



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

January 10, 2018 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 Greco, Member Howard, Member Lynch, Chair Pehrson

Absent: Member Anthony (excused), Member Zuchlewski (excused)

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Thomas Schultz, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Avdoulos.

VOICE VOTE TO APPROVE THE JANUARY 10, 2018 AGENDA MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

Motion to approve the January 10, 2018 Planning Commission Agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

City Planner Barb McBeth had nothing to report.

CONSENT AGENDA – REMOVALS AND APPROVALS

There were no items on the consent agenda.

PUBLIC HEARINGS

1. PROVIDENCE PARK HOSPITAL ZONING MAP AMENDMENT 18.722

Public hearing at the request of Hubbell, Roth and Clark, Inc. for Planning

Commission's recommendation to City Council for rezoning of property in Section 17, located on the south side of Grand River Avenue, west of Beck Road from R-3 (One-Family Residential) to OSC (Office Service Commercial) and R-3 With PSLR Overlay (One-Family Residential with Planned Suburban Low-Rise Overlay). The area proposed to be rezoned is a strip of land that extends along the southern part of the Providence Hospital parcel. The subject parcel is approximately 14.19 acres.

Planner Komaragiri stated that the area proposed to be rezoned is a strip of land that extends along the southern part of the Providence Hospital parcel and is owned by Providence Park Hospital.

It is currently zoned R-3, One-Family residential. It has OSC: Office Service Commercial to the north, RM-1 and RM-2: Multi-Family to the east, RA: One-Family Residential to the west and R-3 with Planned Suburban Low-Rise Overlay to the south.

The Master Plan for Land Use indicates Office Commercial for the subject property, Office Commercial to the north, multiple family to the east, City park and Utility corridor to the west and Planned Suburban Low-Rise Overlay to the south.

This proposed project site contains both City-Regulated Wetlands and Regulated Woodlands. A more thorough review will be performed at the time of site plan submittal and necessary permits will have to be obtained.

Planner Komaragiri continued and said that the applicant has rezoned the parcel to the north to OSC to develop the existing hospital campus. At that time, the applicant has determined that the existing OSC boundary as shown in the image in front of you as the required area for the development.

The southern parcel has a PSLR Overlay. In 2014, approximately 23.61 acres of southern parcel (area within the green polygon) was split off from the larger Providence Hospital parcel to develop a 182 unit senior living facility using the City's PSLR option. At that time, the area indicated within blue polygon was not updated to the appropriate zoning designation of R-3 with PSLR overlay.

These two developments happened at two different times and as a result, the applicant has currently identified the subject strip of land which was accidentally left out from both the developments and has a zoning designation which is inconsistent with the existing surrounding development.

With the current rezoning application, the applicant is requesting to rezone to the two strips of land to match the adjoining zoning designation to eliminate split zoning within a single development. Approximately 2.41 acres is being proposed to be rezoned to R-3 with PSLR Overlay to accommodate the existing development and approximately 11.78 acres is proposed to be rezoned to OSC for future development.

Planner Komaragiri further explained that currently the area to be rezoned does not have any development potential due to the shape of the parcel and the existing woodlands and wetlands, and existing conservation easements. At the time of a concept meeting, the applicant indicated intent to develop a small area of land west side of St. Xavier's way, south of Providence Park Way as an independent medical office. Without the rezoning, it would not be possible due to multiple zoning boundaries existing in that area. As this is not a PRO (Planned Rezoning Overlay) rezoning, the applicant is not bound to develop a specific plan until after the rezoning request has been approved. A more thorough review will be performed at the time of site plan submittal to assess the impacts

to the natural features, traffic and storm water management.

The applicant has requested a waiver from the required Rezoning Traffic Impact Study for the subject property. Staff supports the request as the proposed rezoning is an initial step to define the zoning boundaries accurately to facilitate a future development. Further determination whether a traffic study is required or not will be made at the time of Preliminary Site Plan review.

Staff supports the request as the rezoning request to rezone from R-3 to OSC is recommended by the 2016 Master Plan for Land Use map and the request to rezone from R-3 to R-3 with PSLR Overlay will be consistent with the boundaries indicated in the approved PSLR Concept plan and the agreement. The Planning Commission is asked tonight to hold the public hearing and make a recommendation to City Council. The applicant's team Joseph Kyle from Ascension Health, and Gary Jonna and the Engineers Gary Tressel and Melissa Coatta are here tonight.

