



PLANNING COMMISSION MINUTES SUMMARY

Draft

CITY OF NOVI

Regular Meeting

Wednesday, August 25, 2010 | 7 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 p.m.

ROLL CALL

Present: Member Baratta, Member Cassis, Member Greco, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson

Absent: Member Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Tom Schultz, City Attorney; Mark Spencer, Planner; Kristen Kapelanski, Planner; Lindon Ivezaj, Engineer; David Beschke, Landscape Architect; Rod Arroyo, Traffic Engineering Consultant; Dr. John Freeland, Environmental Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Larson:

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

A motion to approve the August 25, 2010 Planning Commission agenda. Motion carried 8-0

AUDIENCE PARTICIPATION

Chair Pehrson asked if there was anyone in the audience who would like to address the Planning Commission on anything other than the public hearings that are listed tonight.

Mr. Edward Leininger came forward and stated that he lives at 24589 Hampton Court, Novi, MI and has lived here for the past 34 years. He has served on this esteemed body and City Council and has helped put Master Plans together and feels like a real major part of this City.

He has submitted comments regarding the Weiss Mixed Use Development project and has a number of issues. Mr. Leininger said, maybe the City Attorney can address this question regarding the 300 foot distance for notifying people. In this particular case, it is somewhat of an isolated situation and no one at Meadowbrook Glens Subdivision, which is 471 homes, was notified. Mr. Leininger made a request that the City look into what dictates 300 feet and see if the language could be changed to increase the distance for notifications when it is a major project that will dramatically affect the community.

The only other issue with Weiss is the traffic situation. Certainly staff has looked at that and the biggest problem here is that the roads are county roads. The City cannot do a thing about it. Mr. Leininger has been here 34 years and Novi Road has needed some improvement. This is a project that has come up on the list now and the county recognizes to develop Novi Road you have to do something about the railroad track to move traffic north and south through Novi. Ten Mile Road is another county road and it is two lanes. Mr. Leininger has called the railroad and asked if the City could get a railroad crossing there and gates. They said no, it is only one track and they do not put up railroad crossing gates for one track.

Mr. Leininger said, the other thing he wonders is, looking at the Master Plan and having been part of it in the

past and looking at the uses in Novi, do we need more businesses like B-2 or B-3 in the community? It is not that it is used up already. The existing Master Plan is a pretty balanced Master Plan right now. There is not much I-2, one little parcel by design. I am not certain that opening things up beyond the scope of commercial is exactly what was originally intended.

In fact, we actually prided ourselves on the fact that we did not have a strip center on every corner even though a lot of communities do and of course you see them slowly disappearing as time goes on. Mr. Leininger is also really concerned about the overlay that is being used to help stimulate this particular zoning request. It is pretty weak and from what I can tell, it is going to be a cost to the City rather than a benefit to the City. If you get a parking lot and a soccer field, maybe parks and recreation will have more to do.

In any event, it is pretty weak and the Planning Commission should take this into consideration that most of the benefits that are being proposed by this project are going to happen anyways. There should be a traffic light at Meadowbrook Glens Subdivision because people cannot get into the subdivision in the morning or the night and it just works its way back all the way down to Meadowbrook Road. About five lights will be needed along Ten Mile Road to make this project work and it will look just like Novi Road between Grand River Avenue and the expressway.

Mr. Leininger knows NIMBY is a bad word, but this project is in his backyard and he would like the Planning Commission to vote as if it was in their backyards; please vote no.

Dan Phelps, who resides at 24548 Hampton Hill, came forward and indicated he has lived there for more than 20 years and was also at the last Planning Commission meeting where this matter was considered. He wanted to point out there was typographical error on the agenda. The agenda notes the property is east of Ten Mile Road and south of Novi Road instead of reading east of Novi Road and south of Ten Mile Road.

Matthew Quinn came forward and stated that he was here to talk about item one, the Master Plan for Land Use. Mr. Quinn said he was confused and that at the last meeting he attended, the Planning Commission voted on the Master Plan and approved the Master Plan, leaving Special Study Area 1 designated as Special Study Area 1. Then at the next meeting, it was not on the agenda, but was added to the agenda at the beginning of the meeting. Mr. Quinn does not know what was said or discussed, but there was no decision made. Now, the Master Plan Amendments show up again this evening before the Weiss Mixed Use project.

Mr. Quinn stated that he wanted the Planning Commission to think about this practically. Why argue on how even to adopt the Master Plan when Item two on the Planning Commission agenda is the cause of the dissention? The Planning Commission is in no hurry to approve this Master Plan and it is going to be good for five years under state law. The City will not have to look at it again and the plan is for ten to twenty years down the road. Mr. Quinn proposes that the Planning Commission not discuss the Master Plan and delay it a month and the Weiss project will, after the Planning Commission's favorable vote, go up to the City Council. City Council will have their debate next month, probably at the second meeting, and the Planning Commission will then know the answer to this dilemma.

Mr. Quinn stated that the City Council is either going to say yes or no to the PRO. The answer is at the City Council table in how to continue to address the Master Plan. The Planning Commission does not need to make that decision tonight. All the Planning Commission needs to do is delay it thirty days.

Mr. Scott Casegg, who resides at 24614 Applecrest in Meadowbrook Glens Subdivision, came forward. His biggest concern about this rezoning and Kroger going in is the traffic on Ten Mile Road. During the evening rush hour, it is almost impossible to get out of Meadowbrook Glens Subdivision and traffic backs up on Ten Mile Road all the way across the railroad tracks. If a light is put in at Catherine Drive there will still be cars backing up not only at rush hour, but other times as well and backing up over that railroad track with no gates is a disaster waiting to happen.

Marty Smith, Architect with Siegal Tuommala & Associates came forward and stated that he has been here before regarding the Weiss PRO. Mr. Smith's family moved to the area in 1966 and he used to live near the Guernsey Dairy, less than two miles from the Weiss property. He lived in Novi/Northville area for 44 years and watched the area grow and Mr. Smith discussed this proposed project with his mom and her friends. They say they would love to see a new local retail grocery store here. Some people are not fond of Hiller's in Northville, and some people do not like going to the Meijer's at Eight Mile and Haggerty due to the traffic congestion.

Mr. Smith does not understand the push for industrial on this property. There is a planning staff memo talking about the need for industrial as opposed to commercial use which specifically cites the visual impact a commercial establishment can have. On page 3, it says typically office and industrial establishments have fewer signs and parking, thus less visual impact on the neighborhood or thoroughfare. The B-2 District allows 25 foot buildings and the Planning Staff is suggesting and rightfully so to allow the proposed Kroger to go a little bigger. The office district allows 30 foot buildings and the industrial district allows 40 foot buildings and that allowed building height is a big difference in the visual impact a building has, not an extra sign or two along Ten Mile Road. With the I-1 uses, the Planning Commission does not know what they are getting. Under the I-1 District a property owner can build the following: manufacturing, auto service of different kinds, metal plating facilities, eating and drinking establishments including fast food and drive-thru, motels, tool and die shops and self storage. The industrial building could be as large as 280,000 square feet on a site of this size and 40 feet tall. With the B-2 PRO, the Planning Commission knows exactly what they are going to get.

Staff also mentions the railroad spur. The use of the spur is not really practical. It's too small for a proper radius and a developer would need to cross from the railroad to the property over a very high quality wetland, which means a bridge or second lane, all impacting the wetlands and it may not even be possible due to the wetland regulations.

Member Baratta spoke a couple of months ago and noted the railroad spur value had diminished over the decades because companies do not really build them anymore. But, with the B-2 PRO option, the high quality wetlands are preserved.

There is a 9% retail vacancy rate in Novi and that is unfortunate. The City's own study in the Master Plan memo indicates a vacancy rate for industrial establishments of almost 19%. Look across Ten Mile Road from the subject property and most of them are empty. Look next door to the east and that facility has been closed for almost ten years. The memo mentions there is enough retail zoning through 2018 and it also mentions the same state for industrial, but for up to 48 years. That is six times as much excess land zoned for industrial use. Kroger's Market Study Analysis says they will be successful at this location, even without additional population. There is a retailer, Kroger, and property owner who are willing to spend their money, willing to invest for future.

Mr. Smith stated that the City does not want to base this decision on an unfortunate snapshot of time. Granted, there will be growth in the future and granted, it will be slower right now than people would like it to be. Novi will recover, foreclosed homes will recover and vacancies will recover and growth will recover, especially in the strong community of Novi. Novi will grow and the studies that say retail is the right use in this location are still valid and the B-2 PRO is still valid.

Chair Pehrson asked if anyone else in the audience wished to address the Planning Commission. Seeing no one, Chair Pehrson closed this Audience Participation and asked if there was any correspondence.

CORRESPONDENCE

Member Greco stated that there was correspondence with regard to the Public Hearing that can be discussed at that time and there is other correspondence with respect to item number two under Matters for Consideration, the Weiss Mixed Use Development that can be addressed at that time as well.

Chair Pehrson stated that the only other correspondence received was a copy of the West Bloomfield Master Plan Draft letter.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that she wanted to report on a couple of items on the September 13, 2010 City Council Agenda. The Text Amendment related to the residential options was approved for a second reading. There were also a couple of site plan issues on the Novi Town Center Investors monument signs and landscaping was approved subject to ZBA variances. The proposed SBA Tower Special Land Use and Site Plan for the southwest corner of the Twelve Mile and M-5 Connector was denied. Also, there was a Resolution on the City Council Agenda related to the joint application to Oakland County for the local model showcases Partnership, similar to the Resolution on the Planning Commission agenda this evening.

CONSENT AGENDA – REMOVALS AND APPROVAL

There were no Consent Agenda items.

PUBLIC HEARINGS

1. DI-COAT CORPORATION OPERATIONS EXPANSION, SITE PLAN 10-34

Public Hearing at the request of Di-Coat Corporation for Preliminary Site Plan and Special Land Use Permit approval. The subject property is located in Section 26, at 22495 Heslip Drive and 22499 Heslip Drive, north of Nine Mile Road and west of Heslip Drive, in the I-1, Light Industrial District. The subject property is approximately 0.8 acres and the applicant is proposing to permanently occupy two lease spaces totaling 16,333 square feet.

