



## PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**MARCH 25, 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 or about 7:00 PM.

### ROLL CALL

**Present:** Member Baratta (arrived at 7:05), Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

**Absent:** Member Anthony (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Sri Komaragiri; Planner; Jeremy Miller, Engineer; Ben Croy, Engineer; Tom Schultz, City Attorney.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

Moved by Member Giacometti and seconded by Member Greco:

### VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER GRECO:

**Motion to approve the March 25, 2015 Planning Commission Agenda. *Motion carried 5-0.***

### AUDIENCE PARTICIPATION

Jackie Gretzinger, Haverhill Subdivision, was told to attend the meeting today because there was going to be discussion on the segments for sidewalks for the walkable community. She attended the walkable community meeting in the fall. She moved from a walkable community in Farmington Hills to Haverhill Sub in 2005. Before they purchased their home, they were told the segments would be completed from M-5 to Novi. She has been watching the website and it has been on the list to be completed for over ten years. It has been approved for the east side of the subdivision for the 2015/2016 budget. She hopes to see the segments to the west of them be completed in the same budget year. This would make it a full four mile loop. She spoke with Starbucks at the Novi Road and 14 Mile location and with Candy at Bottlez Restaurant. If they had sidewalks that connected, it would be easier to get to these businesses.

Ray Canter, Haverhill Subdivision, is in agreement with Mrs. Gretzinger. There would be a good cost benefit to the entire community to complete the sidewalk segments.

Mary Drouillard, Haverhill Subdivision, built her home in 1996. At the Fourteen Mile Road area there are sections where you have to walk in the street with cars going 45 miles per hour and it is very dangerous. There are a lot of businesses in the area they would like to visit but cannot do it

safely by walking or riding bikes.

Jessica Klein, Haverhill Subdivision, supports the previous comments. They feel strongly about getting the sidewalks installed. They like to ride their bikes a lot in the summer and it is dangerous when you have to ride in the street or so close to the street. Many residents of the subdivision have shown up tonight to show their support because they all feel so strongly about it.

Amanda Gretzinger, Haverhill Subdivision, stated that she and her friends love Starbucks. After school they like to walk there when it's nice out. Some of the other kids found a path in the woods that they can take but they get scratched up from taking that route and their parents do not approve of that route. When they walk or bike near M-5 it is scary. A sidewalk would be helpful and it would make it safer for the kids that have to cross the highway to get home.

Chair Pehrson closed the audience participation and indicated that these comments are also part of the CIP public hearing on tonight's agenda.

#### **CORRESPONDENCE**

There was no correspondence.

#### **COMMITTEE REPORTS**

Member Giacopetti stated that there are two committee reports. March 3rd the CIP Committee met and the minutes are included in the handouts. He deferred the overview to the CIP agenda item. On March 20<sup>th</sup>, the Walkable Novi Committee met. They made a recommendation to the Planning Commission concerning the capital improvement plan and he deferred the discussion to the public hearing.

#### **COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT**

The Community Development Deputy Director Barbara McBeth thanked those who joined them last Wednesday for the Joint Study session of the Planning Commission and the Zoning Board of Appeals. She thinks they received some good advice regarding the use of the new Clearzoning ordinance formatting, as well as advice from the City Attorney's office with reminders about how to conduct effective meetings. If any Commission member missed the Study Session, the materials were provided as an electronic packet. There was a Master Plan and Zoning Committee meeting last evening, and one topic for discussion was regarding the land use study area that has been commissioned to review appropriate land uses for the vacant land near the southeast corner of Novi Road and 13 Mile Road. An Open House is planned to seek public input on Monday, April 13<sup>th</sup> from 4 to 6 p.m. All Planning Commission members will receive an invitation once the details are finalized and they are encouraged to attend.

On Monday evening, the City Council approved two items that the Planning Commission had recently reviewed. The first item was tentatively approved by City Council for the Special Development Option Concept Plan for Huntley Manor. This is to allow a 210 unit multiple family development on the vacant property located on the south side of Grand River Avenue, west of Meadowbrook Road in the GE, Gateway East District. The next step will be to finalize the Special Development Option Agreement, and then the Preliminary Site Plan will be reviewed for consideration and approval. The City Council also approved the Second Reading for the Zoning Ordinance Text amendment related to allowing fueling stations with accessory minor automobile services that pre-date the ordinance to terminate the fueling operations and continue minor automobile repair services. It is expected that a site plan for the Sovel's Service Station will be submitted shortly for administrative site plan review.