Gary Tressel from Hubbell, Roth and Clark, Inc. told the Planning Commission that we are here to clarify the zoning and get it to match the Master Plan. He said we are here to answer any questions the Planning Commission has about the project and ultimately we have about 3 acres of land from this rezoning that could be developed that is not under conservation easement or woodland easement. The intent is to look at potential small users on those three acres for the hospital.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project. Seeing no one, he asked if there was any public correspondence.

Member Greco said there is no public correspondence.

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

Member Avdoulos said this is pretty simple, I don't have any issues with it. I think trying to bring it up to speed with what we've got is a good thing to do.

Motion made by Member Avdoulos and seconded by Member Greco.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REZONING MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRECO.

In the matter of the request of Providence Park Hospital JZ 17-51 with Zoning Map Amendment 18.722, motion to recommend approval to City Council to rezone the subject property from R-3 (One-Family Residential) to OSC (Office Service Commercial) and R-3 with PSLR Overlay (One-Family Residential with Planned Suburban Low-Rise Overlay) subject to a:

- 1. Deviation for not providing the required Rezoning Traffic Impact study as the proposed rezoning is an initial step to accurately define the zoning boundaries to facilitate a future development;**

The motion is made for the following reasons:

- 1. The rezoning would clarify the existing zoning boundaries which are inconsistent with the existing development. It provides a clear path for future development;**
- 2. The rezoning request fulfills one of the Master Plan for Land Use objectives by fostering a favorable business climate;**

3. The rezoning is a recommended land use for the subject property by 2016 Master Plan for Land Use and will be consistent with the zoning to the north and south;
4. The rezoning provides an opportunity for developing the subject property in conformance with Master Plan for Land Use recommendations;
5. The rezoning will not have impact on public utilities.

Motion carried 5-0.

MATTERS FOR CONSIDERATION

1. BOLINGBROOKE WOODLAND PERMIT

Correspondence from Singh Development to request reconsideration of the conditions of approval of the Woodland Permit for the Bolingbrooke site plan.

Planner Komaragiri said that the Planning Commission approved the Preliminary Site Plan, Woodland Permit, and Stormwater Management Plan on June 28, 2017 subject to a number of conditions. Planning Commission approved an amendment to the Woodland Permit for Bolingbrooke site condominium development at their meeting on July 26, 2017. The approval required the applicant to pay the 537 proposed off-site replacements to the City of Novi Tree Fund if no Building Permits are applied for and issued for the Ballantyne site by November 1, 2018, or if the current owner of the Ballantyne site (Singh Development) sells the property.

A letter was received by Planning staff from Singh Development regarding the Bolingbrooke Woodland Permit that was approved subject to a number of conditions at the January 05, 2018. The applicant's letter states that they are in the process of selling Ballantyne property with the approved plans to another developer. It is the prospective buyer's intention to plant the woodland replacement trees on the property. The applicant suggested an amendment as listed in the memo provided to you.

Staff reviewed the request and believes that the change of ownership does not affect the conditions previously agreed upon. Staff recommends amending the applicants suggested motion to assure that no changes will be made to the approved Ballantyne RUD landscape plan.

Planner Komaragiri continued that a suggested motion is provided in the cover memo dated January 05, 2018. It allows for the 537 replacement trees to either get planted on Ballantyne site or the financial guarantee gets deposited in the tree fund based on conditions listed in the amended motion by future owner. This would fulfill the requirements of Bolingbrooke woodland permit. The replacement tree count for Bolingbrooke does not exempt the future owner from planting the remaining trees shown on the approved Ballantyne RUD Landscape plan. The current or the future owner should update the Ballantyne RUD plan to accept Bolingbrooke replacement trees. The current plan indicates that it is accepting replacement trees from another project, Oberlin West, but that developer has already paid into the Tree Fund.

It is up to the Planning Commission to reconsider the motion that was made at the last Planning Commission meeting. If the Planning Commission has any questions regarding the applicant's letter or the staff memo, City staff and the applicant Avi Grewal from Singh Development are here to answer any questions.

Mr. Avi Grewal from Singh Development said Sri did a great job of explaining the dynamics and I am here to answer any questions that Planning Commission might have.