Planner Kapelanski showed the location map for the property. The applicant has been temporarily occupying two existing lease spaces at 22495 and 22499 Heslip Drive, north of Nine Mile Road and west of Heslip Drive. The applicant now wishes to permanently occupy the lease spaces for their business specializing in the limited manufacturing of nickel and diamond plated cutting instruments.

The property is zoned I-1, Light Industrial. The Zoning Ordinance lists metal plating as a Special Land Use in the I-1, Light Industrial District.

Planner Kapelanski indicated that the applicant is before the Commission this evening to obtain the required Special Land Use permit. The Planning Commission should consider the findings listed in Section 2516.2.c of the Ordinance. Staff has not identified any major concerns regarding this Special Land Use request and therefore recommends approval subject to the conditions noted in the motion. The applicant has requested a waiver of the required Noise Analysis, noting in their July 24 letter that the occasional use of an air compressor is the only noise generating equipment that will be used on site. Staff recommends approval of this waiver.

Alan Davis, Vice President of Di-Coat came forward and stated that their business has been in Novi since 1978 and has occupied the main building, across the parking lot from the new proposed locations on Nine Mile Road. The diamond coating process that will be done in the new building is going to be mostly for surgical instruments and products that are used for chain saws. The items are all small and no heavy equipment will be used.

No one in the audience wished to speak at the public hearing. Member Greco read the correspondence

related to the public hearing into the record.

Joan Moore, 11210 in Marina Drive, Cheboygan, MI approves of the project and believes that small business needs to expand.

Larry Moranti, 22520 Heslip Drive, Novi, MI approves of the request and indicates that Di-Coat is a good company to have in the Novi Community.

John Dean, 22425 Heslip Drive, Novi, MI approves any expansion at Di-Coat because they have been a respectful and courteous neighbor for 20 years and Novi needs more business growth and expansion.

Chair Pehrson closed the Public Hearing.

Member Meyer stated that he has read the material and believes the only issue was the noise and it seems the compressor will not add additional disturbance to the area.

Moved by Member Meyer, seconded by Member Gutman.

ROLL CALL VOTE ON SPECIAL LAND USE PERMIT APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN.

In the matter of the request of Di-Coat Corporation, SP 10-34, motion to approve the Special Land Use permit, subject to the following: (a) Planning Commission finding under Section 2516.2.c for the Special Land Use permit, whether, relative to other feasible uses of the site: (1) The proposed use will not cause any detrimental impact on existing thoroughfares, due to the fact that the number of employees expected at the facilities (10 total) will not generate a substantial amount of additional trips on nearby roads, (2) The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, due to the fact that the proposed operation will not generate a substantial amount of noise or adverse impacts, (3) The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, (4) The proposed use will promote the use of land in a socially and economically desirable manner, (5) The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located, as noted in the staff review letters; (b) Planning Commission waiver of the required Noise Analysis based on the applicant's representations that the proposed use will not generate any noticeable noise; and (c) Compliance with all conditions and requirements listed in the staff and consultant review letters. This motion is made because the plan is otherwise in compliance with Article 19, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 8-0.*

Moved by Member Meyer, seconded by Member Larson.

ROLL CALL VOTE ON PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER LARSON.

In the matter of Di-Coat Corporation, SP 10-34, motion to approve the Preliminary Site Plan, subject to compliance with all conditions and requirements listed in the staff and consultant review letters for the reasons that the plan is otherwise in compliance with Article 19, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 8-0.*

MATTERS FOR CONSIDERATION

1. MASTER PLAN FOR LAND USE

Planner Spencer stated that the Master Plan for Land Use is an important policy document that guides the development of the City. Although the Plan is a living document that changes from time to time, it is also a reflection of the City's land use goals and objectives at a particular point of time. The State of Michigan's Planning Enabling Act includes a large set of requirements for creating and adopting a master plan. As a principal guide for making zoning decisions, a Master Plan and its supporting documents are often used to support a City's rezoning decisions in the courts. Thus, it is important that the Plan include a future land use designation for all properties, in the event that a rezoning is proposed. The City's planning staff and City Attorney recommend that the Planning Commission adopt a Master Plan that includes a future land use designation for all properties within the City.

Planner Spencer stated, after receiving comments, a set of Master Plan amendments was presented to the Planning Commission for adoption on July 14, 2010. The Commission discussed the proposed amendments including the proposed future land use designations for the properties designated within the Special Planning Project Area Study Area. After discussing the area, the Commission did not reach a consensus on a new future land use designation for the properties and adopted a resolution approving the Master Plan amendments as presented, with the exception of keeping the area currently designated Special Planning Project Area 1 on the Future Land Use Map.

At the following meeting on July 28th, the Commission discussed the merits of having a complete Master Plan that did not leave any areas without a future land use designation. The Commission then passed a motion unanimously to reconsider the July 14th adoption. The Commission again discussed potential uses for the Special Planning Project area parcels and was not able to pass a motion adopting the Master Plan with a super majority of two-thirds of its members.

In order to move forward with the adoption of the Master Plan, Staff and the City Attorney suggest that the Planning Commission consider using an alternative adoption procedure that is often used by public bodies for adopting complex or large documents that require a "super majority" of votes. This procedure involves voting on portions of a document first to reach a consensus through a simple majority, followed by a vote on the entire document. This procedure can assist in the approval of complex documents, while ensuring that everyone's point of view is heard.

Although the "super majority" may not agree on each issue, usually in the best interest of everyone it can agree to adopt the document as a whole. The City's Annual Budget document is effectively adopted with this procedure. This procedure was also used during the adoption of the last Master Plan for Land Use.

The Planning Commission by resolution can agree to use this alternative procedure to adopt the Master Plan for Land Use amendments. The motion should identify specific areas to be voted upon separately. Draft motions are provided for possible use by the Commission: the first provides the alternative procedure for discussion and adoption of the plan, and the second motion provides suggested language for adoption of the overall plan.

Following up on the Planning Commission's request for additional comments from Staff on Special Planning Project Area 1, staff offers the following.

Over the last thirty plus years the City of Novi has had a history of planning retail nodes versus retail strip areas to serve the local retail needs of residential areas. Node style development is compact and often square in area. It has less frontage on major roads which lessens the visual impact of commercial development, especially in regard to parking and signage.

Planner Spencer stated, recently developed neighborhood retail properties in the City of Novi have limited road frontage. Retail properties at the intersection of Fourteen Mile and Novi Roads, Thirteen Mile and Novi Roads, Nine Mile and Novi Roads, and Beck and Ten Mile Roads all have less than 1,300 feet of planned frontage on main roads. Currently, the planned retail frontage at Novi and Ten Mile Roads is about 1,500 feet long on Novi Road and 1,300 feet on Ten Mile Road fits this pattern. If Special Planning Project Area 1 was developed for retail uses, retail properties with frontage on Ten Mile Road would extend over 3,000 feet, over one-half of a mile. The planning staff believes that creating an extensive commercial strip along Ten Mile in this area would change the character of the area.

Staff believes that typical office and industrial developments will have fewer signs and less parking than retail developments. Thus, they have less visual impact than retail developments and thus would not change the character of the area as much.

Staff continues to recommend Community Office and Industrial Research Development and Technology for the Special Project Planning Area 1 properties.

Planner Spencer concluded by stating that staff has also supplied the Planning Commission with a memo from the City's Economic Development Director, Ara Topouzian, further explaining his position of recommending that the Planning Commission consider office and industrial future land use designations for the Special Planning Project Area 1 properties.

City Attorney Schultz stated that he had a couple of comments to frame the discussion. Matt Quinn, representing the applicant for the Weiss Mixed Use Development project, had two different things to say and City Attorney Schultz disagrees with both. Mr. Quinn said the Planning Commission should let the City Council make the decision regarding what the Future Land Use for this property is going to be. With all due respect, the State Statute says the Planning Commission decides what the Future Land Use and Master Plan should be. The City of Novi's Ordinance also says that the Planning Commission should make that decision. A Resolution of City Council has said that should be the discretion of the Planning Commission.

The Planning Commission should give the suggestion its due, but in the end really ought not to be persuaded to put this decision off. The reason why the Master Plan is back before the Planning Commission again is because the Planning Commission has recognized a decision should be made. It's no surprise that the applicant would like to see what City Council wants to do.

City Attorney Schultz stated that the second thing Mr. Quinn seemed to be insinuating was that the Weiss Mixed Use PRO was the reason the Master Plan has been brought up for consideration again. City Attorney Schultz does not know if that is in fact the case. There are eight people sitting here and there could be any number of reasons any member of the Planning Commission wants to reconsider the Master Plan. But, if that is the case, it really shouldn't be, because these are two entirely different decisions. What the Planning Commission is being asked right now is just to make a determination on the Future Land Use Map. What is the designation of Special Planning Project Area 1 going to be? Is it going to be commercial, industrial, or some combination of the two? The Planning Commission does not need to worry that the decision on the future land use question is going to drive the decision on the Weiss Mixed Use project. The Planning Commission is here talking about two things that are really related, but different.

The PRO question is really a rezoning. The Planning Commission has to be able to make that distinction between the future land use designation and the zoning designation. The applicant wants a particular development and the City Council is going to look at what the Master Plan says and the Planning Commission is going to look at that in making a recommendation, but also look at a whole host of other things that might drive a decision. This development might never happen and it might get approved and there might be some future development ten years down the road. We have all seen things get approved that are appropriate

zoning decisions at the time that don't happen. The Planning Commission looks at a proposed PRO plan, and considers what they want to see for the property and how they want it to work for the zoning decision, looking at all the factors in the PRO Ordinance including compatibility with existing zoning and how the proposed development would affect traffic and all those other things. There shouldn't be any confusion as to why the Master Plan is being reconsidered at this time. There needs to be a designation for Special Planning Project Area 1. In terms of the process, City Attorney Schultz addressed Chair Pehrson saying he has a lot of control on how votes get taken. The idea of voting on each piece of the plan individually and then the plan as a whole has been thrown out there as a suggestion if the Planning Commission is really split or evenly divided on a big topic. That is sometimes a way to deal with it. It does not have to be done that way if the Commission can decide in one motion without voting on the process. That was a suggestion, not an obligation.

