



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**July 10, 2013 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 Anthony, Member Baratta, Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner; Adam Wayne, Engineer; David Beschke, Landscape Architect.

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Anthony:

## VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

**Motion to approve the July 10, 2013 Planning Commission Agenda. Motion carried 7-0.**

## AUDIENCE PARTICIPATION

Chair Pehrson asked if anyone in the audience would like to address the Planning Commission.

Kelly Gies, Novi resident on Clemens Circle who lives in phase one of the Tollgate Woods development is closest to the phase three of the development. As a homeowner, she is very concerned about having more site condominiums put in when we already have a lot of dense housing units, whether its apartments, brownstones, or other condominiums. She wanted to see that area to be more of a family development. She feels that if you change that site to a condominium, you are really changing the look and the feel of the neighborhood. She said, we've got a wonderful gazebo in the area where kids play and if you make phase three a site condominium you won't have families. You'll have single people there that are coming and going. She said it's a real disappointment. Ms. Gies feels it's another strike against those who are living there that Singh changes their mind after the fact. She said she is just one voice but speaks for many in the subdivision who want to see it remain as it is as a single home dwelling.

Ms. Gies continued by saying that we are part of a homeowners association and if it becomes a site condo site, the dues will increase. Phase one and two have their own homeowners association and she thought phase three can be part of the Tollgate Ravines homeowners association. She urged the City to keep the single family dwellings and said that was why she moved to Novi. She expressed concern about people using the roads as a cut-through to get to Twelve Mile Road. Ms. Gies thanked the Commission for its time.

No one else in the audience wished to speak and Chair Pehrson closed the first audience participation.

## CORRESPONDENCE

There was no Correspondence.

## COMMITTEE REPORTS

There were no Committee Reports.

### **COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT**

Deputy Director McBeth said it's the first meeting of the new fiscal year starting on July 1<sup>st</sup> so we'd like to welcome three Planning Commission members; two returning and one new. David Greco's been reappointed for another term and he's been a member on the Planning Commission since 2007. David Baratta previously served on the Planning Commission from 2009 to 2012 and he has recently been appointed to a new term. The new member is Robert Giacometti who is serving his first term. We welcome all those new members and returning members.

Secondly, there was a public hearing that was advertised for tonight's meeting that was for the third phase of Tollgate Woods Subdivision, that's a residential subdivision under construction by Singh Development located west of Meadowbrook Road between Twelve and Thirteen Mile Roads. The notice was published in the newspaper and notice was mailed to the surrounding property owners. On further review, staff found that no public hearing is actually required for this request and this phase of the development. Staff reviews of the plans show that there were no substitutive changes from the earlier plans that were a plat for the subdivision other than changing it from a platted subdivision to a site condominium. So if there's anybody here in the audience or watching at home, there is no public hearing scheduled for this matter this evening. The plans are available for review if anyone would like to look at those.

On another matter, the City Council considered the Bicycle Parking ordinance amendment that the Planning Commission recently reviewed and recommended. The City Council considered that ordinance amendment for a first reading on Monday evening and suggested several changes. Staff will be looking at those with the City attorney's office and making modifications for the second reading.

### **CONSENT AGENDA - REMOVALS AND APPROVAL**

There were no items on the Consent Agenda.

### **PUBLIC HEARINGS**

#### **1. TOM'S BAR AND GRILL, JSP13-45**

Public hearing at the request of Tom P LLC #6 for Preliminary Site Plan utilizing the Retail Service Overlay option, Special Land Use Permit, Wetland Permit, Woodland Permit and Stormwater Management Plan approval. The subject property is 1.88 acres in Section 16 of the City of Novi and located at 27200 Beck Road at the southeast corner of Citygate Drive and Beck Road in the OST, Planned Office Service Technology District. The applicant is proposing a 5,700 square foot sit-down restaurant.

Planner Kapelanski said the applicant is proposing to construct a sit-down restaurant at the southeast corner of Citygate Drive and Beck Road. The site is bordered by the USA 2 Go gas station and Tim Horton's to the north, vacant land to the east, Chase Bank to the south and a shopping center on the opposite side of Beck Road. The subject property is zoned OST, Planned Office Service Technology and is bordered by OST zoning to the east and south with Freeway Service zoning with a PRO to the north and B-2 zoning on the opposite side of Beck Road. The Future Land Use map indicates Retail Service Overlay uses for the subject property and most of the surrounding properties. There are regulated wetlands on the eastern portion of the property and although they are not indicated on the natural features map, there are also regulated woodlands on the undeveloped portion of the site.

