

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

March 9, 2016

Proceedings taken in the matter of the PLANNING
COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi,
Michigan, on Wednesday, March 9, 2016

BOARD MEMBERS

Mark Pehrson, Chairperson

David Greco

Tony Anthony

Robert Giacometti

Ted Zuchlewski

David Baratta

ALSO PRESENT: Barbara McBeth, Director of Community Development
Rick Meader, Landscape Architect, Kirsten Mellem, Planner, David
Gillam, City Attorney, Jeremy Miller, Staff Engineer
Certified Shorthand Reporter: Jennifer L. Wall

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Novi, Michigan.

Wednesday, March 9, 2016

7:00 p.m.

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CHAIRPERSON PEHRSON: We call to order the regular meeting of the Planning Commission.

Kirsten, can you call the roll, please. Oh, Barb, please.

MS. MCBETH: Member Anthony?

MR. ANTHONY: Here.

MS. MCBETH: Member Baratta?

MR. BARATTA: Here.

MS. MCBETH: Member Giacobetti?

MR. GIACOPETTI: Here.

MS. MCBETH: Member Greco?

MR. GRECO: Here.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Here.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Here.

MS. MCBETH: Member Lynch?

CHAIRPERSON PEHRSON: Absent, excused.

With that, if we could rise

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for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON PEHRSON: With that,
we will look for a motion to approve the
agenda or a modification thereof.

MR. GRECO: Motion to approve.

MR. ZUCHLEWSKI: Second.

CHAIRPERSON PEHRSON: All those
in favor.

THE BOARD: Aye.

CHAIRPERSON PEHRSON: Any
opposed?

We have an agenda.

This is our audience
participation.

Is there anyone in the
audience that wishes to address the Planning
Commission on something other than one of the
three public hearings, please step forward at
this time.

(No audible responses.)

Seeing no one, we will close
the first audience participation.

Any correspondence?

MR. GRECO: There is some

1 correspondence and it is related to the
2 public hearings.

3 CHAIRPERSON PEHRSON: Very good.
4 Any committee reports, community development?

5 MS. MCBETH: Good evening.
6 Nothing to report this evening.

7 CHAIRPERSON PEHRSON: Brings us
8 to our first public hearing then.

9 Item No. 1 is Covington
10 Estate, JSP 15-02. It's a public hearing at
11 the Request of Biltmore Land, LLC for
12 recommendation to City Council for approval
13 of a residential unit development RUD plan
14 alternate.

15 The subject property is
16 located in Section 31, north of Eight Mile
17 and West Garfield in the RA residential
18 acreage district.

19 The applicant is proposing a
20 residential unit development RUD on 48.83
21 acre parcel to construct 38 single family
22 residential units.

23 The applicant is proposing
24 possible relocation of the emergency access
25 drive along the north property line from

1 Garfield to an alternate, to the current
2 proposed emergency personal access drive
3 location to the neighboring property to the
4 east in the event easements are not acquired.

5 Now it's your turn.

6 MS. MELLEME: So the parcels in
7 question are located west of Garfield Road
8 and north of Eight Mile Road in Section 31 in
9 the City of Novi. The property totals 48.83
10 acres. The current zoning is RA residential
11 acreage. The zonings to the north, east and
12 west are also RA and to the south is
13 Northville Township and Maybury State Park.

14 The future land use map
15 indicates single family residential for the
16 subject property and the surrounding
17 properties. There are a few regulated
18 wetlands and woodlands on the property.

19 The applicant has proposed a
20 38 unit single family residential unit
21 development on 48.85 acres. The purpose of
22 the RUD option is to permit an optional means
23 of development, flexibility in the RA through
24 our four residential districts, which allows
25 the mix of various residential dwelling units

1 and to permit permanent preservation of
2 valuable open land, gradual natural resources
3 and rural community character that would be
4 lost under conventional development.

5 The current plan is proposing
6 a variety of lot sizes, with four lots
7 conforming to the underlying zoning district
8 RA requirements, and the rest of the lots
9 conforming to the R1 requirements.

10 The proposed density is 0.8
11 units, which is consistent with the RA zoning
12 of the site. The current plan proposes to
13 preserve the natural features of the site and
14 provides active recreation for the residents
15 with 42 percent of the site intended for open
16 space.

17 A paved pathway connection is
18 proposed from the trail to Garfield Road, and
19 provides opportunities for active or passive
20 recreation along the sides in the future.

21 The applicant is also
22 proposing a gated community.

23 So this submittal is to
24 provide an alternate RUD plan, in the event
25 that the Ballantyne development, which is to

1 the east of the property, is not constructed
2 prior to commencing construction of this
3 site.

4 The plans have been prepared
5 to illustrate an alternate plan which
6 includes an additional 20-foot wide asphalt
7 emergency access drive, along the northern
8 property line, to the -- from the proposed
9 Covington Drive cul-de-sac connecting to
10 Garfield Road, which both sides will be gated
11 and a water main connection to Garfield Road
12 in the same area. Minor modifications to
13 units 18 through 20 are proposed and shifted
14 to accommodate the width of the proposed
15 emergency access road and sidewalk.

16 If approved, the applicant
17 would have a means to construct Covington
18 Estates regardless of the timing of
19 Ballantyne.

20 So the original site plan was
21 approved by the Planning Commission on
22 August 15, 2015 and was approved by City
23 Council on September 14, 2015.

24 The plan is in general
25 conformance with the code except for a few

1 deviations identified in the review letters.

2 Planning is recommending
3 approval of the current plan provided the
4 City Council approves the modification to the
5 lot sizes and building setback reductions,
6 which was like the previous plan.

7 Engineering is recommending
8 approval of the revised RUD plan with
9 additional comments to be addressed with the
10 next submittal. Engineering identified two
11 DCS variances that would be required. One to
12 be able to exceed the maximum distance of
13 1,500 feet between Eight Mile and both
14 emergency accesses. Two, to not provide a
15 sub-straight to the subdivision boundary at
16 intervals not to exceed 1,300 feet along the
17 subdivision perimeter.

18 Landscaping, fire recommend
19 approval of the revised RUD plan with
20 additional comments to be addressed next
21 submittal.

22 Traffic, wetlands and
23 woodlands did not see this review since there
24 was no changes to those parts of the plan.

25 So the Planning Commission is

1 asked tonight to hold a public hearing and to
2 make a recommendation to City Council to
3 approve the RUD alternate for the Covington
4 Estate site.

5 The applicant representatives
6 are here tonight to answer any questions you
7 may have.

8 As always, I am happy to
9 answer questions that you have of me. Thank
10 you.

11 CHAIRPERSON PEHRSON: Thank you,
12 Kirsten.

13 Does the applicant wish to
14 address the Planning Commission at this time?

15 MS. THURBER: Good evening. I'm
16 Carol Thurber with Fazal Kahn and Associates.
17 We are the engineers for Biltmore Land, LLC.

18 I really have nothing to add
19 only one minor item. It was mentioned at the
20 very beginning that four units were going to
21 conform to the original RA requirements, and
22 at the City Council meeting, we were asked to
23 make all of the units the same, rather than
24 to have four units conforming to the original
25 RA. So we did make that change, that

1 request.

2 CHAIRPERSON PEHRSON: Thank you.
3 Appreciate it.

4 MS. THURBER: And it provided
5 more open space.

6 CHAIRPERSON PEHRSON: If you want
7 to have a seat.

8 If there is anyone in the
9 audience right now that wishes to address the
10 Planning Commission on this particular
11 matter, please step forward.

12 As you do, please come to the
13 podium, if you could also please speak
14 loudly, and give us your name and address so
15 our court reporter, Ms. Jennifer, can make
16 sure you're on the record. Thank you.

17 MR. COROTNI: Hello. My name is
18 James Corotni. I live at 49531 Deer Run, on
19 the north boundary of the proposed change and
20 would like to highlight concerns that I have
21 on this change for whoever is making the
22 decisions.

23 I have read through all the
24 material and there is a number of comments
25 about not having a detrimental affect on

1 adjacent property and findings, having a
2 demonstrated need for proposed use,
3 maintaining the naturalness of the site and
4 blend of the use, within the site and its
5 surroundings.

6 Applicant has provided a
7 clear, explicit and substantial and
8 ascertainable benefits to the city as a
9 result, and consistent with the surrounding
10 areas, not injurious to the natural features
11 and resources of the property and surrounding
12 area.

13 So, if you will bear with me
14 for a moment, I just want to give a couple of
15 comments and thoughts.

16 I do have an overarching
17 concern that we are talking putting a road in
18 that impacts us Deer Run residents and
19 particularly those that live adjacent to
20 this. I'm not sure I fully understand why
21 that's the only option and why something that
22 is a permanent change in a road that impacts
23 us heavily, of course, we live there.

24 You know, there aren't other
25 options that are being laid out. I don't

1 fully comprehend all the other situations
2 that have gone into it, the agreements,
3 disagreements, things that are going on,
4 schedule-wise between Ballantyne and
5 Covington. But that is a concern of mine,
6 that there are not options that I can look at
7 and understand and see.

