



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**September 30, 2015 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 Baratta, Member Lynch, Chair Pehrson, Member Greco, Member Giacometti  
Member Zuchlewski

**Absent:** Member Anthony (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner; Rick Meader, Landscape Architect; Jeremy Miller, Engineer; Chris Gruba, Planner Gary Dovre, City Attorney; Matt Carmer, ETC Consultant; Paula Johnson, AECOM Consultant

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Anthony:

**Motion to approve the September 30, 2015 Planning Commission Agenda. Motion carried 6-0**

## AUDIENCE PARTICIPATION

No one in the audience wished to participate and the audience participation was closed.

## CORRESPONDENCE

There was no correspondence

## COMMITTEE REPORTS

There were no committee reports

## COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth explained the post card advertising for the open house for the Master Plan for Land Use is provided at the table for each Planning Commissioner. The open house is scheduled for October 21<sup>st</sup> from 4-7 p.m. in the Atrium. Planning staff and our consultant will be present to provide information and discuss the Master Plan for Land Use review and update. The Planning Commission is encouraged to attend.

## PUBLIC HEARING

### 1. CITYGATE MARKET PLACE JSP 15-21

Public hearing at the request of Grand Beck Partners LLC for approval of the Preliminary Site Plan, Woodlands Permit, Wetlands Permit and Storm water Management Plan. The subject property is located in Section 16, on the southeast corner of Citygate Drive and Beck Road. The applicant is proposing to construct a 6,241 sq. ft. building with a retail space and two fast food restaurant spaces (with associated parking, landscaping and storm water facilities) utilizing the Retail Service Overlay

Option. A drive-through is proposed for one of the restaurant spaces.

Planner Sri Komaragiri stated that the subject property is located in Section 16, on the southeast corner of Citygate Drive and Beck Road. It is located between Chase Bank and USA to Go on east of Beck Road. The subject property is zoned Office Service and Technology, OST with the same district and the same on all other sides and Freeway Service which was developed using a PRO option on the north. The Future Land Use map indicates Office research Development and Technology with retail Service Overlay option. The applicant is currently proposing the development using the retail overlay option. There are no regulated woodlands on the site, but the property contains considerable wetlands on the west. The proposed development site contains five areas of existing wetland totaling up to 0.15 acres.

The Retail Service Overlay Option is intended to provide a limited amount of retail and personal service establishments to serve the employees of and visitors to the nearby office use areas. The option allows additional uses not typically permitted in the OST District provided certain conditions are met and subject to the Special Land Use requirements outlined in Section 6.2.C. Retail spaces and fast food restaurants are uses permitted under this option.

The applicant is proposing to construct a 6,241 square foot building with a retail space and two fast food restaurant spaces with associated site improvements utilizing the Retail Service Overlay Option. A drive-through is proposed for one of the restaurant spaces. The intensity of the building program and the parking layout has resulted in couple of deviations from the Planning and landscape sections of the zoning ordinance. The current site plan would require zoning board of Appeals variances for reduction in building setback, parking setback and absence of by-pass lane for the drive through.

Planning staff recommends approval contingent on ZBA approval and additional comments to be addressed during Final Site Plan. Engineering recommends approval with additional information to be provided with final site plan. Landscape also identified three Planning Commission waivers that would be required for this site plan for providing a decorative wall instead of a berm, not meeting the minimum required street trees and not meeting the minimum required greenbelt requirements along City gate. The applicant has been working with our landscape architect to find suitable alternate screening options to compensate for the said deviations. Our landscape architect Rick Meader is available to expand on this if needed. Landscape recommends approval noting the above concerns and additional comments to be addressed with Final Site Plan.

The current site plan would require a City of Novi Wetland Use Permit. A City of Novi Authorization to encroach into the 25-Foot Natural Features Setback would be required for any proposed impacts to on-site wetlands and the 25-foot wetland buffers. ECT notes that the plan continues to exhibit several deficiencies in the information provided with respect to wetlands and proposed wetland impacts. Wetlands recommend approval provided all the comments are addressed prior to Final Site Plan approval.

