MEMORANDUM

TO: CITY OF NOVI PLANNING COMMISSION

FROM: DAN COMMER, *AICP*, PLANNER

THROUGH: BARBARA MCBETH, *AICP*, CITY PLANNER

SUBJECT: JSP 20-09 LUXOR ESTATES: PRELIMINARY SITE PLAN EXTENSION

DATE: NOVEMBER 6, 2024

This one-year extension is being made on behalf of the applicant by RA Chiesa Architects, PC. The applicant received Preliminary Site Plan approval for six two-family attached housing units on November 9, 2022. The subject property is currently vacant and approximately 1.82 acres. It is located east of Beck Road, south of Nine Mile Road in the RM-1, Low-Density Multiple-Family Zoning District.

The Planning Commission originally held a public hearing and approved the Preliminary Site Plan, Site Condominium, and Stormwater Management Plan at the November 9, 2022 meeting.

Preliminary Site Plan approval is valid for two years. The applicant is requesting a one-year extension of their approvals, until November 9, 2025, as they need additional time to complete the Final Site Plan due to challenges completing the Other Agency Checklist needed with the Final Site Plan submittal. The Zoning Ordinance allows for three, one-year extensions of Preliminary and Final Site Plan approvals.

At this time, the Planning staff is not aware of any changes to the ordinances, or surrounding land uses, which would affect the approval of the requested extension for one year. Approval of the extension of is recommended.

Following list of items that are attached to this memo:
1. Letter of request for extension dated November 4, 2024 from Ronald A. Chiesa, AIA
2. A copy of the approved Preliminary Site Plan.
3. Action Summary from November 9, 2022 Planning Commission meeting
4. Minutes from November 9, 2022 Planning Commission meeting

MAPS

Location

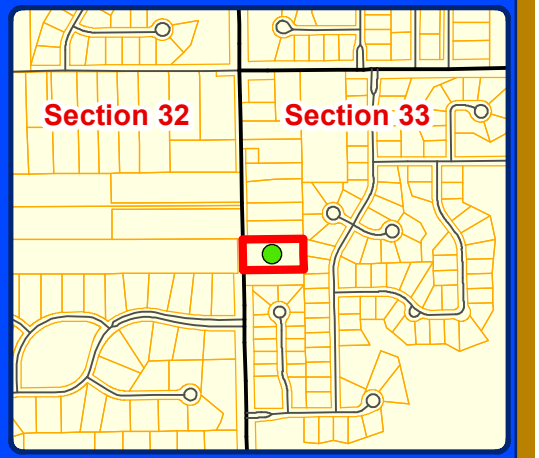
Zoning

Future Land Use

Natural Features

Luxor Estates JSP20-09

Location Map



LEGEND

Subject Property

City of Novi
Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Madeleine Daniels
Date: 9/19/22
LLuxor Estates
Version #: 1

Feet
0 35 70 140 210

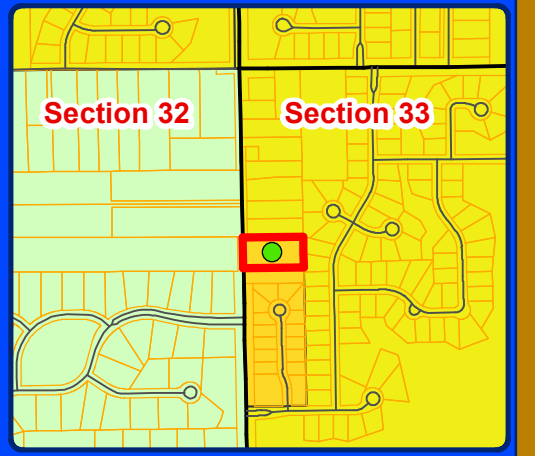
1 inch = 167 feet

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Luxor Estates JSP20-09

Zoning Map



LEGEND

- R-A: Residential Acreage
- R-1: One-Family Residential District
- RM-1: Low-Density Multiple Family
- Subject Property

City of Novi
Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
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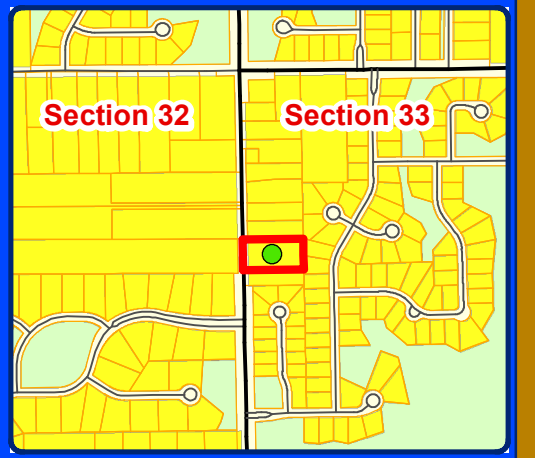
Luxor Estates JSP20-09

Future Land Use Map



LEGEND

- Single Family
- Private Park
- Subject Property

City of Novi
Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

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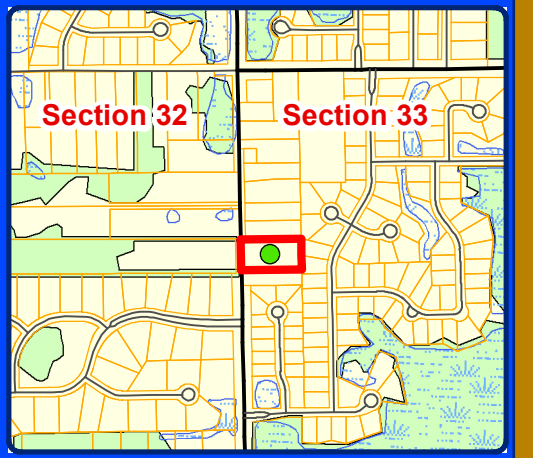
Luxor Estates JSP20-09

Natural Feature Map



LEGEND

- Wetlands
- Woodlands
- Subject Property

City of Novi
Dept. of Community Development
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45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

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Date: 9/19/22
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APPLICANT LETTER OF REQUEST

R.A. CHIESA ARCHITECTS, P.C.

Member of
The American Institute
Of Architects

November 4, 2024

Lindsay Bell, AICP Senior Planner
Community Development / Planning Division
City of Novi
45175 Ten Mile Rd.
Novi, MI 48375

Dear Lindsay,

We request that you forward this note and the attached letter to the Planning Commission for consideration of an extension to our residential project- Luxor Estates located on Beck Rd. Our civil engineer has indicated to us that they need additional time to meet all of the engineering plan design & drawing requirements. They have indicated to us that more time is needed to meet the SPA requirements and more directly the **Other Agency Checklist** which specifies needing various agency submittals & agency permits prior to the Final Site Plan Approval submittal.

According to the information we have received from them they are required to provide complete engineering which is typically required after Site Plan Approval so they need time to work through the requirements & approval process.

Thank you for your assistance regarding this matter.

