



## PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**APRIL 8, 2015 7:00 PM**

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

### CALL TO ORDER

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

### ROLL CALL

**Present:** Member Giacometti, Member Lynch, Chair Pehrson, Member Zuchlewski

**Absent:** Member Anthony (excused), Member Baratta (excused), Member Greco (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Sri Komaragiri; Planner; Jeremy Miller, Engineer; Rick Meader, Landscape Architect; Gary Dovre, City Attorney.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

Moved by Member Giacometti and seconded by Member Lynch:

**VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER LYNCH:**

**Motion to approve the April 8, 2015 Planning Commission Agenda. *Motion carried 4-0.***

### AUDIENCE PARTICIPATION

No one in the audience wished to participate and the audience participation was closed.

### CORRESPONDENCE

There was no correspondence.

### COMMITTEE REPORTS

There were no committee reports.

### COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Community Development Deputy Director Barbara McBeth stated that she had nothing to report.

### CONSENT AGENDA - REMOVALS AND APPROVAL

#### 1. Big Boy Façade Renovations, JSP13-16

Approval of the request of The Foresta Group for Preliminary Site Plan and Section 9 Façade Waiver. The subject property is located in Section 36 at 20800 Haggerty Road, at the northeast corner of Haggerty Road and Eight Mile Road in the FS, Freeway Service District. The applicant is proposing to replace and modify all building facades.

2. **Belle Tire Building Improvements, JSP15-23**

Approval at the request of Enright Architects for approval of the Preliminary Site Plan and a Section 9 Façade Waiver. The subject property is located in Section 23, on Grand River Avenue, west of Meadowbrook Road, in the B-3, General Business District. This project consists of the replacement of virtually all façade material on the existing building and existing mansard roof material. The building improvements also include a new entry tower.

3. **Sun-Tec Corporation Building Expansion, JSP15-12**

Approval of the request of Sun-Tec Corporation, Inc for approval of the Preliminary Site Plan and Stormwater Management Plan. The subject property is located in Section 9, north of West Road and west of West Park Drive on Unit 14 in Beck North Corporate Park campus the I-1, Light Industrial District. The subject property is approximately 1.8 acres and the applicant is proposing to expand the existing 20,532 square foot building by 19,718 square foot along with associated parking and landscaping.

**ROLL CALL VOTE ON THE CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:**

**Motion to approve the Consent Agenda. *Motion carried 4-0.***

**PUBLIC HEARINGS**

1. **Taco Bell JSP15-05**

Public hearing at the request of Sundance Inc. for Taco Bell for approval of the Special Land Use Permit, Preliminary Site Plan and Stormwater Management Plan. The subject property is 1.23 acres in Section 4 of the City of Novi and located at 31172 Beck Road in the B-3, General Business District. The applicant is proposing a 2,171 square foot fast food drive-through restaurant.

Planner Komaragiri stated that the subject property is located on south side of Pontiac Trail and east side of Beck Road in Section 4 bordered by City of Wixom on South and west side and Commerce Township on North side. All surrounding properties are developed. The subject property is zoned B-3, General Business and is bordered by the same on all sides except West. It is bordered by RM-2 multiple family across Beck Road in City of Wixom. A drive-through restaurant would require a Special Land Use Permit within B-3 zoning. The Future Land Use map indicates Community Commercial for the subject property and surrounding properties within Novi. The proposed use is compatible with our Future Land Use Map. There are no regulated wetlands and woodlands areas on the property.

The applicant is proposing to construct a 2,171 square foot drive-through Taco Bell restaurant with associated parking and landscaping on an existing shopping center outlot. The restaurant would also include a sit-down dining area with access provided from the existing shopping center. The proposed drive-through would wrap around the north side of the building with the pick-up window located on the west side of the building. The applicant has indicated they will seek a variance for lack of the required 6 foot obscuring wall requirement as the proposed restaurant is meant to be "an integral part of the Shoppes at the Trail center". The applicant is also seeking another variance for lack of the required loading space.

Provided the applicant receives the necessary variances from the Zoning Board of Appeals, Planning recommends approval with additional comments to be addressed during Final Site

Plan. The proposed building materials are in full compliance with the Façade ordinance. Façade recommends approval noting that the visual back of the building and drive-up window facing Beck Road is less than the optimum arrangement from façade point of view. However, it does not violate the façade ordinance. Engineering, Landscape also recommend approval with additional comments to be addressed during Final Site Plan.

The City's Traffic Consultant reviewed the Traffic Impact Study provided by the applicant and found it generally acceptable. Traffic agrees with the suggestions that an exclusive left and right turn lane may alleviate the traffic exiting from the site onto Beck road. However, Traffic believes that it is not warranted at this time and can be revisited and reevaluated at a later date by the entire shopping mall. Traffic recommends approval provided the applicant satisfactorily addresses Traffic concerns about internal delivery truck and fire circulation patterns and other comments during Final Site Plan.