8 There is somewhat of an
9 increase and safety concern for our children.
10 Of course, we should keep them in the yard
11 and all of that stuff, but a concern that we
12 wouldn't have otherwise.

13 Two primary concerns, being at
14 a lower elevation, approximately 10 feet down
15 from where that berm is, and where the walk
16 path is again, the proposed road. Privacy,
17 number one, and that particular elevation
18 down, we lose the opportunity that I would be
19 asking for landscaping, of course, that would
20 help with that, what have you, a road going
21 there, alongside the walk path, is going to
22 mean there is less opportunity for
23 landscaping, building up a berm or thinking
24 that also is going to help with that. Also
25 noise levels, also reduced, same reasons.

1 Of course, I'm concerned about
2 my property value, and selling price.
3 Anybody that's there is going to see a road
4 there, is going to be less likely to want to
5 purchase my house at a price that I will be
6 looking for, and I have no idea if this is a
7 concern to anybody else, but we do have a
8 significant white tail deer herd in the area
9 that constantly is moving across both the
10 full width of Ballantyne, Covington and
11 generally quite often in that north boundary,
12 and they are going to be less likely to be
13 able to do that, or for us to be able to
14 enjoy them, if there is a road there in
15 addition to a walk path.

16 So those are some of the
17 concerns I have as a resident living right
18 along that boundary. Thank you.

19 CHAIRPERSON PEHRSON: Thank you.
20 Anyone else? Just for the audience, there is
21 a three minute time limit, so if you would be
22 brief, I would appreciate it.

23 MR. STEVENS: For the record, my
24 name is Gary Stevens, 49551 Deer Run. I am a
25 newcomer to the area. My wife and I just

1 moved here in July.

2 With some experience in land
3 planning, I obviously took note to this what
4 I would term a flag lot, which runs directly
5 behind my property, and relied upon the
6 planning department -- the Planning
7 Commission's other guidance that this flag
8 lot was to be used for a pervious surface,
9 nature trail, and not for a paved roadway.

10 When I looked into where this
11 emergency access was originally planned and
12 approved by the Commission, it demonstrated
13 to be sound land planning and that you were
14 combining two residential subdivisions and
15 using emergency access that would be shared
16 through both of these developments.

17 I see no reason to change that
18 plan other than to sue the developers either
19 timing to market, which should not be my
20 concern, or otherwise the developer did not
21 acquire these private property rights to
22 traverse Ballantyne via easement.

23 I don't see any overriding
24 reason why my property rights should be
25 impinged with a permanent paved pathway. I'd

1 also like to point out that there is a
2 clearly marked 16-inch high pressure gas line
3 within this strip, that may make this entire
4 hearing technically unfeasible since no one
5 seems to know really about that easement and
6 its potential impact on the ability to
7 relocate to this area.

8 I have other comments that I
9 submitted in writing for the record.

10 CHAIRPERSON PEHRSON: Thank you,
11 sir. Anyone else?

12 (No audible responses.)

13 No one else wishes to address
14 the Planning Commission, I think we have some
15 correspondence? Possible?

16 MR. GRECO: Yes, we do. We have
17 a letter dated March 9 from Jason and Polly
18 Kenison, voicing concerns regarding the
19 alternate plans proposed for the Covington
20 Estates development. They are residents of
21 Deer Run, and the backyard directly abuts
22 where Covington is proposing an emergency
23 access road. They do not agree with the road
24 being placed there. They object because also
25 there is no landscaping being proposed along

1 the border of our yards, and the development,
2 and even without the emergency access road,
3 they will have people walking and riding
4 bikes along the top ridge of their yard.
5 This is concerning because they have small
6 children.

7 Just for the record, I'm
8 summarizing the correspondence.

9 Next is a letter dated
10 March 9, 2016, by Mr. Stevens, which in
11 addition to his public comments, he has
12 submitted, which he objects to the placement
13 of the road, he opposed the proposed change,
14 and reviewed the plans, characterizes it as a
15 flag lot connection. Was previously
16 satisfied with the review by the Planning
17 Commission. And understands that this change
18 has been made because there's been more
19 wishes to commence construction on Covington
20 earlier than Ballantyne, the neighboring
21 development. Believes that the earlier
22 placement was adequate.

23 The proposed relocation flies
24 in the face of Planning, the only reason
25 being given for the change is to expedite the

1 developer's time to market.

2 Also points out as he pointed
3 out during his public comments about this
4 16-inch high pressure gas line, clearly
5 marked throughout the area. Has concerns
6 with that and generally objects to the
7 repositions of the road.

8 Next, we have a letter from
9 Tyler Wells dated February 27. Objecting,
10 general tenor of the letter, to this change,
11 which may adversely affect the residents in
12 the neighborhood.

13 Again, objects to the
14 placement of the road and believes that the
15 alternative road now being proposed may
16 adversely affect property value.

17 Her understanding was that the
18 green belt is an easement for utility and gas
19 lines which she never imagined would be
20 developed in any way, and believes that this
21 change that she objects to is a material
22 change from the original plan. That
23 concludes.

24 CHAIRPERSON PEHRSON: Very good.
25 We will close the public hearing on this

1 particular matter and turn it over to the
2 Planning Commission for their consideration.
3 Would you like to start?

4 Member Zuchlewski.

5 MR. ZUCHLEWSKI: Yes, my first
6 question is for Carol Thurber.

7 Carol, a couple of instances,
8 I've heard a delay in market time to project
9 time to market.

10 What type of time frame are we
11 talking about here? Is there any ideas, at
12 three months, six months, a year type of time
13 to market we are talking about?

14 What's the value of that
15 statement? Can you tell me?

16 MS. THURBER: There really -- the
17 statement was indicating that there was a
18 delay in our time frame because of this, and
19 the statement really for us is that the
20 Ballantyne development is uncertain. We
21 don't know when it would be developed. And
22 so it was requested to find an alternate
23 emergency access, in the event that we cannot
24 make the access through to Ballantyne as
25 originally planned.

1 MR. ZUCHLEWSKI: Barb, can you
2 help me out with kind of what's going on with
3 the other project?

4 MS. MCBETH: Yes, from what I
5 understand, and what Ms. Thurber said is that
6 timing is uncertain with Ballantyne. We have
7 talked with the applicant for that project as
8 well, and they're not exactly certain as to
9 when that development will commence. So the
10 proposed alternate that's being proposed is
11 that another location for the emergency
12 access that would lead out to Garfield Road,
13 provide two means of access in case of an
14 emergency.

15 This could be considered
16 something that, you know, could be temporary
17 in nature, wouldn't necessarily have to be a
18 permanent access point as soon as the
19 Ballantyne project develops, and then the
20 connection is made through. It's possible
21 that the other connection along the north
22 property line could be abandoned.

23 And we have had brief
24 discussions about that, to see if that may be
25 feasible, and the Planning Commission thought

1 that was a positive recommendation, you could
2 make that recommendation to council.

3 MR. ZUCHLEWSKI: So the road
4 could be paved gravel, would that work?

5 MS. MCBETH: It would need to be
6 able to support a fire truck, so it's got
7 have a certain capacity. It could either be
8 grass pavers potentially, or maybe even use
9 the nature of the bike path that's proposed,
10 although the north side, that had been
11 proposed, too. With an extension on either
12 side of that with the pavers, or some other
13 that would be able to support a fire truck,
14 could be a solution, we haven't talked
15 completely with the applicant about those,
16 but perhaps something like that could be
17 done.

18 MR. ZUCHLEWSKI: Barb, the other
19 question I have, would be for you.

20 There is this discussion about
21 this large gas main. Is it true that nobody
22 knows where it is, there is no records of an
23 easement?

24 MS. MCBETH: Ms. Thurber knows
25 about that, she has that on the drawings as

1 well.

2 MS. THURBER: It is shown on the
3 drawings, picked up from the gas markers that
4 we encountered in the field when we were
5 doing our survey. So it is shown in its
6 accurate location.

7 MR. ZUCHLEWSKI: What is the
8 depth of that?

9 MS. THURBER: We don't know the
10 depth. When we get further into design, we
11 will coordinate that with the utility
12 company.

13 MR. ZUCHLEWSKI: What is it, just
14 a contact with Michcon to find out where that
15 is?

16 MS. THURBER: Yes, it's Consumers
17 actually.

18 MR. ZUCHLEWSKI: Consumers, okay.
19 Would there be -- on the
20 developer's part, if we were going to put in
21 a temporary road, crushed gravel or whatever
22 that support fire trucks, what would the
23 likelihood be that we could get a line of
24 shrubs that go along the north side of that
25 easement or that -- you know, what would the

1 chance of that be, is there a likelihood that
2 we could --

3 MS. THURBER: I think there would
4 be a likelihood for that and that we could
5 work that with landscape, find something that
6 would be more screening.