Ronald A. Chiesa

Ronald A. Chiesa, AIA
President

43260 Garfield • Suite 210 • Clinton Township, Michigan 48038 • (586) 263-5519

SITE PLAN
(Full plan set available for viewing at the Community Development Department.)

"LUXOR ESTATES"

PROPOSED RESIDENTIAL CONDOMINIUM DEVELOPMENT

LUXOR DRIVE
NOVI, MICHIGAN

ARCHITECTURAL SHEET INDEX -	
A-1	SITE PLAN
A-1.1	PROPERTY PLAN & SITE SPECIFIC DETAILS
A-1.2	SITE DETAILS
A-2	FLOOR PLANS
A-3	ELEVATIONS

R.A. CHIESA ARCHITECTS, P.C.

43260 Garfield Rd. Suite 210
Clinton Township, Michigan 48038

Member Of
The American Institute
Of Architects

USDA WEB SOIL SURVEY

NTS

SOIL TYPE 11B = CAPAC SANDY LOAM, 0 TO 4% SLOPES

GENERAL NOTES -

1. THESE DOCUMENTS ARE THE PROPERTY OF R.A. CHIESA ARCHITECTS, P.C. ANY VARIATION OR REPRODUCTION OF THESE PLANS IS STRICTLY PROHIBITED UNLESS WRITTEN CONSENT IS OBTAINED FROM THE FIRM.
2. THESE PLANS COMPLY WITH ALL CURRENT APPLICABLE BUILDING CODES (NATIONAL, STATE AND LOCAL) TO THE BEST OF OUR KNOWLEDGE.
3. R.A. CHIESA ARCHITECTS, P.C. SHALL NOT BE RESPONSIBLE FOR THE ACTS OR OMISSIONS OF THE GENERAL CONTRACTOR, SUB-CONSTRATORS, EMPLOYEES OR AGENTS OF THE ABOVE REGARDING THE CONSTRUCTION.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES.
5. ALL CONTRACTORS SHALL BE LICENSED (WHERE APPLICABLE) AND INSURED.
6. THE BUILDING OWNER OR GENERAL CONTRACTOR (ON HIS BEHALF) SHALL APPLY AND OBTAIN THE REQUIRED PERMITS PRIOR TO CONSTRUCTION.
7. THE GENERAL CONTRACTOR AND SUB-CONTRACTORS SHALL FIELD VERIFY THE PROJECT SITE AND ALL EXISTING JOB CONDITIONS PRIOR TO CONSTRUCTION. PROMPTLY NOTIFY THE ARCHITECT IN WRITING IF ANY DISCREPANCIES EXIST THAT WOULD IMPACT OR VARY THE CONSTRUCTION BASED ON THESE DOCUMENTS.
8. EACH CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES THEY CAUSE AS A RESULT OF THEIR WORK TO BOTH EXISTING AND NEW CONSTRUCTION, UTILITIES, SERVICES AND PROPERTY.
9. EACH CONTRACTOR SHALL PROVIDE AND BE RESPONSIBLE FOR ALL SHORING, BRACING AND ALL OTHER MEANS REQUIRED TO PROTECT AND MAINTAIN THE SAFETY, INTEGRITY AND STABILITY OF ALL EXISTING AND NEW CONSTRUCTION AS IT PERTAINS TO THEIR WORK.
10. ALL CONSTRUCTION DEBRIS SHALL BE MAINTAINED IN AN APPROVED CONTAINER OR ENCLOSURE UNTIL REMOVED FROM THE PROJECT SITE.

LEGAL DESCRIPTION -

PARCEL	22-33-100-005

A PARCEL OF LAND LOCATED IN THE N.W. 1/4 OF SECTION 33, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE N.W. SECTION CORNER: THENCE DUE SOUTH 1100.00 FEET TO THE POINT OF BEGINNING: THENCE S 89°28'30" E 396.00 FEET: THENCE DUE SOUTH 200.00 FEET; THENCE N 89°28'30" W 396.00 FEET; THENCE DUE NORTH 200.00 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 33.00 FEET OF BECK ROAD.

SITE MATERIAL QUANTITIES -

	DESCRIPTION	QUANTITY
A	LUXOR DRIVE (ASPHALT)	8,461 S.F. +/-
B	SIDEWALKS (CONCRETE)	2,522 S.F. +/-
C	DRIVEWAYS, WALKS, PORCH, PATIOS (CONCRETE)	6,165 S.F. +/-
D	CURB & GUTTER (CONCRETE)	1,866 S.F. +/-
E	GREEN AREAS (SOD)	32,096 S.F. +/-
F	BUILDING AREA	16,090 S.F. +/-
G	TOTAL	67,200 S.F. +/- (NET)

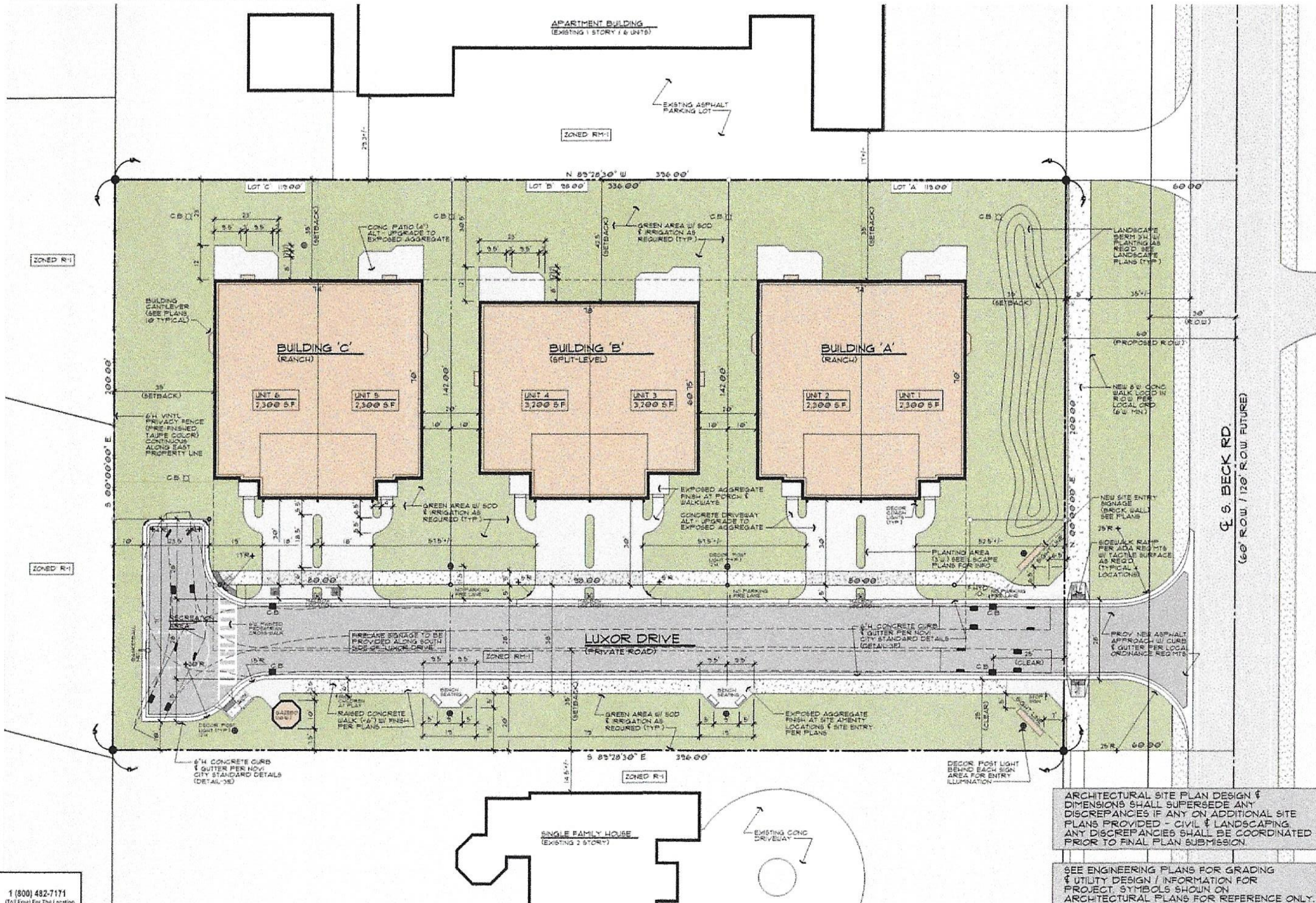
NOTE: QUANTITIES ARE APPROXIMATE FOR REFERENCE ONLY.