Chair Pehrson thanked City Attorney Schultz for his comments and then turned it over to the Planning Commission for their comments.

Member Meyer asked if the Master Plan approval vote required the votes of two-thirds of the members of the Planning Commission present this evening.

City Attorney Schultz told Member Meyer six votes were needed for approval.

Member Cassis thanked Attorney Schultz for his comments. Mr. Leininger indicated during the public comment period that residential zoning should be protected from any commercial development. Member Cassis stated that he wanted to highlight that before he proceeded with his comments on the Master Plan and why he believes that the Planning Commission should pass a Master Plan with the future land use designation for Special Planning Project Area 1 as recommended by staff, which is industrial and office uses.

Member Cassis stated the Planning Commission has come a long way since this process of trying to adopt this Master Plan was started. The Planning Commission is charged with adopting a Master Plan and future land use designations for all properties and they didn't do it because a very important applicant said wait a minute, I've got acreage that I want to designate as commercial. Let the Planning Commission do the right thing and adopt this Master Plan, as the Planning Commissioners have toiled through Committee meeting after Committee meeting, with the recommendation of staff. An applicant can always come before the Planning Commission as the City Attorney indicated and try to rezone a property and present their case.

Member Greco thanked Member Cassis for his words and echoed a lot of the ideas and sentiments of Member Cassis. The City Attorney has indicated what the Planning Commission should be doing as a body. Member Greco is not going to dwell on the reasons why the Planning Commission failed to adopt a complete land use designation for Special Planning Project Area 1. There are probably a lot of different motivating factors. The Planning Commission is trying to do what is best for the City of Novi and is probably hesitant to designate a future land use for Special Planning Project Area 1 maybe because of a special applicant or the lack of projects in the past couple of years and getting excited or at least intrigued by the potential for growth. The Planning Commission does not want to be flippant in turning away certain projects or businesses where there has been a lack thereof in the City. What Member Greco would like to see the Planning Commission do is what Member Cassis is suggesting and that is to adopt a complete Master Plan and then deal with the issues that come before the Planning Commission project by project. The Planning Commission can then move on and get to the task at hand and look at each project and move forward from there. The Planning Commission needs to get the Master Plan done and then move forward with whatever projects come before the Commission.

Member Baratta stated that he echoes Commissioners Greco and Cassis and their desire to have a complete Master Plan today. When the Master Plan and Zoning Committee sat down with staff and studied the uses or the appropriate uses and the designations of the properties and created the Master Plan, they did a very good job. Sometimes when one looks at such a complex document theoretical designations of properties

seem good, but they may not be economically viable. There is only one piece of property where the future land use designation remains in question and that is Special Planning Project Area 1, also the area proposed for the Weiss Mixed Use Development. Special Planning Project Area 1 is not an industrial property. Someone said it could be a 280,000 square foot industrial building just because it is next to a railroad line but railroad spurs aren't used today to any great extent. Member Baratta does not know anyone in Novi that has a railroad spur that uses it, mostly because they are very expensive. The purpose of having a piece of property in an area with a railroad line is typically because it's cheap. Who wants to live next to a railroad line? The Planning Commission has a proposal to look at where a retail use is proposed that is certainly less noisy and less intrusive on the residents who are in the vicinity than an industrial use and also typically has less traffic from a truck standpoint. Member Baratta would not want to live next to a warehouse that is 280,000 square feet, a 40 foot high building with maybe 30-50 dock doors and having semi's coming to that facility. A retail designation is absolutely appropriate on the frontage of the intersection of Ten Mile Road and Novi Road. Staff has presented a wonderfully designed Master Plan with one remaining issue and that is the difference between an economically viable project and a theoretical use. This is a retail site. The Planning Commission can designate Special Planning Project Area 1 for office and industrial use and it will be a lovely vineyard for many years.

Member Meyer stated that in his 28 years of living in the City, he has served on the Master Plan and Zoning Committee and he considers it one of the highest honors he has had of the various positions he has held in the City. Member Meyer considers this vote one of the most important that he will ever take. Member Meyer did not vote against anyone in particular or on behalf of anyone in particular in his votes on the Master Plan and Zoning Committee. He voted based on his understanding of what is in the best interest of the City, fully aware of the fact that there was an orchard at the intersection of Ten Mile Road and Novi Road and someday it would be developed.

Chair Pehrson said maybe the Planning Commission got things a bit crossed when considering the proposed PRO and the future land use designation. The Master Plan stands on its own. City Attorney Schultz framed the question very well for the Planning Commission. The Planning Commission needs to make sure there is a Master Plan going forward and anything that is proposed as a site plan or PRO is judged on its own merits. Chair Pehrson is in favor of moving the Master Plan ahead as recommended by staff.

Motion made by Member Cassis, seconded by Member Greco:

Motion to approve a resolution adopting the proposed 2010 Master Plan for Land Use Amendments with the changes proposed by the Master Plan and Zoning Committee on July 7, 2010, including the proposed Future Land Use Map, with no further revisions. This motion is made for the following reasons: (1) The Master Plan & Zoning Committee and the Planning Commission, with the assistance of the Community Development Department Planning Staff, reviewed the current Master Plan for Land Use's goals, objectives, and implementation strategies, and the Future Land Use Map use designations for the entire City, and evaluated each of the three Master Plan Study Areas in detail; (2) Public comments regarding the future land uses in the study areas and City at large were solicited and people provided input through answering questionnaires, written comments and in person at City Hall, public meetings and public open houses; (3) The proposed Master Plan for Land Use amendments reflect the desires of the City's citizens, promote natural feature protection, foster quality development, encourage investment in the City, and provide design guidance for future transportation improvements; and (4) The proposed amendments foster sound land use planning by including the following new land use goals: (a) Provide for planned development areas that provide a transition between high intensity office, industrial and commercial uses and one-family residential uses; (b) Develop the Grand River Avenue and Beck Road Study Area in a manner that supports and complements neighboring areas; (c) Create, preserve, and enhance quality residential areas in the City; and (d) Continue to promote active living and healthy lifestyles in the City of Novi and continue to achieve a high level of recognition under the State of Michigan's "Promoting Active Communities Program."

Member Baratta asked City Attorney Schultz if in the event that the Master Plan is approved without any modifications and people come in and request a modification to the existing zoning, what type of precedent is the Planning Commission creating.

City Attorney Schultz answered any property owner is permitted to come in and request a rezoning to any district they would like to rezone their property to.

ROLL CALL VOTE ON ADOPTION OF THE PROPOSED 2010 MASTER PLAN FOR LAND USE AMENDMENTS MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER GRECO.

Motion to approve a resolution adopting the proposed 2010 Master Plan for Land Use Amendments with the changes proposed by the Master Plan and Zoning Committee on July 7, 2010, including the proposed Future Land Use Map, with no further revisions. This motion is made for the following reasons: (1) The Master Plan & Zoning Committee and the Planning Commission, with the assistance of the Community Development Department Planning Staff, reviewed the current Master Plan for Land Use's goals, objectives, and implementation strategies, and the Future Land Use Map use designations for the entire City, and evaluated each of the three Master Plan Study Areas in detail; (2) Public comments regarding the future land uses in the study areas and City at large were solicited and people provided input through answering questionnaires, written comments and in person at City Hall, public meetings and public open houses; (3) The proposed Master Plan for Land Use amendments reflect the desires of the City's citizens, promote natural feature protection, foster quality development, encourage investment in the City, and provide design guidance for future transportation improvements; and (4) The proposed amendments foster sound land use planning by including the following new land use goals: (a) Provide for planned development areas that provide a transition between high intensity office, industrial and commercial uses and one-family residential uses; (b) Develop the Grand River Avenue and Beck Road Study Area in a manner that supports and complements neighboring areas; (c) Create, preserve, and enhance quality residential areas in the City; and (d) Continue to promote active living and healthy lifestyles in the City of Novi and continue to achieve a high level of recognition under the State of Michigan's "Promoting Active Communities Program." *Motion carried 8-0.*

2. WEISS MIXED USE DEVELOPMENT, SP09-26A WITH ZONING MAP AMENDMENT 18.690

Consideration of the request of Siegal Tuomaala Associates, for Planning Commission's recommendation to City Council for rezoning of property in Section 26, east of Ten Mile Road, and south of Novi Road, from I-1, Light Industrial District and OS-1, Office Service District to B-2, Community Business District and OS-1, Office Service District with a Planned Rezoning Overlay (PRO). The subject property is approximately 28.7 acres.

Member Cassis asked City Attorney Schultz if the applicant's request was for a change of the Master Plan for Land Use Future Land Use designation for the subject property.

City Attorney Schultz stated that the Master Plan that was approved previously in the meeting is effective.

Member Cassis asked City Attorney Schultz if this matter requires a public hearing.

City Attorney Schultz indicated a public hearing was held on this matter by the Planning Commission several weeks ago and all the Planning Commission needs to do at this point is make a recommendation to City Council on the rezoning.

Planner Kapelanski showed the location map for the property. The applicant is proposing the rezoning with PRO of an approximately 28.7 acre parcel located on the south side of Ten Mile road east of Novi Road from I-1, Light Industrial and OS-1, Office Service to B-2, Community Business and OS-1, Office Service with a Planned

Rezoning Overlay. To the north of the property, across Ten Mile Road, are various industrial uses. To the west are office uses. To the south is vacant land and multiple-family residential and to the east is existing industrial.

The subject property is currently zoned I-1 and OS-1. The site is bordered by I-1 and I-2 zoning to the north, I-1 zoning to the east, OS-1 zoning to the west and I-1, RM-1 and OS-1 zoning to the south.

