



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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman and seconded by Member Cassis:

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

Motion to approve the June 23, 2010 Planning Commission Agenda. *Motion carried 6-0.*

AUDIENCE PARTICIPATION

No one from the audience wished to speak on a matter other than a scheduled public hearing.

CORRESPONDENCE

Member Gutman reviewed a letter from the Charter Township of West Bloomfield indicating that the township is working on their Master Plan and looking forward to Novi's comments being submitted by August 31, 2010.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that there was nothing to report this evening.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. MASTER PLAN FOR LAND USE

Set a public hearing for July 14, 2010 for consideration to adopt the Master Plan for Land Use amendments.

2. NOVI CORPORATE CAMPUS, NUMBER 8, SP 07-24

Consideration of the request of Amson Dembs Development for a one-year Preliminary Site Plan extension. The subject property is located in Section 9, north of Twelve Mile, east of West Park Drive, in the OST, Planned Office Service Technology District. The subject property is approximately

8.34 acres and the applicant is proposing to build a 28,638 square foot speculative office/warehouse building.

3. MERCANTILE MARKETPLACE, DAP INVESTMENTS, SP08-26

Consideration of the request of DAP Investments for a one-year Preliminary Site Plan extension. The subject property is located in Section 15, north of Fonda Drive and west of Novi Road, in the TC, Town Center District. The subject property is approximately 1.29 acres and the applicant is proposing to demolish the existing Big Boy restaurant and construct a 10,000 square foot building consisting of two retail spaces and one restaurant space.

Moved by Member Gutman and seconded by Member Cassis:

VOICE VOTE ON THE CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER CASSIS.

Motion to approve the Consent Agenda. *Motion carried 6-0.*

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 accel/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 asked 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 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 numbers 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 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 that 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 13th 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 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 covert 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 word 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.

Mr. 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 THE POSTPONEMENT 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)*

2. ZONING ORDINANCE TEXT AMENDMENT 18.243

Public Hearing for a recommendation to the City Council for Zoning Ordinance Text Amendment 18.243, an ordinance to repeal and delete sections of Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance at Article 24, Schedule of Regulations, Section 2401, Preservation Option and Section 2402, Subdivision Open Space Plan and to amend and renumber at Section 2403, One-Family Clustering Option, Section 2404 RUD Residential Unit Development and Section 2405 Open Space Preservation Option. Amendments proposed in order to expedite the approval process and provide more flexible development options that encourage the preservation of open space, in accordance with the goals and objectives of the Master Plan for Land Use.

Planner Spencer stated that the Planning Staff is presenting, as mentioned, a set of proposed residential development options as Zoning Ordinance amendments for recommendation to City Council. These amendments will further the City's long term goals of protecting the environment and providing quality housing opportunities in the City.

Today the Zoning Ordinance includes five one-family residential development options; Preservation Option, Subdivision Open Space Option, One-Family Cluster Option, Residential Unit Development Option and the Open Space Preservation Option.

The options are primarily for one-family detached dwellings, with the exception of the One-Family Cluster Option and the RUD Option, which also permit attached one-family dwellings.

These options permit the reduction of minimum lot area, minimum lot width, and required setbacks when natural features and open space are preserved. These developments can permit a developer to cluster their dwelling units and thus reduce the length of roads and utility lines to reduce costs. The use of any of the options is voluntary

Staff has proposed the following Ordinance Text Amendments.

For the RUD Option, staff has proposed to decrease the minimum required lot size from 80 acres to 20 acres, thus increasing the number of parcels that could use this to approximately another 16 parcels throughout the City as shown on the provided map. In addition, the proposed amendment contains the definition of recreation areas that includes minimum area and depth dimensions to exclude the use of small landscape strips for open-space credit.

For the One-Family Cluster Option, staff has proposed permitting the use of the options on parcels with a depth of 600 feet instead of 300 feet and a map has been provided identifying eight additional parcels that could utilize this option. Staff is also proposing additional language to provide more flexibility, regarding access, building orientation and driveway design and also to permit a reduction in setbacks on hard to develop parcels that are less than 10 acres in area.

In order to simplify the balance of the Residential Development Options and still provide a mechanism to encourage clustering and preservation, staff has proposed removing the Preservation Option, Subdivision Option and Open-Space Plan and merging those with the Open-Space Preservation Option. The Open-Space Preservation Option would continue to not require City Council approval.

The proposed changes include allowing the use of the option in the R-4 District, which the Subdivision Open-Space Plan Option permits right now. Reducing the qualifying Preservation Open-Space area from 20% to any amount is permitted in the Preservation Option, which requires approval subject to Special Land Use approval conditions when less than 20% of the site is preserved. This is to preserve the discretionary decision making for those preservation areas that are under 20%. This is including recreation areas as qualifying open-space as permitted in the existing Subdivision Open Space Option, including wetland buffers, defining recreation areas as permanently protected areas of at least a half acre in area and with a length not more than three times its width and not to require applicants to maintain open space areas as undeveloped space, so they can be active recreation areas. Also, trail greenways would qualify.