Traffic is recommending approval of the site plan based on their review of the site plan and the Traffic Impact study. City has recently approved a restriction on left turn lanes for a certain time from Citygate onto Beck Road. Based on this recent change, Traffic was able to recommend approval. Traffic identified a City Council Variance that is required for the reduction in the minimum required radii for the entryway. Our Traffic consultant Paula Johnson and our Engineer Jeremy Miller are here tonight and will be glad to answer any questions in this regard.

The site plan is in full compliance with the Façade Ordinance and Façade recommends approval. Fire recommends approval with some recommendations. The applicant Doraid Markus with Grand Beck Realty is here with his Engineer to answer any questions you may have. Staff will be glad to answer any questions you have for us.

The Applicant, Doraid Markus came to the podium and stated that he is the Managing Member of Grand Beck Partners. He said, we have proposed the submitted plan for this location and are here to answer any questions.

Chair Pehrson opened the public hearing.

Tom Smith is a resident at 26625 Glenwood Drive stated he is one of the owners of Novi Coffee and Tea which is right across the street from this site. He also owns a business on Town Center Drive in Novi. He stated that he is interested in the traffic congestion at this intersection. He, along with the five other owners of Novi Coffee and Tea, understood at the time of their purchase that a drive through is not allowed at that location because of the minimum 1000 feet distance between drive through locations. In addition, as it has been noted, there has been a request in regarding a variance for a lack of a by-pass lane for that particular drive through. Often it is impossible to make a left turn out of our location to go eastbound on Grand River. The left turn lane to go north on Beck Road backs up often to the main entrance to Kroger and Staples. The gas station that has been approved for Kroger will also add to the traffic congestion. He stated that this doesn't seem to fit in this particular location. He and his five partners object.

Seeing no one else, Chair Pehrson asked if there was any correspondence.

Member Lynch read the written correspondence:

Bob Kalen 28265 Beck Road, Wixom, MI. He wrote that the current congestion at the corner of Citygate and Beck Road would only be more complicated and create even more congestion without an alternative roadway. Any new development should accompany an alternative roadway to eliminate congestion. He objects to the request.

Cay Li, 47770 Grand River wrote that he objects because there are too many restaurants.

Chair Pehrson closed the public hearing.

Planner Sri Komaragiri stated that she would like to make a correction to the earlier presentation. She said that she mentioned that there were no regulated woodlands on the property. This is incorrect. The site plan does require a woodland permit. The site plan proposes to remove 89 percent of the total regulated woodlands. Because of this, 40 replacement trees are required. No additional information was provided with regards to replacement planting. The Planning Commission is asked tonight to approve Preliminary Site Plan, storm water management plan, woodland permit and wetland permit.

Member Lynch asked the traffic consultant, Paula Johnson, URS /AECOM about the study that was done.

Ms. Johnson replied that the applicant had their own traffic study that they prepared. The city asked AECOM to do a study of the left turn restrictions onto Beck Road which was found to be needed at certain hours for safety concerns. There are not significant gaps for cars to turn left out of Citygate Drive. The turn restriction is from 7:00 a.m. until 7 p.m. Basically anyone coming out of Citygate Drive during those hours has to go northbound on Beck Road. There are cross access easements with Chase Bank so that traffic can only turn right onto Grand River. It is not ideal but there are restrictions to make it safer. There is another traffic review that needs to be submitted.

Member Lynch also questioned the drive-through. He stated that he needs to understand why one company would be denied a drive thru and another would be granted.

Deputy Director McBeth responded that she didn't believe that the other business owners requested a drive through at the location on the other side of Beck Road.

Member Lynch had concerns regarding the traffic and what it will do in an already congested area.

Member Baratta asked Deputy Director McBeth about the drive through and questioned the ordinance that would not allow two drive throughs within 1000 feet.

Deputy Director McBeth responded that the 1000 foot distance is a provision in the Town Center District that limits the number of drive through restaurants and the distance between them. The provisions for the drive through restaurants for this district are located in a different section of the ordinance and does not

have the same separation requirement.

Member Baratta asked the traffic consultant if it was her recommendation that the left turns be eliminated at that intersection and only have a right turn until Citygate is constructed. He also asked her opinion if a restaurant would bring in more traffic than a retail store.

Ms. Johnson confirmed that the left turn restrictions were recommended for certain hours. She responded that a restaurant is likely to bring more traffic than a retail store.

