



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

February 8, 2012 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

Present: Member Anthony, Member Greco, Chair Gutman, Member Lynch, Member Prince

Absent: Member Baratta (excused); Chair Pehrson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Brian Coburn, Engineer; David Campbell, Planner; Beth Kudla-Saarela, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by member Prince:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:

Motion to approve the February 8, 2012 Planning Commission agenda. *Motion carried 5-0.*

AUDIENCE PARTICIPATION

No one from the audience wished to speak and Chair Gutman closed the first audience participation.

CORRESPONDENCE

Member Greco stated that there was correspondence related to the public hearing that will be read into the record at that time.

COMMITTEE REPORTS

There were no committee reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that at the City Council meeting last Monday, the City Council approved the Second Reading of the Text Amendment that the Planning Commission had also recently reviewed relating primarily to the office districts. The modifications to eliminate the OS-2, Planned Office Service District and the modifications to allow the Retail Service Overlay in the OST District, primarily for the area near Grand River and Beck Road, were approved with some modifications. Those revisions had been forwarded to the Planning Commissioner's by email last week.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no consent agenda items.

PUBLIC HEARINGS

1. PINNACLE HOMES REZONING 18.702

Public hearing on the request of Pinnacle Homes for recommendation to the City Council for rezoning of property in Section 18, located on the south side of Twelve Mile Road, east of Napier Road, from

the RA, Residential Acreage District and R-1, One-Family Residential District, to the R-4, One-Family Residential District. The subject property is 64.0 acres.

Planner Dave Campbell indicated that the applicant, Pinnacle Homes of Michigan, is proposing to rezone a 64-acre parcel on the south side of Twelve Mile Road, east of Napier Road from RA, Residential Acreage and R-1, One-Family Residential to R-4, One-Family Residential. The applicant has indicated the rezoning has been requested in order to bring the parcel into compliance with the recommended Future Land Use designation and Residential Density standards within the Master Plan for Land Use and allow for the development of detached single-family homes.

The parcel is currently split-zoned: The northerly approximately 23 acres is zoned RA, Residential Acreage and the southerly approximately 41 acres is zoned R-1, One-Family Residential. The applicant is proposing the entire parcel be rezoned to R-4, One-Family Residential.

Looking at the Natural Features map for the parcel, there are regulated woodlands along the north, west and south sides of the property as well as small wetland area on the southeast corner of the property. The woodlands and wetlands would need to be inventoried and surveyed if and when a site plan is submitted for this property.

To the west of this project is the Knightsbridge Gate single family property. To the east is a couple of narrow undeveloped parcels. Further east are the Catholic Central practice athletic fields. To the southeast is the Island Lakes development. To the south is the Old Dutch Farms Mobile Home community.

Planner Campbell referenced the zoning map. The property is currently split-zoned and the northern 23 acres is currently zoned R-A, Residential Acreage and the southern 41 acres is currently zoned R-1, One-Family Residential. The applicant is seeking a rezoning to R-4, One-Family Residential which allows for smaller lot sizes and at a greater density than the existing R-A and R-1 zoning.

Planner Campbell stated that the applicant has not submitted a concept plan with this rezoning but with correspondence with the applicant the engineer, staff understands their intent is to construct approximately 130 single-family homes on the property.

The Future Land Use map designates the subject property as "Single Family". The Residential Density Map indicates 3.3 units per acre for the subject property, consistent with the R-4 zoning district requested.

Staff recommends approval of the proposed rezoning as the requested zoning is in compliance with the Future Land Use map and the planned Residential Density Map, and the proposed residential zoning is consistent with the residential zoning throughout the surrounding area and the educational facility directly adjacent.

Chair Gutman then asked if the applicant was here and if he would like to come up and speak.

