



PLANNING COMMISSION MINUTES

CITY OF NOVI
Regular Meeting

November 15, 2023 7:00 PM

Council Chambers | Novi Civic Center
45175 Ten Mile Road, Novi, MI 48375 (248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Becker, Member Lynch, Chair Pehrson, Member Roney, Member Verma

Absent Excused: Member Avdoulos, Member Dismondy

Staff: Barb McBeth, City Planner; Beth Saarela, City Attorney; James Hill, Planner; Rick Meader, Landscape Architect; Adam Yako, Plan Review Engineer

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion made by Member Lynch and seconded by Member Becker to approve the November 15, 2023 Planning Commission Agenda.

VOICE VOTE ON MOTION TO APPROVE THE NOVEMBER 15, 2023 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER.

Motion carried 5-0.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing no one, Chair Pehrson closed the first public participation.

CORRESPONDENCE

There was not any correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

City Planner Barb McBeth introduced new Planner Heather Ziegler. Heather has her Bachelor's degree in Natural Resource Management and a Masters Degree in Urban and Regional Planning from Michigan State University.

CONSENT AGENDA - REMOVALS AND APPROVALS

1. OAK POINTE CHURCH ADDITION AND PATIO JSP23-21

Approval of the request of Oak Pointe Church JSP23-21, Preliminary Site Plan for a building addition for a children's play area totaling approximately 1,000 square feet, and a patio addition. The subject parcel is in Section 20 of the city, east of Napier Road, west of Wixom Road, and north of Ten Mile Road. The property is zoned RA, Residential Acreage and the initial multiple phase site plan for the property was approved in 2001.

Motion to approve JSP23-21 Oak Pointe Church Addition and Patio Preliminary Site Plan made by Member Lynch and seconded by Member Becker.

In the matter of JSP23-21 Oak Pointe Church Addition and Patio, motion to approve the Preliminary Site Plan.

ROLL CALL VOTE TO APPROVE JSP23-21 OAK POINTE CHURCH ADDITION AND PATIO PRELIMINARY SITE PLAN MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER VERMA.

Motion carried 5-0.

PUBLIC HEARINGS

1. TEXT AMENDMENT 18.303

Public hearing of the staff-initiated request for Planning Commission's recommendation to the City Council regarding Text Amendment 18.303 to provide the option to expand nonconforming uses under special circumstances, subject to Special Land Use consideration by the Planning Commission.

Planner James Hill relayed that the text amendment addressing nonconformities was introduced to the Planning Commission on September 27th. The text amendment provides the option to expand nonconforming uses under certain circumstances, subject to Special Land Use consideration by the Planning Commission. Currently, a use that is considered legal nonconforming cannot expand its floor area at all without a use variance from the Zoning Board of Appeals. This text amendment aims to provide greater flexibility to some residents or business owners who find their buildings to be legal nonconforming uses yet wish to expand or renovate their building footprint.

The text amendment will allow for the expansion of nonconformities as a Special Land Use permitted by the Planning Commission and includes additional factors that the Commission must consider when making such a decision. It is meant to help longstanding property and business owners in the City who may wish to make repairs, to restore, reconstruct, or extend their nonconforming use.

Factors that must be considered include the extension of the nonconforming use meeting current building and site standards of the existing zoning district, limiting the amount that the use can expand, and preventing undue hardship on nearby property owners through the effect of traffic, noise, odor, and vibration levels, and the potential for future development. These factors need to be considered in addition to the regular Special Land Use considerations that already exist within the Zoning Ordinance, including the impact on utilities and public services, compatibility with adjacent uses, and consistency with the goals and intent of the Master Plan.

The Planning Commission is asked to hold the public hearing tonight for Text Amendment 18.303 and make a recommendation to City Council for approval or denial of the text amendment. Staff is available to answer any questions.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium.

Mike Duchesneau, 1191 South Lake Drive, relayed he totally supports the text amendment and is aware of at least three cases where someone could have used help through this process.

Seeing no one else, Chair Pehrson confirmed that there was no correspondence, closed the Public Hearing, and turned the matter over to the Planning Commission for consideration.