Member Giacometti asked the traffic consultant if you are going southbound on Beck Road how you would access these businesses?

Ms. Johnson replied that you could still turn left from southbound Beck Road; you just can't turn left out of Citygate onto southbound Beck.

Member Zuchlewski asked the developer if there had there been any attempt to negotiate a lease for a road at the east end of this property that would take you from Citygate to Grand River.

Doraid Markus with Grand Beck Realty said that they had not negotiated a lease with the property to the east. The property owner of the eastern property has plans for their site.

Member Greco commented that the traffic congestion will be a problem regardless of how the property gets developed. He does not have any problem with the plan.

Chair Pehrson commented on the bypass lane. He questioned Deputy Director McBeth about the bypass lane for such a property.

Deputy Director McBeth stated that a bypass lane is the requirement for a drive through restaurant and they are not providing that. If the site plan is approved, the applicant would need to seek approval from the Zoning Board of Appeals for a variance of that requirement.

Chair Pehrson stated that the proposed building could be moved to the east, and rotated, given the same kind of traffic pattern so that you can have the bypass lane included. There needs to be some rethought to the design. For me this is a show stopper at this time.

Mr. Markus stated that if he shrinks the building anymore they would not be able to launch.

Member Baratta stated that he is concerned about the drive through not having an escape plan and patrons being stuck in the drive through. He would like to see more thought to the design of the plan.

Member Baratta makes a motion to deny the Preliminary Site Plan Citygate Market Place, JSP 15-21, seconded by Member Giacometti

**ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN TO DENIAL MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GIACOPETTI**

**In the matter of Citygate Market Place, JSP 15-21, motion to deny the Preliminary Site Plan because the plan is not in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 5-1**

Member Baratta makes a motion to deny the Wetland Permit, seconded by Member Giacometti

**ROLL CALL VOTE TO DENY THE WETLAND PERMIT MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GIACOPETTI**

**In the matter of Citygate Market Place, JSP 15-21, motion to deny the Wetland Permit because the plan is not in compliance with Chapter 12, Article V of the Code of Ordinances and all other**

**applicable provisions of the Ordinance. Motion carried 6-0**

Member Baratta makes a motion to deny the Woodland Permit, seconded by Member Giacometti

**ROLL CALL VOTE TO DENY THE WOODLAND PERMIT MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GIACOPETTI**

**In the matter of Citygate Market Place, JSP 15-21, motion to deny the Woodland Permit because the plan is not in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 6-0**

Member Baratta makes a motion to deny the Stormwater Management plan, seconded by Member Giacometti

**ROLL CALL VOTE TO DENY THE STORMWATER MANAGEMENT PLAN MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GIACOPETTI**

**In the matter of Citygate Market Place, JSP 15-21, motion to deny the Stormwater Management Plan because the plan is not in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 6-0**

**2. NOVI TEN TOWNHOMES JSP 14-18**

Public hearing at the request of Toll Brothers for approval of the Preliminary Site Plan, Woodlands Permit, Wetlands Permit and Storm water Management Plan. The subject property is located in Section 26, east of Novi Road and south of Ten Mile Road. The applicant is proposing to construct a 93 unit multiple-family residential development on a 20.09 acre property.

Planner Sri Komaragiri stated that the subject property is located in Section 16, Section 26, east of Novi Road and south of Ten Mile Road behind the Novi Ice Arena and the City of Novi Dog Park. This property was recently rezoned with a PRO from I-1, Light Industrial and OS-1, Office Service to RM-1 (Low Density, Low-Rise Multiple-Family Residential) with a PRO. The subject property is abutted by RM-1 on the Southwest and I-1 on South east and north east and OS-1 on North West. The Future Land Use map indicates Community Office Research and Technology to the east, multiple-family to the southwest and community office to the northwest.

The development site is adjacent to small emergent scrub shrub wetlands as well as higher quality forested and open-water wetland. The site contains floodplain areas associated with a tributary of the Rouge River (Chapman Creek). The property also contains a considerable amount of woodlands.

