



# PLANNING COMMISSION MINUTES

CITY OF NOVI  
Regular Meeting

**March 20, 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 Lynch, Chair Pehrson, Member Roney, Member Verma

Absent Excused: Member Dismondy

Staff: Barb McBeth, City Planner; Beth Saarela, City Attorney; James Hill, 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 March 20, 2024 Planning Commission Agenda.

**VOICE VOTE ON MOTION TO APPROVE THE MARCH 20, 2024 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. Motion carried 6-0.**

## 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

There was no City Planner report.

## CONSENT AGENDA - REMOVALS AND APPROVALS

There were no Consent Agenda – Removals and Approvals.

## PUBLIC HEARINGS

### 1. JSP23-37 CULVER'S

Public Hearing at the request of Union Pacific Holdings for recommendation to the City Council for Preliminary Site Plan with a PD-2 Option, Special Land Use, and Stormwater Management Plan

approval. The subject property is located at the northwest corner of Novi Road and West Oaks Drive in Section 15 and totals approximately 1.69 acres. The applicant is proposing to develop a 4,160 square foot Culver's restaurant with a drive-thru. The applicant will be utilizing the Planned Development 2 (PD-2) option to propose a drive-thru and is proposing to vacate and move a portion of Karevich Drive so that it traverses around the site.

Planner James Hill stated the applicant is proposing a 4,160 square foot Culver's restaurant with two drive thru order boards, an outdoor seating area, and associated parking. The site is currently bisected by a portion of North Karevich Drive. As part of the project, the applicant is requesting that the City vacates all of North Karevich Drive so that the applicant can reroute the road around the proposed location of the building and parking. The applicant would then take over the responsibility of maintaining the road but allow public access to continue. The street vacation is another matter that the City Council will consider concurrently with the site plan.

Due to the fact that the site lies within the PD-2 District, the Planning Commission does not approve the Preliminary Site Plan, Special Land Use, and Stormwater Management Plan, but instead makes a recommendation to the City Council for approval or denial. The City Council then makes the ultimate decision on the matter, in addition to any requested waivers or variances.

The applicant has requested that the decision to recommend approval or denial be postponed, so that they can prepare a complete response to the review letters and comments from the latest round of reviews, and possibly submit another revised Preliminary Site Plan and Traffic Study for staff to review. A letter from the applicant requesting postponement is in the Planning Commission packet for reference and the applicant's engineer, Tyler Smith from Mannik and Smith, is in attendance to answer any questions.

Although a postponement is requested and recommended by staff, since a public hearing notice was advertised Planner Hill provided a brief presentation of the project.

As noted, the site is currently bisected by a portion of North Karevich Drive. If the street vacation and lot combination are completed successfully, the site will total approximately 1.69 acres.

The site is currently zoned RC Regional Commercial, and all adjacent property is likewise zoned for RC Regional Commercial. The uses nearby include the West Oaks Shopping Center including Carrabba's to the south, Gjeto's Salon to the west, Value City Furniture to the north, and Twelve Oaks Mall to the east across Novi Road.

The Future Land Use contemplates Town Center Gateway with a PD-2 Overlay. The PD-2 Overlay also covers the parcels to the west and north of the site, except that their underlying zoning is Town Center Commercial. To the south and east the Future Land Use contemplates Regional Commercial.

The PD-2 Overlay permits the restaurant use as a Special Land Use and adds other conditions, including a minimum distance of 1,000 feet to other restaurant uses. The site is under 1,000 feet to both Carrabba's to the south and Starbucks to the north. This condition will require a deviation to be granted by City Council.

This and other required deviations are included in the motion sheet, but since postponement is requested from the applicant and is recommended by staff, time won't be spent to explain them in detail. Additionally, revisions to the site based on the latest reviews could change required deviations.