Member Lynch relayed his understanding is this started with someone who had a residence in an industrial zone and wanted to put up a pole barn. There were a lot of hurdles that they had to jump through. Some of the adjacent neighbors in industrial districts were worried that they were going to have an additional burden placed on them if residential expansion was allowed.

Based on the overview just presented by Planner Hill, the adjacent property owners who bought their property as Industrial can still use it as industrial and won't have an additional burden that we place on industrial sites next to residential. This basically removes some unintended consequences of our existing ordinance to allow somebody to in this case put up a pole barn in a residential area and not affect anybody. Member Lynch does not have an issue with the text amendment.

Member Becker inquired to staff, in looking at the annotated draft on page two, that Special Land Use will be the process to allow an existing non-conforming to change the footprint and do some expansion rather than other types of mechanisms. Planner Hill confirmed this is correct.

Member Verma had no comments.

Member Roney inquired, in reference to what Member Lynch relayed, that this amendment also will benefit the Gatsby property. Planner Hill confirmed this is correct. Member Roney is in support.

Chair Pehrson inquired, in reference to the second paragraph, would the amendment include a change of use of the venue or the installation as opposed to any kind of expansion. For example, if nothing is being changed relative to the building footprint, but if the use changes drastically from A-Z, is there any recourse in the wording for that to take place.

City Planner McBeth responded that this amendment was not intended for that, rather it was intended for uses that are currently existing and non-conforming and takes away the strict restriction that those uses cannot be expanded. It wasn't intended to allow other uses to make themselves non-conforming.

Chair Pehrson inquired regarding allowed repairs and maintenance without making physical changes, would that also include painting. For example, going from red to blue.

City Planner McBeth responded that typically the painting or maintenance of a building is permitted, whether it's an existing non-conforming use or not. Sometimes if it's a commercial building we'd be concerned about the color, so it might trigger the facade ordinance and we'll take a look at that to see.

Motion to recommend Text Amendment 18.303 for approval to City Council made by Member Lynch and seconded by Member Roney.

In the matter of Text Amendment 18.303 motion to recommend approval of the text amendment to City Council.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.303 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 5-0.

2. TEXT AMENDMENT 18.304

Public Hearing of the staff-initiated request for Planning Commission's recommendation to the City Council regarding Text Amendment 18.304 to update and clarify language pertaining to home occupations in the City.

Planner Hill relayed the second text amendment involves a change in the ordinance concerning home occupations in the City. City Council requested the Ordinance Review Committee to explore potential changes after a number of complaints concerning certain home occupations. This text amendment was also introduced to the Planning Commission on September 27th.

The text amendment seeks to prevent unwanted nuisances caused by some home occupations. It prohibits outside storage of goods or products, the sale or storage of automobiles, trucks, recreational vehicles, and other similar items, traffic greater than normally expected in a residential neighborhood, and deliveries via large trucks other than Amazon, UPS, etc. These changes are in response to complaints and what has been noted by Ordinance officers.

The Planning Commission is asked to hold the public hearing for Text Amendment 18.304 and make a recommendation to City Council for approval or denial of the text amendment. Staff is available to answer any questions you may have.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium. Seeing no one, Chair Pehrson confirmed that there was no correspondence, closed the Public Hearing, and turned the matter over to the Planning Commission for consideration.

Member Lynch relayed he is glad that this amendment is being presented and will trust Staff with the proper verbiage. With more people having home businesses, we need to put some boundaries around how it affects the adjacent neighbors, and this accomplished that. Member Lynch does not have an issue with it.

Member Becker inquired to staff if this particular ordinance and the changes being considering would apply to things like in home childcare. Planner Hill responded that there are separate stipulations in the Ordinance for at home childcare.

Member Becker clarified his understanding that what qualifies as an occupation in a residence is where goods or services money is exchanged. Planner Hill confirmed this is correct.

Member Becker relayed when he was reading about no more than four customers or clients he wondered if it was childcare, who would be the client - the one person that drops off five children or the five children? Now understanding that is a whole different ordinance, he has no further questions.

Member Verma had no questions.

Member Roney had no questions.