The applicant is proposing a 5,700 square foot sit-down restaurant that will be developed using a significant portion of the existing vacant building. The applicant is proposing a project using the Retail Service Overlay provisions. The Retail Service Overlay is identified as an option for this property on the Future Land Use map. Any developments using this option are subject to the standards of Section 2516.2(c) of the Zoning Ordinance regulating Special Land Uses and the Planning Commission is asked to

approve the required Special Land Use permit this evening. Staff is satisfied that the applicant has demonstrated compliance with the Special Land Use provisions.

Planner Kapelanski continued saying the planning review recommends approval noting the applicant has met the requirements of the Retail Service Overlay ordinance. A 35 foot variance is required for the deficient building setback in the northern yard. The engineering review also recommends approval of the plan noting the executed off-site drainage easement must be submitted. The landscape review recommends approval provided waivers are granted to allow fencing with brick piers in lieu of the required berm along Beck Road and the access drive and for the lack of 3 required street trees. Wetlands and woodlands permits are required for this site and both have been recommended for approval provided the applicant addresses minor outstanding items on the next plan submittal. The façade review recommends approval of the required Section 9 waiver for the underage of brick. The applicant has proposed the use of cultured stone in lieu of some of the required brick. The traffic and fire reviews both recommend approval of the plan. The Planning Commission is asked to hold the public hearing and approve or deny the Special Land Use permit, Preliminary Site Plan, Wetland Permit, Woodland Permit and Stormwater Management plan.

Matt Quinn, on behalf of Tom Palushaj, the owner of Tom's Bar & Grill came forward. It's not often he is before the Planning Commission with positive recommendations from every consultant. Tom Palushaj didn't want to cut any corners and is willing to step up to the plate and do what is necessary to make this a satisfactory and successful development. As far as the special land use, we do meet, as stated, all the requirements for the retail service overlay option. There are positive recommendations for the site plan as well. The first variance that was mentioned was a 35 foot variance for the setback on the Citygate Street side and that is because we're taking an existing structure and we're adding to it. Tom has decided that the existing structure has the necessity and the basics to be able to use that and expand it so that's why we really can't move the footprint and we would be going to the Zoning Board of Appeals for that variance.

One of the waivers that is requested from the Planning Commission is the fencing along Beck Road instead of the berm. This fencing, which is the brick piers and the fence, is going to be identical to what's already at Chase Bank immediately to the south, so that architectural feature is being continued up Beck Road and along Citygate. We're also looking for a waiver for three street trees. There are 13 street trees and we can't put in the other three because of the clear vision distances that are necessary at the turning points in and out of the parking lot and the access roads. The City's open space requirements is 15%, we're almost at 37% open space on this restaurant site. As far as the section 9 waiver, on the north and west side we're replacing the brick with cultured stone on the vertical components and that's what makes up the deficiency and the City's façade consultant has recommended granting that waiver. We're here for any questions that you may have and look forward to your comments.

Chair Pehrson opened the public hearing. No one from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Member Baratta asked if the dumpster is located in the south side of the site.

Mr. Quinn said yes.

Member Baratta asked do you anticipate that this restaurant would come before the City at some point in time and ask for some outdoor seating or is that something that's absolutely not being thought about at this time.

Mr. Quinn said no, they redesigned the interior so that was once going to be outdoor seating has been moved inside with large sliding glass windows.

Member Baratta asked if the front door is on the south side.

Mr. Quinn said yes that's correct, off the parking lot.

Member Anthony said looking at the area of where you're asking for the waiver for three trees. In the past, other developers with projects that have come before where they've had a waiver for trees, have made a contribution to the tree fund.

Mr. Quinn said we're looking at a street tree waiver, not a waiver for the trees we have to take down onsite. We are going to make the contribution to the tree fund; it's in excess of \$30,000. This is just the street trees that are out in the exterior. There really isn't a requirement of contribution in lieu of that. And there is one other contribution, with the sidewalk along the Citygate. The paved portion of the street ends so we're going to be building the sidewalk right up to the end of the street and we're going to make a contribution into an escrow account for the future construction of the street through the end of our property line.

Member Anthony asked where is the point source offsite discharge for the drainage easement and where is it draining to.

Mr. Quinn said that's going to go across to the north. The property on the north end goes to the north and the property on the south end goes to the south. We're going to retain that, but the agreement will have to come from the property owner to the northeast.

Member Anthony asked if they have you gained the approval of offsite property owner.

Mr. Quinn said no, they intended to do that once they had preliminary site plan approval.