## **CONSENT AGENDA - REMOVALS AND APPROVAL**

### **1. Neptune Center JSP14-0010**

Consideration of the request of Dorchen/Martin Associates, Inc. for Neptune Center for Preliminary Site Plan and Stormwater Management Plan approval. The subject property 3.9 acres located in Section 15 of the City of Novi at 44300 Grand River Avenue on the north side of Grand River Avenue, in the I-2, General Industrial District. The applicant is proposing a 20,000 square foot office and industrial facility.

Moved by Member Lynch and seconded by Member Greco:

### **ROLL CALL VOTE ON THE CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:**

**Motion to approve the Consent Agenda. *Motion carried 6-0.***

## **PUBLIC HEARINGS**

### **1. 2015-2021 Capital Improvements Program**

Deputy Director McBeth stated that three members of the City Administration were present to provide an overview of the CIP and answer questions: Assistant City Manager, Victor Cardenas; Finance Director, Carl Johnson and Ben Croy from the Engineering Division.

Mr. Cardenas thanked the members of the Planning Commission for having him. He stated that the Finance Director would be giving an overview of the finances of the City that deal with the general fund and the road funds which deal with the majority of the projects listed on the CIP. The CIP covers all capital expenditures for the city that are over \$25,000 and have at least a life of five years. It is a six year program; the process begins in September and there is a lot of documentation to support it. The CIP Committee met a couple of weeks ago and recommended the proposal being discussed tonight. He appreciates the feedback from the Planning Commission and residents that have shared their remarks. In the 2015-2016 year the program is totaling 12.6 million dollars and 11.8 million comes from eleven different city funds. The complete document has a grand total of nearly 90 million dollars and 40 million of it over the six year period involves major and local roads. Projects this next year will include Meadowbrook Road, Nine Mile Road between Novi and Meadowbrook, and Novi Road between Ten and Thirteen Mile Roads. They will also be including a new bathroom facility at Pavilion Shore Park. All funds stay within City Councils approved fund balance policy. This will all be part of a balanced budget that will be presented to the City Council next month.

Mr. Johnson brought slides with him that were presented to the Council and Mayor about three weeks ago with an overview of the funding. There are over 90 million dollars' worth of projects that they would like to fund but they do not have all the money to fund these projects. This process helps to prioritize and determine what can be done with the resources we have. The general fund is the primary funding unit of the city. This fund pays for police, fire, all of the administrative offices, capital outlay, technology and more. Our revenues are around 30 million dollars for 2015/2016. He showed on the slides the operating expenses and what is required to run daily operations. The general fund is also responsible for all of the parks capital outlay. The budget for Parks and Recreation is about 2.2 million dollars which fund specific programs; there is nothing left to run capital. Any capital within the CIP is about 7 million dollars' worth of capital, all of which has to come from the general fund. All of the Parks expenditure has to come from this including Police, Fire and DPS. The difference is about 2 million dollars a year available. The

next topic of discussion was the roads, which include major and local streets, paths and sidewalks. The total amount available is around 9 million dollars a year. He showed on the graph normal routine maintenance costs which include patching, snow plowing, and new signs which is about 3.5 million dollars a year. The State of Michigan gives the City about that much and this money is spent on routine maintenance alone, which leaves very little for capital. Outside of the dedicated millage, there is next to nothing available for capital outlay. The dedicated property tax millage brings in 4 million dollars a year and there is other fund matching received from other communities and the County. The State provides about one third of the funding and the rest is from the dedicated property tax millage.

He showed on the graph the amount spent each year on capital for streets, sidewalks and paths which is about 6 and 7 million dollars a year for each of the four years. The city dips into some of the fund balance reserves to bring it down to the minimums set by Council, so we are spending more than we are bringing in for 2016 and 2017, then in 2018 we are spending the amount brought in. The cost is about 10 million dollars for the 2016 fiscal year and there are no more funds available above the fund balance minimums that have been set. This is why we cannot pave every patch of sidewalk that is not there and every road. The State does come to the City proposing roads that they will be replacing and lets the city know what their portion of the funding would need to be. If the city declines, they lose the federal dollars so this dictates a lot of when roads get built and why some only get done in sections.

Mr. Cardenas stated that they are available to answer any questions that the board may have.