Chair Pehrson relayed as he reads the amendment, it seems to be heavily weighted toward motor vehicle repair or storage. Does the amendment consider looking into the future, as far as home businesses and things that are allowed to be done now in the home? It seems to be narrow in scope toward such businesses as mechanics and repairs. Does it need to be expanded to include anything else? For example, a woodworking shop in a garage where noise would have to be limited for the neighbors.

To address Chair Pehrson's concern whether the amendment is too limited in scope, City Planner McBeth responded it is actually fairly broad. Some of the new words that are added were to address specific problems that have been identified and clearly call that out. Sometimes a broad ordinance referencing home occupations where employees are coming to a home to work, or customers are coming for stock and trade sales, can be interpreted in different ways resulting in disagreement about what the Ordinance means. In terms of the automotive repair and sale, and things like that, is a specific situation.

Chair Pehrson inquired relative to the enforcement of the four people in the business and such, how this would be enforced.

City Planner McBeth responded that is kind of the art and science of the Ordinance officers. They need

to observe something that's in violation of the Ordinance. For example, they might get a complaint from the neighbor, but then our Ordinance officers must also be able to observe it themselves.

Member Becker added that what he really liked was the clarification in item number 4 referencing the keeping of a stock and trade and no article shall be sold or offered for sale from the home to customers or visitors to the home. Articles made in the home by the inhabitants therefore may be delivered to the resident or to markets off premises, so people aren't selling items out of their garage. Member Becker likes the narrowing that they could sell it, perhaps online, but then they have to get it to the customers, no one would be driving up and picking up items.

Motion to recommend Text Amendment 18.304 for approval to City Council made by Member Lynch and seconded by Member Becker.

In the matter of Text Amendment 18.304 motion to recommend approval of the text amendment to City Council.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.304 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER.

Motion carried 5-0.

MATTERS FOR CONSIDERATION

1. AUDI SERVICE CENTER JSP23-40

Consideration of Audi Service Center for Preliminary Site Plan and Stormwater Management Plan approval. The subject property contains 8.15 acres and is located in Section 24 of the City. The subject building is located behind the proposed Porsche building. The applicant is proposing to demolish a portion of the former Chrysler service center and renovate the existing building to result in an approximately 21,979 square foot building to serve as Audi's service center. Some parking lot and site improvements are also proposed.

Planner Hill relayed the proposed partial demolition and renovation of the former Chrysler service center is located behind the proposed Porsche site and current Infiniti dealership. The applicant is seeking to make the renovations to the building and parking lot to become a service center for the nearby Audi dealership. The site is approximately 8.15 acres and is located north of Ten Mile Road on the west side of Haggerty Road in Section 24 of the City.

The current zoning of the site is B-3 General Business, with adjacent zoning to the consisting of B-3 to the south and north and OS-1 Office Service to the south and west. Uses in the adjacent B-3 consist of the Audi dealership and a Mobil gas station, while the office uses consist of an orthodontist and law offices. To the east across Haggerty Road is the City of Farmington Hills, which also is designated as B-3 General Business zoning, including a strip mall and Ford dealership.

The Future Land Use map contemplates community commercial for this site and the adjacent B-3 zoned sites to the south and north, with the other adjacent sites within City limits contemplated for Community Office. Across Haggerty in Farmington Hills, the Future Land Use designation is non-center type business.

Natural features include the woodlands and wetlands to the west of the property, which are not proposed to be impacted.

The rendering shown on the screen is the proposed building footprint of the new service center, which will result in an approximately 21,979 square foot building. The parking lot and accessway is proposed to be reconstructed to align with the nearby Porsche site and to provide updated paving. For parking cars to be serviced or stored such as at an auto dealership or service center, bays of 25 spaces are provided if the required interior landscape area is provided. The applicant initially proposed 26 spaces but has committed to complying with the Ordinance for consecutive parking spaces.

As part of your motion sheet, a waiver is included to allow for the loading area in the rear of the site to be shared with the Porsche site. Staff has determined that a waiver is technically not needed since the buildings are located on the same property, and the loading area meets the Ordinance intent to be in the rear yard and out of sight from the road. The applicant has noted that they are willing to work with staff on proposing a loading area that does not interfere with traffic flow and parking onsite.

As part of the stormwater management plan, the applicant is proposing to reconstruct the existing catch basins and make use of the existing stormwater management system onsite.