Moved by Member Lynch and seconded by Member Anthony:

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

**In the matter of Tom's Bar & Grill, JSP13-45, motion to approve the Special Land Use permit based on the following findings:**

**a. Relative to other feasible uses of the site:**

- a. The proposed use will not cause any detrimental impact on existing thoroughfares as indicated in the traffic review letter;
- b. Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities because the plan adequately addresses and provides for water and sanitary sewer service and management of the increased stormwater volumes;
- c. The proposed use is compatible with the natural features and characteristics of the land as indicated in the wetland and woodland review letters;
- d. The proposed use is compatible with adjacent uses of the land as indicated in the staff and consultant review letters;
- 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 listed among the provisions of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and 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 23A, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Moved by Member Lynch and seconded by Member Anthony:

**ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN WITH RETAIL SERVICE OVERLAY OPTION APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:**

In the matter of Tom's Bar & Grill, JSP13-45, motion to approve the Preliminary Site Plan with Retail Service Overlay Option based on and subject to the following:

- a. Zoning Board of Appeals variance for the deficient building setback in the northern yard (50 feet required, 15 feet provided);
- b. Applicant providing the executed Off-Site Drainage Easement for Point Discharge onto Parcel 50-22-16-176-031;
- c. Planning Commission waiver for the required berm to allow fencing with brick piers along Beck Road and the access drive which is hereby granted;
- d. Planning Commission waiver for the deficient number of street trees (16 required, 13 provided) which is hereby granted;
- e. Section 9 façade waiver for the underage of brick which is hereby granted; and
- f. 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 at Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 23A, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Moved by Member Lynch and seconded by Member Anthony:

**ROLL CALL VOTE ON THE WETLAND PERMIT APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:**

In the matter of Tom's Bar & Grill, JSP13-45, motion to approve the Wetland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Moved by Member Lynch and seconded by Member Anthony:

**ROLL CALL VOTE ON THE WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:**

In the matter of Tom's Bar & Grill, JSP13-45, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Moved by Member Lynch and seconded by Member Anthony:

**ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER LYNCH**

**AND SECONDED BY MEMBER ANTHONY:**

**In the matter of Tom's Bar & Grill, JSP13-45, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with the 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 7-0.***

**MATTERS FOR CONSIDERATION**

**1. EMERSON WAY SETBACK, JPROJ050310**

Consideration at the request of Dmitriy Selektor for revised Final Site Plan approval. The subject property is 0.11 acres in Section 11 of the City of Novi and located at 43088 Emerson Way in the R-4, One-Family Residential District. The applicant is proposing a reduced rear yard building setback of 15.04 feet within the Saratoga Circle single-family development, a part of the Vistas of Novi Planned Unit Development (PUD).

Planner Kapelanski said the applicant is requesting the approval of a reduced setback at 43088 Emerson Way, a vacant lot in the Saratoga Circle Development. The property is surrounded by existing homes and open space that are part of Saratoga Circle. The subject property is zoned R-4, One-Family Residential and is surrounded by R-4 zoning. The applicant is proposing the construction of a single-family home on the subject property that would be setback 15.04 feet from the rear lot line. The required rear yard setback in this development is 20 feet. Normally, a deviation from a required setback would be considered by the Zoning Board of Appeals. However, the subject property is part of a Planned Unit Development (PUD) Agreement and Area Plan. The PUD Ordinance has since been retracted but existing PUD's may be amended per the provisions of the ordinance in effect at the time of its retraction. In this case, minor changes to the area plan, such as a building setback for one home, may be approved by the Planning Commission. Staff recommends approval of the revision as the rear lot line abuts a large open space area.

Dmitriy Selektor, the owner of the property, said it is the last remaining lot in the Saratoga Circle Subdivision. Due to the unusual shape of that lot, he has had some difficulties in building a house in there because it's sticking out a little bit in the back. He's requesting the Planning Commission to grant this permit to build on this particular property. It will be consistent with all the existing houses in the subdivision. It's one of the original plans that were approved in the development. He said he's not going to deviate from that plan and is using the same architect who developed the subdivision and the same engineering company who did the original site plan. He said he hopes to receive approval for this request. Thank you.

Member Lynch said he doesn't have an issue with this. These homes are going to be the same as the homes that are in there right now, correct?

Mr. Selektor said it's exactly the same plan that was approved when the subdivision was originally built. As a matter of fact, when we approached the architect, he actually had the floor plan design for this lot back in 2003. The original builder actually submitted a building permit for this lot but because it wasn't sold, he never continued that. We're continuing the same process. We're not doing any other changes.

Member Lynch asked if the original plan was approved in 2003, did it have a different setback.

Planner Kapelanski said it wasn't different back then; it just didn't get far enough along in the process that it came to this point. It might have been submitted for review, but it might not have gotten this far.

Member Lynch said as long as the home is going to be the same as the existing homes, he don't have an issue with it.

Member Anthony said he's prepared to support this. When you look at the portion of the house where they're asking for the variance, it doesn't bring the building any closer to any of the neighboring homes and it's only further back to where there's an open space, so it wouldn't create any type of an inconvenience or eyesore for the neighbors.