Mr. Howard Fingerroot came forward and stated that he is the managing partner for Pinnacle Homes. Pinnacle Homes is a 7-year-old company he started with his partner Steve Friedman. He said that he has been doing residential development in southeast Michigan for 18 years and Steve Friedman has been doing residential development for about 30 years. Currently, we have two communities in Novi that we are building: one is in Bella Terra at Nine Mile and Napier and the second one is Normandy Hills located near Eight Mile and Meadowbrook. Pinnacle was named Builder of the year last year in 2010 as awarded to us by the Builder's Association. Also, in 2011 we were the largest single family builder in Oakland County after having pulled 102 permits. In addition to two projects in Novi, we have worked in Orion,

Rochester, Commerce, and just finished a project in Royal Oak. Mr. Fingerroot said he is opening two communities in Farmington Hills this year and looks forward to working with the City of Novi.

Mr. Bill Anderson came forward and explained that they have developed a concept plan that takes into account the preservation of the trees on the south side of the property. Also, off of Twelve Mile the plans shows tree preservation, leaving the large wood stand there. This concept plan shows an 80 foot by 125 foot minimum lot size, an R-4 development. Mr. Anderson said, we plan to put in our Storm Water Management and that will provide some buffer for Knightsbridge Gate and plan to preserve the large wooded area in the middle of the property.

Chair Gutman wanted to confirm that the Commission is just commenting on the rezoning tonight and this nothing to do with a concept plan at this time.

Deputy Director McBeth answered in saying that is correct. There was no concept plan review at this time. Staff did talk to the applicant about submitting a rezoning with a Planned Rezoning Overlay which would have included a concept plan. However, at this point, the applicant has declined to go about the rezoning with a PRO, and no concept plan has been reviewed.

Again, Chair Gutman stated that we are strictly focusing on the rezoning itself tonight. He wanted to make sure we were all clear on this.

Chair Gutman stated that this is a public hearing. If there is anyone from the audience who would like to speak, please come forward.

Mr. Rick Stanbridge from 26990 Maxwell Court in Knightsbridge Gate stated that he abuts the property. He stated that quite a few of the residents did not get notice of this hearing, and questioned why not. Mr. Stanbridge said he would like to have this meeting postponed. Once notice is provided, residents can prepare and discuss this issue. Mr. Stanbridge said that he is opposed to this project. There is not enough information on sewer; on the original plan, it was supposed to go to the east. In the pamphlet he picked up on line, it shows sewer going to the west through Knightsbridge Gate. Mr. Stanbridge asked how is that going to be sufficient. The pamphlet says we assume this is going to be okay, but how do we know it will be. We could end up with backed-up basements which is a huge concern. We question why this was changed. Mr. Stanbridge stated that when the planning was done in 2010 the sewer was all supposed to go to the east. Mr. Stanbridge questioned whether we really need to go into the new planning like this. He wondered how are we assured that we're only going to have 135 homes and don't end up with 206. Mr. Stanbridge said a lot of us paid extra money for those lots and assumed it was going to stay the way it is. We also believe this will decrease our property values by changing this zoning.

Mr. Ryan Bishop from 27372 Sloan Street as part of Knightsbridge Gate said he has several concerns regarding this rezoning. The first one is the timing of it. He has lived in Knightsbridge Gate for five years and the development of the property has been a slow. The last thing we want to see is open lots sitting in this proposed development years and years down the line. The second issue is with privacy. The western edge of the two parcels in question tonight is shared with Knightsbridge Gate and there would be approximately 2,600 feet of shared property line. He wonders how the applicant plans to address this so privacy is not degraded. The third issue is negative traffic impact. There are apartments to the north, a school to the northwest, Knightsbridge Gate to the west, and if you add in another sub, you are going to have a definite congestion issue especially on Twelve Mile Road. The last issue is the density increase; the R-4 zoning will have an impact on the openness of the area. Mr. Bishop says, that he thinks that the jump from the R-A/R-1 zoning to R-4 zoning is too much. One of the attractive features of the western side of the City of Novi is its openness and preservation of the natural features. Mr. Bishop thinks this proposal goes against that.