Other changes include: Increasing the permitted minimum lot area reduction from up to 33.9% reduction to up to 44.9% reduction, when an equal percentage of the site is preserved, increasing the permitted minimum lot width reduction, and redefining qualifying open-space buffers from the major roads to stipulate that they must be at least 50 feet in width and be in addition to the normal setbacks.

Merging these options will simplify the ordinance and make clustering to preserve open space easier to use and understand. These Amendments will further the implementation of the Master Plan objectives by simplifying the options, permitting greater flexibility on challenging properties, providing greater lot area and lot width incentives and encouraging the use of the residential options to further preserve open space and natural features.

No one from the public wished to comment and Chair Pehrson closed the public hearing.

Member Gutman wanted to commend the staff for trying to find ways to improve the Ordinance and

the body of work that they do. There was many a day when Novi did not get the credit for being a community that was friendly to development and trying to find ways to improve what we do. Those days are long gone thanks to a large part to a great staff.

Moved by Member Gutman and seconded by Member Lynch:

ROLL CALL VOTE ON THE APPROVAL RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

In the matter of Text Amendment 18.243, motion to recommend approval to City Council. *Motion carried 6-0.*

3. ZONING ORDINANCE TEXT AMENDMENT 18.242

Public Hearing for a recommendation to the City Council for Zoning Ordinance Text Amendment 18.242, an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance at Article 16, TC and TC-1, Town Center Districts; in order to provide standards for Open Air Business Uses and for the Outdoor Sale of Produce and Plants in the Town Center Districts.

Planner Kapelanski stated that the applicant is suggesting modifications to the Town Center District to permit open-air business uses for the sale of plant material, lawn furniture, playground equipment and garden supplies and the sale of produce and seasonal plant materials outdoors as special land uses.

These uses would be permitted subject to a number of conditions. The applicant has submitted a version of the Text Amendment for consideration and staff has reviewed that and proposed some changes. The major differences between the two versions are:

- The applicant is proposing an open-air business use screened by a masonry screen wall or a screen wall consisting of masonry piers with decorative metal fencing. The staff has proposed that screening consist of a masonry screen wall equal to 6 feet in height with decorative metal fencing above the masonry portion of the wall.
- There is one other major difference between the applicant and staff version of the Text Amendment. As part of the open-air business use, some stores have begun having customers pickup bulk landscape materials. Bulk landscape materials would be items such as bagged mulch, stepping stones and rocks in an area separate from the garden center and store. The front portion would be open with no screening and the applicant has proposed screening be required only from public streets and staff is suggesting that screening be provided for both private and public streets and that screening shall consist of a masonry screen wall and/or landscaping.

The Planning Commission is asked to discuss the proposed Amendment and make a recommendation to City Council.

Mr. Quinn came forward and appearing on behalf the Town Center who are the originators of the Ordinance change and appreciate the staff working with them on this.

Mr. Quinn stated that there were two differences and one was the height of the screen wall. The staff is saying this should be a 6 foot wall and with decorative fencing on top of that. The Town Center is trying to get it to 4 feet and then a decorative fence on top of it and the same pillars periodically. This area is trying to be a pedestrian. If it is a 4 foot wall, most people will be able to see over the top of it and the purpose of the decorative fence is to see through it and to keep air through it so you have more air coming into the plants that will be in that area and to let more light in. The higher the wall, the less light and air comes in so Town Center is pushing for the 4 foot versus the 6 foot in that area and

the decorative fencing is fine.

Mr. Quinn explained that as far as the language change regarding the public or private road that is not a problem. As far as the pickup area that was demonstrated, the language might be a bit different. The city is looking for a 90% and 80% opacity limitation there and that seems a bit heavy. This just isn't sight specific; this applies to the entire Town Center and not just for a building. There is a private road at Eleven Mile and if the Town Center puts plantings adjacent to the road in the required setback area, the Town Center thinks that could be planted with green space and green screen enough to protect and screen this area as it does sit back quite a ways to begin with. These are the major changes and this is a good thing for the Town Center and it catches Town Center up with the regional center zoning and helps with expansion and bringing in new business. The sidewalk sales which are a second part of this ordinance will bring more pedestrian activity.

No one from the audience wished to speak and Chair Pehrson closed the Public Hearing.

Member Lynch asked what staff was trying to accomplish with the 6 foot as opposed to 4 foot requirement.

Planner Kapelanski replied 6 feet was proposed to prevent pedestrians from seeing the materials. Staff is trying to screen that whole area as if it were a loading zone. Also if the Commission were in favor of the 4 foot screen wall with the decorative metal fencing, the applicant's version does not refer to a 4 foot screen wall, it just refers to the masonry pillars with the decorative metal fencing in-between and that change would have to be made.