The applicant is proposing a 93-unit owner-occupied attached condominium project. The current plan shows two on-site detention ponds on the site, preservation of wetland areas along the site's northern and eastern property lines, a pathway connection through the site to future development to the north, and an offsite pathway at the site's southeast corner to the Novi Dog Park to the south. Two access points (one boulevard) are proposed off of Nick Lidstrom Drive. All the deviations from the code were included as part of the PRO agreement. The applicant is asked to work with City Parks and Recreation on the connection of the pathway to the entrance of the dog park. The applicant has proposed pedestrian lighting along Lidstrom drive as required part of PRO conditions. Engineering have identified that the proposed locations fall with Oakland County right of way and will need to be revised. If moved outside the ROW, Engineering identified a possible conflict with the existing utilities. The applicant is asked to work with Engineering to find a suitable location for the pedestrian lighting. The motion sheets have been revised based on the new findings we found and have been included in your packet. The staff reserves the right to approve the modifications based on the conflicts that have been identified.

Engineering also recommends approval as the Site plan meets the general requirements of the code. The plan is in general conformance with landscape ordinance. Sixty percent greenspace is required in front of the buildings. While the design does not match the requirement of the ordinance, it is consistent

with the original concept plan. Landscape recommends approval with additional comments to be addressed with Final Site plan.

Although no direct wetland impacts are proposed, the Plan does propose temporary impact to 0.29 acre of the total 1.77 acres of on-site wetland buffer for the purpose of constructing proposed storm water detention basin "B", several storm water bio-retention areas, and a sanitary sewer connection that extends off-site to the east. The project as proposed will require a City of Novi Minor Use Wetland Permit and an Authorization to encroach the 25-Foot Natural Features Setback.

The subject property has four potential specimen trees and all four are proposed for preservation. The site plan proposes to remove 67 percent of the total regulated woodlands. A total 903 Woodland replacement trees are required. Of which, 325 Woodland replacement credits will be provided for on-site. The remaining credits (578) will be paid into the City of Novi Tree Fund (i.e., 64% of the required Woodland Replacement credits). ECT recommends approval to woodlands and wetlands with additional comments to be addressed with Final Site plan.

A section 9 waiver was granted as part of the PRO process for the underage of brick and overage of asphalt shingles. Façade confirms that the applicant did not make any further changes to the previously approved elevations. The applicant is asked to submit full scale elevations with the Final Site plan.

Traffic and Fire recommends approval with some recommendations. The Planning Commission is asked tonight to approve Preliminary Site Plan, Stormwater Management Plan, Woodland Permit and Wetland Permit.

Applicant Mike Noles, with Toll Brothers greeted the Planning Commission and said that he and his design team are available to answer any questions.

Chair Pehrson opened the Public Hearing. No one in the audience came forward.

Member Lynch read correspondence from Mark Pinchoff from the The Sports Club of Novi, 42500 Nick Lindstrom Drive, who is in support of the request.

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

Member Baratta asked if the retention pond will have a fountain similar to the one on Wixom Road.

Mike Noles responded that there would be a fountain and that it does require about four feet of water level to be able float the "spritzers". One of the ponds is located in the middle of about 30 units and they really want that to be an amenity for the site. There will be fountains and walking paths that connect to the north and the walking path that connects to the south to the ice rink and to the dog park. The Sports Club supports this and has agreed to give us an easement to connect the path to their property.

Moved by Member Greco and seconded by Member Baratta

**ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**In the matter of Novi Ten Townhomes, JSP 14-18, motion to approve the Preliminary Site Plan based on and subject to the following:**

- a. **Applicants shall provide pedestrian style lighting along the frontage of City streets, including but not limited to Nick Lidstrom Drive according to the approved Planned Rezoning Overlay Agreement:**
  - i. **Pedestrian lighting shall be shown on the preliminary site plan, and reviewed by the Planning Commission to determine that the style, number, and location of fixtures are acceptable to the City, and further subject to additional modifications as approved administratively to the location and style of the light at the time of Final Site Plan Review.**

- b. Construction of an off-site pathway for public use to the Novi Dog Park commencing from the site's southeast corner along the rear property line of Novi Sport's Club and a connection to the existing according to approved Planned Rezoning Overlay Agreement as per the following conditions:
  - i. Pathway easements in a form acceptable to the City shall be provided to the City for dedication for public use of the pathways prior to the start of construction.
- c. All public pathway improvements to be completed prior to occupancy.
- d. Pedestrian Lighting will be located outside of Public Rights-of-Way, at locations to be reviewed and approved by the City Engineer.
- e. 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 Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0*