7 MR. ZUCHLEWSKI: Those are the
8 only two questions that I have.

9 CHAIRPERSON PEHRSON: Thank you,
10 sir. Anyone else? Member Baratta?

11 MR. BARATTA: Carol, just a
12 couple other questions, as long as we have
13 you up there.

14 What is the distance between
15 this proposed road and the edge of the
16 property? Do you know that offhand?

17 MS. THURBER: The proposed road
18 as it's shown right now is on the southern
19 edge of the -- call it the strip, which is
20 100 feet wide. So there is -- you're
21 actually closer from the walk to the property
22 line, but there is still about 55 feet to
23 60 feet at least.

24 MR. ZUCHLEWSKI: 55 to 60. And
25 do you know what the elevation of that road

1 is?

2 MS. THURBER: We have not done
3 any grading yet on the road. We would have
4 to coordinate that with the Ballantyne
5 grading, too, when we get to that point.

6 MR. BARATTA: What else did I
7 have here.

8 And do you anticipate any
9 issues with the -- maybe this is before you
10 get your engineering done, what concerns me
11 is this gas line. And you're going -- you
12 want to put a temporary there. I understand
13 that's for emergency vehicles and it's not
14 going to be used frequently, et cetera,
15 et cetera, hopefully.

16 But that gas line being there,
17 you're going to have to have a certain
18 elevation of road if you're going to have a
19 certain elevation of the gas line.

20 Do you think that that's
21 posing a problem, that would prevent you from
22 putting that road?

23 MS. THURBER: It does not. The
24 gas line is closer to the north property
25 line.

1 MR. BARATTA: Where was your road
2 before, was it the one right in the middle
3 there?

4 MS. THURBER: It's actually still
5 shown there.

6 MR. BARATTA: Between 13 and 12,
7 is that where it is?

8 MS. THURBER: Yes.

9 MR. BARATTA: Why would we not be
10 able to construct that temporary road? Could
11 we not get an easement from the Ballantyne
12 project to let you do that?

13 MS. THURBER: We would have to
14 get an easement all the way through the
15 Ballantyne project.

16 MR. BARATTA: Would they allow
17 that or have you approached that?

18 MS. THURBER: We had approached
19 them initially about that. It's because they
20 are uncertain of their time frame.

21 MR. BARATTA: That would prevent
22 them from giving you that easement?

23 MS. THURBER: I believe so.

24 MR. BARATTA: Thank you very
25 much.

1 CHAIRPERSON PEHRSON: Thank you,
2 Member Baratta.

3 Member Giacometti?

4 MR. GIACOPETTI: Are there
5 representatives here from Ballantyne?

6 CHAIRPERSON PEHRSON: No.

7 MR. GIACOPETTI: Oh, there is.
8 Were you available for comment.

9 MR. GREWAL: Avi Grewal from
10 Singh Development.

11 MR. GIACOPETTI: Maybe this is a
12 question for both. If you could summarize
13 just the nature of your discussions between
14 each other to date.

15 To me, the most logical
16 solutions seems like a temporary easement
17 through the property, so that it -- so this
18 development can proceed, if it's on a
19 schedule that's quicker than the Singh
20 development. Can you answer that --

21 MR. GREWAL: We are happy to open
22 up that discussion. That's fine with us.

23 MR. GIACOPETTI: You're okay with
24 that?

25 MR. GREWAL: Opening the

1 discussion, I think we would have to know
2 more specifics about it, with us and
3 Biltmore.

4 MR. GIACOPETTI: I'm sorry,
5 through the chair, Barb, what is Ballantyne,
6 if you can refresh my memory, that's an RUD
7 also, or --

8 MS. MCBETH: Yes, that is an RUD
9 as well.

10 MR. GIACOPETTI: And when does
11 that agreement expire?

12 MR. GREWAL: That agreement
13 expires next year, 2017.

14 MS. MCBETH: It's got another --
15 it's been recorded, I believe, with the
16 county, so it's got sometime left on it.

17 MR. GIACOPETTI: Approximately a
18 year?

19 MS. MCBETH: I'm sorry, I don't
20 have that answer right now.

21 MR. GREWAL: I recall sometime
22 next year, sometime in 2017. I don't know
23 the exact date or month, but --

24 MR. GIACOPETTI: There is nothing
25 we can do to reopen that until it expires,

1 correct?

2 MS. MCBETH: Correct.

3 MR. GIACOPETTI: Those are all my
4 questions.

5 MR. BARATTA: I have follow-up.
6 So obviously the parties were looking to
7 develop two housing developments.

8 There is an easement here for
9 emergency easement, obviously. Would there
10 be an objection on your part, you see -- your
11 part you see what they want to do to go back
12 and see if we can put that easement into
13 Ballantyne? Because it seems to be a waste
14 in my mind. To build a new access easement
15 at a different size of the property, when
16 inevitably you're going to construct
17 something. And it makes absolutely sense to
18 have connectivity.

19 Why would we not -- and I
20 don't want to disturb -- what you're
21 proposing, but if there were a temporary
22 easement here for this emergency, it seems
23 like it would be a benefit to your group and
24 the applicant's group. Why would we not
25 consider that today?

1 MR. GREWAL: This is the first
2 I'm hearing of it, to be honest with you, so
3 before reading the packet last night, that's
4 the first time I have heard of this option of
5 putting emergency access at the north end of
6 my property, so I haven't had -- I have to
7 have some discussion with my internal group
8 on what we want to do. But I see what your
9 point is.

10 MR. BARATTA: You are inevitably
11 going to need something from this group, and
12 we all have to play nice together, so --

13 MR. GREWAL: Quite honestly, we
14 put that emergency access connection early on
15 in our original proposal, we offered that up
16 originally, it wasn't something that was
17 required by us, I don't think. So knowing
18 that there would be the another group to the
19 west of us that would need that access, so --

20 MR. BARATTA: Thank you very
21 much.

22 CHAIRPERSON PEHRSON: Member
23 Greco?

24 MR. GRECO: Yes, which all of
25 this discussion leads me to the -- have there

1 been discussions or there have not been
2 discussions?

3 MR. GREWAL: No. Like I said,
4 this is the first time I am hearing about it.

5 MR. GRECO: But somebody had
6 discussions with the applicant and you're
7 just hearing about it now or there have not
8 been discussions?

9 MR. GREWAL: To my knowledge,
10 there has not been any discussions.

11 MR. GRECO: Fair enough. I
12 thought it was represented that there were
13 some discussions and could not be obtained?

14 MR. BARATTA: That's what I
15 understood initially.

16 MR. GRECO: I'd like to speak
17 with the applicant, Ms. Thurber.

18 Have there been discussions?

19 MS. THURBER: I was under the
20 impression that my client had already
21 contacted Singh about that.

22 MR. GRECO: I guess, my initial
23 comments both -- well, primarily to the
24 Planning Commission, you know the access or
25 the new access road, it doesn't bother me

1 that much because it's not really a road with
2 traffic. It's an access road for emergency,
3 I guess, on the south side of a path there.

4 With that being said, it
5 sounds like through our inquiry and
6 discussion here that perhaps there is an
7 alternative that would satisfy the residents
8 that hasn't been fully explored.

9 So I mean, that would be my
10 comment, I mean, it seems like this is a
11 solution as Member Baratta correctly points
12 out it's going to be necessary for both lots.
13 This access road on the north may not be not
14 only necessary, but optimal and it should be
15 something that should be explored between the
16 parties.

17 MR. BARATTA: I would agree.

18 MR. GRECO: To get this done.

19 CHAIRPERSON PEHRSON: If I might,
20 Barb, relative to the access on any given
21 parcel, given that that road is going into
22 Ballantyne, that is not developed at this
23 point in time, we don't require the access to
24 be functional, just be available so that we
25 can in future times have that availability of

1 an emergency access, is that correct?

2 MS. MCBETH: Yes, in the past we
3 have wanted these emergency access connection
4 points to match up, adjacent pieces of
5 property. In other cases we have said, it
6 may be sometime before there is a connection
7 made and we would like to see another
8 location for a temporary emergency access,
9 that's what happening in this case.

10 We are not sure of the timing,
11 so we are looking for a temporary other
12 location or a permanent alternate location.

13 CHAIRPERSON PEHRSON: So for the
14 sake of this particular development, if that
15 roadway were made along the strip to serve as
16 that emergency access until the point in time
17 in which the Ballantyne property is
18 developed, in which case that other access
19 could be utilized in the original access
20 could then be removed, replanted whatever, is
21 within the discretion of the Planning
22 Commission to make a recommendation at this
23 point in the time?

24 MS. MCBETH: Yes, I think that's
25 correct.

1 CHAIRPERSON PEHRSON: So my
2 recommendation is I can't bet on the future,
3 so I'm not going to bet on Ballantyne being
4 here next year, or the year after, so I would
5 suggest that we include the emergency access
6 to the strip, knowing full well that it will,
7 can be removed and would be removed in due
8 time as soon as the development further,
9 Ballantyne whatever it might be called, is
10 there and that begins the emergency access.

