been left unturned and it is a well thought plan and will be a benefit to the residents of Novi and especially the residents in the south third of the City and the east part at Nine Mile and Meadowbrook.

Mr. Quinn stated that the people he has talked to have said it will be easier and cheaper for them to shop there than Busch's and that they would no longer have to fight the traffic at Eight Mile and Haggerty to go to Meijer's. People in that part of the City would love to have this store there today and are looking forward to its approval.

This is a concept plan and not a final site plan and the ordinance requires a concept plan for a PRO, and it doesn't require final site plan. Yes, it is a general idea on what will go there, where the parking will be and where the location of the buildings will be and that is part of the concept plan. Mr. Quinn said, the concept plan is a good plan and to the Planning Commission should send a positive recommendation on this PRO / Rezoning to the City Council.

Mr. Quinn said that Rick Ragsdale is going to come up from Kroger and give a short comment.

Mr. Rick Ragsdale, Senior Real Estate Manager for the Kroger Company wanted to give some history on why this should be a grocery store. Mr. Ragsdale moved to Novi and was transferred from Kroger up to Michigan in 1994 and after looking at all the communities, his wife said they were going to live in Novi. When he was checking locations with the realtor, Mr. Ragsdale came by this site and thought it would be a perfect location for a grocery store and that was in 1994. His realtor said they needed a grocery store in Novi to go with the wonderful shopping, regional shopping and Twelve Oaks and West Oaks Mall. At the time there was an existing Kroger store in West Oaks. It so happened that was the



only store in the entire company of over 2000 stores whose business used to go down at the holidays. The reason for that was because the destination traffic for the regional mall and West Oaks was choking off the customers.

Kroger did not really have any state of the art convenient grocery stores near the population. One of Mr. Ragsdale's objectives in 1994 was to get a grocery store in his neighborhood. That was several years ago and there is still no store nearby. There are 56,000 people in Novi and the community Mr. Ragsdale originally came from had a similar population and three Kroger stores there. The community does lack convenience. As Mr. Quinn pointed out, Kroger will own the nine acres of land and the building. Kroger does not have financing and does not go out and get loans so they do not deal with the banks. They will be building their own store and contributing to the site development costs on this. This center is going to be phased. The process started with us in 1996-97, and Kroger wanted to be patient where it would be the right time where it was right for the City, right for Kroger and right for the developer to do this.

Kroger has gone through numerous study sessions and has waited patiently to start. Kroger is ready and able to go. This project has been something on Mr. Ragsdale's individual list as well as the president's and past president's list. Everyone in the Kroger Company is aware of this site. This will be a net new store and Kroger is not closing any stores. They currently have one store in Novi. Kroger did open the West Oaks store when a Kroger store in Commerce Township closed.

Kroger offices have been moved to Novi so there is a built in merchandising staff that will be overlooking this store, so it is going to be the best store and it will get a lot of help. Kroger divisional staff is located on Grand River Avenue and this store will get lots and lots of attention. Mr. Ragsdale appreciates being here to tell the Commission that Kroger has waited patiently and appreciates the Commission's consideration on this subject.

Chair Pehrson noted that this is a Public Hearing and asked if anyone in the audience would like to address the Planning Commission on this matter.

Mr. Dan Phelps, 24548 Hampton Hill stepped forward and stated he lives across Ten Mile and across the railroad tracks from this site and drives by almost everyday. It seems to him that the people are saying that there is a lot of vacant industrial, retail and offices that have lease signs. He has lived here since the early '80's and would not like to see the orchard vanish. It should be made back into an orchard and it would seem like there would be better places, flatter spaces that do not have a creek running through them for the commercial development. When he saw the zoning sign, he was not aware that it was zoned light industrial. He shops at the Busch's and walks to the grocery store, to church, to his children's schools. It seems like there is a lot of building going on and then it ends up being empty or vacant. He would not want to see the orchard tore down for a grocery store.

The correspondence was read into the record.

- Melissa Place, 42496 Parkridge, Novi opposes the rezoning request.
- Jim Oegema, Luna Entertainment, 42875 Grand River Avenue, Suite 201, Novi and 24342 Myrtle Court opposes the rezoning request due to increased traffic, lack of bridge over railroad tracks and the fact that it would cause significant problems with congestion on Ten Mile Road and also speaks to the existing vacant retail and office space.
- Ajay Pulpa, no address provided, opposes the zoning change.

