



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**May 8, 2024 7:00 PM**

Council Chambers | Novi Civic Center  
45175 Ten Mile Road, Novi, MI 48375 (248) 347-0475

## CALL TO ORDER

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

## ROLL CALL

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

Staff: Barb McBeth, City Planner; Beth Saarela, City Attorney; James Hill, Planner; Heather Ziegler, Planner

## PLEDGE OF ALLEGIANCE

Chair Pehrson led the meeting attendees in the recitation of the Pledge of Allegiance.

## APPROVAL OF AGENDA

Motion made by Member Lynch and seconded by Member Avdoulos to approve the May 8, 2024 Planning Commission Agenda.

**VOICE VOTE ON MOTION TO APPROVE THE MAY 8, 2024 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. *Motion carried 7-0.***

## AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing no one, Chair Pehrson closed the first public audience participation.

## CORRESPONDENCE

There was not any correspondence.

## COMMITTEE REPORTS

There were no Committee reports.

## CITY PLANNER REPORT

City Planner Barb McBeth introduced new Planner Dan Commer. He has a Bachelor of Arts in Urban Studies from Wayne State University and a Masters in Urban and Regional Planning from the University of Michigan. He also has his AICP certification. Previously Dan worked for the University of Michigan for about 16 months in a special program, prior to that he worked for a number of community development groups in Detroit and the greater area.

## CONSENT AGENDA - REMOVALS AND APPROVALS

### 1. JSP20-17 NOVI PROFESSIONAL VILLAGE BUILDINGS D & E PRELIMINARY SITE PLAN EXTENSION

Approval of the request of Andrew Marougy for a one-year extension of the Preliminary Site Plan (2nd request). The subject property is located in Section 27, south of Ten Mile Road and west of Novi Road in the Office Service (OS-1) and One-Family Residential (R-4) zoning district(s). The

applicant is proposing two 6,175 square feet professional office buildings, directly behind the three existing buildings on the property. The first one-year extension was granted on May 12, 2023.

Motion to approve the first one-year extension for JSP20-17 Novi Professional Village Buildings D & E made by Member Avdoulos and seconded by Member Lynch.

**In the matter of JSP20-17 Novi Professional Village Buildings D & E, motion to approve a one-year extension of the Final Site Plan approval.**

**ROLL CALL VOTE ON MOTION TO APPROVE THE ONE YEAR EXTENSION FOR JSP20-17 NOVI PROFESSIONAL VILLAGE BUILDINGS D & E MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 7-0.**

## **PUBLIC HEARINGS**

### **1. JSP23-36 HERS MARKET AND ONEZO**

Consideration of Special Land Use at the request of Mizu, LLC. The subject property, 24100 Meadowbrook Road, is an approximately 6,017 square foot unit within an existing commercial condominium and is located in Section 25, south of Ten Mile Road and east of Meadowbrook Road. The applicant is proposing to operate a market and café within the unit. Special Land Use approval is required for a restaurant use in the B-1 Local Business District.

Planner James Hill stated the Special Land Use approval is for a market and café that specializes in boba tea. The applicant, Jakie Chao, wishes to operate his Asian market and boba tea café out of an existing unit totaling approximately 6,017 square feet. The site is located on the east side of Meadowbrook Road, just south of Ten Mile Road. The unit formerly operated as Novi Drug with a drive thru window but is now vacant. As there are no site changes proposed for the project, the Special Land Use is the only item on the motion sheet tonight.

The current zoning of the site is B-1 Local Business District, which requires Special Land Use approval for a restaurant use. The entire commercial condominium is zoned B-1 Local Business, in addition to the neighboring business to the north and the commercial properties to the west across Meadowbrook Road. To the east and south are neighborhoods zoned R-4 One Family Residential. The business to the north is PNC bank and businesses in the strip mall across Meadowbrook Road include a dental office, massage business, and driving school, in addition to a standalone 7-Eleven.

The Future Land Use contemplates Community Office for the site, in addition to the bank to the north. Local Commercial is contemplated for the businesses to the west, and single family is contemplated for the existing residences to the south and east.

There are no natural features on site and no site changes are proposed.

The applicant is hoping make some interior modifications, which will be reviewed in full by the Building Department for compliance with the relevant building codes, such as the number of restrooms, sprinkler system, and ingress and egress. Additionally, similar to other Special Land Use reviews in the past, staff is expecting the applicant to restore the site landscaping to what was originally approved. The applicant has committed to working with staff to ensure compliance with the current landscape standards.