Moved by Member Anthony and seconded by Member Lynch:

**ROLL CALL VOTE ON THE REVISED FINAL SITE PLAN APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH:**

**In the matter of Emerson Way Building Setback, JPROJ050310, motion to approve the revised Final Site Plan based on and subject to the following:**

- a. **The proposed reduction in the rear yard setback to 15.04 feet constitutes a minor change to the approved Final Site Plan of the Vistas of Novi Planned Unit Development;**
- b. **The proposed reduction in the rear yard setback will not adversely affect the adjacent properties; and**
- c. **The irregular shape of the subject property presents a significant hardship in terms of the applicant meeting the required rear yard setback.**

**This motion is made because the plan is otherwise in compliance with Article 4, Article 24, Article 25 and Article 27 (retracted) of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 7-0.**

**2. SET PUBLIC HEARING FOR TEXT AMENDMENT 18.268**

Planner Kapelanski said the City has received a proposed text amendment adding car rental facilities as a special land use in locations not abutting residential zoning in the I-1 District. Staff is generally in support of the proposed amendment with some minor revisions to the conditions noted in the suggested text. Suggested conditions include the following: The site shall be designed in accordance with the Design and Construction Standards in terms of paving, grading and draining; Access to the car rental storage area shall be at least 60 feet from any street intersections; A noise impact statement is required; Car storage spaces must be located in the rear yard and in excess of the required parking; and Car wash facilities must be within an enclosed building and accessory to the rental use. The Planning Commission is asked to schedule the public hearing for August 14<sup>th</sup>. Should the Planning Commission so choose, this matter could be sent to the Implementation Committee for further review.

Chair Pehrson said relative to the Implementation Committee, it would seem that in the past we have probably done that. Do you think that's required in this case or should this just go straight to a public hearing?

Planner Kapelanski said we as the staff are fairly comfortable with the amendment. If the committee wants to explore that, we certainly can set something up. With our suggested modifications we really wouldn't object to what is proposed.

Chair Pehrson said he would rather just set the date and move forward then.

Moved by Member Greco and seconded by Member Anthony:

**ROLL CALL VOTE ON TEXT AMENDMENT 18.268 APPROVAL MOTION TO SET THE PUBLIC HEARING MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY:**

**Motion to set the public hearing for Text Amendment 18.268 for August 14, 2013. Motion carried 7-0.**

### **3. PLANNING COMMISSIONER OFFICERS AND COMMITTEES**

Deputy Director McBeth said the Planning Commission rules indicate that the first meeting in July, when new members are appointed, is the time that the Planning Commission typically elects the officers - the chairperson, vice-chairperson, and secretary - to serve for a year. Additionally, the Planning Commission typically makes their selections and appointments to various committees at this point. We provided a form and a number of commissioners responded with their preferences on the committees.

Moved by Member Lynch and seconded by Member Greco:

**Motion to nominate Mark Pehrson as Chairperson of the Planning Commission. *Motion carried 7-0.***

Moved by Chair Pehrson and seconded by Member Lynch:

**Motion to nominate David Greco as Vice-Chairperson of the Planning Commission. *Motion carried 7-0.***

Moved by Chair Pehrson and seconded by Member Anthony:

**Motion to nominate Mike Lynch as Secretary of the Planning Commission. *Motion carried 7-0.***

The Planning Commission worked together as a group to determine the following committee appointments.

**Administrative Liaison Committee: Member Greco, Member Lynch, Chair Pehrson**

**CIP & Budget Planning Studies Committee: Member Giacometti, Member Zuchlewski, Member Lynch**

**Environmental and Walkable Novi Committee: Member Giacometti, Member Baratta, Member Zuchlewski**

**Implementation Committee: Member Anthony, Member Greco, Chair Pehrson**

**Main Street Committee: Member Anthony, Member Giacometti, Member Zuchlewski**

**Master Plan & Zoning Committee: Member Giacometti, Member Lynch, Chair Pehrson**

**Rules Committee: Member Baratta, Member Greco, Chair Pehrson**

### **CONSENT AGENDA REMOVALS FOR COMMISSION ACTION**

There were no Consent Agenda Removals.

### **MATTERS FOR DISCUSSION**

There were no Matters for Discussion.

### **SUPPLEMENTAL ISSUES**

There were no Supplemental Issues to discuss.

### **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

### **ADJOURNMENT**



Moved by Member Lynch and seconded by Member Baratta:

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

**Motion to adjourn the July 10, 2013 Planning Commission meeting. *Motion carried 7-0.***

The meeting was adjourned at 7:46 PM.

Transcribed by Valentina Nuculaj  
July, 2013  
Date Approved: August 13, 2013

Signature on File

---

Richelle Leskun, Planning Assistant