Chair Pehrson then closed the Public Hearing.

Member Lynch would like to hear whether the staff agrees or does not agree with what was said by Mr. Quinn on behalf of the applicant.

Planner Kapelanski asked if Member Lynch was referring to the ordinance deviations.

Member Lynch responded he was referring specifically to the building height.

Planner Kapelanski stated that staff does not have any concerns with the ordinance deviations regarding the building height, loading zone and dumpster and would support them.

Member Lynch asked about Items a thru f and asked if Façade Consultant Necci has any concerns with the Section 9 Façade Waivers requested.

Façade Consultant Necci answered in saying that Mr. Quinn stated accurately. He is recommending approval of the waivers. Essentially it is a very nicely designed building and the deviations are really enhancements to the building so the waivers are recommended.

Member Lynch asked Environmental Consultant Dr. Freeland, ECT what his concerns were regarding the storm water.

Environmental Consultant Freeland explained that his firm is responsible for reviewing the woodland and the wetland issues with respect to the Woodland and Wetland Ordinance that City of Novi has. He will defer to Engineer Ivezaj for specific comments regarding storm water. Storm water does potentially impact woodlands and wetlands. The Chapman Creek, and the riparian corridor have a very high quality wetland running along it. That is along the east side of the proposed development. There is also high quality forested wetland and woodland south of the development. Any discharge of excess storm water, both from a quantity and water quality standpoint could potentially impact those natural features. ECT is concerned about that and wants those issues addressed properly if this goes to full site plan review.

Member Lynch stated that he has driven by the site and is familiar with it. He wondered if the stormwater could be handled without impacting the wetlands.

Environmental Consultant Freeland stated that he could not say exactly how the storm water would be handled and maybe Engineer Ivezaj can comment on that. He has heard commitments to handling it on site but does not know what the specific storm water plan is. Anytime there is a large area of impervious surface, as this would be with the roof top and the parking lot area, there are concerns with where the extra storm water will go.

City Engineer Ivezaj stated that basically their concern was the amount of limited space due to the proposed layout. The applicant hasn't allowed for much wiggle room there. The calculation that the applicant showed, used the incorrect run-off coefficient. The correct coefficient calculation would require more volume and staff was concerned with where the applicant would anticipate putting the extra storm water volume. The City would want to avoid any underground storage on a site this large since there is no real supporting reason for it at this point.

Environmental Consultant Freeland stated that the placement of the storage of any detention facilities could potentially impact the wetlands and woodlands. There are a lot of regulated woodlands on this site. In order to build detention south or east of the proposed developed area, the applicant would be impacting additional regulated woodlands and possibly wetlands, but certainly woodlands. That is a problem; ECT would typically not recommend that. The wetland impact proposed is not specific at

this conceptual level of detail and it's not clear exactly how much wetland the applicant is proposing to impact, but there is a critical threshold of one quarter of an acre. If wetland impacts exceed a quarter of an acre of wetland fill, then under the Novi ordinance, the applicant is required to build compensatory mitigation.

Environmental Consultant Freeland does not see anywhere on that site where the applicant could build mitigation that wouldn't already be regulated woodland or wetland, or otherwise developed. ECT is concerned that the applicant does not have enough room on that site beyond the developed area that's not already a regulated natural feature. At this level and the way the plan looks now, ECT is concerned with where the applicant would put mitigation in the event they needed it. There is a ratio for impacts to emergent and scrub wetlands. For each one acre impacted, one and one half acre must be created. If the applicant is impacting forested wetlands, the compensation is two to one. So, if they impacted a quarter of an acre of forested wetland, they would have to build half an acre of forested wetland mitigation. Dr. Freeland does not know where they would do that on this site.

Member Lynch stated that it looks like this is an open issue. The property is zoned industrial and he does not want to see a factory go in there. He thinks a Kroger would work out well because there will be one on one side of Novi and one on another side of Novi. Residents drive all the way to the Kroger on Grand River and this location could be more convenient for them. Member Lynch is still worried about traffic congestion. The Kroger in West Oaks closed and he wants to make sure that this Kroger is successful. He understands that this is a concept plan and he is trying to flag issues that could be a problem. It appears the applicant will be donating a large amount of trees somewhere off-site. It seems the tree fund money could be spent somewhere on that site. The applicant has proposed putting in some bicycle paths and walking paths. As far as being able to walk through the site, it looks like they have considered and come up with a reasonable plan to accommodate that. The areas Member Lynch is most concerned with are the traffic and the storm water.