Chair Pehrson opened the audience participation for this topic. No one wished to speak and the audience participation was closed.

Member Lynch asked what the rainy day fund balance currently is.

Mr. Johnson stated the general fund balance minimum is about 22% and we are currently at 27%. The balance is around 8.5 million dollars. The cumulative of the three road funds is about 1.5 million dollars which is the sum of the three fund balance minimums combined.

Member Giacometti asked to see the general fund bar chart again and asked about the space between the operating expenses and the total expenses, and if this is the amount each year that would be added to the fund balance.

Mr. Johnson stated that if we did no capital whatsoever, our fund balance would increase. The budget presented shows revenues and expenditures being equal. There will be no increase to the fund balance projected for each of the three years.

Member Giacometti asked in terms of the general fund, if the city were to have a catastrophic event, would the city be able to sustain itself for three months on fund balance alone.

Mr. Johnson stated that under part of the minimum of the fund balance requirements set by City Council, only 15% is the minimum needed for cash flow purposes. Anything over that is the catastrophic money. The fund balance represents the equity since the city began its existence. Utilization of fund balance is a onetime deal. These are the reserves stock piled since the city began. If we use it, it is gone forever. It was bigger before the economy crashed in 2008.

Member Giacometti asked what the City's credit ratings are.

Mr. Johnson stated he did not know them off the top of his head but they are very good, probably AA.

Member Giacometti stated that last year 4.7 million dollars came off the city's total debt so the debt is decreasing every year.

Mr. Johnson stated that the Council's policy is to be debt adverse. The general fund and street funds have no debt. The debt is in the ice arena, senior housing project and one for water and sewer line improvements.

Member Lynch stated that he has been on the CIP Committee for several years. He stated he wants to make a recommendation to approve the Capital Improvement Plan, but there are some areas he thinks have a significant disconnect. For example, Beck Road and Ten Mile Road, they know if they do not do something it will get even worse. Residents have also voiced their opinion.

Moved by Member Lynch and seconded by Member Giacometti:

**In the matter of the Capital Improvement Program, motion to approve the Capital Improvement Program Fiscal Years 2015-2021 as proposed by staff with the following recommendations to City Council concerning infrastructure projects.**

1. Consolidate all Beck Road roadway and intersection projects into one project that widens the stretch between Eight Mile & Ten Mile roads by FY 2017-18 (project #s 132-01, 142-01, 132-25, 136-02)
2. Schedule the completion of all roadway reconstruction projects with a PASER score of two or lower in FY 2015-16, including:
  - a. Meadowbrook Road between I-96 & 12 Mile Road (project #112-02)
  - b. Novi Road between 12 Mile & 13 Mile roads (project #102-03)
  - c. Karim Blvd (project #082-18)
3. Improve roadway capacity and traffic flow in the town center district by completing the following projects before FY 2017-18:
  - a. Crescent Blvd. Rehabilitation (project #082-10)
  - b. Crescent Blvd Extension between Grand River Avenue & Novi Road (project #082-03)
  - c. Southwest Quadrant Ring Road Flint Street, Novi Road and Grand River (project #092-50)
4. Fund and complete the top twenty sidewalk gaps identified by the Non-Motorized Master Plan (NMMP) by Fiscal Year 2017-18 which would require the following additions to the CIP:
  - a. Segment 80B – North side of Ten Mile Road between Meadowbrook & Willowbrook Estates which is ranked fifth by the NMMP
  - b. Segment 82B – West side of Haggerty between Pavilion Court and Nine Mile Road which is ranked 14<sup>th</sup> by the NMMP
  - c. Segment 64 - Sidewalk east of Taft between Ten Mile & Eleven Mile roads which is ranked 16<sup>th</sup> by the NMMP
  - d. Segments 87, 113 and 116 – South side of Nine Mile Road between Chelsea and Taft and the north side between Meadowbrook and Venture which are collectively ranked 20<sup>th</sup> by the NMMP.

These recommendations are made to address the infrastructure need for roadway capacity and non-motorized thoroughfare safety associated with the rapid pace of residential development currently underway in Novi. *Motion carried 6-0.*

Member Greco asked where the motion maker and the motion amender where on the list they would place the Haverhill Subdivision segment on Fourteen Mile brought up specifically by the residents present tonight with respect to any amendment.

Member Giacometti stated it is in the top 20 and currently on the CIP for the 2015-2016 fiscal year.