Moved by Member Greco and seconded by Member Baratta

**ROLL CALL VOTE ON THE WETLAND PERMIT APPROVAL MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:**

In the matter of Novi Ten Townhomes, JSP 14-18, motion to approve the Wetland Permit 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 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0*

Moved by Member Greco and seconded by Member Baratta

**ROLL CALL VOTE ON THE WOODLAND PERMIT APPROVAL MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:**

In the matter of Novi Ten Townhomes, JSP 14-18, motion to approve the Woodland Permit 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 to be addressed on the Final Site Plan. 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 6-0*

Moved by Member Greco and seconded by Member Baratta

**ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:**

In the matter of Novi Ten Townhomes, JSP 14-18, 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 it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0*

**3. DUNHILL PARK JSP 15-13**

Public hearing at the request of Hunter Pasteur Homes Dunhill Park LLC for Planning Commission's recommendation to the City Council for rezoning of property in Section 32, located at the northwest corner of Beck Road and Eight Mile Road from RA (Residential Acreage) TO R-3 (One-Family Residential) ) with a Planned Rezoning Overlay (PRO). The subject property is approximately 23.76-acres and the applicant is proposing to construct a 32 unit single family residential development in a cluster arrangement with frontage on and access to Eight Mile Road.

Planner Komaragiri stated that the subject property is located Section 32, located at the northwest corner

of Beck Road and Eight Mile Road. The subject property is currently zoned Residential Acreage with the same on the north and to the west. It is abutted by residential in City of Northville on the east and single family residential in Northville township to the south.

The Future Land Use map indicates Single Family on all sides. The applicant is currently requesting Rezoning from RA Residential Acreage to R-3 One-Family Residential with a Planned Rezoning Overlay (PRO). The subject property has about 2.7 acres of regulated wetlands spread around 9 areas within the site. ECT was unable to confirm that the existing wetland boundaries are all accurately depicted on the Plan. There are regulated woodlands on site which includes 10 specimen trees. The City's planning consultant Rod Arroyo from Clearzoning reviewed the site plan for conformance with the Planning Ordinance. He is here tonight to present his findings. Planner Komaragiri said she will continue with the rest of the reviews after his presentation.

Mr. Arroyo summarized Clearzoning's review letter from August 19, 2015. This proposal is to develop 32 lots in a cluster arrangement by allowing development on smaller parcels than would otherwise be allowed within the zoning district. There is also a change in the zoning proposed. The current zoning is RA. The applicant is asking to change the zoning to R-3 along with approval of the overlay. The overlay concept works by first reviewing the concept plan review and the rezoning. The Planning Commission makes a recommendation to City Council for the final action.

This property is currently vacant. It is our understanding that there has been some environmental contamination on the site due to the trucking operation that was there. There were underground tanks as well as the ongoing maintenance of trucks in the area. There is some clean up that is necessary and the applicant has indicated that is one of the benefits of this project. Certainly this is an item that should be discussed in terms of what is involved: could you develop this site under the existing zoning and still do the clean up or is the change necessary in order to justify the development due to the cost of the cleanup. That is a question that might be worth getting some additional information on.

Under RA zoning you could potentially have the 18 single family homes with the density of .8 dwelling units per acre. This request is to allow 32 units. In terms of what could be permitted under R-3 you could go as high as 2.7 dwelling units per acre. We suggested that because the plan is within the allowed R-1 density, one possibility is the Planning Commissioners and Council would approve with an R-1 zoning rather than an R-3 zoning with modification of lot size, lot width and lot area. This would be as part of the overlay plan. In terms of Master Plan density what is being proposed is consistent with 1.65 dwelling units per acre which is equivalent to the R-1 density. The actual density of this project is just under 1.4 dwelling units per acre. Everything west of Beck Road and south of Nine Mile is at the 0.8 dwelling units per acre in terms of the planned density of the Master Plan for Land Use.