Chair Pehrson asked that relative to this being a concept plan, what safeguards are in place going forward, if this were to be approved. If any one of those issues cannot be mitigated, cannot be handled or sorted out in the preliminary site plan approval, is the project then abandoned or does it have to be changed to meet the intent of the ordinance?

City Attorney Kolb stated that if the Commission accepts the concept plan and it goes on to City Council and the Council accepts it, Council will direct the creation of a PRO Agreement. This is a legal, binding document that provides all the requirements and locks in the conditions that the applicant offered. It also reemphasizes that anything the applicant comes forward with in the future has got to comply with the ordinances and if it doesn't, the applicant is back in front of the Planning Commission and City Council seeking an amendment to the PRO Agreement. The safeguard is if changes are made, it comes back and the Planning Commission and City Council get to decide if those changes are acceptable. This is a fully discretionary decision by the Planning Commission and the City Council. So, the Commission is under no obligation to accept the proposal.

Deputy Director McBeth explained that part of the gap the Commission is seeing between the staff recommendations and concerns that are identified and Mr. Quinn's assurances that things are going to be worked out on the next submittal of plans, is because this is a concept plan. A lot of the concept plans that come before the Planning Commission do have a greater level of detail and do address some of the concerns in more detail than this plan has at this point. That may be some of the gap that the Commission is seeing. Some of these could be brought closer together through further discussion.

Member Cassis asked Planner Spencer to come forward to discuss his work on the City's Master Plan. Member Cassis stated that this project came up in deliberations at the Master Plan and Zoning

Committee. The Committee had asked Planner Spencer about several statistics while they were compiling the Master Plan such as population, and demographics of all kinds.

Planner Spencer confirmed that information had been provided to the Committee.

Member Cassis stated that Planner Spencer had supplied the committee with all kinds of statistics as far as the population of Novi, the commercial, industrial and other different statistics so they can put together a sound Master Plan for this community. The Master Plan that the Committee and the Planning Commission has been deliberating on for many months is critical for a community because that is how we study what we have already in the community and what we project would be a sound thing to adopt for the future. Mr. Quinn said that there are only two supermarkets in Novi.

Planner Spencer confirmed there are two full service supermarkets in Novi.

Member Cassis asked how many supermarkets were in the immediate area.

Planner Spencer answered in saying that there are four additional supermarkets that are on the border of Novi: Hiller's at Fourteen Mile and Haggerty and Hillers in Northville, Meijer's on Grand River in Wixom and Meijer's on the opposite side of Eight Mile Road in Northville. There are also some smaller markets that supply groceries. There is one grocery store for every 6,000 residents on a national average. That includes all stores selling two million dollars worth of groceries. So that figure does include a lot of specialty markets.

Member Cassis asked if a resident living at Nine Mile and Novi Road could easily get to the Hiller's in Northville just as well as the new Kroger.

Planner Spencer answered that was correct.

Member Cassis said he could say the same thing about the people on the west side that can go to the Kroger store there or to Meijer's.

Planner Spencer explained that one of the statistics that was provided in the supplemental material last week helped bring that to light a bit more. Novi has more retail space percentage-wise or about 66% percent more percentage-wise than the average in the region.

Member Cassis asked if the population of Novi was increasing, decreasing or stable.

Planner Spencer answered Member Cassis in saying that it was increasing and based on the housing starts, it is not increasing as quickly as it was once forecast, but it is still increasing.

Member Cassis by how much was it increasing.

Planner Spencer stated that around 65-70 permits so far this year.

Member Cassis then asked how many homes are for sale in Novi.

Planner Spencer stated that he did not have that statistic.

Member Cassis asked how many subdivisions have come before the Commission only to not be built?

Planner Spencer replied that the demand for housing is down because job supplies are down.



Member Cassis asked Mr. Rick Ragsdale from Kroger to come to the podium. Member Cassis and asked Mr. Ragsdale what his position was with Kroger.

Mr. Ragsdale answered he was Senior Real Estate Manager for Kroger for the entire state of Michigan.