PROJECT INFORMATION -

I	GOVERNING CODES	2015 MICHIGAN BUILDING CODE
		2021 MICHIGAN MECHANICAL CODE
		2017 MICHIGAN ELECTRICAL CODE
		2021 MICHIGAN PLUMBING CODE
1	SITE ZONING	RM-1 (RT TWO-FAMILY RESIDENTIAL DISTRICT)
2	SITE AREA	67,200 S.F.+/- OR 1.54 ACRES+/- (NET)
		79,200 S.F.+/- OR 1.82 ACRES+/- (GROSS)
3	USE GROUP	R-3
4	CONSTRUCTION TYPE	5B

DEVELOPMENT STANDARDS -

		CATEGORY	REQUIREMENTS	PROVIDED
1		LOT SIZE		
	A	MINIMUM LOT AREA	7,500 S.F.	13,909 S.F. & 16,108 S.F.
	B	MINIMUM LOT WIDTH	50'	98' & 119'
2		LOT COVERAGE		
	A	MAXIMUM AREA	25%	31% (AVERAGE)
		1. RANCH LOT A & C		28%
		2. SPLIT-LEVEL LOT B		37%
3		SETBACKS		
	A	FRONT YARD	30'	30'
	B	REAR YARD	35'	35' & 42.5'
	C	SIDE YARD	10' MIN	10' MIN
4		DWELLING UNIT DENSITY	(4.8 UNITS / NET SITE ACRE)	
	A	MAX. ALLOWABLE UNITS	7.4 UNITS	6 UNITS
5		PARKING		
	A	(4) 2 BEDROOM UNITS	8 SPACES	16 SPACES
	B	(2) 3 BEDROOM UNITS	5 SPACES	8 SPACES



ARCHITECTURAL SITE PLAN DESIGN & DIMENSIONS SHALL SUPERSEDE ANY DISCREPANCIES IF ANY ON ADDITIONAL SITE PLANS PROVIDED - CIVIL & LANDSCAPING. ANY DISCREPANCIES SHALL BE COORDINATED PRIOR TO FINAL PLAN SUBMISSION.

SEE ENGINEERING PLANS FOR GRADING & UTILITY DESIGN / INFORMATION FOR PROJECT. SYMBOLS SHOWN ON ARCHITECTURAL PLANS FOR REFERENCE ONLY.

SEE LANDSCAPE PLANS FOR ALL PLANTING INFORMATION, SCHEDULES & DETAILS AS REQUIRED PER CITY OF NOVI.

811 1 (800) 482-7171 (Toll Free) For The Location of Underground Utilities
Know what's below. Call before you dig.

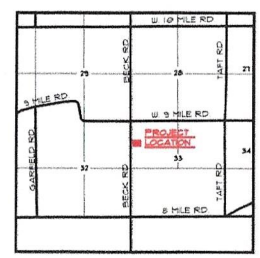
SITE PLAN

1" = 20'

SEE SHEET A-1.1 FOR ADDITIONAL SITE PROPERTY INFORMATION

SITE AERIAL MAP

NTS



SITE LOCATION MAP

NTS PROJECT LOCATED IN SECTION 33

OWNER:
BECK ROAD DEVELOPMENT
1249 PROSPER DR.
TROY, MICHIGAN 48098

R.A. CHIESA ARCHITECTS, P.C.
43260 Garfield Rd. Suite 210
Clinton Township, Michigan 48038
(586) 263-5519
Member Of The American Institute Of Architects

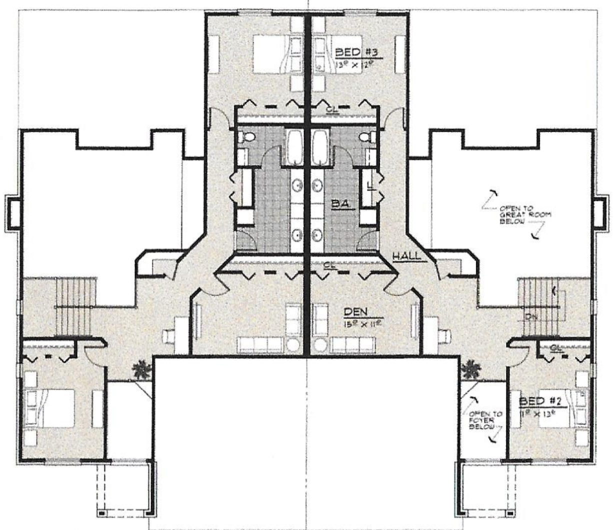
9/21/18	CONCEPT REVIEW MTG
10/26/18	PRE-APP SITE PLAN
JAN 2020	PRELIM. SPA
05-21-22	RE-SUB PRELIM. SPA
07-16-22	RE-SUB PRELIM. SPA
03/26/24	ZBA