Staff has recently identified few additional areas of concern with regards to inadequate turning radii for Fire apparatus at couple of locations. We have reached out to the applicant and discussed the same with him. The applicant agreed to work with the staff to address the concerns based on staff's suggestions. A print out of the updated Fire review letter is provided to the Commission this evening. The motion sheet has been revised to reflect the same. Fire recommends conditional approval, provided the additional concerns are addressed during Final Site Plan.

The Planning Commission is asked today to approve the Preliminary Site Plan, Special Land Use Permit and the storm water management plan. The Planning Commission should consider the factors listed in Section 6.1.2.C of the Zoning Ordinance regarding the special land use request. The applicant Jim Barnwell from Desine Inc. is here tonight to answer any questions you may have.

Chair Pehrson asked the applicant if he wished to address the Planning Commission.

The applicant, James Barnwell with Desine Inc. in Brighton, Michigan, stood before the board. He is representing Sundance Incorporated, the applicant. As Sri had mentioned, there are some engineering technical issues they are working through with the staff. The Fire Department has requested some additional turning radiuses and he was made aware of it this afternoon. Looking at it briefly, he did not see any problem with widening the entrance coming in to provide this. There is a landscape island in the southeast quadrant that needs to be tightened up and the driveway widened slightly so it will not impact the layout as shown. As a background, Sundance Incorporated owns and operates well over 100 Taco Bells in southeast Michigan. They are very familiar with the operation and do a good job. Mr. Barnwell's company has been working with them for twenty years. In the last four or five years, they have bought a large number of Taco Bells in Wisconsin and Indiana. When they come into a community, they typically have the building up within four months or less. The only other thing he noticed is when they have to widen the driveway, they may have to rearrange some landscaping, but should not lose any. He is happy to answer any questions that the board may have.

Chair Pehrson opened the case to public hearing and asked anyone that wished to address the board to do so at this time. No one wished to speak, and there was no correspondence, so the public hearing was closed. He turned the case over to the board for their consideration.

Member Lynch asked if there was a reason why they did not include the wall and mentioned that they needed to go before the Zoning Board of Appeals.

Mr. Barnwell confirmed that he was aware and stated that this is part of the Shoppes at the Trails. It is an outlot and there is quite a bit of landscaping already. They did not feel it served any good purpose other than to cut down the openness of the area and feels it will detract from the aesthetics of the area with the landscaping being installed. It would look a lot nicer with green as opposed to a solid wall.

Member Lynch asked the applicant if he is going to work with the Fire Department to modify some of the landscaping and the entrances to be able to accommodate their requirements.

The applicant stated that they would widen the entrance and on the southwest side they would widen the driveway. There will also be a right and left turn lane at the exit drive.

**ROLL CALL VOTE ON THE SPECIAL LAND USE APPROVAL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:**

In the matter of Taco Bell, JSP15-05, motion to approve the Special Land Use permit based on the following findings:

1. Relative to other feasible uses of the site:
  - a. The proposed use will not cause any detrimental impact on existing thoroughfares;
  - b. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities;
  - c. The proposed use is compatible with the natural features and characteristics of the land;
  - d. The proposed use is compatible with adjacent uses of land;
  - e. The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
  - f. The proposed use will promote the use of land in a socially and economically desirable manner;
  - g. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

This motion is made because the plan is otherwise in compliance with Article 4.40, Article 4, Article 5 and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

**ROLL CALL VOTE ON THE SPECIAL LAND USE APPROVAL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:**

In the matter of Taco Bell, JSP15-05, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Zoning Board of Appeals variance for the lack of an obscuring wall;
- b. Zoning Board of Appeals variance for the lack of a loading zone; and
- c. The applicant will work with the City's staff to modify the turning radii at the main access driveway entrance and other locations, as listed in the Fire and Traffic review letters, to meet the minimum standards and to provide safe and adequate circulation; and

- d. 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 4.40, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

**ROLL CALL VOTE ON THE SPECIAL LAND USE APPROVAL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHEWSKI:**

In the matter of Taco Bell, JSP15-05, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

**MATTERS FOR CONSIDERATION**

- 1. SET PUBLIC HEARING FOR MAY 13, 2015 FOR ZONING ORDINANCE TEXT AMENDMENT 18.275 TO ALLOW OUTSIDE STORAGE IN LIGHT INDUSTRIAL DISTRICTS, SUBJECT TO SPECIAL LAND USE APPROVAL BY THE PLANNING COMMISSION**

The applicant, Irwin J. Arkin, LLC representing Martin Technologies were issued a temporary Special Land Use permit (PTSLU 14-0008) in accordance with 3004.2 of the Novi Zoning Ordinance for outside storage of new unlicensed, operable vehicles until November 14, 2015. The applicant is now requesting to change the Temporary Special Land Use Permit to a permanent Special Land Use Permit through a text Amendment to I-1 district general conditions. The subject property is located north of Nine Mile Road and east of Novi Road at 43100 Nine Mile Road. The subject property is currently zoned I-1, Light Industrial and is surrounded by I-1 on all sides with RM-1 (Low Density Multiple Family) on North. The Future Land Use map indicates Industrial research development and technology for the subject property and the surrounding properties on all sides except on the North. It indicates Multiple Family on the North side. Outside storage is generally not a permitted or a Special Land Use in the Light Industrial District. If the text amendment is approved, it would apply to all of the City's Light Industrial Districts. As seen on our zoning map, I-1 districts are located along the railroad corridor and Grand River Avenue abutting primarily residential districts such as R-2, and R-4 and a few zoned RM-1, RM-2 and RA. In some places, they are adjoined by Office Service districts such as OS-1, OSC, and OST and Commercial districts such as B-2, B-3 and TC and TC-1.