Member Cassis asked Mr. Ragsdale if he had approval from the national Kroger office to speak for them about location.

Mr. Ragsdale answered Member Cassis by saying that he could give his opinions.

Member Cassis then asked Mr. Ragsdale if he could determine a location of a Kroger store without telling the national CEO of Kroger.

Mr. Ragsdale answered the corporate office has to be aware of any project.

Member Cassis asked Mr. Ragsdale if he had a letter from Kroger regarding this site.

Mr. Ragsdale said he did not have a letter, but the site was part of the overall national plan for Kroger.

Mr. Cassis asked Mr. Ragsdale if the City had a copy of this plan.

Mr. Ragsdale explained that this has the support of the President of the Division of Kroger and of the Senior Vice President of Kroger with his support and recommendation. In fact, the retiring President of the entire corporation was the President who brought Mr. Ragsdale to Michigan. The national office is enthusiastic about this site. Kroger does need population growth for this site and that makes it very appealing.

Member Cassis noted Mr. Ragsdale said that this would be an additional store. Kroger would not close the store at Beck Road and Grand River Avenue?

Mr. Ragsdale confirmed that and noted the reason is because of the distance between the stores.

Member Cassis said that Kroger closed the store in West Oaks because one opened in Commerce.

Mr. Ragsdale answered Kroger relocated that store to Commerce.

Member Cassis asked Mr. Ragsdale how far away Commerce is from Novi.

Mr. Ragsdale said there was a reason for the relocation. That store was on the north side of I-96 and I-96 is a barrier to the trade areas. People who live on the north side of I-96, shop north of I-96.

Member Cassis asked Mr. Ragsdale what the distance was between the two Kroger stores in the area.

Mr. Ragsdale answered the distance was four miles. Mr. Ragsdale stated that there is 2.7 miles between our Commerce store and our Grand River and Beck store.

Mr. Cassis asked about population and how would Kroger draw sales.

Mr. Ragsdale said Kroger will be drawing from the east side, west side and hopefully from some people in Farmington Hills. The store in West Oaks was a 30,000 square foot store and was relocated to a 60,000 square foot store.

Member Cassis then asked if sales at the present Kroger store at Beck and Grand River were increasing, decreasing or stabilizing.

Mr. Ragsdale answered sales are stabilizing and slightly increasing.

Member Cassis then asked if another Kroger store opens here, will that be taking away from the other store or will both sales increase.

Mr. Ragsdale stated that there would be some impacts at the sister store at Beck Road and Grand River Avenue.

Member Cassis stated that based on these statistics and what we have collected at several Master Plan and Zoning Committee meetings, if we put another Kroger store in that area, we are going to be cannibalizing other stores. The Busch's market was just remodeled and modernized two years ago. It was intended to serve the east side of the community but they have sales brochures coming to him on the west side. Mr. Cassis wondered what would happen to Busch's if Kroger does come in.

Member Cassis asked what is the use of increasing the tax base with a new Kroger and then have other businesses go out of business, and possibly a shopping center in its entirety on the east side which is having problems. We appreciate Mr. Weiss giving all these nice things to the city as a benefit to the PRO, but we don't want to shut down an entire Ten Mile and Meadowbrook Road shopping center. Member Cassis noted that the number of residents aren't increasing due to the number of homes for sale. We have more industrial vacancies - Mr. Quinn announced many of them - and wondered if this is this is a healthy community that has so many vacancies. Mr. Cassis asked, what is the use of opening another supermarket in an unhealthy community?

Member Cassis said his belief is this issue is not about adding some junipers or sidewalks to a plan. Member Cassis said we have been studying for 8 months to a year how to create a Master Plan for this community; a plan that will stand the test of time. Member Cassis asked the Commission members to consider what we are doing. Member Cassis wonders if he has assurance if they open this Kroger's store, will they then close the other one in a year or two. Member Cassis asked the members whether this site has to have a supermarket or is there another alternative. Member Cassis cannot agree to this request.

Member Baratta asked Mr. Ragsdale if he could come back up to the podium. Member Baratta asked Mr. Ragsdale that when Kroger does a site review for a market, is a sales forecast done.

Mr. Ragsdale answered, yes we do a sales forecast.

Member Baratta asked if the sales forecast looks at other stores in the market to see what the cannibalization of the sales would be.

Mr. Ragsdale answered in the affirmative.