11 MR. ZUCHLEWSKI: So the emergency
12 access would in go as it's indicated?

13 CHAIRPERSON PEHRSON: As a
14 temporary.

15 MR. ZUCHLEWSKI: As a temporary
16 and then the bike or running path, would that
17 be removed also or that will remain?

18 CHAIRPERSON PEHRSON: That would
19 remain.

20 MR. ZUCHLEWSKI: That would
21 remain, okay.

22 Then the potential is when
23 Ballantyne does their work, they would be
24 able to tie into that same road -- that's the
25 temporary?

1 CHAIRPERSON PEHRSON: Yes.

2 MR. ZUCHLEWSKI: Maybe we can
3 landscape that up real nice.

4 MR. BARATTA: Mr. Chairperson, I
5 look at a willingness or I'm hearing a
6 willingness from the parties to talk.

7 I would recommend, I propose a
8 motion to table this for 30 days so the
9 parties can at least discuss it and see if
10 they could put a temporary easement across
11 the property as planned. I think we need to
12 exhaust that issue first.

13 CHAIRPERSON PEHRSON: I don't
14 want to put this petitioner in harm's way if
15 they had got development timing for 30 days
16 for that fact.

17 Ms. Thurber, do you have -- is
18 this a green light project, are you ready to
19 start moving earth?

20 MS. THURBER: We are ready to do
21 cement for our preliminary site planning and
22 engineering, yes.

23 MR. GIACOPETTI: If you are
24 making a motion, I will second it, because I
25 agree with you. I think it's wasteful.

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CHAIRPERSON PEHRSON: There is a motion on the table then to table for 30 days, motion by Member Baratta seconded by Member Giacometti.

Any other comments?

(No audible responses.)

CHAIRPERSON PEHRSON: Barb, will you call the roll.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Member Giacometti?

MR. GIACOPETTI: Yes.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: No.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MCBETH: Member Anthony?

MR. ANTHONY: No.

MS. MCBETH: Motion passes four to two.

CHAIRPERSON PEHRSON: Okay. Next on the agenda is the Dixon Meadows JSP 14-46 with rezoning 18.709.

1 It's a public hearing to
2 request that Pulte Homes for Planning
3 Commission's recommendation to City Council
4 for a planned rezoning overlay associated
5 with zoning map amendment from RA residential
6 acreage to RT, two family residential.

7 The subject property is
8 approximately 22.36 acres and is located in
9 Section 10 east side of Dixon Road, north of
10 Twelve Mile Road.

11 The applicant is proposing the
12 development of 90 units, single family
13 residential detached site condominium. The
14 alternate plan is being presented for public
15 hearing review and recommendation.

16 MS. MCBETH: Mr. Chair, I get to
17 make a presentation this time and Kirsten
18 gets to run the photos.

19 As you said, this is a request
20 for Dixon Meadows, requesting a zoning map
21 amendment for that 22.36 acre parcel from RA
22 to RT, using the city's planned rezoning
23 overlay option to allow the development of a
24 90 unit single family site condominium.

25 A revised concept plan is

1 being presented this evening for
2 consideration as an alternate plan, to the
3 plan that was most recently presented to the
4 Planning Commission in January.

5 The subject property is
6 located on the east side of Dixon Road, north
7 of Twelve Mile in Section 10, it is zoned
8 residential acreage and it's surrounded by
9 the same zoning on all sides.

10 The future land use map
11 indicates single family uses of the subject
12 property and the surrounding properties.

13 There are a few regulated
14 wetlands on the property and a considerable
15 amount of regulated woodlands on the
16 property.

17 The Planning Commission held a
18 public hearing first in August 26, 2015 and
19 postponed the decision to give the applicant
20 time to make further modifications to the
21 concept plan, per the city's professional
22 staff and consultant's recommendations.

23 The applicant has since made
24 three revised submittals. The first one was
25 reviewed by staff and additional comments

1 were provided. Staff and the applicant felt
2 that further revisions would be required
3 before holding another public hearing.

4 The second review submittal
5 was presented to the Planning Commission for
6 public hearing on January 13th of this year.
7 The Planning Commission recommended approval
8 of the subject rezoning request and concept
9 plan at that time.

10 Following the Planning
11 Commission meeting several residents of the
12 adjacent Liberty Park development contacted
13 staff and asked for a review of an alternate
14 sketch, the residents had prepared that
15 highlighted a number of the resident's
16 concerns. Staff and the applicant met with
17 the resident's representatives on February
18 4th to discuss those concerns. The applicant
19 has now provided an alternate plan to the
20 plan that was recommended for approval.

21 The applicant has provided a
22 summary letter and a traffic impact study
23 addendum as well.

24 It was staff's opinion that
25 the proposed changes are significant enough

1 to return to the Planning Commission for
2 another public hearing this evening, and a
3 recommendation on the alternate plan prior to
4 forwarding the request to the City Council
5 for consideration.

6 The three main changes
7 provided on the alternate plan are as
8 follows: First, relocation of Dixon Meadows
9 entry boulevard about 175 feet to the south
10 of where it was on the previous plan, while
11 shifting the proposed storm water detention
12 pond to the north.

13 The modifications also result
14 in minor revisions to the lots along the
15 south and west perimeter of the development,
16 and an increase in the size of the small
17 pocket park between units 66 and 67 by about
18 5,000 square feet.

19 The major change was the
20 landscaping along Dixon Road is proposed to
21 be enhanced based on comments from the
22 Planning Commission as well as from the
23 residents who contacted Planning staff
24 following the Planning Commission meeting in
25 January.

1 The revised plans now include
2 a double row of oversized 12-foot tall
3 evergreen trees behind the Liberty Park homes
4 that back up to Dixon Road adjacent to the
5 subject property.

6 Additional deciduous trees and
7 shrubs and proposed natural planting
8 arrangements along the frontage of Dixon
9 Meadows at other locations along Dixon Road
10 are also proposed.

11 The third change is that the
12 applicant has now offered an alternative to
13 the paving of Dixon Road.

14 The previously submitted plan
15 showed new pavement for Dixon Road from
16 Twelve Mile Road north to the Liberty Park
17 Boulevard entrance called Declaration Drive.
18 The nearby Liberty Park residents expressed
19 their desire to terminate the paving at the
20 new south entrance, the new main entrance to
21 the subject property, Dixon Meadows and not
22 extending all the way to Declaration Drive.

23 Pulte Homes has indicated that
24 they're willing to offer either option. Our
25 staff is recommending accepting the offer to

1 pave all the way to Declaration Drive.

2 I don't want to go over all of
3 the changes that have been addressed over the
4 several months, many months of discussions
5 because we went over those in January.

6 But we will mention with the
7 recent modifications we believe that we have
8 made considerable progress on this plan and
9 continue to recommend approval.

10 We know the design and
11 construction standards variance would need to
12 be granted by City Council as required for
13 the lack of paved eyebrows in the streets.
14 Engineering staff supports the variance
15 request and recommends approval of that plan
16 with some items to be addressed on
17 preliminary site plan.

18 We talked a little bit about
19 the woodlands being modified slightly in the
20 review letters. There are 725 regulated
21 trees on the site, of those about 83 percent
22 are proposed to be removed.

23 Additional tree credits are
24 proposed to be planted on-site with this
25 alternative plan. There is some details in

1 the review letter and our environmental
2 consultant, Pete Hill, is here this evening
3 to address any questions you might have about
4 those.

5 There are some additional
6 plantings along Dixon Road that are proposed
7 with this plan that weren't proposed with the
8 previous plan.

9 Woodlands, traffic and fire
10 are recommending approval noting that the
11 applicant needs to provide additional details
12 at the time of preliminary site plan review.

13 The addendum to the traffic
14 study was found to be acceptable by the
15 city's traffic consultant.

16 Our facade consultant reviewed
17 the renderings of the nine models that were
18 proposed by the applicant with that initial
19 submittal and the facade consultant notes
20 that significant design diversity is evident
21 in those models and that the facade
22 elevations provided would be consistent with
23 this similar, dissimilar ordinance.

24 The Planning Commission is
25 asked tonight to hold a public hearing and

1 make a recommendation on the proposed planned
2 rezoning overlay and the alternate concept
3 plan to the City Council.

4 Mr. Bob Halso is present
5 tonight along with his engineer, Bill
6 Anderson. I think they have a brief
7 presentation that they would like to make.

8 CHAIRPERSON PEHRSON: Thank you,
9 Ms. McBeth.

10 Does the applicant wish to
11 address the Planning Commission?

12 MR. HALSO: Good evening,
13 Commissioners. Bob Halso representing Pulte
14 Holmes. I'm joined by the owners of the
15 properties that we are proposing this
16 development on, as well as Bill Anderson from
17 Atwell.

18 It so much fun last time we
19 just couldn't wait to get back.

20 I'm not going to walk through
21 everything because Barb did an excellent job
22 summarizing.

23 I would like to say that we
24 have worked very hard with city and staff
25 over the last 18 months to get to the plan

1 that you recommended on January 13th.

2 We have also worked very hard
3 in the last six weeks to try and work with
4 the adjacent homeowners to address some
5 concerns.