Chair Pehrson turned it over to Planning Commission for their consideration.

Member Lynch asked City Attorney Tom Schultz about the word intent. Sri, you said there was intent for the future land owner to abide by what we agreed on. What if they decide they may intend to do it but not do it? What leverage do we have?

Planner Komaragiri said that the motion indicates that we require a letter from the future buyer stating that he will take on the responsibility to plant the trees so that it is formalized.

Attorney Schultz confirmed and said that it may not just be a letter, we may require a proper guarantee. But if by November 1, 2018 they haven't pulled the proper permits to develop Ballantyne, then what was posted for that guarantee for Bolingbrooke will go into the Tree Fund. What we are going to need to see is the agreements between the two parties of this transaction and hoping to see someone come in and post for the Ballantyne site, for 900 trees, which would include the 537. What you're being asked to do is let the transfer happen where there is an agreement that Ballantyne will either develop with the 900 trees or that we will sort it all out after. We are comfortable having worked through this as long as we have the ability to be in on the paperwork.

Member Lynch asked if City Staff is satisfied with motion.

Attorney Schultz said that I think the motion is consistent with what Planning Commission did. It was easier when it was going to be the same developer, so the first motion made more sense. But what they are trying to do is acceptable.

Motion made by Member Greco and seconded by Member Lynch.

ROLL CALL TO APPROVE THE WOODLAND PERMIT MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.

In the matter of Bolingbrooke JSP17-34, motion to approve the Woodland Permit subject to the applicant being required to pay the 537 proposed off-site replacements to the City of Novi Tree Fund should either of the following conditions occur:

- a. No Building Permits are applied for and issued for the Ballantyne site by November 1, 2018,**
- or**
- b. If the current owner of the Ballantyne site (Singh Development) sells the Ballantyne property, unless the successor purchaser of the Ballantyne site**
 - i. Agrees in writing, in a form acceptable the City, to assume the obligation to plant the 537 required replacement trees for the Bolingbroke development on the Ballantyne property as part of the Ballantyne development, or to pay the equivalent amount into the City of Novi Tree Fund as relates to the Bolingbroke site if no building permits are applied for and issued for the Ballantyne site by November 1, 2018, and**
 - ii. Deposits a replacement guarantee for the 537 trees for the Bolingbroke development in a form and manner approved by the City in its sole**

discretion. Notwithstanding the foregoing, nothing in this provision shall exempt the developer of the Ballantyne development from its obligation to plant all the trees required under the development approval for the Ballantyne site, regardless of whether those trees are also credited to the Bolingbroke development, nor shall it exempt the developer of the Bolingbroke site from planting all required trees for that site over and above the 537 replacement trees to be planted on the Ballantyne site.

This motion is made for the following reasons: To allow the applicant to sell the property to a prospective buyer and update the Ballantyne site plan to accept Bolingbroke replacement trees. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

2. APPROVAL OF THE NOVEMBER 8, 2017 PLANNING COMMISSION MINUTES

Moved by Member Lynch and seconded by Member Avdoulos.

**ROLL CALL VOTE TO APPROVE THE NOVEMBER 8, 2017 PLANNING COMMISSION MINUTES
MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.**

**Motion to approve the November 8, 2017 Planning Commission Meeting minutes.
*Motion carried 5-0.***

3. APPROVAL OF THE DECEMBER 13, 2017 PLANNING COMMISSION MINUTES

Moved by Member Lynch and seconded by Member Avdoulos.

**ROLL CALL VOTE TO APPROVE THE DECEMBER 13, 2017 PLANNING COMMISSION MINUTES
MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.**

**Motion to approve the December 13, 2017 Planning Commission Meeting minutes.
*Motion carried 5-0.***

MATTERS FOR DISCUSSION

There were no matters for discussion.

SUPPLEMENTAL ISSUES

Chair Pehrson asked Member Howard to tell the Planning Commission about herself.

Member Howard said that I am an attorney at Foster Swift in the Business Corporate Department with emphasis on tax employee benefits and I do a lot of community service and development with non-profit organizations, specifically in the realm of education and no-kill animal shelters. She stated she was an elementary school teacher before attending law school.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Avdoulos.

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

Motion to adjourn the January 10, 2018 Planning Commission meeting. *Motion carried 5-0.*

The meeting was adjourned at 7:21 PM.