Member Baratta said that the study would anticipate if you would have two successful stores or if you would anticipate closing one of the two. Today, Mr. Ragsdale indicated that this is a net-incremental store and apparently there are enough sales for two Kroger stores in these two locations. Member Baratta asked Mr. Ragsdale if Kroger looks at other competition in the area when you do your sales forecast. Member Baratta asked if Kroger determines what the grocery sales potential is in a regional trade area. Member Baratta suspects that the trade area is more than just Novi and it would also include surrounding areas.

Mr. Ragsdale stated that in this particular trade area we would have to estimate some of the volumes that the competition is doing because we are not privy to their numbers. Kroger management knows what our numbers are, but we do not know what the competitor's numbers are. We do take those factors into consideration.

Member Baratta asked Mr. Ragsdale, in his experience, does he find that different stores have different customers. For example, is there a Kroger customer? Is there a Busch's customer? Member Baratta said, maybe sometimes there is a blend, or do you think there is a distinct customer.

Mr. Ragsdale stated that he tries to make all our customers Kroger customers. But there is a certain demographic that is more likely to shop at a certain type of store, like a Hiller store or Busch store, because we do not operate the same type of stores.

Member Baratta asked when Kroger decides on a location, you get your sales forecast and you put a budget together to see if you're going to make a return on your investment - because obviously it is a significant investment. Member Baratta inquired, what is Kroger's process for approvals of your locations - obviously you have to like it.

Mr. Ragsdale answered, yes, he does have to like the location. Kroger does a study and collects data on projected sales and then we present it to the Division President. Based upon the sales, we have operated enough stores with the sales projections that we have, we know whether the store is going to be successful or not. There is certainly the investment part of the equation because you could over-invest. If the costs get too prohibitively expensive, then you will not get return on investment. Sometimes you can get a better return in some other areas.

Member Baratta then said that it sounds like you find your location, do your demographic work, sales forecast, and your financial analysis and you present it to the Vice President of the division. If he or she likes it, then it goes into your regional plan at that point.

Mr. Ragsdale answered yes.

Member Baratta asked if once the location gets on a regional plan, is that submitted to corporate.

Mr. Ragsdale said, we call it the progress report. We have the location in a regional plan.

Member Baratta said that the original plan goes to the head office. There is a budget for x amount of stores at that point, a capital allocation for x amount of stores, now you have a general budget for the number of stores you are going to do in your region. If you have this specific project, does this project go to a Budget Committee for specific approval at corporate?

Mr. Ragsdale answered by saying the entire economics portion of it is what we call capital appropriation approval.

Member Baratta asked Mr. Ragsdale if it was fair to say that this project, right now, is probably approved at the divisional level because you do not have all your costs when you go to corporate.

Mr. Ragsdale answered by saying yes, it is approved at divisional level. It will go to corporate once we know what all of our costs are going to be. That changes too, because we might have some other unusual items that we have to have to comply with - a specific site or certain communities have different requirements and sometimes it does cause the cost to go up.

Member Baratta said, so basically it is the traditional method, from what I have seen other retailers do

on capital acquisitions, capital budgets and those things. Member Baratta asked if there is a drive-thru pharmacy on the right side of the building and the overall size of Kroger.

Mr. Ragsdale said the pharmacy is a department in the store. Our Grand River Avenue and Beck Road store is 54,000 square feet and this new Kroger will be 64,000 square feet.

Member Baratta asked Mr. Quinn about the phasing of construction and timing of the sidewalk and landscape improvements.

Mr. Quinn described phase I as shown on the plans. The entire frontage, the sidewalk, the berming, and the landscaping all along Ten Mile is part of Phase I, as is all of the retention and all the utilities.

Member Baratta asked Mr. Quinn about the driveway out to Novi Road.

Mr. Quinn stated that the driveway out to Novi Road is in Phase I also.

Member Baratta asked about the traffic signal. Will the traffic light off of Ten Mile be constructed in Phase I?

Mr. Quinn answered Member Baratta saying if the county and the city say yes, then the answer is yes.

Member Baratta explained that the issue he had on the plan is that it is a general concept plan. There are several questions that have been brought up today that relate to the concept plan, but there are not a lot of the details needed to answer these questions, whether it be landscaping or drainage or traffic issues. The second question he has is that this is really a change from a Master Plan that we would be recommending to the City Council. The Master Plan has gone through significant study by the Department and Commissioners.