Planning staff reviewed a number of ordinances from surrounding communities to determine common standards and concerns. Staff's review of those ordinances revealed outside storage for the light industrial zoning district is permitted primarily as Special Land Use with additional conditions. Staff version of the draft is recommended instead of the approach Mr. Arkin had taken, to provide for broader application throughout Novi, and to allow for outside storage incidental to the current industrial use inside of the building at the time of Special Land use permit approval. The Planning Commission is asked today to review the draft ordinance and provide any comments. If it is generally acceptable, the Planning Commission is asked to set a public hearing for the May 13 meeting in order to hear public comment on the proposed text

amendment and make a recommendation to the City Council. She and the applicant are available to address any concerns.

Chair Pehrson asked the applicant if he wished to address the Planning Commission. He chose not to and the case was turned over to the board for discussion.

Member Lynch stated that he does not see anything detrimental. He asked for confirmation that the I-1 Zoning District does not allow outside storage but they are making a change to allow outside storage as long as it has a vegetation screen around it.

Planner Komaragiri confirmed that was correct. Also, the outside storage should be incidental to the use that is going on in the building.

Member Lynch stated that this may enhance the standards. The language is specific that the outside storage would be completely screened. If any of the vegetation dies they have to fix it.

Planner Komaragiri stated that was correct if they chose vegetation as one of the screening options. They do have other options for screening.

Member Lynch told the other board members that he personally does not have a problem with this.

Member Giacometti stated he has questions for the applicant.

Brian Jones, Vice President of Martin Technologies, stood before the board.

Member Giacometti asked him if he had a chance to read the staff's version of the amendment.

Mr. Jones confirmed that he had.

Member Giacometti asked if the staff version would suit his particular needs.

Mr. Jones confirmed that it does.

Member Giacometti stated that he is having a hard time making a connection between the storage materials versus the storage of vehicles.

Mr. Jones stated that from the language, they are one in a same based upon the use. For their business, it is an engineering services activity and development activity. In the technology space, the business they conduct within the four walls is directly related to what would be considered storage outside. In this case, it would be motor vehicles. It's not a storage yard per se, but a development facility and many of the vehicles have newer technology. It is very specific to their business and for the most part, they support the screening function because a lot of it is confidential.

Member Giacometti stated he is interested to know how the city will enforce the new ordinance. He asked what in the ordinance would prevent one from using this amendment for a salvage yard.

Director McBeth stated there are a number of protections written into the ordinance to keep the district from turning into a salvage yard. It must be clear that the materials stored on site are for

some production use within the building. There is also a provision that items cannot be stored for longer than one year outside of the building. There must also be Special Land Use approval initially from the Planning Commission so they can review the work being proposed. When the use changes inside the building the Special Land Use approval would expire. Ordinance Officers can also take a look at things on the outside, and take action if they see something has been there for at least a year. The Planning Department has looked at other communities ordinances and has taken some of the better parts to possibly incorporate them into our ordinance.

Member Giacometti stated he was glad the applicant was present to explain their business model and what they do. His concern was having someone with a business model that does work on automobiles and needs outdoor storage of automobiles for the purpose of picking and choose what parts are needed and not being there for a full year. This was the worst case scenario going through his head and is not sure if this should be enabled in an amendment. He would like to give this some thought before the public hearing.

Planner Komaragiri stated that item C under the staff version states that in no case shall open storage areas be used to store obsolete machinery or machines no longer used or intended to be used in the industrial operation. Maybe this could be modified.

Chair Pehrson thanked the staff for including other cities ordinances. He found it interesting to see how they covered it. One of the cities actually made a numerical value to opacity during summer and winter which he believes would be very helpful as opposed to just a word.

Moved by Member Lynch and seconded by Member Giacometti:

**ROLL CALL VOTE TO SET PUBLIC HEARING FOR MAY 13, 2015 FOR ZONING ORDINANCE TEXT AMENDMENT 18.275 MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GIACOPETTI:**

**Motion to set the public hearing for May 13, 2015. *Motion carried 4-0.***

#### **SUPPLEMENTAL ISSUES**

Director McBeth stated that she sent out a reminder there will be an open house for the Master Plan study area. Everyone is welcome to come next Monday. It is from 4:00 p.m. to 6:30 p.m. in the Activities Room.

#### **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

#### **ADJOURNMENT**

Moved by Member Lynch and seconded by Member Giacometti:

**VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GIACOPETTI:**

**Motion to adjourn the April 8, 2015 Planning Commission meeting. *Motion carried 4-0.***

The meeting was adjourned at 7:28 PM.

Transcribed by Stephanie Ramsay

April 10, 2015

Date Approved:

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Richelle Leskun, Planning Assistant  
Signature on File