Mr. Cardenas stated east of Haverhill and M-5 heading west is on the list. The area in question at the hill is not until 2018-2019. They can have Ben Croy with Engineering talk about this to discuss the hurdles with this particular project in respect to ADA, etc. They may have to come up with a particular design, zig-zag, or retaining wall. It will be a difficult process.

Member Greco stated that item number four on the motion is what the Walkable Committee of Novi recommended to them which is for the top 20 projects to be funded and completed by 2017-2018. If this project is scheduled afterwards, this recommends to Council it needs to be moved forward and finished by 2018. The residents have been waiting a long time and this is a dangerous area and needs to be a high priority.

Member Giacometti stated that finances are a hurdle and some of the projects are \$100,000-\$150,000. He feels some of the money could come from the unrestricted fund balance to resolve the issue.

Member Giacometti stated that this project is included in the top 20 projects to be completed. They can make a recommendation to City Council since they are not the decision making body as to how the funds are allocated. They can ask City Council to take a closer look at it.

Member Lynch stated he understands the Commission is recommending an amendment to the City Council. The amendment to the CIP in the recommendation needs to request the City Council consider funding these projects immediately or in the next couple of years.

Member Giacometti stated that he and Member Lynch are suggesting that resources are available which would make some of the capacity building projects done earlier than five or six years from now. This is a long time to wait after waiting for so long.

Member Greco stated that because this is a recommendation to City Council and they ultimately decide what to do with the projects, what order they will be done in and what funds will be available, he is inclined to support the amendment based upon the two commissioners who have clearly spent a lot of time on the project.

Member Baratta asked about the proposed amendment, if they have an idea about how much this would cost. Looking at the budget, it looks as if it would break even from what has been presented. There are a number of projects being discussed and he would like to see the costs involved.

Mr. Cardenas stated that in terms of the top 20 projects that Commissioner Giacometti is talking about, that would involve moving up some of the projects that are currently in the 2018-2020 year under the sidewalks and pathways. Some of these projects would have to be moved up into the next three years. They have not received quotes on the other four projects not included in the CIP. They have rough estimates but no do have the numbers at this time.

Member Baratta asked if he could estimate how much it would cost.

Mr. Cardenas stated that the sidewalks themselves are about 2 million dollars and the roads are about five millions dollars. This is just a ballpark number.

Member Baratta stated that in terms of the Walkable Novi Committee, they receive about \$400,000 for sidewalks a year. Of the four segments they are discussing, he asked if the staff had an idea of how much it may cost.

Mr. Cardenas said it would be roughly \$300,000-\$400,000.

Chair Pehrson asked the staff, in regards to the PASER, when does it occur during the season?

Mr. Cardenas stated it is done every year mid-summer after the thaw has taken place.

Chair Pehrson asked if road segments with greater deterioration get re-examined to determine whether that segment should go ahead of another.

Mr. Cardenas stated that it does in the neighborhood program. In the major roads it does come into play with the evaluation and their recommendation for funding. A lot of the major roads are already programmed in through state or county match programs for funding.

Chair Pehrson inquired about the plan for DPS in regards to the infrastructure of the roadway and layout of the facilities.

Mr. Cardenas stated that it is currently in flux. The thought is to do it in pieces and they are currently evaluating it. The cost of the parking lot itself is about \$700,000 and they would need to add extra capacity for the building which was built for a community of 12,000 which is now 60,000. It is not part of the CIP at this time.

Chair Pehrson said that he agrees with the motion and the amendment put in front of City Council. An immense amount of time and effort has been put into the program and he applauds everyone that has taken a part of it. There are a lot of projects they would like to see completed, it is just a matter of when and in what order it needs to be done in, along with what funds are available.

Member Greco advised the people who had come out to speak at audience participation, that the City Council will be making the final decisions regarding the funding of the Capital Improvements when the City's Budget is considered.