6 I just want to make you aware
7 that we are offering these alternatives to
8 you for your consideration.

9 We are happy to do either.
10 The alternatives are to relocate the
11 entryway, which he have re-engineered at some
12 expense to accommodate the request, to
13 terminate the paving at a shorter distance,
14 and third, to kind of firm up our plans on
15 the Dixon Road plantings. And most
16 specifically utilizing the Liberty Park
17 common area, which we really need to do a
18 first rate job of screening, which I think
19 what the residents are looking for and what I
20 think we have accomplished. We have met with
21 the residents three times to accomplish to
22 that.

23 Jim Allen and I walked with
24 representatives of the association. This
25 past week Jim has captured all of the

1 discussions and notes in a plan that we have
2 submitted to the association. I think we're
3 very close to figuring out where we want to
4 put the trees at this juncture, and we would
5 envision incorporating that specific plan
6 into the landscape plans we will submit to
7 the city for approval so that it's all part
8 of one understood package.

9 That plan at this point, as we
10 have drawn it up consists of 117 additional
11 good sized trees being planted in the Liberty
12 Park common area as well as the addition of
13 two shrubbed entry beds at the Dixon Road
14 entry to Liberty Park consisting of 116
15 shrubs that Jim Allen designed for us.

16 Again, we offer these as
17 alternatives to your previous recommendations
18 and we would look to follow your lead.

19 CHAIRPERSON PEHRSON: Thank you.
20 This is a public hearing. If there is anyone
21 in the audience that wishes to address the
22 Planning Commission at this time please step
23 forward, state your name, address, you have
24 three minutes.

25 MR. SINGH: My name is Sanjay

1 Singh, and I'm a resident of Liberty Park,
2 S-a-n-j-a-y, S-i-n-g-h, address is 28370
3 Climber (ph) Drive.

4 First of all, thanks to Barb
5 to work with us and address our concerns.
6 The last time we raised concerns of our kid's
7 safety, privacy as well as the beauty of the
8 road.

9 So the new plan addresses all
10 of the concerns, and regarding the two
11 options of having the dirt road till the new
12 grade of Dixon Meadow off to Declaration
13 Drive, we will request to stop it to the new
14 gate of Dixon Road, only because that road, I
15 think, proposing for benefit of Liberty Park
16 residents like us, and we are requesting not
17 to do that because our concern is a lot of
18 traffic will be there behind our house, in
19 case the kids play in the backyard.

20 So my request is to approve
21 the alternate plan which Barb has presented
22 and stop the dirt road near the new gate of
23 Dixon Road.

24 CHAIRPERSON PEHRSON: Thank you,
25 sir. Anyone else?

1 MR. MCCULLOUGH: Good evening.
2 My name is Bob McCullough. I just recently
3 moved into a condo in the Carlton Forest
4 area, 28435 Carlton Way Drive.

5 I have been a resident of this
6 area for all my life, except for the last 14
7 years, which took me out of town, but I'm
8 back and I was real pleased to get back
9 because of being familiar with Novi, although
10 in 14 years it had developed so much. It's
11 like coming into a strange town from what I
12 knew growing up.

13 But I'm really concerned,
14 evidently nobody from Carlton Forest has
15 talked to the Commission yet in regard to 79
16 feet away from the side of my building is
17 going to be the new planned development.

18 We have a beautiful woods area
19 sitting there, which I see on paperwork,
20 83 percent of that is going to be removed.
21 And in place of it it's going to be a bunch
22 of condominiums. We have wildlife that goes
23 through there. I have deer walking through
24 my property daily. And it's just such a
25 beautiful site, turkeys, all kinds of

1 wildlife. That's all going to be gone,
2 you're going to force all of those things
3 right out of the area.

4 Take into effect that 79 feet.
5 That's what? Twelve, 13, people laying down
6 end to end. That's not very much. Our drive
7 on the side of our building takes up a good
8 portion of that and I think what they have
9 left there, which I think they are referring
10 to as wooded area is really what belongs to
11 Carlton Forest. There is a berm there. It's
12 been landscaped real nicely with different
13 colored trees and such forth, it's really
14 beautiful. That's all going to be gone.

15 Take into effect the valuation
16 of the property. I think a lot of people
17 including myself mainly moved there because
18 of such a beautiful setting there. We don't
19 have thickness of buildings there. It's kind
20 of one street and buildings on either side.
21 They're not stacked on either side of the
22 street.

23 So a lot of us have the same
24 view only on the opposite side of the street.
25 I think on the east side of the street it's

1 wetland area so probably a lot of that is
2 protected, but, in fact, some of the north or
3 west side would be protected also.

4 I just would like to voice my
5 objection to how this is being put down and
6 from what I have heard tonight, I don't think
7 anybody from Carlton Forest has complained.
8 And maybe that's even understandable, being
9 that so many people that bought those places
10 and rent them out.

11 I would like to have some
12 consideration for what we have the privilege
13 of seeing there as residents of Carlton
14 Forest. Thank you for your time.

15 CHAIRPERSON PEHRSON: Thank you,
16 sir.

17 Anyone else? Step forward.

18 MS. GALATI: Good evening,
19 Commissioners. My name Jahru Galati and I'm
20 at 28382 Climber Drive. We are west of the
21 new development. Initially we had a lot of
22 concerns about privacy. Our lots are very
23 small and our biggest concern now, Pulte has
24 really, thank you Bob, worked really, really
25 hard with us, to address some of our concerns

1 which were more privacy with planting more
2 trees and they have done an excellent job of
3 meeting with us and putting two to three rows
4 of alternating trees which preserves the
5 beauty of Dixon Road, which is what we
6 overlook from our bedrooms and our lot sizes
7 are very small. So our biggest concern now
8 is the fact that the paved road should not go
9 more than where the entrance to the new
10 property is. The reason for that is
11 multiple.

12 One, Twelve Mile is a Michigan
13 new only road, and if Dixon Road is paved any
14 further, this will become a throughfare and
15 lead directly onto Novi Road, which will
16 cause a lot of traffic, noise at night.
17 There is a park behind us, and there is a
18 lot of traffic already because of the park,
19 and sometimes people tend to drive really
20 fast -- like I said, our property lots are
21 very, very small. There is not a lot of room
22 between the berm and our houses. And if that
23 road is paved, it's going to cause a lot of
24 additional traffic. There is a lot of little
25 kids, elementary school kids and, yes, we

1 need to keep the kids in our properties and
2 we try our best, but they all gravitate back
3 to the gravel, which it's very hard to
4 contain them. So if the road is paved, we
5 are further putting them in harm's way and we
6 are really, really concerned about that.

7 We feel that if the road is
8 not paved, it will prevent a lot of traffic.

9 First, it's different from the
10 subdivision because every subdivision is
11 different, you know, everybody drives at a
12 lower speed, but Dixon Road itself has more
13 potential of becoming a thoroughfare and we
14 are very concerned about that, because of
15 that. So our request to the Planning
16 Commission is that we contain the road up
17 until the entrance point because that's
18 needed for the residents to exit.

19 Secondly, we want the nature
20 path to be preserved. It's a very beautiful
21 area, lots of deer, lots of wildlife,
22 turkeys, everything comes over there. If you
23 make it a thoroughfare, and there is paved
24 roads, all of that will go away, leading to
25 more traffic and our privacy will be totally

1 gone. I mean, we still have privacy
2 concerns, but I think Pulte has done an
3 excellent job of offering us trees on the
4 berm which, you know, gives us some of the
5 privacy that we are asking for.

6 And so, again, our sincere
7 request is that the road not be taken down to
8 the Declaration entrance, which would cause
9 more traffic, lack of privacy and reduction
10 in our property prices because when we bought
11 those lots, the only reason, I know for
12 myself, the reason I bought was for the
13 privacy. It's a dirt road, natural beauty,
14 and if that's paved, all of that goes away,
15 and also leads to reduction in our property
16 prices. Thank you.

17 CHAIRPERSON PEHRSON: Thank you,
18 ma'am. Anyone else?

19 MR. SWAMINADHAN: Good evening.
20 My name is Mathuraman Swaminadhan,
21 M-a-t-h-u-r-a-m-a-n, S-w-a-m-i-n-d-h-a-n,
22 resident of 28358 Climber Drive.

23 I just want to echo the
24 thoughts of my fellow residents, we would
25 like to keep that paved road at the end of

1 the entrance of the proposed Dixon Meadows,
2 just to preserve our current privacy and also
3 our kid's safety. So that's it.

4 CHAIRPERSON PEHRSON: Thank you.
5 Anyone else?

6 (No audible responses.)

7 Seeing no one else, I think
8 there is some communication.

9 MR. GRECO: There is some
10 correspondence.

11 The letter that we have is --
12 hold on.

13 MR. GARCIA: We weren't done.
14 May I approach?

15 CHAIRPERSON PEHRSON: Yes, you
16 may.

17 MR. GARCIA: My name is George
18 Garcia. I represent the Elizabeth D. Garcia
19 trust who owns the property at 28250 Dixon
20 Road in Novi.