As noted in the Planning Review letter, there are limits and conditions to restaurant uses in the B-1 Local Business district on top of the usual Special Land Use considerations that the restaurant use is subject to. Namely, it must be located within a planned commercial center of at least 15,000 square feet, and the Tobin Center Condominium where this unit is located is approximately 16,439 square feet. Within that commercial center, the restaurant use cannot take up more than 20% of the gross floor area and cannot exceed 2,500 square feet. For this restaurant, 2,300 square feet is proposed, which is approximately 14% of the Tobin Center. Additionally, the hours of operation must be limited between 7:00 am and 10:00 pm and no outdoor food preparation is permitted, both of which the applicant has indicated compliance.

The Planning Commission must also consider proximity to adjacent residential districts and any adverse effects that may be expected due to potential smells, noise, or location or trash receptacles. The applicant has provided in their response letter more detail on the kinds of drink and food to be served, in addition to training staff how to handle trash to ensure cleanliness.

Finally, the ordinance states that once established, a subsequent substantially similar restaurant may occupy the same tenant space, utilizing the space or less floor area without the need for Planning Commission to again review a request for Special Land Use consideration.

On top of those conditions, the Planning Commission will need to consider the usual factors for Special Land Use approval. For example, impact on traffic and parking, public utilities, natural features, compatibility with adjacent uses, and whether or not the use matches the goals and objectives of the City's Master Plan for Land Use.

The Planning Commission is asked to hold the public hearing for JSP23-36 HERS Market and OneZo, and approve or deny the Special Land Use Permit. Jakie Chao, the applicant, is in attendance to answer any questions you may have. Staff is also available.

Chair Pehrson invited the applicant to address the Planning Commission.

Jakie Chao introduced himself and his sister as the owners of HERS Market and Onezo. On behalf of Mr. Chao, Planner Hill shared photos submitted of the proposed menu, an example of the interior layout, and a colorful diagram of boba tea.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium. Seeing no one, Chair Pehrson requested Member Lynch read correspondence received. Member Lynch stated there were 2 objections received. Angela Baidel expressed concerns about traffic, and Linda Thibault expressed concerns about traffic and thinks there is enough retail already. Chair Pehrson closed the Public Hearing and turned the matter over to the Planning Commission.

Member Lynch stated as a proposed Special Land Use, the Planning Commission needs to make some findings. In Member Lynch's opinion, it does not look like it will have a detrimental impact on any of the thoroughfares or public services based on what was previously there. It seems to be compatible with the natural features and the characteristics of that whole area. It is consistent with the goals of the Master Plan. It is a good project for that area, the landscaping will be restored, and the hours limited. Member Lynch has no issues with the project.

Member Becker stated for the past 39 years he has lived about a quarter of a mile down Meadowbrook Road from the proposed project, so he is very familiar with what the traffic flow looks like there. He knows some residents are concerned about that. When the site was functioning as a pharmacy, the traffic could be interesting, but not to the level of, for example, a Chick-fil-A.

Member Becker does not see any huge concerns with traffic, especially since if this were just about any other large building and public service in the B-1 district the Planning Commission wouldn't have any way to say no to it. He likes the fact that the B-1 Local Business District is designated to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas and thinks this fits in both cases. If this was just a marketplace, there would not be a Special Land Use request needed, it would be automatic.

Member Becker did some research as to what bubble tea is, and he intends to be one of the first customers because it sounds interesting as heck. He thinks it is a great use. He would rather see the building have people in it than be empty and is fully behind the proposal.

Member Dismondy had no concerns and wished the applicant good luck.

Member Verma had no concerns.

Member Roney had nothing further to add and wished the applicant good luck.

Member Avdoulos inquired if the drive thru from the drug store would be used. The applicant responded that there are no plans right now for the drive thru and have the space outside there to be an outdoor patio space to be utilized during regular business hours. Member Avdoulos acknowledged that the space has been vacant for at least three years and appreciates that the space will be occupied with something similar that provides something to the community.

Motion to approve the Special Land Use permit for JSP23-36 HERS Market and Onezo made by Member Avdoulos and seconded by Member Lynch.

**In the matter of HERS Market and OneZo, JSP23-36, motion to approve the Special Land Use Permit based on and subject to the following:**

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

- 1. The proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off street parking, off-street loading/unloading, travel times, and thoroughfare level of service (as it is an existing unit with shared parking in place).**
- 2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area (no impacts to utilities are anticipated).**
- 3. The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses, and wildlife habitats (no impacts to existing natural features are proposed).**
- 4. 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 (the restaurant use complies with the size requirements of Section 4.91 – Restaurants within a Planned Commercial Center).**
- 5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan or Land Use (as it fulfills one of the Master plan objectives to attract new businesses to the City of Novi).**
- 6. The proposed use will promote the use of land in a socially and economically desirable manner (as it fulfills one of the Master plan objectives to attract new businesses to the City of Novi).**
- 7. The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.**

**b. The applicant will work with staff to restore the site landscaping to what was provided on the original landscape through an Electronic Stamping Set submittal and review.**

**c. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Electronic Stamping Set submittal.**

**This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.**

**ROLL CALL VOTE ON MOTION TO APPROVE THE SPECIAL LAND USE FOR JSP23-36 HERS MARKET AND ONEZO MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 7-0.**

## **MATTERS FOR CONSIDERATION**

### **1. APPROVAL OF THE APRIL 24, 2024 PLANNING COMMISSION MINUTES**

Motion to approve the April 24, 2024 Planning Commission minutes made by Member Lynch and seconded by Member Avdoulos.

