



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

November 17th, 2021 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 7:00 PM.

ROLL CALL

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

Absent (excused): Member Avdoulos, Member Lynch

Staff: Barbara McBeth, City Planner; Elizabeth Saarela, City Attorney; Christian Carroll, Planner; Rick Meader, Landscape Architect; Victor Boron, Plan Review Engineer

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Verma and seconded by Member Dismondy.

VOICE VOTE TO APPROVE THE NOVEMBER 17, 2021 PLANNING COMMISSION AGENDA MOVED BY MEMBER VERMA AND SECONDED BY MEMBER DISMONDY.

Motion to approve the November 17, 2021 Planning Commission Agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

City Planner McBeth said we received correspondence from the Oakland County Planning Department, and it is in reference to the City of Northville Master Plan Amendment. This letter that we received provides a summary and some highlights from the Master Plan review that the City of Northville has been working on for the past year or so. Important study sub areas were referenced as:

- Cady Town, properties along the south side of Cady Street from Center Street (west) to Main Street (east).

- South Center, consisting of properties north of 7 Mile Road and south of public parking structure at Cady St.
- Racetrack, currently most of the Northville Downs property

These areas are all generally south of Main Street in the City of Northville, and on both the east and west sides of Center Street.

City Planner McBeth continued to say Oakland County's commentary on the plan covered primarily changes to the Future Land Use Map, and the allowable heights that will be considered for redevelopment of these areas. The maximum heights in the report indicate the single family, multiple family, and mixed-use areas will be limited to 2 ½ to 3 stories in height. Along the south side of Cady Street, the height for any future development would be limited to 3, 4 or 5 stories. The intent of the new density designations is to integrate new development of proper intensity into the area, while keeping in mind the current conditions and density of existing development surrounding that area. A continuation of the farmer's market and open space is also provided in the study areas. Highlights of the plan include:

- Higher level of control/regulating the future density and development of the subarea.
- Daylighting the Walled Lake Branch of the Middle Rouge River between Beal Avenue and the Johnson Drain at 7 Mile Road.
- Including public open space at the east-southeastern portion of the subarea.
- Continued emphasis on the City's non-motorized plan, including connections to surrounding municipalities, points of interest and the mobility within the subarea.
- Confined parking facilities to be placed behind buildings or underground.
- Historical character protection and complimentary/form-based architecture acknowledgement.

A public survey offered in their process was held between June 4 through August 10, 2020 resulted in 1,000 responses, and the city also included multiple public input sessions in the plan review.

City Planner McBeth concluded by saying Oakland County Planning staff found that the proposed Master Plan Amendments were not inconsistent with the Master Plans of any of the adjacent communities. Our department agrees with that statement, and if the Planning Commission wishes, we can provide a written response to the City of Northville indicating that the Planning Commission has no objections to their plan. If anyone would like to see more of their plan, the webpage is provided by a link in the letter we received.

Chair Pehrson said it has been customary for the Planning Commission to send a letter in the past, so we would please ask staff to do that.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

City Planner McBeth had nothing further to report.

CONSENT AGENDA - REMOVALS AND APPROVALS

1. NOVI CORPORATE CAMPUS PARCEL 1, JSP18-43

Approval of the request of Dembs Development, LLC, for the second one-year extension of the Preliminary Site Plan approval. The subject property is located north of Twelve Mile Road, east of West Park Drive in the I-1 Light Industrial zoning district. The applicant is proposing a 93,320 square foot industrial spec building on the 6.6 acre parcel. Planning Commission approved the Preliminary Site Plan in November of 2018.

Moved by Member Verma and seconded by Member Roney.

ROLL CALL VOTE TO APPROVE THE ONE-YEAR PRELIMINARY SITE PLAN EXTENSION FOR JSP18-43 NOVI CORPORATE CAMPUS PARCEL 1 MADE BY MEMBER VERMA AND SECONDED BY MEMBER RONEY.

Motion to approve the second one-year extension of the Preliminary Site Plan approval for JSP18-43 Novi Corporate Campus Parcel 1. Motion carried 5-0.

PUBLIC HEARINGS

1. MICHIGAN CAT CATHERINE DRIVE ACCESS PARCEL JZ21-22 WITH REZONING 18.734

Public hearing at the request of Michigan CAT for initial submittal and eligibility discussion for a Zoning Map amendment from Light Industrial (I-1) to General Industrial (I-2) with a Planned Rezoning Overlay. The subject site is approximately 5.29 acres of a 32.39 acre property and is located on the east side of Novi Road and north of Catherine Industrial Drive (Section 23). The applicant is proposing to use the site for outdoor storage for construction equipment related to Michigan CAT's shore and pump operations.