Mr. Gerald Sczymanski from 27346 Sloan Steet as part of Knightsbridge Gate, said he is one of the resident board members of the Homeowners Association. Mr. Sczymanski echoes both of the previous speakers and their concerns. Knightsbridge Gate is a community with the highest density in Novi with 349 lots and approximately 80 acres. We are currently hitting 60% build-out with a handful of lots still in construction. That is 6 years after the start of Knightsbridge Gate. Adding another development next door is going to slow us down to a point where we are starting at construction either to our east or in our own community for an even longer period of time. As a community, we're dealing with just trying to finish roads that are starting to deteriorate from the base coat. The sewage issues and which way is it going and wildlife are our concerns. A bigger concern is the lack of notification for some of our residents. Mr. Sczymanski communicated with as many homeowners as he could through the Facebook page to try and get some more information out there. He thinks the timing of this is inappropriate right now. He said, we still have 150 sites available for construction that we need to finish out before we start planning another development next door.

Chair Gutman asked if there was anyone else who wished to speak. Seeing no one, he asked if there was any correspondence.

Member Greco answer in saying we do have two items.

The first correspondence is from a Peter Serini at 27098 Maxwell Court, Novi. Mr. Serini approves of the zoning map amendment for several reasons: 1) New homes with children would increase population at schools both public or private. 2) It would also increase the tax base for Novi. 3) It would cause the paving of Twelve Mile Road. 4) It's a much better alternative to duplex homes previously proposed and rejected. 5) More businesses and shops would establish in shopping center at Grand River and Wixom. 6) There is no chance that anyone would buy homes in the R-A parcel on an acre with condos and apartments on the other side of Twelve Mile Road and Knightsbridge Gate to the west.

The second correspondence is from Stephan Schwarzkopf at 27276 Sloan Street, Novi. He objects to the rezoning request for the following reasons: 1) The zoning change was rejected in 2008 and wonders what has changed. 2) There would be an increase of traffic for the Grand River/Wixom Road intersection. 3) His decision to buy a house in the subdivision was based on existing zoning in the neighborhood areas, i.e. large homes that increase our home values. 4) He believes there would be a decrease in his home value with competing size homes in the area. 5) He also has an issue with the delay with finishing homes in his subdivision if home sizes are similar. 6) He is also concerned about the reduction of forested areas with the proposed zoning.

Member Greco stated that this concludes the correspondence.

Chair Gutman closed the public hearing. Chair Gutman stated that before we turn this over to the Planning Commission he would like to address the question of notification. Chair Gutman asked Deputy Director McBeth to speak on this.

Deputy Director McBeth stated that public hearing notices went out as required by the ordinance. Our documents show that 218 letters were mailed to property owners within 300 feet of the rezoning request. That measurement is taken from the perimeter of the property in all directions including Wixom to the north, as well properties as to the south, west and east.

Chair Gutman then turned it over to the Planning Commission for their comments.

Member Lynch stated that it was his understanding that there was a proposal to put duplexes in here which was a higher density. This went as far back as the master planning process. When we redid the Master Plan and had a public hearing, he questioned whether the property was already rezoned to R-4.

Planner Campbell stated that the Master Plan was adopted with a single family designation for the property and a residential density consistent with R-4 zoning. But the property itself was never actually rezoned. When the proposal came in for the Catholic girls' school as well as the duplexes, the Planning Commission made a recommendation for one zoning designation for the property that was going to be the Catholic girls' school and another zoning designation for this particular property to allow for the duplex units. That request was then taken to City Council and the City Council looked at a different proposal at the applicant's request. The City Council tentatively approved a rezoning for the property contingent on a PRO Agreement. Council gave the applicant 60 days to work out a PRO Agreement with the City Attorney. That PRO Agreement never materialized. So, the rezoning was never approved for this property.

Member Lynch asked if that was when the girls' school moved to Wixom.

Planner Campbell answered that the girls' school is now built on the north side of Twelve Mile Road in the City of Wixom.