SHEET TITLE -
SITE PLAN

PROJECT -
PROPOSED RESIDENTIAL DEVELOPMENT -
LUXOR ESTATES
LUXOR DRIVE
NOVI, MICHIGAN

JOB NO.
2106

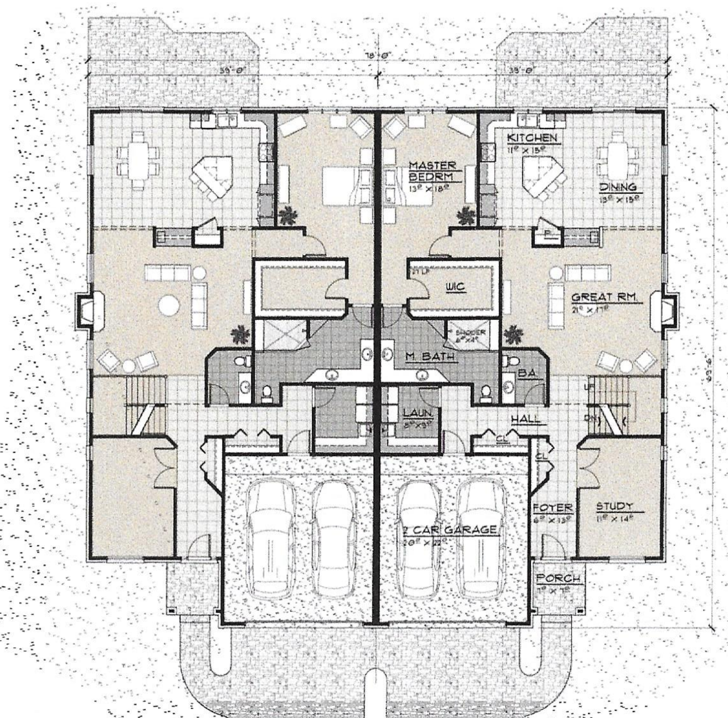
SHEET NO.
A-1



2ND FLOOR PLAN / SPLIT LEVEL

1/8" = 1'-0"

1,041 S.F.



1ST FLOOR PLAN / SPLIT LEVEL

1/8" = 1'-0"

2,086 S.F. / 3,127 S.F. TOTAL PER UNIT

FRONT FACADE -		SPLIT-LEVEL
	DESCRIPTION	QUANTITY
A.	TOTAL FRONTAGE (WALLS + ROOF)	2,429 S.F.
B.	BRICK VENEER	901 S.F. OR 37% OF WALL
C.	STONE VENEER	641 S.F. OR 26% OF WALL
D.	ROOF AREA (ASPHALT SHINGLES)	881 S.F. OR 37% OF WALL
	NOTE: SEE SHEET A-3 FOR BUILDING ELEVATIONS	

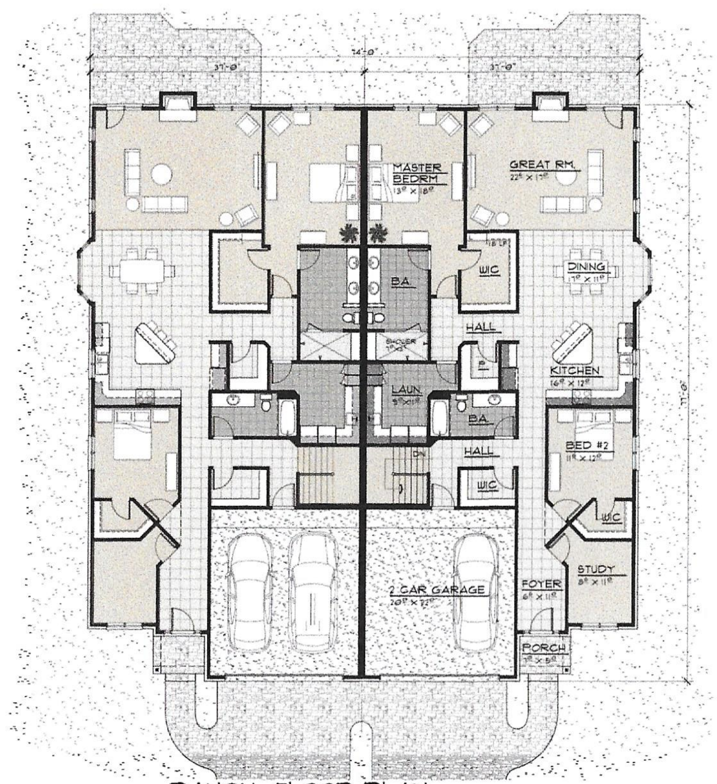
SIDE FACADE - (TYP. EACH SIDE)		SPLIT-LEVEL
	DESCRIPTION	QUANTITY
A.	FRONTAGE AREA (WALLS + ROOF)	1,897 S.F.
B.	BRICK VENEER	973 S.F. OR 51% OF WALL
C.	STONE VENEER	394 S.F. OR 21% OF WALL
D.	ROOF AREA (ASPHALT SHINGLES)	530 S.F. OR 28% OF WALL
	NOTE: SEE SHEET A-3 FOR BUILDING ELEVATIONS	

REAR FACADE -		SPLIT-LEVEL
	DESCRIPTION	QUANTITY
A.	FRONTAGE AREA (WALLS + ROOF)	2,219 S.F.
B.	BRICK VENEER	737 S.F. OR 33% OF WALL
C.	STONE VENEER	356 S.F. OR 16% OF WALL
D.	ROOF AREA (ASPHALT SHINGLES)	1,126 S.F. OR 51% OF WALL
	NOTE: SEE SHEET A-3 FOR BUILDING ELEVATIONS	

FRONT FACADE -		RANCH
	DESCRIPTION	QUANTITY
A.	FRONTAGE AREA (WALLS + ROOF)	1,817 S.F.
B.	BRICK VENEER	677 S.F. OR 37% OF WALL
C.	STONE VENEER	440 S.F. OR 24% OF WALL
D.	ROOF AREA (ASPHALT SHINGLES)	700 S.F. OR 39% OF WALL
	NOTE: SEE SHEET A-3 FOR BUILDING ELEVATIONS	

SIDE FACADE - (TYP. EACH SIDE)		RANCH
	DESCRIPTION	QUANTITY
A.	FRONTAGE AREA (WALLS + ROOF)	1,876 S.F.
B.	BRICK VENEER	553 S.F. OR 29% OF WALL
C.	STONE VENEER	300 S.F. OR 35% OF WALL
D.	ROOF AREA (ASPHALT SHINGLES)	1,023 S.F. OR 55% OF WALL
	NOTE: SEE SHEET A-3 FOR BUILDING ELEVATIONS	

REAR FACADE -		RANCH
	DESCRIPTION	QUANTITY
A.	FRONTAGE AREA (WALLS + ROOF)	1,811 S.F.
B.	BRICK VENEER	652 S.F. OR 36% OF WALL
C.	STONE VENEER	446 S.F. OR 25% OF WALL
D.	ROOF AREA (ASPHALT SHINGLES)	713 S.F. OR 39% OF WALL
	NOTE: SEE SHEET A-3 FOR BUILDING ELEVATIONS	



RANCH FLOOR PLAN

1/8" = 1'-0"

2,291 S.F. PER UNIT

R.A. CHIESA ARCHITECTS, P.C.
43260 Garfield Rd. Suite 210
Clinton Township, Michigan 48038
(586) 263-5519
Member Of The American Institute Of Architects