Planner Carroll said this is a 5.29-acre portion of the entire MI CAT site. It was recently combined within the last year to make this possible. It is currently zoned I-1 General Industrial, and the applicant is proposing to rezone to I-2 Heavy Industrial as part of the PRO. The surrounding area is zoned I-1 with the nearest residential zoning being Emerson Park across Novi Road, which is RM-2 with a PRO Agreement. The Future Land Use map indicates Industrial Research Development Technology which corresponds to the I-1 Zoning District for the property. The surrounding Future Land Use consists of Heavy Industrial to the east and northeast, which is consistent with I-2. The surrounding existing uses in the area consist of mostly industrial uses including an auto repair shop and the Michigan CAT Campus. The subject property does not contain any regulated wetlands or woodlands. In terms of natural features, there are some that abut the property, but the site itself does not contain any regulated wetlands or woodlands.

Planner Carroll continued by saying to preface before I get into the site details, this item went before the Master Planning and Zoning Committee on August 25, 2021. The applicant then revised the plan based on comments received from that meeting. Some changes include the addition of landscaping along Novi Road, the addition of a decorative breakaway gate, and the addition of a historical marker commemorating MI CAT's history within the City of Novi. The applicant is proposing to use the site for the outdoor storage of construction equipment related to Michigan CAT's shore and pump operations. The site will be heavily screened by an 8-foot opaque chain link fence and landscaping along the west and south property lines. The site will not be paved with asphalt or concrete, but rather it will have asphalt millings as the surface material. The site's stormwater will continue to drain to the

rear of the property and will be accessed only from Novi Road, so access from Catherine Industrial Drive will be for emergency purposes only.

Planner Carroll followed up by saying as for the limiting conditions of the proposed PRO, the permitted use of the site would be limited to the outdoor storage of construction equipment related to shoring and pump operations and a 20-foot access aisle easement is provided across the length of the site. No permanent structures shall be constructed on the site, no signage shall be permitted on this portion of the site, and any additional items identified throughout the process. In terms of the proposed public benefits of the PRO, the applicant is proposing additional landscaping along Novi Road, a decorative breakaway gate on Catherine Industrial Access Drive, a historical marker commemorating the history of the site within the City of Novi in a to be determined location, and any additional proposed benefits that the applicant offers throughout the process. The applicant is currently seeking 5 deviations. Three of them are in relation to the proposed asphalt millings, one is in relation to tree diversity requirements, and one is in relation to the use of junipers in lieu of canopy or subcanopy trees. They are all supported by staff.

Planner Carroll concluded by saying in the provided packet, there is a section of 12 items pulled from the new PRO ordinance that give examples of the changes brought about by the new ordinance; it is titled Types of More Strict or Limiting PRO Conditions. Staff has provided references and notes regarding the eligibility of the project in relation to these examples. The Planning Commission is asked tonight to offer comments on whether the conditions and benefits of the proposed project meet the PRO standards as identified in the provided packet. There is no motion necessary. Representing the project tonight are Rich Potosnak, Paul Furtaw, and Steve Deak. Staff is available to answer any questions.

Chair Pehrson asked the applicant if they wanted to approach the Commission. They did not have anything further to add. Chair Pehrson then opened the public hearing and invited any members of the audience who wished to participate in the public hearing to approach the Commission. Seeing that nobody wished to speak, Chair Pehrson closed the public hearing and turned it over to the Planning Commission for consideration.

Member Verma asked if there was a screening fence anywhere in the area.

Planner Carroll displayed the location on the map on the screen and said it is behind the landscaping.

Member Verma asked is this along Novi Road?

Planner Carroll said no, there is nothing being proposed along Novi Road other than the addition of landscaping.

Member Verma asked which area is in front of the fence?

Planner Carroll said the southern portion of the property is the area in question, where the project is being proposed. The screening fence is proposed to go down to the pond area.

Member Becker had several questions for the applicant and requested they approach the podium.

Member Becker said in your letter dated August 13, you said that the associated items on

the site would be limited in height so that the height of these items would not exceed the height of the fence that will be constructed as part of the proposed development. Just so I am clear, the fence you are referring to is the fence indicated on the south and west side?

Applicant Rich Potosnak replied yes.

Member Becker said then I read that it will be chain-link but opaque?

Mr. Potosnak said it will have a fabric mesh on it, and then we will have the dense landscaping in front of the fence.

Member Becker asked so, therefore, no piece of equipment or material will be stored over 8 feet high in any configuration when it is not in use?