The Planning Commission is asked tonight to hold the public hearing for JSP23-37 Culver's, and recommend approval or denial to the City Council for the Preliminary Site Plan, Special Land Use with a PD-2 Option, and Stormwater Management Plan, or, as requested by the applicant and recommended by staff, postpone the decision in order to allow the applicant to further review items discussed during the public hearing, provide a response letter to staff reviews, provide another revised Preliminary Site Plan submittal and Traffic Impact Study, and to work toward greater compliance with the requirements of the Zoning Ordinance.

It is expected that the applicant will submit revisions within a month or two, so it is advised that the public hearing remain open. As mentioned, the applicant's engineer is in attendance and available for questions, in addition to staff being available.

Chair Pehrson invited the applicant to address the Planning Commission.

Tyler Smith, Engineer with Mannik and Smith Group, relayed that as Planner Hill stated, the applicant is requesting a postponement to allow for additional time to meet the requirements.

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 the correspondence into the record. Member Lynch stated that Ed Turek, President of Catholic Central High School, Kelly VanMarter, Genoa Township Manager, and Joyce Parker, Scio Township Manager all wrote letters of support for the Culver's project based on the fact they all have this particular business in their city or township.

Chair Pehrson stated the Public Hearing will remain open and turned the matter over to the Planning Commission for consideration.

Member Lynch stated that the postponement makes sense. Of particular interest to Member Lynch is that the queuing of cars and traffic for the drive-thru not affect other areas since this was a concern for Chick-Fil-A. He thinks this is a perfect location for a Culver's and wishes the applicant the best.

Member Becker had no comment.

Member Verma inquired as to the road that bisects the parcels. City Planner McBeth stated Karevich Drive was originally designed by the City over 25 years ago as a frontage road for Novi Road to encourage traffic to get off Novi Road and enter and exit the shopping center safely.

Member Roney stated he hopes Value City responds regarding Karevich Drive being diverted. If they are comfortable with it, then Member Roney does not have a problem with it.

Member Avdoulos stated there are a few things to address. The adjustment of Karevich drive makes sense to allow this project to be successful. He is not worried about the queuing of cars since when Chick-Fil-A first opened it was really busy, but since then it has been manageable, which was also the case for the Northville location. Of greater concern is left hand turns onto West Oaks Drive since that intersection is very busy and cars queue up there on West Oaks to make a left hand turn northbound onto Novi Road.

Member Avdoulos requested that the three-dimensional views that were shown in the presentation be included in the packet as they are very helpful especially with envisioning the traffic flow.

Motion to postpone a recommendation on the JSP23-37 Culver's Special Land Use Permit, Preliminary Site Plan, and Stormwater Management Plan moved by Member Avdoulos and seconded by Member Lynch.

Chair Pehrson stated that in addition to concern with left hand turns onto West Oaks Drive, queuing at the order stage needs to be addressed more to ensure there is enough room for the queuing of cars awaiting food delivery.

**In the matter of JSP23-37 Culver's motion to postpone making a recommendation of the Preliminary Site Plan with a PD-2 Option, Special Land Use Permit, and Stormwater Management Plan in order to allow the applicant time to further review items discussed during the public hearing, provide a response letter to staff reviews, provide another revised Preliminary Site Plan submittal and Traffic Impact Study, and to work toward greater compliance with the requirements of the Zoning Ordinance.**

**ROLL CALL VOTE ON MOTION TO POSTPONE A RECOMMENDATION ON THE JSP23-37 CULVER'S PRELIMINARY SITE PLAN WITH A PD-2 OPTION, SPECIAL LAND USE PERMIT, AND STORMWATER MANAGEMENT PLAN MADE**

**BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 6-0.**

**2. JSP23-44 NOVI METHODIST PLAY AREA**

Public Hearing at the request of Radiance Montessori, LLC, for consideration of Preliminary Site Plan and Special Land Use approval. The subject property totals approximately 5.01 acres and is located in Section 26, south of Ten Mile Road and west of Meadowbrook Road. The applicant is proposing to operate a Montessori day care center out of a portion of the existing church and install an approximately 1,200 square-foot, fenced-in play area. Special Land Use approval is required for a day care center in the RA Residential Acreage District.