There are existing wetlands on the site, mainly concentrated along the creek. The majority of the site is also part of a regulated woodland.

Planning staff has noted in the review letter that denial of the rezoning is recommended as the proposed zoning is not consistent with existing zoning in the area, recently completed retail studies indicate the City has a surplus of commercially zoned land and the City currently has a retail vacancy rate near 10%. In addition, the rezoning would be contrary to the approved Master Plan for Land Use, which recommends industrial and office uses for the site. The rezoning would also be contrary to an Implementation Strategy listed in the Master Plan for Land Use. The applicant is proposing a 64,000 square foot Kroger store, a 41,000 square foot shopping center and space for additional buildings in the future. There are a number of issues regarding the proposed concept plan. The applicant would need deviations for the proposed building height of the shopping center and the Kroger store, the loading space and dumpster location of the shopping center and façade waivers for both the shopping center and Kroger store. Four driveway spacing waivers would be required, as would various landscape waivers. A PRO requires the applicant propose a public benefit that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed the grading of a sports field to be located in the existing park behind the Novi Ice Arena. This would also include providing seed for the field, as well as irrigation. Twenty gravel parking spaces would be installed along with a landscaped park entrance way. Included in the packet is a memo from the Parks, Recreation and Cultural Services Department commenting on the proposed public benefit. Since that memo was written, the applicant has proposed to irrigate the field.

The Landscape Review noted landscape waivers could potentially be required for the lack of berms along the road frontage, the lack of perimeter canopy trees, more than fifteen contiguous parking spaces without a landscape island, a shortage of front façade landscaping and the amount of foundation landscape plantings. The applicant has not clearly demonstrated on the concept plan that these requirements can be met.

Planner Kapelanski indicated that the façade review noted a Section 9 waiver is required for the overages of EIFS, C-brick and split faced CMU and the underage of brick on the Kroger and shopping center buildings. Approval of the requested waiver is recommended.

This matter was previously brought before the Planning Commission on June 23, 2010. At that meeting, the Planning Commission postponed their recommendation noting further information was needed regarding the stormwater, the wetlands and woodlands and on how this new store would affect other nearby retail.

The applicant has since submitted a plan to address the stormwater and wetland concerns and the Engineering Department is now satisfied that the stormwater can be adequately handled on site. The City's wetland consultant also noted in the revised review that no substantial outstanding wetland concerns remain and the applicant has reduced impacts so that they are below the threshold for mitigation.

The Woodland Review comments remain, with the letter noting various concerns regarding the large amount of regulated woodlands on site and the fact that impacts will likely be substantial. Dr. John Freeland is also available to answer any woodland questions.

Planner Kapelanski indicated that there were a number of concerns noted in the traffic review although conditional approval was recommended. The City's traffic consultant did go over those concerns in detail at

the June 23rd Planning Commission meeting and that information has been included in the excerpt of meeting minutes included in the Planning Commission packets. The City's Traffic Consultant, Rod Arroyo of Birchler Arroyo is here this evening to address any questions regarding the traffic review comments.

Matthew Quinn came forward on behalf of Dan Weiss & Associates, the applicant, regarding the proposed mixed use project and indicated the applicant has a good plan and project and one that is going to benefit the City. When this matter was before the Planning Commission on June 23, 2010 there was quite a bit of information presented and that is included in the minutes. A decision on the matter was delayed that night because of five items, all of which have now been addressed.

Stormwater detention issues have been resolved with the City Engineer and a letter indicating that is in the Planning Commission packets.

Wetland mitigation has been satisfied and the plans now show that no mitigation is required because there is so little intrusion into the wetlands.

There was a question on the woodland line not being in the right place and that has been corrected and submitted and is no longer an issue.

Mr. Quinn said, the Planning Commission asked for more public input on the Master Plan on the July 14, 2010 meeting and there was no one that came to that meeting that wanted to comment on the Master Plan.

Mr. Quinn said, the Planning Commission also asked about the effect of Kroger on other retail stores in the area. Once again, the Planning Commission has received nothing from staff regarding that. What the Planning Commission has are the market studies that have been done to show the true situation, that there is demand there whether this Kroger store is built or not built and whether there is a Busch store or no Busch store and there is more than enough demand to handle this project.

Mr. Quinn stated that the Traffic Consultant has recommended approval with some conditions and comments. The natural features basically are approved with conditions. The Fire Department has approved it. The Façade Consultant is recommending approval of the required waivers.

The Staff is on record as saying the building height waivers are supported as are the driveway spacing waivers.

Mr. Quinn said, the public benefits that the City is being offered are on page eleven of the Planning Commission packet. The public benefits include a conservation of natural features area through the placement of a conservation easement over approximately 3 acres of the site and improvements to the park area near the Novi Ice Arena consisting of grading, seeding and irrigating a multi-purpose field. Also, on the east side of the Ice Arena, to grade and stone a 20 car auxiliary parking lot and do a park entrance as well as a children's sculpture and sign at the beginning of the park entrance. The applicant has also proposed extending the center turn lane on Ten Mile Road beyond ordinance requirements. The applicant is going to continue an extra lane on Ten Mile Road in lieu of acceleration and deceleration lanes in excess of requirements. The applicant is going to provide a pocket park located on the northeast corner of the proposed Kroger site and an improved set of architectural elements and materials beyond the ordinance requirements. The applicant is going to provide an extensive internal sidewalk system with pedestrian entry points above ordinance requirements and will extend the eight foot pathway along Ten Mile Road to east into the Walgreen's access drive, which isn't required. That is the list of public benefits that is being proposed for this PRO.

Now, what other benefits are being provided for this PRO? First of all, twenty million dollars of tax base will be added to the City by the time this project is done in phases. Through Kroger, over 125 new jobs that do not exist today will be added. When the other phases are completed and those additional retail and restaurants

are added, there will be more than 100, probably closer to 200 plus additional jobs. These are public benefits and these are benefits to the citizens and to the City as a whole.

Mr. Quinn stated that they have never asked for any special treatment in this situation from when it started in 2004. Some people think this is being rushed, remember, this project was first submitted in 2004. This project was put on hold because the City said to hold up while we improve the intersection of Ten Mile Road and Novi Road so the traffic that is going to be caused by this project could be accommodated.

Mr. Quinn stated that the applicant has complied with every request that the City has made throughout the years. The City has asked for special treatment from the applicant and has not asked for anything.

Novi tries to be business friendly. Novi, through Mayor Landry over his five years in office now, has made a special attempt to be business friendly to new businesses coming into the community. This is a landowner of 30 plus years that is bringing business to the community. How business friendly is Novi going to be to a twenty million dollar project with an excess of 200-300 jobs and how business friendly is Novi.

Mr. Quinn stated he wanted to bring up an argument that has been brought up by the staff multiple times and it has to be mentioned. The argument is these businesses shouldn't be retail because the retail vacancy rate is now at 9.8 to 8.9 percent vacant. A common vacancy rate is seven percent or less. This is not that out of line with the current retail vacancies. Let's look at the industrial vacancies. In the Planning Commission's own document, it shows 18.8 percent vacancy in industrial buildings in Novi. Right next door across the railroad tracks to the east, there is a 107,000 square foot building that has been empty. A mile away on Nine Mile Road, there are two buildings across the street east of Novi Road in excess of 200,000 square feet of industrial space that are empty. The City's own documents said it will remain industrial for about 48 years. The City's studies indicate the City has an eight year reserve of vacant retail land. Does any of that make sense? Why would the City want to leave this industrial? The retail is everything that will make this project work and it is the right thing to do and the Kroger store is needed.

Mr. Quinn said, one final thing I want to talk about is the issue of competition. There have been some comments that if a new Kroger store comes in, it would provide adverse competition to stores in the area. What is America all about if it is not competition? Think about this. There are furniture stores next to furniture stores, tire stores next to tire stores, drive-ins next to drive-ins, restaurants next to restaurants and why? Because they like to be in competition with each other and they draw people to the area. The Kroger store is going to draw people to the area just like the Busch store draws people to the area and competition is good. What else does competition do? First of all, what you're going to have is more competition in food prices and if you have another grocery store, theoretically food prices should go down. What else are you going to have in the shopping centers around? They are going to be better maintained because the owners of those shopping centers are going to want people to come in. People will want to upgrade the same way the Town Center Mall is upgrading now to try to match the other malls across Novi Road. The City will make a better Novi by granting approval of this project.

Architect Marty Smith came forward and stated that he spoke very quickly earlier and would be glad to reiterate anything that was said if any of the Planning Commissioners have any questions.

Architect, Marty Smith stated that Mr. Quinn mentioned a lot of the things that he wanted to talk about and there are a couple of comments that came up regarding vacancy rates. All and all, vacancy rates don't mean anything on this property since there is a user that is self funded, just waiting to put the shovels in the ground and move ahead.

Mr. Smith stated that there were comments made earlier that residential should be protected from commercial and he does not understand that. Mr. Smith is a Planning Commissioner in his town and they believe residential should be intertwined with commercial. In the successful downtowns, the Birmingham, the

Royal Oaks, the Ferndales, the Northvilles, the retail, commercial and residential are right on top of each other and it makes for a very vibrant community. If you separate them too far and people have to drive, they are not as successful. This project puts neighborhood retail, neighborhood commercial and neighborhood services closer to a lot of residential neighborhoods that are lacking those services and it will cut down on people going out of the town and possibly on traffic since people will not have to drive through the area to get to another shopping area. As far as the market studies, back in 1999, Novi's own market study prior to the 2020 Master Plan for Land Use indicated that there is a significant shortage of grocery stores and other local type retail.

The Master Plan for Land Use includes new local retail sites for possible grocery stores and similar related development on the southeast corner of Ten Mile Road and Novi Road. In 2004, the Master Plan and Rezoning Committee voted in favor of a commercial project in this location. Then later in 2004, the applicant honored the City's request to postpone their project for the redevelopment of the intersection of Ten Mile Road and Novi Road. In late 2007, Novi conducted another market study by the Chesapeake Group which is in Appendix F of Novi's 2008 Master Plan for Land Use. It says that the retail activity with the greatest potential is associated with convenient shopping, including food purchases and grocery stores. It says the public would be enhanced by the development as many residents now make convenient purchases outside the area in which they live.