Mr. Potosnak said sort of. The one thing you should understand is, elevation-wise, from the cul-de-sac on Catherine Industrial Drive going north, the site elevation goes down. Depending on where you are, the stack of pallets could be 10 feet tall, but the elevation was established based on the perimeter.

Member Becker said perfect. You have also indicated that average daily traffic generated by just the shoring and pump operations during the peak season would be about 20 trucks per day. Any truck going in is probably going to come out, so does 20 trucks per day mean 20 trucks in and 20 trucks out?

Mr. Potosnak said it would be 10 trucks in and 10 trucks out.

Member Becker asked these would be mostly full-length flatbed trucks, or stake trucks, or something else?

Mr. Potosnak said it would be a combination of different trucks.

Member Becker asked would you anticipate that inbound trucks would use the northern most entrance by the traffic light that also regulates the post office, or would they use the entrance that is further south?

Mr. Potosnak said I think that would depend on which direction the truck is coming from. If the truck is coming from the north, it will probably use the northern entrance.

Member Becker clarified by asking whether either entrance could be used?

Mr. Potosnak said yes.

Member Becker said the reason for my questions was I was thinking about very long trucks in the left turn only lane on southbound Novi Road stacking up. While they may be spread out, I was happy to hear that it would not be 40 trucks passages per day; it's 20. You've addressed all my concerns.

Member Dismondy said I had one question about zoning that I had answered earlier, so I am all set.

Member Roney had no further comments.

Chair Pehrson asked if a motion was needed.

City Planner McBeth said no motion is needed, but on the second page of the motion sheet, the chart begins. It addresses the ordinance standards and has some of staff's comments as to whether the applicant's request meets those standards. Our thought was for the Commission to not make a motion, but rather to provide some input or say whether the Commission agrees with the parameters of the project. For example, the first item on the chart gives examples that are more strict or limiting. The applicant is also proposing a historical marker feature that could potentially demonstrate the partnership between MI CAT and the City of Novi over the years. That could be something considered a benefit.

Member Becker said I think if you look at what could go on that lot with it being zoned I-1 versus Michigan CAT obtaining the rest of the space for storage, that could be considered a benefit and is more strict or limiting than we would typically expect. I'm not sure how many people go down Catherine Industrial Drive, but it is going to look a lot nicer once they install the screening and landscaping they've proposed. I think they've done an outstanding job of concealing what could be an ugly sight.

Member Dismondy said I also think a benefit would be that you are increasing your business and your presence in Novi as a result. You're also being flexible with a piece of land that you already own.

Applicant Potosnak said we already own it, and, quite frankly, we don't utilize enough of it.

Member Dismondy said in my opinion, it isn't a big request.

Chair Pehrson said from my standpoint, I find the comments from staff on pages 2 and 3 of the packet to be accurate, and I would like to see this move forward to City Council as well.

Since no motion was necessary, Chair Pehrson closed the discussion on this item.

2. NOVI MEDICAL BUILDING (AKA MAPLES OF NOVI TENNIS COURTS) JSP21-33

Public Hearing at the request of AJSS Property, LLC for a request to amend the Planned Unit Development (PUD) Agreement & Area Plan for the Maples of Novi. The subject property contains 0.42 acres and is located in Section 2, east of Novi Road and south of Fourteen Mile Road. The applicant is proposing to remove the existing tennis courts on the site and construct a 2,558 square foot medical office.

Planner Carroll said this is a 0.42-acre site is located south of Fourteen Mile Road and east of Novi Road. It was formerly used as a tennis court, but it has not been used as a tennis court for some time now. The site is located near a bank and a shopping center to the north, an assisted living facility and single-family residential to the west, the golf course maintenance building to the south, and single-family residential to the east. It is zoned RA, and it is part of the Planned Unit Development for the Maples of Novi, which is similar to the surrounding area. Across the street is property zoned RM-1, Low Density Multi-Family, and R-4, Single-Family Residential. The Future Land Use for the site indicates Local Commercial, which is consistent with the B-1 Zoning District Standards and the uses to the north of the property. The subject site does not contain any regulated woodlands or wetlands.