Member Lynch addressed Mr. Coburn and stated that he saw two conflicting things in the paperwork. One place shows the sewage will flow to the east toward Wixom Road and the other one says towards Napier Road. Are there two different lift stations we are talking about and exactly what are doing with it.

Mr. Coburn's reply was that there was no concept plan submitted with the rezoning application and so Engineering was not able to do a detailed analysis of an engineered sanitary sewer plan as they would with a typical site plan. Engineering has an overall utility master plan for the Twelve Mile Road and Napier vicinity that shows that there is capacity in the system overall for the maximum density permitted for the subject parcel under its planned density in the Master Plan. That utility master plan assumed that sanitary sewer from the subject parcel would flow east. If and when a site plan is submitted for the subject parcel, it will be incumbent upon the applicant's engineer to demonstrate that sanitary sewer flows could be handled if directed to the west as mentioned by the applicant, and Engineering will conduct a detailed evaluation of that site plan once it has been submitted.

Member Lynch asked Mr. Coburn that when he did his analysis, did you assume there would be a number of homes; I think the R-4 was 133 homes.

Mr. Coburn answered in saying we assumed 211 homes.

Member Lynch then asked if R-4 allows a lesser number than that.

Planner Campbell stated that calculations vary, but over 200 units is what could be permitted at maximum density in R-4. What the applicant has said all along is that the plans will provide somewhere in the neighborhood of 120 or 130 units. But again, there wasn't a concept plan included with the rezoning application.

Member Lynch asked about as far as a pressure drop to the surrounding communities. He wondered if that would result and if it going to be a closed loop system.

Mr. Coburn answered in saying there is no concept plan and we would have to look at how they're going to be served on the site plan which will show the actual points of connection. The review at this phase is

to look at the impact on the overall system and generally we look at supply and demand in this location as part of the overall system. The detailed review of the connections would occur at the time that a site plan is submitted for review.

Member Lynch then asked what the density was of Knightsbridge Gate.

Planner Campbell stated that Knightsbridge Gate is zoned R-4, however, it came in under a Consent Judgment.

Deputy Director McBeth stated that she hadn't verified that recently but thought it was around 4.3 or 4.4 units to the acre.

Member Lynch asked if the density at Old Dutch Farms is in the double digits.

Deputy Director McBeth stated that the Master Plan indicates the density in the mobile home parks is about 8 units to the acre. Sometimes it is more than that depending on how they have the homes arranged.

Member Lynch asked who owns Twelve Mile Road. He wondered if there are multiple ownerships, or does Oakland County own the road.

Mr. Coburn stated that it used to be the City of Wixom until a few years ago when Novi took over jurisdiction of the east-west portion of Twelve Mile Road. He mentioned that the north-south section of the road is still under Wixom's jurisdiction.

Member Lynch asked about who is responsible for the part of the road that is not paved.

Mr. Coburn answered Member Lynch in saying the City of Novi owns the unpaved portion.

Member Lynch stated since there is no concept plan, so we cannot do a traffic study.

Planner Campbell answered that for a rezoning such as this the only thing that is required is a Traffic Impact Analysis where you compare the maximum development that could occur under existing zoning compared to the traffic impacts of the maximum development that could occur over the proposed zoning. If and when a site plan were to come in for this property, that is when a Full Traffic Impact Study would be submitted. Because to do the Full Impact Traffic Study you would have to know where the driveway locations are going to be and where it might connect to neighboring developments, etc. The applicant did have their traffic engineers submit a traffic impact assessment that showed the maximum number of trips that would be generated under maximum density and also the number of trips that would be generated based on a number of homes more in line with what the applicant has in mind.

Member Greco asked the applicant about the size of the homes they were planning.

Mr. Fingerroot answered in saying 2,400 – 3,000 square foot homes are being planned.

Member Greco asked what the general sizes of the homes were in Knightsbridge Gate.

A member of the audience answered in saying the size of the homes in Knightsbridge Gate were about the same size.