Mr. Smith said, in late 2008, Novi Ten Associates hired the same esteemed Chesapeake group to do another market study and that has been submitted several times to the Planning Commission over these last months. It states in there shopping demand is sufficient to support the activity of the noted proposed development of this site and is compatible with and supported by the findings of the previous report to the City as part of the City's comprehensive plan update. Kroger has done a market study and without a doubt they believe their store will be hugely successful with the population as it stands now. They are not relying on growth. The houses, the residents, the apartments are there now for their store to be successful. Regarding the statistics of the site, the deviations and benefits, this project currently has tentative approvals from engineering regarding the detention, tentative approval by traffic with some minor comments, the wetland impact has disappeared, and the façade and fire department have approved the project. There are some technical issues to complete and that will be done as part of the site plan approval process. It's not really related to the zoning. Planning, engineering, landscaping, and woodlands have some issues and that can be sorted out by going through the site plan approval.

Chair Pehrson asked Member Greco to read the correspondence into the record.

Letter sent to Planning Commission, Community Development Department and Consultants on August 18, 2010 from Edward Leininger, 24589 Hampton Court, Novi, MI 48375.

Dear Members,

The proposed rezoning and special land use permit is a major intrusion to the character of the City of Novi. The inventory of land use in the City is master planned to provide a balanced community. Retail zoning is plentiful with both successful and failed projects all around the city.

The land along Ten Mile Road, bounded by the railroad tracks and Novi Road is definitely a difficult piece of property to develop, but certainly NOT Commercial (B-3) uses.

Master Plan

The current Master Plan was very careful about this parcel as traffic from two major county roads service the area. With NO county funds and improvement plans to expand these roads it seems foolish to force more traffic on these already over burdened roads. Should you arbitrarily rezone this land to commercial, then no court in the area will ever uphold any other part of the City of Novi's Master Plan

in the future.

Land Use

OSC may be the most logical land use with an internal road system with entry and exits on Novi Road only and right turn only entry and exit on Ten Mile Road. OSC allows for increased height (ideal for this property) and a mixed use of office, office services and light retail. But, even this type of development will require major road improvements on the bordering county roads.

Overlay Zoning

The overlay option being used to consider this land use shouts of "contract zoning" as the City benefit is minuscule and calls for an increased burden on the City's budget to maintain the fields and parking lots in the future.

We do not need more commercial to balance our land use in Novi, but we do need more office and light industrial business. OSC, OS-1 and OS-2 require the least amount of City services support and maintenance throughout the years.

Commercial is an easy decision especially in light of the depressed economy, but that is very short sighted.

Traffic – WOW

How many more cars and trucks do you think Ten Mile Road and Novi Road can handle, even if you convince the county to complete the improvements to full build out? Note: I did not find a current widening project on the county plans anywhere for these roads.

Who is going to pay for the railroad crossing gates and expansion of the road over the tracks? Don't use my tax dollars. Note: The railroad does not have any plans or money to improve the Ten Mile Road crossing.

Not in my backyard – NIMBY

An easy acronym to throw around as a negative. But YOU should consider what you would do if it was being proposed in YOUR backyard.

It is impossible to enter or exit the Meadowbrook Glens Subdivision and Novi Meadows Apartments complex and when the industrial building (Wisne Mfg.) is once again in business and Orchard Hills Subdivisions from 7 – 9 AM and 3 – 6 PM now. Over 400 homes in the Meadowbrook Glens Subdivision will be dramatically affected by your decision to arbitrarily change the zoning to B-3.

I have walked and studied this property many times and find it to have a unique topography that actually shouts high-end office and high tech R & D facilities. Terraced winding roadways and multi-level lots will make this property attractive to future premium uses. It does not say, fill and level for a Super Market.

Thank you for your time to review my thoughts and hopefully you will deny this request and consider other non-retail uses for this property as you study the master plan.

Best Regards,

Edward Leininger
34 year resident of Novi
Representative for the Homeowners Association of Meadowbrook Glens Subdivision
Former Novi City Councilman

Letter sent to the Members of the Planning Commission from Citizens of Meadowbrook Glens Subdivision on August 24, 2010 re: Proposed Development of Land, east of Novi Road, west of Meadowbrook Road.

The purpose of this memorandum is to express our concern over the proposed development of a former orchard that is east of Novi Road, west of Meadowbrook Road, and south of Ten Mile Road not far from the Walgreen's Drug Store. The proposed development consists of a "Super Kroger" and some light industrial and office space.

The concerns over this project are many. First, we question the need for this development. There is a Kroger at Grand River Avenue and Beck Road, a Busch's at Ten Mile Road and Meadowbrook Road and a proposed plan to bring a Walmart store to the Novi Town Center. We do not need another grocery store to compete with these stores with the potential of putting any one of them (mainly Busch's) out of business. If this were to happen, we would have another vacant building, one of many unfortunately now in the City, to deal with.

Second, there are traffic concerns. Ten Mile Road is two lanes and cannot handle a large shopping center going in to cause more congestion. Widening the road may alleviate some of the issues, but it would still not deal with all the traffic concerns and would cause many more problems during construction. During the school year, Ten Mile Road is a major thoroughfare for buses traveling to the high school, Novi Meadows, the Middle School and various elementary schools. Having a large shopping center in this location would add to an already stressed traffic area, especially at the end of the day, regardless of how wide the road is.

Third, there is the issue of proper city planning. Members of the Planning Commission should consider what kind of a city we want to have. Do we want a city that has some green space or do we want one that has endless strip malls with stores that often go out of business and then create eyesores for the community to deal with? If another development is needed, the City should consider what existing vacancies we have and put new development there. The Novi Town Center has much potential, yet it consists of numerous vacant store fronts. The Main Street area has numerous vacancies as well. A small grocery store went in on the corner of Meadowbrook Road and Grand River Avenue, only to go out of business and stand empty with a lease sign in front of it. If another grocery store, small retail outlets, and light industrial areas are needed, consider putting them where the development already is. This would be a win/win situation as blight would be reduced from the City and we would be revitalizing areas that need it.

Thank you for allowing us the opportunity to voice our concerns over this project. We hope that these issues will be taken into account when a final decision is made and that you will update us on the status of this proposed development.

Diane Jamrog, 24614 Hampton Hill, Novi, MI 48375
Barb & Dan Phelps, 24548 Hampton Hill, Novi, MI 48375
Robert & Pauline Riley, 24602 Hampton Hill, Novi, MI 48375
Edward Leininger, 24589 Hampton Court, Novi, MI 48375
Beth Covery, 41951 Park Ridge, Novi, MI 48375
Anita Parker, 24724 Highlands, Novi, MI 48375
Alice Morgan, 24581 Hampton Court, Novi, MI 48375
Lisa A. Engels, 24536 Hampton Hill, Novi, MI 48375

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

Member Baratta asked if City Landscape Architect David Beschke and Wetland Consultant Dr. John Freeland

could come forward and answer some questions.

Wetland Consultant Freeland stated that he had received a revised plan with additional information regarding wetlands as well as additional information regarding the depiction of the regulated woodland boundary on the property. As far as the proposed wetland impacts go, the wetland impacts have not disappeared, but they have been somewhat minimized to an area below a quarter of an acre, with a quarter of an acre being the threshold requiring mitigation. The woodland issues are basically unchanged compared to the June Planning Commission meeting. The woodland issue is not as trivial as correcting an item on a drawing. There will be very substantial woodland impacts associated with this project. According to a count provided to ECT, the number of regulated trees may be as high as 771 trees and that number will have to be clarified and field checked in the event the project goes to preliminary site plan. In order to build the entire infrastructure associated with this project many trees will have to be taken down.

Member Baratta then asked Mr. Quinn if the project was rushed.

Mr. Quinn stated that the project was started in 2004 and he couldn't say the project was rushed.

Member Baratta stated that he does not believe it was rushed and he agrees with Mr. Quinn's characterization. Member Baratta does not believe that anyone is receiving special treatment and the Planning Commission looks at a project as a project and is it good for the City, irrespective who represents it. From Member Baratta's standpoint, when he reviews this project, and he is sure he speaks for the rest of the Commission, the Planning Commission looks at each project and the benefit it provides to the City and the citizens. There was an issue brought up in prior presentations regarding the Kroger's and possibly closing the store at Beck Road and Grand River Avenue. Member Baratta had an opportunity to look at the way Kroger deployed their stores in targeted markets and some of the other grocery stores and from what he has seen, this is a classic deployment strategy for a grocery retailer. Member Baratta does not believe they are going to close the Grand River Avenue store and Kroger has made that representation several times.

Member Baratta stated that he still had an issue with the traffic and wondered what the applicant was proposing to do to alleviate the traffic generated by this shopping center.

Mr. Quinn indicated that there will be road improvements from the railroad track to Novi Road and there is going to be a center turn lane added that will be provided, instead of the required acceleration lanes and deceleration lanes. In addition, if in fact the traffic warrants require a traffic signal to go at the Kroger entranceway, the traffic signal will be placed. As far as the traffic is concerned, according to the City's traffic consultant and the completed Traffic Impact Study, there will have to be some timing changes at the intersection of Ten Mile Road and Novi Road. It will have to be coordinated with the new traffic signal. People will also be able to use that interior road instead of going out and using Ten Mile Road and Novi Road. The other thing to remember about the traffic is that if this is developed as industrial with a 200,000 plus square foot industrial building and a 100,000 square foot office building and the morning and afternoon peak associated with that kind of development would be tremendous. When you bring in a Kroger store and retail, there is basically little early morning peak traffic and there are people coming and going all day long and there is not a big influx in the morning like there would be with an industrial development and the same way at 5:00pm.

Member Baratta asked who is paying for the road improvements and the traffic signal.

Mr. Quinn answered the applicant would be paying for those improvements as a public benefit.