**ROLL CALL VOTE ON THE MOTION TO RECOMMEND APPROVAL OF THE CAPITAL IMPROVEMENTS PROGRAM MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GIACOPETTI:**

**In the matter of the Capital Improvement Program, motion to approve the Capital Improvement Program Fiscal Years 2015-2021 as proposed by staff with the following recommendations to City Council concerning infrastructure projects.**

- 5. Consolidate all Beck Road roadway and intersection projects into one project that widens the stretch between Eight Mile & Ten Mile roads by FY 2017-18 (project #s 132-01, 142-01, 132-25, 136-02)**
- 6. Schedule the completion of all roadway reconstruction projects with a PASER score of two or lower in FY 2015-16, including:**

- a. Meadowbrook Road between I-96 & 12 Mile Road (project #112-02)
  - b. Novi Road between 12 Mile & 13 Mile roads (project #102-03)
  - c. Karim Blvd (project #082-18)
7. Improve roadway capacity and traffic flow in the town center district by completing the following projects before FY 2017-18:
- a. Crescent Blvd. Rehabilitation (project #082-10)
  - b. Crescent Blvd Extension between Grand River Avenue & Novi Road (project #082-03)
  - c. Southwest Quadrant Ring Road Flint Street, Novi Road and Grand River (project #092-50)
8. Fund and complete the top twenty sidewalk gaps identified by the Non-Motorized Master Plan (NMMP) by Fiscal Year 2017-18 which would require the following additions to the CIP:
- a. Segment 80B – North side of Ten Mile Road between Meadowbrook & Willowbrook Estates which is ranked fifth by the NMMP
  - b. Segment 82B – West side of Haggerty between Pavilion Court and Nine Mile Road which is ranked 14<sup>th</sup> by the NMMP
  - c. Segment 64 - Sidewalk east of Taft between Ten Mile & Eleven Mile roads which is ranked 16<sup>th</sup> by the NMMP
  - d. Segments 87, 113 and 116 – South side of Nine Mile Road between Chelsea and Taft and the north side between Meadowbrook and Venture which are collectively ranked 20<sup>th</sup> by the NMMP.

These recommendations are made to address the infrastructure need for roadway capacity and non-motorized thoroughfare safety associated with the rapid pace of residential development currently underway in Novi. *Motion carried 6-0.*

2. **Brightmoor Christian Church: Building and Parking Lot Expansion JSP15-0007**

Public hearing at the request of Brightmoor Christian Church for Special Land Use Permit, Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located on the north side of Thirteen Mile, west of M-5 in Section 1. The 40-acre Church property at 40800 Thirteen Mile Road is zoned RA, Residential Acreage. The applicant is proposing to expand the existing Church building to include a new worship space, church offices, parking and associated site improvements.

Planner Komaragiri stated that this project is familiar to most of us as the proposal, with regards to its height was discussed during the Text Amendment to allow additional height for Places of Worship which was recently approved and adopted on January 26, 2015. The Original Special Land Use for Brightmoor Church was approved in 1998, followed by an approval of expansion of the use in 2012 for parking. The applicant is here today requesting the approval of a Special land Use Permit among others for expansion of the church building and associated improvements. The subject property is located on north side of Thirteen Mile Road just west of M-5. The property also exits into Lennox drive on the east. The subject property is zoned RA, Residential Acreage and is bordered by RA on the north and west sides. OST, Office Service and Technology is on the east side separated by M-5. A place of worship would require a Special Land Use Permit within RA zoning. The Future Land Use map indicates single family use for the subject property and the surrounding properties on the north and west with Office Research Development and Technology on east, separated by the freeway. The proposed use is compatible with the future land use map. There are some regulated wetlands and woodlands areas on the property. However, the proposed site plan is not proposing any impacts to these regulated areas.



The applicant is proposing to expand the existing Church building to the north with auditorium style seating that seats 2,100 people along with accessory uses such as office and associated site improvements. Due to proposed changes, the applicant anticipates removal of 58 existing trees. The applicant in their response letter has indicated an intention to provide new evergreens on the northern berm to replace the 58 trees that are being removed. This will enhance the buffer between the Church Property and the adjacent residential community. The applicant agreed to work with the staff to determine the locations. The applicant is also requesting a landscape waiver to reduce the minimum number of trees required for the interior parking lot landscape by 17 trees. Given the layout of the parking lot and adequate proposed and existing landscape within the lot, staff supports this waiver and recommends approval.

