



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

January 26, 2022 7:00 PM

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

COMMISSION MEMBERS: Avdoulos, Becker, Dismondy, Lynch, Pehrson, Roney, Verma

The Planning Commission wishes to advise the general public that all remarks shall be limited to three minutes per person during both the Public Hearing and Audience Participation portions of the meeting. Petitioners' presentations shall be limited to ten minutes.

No person, other than a Commission member, shall address an issue for public hearing following the closing of that public hearing by the Chairperson (except during Audience Participation).

The above participation policy is outlined in Sections 3.4 and 3.8 of the Planning Commission By-Laws and Rules of Procedure.

CALL TO ORDER

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

ROLL CALL

Present: Acting Chair Avdoulos, Member Becker, Member Lynch, Member Roney

Absent Excused: Member Dismondy, Chair Pehrson, Member Verma

Staff: Barbara McBeth, City Planner; Thomas Schultz, City Attorney; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Rick Meader, Landscape Architect; Humna Anjum, Plan Review Engineer; Ben Peacock, Planning Assistant; Saumil Shah, Traffic Consultant

APPROVAL OF AGENDA

Motion to amend the January 26, 2022 Planning Commission Agenda, moving the IXL Learning Center of Novi public hearing after the Carvana Expansion Lot matter for consideration. Motion carried 4-0.

CONSENT AGENDA - REMOVALS AND APPROVALS

1. OAK POINTE CHURCH ADDITION, JSP19-44

Approval of the request of Oak Pointe Church Novi for the first one-year extension of the Preliminary Site Plan. The subject property is located on the north side of Ten Mile Road and west of Wixom Road in the RA, Residential Acreage Zoning District. The site plan proposes Phase 4a and Phase 4b of the project: a 16,596 square foot addition and 11,512 square foot addition on the east side of the building. Preliminary Site Plan approval was granted in June of 2020.

Motion to approve the 1-year Preliminary Site Plan extension for JSP19-44 Oak Pointe

Church. Motion carried 4-0.

MATTERS FOR CONSIDERATION

1. CARVANA EXPANSION LOT, JZ21-39

Consideration of the request of Carvana for Planning Commission's determination whether its proposed use for Unit 6 of the Adell Center is permitted in the TC District. The subject property is located at 26540 Adell Center Drive in Section 15, north of Grand River Avenue, west of Novi Road in the TC Town Center zoning district. The applicant would like to Amend a PRO Agreement in order to utilize Unit 6 of the Adell Center development for off-site parking/storage of vehicles for the Carvana car vending machine use on Unit 8. The Planning Department has determined that the use is not permitted in the TC District, and Carvana is challenging that determination.

In the matter of Carvana Expansion Lot, JZ21-39, the Planning Commission finds the proposed use of the parcel is not permitted under the terms of the Zoning Ordinance in the Town Center District for the reasons detailed in the staff review letter, including:

- 1. The intent of the TC District stated in Section 3.1.25 clearly discourages activity in connection with car sales.**
- 2. Section 5.2.8 of the Zoning Ordinance prohibits the storage of merchandise, including motor vehicles for sale, in off-street parking lots.**
- 3. The TC District does not permit outdoor storage uses or outdoor space for sale of new or used automobiles.**
- 4. The vehicles in inventory can reasonably be called merchandise involved in a sales transaction prior to being delivered to a buyer, and therefore not permitted in off-street parking lots.**
- 5. Under Section 7.13.B of the Zoning Ordinance, a Planned Rezoning Overlay (PRO) shall not authorize uses or development not permitted in the district proposed by the zoning. The proposed use, which would be allowed either in the B-3 District as a used car lot or in the P-1 District as a storage lot for new and used vehicles for sale, is not permitted in the TC District.**
- 6. The Unlisted Use Determination provisions of the Zoning ordinance, at Section 4.87, is not available for use by the applicant and the City on Unit 6, because the requested use is in fact provided for in the Zoning Ordinance, in the B-3 District as a used car lot or in the P-1 District as a storage lot for new and used vehicles for sale.**
- 7. Section 6.2.B of the Zoning Ordinance states the Planning Commission (or the City Council when designated as the reviewing body) shall consider the following factors in exercising its discretion over site plan approval:**
 - i. Whether the use proposed for the site is a use permitted in the district and complies with all the applicable requirements of the Novi Zoning Ordinance and/or any other code or ordinance regulating and controlling the use. It is staff's opinion that this use is not permitted in the TC District and does not comply with the requirements of the TC District.**

PUBLIC HEARINGS

1. IXL LEARNING CENTER OF NOVI JSP21-03

Public Hearing at the request of JMSS Novi, LLC for a request to amend the Planned Unit Development (PUD) Agreement & Area Plan for the Maples of Novi. The subject property contains 30.32 acres and is located in Section 2, on the south side of Fourteen Mile Road, east of Novi Road. The applicant is proposing to repurpose the entire clubhouse into an education center for children and will, at a minimum, maintain the existing golf course as open space. Improvements to the parking, visual screening, and an outdoor play area are also proposed with this development.

In the matter of IXL Learning Center of Novi, JSP21-03, motion to recommend to City Council denial of the request to amend the Maples of Novi Planned Unit Development Agreement and Area Plan as follows:

- a. The requested amendment constitutes a major change to the PUD Agreement & Area Plan because the modification proposed includes a change in use and character of the development as indicated by Article 27, Section 9, Subheading C, specifically, as a
 - i. Change in the concept of the development, since the applicant is changing the use from a golf course and clubhouse to open space and a learning center facility, and
 - ii. Change in use and character of the development since the applicant is proposing a change in use from a golf course and clubhouse to open space and a learning center facility.
- b. The application does not constitute a minor change as described in the ordinance to the PUD Agreement and Area plan since it does not meet the following criteria: Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:
 - i. A change in residential floor area;
 - ii. A change in nonresidential floor area of five (5) percent or less;
 - iii. Minor variations in layout which do not constitute major changes; and or
 - iv. A change in lot coverage and FAR of the entire PUD of one (1) percent or less
- c. The Planning Commission recommends denial of the amendment to the PUD Agreement and Area Plan for the following reasons:
 - i. The proposed daycare center use exceeds more than 120 children on a daily basis, which is not an allowable use within the Residential Acreage (RA) Zoning District.
 - ii. A Traffic Impact Statement has not been provided, which is currently required for the number of children indicated on the latest submittal (200).
 - iii. The request for amendment does not clearly state the reasons or conditions for the requested change, such as the following: changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or reasons mutually affecting the interests of the City and developer, such as technical causes, site conditions, state or Federal projects and installations, and statutory revisions.
 - iv. The Planning Commission is not able to make a finding such that the submitted reasons and requests are reasonable and valid.
 - v. The Applicant has not established that the change in use will not adversely affect adjacent property owners, given the increase in traffic and noise attendant to the proposed new use and the change in the nature of the overall use of the site as a whole.

Motion carried 4-0.

2. APPROVAL OF THE JANUARY 12, 2022 PLANNING COMMISSION MINUTES

Motion to approve the January 12, 2022 Planning Commission Meeting Minutes. *Motion carried 4-0.*

ADJOURNMENT

Motion to adjourn the January 26, 2022 Planning Commission meeting. *Motion carried*

4-0.

The meeting adjourned at 9:21 PM.

*Actual language of the motion subject to review.