SHEET TITLE -
FLOOR PLANS

PROJECT -
PROPOSED CONDOMINIUM DEVELOPMENT
LUXOR ESTATES
LUXOR DRIVE
NOVI, MICHIGAN

JOB NO.
18134

SHEET NO.
A-2

STREET ELEVATION

NTS

REAR ELEVATION

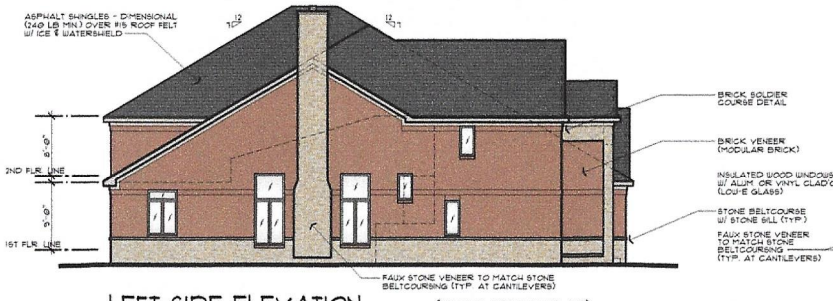
1/8" = 1'-0"

BUILDING 'B' SPLIT-LEVEL

REAR ELEVATION

1/8" = 1'-0"

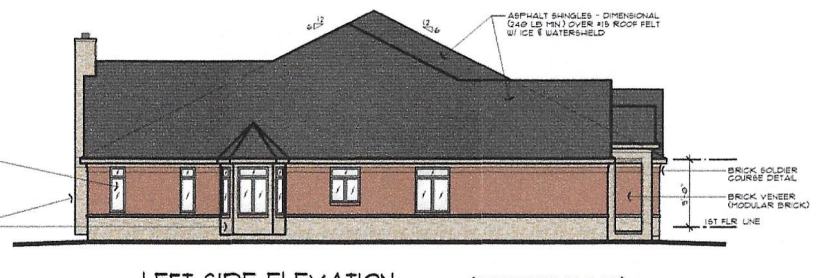
BUILDING 'A' RANCH



LEFT SIDE ELEVATION (RIGHT SIDE SIMILAR)

1/8" = 1'-0"

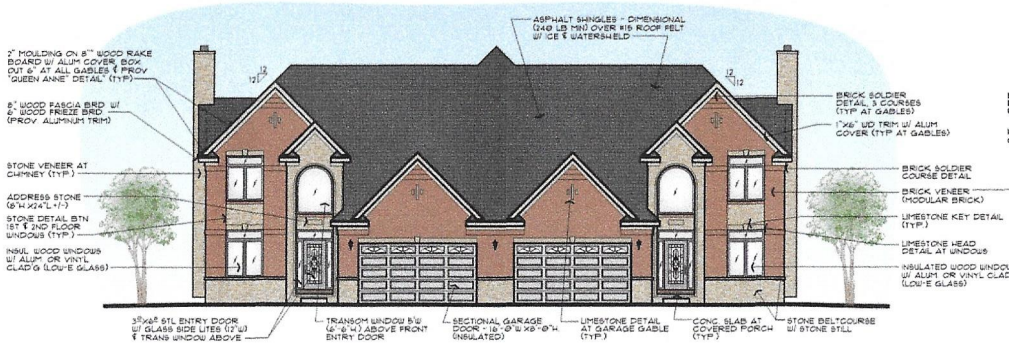
BUILDING 'B' SPLIT-LEVEL



LEFT SIDE ELEVATION (RIGHT SIDE SIMILAR)

1/8" = 1'-0"

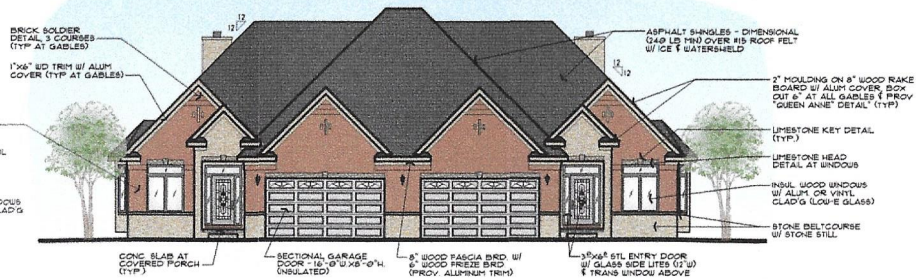
BUILDING 'A' RANCH



FRONT ELEVATION

1/8" = 1'-0"

BUILDING 'B' SPLIT-LEVEL



FRONT ELEVATION

1/8" = 1'-0"

BUILDING 'A' RANCH

R.A. CHIESA ARCHITECTS, P.C.
43260 Garfield Rd. Suite 210
Clinton Township, Michigan 48038
(586) 263-5519

SHEET TITLE - ELEVATIONS

PROJECT - PROPOSED CONDOMINIUM DEVELOPMENT
LUXOR ESTATES
LUXOR DRIVE
NOVI, MICHIGAN

JOB NO. 18134

SHEET NO. A-3

11-9-2022 PLANNING COMMISSION ACTION SUMMARY

PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI
Regular Meeting
November 9, 2022 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 7:00 PM.

ROLL CALL

Present:	Member Avdoulos, Member Becker, Member Dismondy, Member Lynch, Chair Pehrson, Member Roney, Member Verma
Staff:	Barbara McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Humna Anjum, Plan Review Engineer

APPROVAL OF AGENDA

Motion to approve the November 9, 2022 Planning Commission Agenda. *Motion carried 7-0.*

PUBLIC HEARINGS

1. **LUXOR ESTATES, JSP20-09**

Public Hearing at the request of RA Chiesa Architects, PC for approval of the Preliminary Site Plan, Site Condominium, Stormwater Management Plan, and Section 9 Façade Waiver. The subject property is currently vacant and approximately 1.82 acres. It is located east of Beck Road, south of Nine Mile Road in the RM-1, Low-Density Multiple-Family Zoning District, which permits two-family residential units subject to the standards and regulations of the RT Two-Family Residential District. The applicant is proposing six two-family attached housing units with a proposed density of 3.9 units per net acre.

In the matter of Luxor Estates, JSP20-09, motion to approve the Preliminary Site Plan and Site Condominium based on and subject to the following:

a. **Zoning Board of Appeals Variance from Section 3.1.6.D for exceeding the maximum lot coverage permitted by all buildings by 3% and 21% (28%, 28%, and 46% proposed, 25% maximum)**
b. **Landscape waiver for the lack of screening berms along the north and east property lines contingent upon an opaque fence or wall being added to the eastern portion of the site and a staggered line of shrubs added along northern property line, which is hereby granted;**
c. **Landscape waiver for a deficiency in the required 40-foot non-access greenbelt along Beck Road (35 feet proposed) because the size of the site limits the space available to meet the requirement, which is hereby granted;**
d. **Waiver from Section 11.216.d.1.d for same-side driveway spacing (about 155 feet proposed, 230 feet required) because the driveway spacing is maximized from the south, which is hereby granted;**

e. **Administrative approval from City Engineer for a variance from the Engineering Design Manual Section 7.4.2.C.1 for not meeting the minimum distance of 15 feet from back of curb to outside edge of sidewalk;**
f. **Section 9 Façade Waiver for an overage of asphalt shingles on the north and west facades (51-55% proposed, 50% maximum) because the proposed buildings are in context with the surrounding area with respect to percentages of materials used and overall aesthetic quality, which is hereby granted;**
g. **The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

In the matter of Luxor Estates, JSP20-09, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

2. **22585 EVERGREEN COURT, PBR22-0262**

Public hearing at the request of Cranbrook Custom Homes for consideration of a Woodland Use Permit and Wetland Use Permit at 22585 Evergreen Court. The property is also known as Lot 3 in Evergreen Estates, which is located north of Nine Mile Road and west of Garfield Road in Section 30 of the City. The applicant is requesting the removal of five regulated woodland trees and to fill 697 cubic yards of city-regulated wetland in order to construct a single-family residential structure.