Mr. Fingerroot stated that the geometry or the structure of the houses will look different. He said he is not sure they're going to be necessarily competing with the Knightsbridge Gate development. On an 80 foot lot, Mr. Fingerroot anticipates the majority of the houses being about 50 foot wide presenting nice curb appeal with wide houses. He said, we are not trying to create an environment necessarily competing with our neighbors. He thinks it should enhance property values for the area.

Member Greco stated that after hearing from the comments from the residents of Knightsbridge Gate and the correspondence, the rezoning is not only consistent with our Master Plan, but is also consistent generally with the area. Many times when we hear from residents what is being built out or built up around them is something usually of a much higher density than what they are used to, or something commercial. In our role as a Planning Commission and in the City's role in looking at this, basically what surrounds this property looks very consistent with what is being proposed as a rezoning. Member Greco does not have any concerns about it. As far as the review of the sewage, or potential traffic impacts, other than what's already been done, those are issues that need to be addressed once we have a site plan.

Member Greco stated that just looking at the map - the mobile home park, looking at the R-4 where Knightsbridge Gate is, the school, Twelve Mile Road and apartments that are there - it seems to him that the residents that are here from Knightsbridge Gate are right to not specifically rely on representations that are not etched in granite as far as a potential site plan. But, the rezoning request certainly seems consistent with what's going on in the area. Member Greco said he is likely to vote in favor of the rezoning based upon the evidence that he has.

Member Anthony asked Planner Campbell about the property and the previous request before the City Council.

Planner Campbell answered in saying the City Council had previously tentatively approved a rezoning with PRO for duplex units on that property but the PRO Agreement never came back for final approval.

Member Anthony said it was the developer who backed away from the final approval.

Planner Campbell answered that he believes that to be the case.

Member Anthony said that when he was reading though the history of the property, there was a very good argument made for an even higher density residential in that area.

Planner Campbell answered in saying that at that time, the applicant wanted 230 attached units and the Planning Commission wanted no more than 212 units - both of which are more than this developer showed on the plan this evening.

Member Anthony asked about the Consent Judgment at Knightsbridge Gate. Can the City Attorney expand on what was the City's initial desire versus what the courts ruled.

Attorney Kudla stated that she did not have the prior history on what was proposed before the Consent Judgment but it is something we could look into.

Member Anthony stated that when you look at the surrounding area, at the future land use plan, and at this parcel being single family, the risk of an even higher density coming in exists. Sometimes the courts even take that out of our hands and Knightsbridge Gate is an example of that. When you look at consistent development and transition zones, R-4 ends up being a good compromise and a good place to be. You have a developer looking at single family residential and even less number of units than could

be put there - far less than if this was multi-family. The concerns of protecting the woodlands and creating buffers - those are rules and zoning ordinances that we have in place. We can be certain to address those concerns when plans are put in place. When it comes to the concern of storm-water or sanitary drains, those are pretty straight forward. Engineering analysis and whether the pipes can handle the flow is the concern of our engineering department.

Member Anthony stated that those concerns are addressed later. We will make sure those are taken care of at that time. What we have the opportunity for here is for setting the zoning to maintain the integrity of single family residential. The concerns of developments not being fully built out are concerns that we all live with, especially in these times. However, Novi is one of the few communities adding residential stock. That will help bolster all of our property values. Member Anthony said, at this point in time when I look at our Future Land Use Plan. When he looks at what is being proposed, this seems like a good place to be. It is not always exactly what we want, but the alternative could be worse. He thinks this is a very good density and it fits. The developer is presenting a kind of plan that helps, when everything is built out, increase property values for all. He also approves the rezoning at this time.

Chair Gutman said that the project itself is in compliance with the Master Plan for Land Use which is what we as a Commission need to look at first and foremost. Member Anthony put it very well that many of the concerns - how we are dealing with stormwater and sewer issues - are handled through further processes and will be fleshed out as on a plan such as what was brought before us tonight. The plan is something that needs to be further viewed and something our Planning Department will deal with over time and bring forward to the Planning Commission when it is time to be reviewed. So, for the issue before the Commission tonight, Member Gutman said that he is supportive of the request for rezoning because it is in compliance with the Master Plan.