Planner Carroll continued saying as indicated on the site plan, the applicant is proposing

to remove the existing tennis courts and construct a 2,558 square foot medical office. In the provided narrative, the applicant is asking that the proposed site be reviewed as part of the Local Business (B-1) Zoning District as a medical office is consistent with the commercial developments to the north. The hours of operation will be from 9am to 9pm, and most required site conditions are met. One item of note is a 6-foot-high screening fence that is proposed along the east property line to provide proper buffering from the residential area nearby and to provide additional protection from the golf course. If permitted by the adjacent property owner, the applicant would like to remove the existing fencing near this east property line, so only one fence will exist along this line. The applicant has been advised to work with the adjacent property owner throughout the process, so that is in motion. Concerning items related to the PUD Amendment request, the only site related item that could be considered with the PUD Amendment would be the requirement for a 40-foot-wide transition strip between residential and commercial area per Sec. 27-2, e of the PUD Ordinance. The applicant has asked that this requirement be waived due to the size of the site and its relative distance from residential units. This site is about 175 feet from the nearest residential unit, and 150 feet is required. This requirement is recommended to be waived by staff due to the size of the site and because proper landscape screening has been provided along the east property line.

Planner Carroll concluded by saying although the PUD Ordinance was retracted many years ago, the ordinance remains in place for Novi's existing PUDs. It provides a process for requesting changes to the existing developments, which includes review by the Planning Commission with a public hearing. To summarize, staff's report indicates the following:

- The request should be considered a major change to the PUD Agreement & Area Plan as the project proposes a change in use and character of the development.
- The proposed use of the site is recommended for approval by staff as it is a reasonable alternative to the uses provided in the PUD Agreement and as recommended in the Master Plan for Land Use.
- The proposed use of the site as a medical office is consistent with the commercial developments immediately to the north and is recommended by staff to be reviewed as part of the Local Business (B-1) Zoning District.
- The requirement for a 40-foot-wide transition strip between residential and commercial area is recommended to be waived by staff due to the site size and acceptable landscape screening being provided along the east property line.

The Planning Commission is asked tonight to hold the public hearing and recommend approval or denial to City Council of the Request to Amend the Maples of Novi PUD Agreement & Area Plan. The applicant, Rami Farah, is here representing the project tonight. Staff is available to answer any questions.

Chair Pehrson asked the applicant if he would like to say anything regarding the request.

Rami Farah said the project is only 2,560 square feet of medical office space. Currently, I have a plaza and I have Beaumont urgent care. There is a critical variance for this, and it is the 4-foot foundation planting rule. I do request that variance on the north and west side because if I must comply with this then the building will be very small and would not reflect the intent of the investment. Therefore, I ask the Planning Commission to waive that. Also, for 0.42 acres, the landscaping that is being suggested is too congested. There were a lot of plants asked to be put on the site; I believe it was around 36 trees in addition to shrubbery and smaller plants. We will comply with the code regardless, but this requirement puts too much vegetation on the lot and I'm not sure you would be able to see the building from

the street.

Chair Pehrson said this is a public hearing and asked any member of the audience wishing to speak to come forward. Seeing none, Chair Pehrson noted that one written response was received that was not in support of the request. Chair Pehrson closed the public hearing and turned it over to the Planning Commission for discussion or a motion.

Member Dismondy said my first question is: what is the history of this property? How has it evolved to this point?

City Planner McBeth said I believe the entire development was approved in the 1990s. It was developed over the course of several years. There was an open space component and a commercial component, and, of course, the golf course and the residential homes surrounding it. This part was initially set up as tennis courts, but at some point, the property was split. The courts were not used for a number of years, and the lot sat vacant with a for sale sign. However, it seems now that someone would like to pick it up for an office use that is more consistent with the commercial developments to the north and could serve as a transitional development between the commercial and residential areas. I am not sure about the exact location of the property lines, why it was split, or when it was split. We just know that it has been sitting there for sale for quite a while.

Member Dismondy said I think it has too. I drive by it all the time, and I have been confused as to who owned them. It seems like it was a neighborhood amenity at one point, and they must have sold it along the way. I'm just confused as to how it became something separate from the neighborhood.

City Planner McBeth said that is the part we do not know the answer to. I don't think we know how, why, or when it was split up, but it is not owned by that association anymore.

Member Dismondy I was expecting a response from the neighborhood, as we had in the last meeting. Nevertheless, I am confused why some of our requests are getting such a heated response from the neighbors, but something like this has not. This isn't saying I support or do not support the request, though. I do have a question for the applicant – do you have Beaumont lined up as your tenant?

Mr. Farah said yes.

Member Dismondy asked under LOI for this location, or is this speculative?

Mr. Farah said it is spec. However, I might add that I have been in touch with four homeowners' associations. They all responded via email, and they did not have any negative responses. Some of them do have an issue with the golf course being affected and the building on 14 Mile Road, but others want to get rid of the tennis courts and clean it up.

Member Becker asked Planner Carroll to display the zoning map of the property on the front screen.

Member Becker said the Flagstar Bank to the north is shown in green, which is zoned R-A. Was this part of the original planned unit development to designate part of the R-A area for commercial buildings, or did that happen after?