Member Baratta stated the Planning Commission has seen this project many times and has talked about all the issues, or a great number of issues in great detail and the petitioners have answered the Planning Commission's comments over several presentations. Member Baratta would recommend approval of the

project and but would like to give the other Planning Commissioners an opportunity to speak before he makes a motion.

Member Meyer asked City Traffic Consultant Arroyo to come forward and reiterate what Mr. Quinn just said or at least give the Planning Commission his perspective on impacts to the peak hour traffic. Member Meyer wanted to know if additional lanes along Ten Mile Road are planned.

City Traffic Consultant Arroyo answered one of the items that was mentioned in the traffic review letter on page four dealt with the inclusion of an additional westbound through lane serving the center and east driveway which would enable the signal timing, if a signal is put at the center driveway, to better serve and provide a higher level of service to that intersection and potentially shorten the queues that are heading westbound that could potentially impact the railroad tracks. The applicant has not provided that improvement and it is not being proposed at this time. There were some significant delays that were being proposed at that drive and there is also a concern regarding the Ten Mile Road westbound queues. There are many improvements that are being proposed as part of this development but that does not necessarily mean there will be a perfect level of service everywhere. The other question dealt with the comparison of light industrial and office. That is addressed in the traffic review letter as well. Mr. Quinn is correct in terms of the a.m. peak hour that industrial and office would generate substantially more traffic than retail. Generally the a.m. peak hour occurs sometime between 7:00 a.m. and 9:00 a.m. and most retail stores are not open at that time. The comparison that was evaluated in the applicant's traffic impact study shows that the shopping center would generate about close to 150 a.m. peak hour trips and a combination of light industrial and medical office would generate about 458 a.m. peak hour trips and light industrial with general office would generate 467 a.m. peak hour trips. During the p.m. peak hour, it goes the other direction in that the shopping center would generate more p.m. peak hour trips than the light industrial and medical office with the shopping center generating 830 driveway trips.

Member Meyer then stated that Mr. Quinn mentioned that there might be several fire companies in one area or several restaurants where the competition is healthy. I do truly believe that competition holds a key place here. If the City is going to be a City that is business friendly, City officials have to at least hear people out and make their decision. Member Meyer noted Environmental Consultant Freeland stated many trees would need to be removed in order to construct this project. It seems many trees have been taken down in this City for all sorts of developments and those trees are replaced.

Member Meyer asked Environmental Consultant Freeland what the process would be if the applicant were to remove the trees on this site.

Environmental Consultant Freeland answered the City has a Woodland Ordinance and it is strictly a local ordinance and not a state program. The first choice for the replacement of impacts to regulated woodlands is to replace trees on site. It doesn't appear very many trees would be able to be put back on this site because much of the undeveloped site is already woodland. In lieu of replacing the trees, the Ordinance allows for payment into the Tree Fund. At this time, it amounts to at least \$400 per tree credit and the credits are graduated according to the diameter of the tree that is cut down. Again, exact numbers are not ready at this time, but Dr. Freeland would estimate approximately 1,000 tree credits would be required if this site were developed. Compared to other projects Dr. Freeland has seen in Novi, not very many have had such a large woodland impact.

Member Larson asked Mr. Quinn what the hours of operation would be for the Kroger store.

Mr. Quinn stated that the Kroger store will not be a 24 hour store and the hours of operation will be from 6:00 a.m. to 12:00 p.m.

Member Lynch asked for some clarification from Traffic Consultant Arroyo. Member Lynch looked at the

traffic review letter. Eventually this site will be developed with something, be it industrial, office, retail, etc. and Member Lynch is concerned with the traffic impacts. In reading the traffic review, it appears traffic will be less impacted by a retail development than an industrial development during the peak hours.

Traffic Consultant Arroyo responded it depends on which peak hour someone is looking at. During the morning peak hour, an office or industrial development would have more of an impact and during the p.m. peak hour a retail development would have more of an impact.

Member Lynch asked if the additional lane is going to mitigate much of the impact.

Traffic Consultant Arroyo stated that the improvements that the applicant is proposing are certainly going to mitigate to a certain extent some of the impact. It doesn't mean it is going to fully mitigate the impacts, but it is going to mitigate the impacts to a certain extent.

Member Lynch stated he understood that the site would eventually be developed and whatever development occurred would cause traffic impacts. Member Lynch's personal feeling says that a Kroger needs to be there. Member Lynch thinks that the east sides of Novi do not get the same benefit as the people in the west. By looking at the analysis on how the Kroger stores are set up, it seems this store will be similar to the existing store at Grand River Avenue and Beck Road but less intense. Member Lynch is struggling with the traffic. It sounds like a lot can be mitigated with the additional lane the applicant is proposing.

Member Lynch said he is envisioning in his mind that traffic is so backed up that someone is stuck in the middle of the tracks. Member Lynch is wondering if this goes industrial, would that possibility still exist?

Traffic Consultant Arroyo answered that it is very difficult to answer that question without knowing the configuration of the site and a lot of it would depend on, for example, the fact that the office generates more traffic per square foot, particularly medical office. If there was more medical office, it would likely increase the impact and increase the likelihood of the need for more of those improvements. Also, the timing of the development would be important. Will there be background growth that will impact that as well? It is difficult to give a precise answer.

Member Lynch stated he did not see a significant difference in traffic impacts between the development of the site as industrial or office and the development of the site as retail. The traffic will probably be similar to the traffic at Beck Road and Grand River Avenue. Sometimes people will have to wait at a light.

Traffic Consultant Arroyo stated that the traffic light is absolutely critical to the operation of this site.

Member Lynch asked if the applicant is going to put in the traffic light.

Mr. Arroyo answered yes, subject to approval from the City and RCOC.

Member Lynch stated that he would like to see any tree removed from the property put back on that property. Even though the tree fund is a good thing, the people in the area are used to seeing those trees in that location and Member Lynch would rather not see the replacement trees put elsewhere.

Environmental Consultant Freeland stated with the proposed site layout and the fact that most of the site is regulated woodland, he did not see a lot of room to put replacement trees on the property. There may be some gaps in the woodland and there may be a few opportunities for replacement on-site and that is something that would be evaluated during the Preliminary Site Plan review.

Member Lynch stated that he hoped that the trees could somehow be kept on the site, primarily by the residential areas. Member Lynch has seen cases previously where an applicant has put the trees in the tree

fund and this does not do the people in the area any good.

Environmental Consultant Freeland stated that he doubted the applicant could replace anywhere near 700 or more trees back on the parcel. In addition to woodland replacement trees, there may be requirements for landscape trees which are a separate part of the ordinance. Landscape Architect Beschke may be able to comment on that and that may allay some of the Planning Commission's concerns of having an area devoid of trees.

Member Lynch stated that he did not want to take an area that is kind of forested now and just thin it out.

Member Lynch said that he felt the City owes it to the people that live in that area to try to make the minimal amount of change to the aesthetics of the area. The traffic issues are still a concern and Member Lynch hopes that somehow and someday traffic impacts could be minimized. Member Lynch asked Mr. Quinn if as many trees as possible will be left on the site.

Mr. Quinn stated that certainly, as far as the trees, it doesn't behoove the applicant to take trees down that do not have to be taken down. It is better to transplant as many trees as possible on site. The figure for this proposed site plan is 53% open space after development. Mr. Weiss also owns all of the property to the south to the Ice Arena and along the railroad track. It seems there should be places to put new trees in that whole area and that would be on the south side where the Chapman Creek goes through there. That is all going to be looked at in the site plan review process.

Member Lynch stated that the point he was making was that he is not a big supporter of the tree fund. He would like to see the trees stay on that property or that area so the people in the area could get the benefit from it.

Mr. Quinn told Member Lynch that he looked forward to being back in front of the Planning Commission when the project goes through site plan approval process.

Member Lynch thinks this is a good development for this site and a benefit to the east side that they do not have right now. Competition is good and the mere development of this site will be good and the right thing to do.

Member Gutman stated that he was in favor of this use and from an economic standpoint, it is a positive thing for the City of Novi and he appreciates all of the additional public benefits. Member Gutman appreciates the work that the applicant has done to allay all of the Planning Commission's fears. It has been a long process and Member Gutman will be looking forward to supporting Member Baratta's motion.

Member Greco stated that like Member Meyer had indicated earlier, this vote is significant and important and the Planning Commissioners have all taken this project and the decision on the Master Plan very seriously and realized they are two separate issues. The Planning Commission can talk about studies and what studies say and what they make inferences about and what may happen in the future and what may not happen in the future. But, studies are not really a substitute for people and the only people who have commented are the residents who have indicated that they do not feel the need for a store. The Planning Commission has not heard from any specific residents that say, I'm glad that there is a Kroger going in down the block from me, only the opposite has been stated. If this store is built, people will come, but that does not necessarily mean that there needs to be a Kroger there when there is a Hiller's and Kroger nearby. As far as consumers, competition is good for consumers in terms of pricing and quality, but as a body, the Planning Commission is not a marketing body. When there are two banks across from each other, or two tire stores, and a CVS and Walgreens across from each other, Member Greco looks at it as a waste for the members of the community that it is not spread out more among the community. The reason those are there is not because the planners planned this for their community. The reason why it's there is for marketing strategies, for businesses to put

each other out of business.

Member Greco stated that the work the applicant has done is good as far as the presentation and everything they've done but Member Greco does not believe it is needed or necessary in that area. There are enough grocery opportunities around the community. It would be silly for the City to plan for two similar services to be across the street from one another and the only reason they end up there is because the City has no choice. Member Greco may be recommending denial of this project.

Member Cassis stated that he has talked about this project for the last three or four sessions and has talked about it at the Committee level. Other members of the Planning Commission have said the City is engineering something for the surrounding community and the City has no right to decide for them whether they want a store there or do not want a store there. Member Cassis sometimes visits the Kroger at Maple Road and Telegraph Road when he visits family in the area. That store was in business and then two months later, it went out of business.

Member Cassis asked Mr. Ragsdale, the Kroger representative, if he was familiar with the Kroger store at Maple Road and Telegraph Road.