Member Baratta believes this location would be a very good Kroger location. He knows some of the Commissioners may differ from that opinion. As for the discussion of other competitors in the market, Member Baratta thinks Kroger has a very good business model and they do a good job. Member Baratta thinks if a Kroger were built here, it would impact of the owners of the other centers to redevelop and remodel to remain competitive. Member Baratta said he appreciates the applicant bringing the project forward; it sounds like a very attractive project. Member Baratta would like to see more details on this concept plan before he could render an opinion on how it impacts the community and the changes to the Master Plan.

Mr. Quinn stated that we have been consistent all along in participating in the Master Plan process and believes this project started before the changes in the Master Plan began. The plan goes back to 2004 and it has been the same plan all along. We've always been operating it as a special development area or special study area until just recently. Mr. Quinn said they will be here on the 13<sup>th</sup> putting the same pitch forward and objecting like we always have that this area should not remain industrial. This area begs to become OS-1 and B-2. As far as your inquiry on additional items for the concept plan, Mr. Quinn stated that he thinks one of the biggest problems is going to be addressed on the site plan. Certainly the drainage information is all site plan related, traffic is site plan related and there have been traffic studies that have been done. Mr. Quinn thinks these are really site plan issues and that is why we think the concept plan needs to move forward.

Member Baratta asked Planner Spencer to come to the podium. Member Baratta asked Planner Spencer that when the Commission did the study on the Master Plan, we looked at this site and concluded that it was appropriate for industrial as opposed to retail or other uses. Member Baratta asked why did we consider industrial was important here?



Planner Spencer stated that this location has had a long history of being in the Master Plan for industrial land uses. Only for a short period of time was this property was designated for commercial uses. Just as a point of correction, and included in the supplemental packet material for tonight's meeting, was a copy of the 1993 Master Plan that showed this property for industrial land uses. In 1999, the designation was changed to commercial and in 2004 it went to Special Planning Project Area 1. This site is typical of a lot of the sites located along the rail lines in the City of Novi, which have been Master Planned industrial for years. There is a revamp of industrial activity, this could be potentially a prime location. As transportation costs increase throughout the United States, rail lines are going to become more and more vital to warehousing operations and industrial operations and not just heavy industrial operations either, light industrial operation for years relied on rail to save costs on transit. Currently people complain about the cost of gasoline, but we still have some of the relatively lowest transportation costs that we've ever had in our society. Those trends may not exist forever.

Planner Spencer stated that we looked at retail needs, which are primarily driven by the population, and there could be more opportunities for gathering facilities beyond the borders or demand beyond the borders. In our forecast, even though it goes out 20-48 years on supply of both office and industrial land, if a couple of big users came in, those numbers could change dramatically. If we could get a very large corporate office or another Providence complex coming to Novi, that could change those numbers in the supply-side very quickly. Retail, beyond looking at just what our growth could generate, and the growth projections that we did in our retail floor space demand, these were based on basically having adequate retail supply already. As you can see in the statistics provided in the packet for tonight, we have more square footage for this community in local serving retail than other communities in southeast Michigan. If you look at southeast Michigan, there is less border issues and were looking at a bigger pie so were not going Northville to Novi to Commerce Township, we are kind of assuming there is more of an equilibrium in that bigger region more so than there is in just one municipality. When we get into the total amount of retail, we are 600-700% of the amount of total retail compared to the region per household. We also provided a citizen's questionnaire; the responses indicated opposition to having any retail in this area. Responses also indicated that development on the east side of Novi Road that matched the west side of Novi Road would be appropriate, in order to match the existing office development. There were a multi-faceted reasons why industrial land uses were recommended.

Member Baratta asked whether the railroad really plays an important role in the establishment of industrial at this location?

Planner Spencer answered in saying that in the earlier Master Plans and over the years, the big transportation corridors in Novi are where industrial land uses were planned for the future. Industrial has historically been planned along the railroad tracks in Novi and along Grand River Avenue.

Member Baratta stated that for whatever this is worth, he just opened a large warehouse in California and has a similar role as Mr. Ragsdale, but on a national level. Member Baratta said, we looked at the railroad as being close to an intermodal. That was very important because we have everything in containers that we truck to local facilities and nationally. Having a spur wasn't a value to us in our calculations. The economics of being adjacent to a railroad has changed over the years as we concluded in our transportation studies. Member Baratta asked Planner Spencer about the retail calculation: was the Mall a significant portion of that calculation in Novi.