Since this is an Overlay it is specified that the use would be single family development at the maximum density of this plan. There are some issues with the proposed Infrastructure, particularly the need for a stub street to the west. There are single family homes located to the west. There is the potential that there could be some aggregating of lots and potential redevelopment to the west in the future. A stub street to the west could provide that option. This is something that should be discussed with the applicant to provide for a second point of access to those possible future properties. In terms of natural features, the Woodlands and Wetland Consultants have raised some issues particularly with the amount of the removal of trees and the impact on wetlands.

In terms of the major conditions of the planned rezoning overlay the applicant has specified that they will limit the maximum number of units to 32, replace street trees, and do wetland mitigation, as well as landscaping along Eight Mile and Beck Roads. Additional conditions are, the minimum width is limited to 90 feet, with a minimum square footage 13,860 (which does fall within R-3 lot size), do significant brownfield clean up with funds potentially coming back to the city, installation of Welcome to Novi landmark, and contribute to the ITC Community Sports Park.

There are some specific ordinance deviations regarding stub streets that would have to be granted in the plan as proposed. There is also specific applicant burden under the PRO Ordinance to demonstrate certain requirements and standards are met. We have identified some of the requirements. The Ordinance requirement states that the results should be an enhancement of the project area as



compared to existing zoning and such enhancement would be unlikely to be achieved or would not be assured in the absence in the use of the planned rezoning overlay. That is clearly a significant item that needs to be reviewed in terms of evaluating the merits of this proposal. The public benefits include tax benefit, brownfield redevelopment the Welcome to Novi sign, working with the ITC Sports Park, high-end quality home construction, and high-end landscaping.

In terms of options the Planning Commission has a number of options: recommending approval, recommending denial and what we are suggesting is postponing action, after having a discussion to allow the applicant to hear points of the discussion.

Planner Komaragiri continued her presentation to the Commission. Engineering is not currently recommending approval of the concept plan for various items noted in the review letter. The proposed water main dead-end exceeds 800 feet. Engineering is asking to provide additional modeling data for sufficient fire flows or provide a looped system. In his response letter, the applicant agreed to provide that information or provide a loop as needed. The site plan also did not provide adequate detail for storm water detention calculations. The site plan would require a City Council variance for absence of stub street. The applicant is asked to work with Engineering to provide the necessary detail.

Landscape is recommending approval of the concept plan noting a few deviations and requesting additional information to conform to the ordinance. Waivers are required for not meeting the minimum required street trees. Landscape staff is willing to support the waiver depending on the Oakland County Road Commission's approval to allow the street trees in their Right-of-way. Other waivers are required for not meeting the minimum requirements for Cu-de-sac planting and greenspace along the roads. Landscape believes that there is enough opportunity to meet the requirement. The exhibits display the landscaping that was provided along the Eight Mile Road right of way where they are proposing some berms, but the landscaping is not adequate.

The Plan includes some level of proposed impact to all of the on-site wetlands and the associated 25-foot wetland setbacks located on this property. Most of these impacts are for the purpose of lot development. The current Plan includes a total of 0.617-acre of proposed wetland impact and 2.01 acres of proposed wetland buffer impacts. The project as proposed will require a City of Novi Wetland Non-Minor Use Permit as well as an Authorization to encroach the 25-Foot Natural Features Setback. The Wetlands consultant does not currently recommend approval and asks the applicant to reconsider the design to minimize impacts.

Of the 10 specimen trees, two will be saved and eight are proposed for removal. The site plan is also proposing removal of 90 percent of the regulated woodlands. A total of 476 woodland trees are required. The Plan does not provide adequate information regarding the woodland tree calculations or the replacement trees. The Woodlands consultant does not currently recommend approval and asks for additional information.

Façade is not recommending approval as the proposed homes do not meet the PRO's requirement of achieving a "higher standard that would not otherwise be achieved under the current Ordinance Requirements" and that significant issues may exist with respect to compliance with the Similar / Dissimilar Ordinance Section 303. The applicant agreed to revise the elevations to meet the ordinance requirements.

Traffic and Fire are recommending approval with additional comments to be addressed with the revised submittal.

In his response letter, the applicant has mentioned the intent to provide information with the Preliminary Site Plan. Staff would like to see some of it to be provided with the revised submittal so that we can identify any deviations to be included in the Planned Rezoning Overlay agreement. The applicant Randy Wertheimer is here with his Engineer and would like to make a presentation and answer questions.