21 This is a letter I'd like to
22 read and be entered into the minutes.

23 Members of the City Planning
24 Commission. My name is George R. Garcia, son
25 of Ramone and Elizabeth Garcia, resided at

1 28250 Dixon Road, Novi, Michigan, 48377 for
2 over 60 years.

3 My father and mother purchased
4 the property from Mary Flint in the early
5 '50s and I am the representative of the trust
6 and family of which I have four brothers and
7 two sisters that now hold the property.

8 Our parents cleared the land,
9 built the first house and after the family
10 outgrew it, built the current brick house and
11 subsequent out buildings. I have very fond
12 memories of growing up on Dixon Road with
13 many neighbor children and exploring the
14 fields and forests and sledding the hills of
15 the area of the west side of Dixon Road. The
16 west side of Dixon Road was always an area
17 where we could wander safely.

18 We became aware that it had
19 been donated to the city for parkland for
20 residents, subsequently to a legal issue
21 concerning the default on development with
22 builders near Thirteen Mile and Old Novi
23 Road, it was awarded to developers instead of
24 a cash settlement.

25 When plans were proposed for

1 development on the west side of Dixon Road,
2 my parents and other neighbors disagreed with
3 the density and development plans of the
4 site. They were ignored. That is why we
5 have the diverse and non-standard high
6 density development on the west side of Dixon
7 Road. In fact, the land uses in our area
8 have significantly changed from the original
9 small farm zoning which happened many, many
10 years ago.

11 We have joined with a number
12 of neighbors to present a large parcel for
13 sale to Pulte developers. One of the primary
14 reasons is that we are unable to sell
15 individually due to arsenic contamination
16 from natural sources. Only through a large
17 development can the arsenic abatement be
18 managed.

19 In addition, Pulte will be
20 improving Dixon Road, which will be good for
21 all the residents. Some of the opposition to
22 the development is that the west side of
23 Dixon Road residents want the area to be more
24 open and natural. This went out the door
25 with the developed areas they now live in.

1 If they wish to experience nature at its
2 purest form, then they only need to walk
3 north out of their homes through the woods
4 and trails to experience deer darting across
5 the path, muskrats, frogs in the marshes and
6 if they are lucky a fox den in the woods.

7 That is what we experienced
8 growing up and I encourage them to do the
9 same, spend the time with nature instead of a
10 gaming council with (inaudible).

11 Pulte has been very satisfying
12 to work with through this process. They have
13 been forthcoming on any issues that we have
14 needed to address in a timely manner.

15 Previously the Commission has approved the
16 site plan after much negotiation. We
17 encourage you to give the final approval and
18 let this development go forward for the
19 development of the city, which is a need for
20 quality housing, the benefit of all residents
21 and future generations as a result of
22 improvements, including arsenic remediation
23 and the benefit of the current residents who
24 supported the City of Novi through their
25 taxes for many years. Respectfully, myself

1 on behalf of the trust. And to address the
2 issue of the area east of the condominium
3 complexes, east of our property line, which
4 borders them, I know they are -- gentleman is
5 concerned -- expressed his concern over that.
6 We also express our concern in the fact that
7 we have had multiple people all allowing
8 their dogs to defecate on our property, come
9 across through the woods, definitely through
10 the berms, defecate on our property, they
11 have dumped leaves and refuse on our
12 properties, both Ridenhours (ph) and my own.
13 And really, we are ready to have a change and
14 have it developed. Thank you very much.

15 CHAIRPERSON PEHRSON: Thank you,
16 sir.

17 Member Greco, correspondence?

18 MR. GRECO: We do have
19 correspondence, the first received March 8 by
20 the City, by Yousef and Arina Arpassi (ph),
21 approved the project and believe it's
22 entirely appropriate for the environment that
23 exists around the project. They approve it.
24 Believe it will be a benefit to the city.

25 Next correspondence dated

1 March 6, 2016, received March 8 by the city
2 community development, by Deborah -- Mr. and
3 Mrs. Cox, they are strongly opposed to this
4 project. Their property is adjacent in
5 Carlton Forest. They don't want anymore
6 residents in Novi. They don't want to look
7 at site condominiums adjacent to their home.
8 Trees are decades old that would be cut down.
9 They believe this is improper so Novi could
10 build more buildings and gain more tax
11 revenue. They believe the city is seeking
12 property tax revenue and don't care about
13 preserving the beauty, nature of the area,
14 and requests to preserve our land, no more
15 housing projects, we don't need it, save our
16 land and our nature.

17 Next is a letter received
18 March 8 by the city, to the Planning
19 Commission by Nick and Florence Marini. They
20 support and approve the proposed project.
21 One of the benefits they believe it will take
22 care of the removal of the arsenic
23 contamination, which they believe is a
24 benefit and the paving and sidewalk
25 construction will eliminate the danger of

1 people now walking in the roadway.

2 Next is a letter dated March
3 4th by Rick Catterman. Believes that this
4 development fits with the previously approved
5 developments in the area, and that the
6 removal of arsenic is feasible with a
7 development of this size.

8 That concludes the
9 correspondence.

10 CHAIRPERSON PEHRSON: Thank you,
11 sir, with that, we will close the public
12 hearing on this matter, turn it over to the
13 Planning Commission for their consideration.

14 Anyone like to start? Member
15 Barrata.

16 MR. BARATTA: I would be happy
17 to, Mr. Chair.

18 I think that the proposed plan
19 by Pulte is -- I think it's come a very long
20 way, they have done a very thorough job. I
21 think they have reached out to the local
22 community.

23 And I think they have met
24 their concerns to a large part. So I think
25 it's a good project. So I'm in favor of this

1 project. I want to thank you for reaching
2 out to the residents. I just think it's a
3 good project.

4 CHAIRPERSON PEHRSON: Thank you,
5 sir. Member Greco?

6 MR. GRECO: Yes, I, too, upon
7 reviewing the materials think it is a good
8 project. As I'm sure the applicant
9 remembers, I was against the project
10 originally. But seeing it come back, I was
11 wondering why it was coming back again. Now
12 I see why that developer has worked a lot
13 with the residents to -- well, to work with
14 the residents to better fit the project or
15 something that they could accept.

16 You know, that being said, I
17 will support it tonight. But just discuss
18 this with the Planning Commission and we
19 heard some objections from the residents of
20 Liberty Park. You know, I haven't heard any
21 comments from the Planning Commission, but I
22 am in favor of paving the road. I think that
23 while we have the opportunity to pave a road,
24 we should take it. I understand the
25 resident's concerns that they believe that

1 the paved road will increase traffic, I'm not
2 sure if that's necessarily accurate or not
3 based upon where it goes and where it's
4 located, but, you know, with the area being
5 developed as it is, with the different kind
6 of housing options that you have there, I
7 don't know why we would not take the
8 opportunity to pave the road as much as we
9 can pave it. That concludes my comments.

10 CHAIRPERSON PEHRSON: Thank you.
11 If I might, I'd just like to commend Pulte
12 Homes for their reaching out to the community
13 and taking maybe some of the advice that we
14 shared with them on some of the earlier
15 plans. And taking it to heart and actually
16 going back. I think it's a great win for
17 everybody. I really appreciate the effort
18 that you went through to come back to us with
19 this proposal.

20 Any other comments? Member
21 Anthony?

22 MR. ANTHONY: Thank you, Chairman
23 Pehrson.

24 To Pulte, my first comment is,
25 again, it's great to hear that you worked

1 with the residents and the number that have
2 come out to support that.

3 Can you refresh my memory
4 though on what is your plan for the arsenic
5 remediation? How are you going to conduct
6 that?

7 MR. HALSO: Yes, I can. We
8 retained McDowell and Associates immediately
9 following preliminary discussion with the
10 future land use committee of the Planning
11 Commission. They have done a very thorough
12 job they gridded out the entire property and
13 identified the depth of arsenic through a
14 grid process and have developed the plan for
15 us essentially. We will -- we have to remove
16 trees to remediate the arsenic. But we have
17 to remove the soil to the depths that they
18 recommend through this grid. They will be
19 on-site testing it, because we are more
20 concerned than anyone that it be thoroughly
21 removed and it be a cleaned site before we
22 start construction. So essentially we will
23 remove the contaminated soil and replace it
24 with clean soil.

25 MR. ANTHONY: So it will be

1 removed from the site, taken to a landfill as
2 opposed to just relocated on-site?

3 MR. HALSO: Correct, it will be
4 removed from the site.

5 MR. ANTHONY: Very good.

6 CHAIRPERSON PEHRSON: Anybody
7 else? Member Giacobetti.

8 MR. GIACOPETTI: Question for the
9 developer, for the applicant, I should say.

10 First, thank you for working
11 with the community and bringing this back.
12 It's much improved.

13 I think my one question is on
14 the tree replacement, I see that you chose to
15 add trees to the right-of-way along the
16 drives, but the border with the Carlton Way
17 Drive does seem barren, where, you know, you
18 are just relying on the existing berm.