Motion to approve Woodland Use Permit, PBR22-0262, for the removal of five regulated woodland trees within an area mapped as City Regulated Woodland on Lot 3 of Evergreen Estates for the construction of a single-family residence. The approval is subject to on-site tree replacements to the extent possible and payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as listed in the Woodland Consultant's review letter. *Motion carried 7-0.*

Motion to approve Wetland Use Permit, PBR22-0262, for the filling of 697 cubic yards of city-regulated wetland within an area mapped as City Regulated Wetland on Lot 3 of Evergreen Estates for the construction of a single-family residence. The approval is subject to any conditions listed in the Wetland Consultant's review letter. *Motion carried 7-0.*

3. **43546 COTTISFORD ROAD, PBR22-0362**

Public hearing at the request of Jeremy Hilliard for consideration of a Woodland Use Permit at 43546 Cottisford Road. The property is located north of Nine Mile Road and west of Novi Road in Section 27 of the City. The applicant is requesting the removal of thirty-eight regulated woodland trees in order to construct a single-family residential structure.

Motion to approve Woodland Use Permit, PBR22-0362, for the removal of thirty-eight regulated woodland trees within an area mapped as City Regulated Woodland at 43546 Cottisford Road for the construction of a single-family residence. The approval is subject to on-site tree replacements to the extent possible and payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as

listed in the Woodland Consultant's review letter. *Motion carried 7-0.*

MATTERS FOR CONSIDERATION

1. **APPROVAL OF THE SEPTEMBER 28, 2022 PLANNING COMMISSION MINUTES**

   Motion to approve the September 28, 2022 Planning Commission minutes. *Motion carried 7-0.*

ADJOURNMENT

Motion to adjourn the November 9, 2022 Planning Commission meeting. *Motion carried 7-0.*

The meeting adjourned at 8:10 PM.

*Actual language of the motion sheet subject to review.

11-09-2022 PLANNING COMMISSION MEETING MINUTES

PLANNING COMMISSION MINUTES

CITY OF NOVI
Regular Meeting
November 9, 2022 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 7:00 PM.

ROLL CALL

Present:	Member Avdoulos, Member Becker, Member Dismondy, Member Lynch, Chair Pehrson, Member Roney, Member Verma
Staff:	Barbara McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Humna Anjum, Plan Review Engineer

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion made by Member Dismondy and seconded by Member Lynch.

VOICE VOTE TO APPROVE THE NOVEMBER 9, 2022 PLANNING COMMISSION AGENDA MOVED BY MEMBER DISMONDY AND SECONDED BY MEMBER LYNCH.

Motion to approve the November 9, 2022 Planning Commission Agenda. *Motion carried 7-0.*

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing that nobody wished to participate, Chair Pehrson closed the first public participation.

CORRESPONDENCE

There was not any correspondence.

COMMITTEE REPORTS

There were not any Committee reports.

CITY PLANNER REPORT

City Planner McBeth had nothing to report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There were not any consent agenda items.

PUBLIC HEARINGS

1. **LUXOR ESTATES, JSP20-09**
   Public Hearing at the request of RA Chiesa Architects, PC for approval of the Preliminary Site Plan, Site Condominium, Stormwater Management Plan, and Section 9 Façade Waiver. The subject property is currently vacant and approximately 1.82 acres. It is located east of Beck Road, south of Nine Mile Road in the RM-1, Low-Density Multiple-Family Zoning District, which permits two-family residential units subject to the standards and regulations of the RT Two-Family Residential District. The applicant is proposing six two-family attached housing units with a proposed density of 3.9 units per net acre.

Senior Planner Bell said the subject property is located east of Beck Road and south of Nine Mile Road. It is currently zoned RM-1 Low Density Multiple Family. The Future Land Use map indicates Single Family for the subject property and the surrounding area. The area to the north and east is zoned R-1 Single Family. The area to the south is zoned RM-1, and the area across Beck Road to the west is zoned Residential Acreage. The property does not contain any regulated wetlands or woodlands. The City's woodland consultant verified the parcel consists of low-quality forest dominated by buckthorn. The proposed site plan has 6 two-family attached housing units with a density of 3.9 units per acre. There will be a single private drive with access to Beck Road and a T-turnaround at the end for emergency vehicle use. Two-family residential units are permitted subject to the standards of the RT District, which the proposal largely meets. Stormwater is to be collected and conveyed to an underground detention system under the road. The system would discharge to the existing Beck Road storm sewer.

Ms. Bell went on to say the applicant will be requesting a Zoning Board of Appeals variance for exceeding the maximum lot coverage percentage for each of the lots. The maximum in this zoning district is 25 percent, and the applicant is proposing 28 percent coverage for the two smaller lots and 46 percent for the larger lot. They are also requesting a traffic waiver from the Planning Commission for the same-side driveway spacing from the multifamily driveway to the south. The applicant has maximized the distance between the two driveways, so staff supports this waiver. Two landscape waivers are also being requested. There is a lack of screening berms proposed along north & east property lines, which is supported with conditions of providing greater buffering or fencing. The other landscape waiver being requested is for the deficiency of 5 feet of the required 40-foot greenbelt along a major road. The applicant is only proposing 35 feet. This is not supported by staff, and you'll see in your packet that we are asking you to choose between the applicant's request and staff's preferred option. An administrative variance for lack of offset between the road and sidewalk will also be needed. Along private roads, the requirement is to locate sidewalks 15 feet from the back of the curb to the outside of the sidewalk. However, the applicant's plans have the sidewalk much closer to the curb. The City Engineer would be willing to grant the variance if a minimum offset of 5 feet is provided. Finally, a Section 9 façade waiver is needed for the overage of asphalt shingles on the north and west facades, which is recommended for approval by the City's façade consultant.