Randy Wertheimer with Hunter Pasteur Homes states that their goal is to take Eight Mile and Beck Roads, a gateway to Novi that is currently a vacant, contaminated piece of land, and turn it into a beautiful community. We are looking to build homes that are consistent with the homes in the area. We are going

to build homes that are going to be \$700,000 to \$1,000,000. The houses will be 3,500 to 6,000 square feet. We are looking to build a beautiful residential area.

Andy Milia introduced himself along with Pat Keast, Project Engineer, and Scott Black with Grissim Metz. Mr. Milia stated that one of the significant features of the site and of the PRO requirement is the brownfield clean up. The site is currently contaminated it was the site of a former trucking company. They dumped fill on the property. A portion of the property was an apple orchard which contained arsenic. What we would be doing is to totally clean up the property, removing all the contaminated materials from the property. We would be doing this through the Brownfield Development Authority. Our legal counsel has been talking to your City Manager and the County Brownfield representative. They are looking at a proposal where the city would get back some of the brownfield credits. In addition when the brownfield is paid back this will go on the tax rolls at approximately \$10,000 per house. Also it is understood that a proposed sidewalk along Eight Mile Road will be installed, although we realize that the Council might want to put that sidewalk in before anything being developed. We are favorable to working with the City to making the land available and contributing toward some of the cost.

One of the items mentioned was a potential stub street to the west of the property. To the west there is a shorter parcel and with our development there is a break in the number of lots because there is a wetland area. The wetland goes on to the neighboring property. There is not a need for a stub street there. We have allowed for a stub street north of the property.

We are requesting that this be rezoned with a PRO to the R-3 district. That is consistent with other changes in the community. The reason is because the setbacks and the lot sizes would be consistent with the R-3 zoning. It would not be consistent with the R-1 zoning. We are committed to a density of 32 units.

Chair Pehrson opened the Public Hearing.

Jeffery Lindsey and Christina Zayti, 48000 Eight Mile. The concern is the wetland impact and how it could affect their home. There are four natural wetlands on their property. The water basin has changed with the Maybury Park development. The southwest corner of our driveway used to be a natural wetland. It is now just a dried up parcel. There are a lot of wild animals on the property. Mr. Lindsey questioned if there is some way to change the configuration in the back area where there is such a natural nature preserve and has been for decades.

No one else in the audience wished to speak. Member Lynch read the correspondence:

John Dodge 47209 Dunsany Ct, Northville, MI states that this is the best proposal to date. The added traffic would be the only concern. He does not want to see Beck Road or Eight Mile expanded any more.

Robert Frush, 47325 Dunsany Ct, Northville, MI states that R-3 zoning doesn't fit the community; R-3 zoning will negatively affect RA home values. The amendment proposal benefits the developer and not existing home owners.

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

Member Lynch stated that he does like the development. He is concerned about all of the staff and consultants negative recommendations and he cannot recommend approval this at this time. He recommends tweaking the items regarding not approved with the city.

Member Baratta questioned the density of the proposal. He also questioned the traffic on Beck and Eight Mile. This would have a significant impact on the project.

Andy Milia responded that they have worked very closely with the Archdiocese of Detroit, the current land owner to make this work and with 18 lots the numbers just don't work. They didn't go for a product type that doesn't fit in the area. As the consultant mentioned we could get up to 60 lots but that is not what they are looking for here. With 32 lots the numbers work. They will have to make a significant investment on the land, and there is the environmental cleanup expense.

Member Baratta questioned what the minimum lot size could be.

Andy Milia responded that minimum is 105 feet except in the cul-de-sac.

Member Baratta asked if you can get an access off of Beck Road.

Pat Keast, Project Engineer responded that it would be very difficult because the majority of the frontage on Beck Road is wetlands.

Member Baratta stated that if they can straighten out the issues with the staff then he would be supportive of the project at that density.

Member Giacometti asked Mr. Arroyo about the density being consistent with R-1. Under the PRO could we zone it R-1 and approve this design.