Motion made by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON THE REQUEST OF PINNACLE HOMES FOR ZONING MAP AMENDMENT 18.702, MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO REZONE THE SUBJECT PROPERTY FROM R-A/R-1 TO R-4, MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH.

In the matter of the request of Pinnacle Homes for Zoning Map Amendment 18.702, motion to recommend approval to the City Council to rezone the subject property from RA, Residential Acreage District and R-1, One-Family Residential District to R-4, One-Family Residential District, for the following reasons:

1. The requested zoning is consistent with the Future Land Use Map in the 2010 Master Plan for Land Use as well as the recommended residential density shown in the Residential Density Map;
2. The subject property was evaluated in detail as part of the "Twelve Mile, Napier, and Wixom Roads Study Area" in the 2008 Master Plan for Land Use Review, which recommended a Future Land Use designation and residential density for the subject parcel consistent with the requested zoning;
3. The requested zoning is consistent with the zoning recommended for the subject parcel by the Planning Commission in November 2007 when the subject parcel and four others were collectively considered for rezoning;
4. Twelve Mile Road is largely residential in character in this area and residential zoning is appropriate for this location. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. ADOPTION OF THE 2012-2013 PLANNING COMMISSION BUDGET

Motion to approve the 2012-2013 Planning Commission Budget. *Motion carried 5-0.*

Deputy Director McBeth stated that the Planning Commission's Planning Studies and Budget Committee met a couple of weeks ago and reviewed a draft budget that was prepared by the Planning Staff for consideration. Staff included one service improvement request for tablet PCs for the Planning Commission members. In the past, staff had recommended purchase of laptop computers for the Commission members, but we found that the tablet PCs could be considerably less cost, as well as a savings in terms of staff time needed for duplication, sorting and delivery of paper packets. Again, if this is approved by the Planning Commission, we would forward a recommendation to the City Administration for possible consideration of this purchase in next year's budget.

Staff also included a number of other pages that are typically requested as part of the budget package: the Planning Commission overview, the summary of the activities that the Planning Commission took part in over the last year, conferences and workshops, a small budget for printing and publishing. At this point, staff modified the recommended Budget per the Committee's recommendation, and it is in front of the Planning Commission this evening for consideration and possible adoption.

Chair Gutman asked if there were any comments from the Commission.

Member Greco said it looks like the Committee has done a good job on the proposed budget, hoping to save the City some money.

Motion made by Member Lynch and seconded by Member Greco.

VOICE VOTE ON APPROVAL OF THE 2012-2013 PLANNING COMMISSION BUDGET, MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO.

Motion to approve the 2012-2013 Planning Commission Budget. *Motion carried 5-0.*

2. APPROVAL OF THE JANUARY 25, 2012 PLANNING COMMISSION MINUTES

Motion to approve the January 25, 2012 Planning Commission minutes. *Motion carried 5-0.*

Motion made by Member Prince and seconded by Member Anthony.

VOICE VOTE ON APPROVAL OF THE JANUARY 25, 2012 PLANNING COMMISSION MINUTES, MOTION MADE BY MEMBER PRINCE AND SECONDED BY MEMBER ANTHONY.

Motion to approve the January 25, 2012 Planning Commission minutes. *Motion carried 5-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda items.

MATTERS FOR DISCUSSION

There were none.

SUPPLEMENTAL ISSUES

There were none.

AUDIENCE PARTICIPATION

Seeing no one in the audience, Chair Gutman closed the last audience participation.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Greco.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO.

Motion to adjourn the February 8, 2012 Planning Commission meeting. *Motion carried 5-0.*

The meeting was adjourned at 7:47 PM.

Transcribed by:

Juanita Freeman, Account Clerk, February, 2012

Date Approved:

Richelle Leskun, Planning Assistant