Mr. Ragsdale answered yes, he was.

Member Cassis asked if the store was closed.

Mr. Ragsdale answered yes, it is.

Member Cassis asked about the West Oaks Kroger store, what happened to it?

Mr. Ragsdale stated that it was closed and he explained why it was closed the last time this matter was before the Planning Commission.

Member Cassis asked Mr. Ragsdale if he had in his possession any guarantee that he can give the Planning Commission as an affidavit notarized that this Kroger or the Kroger on Beck Road will not be closed.

Mr. Ragsdale stated no and there is not a retailer in the United States of America that could make that guarantee. If they do Mr. Ragsdale would say they are not being honest and forthright with what they have to say. Kroger does have plans to invest money in the store at Beck Road and Grand River Avenue and they wouldn't be doing that if the store were planning to close soon.

Member Cassis asked Mr. Ragsdale if he had any figures to indicate the sales have improved and gone up at the Beck Road store in the last five years.

Mr. Ragsdale said he could not give Member Cassis any figures, but the store is doing well enough to consider future investments in the store.

Member Cassis stated that the Community Development Department said no to this project and they have examined it and they have made their recommendation. In 2001 the Master Plan did say designated to be studied further; however, there was one quotation that said commercial is not recommended. In 2007, the Chesapeake Group said the City currently has a surplus of retail until 2018. The City's Economic Development Director wrote a long exhaustive study where he clearly states that the City does not need any retail in this area. He quoted many people in a big meeting of retailers, supermarket people, planners, some 500 people in that area said retail is going down and that stores are being shut down and going out of business. Traffic Consultant Arroyo gave a very honest review of the Traffic Study and he clearly says that there are difficulties in that area for this huge retail development. If the Kroger does go in, how long will people have to wait in

traffic with a backup? Member Cassis did get the map with all the different supermarkets in the area and there is no guarantee that all those stores will stay there. Kroger has a propensity to move stores around. Another thing, do you know how large Walmart is? The applicant says competition is healthy. When a Walmart comes to town, small businesses go to the meeting to oppose it and the applicant is saying competition is healthy. What about the woodlands and the 770 trees to be cut down. Haven't enough trees been cut down in this community? According to the school district, the district is losing students because the City is losing population. Is this a growing community that there is a need for two Krogers and a Walmart within three or four miles? Many residents have had homes foreclosed. If the population is decreasing why would another Kroger store be needed? The answer was given to the Planning Commission by staff. The City's Economic Development Director said to halt it, do not go ahead, there is surplus. The Planning Commission should not approve this project.

Chair Pehrson stated that he wanted everyone to realize that the reason the Planning Commission is here is because the City is business friendly. This is not just an exercise to make people go through hoops. The citizens do care about the community. The Planning Commission hears from passionate people about their community and how it is going to impact their future. If the Planning Commission were to ask Mr. Quinn directly if this was a business friendly city, hopefully his answer would be yes.

None of the citizens have ever lived in these kinds of economic times and no one has ever had the opportunity to witness the kind of economic downturn the country is currently in. The competition that people insist upon is very fragile at this point in time. Chair Pehrson is not 100% sure that the Planning Commission would be doing the right thing approving this project. It would be detrimental to other businesses that are still trying right now to survive. Maybe if this were 2001, if this were 1990 or ten years ago when this was first conceived, there would probably be a thriving business sitting there right now.

Chair Pehrson is not 100% convinced that this is the right location for a couple of points. Chair Pehrson's habits of purchasing groceries aren't affiliated to one brand or to one store. It is a matter of location and convenience. It's not to go out and find that one particular store and that is part of the problem with this particular location. There will always be traffic no matter what is done. Member Lynch was right by saying that this will be developed one day and it may be developed with a Kroger on it. The applicant has every right to come before the Planning Commission and the City Council and state their case and plead their arguments and have people deliberate at this level, people deliberate at the City Council and the ZBA. This is what people in the audience and the people in the City need to understand, that anyone that owns property can come before the City and ask for certain things.

Utilizing the PRO option extends the applicant the opportunity to overcome some of the hurdles relative to the site itself because some of the things people are trying to develop these days are a little bit more difficult and are not wide open spaces. They do require tree cuts and curb-cuts; there is no perfect piece of land anymore inside the City.

In this case, there are more negatives than positives, relative to sewers, lane changes, etc. The traffic is still going to be an issue. There have been some statements made that are a little bit skewed. The building to the east of this site, the industrial building that has been shut down for ten years has not been shut down for ten years. It was open as recently as 2008 and Chair Pehrson was a member at that company at that time in 2008. Some of the data placed in front of the Planning Commission whether it's surveys by City staff or the applicant gets a little bit skewed.

Chair Pehrson remembers from the previous presentation that 78% of the members that were surveyed would love to shop at a Kroger based on a sample size of about 72-75 people. That is not a statistical summary that is valid. Chair Pehrson is also concerned about the phasing of the project relative to the other retail outlets. How can the City be assured that with each new tenant being brought onto the site that it would be someone like Kroger who had the money, had the backing, had the willingness and had the desire to make

the commitment? That would be great, but Chair Pehrson can envision a Kroger being surrounded by buildings that have those for lease signs in them for quite a period of time.

The Planning Commission is not out to try to take away from the tax base or turn away business. That is not what the City is about here. The Planning Commission is trying to seek what is best for this particular piece of property. The Kroger building might be the best solution for the property, but it is just too large of a building when the impacts to woodlands and wetlands are considered. That is always something that gets swept under the rug. One of the things that this Commission has been pretty steadfast on is looking at the size relative to what is going on on that particular piece of property. This proposal is just a little bit too big.

Chair Pehrson appreciates the effort that has gone forward on everyone's part to bring this to this point today from the Planning Division and the applicant, Mr. Quinn and the people at Kroger. Chair Pehrson hopes there is some common ground to be able to demonstrate the City's business friendliness to the applicant, even though he is not 100% sure in which way he is going to vote or what the vote will be at this particular time.

Chair Pehrson then asked City Attorney Schultz for his comments.

City Attorney Schultz had a question in advance of a motion. Looking at this from the perspective of writing the PRO Agreement and the list of PRO conditions that go along with that, City Attorney Schultz is wondering whether or not the motion or the applicant is addressing the other area of rezoning, the frontage along Ten Mile Road for which he hasn't seen or heard any conditions. From the staff's perspective, if it is just a rezoning with no conditions, then the Planning Commission probably should talk about what the applicant expects, just a straight rezoning with no conditions or whether there is some other plan on the part of the Planning Commission on dealing with those areas in the future. Right now, looking at the draft motion, it does not appear that area, which is about five acres of frontage, has been addressed.

Chair Pehrson asked Mr. Quinn if he could help us understand what City Attorney Schultz stated.

Mr. Quinn told City Attorney Schultz that they would have to go back in the original application. Phase I of this project includes all of the improvements along Ten Mile Road including all the landscaping. It includes the driveways that are on the east side of the property and the access road from Novi Road. The outlots are being constructed as a general condominium and those outlots have not been properly sized. They are to be constructed after the first three phases and the infrastructure is to be put in with the first phase.

City Attorney Schultz stated that the PRO process normally affords the City some ability to say what they like and don't like. However, there are no site layouts or building layouts provided for the area labeled future phases. Staff is assuming that if there isn't going to be a discussion about the buildings or site layouts in the future phases, then it should somehow be indicated they are not addressed and at a minimum, will need to be included as future amendments to the PRO Agreement.

Mr. Quinn stated that City Attorney Schultz is absolutely right. It has been the applicant's plan to show the outlots in the area labeled for future phases within the rezoned B-2 area with the PRO on them. The applicant agrees that whenever the time to develop that area comes, the PRO Agreement would need to be amended.

City Attorney Schultz said the key is that a PRO Plan is what would be amended, not an approved site plan; essentially it would be a series of additional PRO Agreements.

Moved by Member Baratta and seconded by Member Lynch:

ROLL CALL VOTE ON THE APPROVAL RECOMMENDATION MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH.

In the matter of Weiss Mixed Use Development, SP09-26A with Zoning Map Amendment 18.690, motion to recommend approval to the City Council to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay with the following ordinance deviations: (a) Ordinance deviation for the excess building height of the shopping center (30' required, 35' provided); (b) Ordinance deviation for the location of the shopping center loading zone in the interior side yard; (c) Ordinance deviation for the shopping center dumpster location in the interior side yard; (d) Ordinance deviation for the overage of EIFS, Concrete "C" Brick and Split Faced CMU on the shopping center façade; (e) Ordinance deviation for the excess building height of the Kroger store (30' required, 38'6" provided); (f) Ordinance deviation for overage of EIFS, Concrete "C" Brick and Split Faced CMU and the underage of Natural Clay Brick on the Kroger façade; (g) Ordinance deviations for the following landscaping requirements: (1) Three foot tall berm along all road frontages, (2) Lack of perimeter trees, (3) More than 15 contiguous parking spaces without an interior landscape island proposed in seven locations, (4) Shortage of 122 linear feet of front façade landscaping for the proposed Kroger, (5) Lack of front façade landscaping on the shopping center, (6) Deficient landscape beds around all buildings, (7) Deficient foundation landscaping around proposed Kroger building (9,392 sq. ft. required, 1,733 sq. ft. provided), (8) Deficient foundation landscaping around proposed shopping center (10,008 sq. ft. required, 1,076 sq. ft. provided); (h) Ordinance deviations for the following driveway spacing requirements: (1) Same-side driveway spacing between the proposed Novi Road driveway and the south Walgreens driveway (230' required, 116' provided), (2) Same-side driveway spacing between the west driveway on Ten Mile Road and the east Walgreens driveway (230' required, 225' provided), (3) Opposite-side driveway spacing between the proposed center driveway on Ten Mile Road and the opposite-side industrial driveway to the east (300' required, 65' provided), and (4) Opposite-side driveway spacing between the proposed truck egress on Ten Mile Road and the first opposite-side industrial driveway in either direction (150' required, 4' provided to the west and 200' required, 71' provided to the east). The plan is also subject to the following PRO Conditions: (a) Stormwater is to be adequately detained above ground and on the site with no additional discharge into the wetlands; and (b) Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters.