19 Did you give any consideration
20 to placing some of the tree replacements
21 along that boundary with Carlton, Way and if
22 you did, are there obstacles to doing that?

23 MR. HALSO: Well, we did. We
24 have -- number one, we did rely on that
25 beautiful berm. And Mr. McCullough, in the

1 comments, we are not touching the berm, it's
2 great and we are relying on it, as a natural
3 buffer, it serves that purpose.

4 We could plant some
5 replacement trees in the backyards of those
6 homes, but we would have to work with staff
7 on how we would accomplish that.

8 We don't have the area to put
9 another berm next to their berm nor do we
10 really think one is necessary.

11 We do have -- we have excess
12 replacement trees available. We are going to
13 locate as many as we can working with the
14 city and working with the homeowners
15 association on Dixon, and to the extent we
16 have others, we can consider working with
17 staff on something like that.

18 MR. GIACOPETTI: Thank you very
19 much.

20 CHAIRPERSON PEHRSON: Member
21 Greco?

22 MR. GRECO: Yes, I'd like to make
23 a motion.

24 Before I do that I have a
25 clarification.

1 In the motion when it talks
2 about the paving of Dixon Road, the 1,800
3 linear feet of Dixon Road, is that the entire
4 or just -- all right, so that would be what
5 we are talking about as far as paving the
6 road rather than just going to the initial
7 entranceway?

8 MR. HALSO: Correct.

9 MR. GRECO: All right. With
10 that, I would like to make a motion, in the
11 matter of the request of Pulte Homes for
12 Dixon Meadow JSP 14-46, with zoning map
13 amendment 18.709, motion to recommend
14 approval to the City Council to rezone the
15 subject property from RA, residential acreage
16 to RT, two family residential, with a planned
17 rezoning overlay, an alternate concept plan.

18 The recommendation shall
19 include the following ordinance deviations
20 for consideration by the Council, which are
21 listed as A through F in the motion. Is that
22 acceptable, counsel?

23 MR. GILLAM: Yes.

24 MR. GRECO: Is that acceptable if
25 I just list it A through F rather than go

1 through each one?

2 MR. GILLAM: Yes.

3 MR. GRECO: If the Council
4 approves the rezoning, the Planning
5 Commission recommends the following
6 conditions be requirements of the planned
7 rezoning overlay agreement, which in the
8 motion sheet are listed, A, lower case roman
9 numeral one through nine. I should have
10 looked at the last one. Set forth in A, with
11 subparagraphs, roman numerals one through
12 nine, B and C.

13 And this motion is made
14 because the applicant has presented a
15 reasonable alternative to the proposed master
16 plan design of a maximum of 1.65 units per
17 acre to an actual 4.2 units per acre and
18 which supports several objectives of the
19 master plan for land uses noted in he
20 planning review letter. The proposed density
21 of 4.2 units per acre provides a reasonable
22 transitional use in density between the lower
23 density Liberty Park, single family
24 development to the west, approximately 3.5
25 units per acre and the Carlton Forest

1 development to the east, approximately 5.6
2 units to the acres.

3 The roadways and the
4 surrounding intersections are expected
5 maintain acceptable levels of service, with
6 the addition of the site generated traffic
7 and the proposed paving of approximately
8 1,800 linear feet of Dixon Road from the
9 existing terminus point at Twelve Mile Road
10 to the northern entrance of proposed. The
11 development may be seen as a public benefit
12 to the potential residents of the new
13 development as well as residents who
14 currently use Dixon Road.

15 The site will be adequate
16 served by public utilities. The city's
17 traffic engineer consultant has reviewed the
18 rezoning traffic impact study and notes a
19 minimal impact on surrounding traffic as a
20 result of the development as the current
21 traffic volume on Dixon Road is relatively
22 low. And submittal of a concept plan and any
23 resulting PRO agreement provides assurances
24 to the Planning Commission and the City
25 Council of the manner in which the property

1 will be developed.

2 MR. ANTHONY: Second.

3 CHAIRPERSON PEHRSON: We have a
4 tie, so alphabetically Anthony wins.

5 So we have a motion by Member
6 Greco, seconded by Member Anthony.

7 Any other comments? Sorry,
8 Member Baratta.

9 MR. BARATTA: That's all right.

10 CHAIRPERSON PEHRSON: Barb, can
11 you call the roll, please.

12 MS. MCBETH: Member Giacobetti?

13 MR. GIACOPETTI: Yes.

14 MS. MCBETH: Member Greco?

15 MR. GRECO: Yes.

16 MS. MCBETH: Chair Pehrson?

17 CHAIRPERSON PEHRSON: Yes.

18 MS. MCBETH: Member Zuchlewski?

19 MR. ZUCHLEWSKI: Yes.

20 MS. MCBETH: Member Anthony?

21 MR. ANTHONY: Yes.

22 MS. MCBETH: And Member Baratta?

23 MR. BARATTA: Yes.

24 MS. MCBETH: Motion passes six to
25 zero.

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CHAIRPERSON PEHRSON: All set,
thank you.

Next on the agenda is Oberlin,
JSP 14-42. It's a public hearing. The
request of Singh Development for revised
preliminary site plan utilizing open space
preservation option and revised woodland
permit approval.

The subject property is 29.9
acres in Section 20 in the City of Novi,
located at 48301 Eleven Mile Road on the
south side of Eleven Mile Road, west of Beck
in the R4, one family residential district.

The applicant is proposing a
72 unit development using the open space
preservation option. Petitioner has proposed
significant changes to the woodland permit.

Kirsten.

MS. MELLEEM: The parcels in
question are located on the south side of
Eleven Mile between Beck Wixom Road in
Section 20 of the City of Novi.

The property totals 29.9 acres
and the current zoning is R4.

The zoning to the north is

1 PSLR, RM-1 with a PRO, and to the east is R1
2 and to the west and south is RA.

3 The future land use map
4 indicates residential land use with suburban
5 low rise to the north, educational facilities
6 to the east.

7 The site has substantial
8 amounts of regulated woodlands and wetlands.

9 Singh Property, Singh Oberlin
10 has proposed a 72 unit single family
11 residential development utilizing the open
12 space preservation option.

13 The Planning Commission
14 approved the preliminary site plan with open
15 place preservation option, wetland permit,
16 woodland permit and storm water management
17 plans on November 12, 2014.

18 Planning, engineering,
19 landscaping, wetlands, woodlands, traffic and
20 fire have reviewed the revised final site
21 plan and are recommending approval with some
22 changes before standing sets are approved.

23 The reason we are bringing
24 this back to the Planning Commission is the
25 significant change to the woodland permit.

1 The woodlands permit was an originally
2 approved permit 1,173.48 off site woodland
3 replacement tree credits on private property
4 at the northwest corner of Eight Mile and
5 Garfield Roads, which is a current Singh
6 property name Ballantyne.

7 The Oberlin property is now
8 being sold to Pulte, and they will no longer
9 be replacing these trees on the Ballantyne
10 site.

11 The proposed tree removals
12 require a total of 1,347 woodland replacement
13 trees. The plan proposes a total of 433
14 on-site replacement credits with 914 woodland
15 replacement credits to be paid into the City
16 of Novi tree fund. So this breaks down to
17 about 32 percent on-site replacement and 68
18 percent into the tree fund.

19 The required payment into the
20 tree fund would be \$365,600.

21 The Planning Commission is
22 asked today to consider the revised woodland
23 permit for the Oberlin site.

24 As always, I'm happy to answer
25 any questions.

1 CHAIRPERSON PEHRSON: Thank you,
2 appreciate it.

3 Is the applicant here? Wish
4 to address the Planning Commission at this
5 time?

6 MR. GREWAL: Avi Grewal with
7 Singh Development.

8 Again, just before we go on
9 Oberlin, I just chatted with the Biltmore
10 team outside after this meeting, we are going
11 to have discussion about the temporary
12 easement across the property to Garfield,
13 tomorrow we are going to get together.

14 CHAIRPERSON PEHRSON: Thank you.

15 MR. GREWAL: I think Kirsten put
16 everything out there, so I'm here to answer
17 any questions.

18 CHAIRPERSON PEHRSON: This is a
19 public hearing. You wish to address the
20 Planning Commission, sir?

21 UNKNOWN AUDIENCE MEMBER: No.

22 CHAIRPERSON PEHRSON: Seeing no
23 one else in the audience, is there any
24 correspondence?

25 MR. GRECO: There is no

1 correspondence for this public hearing.

2 CHAIRPERSON PEHRSON: Close the
3 public hearing at this time and turn it over
4 to the Planning Commission for their
5 consideration.

6 Member Giacobetti?

7 MR. GIACOPETTI: I have a
8 question.

9 I want to make sure I
10 understand, the Ballantyne development is
11 owned by Singh, or were they recently
12 acquired?

13 MS. MELLEEM: Owned by Singh.

14 MR. GIACOPETTI: And that was the
15 relocation for -- the trees were supposed to
16 go to that location?

17 MS. MELLEEM: It's part of the
18 agreement, so they're doing Oberlin to put
19 some of those replacement trees onto the
20 Ballantyne property. And now they are
21 selling the Oberlin property to Pulte, so
22 they're no longer doing that replacement on
23 the other site.