Planner Hill stated the Preliminary Site Plan and Special Land Use is for a Montessori Day Care to operate out of the Novi Methodist Church at 41671 Ten Mile Road. The site, in total, is 5.01 acres but there are no proposed site changes except for the 1,200 square foot, fenced in play area in the backyard and the restriping of an existing crosswalk. The site is located west of Meadowbrook Road on the south side of Ten Mile Road, in section 26 of the City.

The site is currently zoned R-4 One-Family Residential. Adjacent property to the west and south are also zoned for R-4 One Family Residential. To the east are two shopping centers zoned B-1 Local Business District, and to the north is the Novi-Ten Shopping Center, zoned B-3 General Business, and the Treetop Meadows apartments, zoned RM-1 Low Rise Multiple Family.

The Future Land Use contemplates Single Family for the site and the surrounding parcels to the west and south. Local Commercial is contemplated for the sites to the east and north, in addition to multiple family being contemplated where apartments are currently located.

There are no natural features expected to be impacted by the project.

The applicant is seeking a modification to the play area size requirement to construct a play area 1,200 square feet in size. The Zoning Ordinance currently requires a minimum of 2,800 square feet to be provided for Day Care Centers in a residential zoning district. The justification provided by the applicant states the minimum requirement from the State of Michigan to be 1,200 square feet and that not all the children will be playing at the same time.

The play area itself will be surrounded by a 4-foot high chain-link fence. The current site plan has some inconsistencies with the site conditions as they exist on site, such as showing some additional sidewalk where there is none existing or proposed. The applicant has committed to correcting those inconsistencies with a revised Final Site Plan submittal, should the Special Land Use permit be approved.

In addition to the fenced in play area, the applicant has shown that the crosswalk from the existing pedestrian network will be repainted. The applicant has shown the plan for drop off and pick up to occur underneath the overhang at the church entrance. There appears to be ample stacking spaces for parents dropping and picking up their children.

As part of the Special Land Use, Planning Commission must take into account the Special Land Use considerations, including traffic circulation and safety, public services and utilities, natural features, impact on surrounding neighborhoods, and the social and economic impact.

The Planning Commission is asked to hold the public hearing for JSP23-44 Novi Methodist Play Area and approve or deny the Preliminary Site Plan and Special Land Use. Project architect Tim Nichols and applicant Aruna Jayasinghe are in attendance to answer any questions. Chair Pehrson invited the applicant to address the Planning Commission.

Tim Nichols introduced himself along with Novi Radiance Montessori owner Aruna Jayasinghe and stated they are happy to answer any questions.

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 the

correspondence into the record. Member Lynch stated there was a response with an objection from Pamela Ann Brown, and responses from Janet Flavin, Walter Grabowski, Catherine Nay and Carlos Valadez in support.

Chair Pehrson closed the Public Hearing and turned the matter over to the Planning Commission for consideration.

Member Lynch stated he does not have a problem with the 1,200 square foot play area as this is the minimum requirement by the State. He does not think a noise impact study is needed since the play area is about 200 feet from the nearest residential area and there seems to be enough foliage in the area. The play area is fenced, and the applicant agreed to fix the inconsistencies. Member Lynch does not have any issues with the proposal.

Member Becker inquired to staff regarding the requirement of 150 square feet of play area per child, which with a maximum occupancy of 40 would be 6,000 square feet, where does the 2,800 square feet come from? Planner Hill responded that the 2,800 square foot requirement is set in the Zoning Ordinance and would be the minimum even if the number of children multiplied by 150 did not reach 2,800, but in this case the applicant has stated that even if the number of children is 40, not all children would be in the play area at the same time.