Additionally, as a condition of this motion, the Planning Commission notes that the applicant acknowledged that future PRO Amendments will require review and approval of developments designated as "future phases", and that with this recommendation for approval, no development approvals are granted for any "future phases". Additionally, it is Planning Commission's recommendation to the City Council to ask the applicant to add an additional west-bound lane to Ten Mile Road across the entire frontage, to make a 5-lane cross section for the full length of the property.

This motion is made for the following reasons: Sufficient conditions are included on and in the PRO Plan on the basis of which the Planning Commission concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land uses proposed by the applicant, it would be in the public interest to grant the rezoning with Planned Rezoning Overlay, as the benefits which would reasonably be expected to accrue from the proposal are balanced against, and have been found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles. *Motion carried 5-3 (Nays: Pehrson, Cassis, Greco)*

3. **CVS, 43600 GEN-MAR, SP10-33**

Consideration of the request of CVS Pharmacy for Preliminary Site Plan and Storm Water Management Plan approval. The subject property is located at 43600 Gen-Mar Drive, west of Novi Road and south of the CSX Railroad, in the I-1, Light Industrial district, in Section 23. The subject property is 7.16 acres. The applicant is proposing to add about 7900 square feet of office within an existing warehouse building and add 21 net parking spaces.

Planner Spencer stated that the applicant, CVS Pharmacy is proposing to add about 7,900 square feet of office space within their recently purchased warehouse. They are also proposing to build 21 additional parking spaces to serve the new office areas. Typically this minor type of expansion could be administratively approved, but the applicant is proposing parking in front of the building and to use one of the Zoning Ordinance's parking space requirement alternatives and both require Planning Commission approval.

The parcel is located on the north side of Gen-Mar Drive, west of Novi Road and south of the CSX Railroad. There is a cement plant to the north and to the east, south and west there are light industrial and warehouse uses, including the CVS warehouse.

The property is in the I-1, Light Industrial District. Properties to the north are in the TC-1, Town Center District and to the east, south and west, the I-1 District.

Parking in the I-1 District is generally not permitted in the front yard between the building and the right-of-way line. Section 2400, footnote h, permits the Planning Commission to approve front yard parking to this requirement if the following conditions are met and the Planning Commission finds the parking acceptable:

- The development is at least 2 acres in area. The site is 7.1 acres.
- The parking lot does not extend into the minimum front yard setback. It doesn't.
- The parking lot does not occupy more than 50% of the area between the required setback and the building. It occupies about 31% of the area.
- The parking area is screened from the public right-of-way by a 2.5 foot tall landscape berm or screen wall. The plan partially meets this requirement, but the applicant has agreed to extend the proposed berm to screen all of the proposed parking spaces.
- The Planning Commission must find that the parking lot and lighting are compatible with the surrounding area.

The Planning Staff supports a Planning Commission determination that the proposed front yard parking is acceptable.

Using the Zoning Ordinance's standard parking space requirements, this site needs 138 parking spaces. The ordinance permits the Planning Commission to use a reduced requirement for warehouse areas if space is provided to accommodate the construction of additional off-street parking to fulfill the standard parking requirement, if needed.

Using the alternative parking requirement reduces the parking requirement by 48 spaces to 90 spaces. The applicant proposes to provide 125 parking spaces, 13 short of the standard requirement and to provide room to bank 16 spaces as depicted on the plan for a total of 141 spaces. Staff supports this reduction based on the employee counts discussed with the applicant.

The Planning Review and other reviews have asked for some additional minor corrections that the applicant has agreed to do.

At this time, the Planning Staff recommends approval subject to obtaining Planning Commission acceptance of parking in the front yard, Planning Commission approval of the proposed reduced parking requirements and banked parking, and making the minor corrections on the Final Site Plan.

Bob Suden of CVS Construction Department came forward and indicated CVS recently purchased the subject property. CVS is planning on moving the regional offices into this space. About 50 additional jobs will be brought to the Novi area. The footprint of the building will be expanded to get the adequate amount of parking and to have the parking arranged so it is more convenient for the people who work in the office area.

There was no correspondence and no one from audience wished to speak so Chair Pehrson closed the public hearing.

Member Cassis stated that as a member of the Zoning Board of Appeals, he had been able to review the plans for the Novi Road construction and wondered if Planner Spencer had seen the plans.

Planner Spencer stated that he had and he had also done a review on those matters.

Member Cassis asked if they were going to take part of the frontage of the development?

Planner Spencer stated that regarding Gen-Mar, the RCOC is proposing to relocate the entrance off of Novi Road and putting in a double curve to accomplish that. It will have some implications to the Stricker Paint site, but no implication to the two sites that CVS owns. They will still have the same access points basically off of Gen-Mar into their properties.

Member Cassis asked if there was going to be any alteration whatsoever on the frontage?

Planner Spencer answered no, not to these properties.

Member Gutman stated that this is generally in order and has the staff support and appreciates the accommodations made by the applicant.

Motion made by Member Gutman, seconded by Member Meyer.

ROLL CALL VOTE ON MOTION TO APPROVE THE PRELIMINARY SITE PLAN MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER.

In the matter of CVS 43600 Gen-Mar, SP10-33, motion to approve the Preliminary Site Plan, subject to the following: (a) The Planning Commission finds that parking in the front yard, between the building and the minimum setback line is acceptable because: (1) The development is over 2 acres; (2) Parking does not extend into the required setback of 40 feet; (3) Parking does not occupy more that 50 percent of the area between the building and the setback; (4) The parking area will be adequately screened; and (5) The parking lot and lighting will be compatible with the area; (b) Planning Commission approval to calculate the warehouse parking requirement at one space per 1700 square feet because the applicant has: (1) Provided room to bank 16 additional parking spaces; and (2) The applicant has demonstrated that their business will not need the additional parking spaces; and (c) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made for the reasons that the plan is otherwise in compliance with Article 19, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

Motion made by Member Gutman, seconded by Member Meyer.

ROLL CALL VOTE ON MOTION TO APPROVE THE STORM WATER MANAGEMENT PLAN MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER.

In the matter of CVS 43600 Gen-Mar, SP10-33, motion to approve the Storm Water Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made for the reasons that the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

- 4. RESOLUTION IN SUPPORT OF SUBMITTAL OF A JOINT APPLICATION WITH THE CITY OF FARMINGTON HILLS TO THE LOCAL MODEL SHOWCASE SUSTAINABILITY PARTNERSHIP GRANT PROGRAM OFFERED BY OAKLAND**

COUNTY

Member Cassis asked Deputy Director McBeth what would ultimately take place as a result of this collaboration.

Deputy Director McBeth answered in saying that she thought the two cities would build on their individual sustainability efforts. Novi has been working on a number of green initiatives, specifically energy efficiency and environmental sustainability. A couple of awards were recently granted to the City of Novi for its efforts in that regard. This effort would be a means to put the two communities together to share ideas and concepts and to work with a consultant specializing in these areas. A sustainability plan would come out of the process and a synergy could develop to make things go even further than the individual communities could go by themselves.

Member Cassis asked Deputy Director McBeth who are the individuals that will be collaborating and discussing and exchanging information.

Deputy Director McBeth said she did not think the staff has been identified yet. Administration might select someone from the Planning Division and possibly someone from the Finance Department.

Member Cassis asked if the staff would include mostly planners and if there would be someone from the Economic Development Department included.

Deputy Director McBeth again stated that it has not been determined yet and this is really just the beginning of the process for the grant application. If the City of Novi and the City of Farmington Hills get approval for this and are granted the funds, then it would be determined which staff members will be responsible.

Member Meyer stated that he thought it was wonderful that Novi might be collaborating with a neighboring community regarding these significant transportation choices, promoting equitable and affordable housing and enhancing economic competitiveness. This is a good sign for Novi.

Member Baratta noted there are grants out there that are available where regional or multiple cities can cooperate. Anywhere Novi can cooperate with other communities is to the City's benefit.

Chair Pehrson stated that in the City of Novi these days there is a willingness to cooperate rather than isolate and Chair Pehrson hopes this is a good sign and that it goes forward relative to the County's program.

Moved by Member Gutman, seconded by Member Lynch.

ROLL CALL VOTE ON APPROVAL OF RESOLUTION OF SUPPORT MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH.

Motion to approve a resolution of support for approval to submit a joint application to the Oakland County Local Model Showcase Sustainability Partnership Grant Program, in collaboration with the City of Farmington Hills. Motion carried 8-0.

5. PLANNING COMMISSION CALENDAR 2011

Moved by Member Gutman, seconded by Member Lynch.

VOICE VOTE ON THE PLANNING COMMISSION CALENDAR 2011 APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH.

Motion to approve the Planning Commission Calendar 2011, as presented. Motion carried 8-0.

6. WEST BLOOMFIELD TOWNSHIP MASTER PLAN

Moved by Member Lynch, seconded by Member Gutman.

VOICE CALL VOTE ON THE WEST BLOOMFIELD TOWNSHIP MASTER PLAN MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN.

Motion to authorize the Planning Commission Chair to send a letter to the West Bloomfield Township Planning Commission indicating support of West Bloomfield's proposed Master Plan changes. Motion carried 8-0.

MATTERS FOR DISCUSSION

There were no Matters for Discussion.

SUPPLEMENTAL ISSUES

Planner Spencer stated that the Master Plan and Zoning Committee meetings that are scheduled for the rest of the year will be put on hold, unless business arises or if Chair Pehrson would like to call a meeting.

Member Meyer stated that he wanted to personally thank Planner Spencer and Deputy Director McBeth for all of their attention to the Master Plan that came to a conclusion tonight with the approval of the Master Plan for Land Use.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

The meeting was adjourned at 10:03 p.m.

Transcribed by Juanita Freeman
Account Clerk
September, 2010

Date Approved:

Richelle Leskun, Planning Assistant