Ms. Bell concluded by saying representing the project tonight is architect Ron Chiesa. Staff is also available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Ron Chiesa, RA Chiesa Architects, said we have a small site. My clients purchased the property a while back from someone who attempted to get a similar project approved, but they were unable to due to circumstances of the property. We feel that we've come up with a luxury

condominium development. These homes would sell in the $500,000 to $750,000 range or possibly higher. We are proposing to build 4 ranches, which staff encouraged us to look at when we initially met. The ranches are 2,300 square feet. We are also proposing two split level units, which are just under 3,200 square feet. Both models have two-car attached garages. Since we started working on this project, we have created multiple versions of the plan. We've moved the road from one side of the property to the other and adjusted separational dimensions to satisfy standards the best that we could. A great deal of landscape screening has been added to the adjacent areas. We have included 159 trees and about 149 shrubs on the plan. The major constraint we had to deal with was the tightness of the site. This plan does follow the City's density guidelines, we are proposing less units than the maximum allowed, and we meet most of the spatial requirements. We are short by 5 feet on the berm along the front of the site, but we did put 14 trees on that berm. We'd like to get a variance of those 5 feet, and we are willing to cooperate with the City to make that work. We'd prefer not to change the units at all since the landscape, civil, and architectural plans are all based on this layout. We'd likely have to start from the drawing board without obtaining a variance. Pertaining to the sidewalk layout, we would not be opposed to moving it 5 feet to meet the engineering requirements, but since this is a private development intended for just the residents, we thought it would be more practical to have the sidewalk located closer to the road.

Chair Pehrson invited members of the audience who wished to participate in the public hearing to approach the podium.

Joe Dunnabeck, 21900 Dunnabeck Court, said this property was purchased by my father in 1952. He built an apartment building to the south of this property, and we have had a lot of drainage problems with water coming from the north and going around to the back of the apartment complex. There's also an issue with drainage in Dunnabeck Estates now. Back in 1960, we had to put a culvert behind the apartments to get the tractors and trucks behind the building. Now, whenever there is a rush of water, my entire backyard floods as the water goes downhill. My main concern is that drainage from the property in questions will lead to greater flooding issues to the south.

Tom Cornille, 21894 Dunnabeck Court, said I am also a resident of Dunnabeck Estates. We've had two major flooding events in the last two years where the water is coming up through the storm drains and flooding our backyards. The amount of coverage of the proposed buildings versus the open space around them limits the ground's capacity to do its part in managing stormwater.

Keith Stover, 22049 Barclay Drive, said I own the property directly east of the subject property. I have a few concerns with the proposed development. The first thing I noticed was that the proposed development appeared to extend onto my property, or at least directly up to the property line. There is a roughly 35-foot-wide patch of trees along the property line, which I am under the impression is under an easement. I would like to ensure that the trees on my side of the easement are not removed. I found this easement on the plat from when my house was built, and the T-turnaround part of the proposed road goes directly over it. This needs to be worked out because it appears that the easement is for utilities. In addition, I am somewhat disturbed by the lack of greenspace being proposed, especially where the T-turnaround would be located. If this is approved, I will be looking at that T-turnaround and the rest of the road from my back windows rather than the 35-foot stretch of trees. I know they have the right to build on their property, but that would have a detrimental effect to my property as well. To Mr. Dunnabeck' s point about drainage, every time there is a heavy rain in the summer, there is a flooding of a few feet and the running water flows between all the sewer culverts on my property and my neighbor's properties to the east. Right now, the water on the property in question isn't causing many issues because it is hitting dirt, but that will change if gets paved over. The highest point appears to be in the middle of the eastmost of the three houses. Any

water hitting the eastern most quarter of that lot will now hit concrete and run east into my lot.

Krishna Nichanametla, owner of the property immediately north of the subject property, said I have lived here for only 5 years, and I have realized there are some drainage issues in the area. Recently, about a year or two ago, the City was trying to flush out the whole drainage system – this could be the cause of the flooding, but I am not sure. Regardless, the drains do get clogged, and when the city was flushing out the system, one of my toilets overflowed with sewer water in my bathroom. I only mentioned it briefly to the City, and they said they were having issues with the entire drainage system. My other concerns include the congestion on Beck Road. It is already very difficult to get out of our driveway, and I am concerned that a new road entrance just south of my lot will make it even more difficult.

Marcia Goffney, representing the Barclay Estates Homeowners Association, said from my perspective, this is an area of large single-family homes. I listened to the number of waivers requested, and it seems that so many are being requested because the development is too big for the area. Was any consideration given to creating a smaller development. I also share the concern of the traffic on Beck Road and further congestion during rush hour.

Seeing that nobody else wished to speak, Chair Pehrson turned it over to Member Lynch to note the correspondence received for this public hearing.

Member Lynch noted that Shilpa Kolhatkar, 22003 Beck Road, objects due to concerns about traffic and change of esthetics of the area; Carlo Castigliono, 22045 Beck Road, objects due to the stormwater and flooding issues; Christine and Alois Moser, 21888 Dunnabeck Court, object due to the traffic on Beck Road and destruction of natural habitats; Michelle Atic, 22059 Barclay Drive, objects since these homes do not appear to fit the upscale area; Keith Stover, who spoke earlier, mentioned light pollution as an additional concern in his written response; Asmik Snkhchyan, 22039 Barclay Drive, objects due to the damage to nature and wildlife.

Chair Pehrson closed the public hearing and turned it over the Planning Commission for consideration.

Member Lynch said my understanding is that all the developments in this area must meet the hundred-year flood target. I'm not sure what has happened in the past with other developments in the area, but for this particular development, is the stormwater contained on site and then goes out to Beck Road, and does it meet the hundred-year flood criteria?

Plan Review Engineer Anjum said looking at the road on the plan, you can see the underground detention system. They have catch basins under the south side going to the east and to the north. All the stormwater collected on the site will be directed to that underground detention system, where it will be detained and outlet to the Beck Road sewer system. That is an existing culvert.

Member Lynch said for this to be approvable, there isn't any encroachment on a property line, correct? Did staff review this aspect?

Ms. Anjum said yes, we did. Regarding the concern about the easement on the plot plan for lot 52 brought up by the Mr. Stover, it is a private easement for the Barclay Estates subdivision. Therefore, that is an easement on a private lot and is not a part of the subject property.

Member Lynch asked is staff satisfied with the amount of evergreen and deciduous trees being placed around the perimeter of the site for the purpose of screening?

Senior Planner Bell said my understanding is since that review letter was written, another

landscape design has not been submitted, so staff isn't certain whether they will satisfactorily address that item. I think the idea of a decorative fence or something of that nature is something Rick would like to see and is working on with the applicant.

Member Lynch said it is also my understanding that Beck Road is going to be expanded to 5 lanes until the city limits. Is there an easement there?

Ms. Bell said the applicant has an additional proposed right-of-way shown on the plan.

Member Lynch said I was surprised to find out that section of Beck Road is actually zoned for multiple family, so the proposal does meet the zoning standards. I will listen to the rest of my colleagues, but I would like to make sure that some sort of screening for separation and privacy is provided. I'm not a large fan of berms, especially in this area, but if there is some type of buffering, I think I can support this.

Member Becker said staff says they do not support the proposed 35-foot setback instead of the required 40-foot setback. Since it is only a matter of 5 feet, I was curious as to why this is not acceptable to staff.

Ms. Bell said it is a landscape standard that staff tries to maintain along major roads. The size of the buildings is really what prevents the additional 5 feet from being included. Therefore, we'd encourage the applicant to maintain the 40-foot greenbelt.