Member Becker inquired to the applicant as to the hours of operation and ages of children attending. Mr. Nichols responded that the hours of operation will be 7:00 AM to 6:00 PM Monday through Friday, year-round, and the ages of children will be 16 months to five years. Member Becker stated that 40 children in 1,200 square feet equates to 30 square feet per child, which is a 5 foot by 6 foot area. How will the children be grouped to use the play area. Ms. Jayasinghe responded that the children are in different age group classrooms with a maximum class size of 12 and the classes will not be utilizing the play area at the same time.

Member Becker stated that there is a pretty large backyard and inquired if there is a reason why the applicant does not want to have a play area larger than 1,200 square feet. Mr. Nichols responded that state licensing requirement of 1,200 square feet is the guide here, the children are very young, and after consultation with a licensing representative from the state, the applicant feels this is the optimal size for the play area.

Member Becker inquired to staff that if the Ordinance requires at least 2,800 square feet of play area, and the State of Michigan requires at least 1,200 square feet, which takes precedence? Planner Hill responded that the State of Michigan sets the minimum of 1,200 square feet and recommends that applicants comply with local zoning ordinances. We have in our local ordinance that an applicant can justify having smaller square footage for a play area.

Member Becker inquired if the Novi Radiance Montessori will be replacing the Novi Co-op Preschool already operating in the church. Mr. Nichols responded that the two are separate entities in the Novi United Methodist Church but will be working together and don't anticipate any conflict. The Novi Co-op hours are 9:00 AM to 12:00 PM Monday through Friday. Mr. Nichols noted that Pastor Carter Cortelyou is in attendance.

Member Verma had no comment.

Member Roney relayed that Member Becker addressed all his questions and had no comment.

Member Avdoulos thanked Member Becker for his thoroughness and had nothing further to add.

Motion to approve JSP23-44 Novi Methodist Play Area Preliminary Site Plan made by Member Avdoulos and seconded by Member Roney.

Member Becker added that the Planning Commission has to be careful with approving smaller square footage for play areas as this could be setting the level for future applicants.

In the matter of Novi Methodist Play Area, JSP23-44, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Planning Commission approval to modify play area size requirement based on applicant justification through Section 4.12.2.i.a – applicant is seeking waiver of 1,600 square feet (at least 2,800 square feet required, 1,200 square feet proposed) supported because the applicant has shown that the proposed number of children playing outside at one time in the proposed play area size is permitted by the state standards and regulations.
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan 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 JSP23-44 NOVI METHODIST PLAY AREA PRELIMINARY SITE PLAN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY. Motion carried 6-0.**

Motion to approve JSP23-44 Novi Methodist Play Area Special Land Use made by Member Avdoulos and seconded by Member Roney.

In the matter of Novi Methodist Play Area, JSP23-44, 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 does not generate additional traffic and adequate stacking has been provided*).
  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 play area is being constructed in an existing play area*).
  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. Waiver from the Noise Impact Statement requirement because the play area is being constructed in an existing play area. *Supported because the location of the new, fenced-in play area is away from the neighboring residences.*
- 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 Final Site Plan 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 JSP23-44 NOVI METHODIST PLAY AREA SPECIAL LAND USE PERMIT MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY. *Motion carried 6-0.***

#### **MATTERS FOR CONSIDERATION**

##### **1. APPROVAL OF THE MARCH 6, 2024 PLANNING COMMISSION MINUTES**

Motion to approve the March 6, 2024 Planning Commission minutes made by Member Lynch and seconded by Member Avdoulos.

**ROLL CALL VOTE ON MOTION TO APPROVE THE MARCH 6, 2024 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. *Motion carried 6-0.***

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

There were no consent agenda items.

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

There were no Supplemental Issues/Training Updates.

#### **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.

**VOICE VOTE ON MOTION TO ADJOURN THE MARCH 20, 2024 PLANNING COMMISSION MEETING MADE BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY. *Motion carried 6-0.***

Meeting adjourned at 7:32 PM.

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