**ROLL CALL VOTE ON MOTION TO APPROVE THE APRIL 24, 2024 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. *Motion carried 7-0.***

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

There were no consent agenda items.

### **SUPPLEMENTAL ISSUES/TRAINING UPDATES**

#### **1. REPORT ON AMERICAN PLANNING ASSOCIATION - PLANNING AND ZONING ESSENTIALS TRAINING**

City Planner McBeth stated that Planner Zeigler has a brief presentation from the Planning and Zoning Essentials Training that she attended along with Member Becker on April 29, 2024 in Waterford.

Planner Zeigler stated that the workshop covered a variety of topics related to the planning and zoning process. The workshop went over the topics listed in depth, but her presentation only covers a few which may be most applicable to Planning Commissioners.

These topics were what is planning, the Planning Commission in general, creating a successful master plan, zoning basics, development reviews, the Zoning Board of Appeals, how to make effective decisions, and risk management.

The workshop was 5 1/2 hours and covered over 150 slides of content. If any Planning Commissioners would like the full presentation of slides, contact Planner Zeigler and she will send it.

Planner Zeigler showed slides with the most essential knowledge to Planning Commissioners. A Zoning Ordinance is well understood as a set of local regulations that detail the allowances and limitations of land uses and development in the community.

The term Master Plan has become a standard language in Michigan communities and reference to public policy document that informs the zoning ordinance and guides land use change and public infrastructure investment over time. For a local unit of government that has adopted a Zoning Ordinance, a Master Plan should include a zoning plan for various zoning districts controlling the height, area, bulk location, and use of buildings and premises. The zoning plan shall include an explanation of how land use categories on the future land use map relate to districts on the zoning map.

The authority we over all of our documents is the Michigan Planning Enabling Act, which enables the establishment of the Planning Commission, creating and adopting master plans, implementing capital improvement plans, public improvement approvals, and subdivision regulations and reviews. Along with that, we have the Michigan Zoning Enabling Act, which enables the development and administration of a zoning ordinance. This allows us to draft and adopt zoning ordinances, rezone and do conditional rezonings as well as have our operational Zoning Board of Appeals.

How to create a successful Master Plan was covered. A Master Plan is essentially a statement of policy describing the desired physical development of a community. It is required by the Michigan Zoning Enabling Act if a community has a Zoning Ordinance. The Planning Enabling Act requires this to be reviewed by the Planning Commission every five years. For the most desired outcomes, it should limit the improper use of plans of land, conserve natural resources and energy, ensure appropriate locations of land uses, avoid overcrowding, provide efficient transportation networks, reduce hazards to life and property, and establish goals for the future.

Our master plan from 2016, has the following goals: quality and variety of housing options, community identity, environmental stewardship, investment and maintenance of infrastructure, and economic development.

Another topic relevant to Planning Commissioners is respectful deliberation and public hearings. Some applicable rules for speakers are participating in respectful civil discourse, comments should be made through the Chair, following rules of speaking times used in Roberts Rules, and having a spokesperson for those in the audience or the decision makers. Procedures should be communicated through the Chair, there should be open deliberation and expression of opinions, and ordinance standards should be used for decision making.

Lastly, proper ways to make motions were covered. All of the following should be stated as part of a motions: the site plan name and number, date of plan including the revision dates, results such as approved, approved with conditions denied, or postponed, reasons for which the action was taken, any conditions that are made with the motion and timelines. If applicable who will verify if the conditions are met.

Member Becker added he did some initial training by Zoom when he was a new Commissioner during COVID. Two things that struck him about this training were the topic of spot zoning, and the idea that it is not the ZBA's job to solve problems for the applicant, but rather to tell the applicant what problems they need to solve. This piqued his interest in the ZBA, so Member Becker plans to attend a ZBA meeting.

#### **AUDIENCE PARTICIPATION**

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the final audience participation to come forward. Seeing no one, Chair Pehrson closed the final audience participation.

#### **ADJOURNMENT**

Motion to adjourn the meeting made by Member Lynch and seconded by Member Roney.

**ROLL CALL VOTE ON MOTION TO ADJOURN THE APRIL 24, 2024 PLANNING COMMISSION MEETING MADE BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY. *Motion carried 6-0.***

Meeting adjourned at 8:36 PM.

\*Actual language of the motion sheet subject to review.