Mr. Arroyo responded that the Master Plan refers to a density that is similar to the R-1 zoning. What it is asking for is a density that is equal to 1.65 which is the second highest from RA. I think that if someone ten years from now takes a look at your zoning map and even though it is a PRO and looks at that map and sees R-3 next to RA there will be long story that will have to be told as to why this happened. Since the density is consistent with R-1 zoning if you find that this density is acceptable I like the concept of having an R-1 zoning with a PRO and then grant the waivers and deviations necessary for smaller lots.

Member Greco stated that with this being the southwestern part of the city he is uncomfortable with the density. When this has occurred in other sections of the city the deviations have not been as great.

Chair Pehrson stated that he is in agreement with the other members that have spoken. He is not comfortable with this large of jump in the zoning. He asked what is the quality of the existing trees on this site.

Matt Carmer, with ETC stated that they have not done a thorough review because they are at a concept level. However, a site inspection was done to look at the general quality of wetlands and woodlands. The data on the plans looks old. Overall this is not a pristine area. As you get closer to the wetland edges there are higher quality areas. If more of the wetland with buffers were protected, then more of the higher quality trees would be protected. A good portion of this site that has been disturbed, and is well suited for development.

Member Zuchlewski asked Andy Milia if he has enough information that he needs to move forward to make this work.

Andy Milia stated that he understands the issues. He said they will address the issues and will look forward to coming back.

**Motion to postpone a recommendation on JSP15-13 Concept Plan made by Member Greco, and seconded by Member Baratta.**

**ROLL CALL VOTE ON TO POSTPONE MAKING A RECOMMENDATION ON JSP15-13 CONCEPT PLAN MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**In the matter of the request of Hunter Pasteur Homes Dunhill Park LLC for Dunhill Park JSP15-13 with Zoning Map Amendment 18.711 motion to postpone making a recommendation on the proposed PRO and Concept Plan to allow the applicant time to consider further modifications to the Concept Plan that would preserve natural features, or provide additional usable open space on site, and to further substantiate the public benefits that are being offered. This recommendation is made for the following reasons:**

- **Unlike other recent development plans submitted for review, the Concept Plan provides no parkland on the site, with the open space provided primarily devoted to an on-site detention ponds and wetland mitigation areas.**
- **Additional information is needed regarding the proposed environmental cleanup of the site,**

including a discussion of implications on future development, in order to supplement the information provided as a part of the response letter from the applicant and to support the assertion that the cleanup would be considered a significant public benefit.

- Contrary to the applicant's assertion, the proposed landscaping provided at the intersection and along Eight Mile Road and Beck Road frontages is not considered an enhancement over the ordinance standards.
- Further information is needed regarding the proposed contributions to the ITC Sports Park, which have been identified by the applicant as a PRO Condition supporting approval of the request.
- Further clarity is needed regarding whether the applicant will install the Eight foot wide concrete sidewalks along Eight Mile and Beck Roads, or whether the sidewalks will be installed by the City as a part of a public project.
- There are a number of outstanding issues noted in the woodland and wetland review letters, including reflagging and verification of the wetlands, review of alternate layouts to minimize impacts to the natural features, and clarification of calculations provided.
- There are a number of outstanding issues noted in the Engineering Review letter that need to be addressed on subsequent submittals.
- For the applicant to consider changing the requested rezoning from R-3 to R-1 as discussed at this public hearing.

*Motion passes 6-0*

#### **MATTERS FOR CONSIDERATION**

##### **1. APPROVAL OF THE AUGUST 26, 2015 PLANNING COMMISSION MINUTES**

Motion to approve by Member Baratta seconded by Member Greco

**ROLL CALL VOTE TO APPROVE THE AUGUST 26, 2015 PLANNING COMMISSION MINUTES MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH**

Motion to approve the August 26, 2015 Planning Commission Minutes. *Motion passes 6-0*

#### **MATTERS FOR DISCUSSION**

There were no matters for discussion.

#### **SUPPLEMENTAL ISSUES**

There were no Supplemental Issues.

#### **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

#### **ADJOURNMENT**

Motion to adjourn by Member Lynch and seconded by Member Baratta:

**Motion to adjourn the September 30, 2015 Planning Commission meeting. *Motion carried 6-0.***

The meeting was adjourned at 8:34 PM.

Transcribed by Richelle Leskun

Date Approved:

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Richelle Leskun, Planning Assistant  
Signature on File