Member Lynch stated as far as window shopping, he does not usually window shop for mulch and other bulk landscape materials.

Member Lynch asked staff what they were trying to accomplish with the 80% and 90% opacity requirements.

Planner Kapelanski replied the 80% to 90% opacity was taken out of other references in the Landscape Ordinance that require 80%-90% opacity in order to be consistent. When using landscaping in lieu of a masonry screen wall, obviously the screen wall is going to provide 100% opacity, so in order to be comparable; staff thought 80%-90% was fair.

Deputy Director McBeth added that the 80%-90% provides a quantity that can be measured as opposed to just saying it will be screened with something undefined.

Member Lynch answered that he does not have a problem with the 4 foot or the 6 foot and it sounds like that in this particular application, if staff recommends 6 foot, he has no problem with that.

Member Cassis asked Planner Kapelanski if she originated the Text Amendment on her own or did the applicant propose the amendment?

Planner Kapelanski answered, the applicant proposed the text amendment and staff reviewed it.

Member Cassis asked Mr. Quinn what kind of materials a customer would be picking up and what kind of building the Town Center is contemplating.

Mr. Quinn stated the proposed ordinance specifically says retail sales of plant material, lawn furniture, playground equipment and garden supplies and that is what is going to be in there. It will be just an outside sales area during the months that the weather allows it.

Member Cassis asked if this would be attached to a big box store.

Mr. Quinn said if the amendment were accepted, this use would be allowed throughout the entire center. For example, Borders could have outdoor sales. It applies to any store that would come in and have outdoor sales approved on their site plan.

Member Cassis wanted to make sure that the use fits into the TC and TC-1 Zoning Districts.

Member Baratta asked Mr. Quinn if the existing Zoning Ordinance allowed a store to have cash registers near the perimeter of where those open areas are or in the garden area.

Mr. Quinn stated that he is not sure if the Zoning Ordinance has any regulations on the cash register location.

Member Baratta stated he wanted to confirm that the existing ordinance does not prohibit a store from having a cash register in the garden sales area where those types of sales are permitted.

Planner Kapelanski stated that outdoor sales areas and open air businesses are not currently permitted in the Town Center District. The proposed ordinance would not place any restrictions on where the cash register is located and the use of an outdoor garden sales area or "open air business" would be a special land use under the proposed ordinance and require Planning Commission approval.

Member Baratta asked if there any plans to store pallets, mulch or any other product in the pick-up area.

Mr. Quinn indicated that would all be interior to the building.

Member Baratta asked if there would be a gate there so the product could be brought out.

Mr. Quinn answered yes.

Member Gutman stated that he was generally in favor of the proposed amendment and he did not have a preference regarding the 4 or 6 foot height of the screen wall, but does tend toward staff's recommendations.

Moved by Member Gutman and seconded by Member Baratta:

ROLL CALL VOTE ON THE APPROVAL RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

In the matter of Text Amendment 18.242, motion to recommend approval of the staff's version of the text amendment to City Council. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. NOVI TOWN CENTER BUILDING F DEMO SP10-26

Consideration of the request of Novi Town Investors, LLC, for a recommendation to City Council for Preliminary Site Plan approval and a Section 9 Façade Waiver. The subject property is located east of Novi Road, north of Grand River Avenue, in the TC, Town Center District. The applicant is proposing to demolish portions of Building F and construct a parking lot and associated landscaping in its place.

Planner Kapelanski stated the applicant is proposing to demolish Building F in the Novi Town Center, which is located near the center of the Novi Town Center. The portion that is going to be demolished is the area that was formerly the Old Navy store location. The demolished portion of the building will be replaced with a 99 space parking lot.

Planner Kapelanski explained that the applicant would be modifying the now exposed façade of Building G. The proposed façade for Building G is not in compliance with the Façade Ordinance and would require a Section 9 Waiver specifically for the use of non-copper colored standing seam metal awnings. The City's Façade Consultant recommends approval of the requested waiver noting the proposed design is consistent with other façade upgrades recently approved in the Town Center and the City's Façade Consultant is here to answer any questions.

The Engineering and Fire review noted minor items that were to be addressed at the time of Stamping Set submittal and recommended approval of the plans.

The Planning Review noted the spaces adjacent to Building D in the parking bay in the south portion of the lot should be removed. Those should be removed until a proposed Traffic Study is completed indicating these spaces can function safely and effectively.

The Landscape Review noted that a small section of fence along the existing loading area southeast of the site should be expanded to screen that entire loading area along with additional landscaping being added. Right now the applicant is proposing a small section of fence and staff is recommending the fence be extended along the entire length of the area there to screen the loading area. These materials should be installed once the demolition of Building F is complete.