Planner Spencer stated for the total calculation the regional malls were included. However, we broke down the categories for our forecasts and by regional-, local- and community-serving retail.

Member Baratta asked about the community retail: the mall is considered regional, but did that inflate

the calculation for the community-serving retail.

Planner Spencer answered no, that regional numbers did not inflate the community numbers. The only comments made in the study about the mall and our regional facilities is that with such a larger percentage of the market in those categories, there is always a potential that some of that regional-serving retail could convert to community- and local-serving retail. In the Committee discussions and on-going reports we discussed seeing a trend in this part of Oakland County of additional regional serving retail centers popping up recently. We are seeing a reduction in space in Fountain Walk and Novi Town Center. There is the possibility that some of that space could convert to local-serving or community-serving retail. We had a supermarket proposed in Fountain Walk for a while.

Member Gutman stated that he was interested to hear Member Baratta's statements and questions. Member Gutman said he did play a part in the Master Plan and moving the recommendation forward for that particular area. The thought was to leave it as it was because there was no other use that made sense. An important part of the process - especially a Master Plan process - is being open to the fact that it is a living, breathing document. Just because we pushed it down a path, there is no reason for not making modification to that recommendation if a persuasive argument can be made. A lot of hard work went into the Master Plan, and involved some great people. In total, Member Gutman is not opposed to Kroger or this development. He thought the Kroger would be a nice fit to the area when it was first presented a while ago, and he still thinks it's a nice fit for the area. Member Gutman has some of the same concerns as his fellow Commissioners regarding the woodland and wetland impact and receiving assurances that the impact would be minimal. There are traffic concerns as well, but as far as the overall project goes, Member Gutman is in favor of it.

Member Prince stated that he had a couple of questions regarding a strip mall in the City of Wixom on Grand River Avenue which was started but it has never been opened.

Mr. Quinn spoke up and said that is still under construction.

Member Prince asked how long they have been working on that site.

Member Quinn said he did not know the answer to that and he did not know if it was preleased or not. Mr. Quinn acknowledged that it is not finished yet.

Member Prince appreciated the comments Member Baratta made and stated that the comments helped him with an understanding of the project. Member Prince stated that when he saw the renderings and blueprints he was quite impressed and it would be something that he would like to see in the city. Member Prince said that he is also concerned by the other surrounding stores that might be impacted by this and the concerns that have been expressed in that regard. Member Prince stated that while he would like to see a project like this, his concern for the other businesses in the area kind of outweighs his desire to have a mall or Kroger in that area.

Chair Pehrson asked if storm water management expert come forward. Chair Pehrson asked relative to a size of scope of a project like this and based on your calculations, is there a formula that says what the impact will be, and whether this site will be able to accept what is required for storm water retention. What are the possibilities so we do not have excessive run-off.

Engineer Ivezaj stated that the calculation itself was done by the Consulting Engineer. The concern isn't so much that the site would not be able to provide the storm water volume itself, but there is a possibility if additional volume is required, the design is already very tight. The southwest corner of the site, adjacent to the creek, provides two, possibly three basins. The design is so tight it's basically filling up that entire upland area. If additional storm water volume would be required there is concern that

there would not be enough room provided.

Chair Pehrson said, so the presumptive change to this particular site plan would be make the buildings smaller.

Engineer Ivezaj said that would result in a decrease in pervious area and possibly provide more area for the volume needed. The calculation that was done originally used a smaller co-efficient for the calculation. Using our new ordinance would automatically increase the volume required. The basins already take up the majority of the area that would be considered prime area for the detention basins themselves. Engineering cannot support discharge into wetland or woodland areas. There are concerns that no buffer has been provided. Other sites have provided adjacent undeveloped space or adjacent green space. These sites could possibly enlarge the detention basin area without issues. This site is so tight and this is where the concern comes in.

Chair Pehrson asked if there was a percentage that a building of this size would have to shrink in order to meet city ordinance and standards.

City Engineer Ivezaj answered saying he was not sure what that percentage would be, but the calculation would also include any impervious areas and paved areas, in addition to buildings.