Member Becker said we have approved other developments in the recent past with requests for even more deviations from the setback standards than this proposal. 5 feet will not have an impact on the aesthetic of the road, so I do not have an issue with the 35-foot setback, especially given the amount of screening they have provided.

Member Dismondy said this site truly is zoned for multi-family, and I think that is a bit confusing for residents adjacent to the property since much of the surrounding area is zoned for single family.

Ms. Bell said I am not sure why this came to be or what the history is around the zoning of the site. The apartment building that Mr. Dunnabeck mentioned appears to have been built around the 1970s, but I'm not sure if that would have contributed to the zoning.

City Planner McBeth said I looked into this since I was also curious, and zoning maps back to the 1960s show that this area was zoned for multiple family.

Member Dismondy asked can single-family homes be built on lots zoned multiple family?

Senior Planner Bell confirmed this is permitted.

Member Dismondy said I can understand from the neighbors' perspective how this proposal might feel incompatible with the surrounding homes, but it meets the ordinance and zoning standards. If screening and buffering are adequate, I think the Commission is obligated to approve this proposal.

Member Verma asked why are we allowing 6 homes to be placed in an area where there are only single-family homes?

Ms. Bell said this is a developer's proposal being brought before the city. It meets the zoning standards for the RM-1 Multiple Family district in which the site is located. Therefore, it must be considered for approval by the Planning Commission.

Member Verma said I am also concerned about the stormwater management of the site, especially since several residents have spoken about stormwater being pushed back up through the drains and flooding their yards.

Plan Review Engineer Anjum said the houses to the east have a storm sewer existing as part of the Barclay Estates subdivision. There is a 15-inch storm sewer in that location, so there is a storm sewer easement and a private utility easement of 35 feet. Water from that area is supposed to drain to that storm sewer. Everything on the subject property is going to drain to the underground detention system. The applicant has shown catch basins both south and east of the proposed homes, which will direct the water northward under the road to the underground detention system. Therefore, everything on-site will be graded to go toward the catch basins. We are not anticipating that stormwater will go off the property.

Member Avdoulos said I have been struggling with this from the beginning. It seems that a lot of buildings are going to be built on a small site. If the applicant could continue to work with the city to achieve all requirements. The main concern I did have was with the future widening of Beck Road. It looks like the applicant is proposing a 30-foot right of way on the plans in addition to a 60-foot enlarged right-of-way for the Beck Road widening. When the road widening does occur, the closest house to the road frontage will have the façade of their home right up against the road.

Ron Chiesa, applicant, said I wanted to clarify that our proposed right-of-way is not different from any other property up and down Beck Road. When the road widens, it will affect all properties equally. Regarding the 40-foot setback, that is from our property line going to the east. We currently have 35 feet, but as one Commissioner mentioned, a 5-foot difference will be very difficult to discern. We are proposing a 3-foot-high berm and 14 trees on that berm, so you will not be able to perceive that it is 5 feet short. The spirit of the ordinance is to screen the development and keep the lots private. The trees that will be planted on the berm will grow to be much taller than the tallest home on the lot. The homes will be screened, and they will not even be visible from the road.

Motion made by Member Avdoulos and seconded by Member Lynch.

In the matter of Luxor Estates, JSP20-09, motion to approve the Preliminary Site Plan and Site Condominium based on and subject to the following:

a. **Zoning Board of Appeals Variance from Section 3.1.6.D for exceeding the maximum lot coverage permitted by all buildings by 3% and 21% (28%, 28%, and 46% proposed, 25% maximum)**
b. **Landscape waiver for the lack of screening berms along the north and east property lines contingent upon an opaque fence or wall being added to the eastern portion of the site and a staggered line of shrubs added along northern property line, which is hereby granted;**
c. **Landscape waiver for a deficiency in the required 40-foot non-access greenbelt along Beck Road (35 feet proposed) because the size of the site limits the space available to meet the requirement, which is hereby granted;**
d. **Waiver from Section 11.216.d.1.d for same-side driveway spacing (about 155 feet proposed, 230 feet required) because the driveway spacing is maximized from the south, which is hereby granted;**
e. **Administrative approval from City Engineer for a variance from the Engineering Design Manual Section 7.4.2.C.1 for not meeting the minimum distance of 15 feet from back of curb to outside edge of sidewalk;**
f. **Section 9 Façade Waiver for an overage of asphalt shingles on the north and west facades (51-55% proposed, 50% maximum) because the proposed buildings are**

in context with the surrounding area with respect to percentages of materials used and overall aesthetic quality, which is hereby granted;

g. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN AND SITE CONDOMINIUM FOR JSP20-09 LUXOR ESTATES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to approve the Preliminary Site Plan and Site Condominium for JSP20-09 Luxor Estates. *Motion carried 7-0.*

Motion made by Member Avdoulos and seconded by Member Roney.

In the matter of Luxor Estates, JSP20-09, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO APPROVE THE STORMWATER MANAGEMENT PLAN FOR JSP20-09 LUXOR ESTATES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to approve the Stormwater Management Plan for JSP20-09 Luxor Estates. *Motion carried 7-0.*

2. **<u>22585 EVERGREEN COURT, PBR22-0262</u>**
   Public hearing at the request of Cranbrook Custom Homes for consideration of a Woodland Use Permit and Wetland Use Permit at 22585 Evergreen Court. The property is also known as Lot 3 in Evergreen Estates, which is located north of Nine Mile Road and west of Garfield Road in Section 30 of the City. The applicant is requesting the removal of five regulated woodland trees and to fill 697 cubic yards of city-regulated wetland in order to construct a single-family residential structure.

Planner Carroll said before you tonight are a proposed woodland use permit and wetland use permit as requested by the applicant, Cranbrook Custom Homes, to remove 5 regulated woodland trees and to fill 697 cubic yards of city-regulated wetland at 22585 Evergreen Court in order to build a single-family home. The site is located north of Nine Mile Road and west of Garfield Road. It is zoned RA in addition to the surround properties, and it has a single-family future land use. There is a wetland conservation easement along the rear of the property. The City's Woodland Consultant reviewed the request and prepared a review letter dated July 12, 2022. The letter states that the applicant is proposing to remove five regulated woodland trees, all of which range in size from 7 to 20 inches in diameter. These removals require 7 Woodland Replacement Credits. The Woodland Consultant's review letter provides a detailed count and explanation of the required replacements. None of the proposed removals are located within any recorded conservation or preservation easements that abut or encroach onto the property. In addition, the City's Wetland Consultant reviewed the request and prepared a review letter dated July 8, 2022. This letter states that the applicant is proposing to fill 697 cubic yards of city-regulated wetland, which exceeds a minor fill of 300 cubic yards that can be approved administratively. The filling of this wetland would require compliance with all city regulations and state permitting, which was obtained from EGLE on September 16, 2022. The Wetland Consultant's review letter provides a more detailed explanation of the requirements. The proposed fill does not impact the wetland conservation easement located on the rear of