The east elevation, where the proposed demolition is slated to occur, will primarily consist of an aluminum composite panel system, with existing brick to remain or be repaired as required.

The Planning Commission is asked to consider JSP23-40 Audi Service Center for Preliminary Site Plan and Stormwater Management Plan approval. Tim Wood, the engineer for the applicant, is here tonight if you should have any questions. Staff is also available to answer questions as needed.

Chair Pehrson invited the applicant to address the Planning Commission.

Tim Wood, with Nowak and Fraus, relayed he is always intrigued by the variety of experience that the Planning Commissioners possess as well as their interest in the community. He introduced Joe Gilardone from Lithia Real Estate and Pete Pentescu from Studio Detroit, thanked Planner Hill for the wonderful presentation and relayed that he, Mr. Gilardone, and Mr. Pentescu are available to answer questions.

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

Member Lynch relayed his thanks to the applicant for investing in Novi and thinks this is an appropriate site and appropriate use for the site. He expressed his thanks to the applicant for working with the staff and thinks the submittal is pretty clean. He has no issues.

Member Becker inquired regarding traffic flow for auto repair drop off. Mr. Wood responded that this would be for staff only and would not be open to the public, rather the drop off would be at the dealer towards the south, at the corner of Ten Mile Road and Haggerty Road.

Member Becker applauds the fact that two dealerships are using one building for repair instead of two buildings, that is a great accommodation.

Member Verma requested clarification of his understanding that there won't be any cars coming, or loading/unloading in the area. Mr. Wood responded there is a possibility for cars to come as it is a prep center. If someone were to order a vehicle and had special options, it would potentially be dropped off here and then it would be prepared, cleaned, and prepped or have any service work that may be needed. Any customer drop offs though for the service center would be at the actual dealership on Ten Mile and Haggerty.

The route for the car hauler would be through the main drive in between the Infiniti dealer and the proposed Porsche dealership coming around the back of the building. There are indicated spots for loading based at the southwest corner of that building. Only service cars would be parked in that area so it wouldn't interfere with any employees parking there. Additionally, the zoning ordinance requirements were met for the loading space in that in that area. The car haulers, if any, along with parts delivery which would be more common than a car hauler delivering there, would exit counterclockwise around the building, and then come out the same way that they came off of Haggerty Road.

Member Roney had no further comment other than he appreciates the submittal being very clean.

Chair Pehrson had no issues with the submittal, however he requested that when Member Becker gets his new Porsche or Audi, he would like to borrow it on weekends. Member Becker confirmed his agreement.

Motion to approve the JSP23-40 Audi Service Center Preliminary Site Plan made by Member Lynch and seconded by Member Roney.

In the matter of Audi Service Center, JSP23-40, motion to approve the Preliminary Site Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF JSP23-40 AUDI SERVICE CENTER PRELIMINARY SITE PLAN MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 5-0.

Motion to approve the JSP23-40 Audi Service Center Stormwater Management Plan made by Member Lynch and seconded by Member Roney.

In the matter of Audi Service Center, JSP23-40, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF JSP23-40 AUDI SERVICE CENTER STORMWATER MANAGEMENT PLAN MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 5-0.

2. APPROVAL OF THE OCTOBER 11, 2023 PLANNING COMMISSION MINUTES

Motion to approve the October 11, 2023 Planning Commission minutes made by Member Lynch and seconded by Member Verma.

ROLL CALL VOTE ON MOTION TO APPROVE THE OCTOBER 11, 2023 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER VERMA.

Motion carried 5-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth relayed she sent an e-mail out to Planning Commissioners around October 26th that had some offerings from the Michigan State University Extension Service, including the Citizen Planner training and other opportunities. If any Commissioners would like to attend, please let her know.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the final audience participation to come forward. Seeing no one, Chair Pehrson closed the final audience participation.

ADJOURNMENT

Motion to adjourn the meeting made by Member Lynch and seconded by Member Becker.

VOICE VOTE ON MOTION TO ADJOURN THE NOVEMBER 15, 2023 PLANNING COMMISSION MEETING MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER.

Motion carried 5-0.

Meeting adjourned at 7:28 PM.

*Actual language of the motion sheet subject to review.