24 MR. GIACOPETTI: Selling this
25 property to Pulte?

1 MR. MELLEEM: Yes.

2 MR. GIACOPETTI: They are coming
3 to us because they were the original --

4 MS. MELLEEM: Yes.

5 MR. GIACOPETTI: Or the
6 current --

7 MS. MELLEEM: The current.

8 MR. GIACOPETTI: This is maybe a
9 question for general counsel.

10 Since we are amending the
11 plan, is there a way to work in the agreement
12 more than the trees to say, consideration for
13 a public access road -- consideration for a
14 public access for a road on another site
15 owned by the applicant?

16 MR. GILLAM: The problem is, the
17 property you're dealing with tonight is the
18 Oberlin property. It's not the Ballantyne
19 property. So to try to tie in something
20 regarding this property with an agreement
21 regarding another piece of property is
22 problematic.

23 The only thing I would
24 indicate in my discussion with Ms. McBeth, I
25 think the Ballantyne RUD is going to have to

1 be brought back, but that's going to be a
2 different issue at a different time. Because
3 the fact the trees were going to be replaced
4 on the site there.

5 If the proposal tonight is
6 approved, they are not going to be replanted
7 on the site, there is going to be money put
8 into the tree fund in lieu of that
9 replacement.

10 So to answer your question,
11 no, we can't do what I think it is that
12 you're asking to do.

13 MS. MCBETH: If I may, through
14 the chair, I think we still have a number of
15 questions about how the Ballantyne site will
16 look without the tree replacements that would
17 be coming from this site, so we still have a
18 number of questions about that.

19 CHAIRPERSON PEHRSON: Member
20 Baratta?

21 MR. BARATTA: So let me just
22 rephrase this, so I understand it.

23 I guess we have a project here
24 in front of us that really needs to stand on
25 its own. And I appreciate the prior

1 discussion that we have had and your
2 willingness to work with the Pulte developer.
3 But looking at this project as a standalone,
4 I am a little concerned whether we have
5 enough trees on this project.

6 So if I could address this
7 question to Rick, do you feel comfortable
8 that this project has adequate landscaping
9 and meets our code requirements?

10 MR. MEADER: Yes. The site, as
11 the proposal is asking, it's heavily
12 landscaped. That's not an issue at all.
13 It's very heavily landscaped. I don't think
14 there is a lot of room for any additional
15 trees on it.

16 MR. BARATTA: You feel
17 comfortable as proposed that there is
18 adequate landscaping on this site.

19 How about the wetland
20 preservation, do you think that's been
21 satisfactorily taken care of?

22 MR. MEADER: I'm going to have to
23 ask the experts.

24 MR. BARATTA: I apologize.

25 CHAIRPERSON PEHRSON: Have the

1 consultant come up, please.

2 MR. HILL: Hello, I'm Pete Hill
3 with ECT.

4 MR. BARATTA: My question is as
5 it related to this project, has nothing to do
6 with the Ballantyne project, with the Pulte
7 project, have we taken adequate review and
8 consideration that we meet all the wetland
9 requirements and comfortable with the project
10 as proposed?

11 MR. HILL: The applicant I
12 believe has received a permit from DEQ for
13 the wetland impacts themselves. DEQ does not
14 regulate wetland buffer impacts, but the city
15 has a 25-foot buffer rule or recommendation.

16 So the plan as proposed, there
17 is a fairly big impact to 25-foot wetland
18 buffers. Part of the original plan was to do
19 a little bit of improvements to a wetland
20 that was on the Ballantyne site.

21 But that is now -- it's my
22 understanding that that is taken out of the
23 picture.

24 MR. BARATTA: So is your opinion
25 based, on this plan that you see in front of

1 us, not including Ballantyne, just this plan,
2 do you feel like we have adequate assurances
3 here that we meet all of your requirements?

4 MR. HILL: Yes. But in our last
5 letter we did recommend that the applicant
6 consider invasive species treatments, or
7 improvements to the wetland buffers that are
8 going to remain on the Oberlin site.

9 But it's not actually a
10 requirement of the ordinance, so the answer
11 is yes.

12 MR. BARATTA: Thank you very
13 much. Appreciate it.

14 CHAIRPERSON PEHRSON: Member
15 Greco?

16 MR. GRECO: Yes. I'd like to
17 make a motion in the matter of Oberlin JSP
18 14-22, motion to approve the revised
19 preliminary site plan with open space
20 preservation option, based on and subject to
21 the matters set forth in the motion sheet A
22 through D, and because this motion is made
23 because the plan is otherwise in compliance
24 with Article 4, Article 24, and Article 25 of
25 the zoning ordinance, and all other

1 applicable provisions of the ordinance.

2 MR. BARATTA: Second.

3 CHAIRPERSON PEHRSON: Motion by
4 Member Greco, second by Member Baratta.

5 Any other comments?

6 Ms. McBeth, can you call the
7 roll please.

8 MS. MCBETH: Member Greco?

9 MR. GRECO: Yes.

10 MS. MCBETH: Chair Pehrson?

11 CHAIRPERSON PEHRSON: Yes.

12 MS. MCBETH: Member Zuchlewski?

13 MR. ZUCHLEWSKI: Yes.

14 MS. MCBETH: Member Anthony?

15 MR. ANTHONY: Yes.

16 MS. MCBETH: Member Baratta?

17 MR. BARATTA: Yes.

18 MS. MCBETH: And Member

19 Giacometti?

20 MR. GIACOPETTI: Yes.

21 MS. MCBETH: Motion passes six to
22 zero.

23 MR. GRECO: Like to make another
24 motion in the matter of Oberlin JSP 14-42,
25 motion to approve the revised woodland permit

1 based on and subject to the following
2 requirements listed in A through B on the
3 motion sheet and because the plan is
4 otherwise in compliance with Chapter 37 of
5 the Code of Ordinances, and all other
6 applicable provisions of the ordinance.

7 MR. BARATTA: Second.

8 CHAIRPERSON PEHRSON: Motion by
9 Member Greco, second by Member Baratta, any
10 other comments?

11 Ms. McBeth.

12 MS. MCBETH: Chair Pehrson?

13 CHAIRPERSON PEHRSON: Yes.

14 MS. MCBETH: Member Zuchlewski?

15 MR. ZUCHLEWSKI: Yes.

16 MS. MCBETH: Member Anthony?

17 MR. ANTHONY: Yes.

18 MS. MCBETH: Member Baratta?

19 MR. BARATTA: Yes.

20 MS. MCBETH: Member Giacobetti?

21 MR. GIACOPETTI: Yes.

22 MS. MCBETH: And Member Greco?

23 MR. GRECO: Yes.

24 MS. MCBETH: Motion passes six to
25 zero.

1 CHAIRPERSON PEHRSON: Thank you.

2 All set. Appreciate it.

3 Bring us matters for
4 consideration. Anyone have anything else?
5 Discussion? Supplemental issues? Jeremy,
6 would you like to say something?

7 MR. MILLER: Something.

8 CHAIRPERSON PEHRSON: This brings
9 us to our last audience participation.
10 Anyone in the audience wish to address the
11 Planning Commission?

12 (No audible responses.)

13 CHAIRPERSON PEHRSON: Seeing no
14 one, we will close the audience participation
15 and look for a motion to adjourn.

16 MR. GIACOPETTI: Motion to
17 adjourn.

18 MR. BARATTA: Second.

19 CHAIRPERSON PEHRSON: We have a
20 motion and a second, all those in favor?

21 THE BOARD: Aye.

22 CHAIRPERSON PEHRSON: Anyone
23 opposed?

24 (No audible responses.)

25 (The meeting was adjourned at 8:21 p.m.)

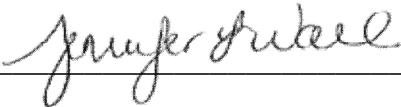
1 STATE OF MICHIGAN)
 2) ss.
 3 COUNTY OF OAKLAND)

4 I, Jennifer L. Wall, Notary Public within and for the
 5 County of Oakland, State of Michigan, do hereby certify that the
 6 witness whose attached deposition was taken before me in the
 7 above entitled matter was by me duly sworn at the aforementioned
 8 time and place; that the testimony given by said witness was
 9 stenographically recorded in the presence of said witness and
 10 afterward transcribed by computer under my personal supervision,
 11 and that the said deposition is a full, true and correct
 12 transcript of the testimony given by the witness.

13 I further certify that I am not connected by blood or
 14 marriage with any of the parties or their attorneys, and that I
 15 am not an employee of either of them, nor financially interested
 16 in the action.

17 IN WITNESS THEREOF, I have hereunto set my hand at the
 18 City of Walled Lake, County of Oakland, State of Michigan, this
 19 25th day of March 2016.

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 Jennifer L. Wall CSR-4183
 Oakland County, Michigan
 My Commission Expires 11/12/15