Planner Carroll responded the PUD is set up with an overarching R-A zoning designation, but it lists other uses in the area. In the PUD itself, it lists this area as the shopping center, the bank, and uses more consistent with the B-1 district.

Member Becker asked it was part of the original PUD, then?

Planner Carroll replied yes.

Member Becker said to me, that establishes that this proposal is not out of the realm of what was originally intended. It's fine if they had tennis courts there before, but in looking at the applicant's proposal, the building is very much similar in look to the bank and would not stand out.

Member Roney said I don't have any concerns with this. In fact, I think it is better to have a building there getting some use out of it with some nice landscaping rather than a vacant tennis court with a for sale sign on it. I support this, especially considering the homeowners' associations' responses to the applicant.

Chair Pehrson asked the neighborhood was notified? This did have the normal public hearing notice, correct?

City Planner McBeth said yes, this had the normal notice, which would be 300 feet from this property line. Concerning the childcare proposal in the same area back in June, the property line ran through the whole development, so many more people were notified. However, we did ask the applicant, and he apparently talked with the association presidents.

Chair Pehrson said I missed this from earlier, but we do not know who owns the property?

City Planner McBeth said we do know who owns it. We just don't know when, why, or how they sold it or how it got out of the hands of the Maples PUD.

Chair Pehrson asked City Attorney Saarela if there is anything to be concerned about regarding the situation.

City Attorney Saarela said no. All we really need to do under the PUD ordinance is hold a public hearing.

Member Verma had no further comments.

Motion made by Member Roney and seconded by Member Verma.

In the matter of Novi Medical Building, JSP 21-33, motion to recommend approval to the City Council to amend the Maples of Novi Planned Unit Development Agreement and Area Plan as a major change based on and subject to the following:

- a. The requested amendment constitutes a major change to the PUD Agreement and 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 change in use and character of the development since the applicant is changing the use from a tennis court to a**

medical office;

- 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:*
 - a. *A change in residential floor area;*
 - b. *A change in nonresidential floor area of five (5) percent or less;*
 - c. *Minor variations in layout which do not constitute major changes; and or*
 - d. *A change in lot coverage and FAR of the entire PUD of one (1) percent or less;*
- c. The proposed use of the site as a medical office is recommended for approval to the City Council as an amendment to the PUD Agreement and Area Plan as a reasonable alternative to the uses provided in the PUD Agreement and as recommended on the Master Plan for Land Use;
- d. The proposed use of the site as a medical office is consistent with the commercial developments immediately to the north and should be reviewed as part of the Local Business (B-1) Zoning District as requested by the applicant;
- e. The requirement for a 40 foot wide transition strip between residential and commercial area is recommended to be waived by the City Council *because the site is 0.42 acres in size and is properly screened along the east property line from the existing homes by the existing open space/golf course and proposed landscape improvements; and*
- f. The applicant shall comply with the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those being addressed on the Preliminary Site Plan following consideration and approval of the Planned Unit Development Amendment by the City Council.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF THE MAPLES OF NOVI PUD AGREEMENT AND AREA PLAN AMENDMENT TO CITY COUNCIL MADE BY MEMBER RONEY AND SECONDED BY MEMBER VERMA.

*Motion to recommend approval of the PUD agreement and Area Plan to City Council.
Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE OCTOBER 6, 2021 PLANNING COMMISSION MINUTES

Motion made by Member Roney and seconded by Member Becker.

ROLL CALL VOTE TO APPROVE THE PLANNING COMMISSION MINUTES FOR OCTOBER 6, 2021 MADE BY MEMBER RONEY AND SECONDED BY MEMBER BECKER.

Motion to approve the Planning Commission minutes from October 6, 2021. Motion carried 5-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no removal items on the Consent Agenda.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth said we did receive two notifications just this week for two possible training opportunities. One is the Redevelopment Ready Communities Virtual Academy for Local Officials 2022. It runs from January 19 through March 9. Unfortunately, it occurs on Wednesday evenings from 7:00 to 8:30 PM, which is the normal scheduled time for these regular Planning Commission meetings. I think they would like you to attend all the meetings if you are able, so let me know if anyone is interested. The second opportunity is the 2022 Zoning Administrator's Certificate. That one will probably get into the details of what you need to do to become a zoning administrator. If you would like to take either of those courses, then please let us know. I will send the links through email tomorrow.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Motion to adjourn made by Member Roney and seconded by Member Verma.

ROLL CALL VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER RONEY AND SECONDED BY MEMBER VERMA.

Motion to adjourn the November 17, 2021 Planning Commission meeting. Motion carried 5-0.

The meeting adjourned at 7:38 PM.