Lastly, Section 1602.1 of the Ordinance requires all project 5 acres or larger to receive the approval of the City Council after recommendation from the Planning Commission. The Planning Commission should consider the factors listed in Section 1602.9 when making its recommendation.

Matthew Quinn, on behalf of the Novi Town Center Investors, came forward and stated the Town Center is continuing the resurrection through demolition and re-construction. Demolition of this building opens up for the first time in this Town Center a north – south interior drive, which will be major in the redevelopment.

Mr. Quinn explained that they are going to tear part of this building down, open it up, and make a driveway and parking lot area out of it. A 6 foot wooden fence will be installed, which is really temporary. Although these requirements can be put in the plan and the City can require it to be done, chances are this plan will never get built and other things are going to happen instead. The same with the parking spots that the staff is recommending removal. There is another plan, Building X.1 that Town Center representatives and staff have met to discuss and this plan would require a traffic study. Traffic counts for the study have begun and the Town Center had 13 people sitting at 13 different entrance points and counting vehicles traveling right, left and out. The interior driveway that is proposed is going to be subject to the Traffic Study and everyone has agreed to that including staff and the developer. Town Center would like this site plan to be approved with the parking there and will commit to any changes required by the yet to completed Traffic Study.

As far as the design, Wah Yee and Associates have done a marvelous job and it looks just like the rest of the Town Center with the usual waivers to be granted and Town Center will provide the usual barrier spaces and the photometric plan and everything else that is asked for.

Member Cassis asked Mr. Quinn about the display boards and if the TJ Maxx façade was being revised

Mr. Quinn answered saying that is part of the façade and it is being redone with cornices.

Member Cassis asked what the building is behind TJ Maxx.

Mr. Quinn said it was the east façade of Building G and it will be a new wall that will be built. Mr. Quinn explained that Bldg. G is empty and it used to be Linens & Things.

Member Cassis stated that this development is going well and he appreciates all the investment that this company is putting into the area and it shows the faith in the community.

Member Gutman agreed with Member Cassis and applauded Town Center for the investment in the community and it is nice to see the changes. Member Gutman asked Planner Kapelanski if there was any reason that staff is worried that if the parking spaces are not eliminated until the Traffic Study is done, if it will have a adverse effect.

Planner Kapelanski explained that the original concern was with the other application that staff received. There were some concerns that these spaces would cause circulation problems whenever that application came to Commission. Staff would not be opposed to allowing the spaces to stay on the plan provided that they were subject to the Traffic Study and that if the Traffic Study showed that they were going to cause a circulation problem, those were removed.

Moved by Member Gutman and seconded by Member Baratta:

ROLL CALL VOTE ON THE APPROVAL RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

In the matter of Novi Town Center Building F Demo, SP10-26, motion to recommend approval to City Council for the Preliminary Site Plan subject to the following: a) Section 9 Façade Waiver for the use of non-copper colored standing seam metal in the Town Center District; b) Applicant installing additional landscaping and/or adding decorative features to the visible portions of Buildings E and K in the event this area remains permanently exposed; c) Applicant providing a six foot screen fence along the entire length of the linear walkway along the southeastern portion of the site; d) Applicant eliminating the parking adjacent to the Building D sidewalk if warranted by the Traffic Impact Study; e) Applicant installing the proposed landscaping along the linear walkway along the southeastern portion of the site within thirty days of completion of demolition of the building if weather conditions allow and otherwise no later than May 15th as noted in the Landscape Review Letter; and f) The conditions and items in the staff and consultant review letters being addressed on the Stamping Set submittal for the reason that it is otherwise in compliance with Article 25 and Article 16 of the Zoning Ordinance and all other applicable provisions of the Ordinance; The proposed façade is consistent with the overall Town Center development and will generally enhance the visual quality of the project; The color selections are carefully coordinated and will harmonize with both new and existing materials; and the use of the selected façade materials and material combinations will not detract from the future development of buildings with façades of brick and stone. *Motion carried 6-0.*

MATTERS FOR DISCUSSION

There were no Matters for Discussion.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

Christine Risnowski came forward and stated that she lives at 12 Mile and Novi Road. Ms. Risnowski questioned what is going to be torn down and built up at the Town Center.

Chair Pehrson stated that he did not know that at this time.

Ms. Risnowski stated that she was against a WalMart and does not like the idea that the Town Center will tear down existing businesses that are doing well. If they want to put a WalMart in, there are 4 homes for sale on Meadowbrook and a huge lot that is for sale. They could use that and hopes this is taken into consideration.

No one else from the audience wished to speak.

ADJOURNMENT

The meeting adjourned at 9:43 PM.

Transcribed by Juanita Freeman
Account Clerk
July/August, 2010

Date Approved:

Richelle Leskun, Planning Assistant