Chair Pehrson asked Mr. Quinn if Kroger was willing to accept a smaller building than what has been proposed.

Mr. Quinn answered Chair Pehrson in saying it would not be required to be Kroger, since there are four building pads up front and the neighborhood center. In our opinion there are plenty of places to work with city engineering to expand basins if necessary. The basins can go deeper and wider and there are many options that are site plan related. Mr. Quinn stated, that we commit that the storm water will be handled within our site as required by the City's ordinance. We will comply with the ordinance.

Chair Pehrson asked Mr. Ragsdale to come forward. Chair Pehrson asked relative to the sales data that is accumulated and put together by Kroger, is that information proprietary and intended as internal documentation or is that something that can be shared with the Commission.

Mr. Ragsdale answered Chair Pehrson in saying that Kroger does not share our existing sales, nor do we share our projected sales.

Chair Pehrson asked if there were examples of situations like this that could be drawn on. Is there a similar business area to Novi that could be shared.

Mr. Ragsdale answered Chair Pehrson if he was referring to other Kroger stores.

Chair Pehrson answered yes.

Mr. Ragsdale stated that this will be the biggest and the best store so far. There is a signed contract with the developer to purchase this property. The contract has to have corporate approval.

Chair Pehrson stated that if we asked Dr. Freeland and Mr. Arroyo, but not so much the façade consultant, what they would like to see relative to this plan, we see a number of concerns. Chair Pehrson referred back to the concept and phasing plan that the City went through with Providence Park Hospital. There were many meetings and hurdles. However, at the end, the City was provided with all the data that we needed to make an accurate assessment on what that particular site needed. Chair Pehrson said that he does not see that here; he sees concerns being raised by Dr.

Freeland and Mr. Arroyo.

Chair Pehrson also stated that hears what Mr. Quinn is saying and does not doubt him. Member Pehrson is not ready to approve a concept plan where we still have open and significant issues that could have large impacts, even if you were able to come back with the preliminary site plan. Member Pehrson is still not sure still that this is the right spot for a Kroger, based on the comments that Member Cassis brought up. Chair Pehrson believes we need to take a step back and look at the impact on the rest of the community. When a Home Depot or Lowes goes in, you see the small businesses go away. Chair Pehrson is not comfortable at this time to make a recommendation to City Council. Chair Pehrson said, we need and want all of the questions answered. Our Consultants and Planning Staff want this information and we also have the comments from the Planning Commission.

Chair Pehrson asked if there were any other comments from the Commissioners.

Moved by Member Baratta and seconded by Member Cassis:

**ROLL CALL VOTE ON MOTION TO POSTPONE WEISS MIXED USE DEVELOPMENT, SP09-26A WITH ZONING MAP AMENDMENT 18.690 TO REZONE THE SUBJECT PROPERTY FROM I-1 (LIGHT INDUSTRIAL) AND OS-1 (OFFICE SERVICE) TO B-2 (COMMUNITY BUSINESS) AND OS-1 (OFFICE SERVICE) WITH A PRO (PLANNED REZONING OVERLAY. MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER CASSIS.**

In the matter of Weiss Mixed Use Development, SP09-26A with Zoning Map Amendment 18.690, motion to postpone decision on a recommendation to the City Council to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay for the following reasons: The applicant has not clearly demonstrated how storm water detention and wetland mitigation areas will be contained on the site; The applicant has not clearly demonstrated how existing wetlands will not be impacted by storm water run-off and/or woodland mitigation; Woodland impacts have not been properly identified and are likely to be substantially greater than those indicated by the applicant; The public hearing on the Master Plan is scheduled for July 14, 2010 and postponement of this request would allow an additional opportunity for public comment on the subject property, which has been a study area in the Master Plan update; and the Commission would like to review additional information on the impact the proposed Kroger store would have on other retail stores in the area. *Motion carried 4-2. (Nays – Gutman, Lynch)*



MASTER PLAN AND ZONING COMMITTEE  
MEETING MINUTES EXCERPT  
DECEMBER 2, 2008



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

**ROLL CALL**

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

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

**APPROVAL OF AGENDA**

Moved by Member Gutman, seconded by Member Burke:

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

**MATTERS FOR DISCUSSION**

**1. Weiss Mixed Use Project**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

Moved by Member Burke, seconded by Member Gutman:

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

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

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