Planner Komaragiri continued noting engineering recommends approval of site plan with additional comments to be addressed during Final Site Plan. Fire and façade reviews recommend approval of the site plan. Façade review notes that this is a highly articulated design that will add significantly to the architectural interest of the existing building when viewed from the M-5 connector. A Noise Impact Statement and Community Impact Statement were submitted, which meet the minimum requirements and do not need further study. A detailed Traffic Impact Study was performed by the applicant. Our Traffic Consultant agrees with the findings and the recommendations from the Traffic Study and recommends approval of the site plan. The plan meets all the general requirements as outlined in the review letters. Planning review also recommends approval. The applicant is proposing an increased height of 65 feet of the building. This height is allowed based on the recent text amendment to Section 4.10, provided the Planning Commission makes the finding that the increased height will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties according to Section 4.10.5. The Planning Commission should consider the factors listed in Section 6.1.2.C of the Zoning Ordinance regarding the special land use request. In addition, the Planning Commission should also consider items listed in Section 4.10.5 of the Zoning Ordinance for the proposed height of 65 feet during their review of Preliminary Site Plan Approval. The applicant, Gary Jonna, has garnered support from the neighboring communities; Lennox Park Condominiums and Fox Run Retirement Community.

Gary Jonna, 39525 Thirteen Mile Road, stood before the board. He stated that in respect to the Zoning Text Amendment, they have designed the building and the site to meet the criteria.

Chair Pehrson opened the case to public hearing. No one wished to speak.

Member Lynch read the correspondence letters received from the residents. Aletha Risker, 40781 Lenox Park Drive wrote that she is in support. Katherine DuFault, 40827 Lenox Park Drive, wrote that she objects to the request. She would like to see an area developed near the building, perhaps extend the wall on the west side to accommodate school bus parking. The south side of the existing parking lot is now full of commercial vehicles and visible from her condo living room. It is a horrific view. When permission was granted to extend the parking, nothing has been said about bus parking, only that it would be screened well. Michael J. McCormick, Executive Director of Fox Run, wrote that he is in support of the building expansion. Over the years, Fox Run has enjoyed a friendly and supportive relationship with their neighbors at Brightmoor Church. Their two communities have worked together to accomplish a strong and vibrant multi-generational relationship. The church has been very supportive and generous with its resources.

Chair Pehrson closed the public hearing and audience participation. He turned the case over to the Planning Commission for their consideration.

Member Baratta asked the petitioner about the screening from the south and the west for the buses and commercial vehicles. He asked about the plan of where the buses will be parked.

Norman Frechette, Administrative Pastor at Brightmoor Church, 22961 Frederick Street, Farmington, stated they are currently parking the buses on the northwest corner of the parking lot. There is a berm and greenbelt between their parking lot and the condos. During the winter with no leaves they are visible, and during the summer they are not. They do not have any intentions of parking them anywhere differently in regards to the expansion project. That part of the parking lot is not being affected.

Member Baratta asked if they have thought of additional landscaping.

Mr. Jonna stated there was mention of 58 replacement trees required. These are targeted for the neighbors to build up screening. They will communicate with the neighbors and arrange the placement of those trees to provide maximum screening.

Member Greco stated that this is a project that the board liked from the beginning and it looks good.

Moved by Member Greco and seconded by Member Baratta:

**ROLL CALL VOTE ON THE SPECIAL LAND USE APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**In the matter of Brightmoor Christian Church: Building and Parking Lot Expansion, JSP15-07, motion to approve the Special Land Use permit based on the following findings:**

**a. Relative to other feasible uses of the site:**

1. The proposed use will not cause any detrimental impact on existing thoroughfares based on the findings of the Traffic Impact Study;
2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities(given the size of the new use, and that they are not adding any additional demand than anticipated);
3. The proposed use is compatible with the natural features and characteristics of the land because the plan does not impact any existing natural features;
4. The proposed use is compatible with adjacent uses of land given there is no change in existing use and the Planning Commission finds that the increased height will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and the proposed building(s), the size and nature of the improvements on the adjacent and surrounding properties, the aesthetic quality of the proposed building(s), including design, exterior materials, and landscaping, and any other relevant aspects of the site or proposed building(s);
5. The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use given there is no change in existing use;
6. The proposed use will promote the use of land in a socially and economically desirable manner;

7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located;
- b. The findings of compliance with Ordinance standards in the staff review letter and the conditions and the items listed in that letter being addressed;
- c. The petitioner work with the adjacent property owner to screen the buses on the additional landscaping.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5 and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-1.*

Moved by Member Greco and seconded by Member Baratta:

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

In the matter of Brightmoor Christian Church: Building and Parking Lot Expansion, JSP15-07, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. The findings of compliance with Ordinance standards as listed in Section 4.10.5 to allow a building up to 65 feet in height on sites exceeding 30 acres.
- b. Landscape waiver to permit the reduction in minimum requirements for Interior Parking Lot Landscape Calculations as listed in Section 5.5.3.C by 17 trees due to plenty of existing and proposed landscape on site, which is hereby granted;
- c. The applicant will work with the City's Landscape Architect to determine the location for replacing the 58 existing trees that will be removed for this construction; and
- d. The findings of compliance with Ordinance standards in the staff review letter and the conditions and the items listed in that letter being addressed.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5 and Article 6 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 STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

In the matter of Brightmoor Christian Church: Building and Parking Lot Expansion, JSP15-07, 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. Little Birds Montessori Group Day Care JSP15-0009**

Public Hearing of the request of Little Birds Montessori for Special Land Use permit approval. The subject property is located in Section 22, at 24620 Taft Road, on the east side of Taft

Road, north of Ten Mile Road in the R-4, One-Family Residential District. The subject property is approximately 0.65 acres and the applicant is proposing operate a Montessori based group day care home in their existing residence.

Planner Kapelanski stated that the applicant is proposing to operate a day care center in their existing home on Taft Road, north of Ten Mile Road. The property is zoned R-4, One-Family Residential and is surrounded by R-4 zoning. The applicant intends to operate a Montessori based day care for up to twelve children which is defined as a group day home in the City's Zoning Ordinance. Group day care homes are a special land use in the R-4 District. The applicant has met all of the standards for a group day care home as outlined in the planning review letter and no exterior changes to the site are proposed. The Planning Commission is asked to approve the Special Land Use Permit and should consider the factors listed in Section 6.2.C of the Zoning Ordinance related to Special Land Use requirements.

Member Baratta told the City Attorney that he is Vice President of a firm that has 1,000 childcare facilities and thinks it would be a conflict of interest and would like to step down from this case if he agreed.

Attorney Schultz stated that unless he cannot be fair and unbiased, he is obligated to vote.

Member Baratta confirmed that he could do so.

Chair Pehrson asked the applicant to step forward and address the board.

Rikiya Nagakura, representing Little Birds Montessori, stood before the board. He stated he would be happy to answer any questions that the commissioners may have for him.

Akemi Nagakura, teacher at the Montessori school in Ann Arbor for over ten years, was also present. She stated that they moved to Novi and would like to open their Group Home Care Center and would be happy to answer any questions.

Chair Pehrson open the case to public hearing and asked anyone who wished to address the board to step forward at this time.

George Serkian, lawyer representing Hazel Rosinski, who lives next door on the south side of the project. He also represents John Adams who lives on the north side at 24630 Taft Road. He stated that Mrs. Rosinski is elderly and has lived in her home for 55 years with her son. John Adams is a retiree and has lived in his home for 40 years. Both of his clients are strongly opposed to this development for many reasons. They believe that having a day care center next door to them will not increase their property values but will have a detrimental effect. The plan review report states they want to operate a Montessori based Group Daycare Home but do not mention a school. The applicant's letter claims they are a school and daycare. The operation hours would be Monday through Friday from 6:00 a.m. to 6:00 p.m. and open for schooling from 7:30 a.m. to 5:30 p.m. If it were a daycare, they would anticipate children in diapers, but as a school, the neighbors are unsure of the age group of children expected.

The Zoning Ordinance mentions the driveway must be shaped so the vehicles would not have to back out onto a major thoroughfare. The letter from the applicant states their driveway has two open areas to be able to turn around and exit the driveway onto Taft Road but this is not the case. He presented a picture of the singular driveway that goes up to the garage from Taft Road. Along the side of the driveway is a concrete apron that has enough space to park a car.

It is not a second driveway and vehicles would have to back out onto Taft Road to leave the premises. If someone tried to make a U-turn with that space, he is unsure how the situation would be handled if a vehicle were to be driving onto the property at the same time. In addition, the High School is nearby and it is a high traffic area with the added vehicles and buses during certain hours. The existing area consists of single-family residential homes. The proposed use will have a negative impact on the area. The yard is fenced in and behind the property are wetlands and a pond. This could be a dangerous situation for small children if they were to climb the fence to get to the pond which would make that homeowner responsible.

Mike Rosinski, 24614 Taft Road, stated that his parents have lived in their home for 50 years and have a lot invested in their property. The applicant has only been in their home for 3 months. The residents deserve fair consideration before the Planning Commission makes their decision. He would like more time for the residents to review the proposal. The applicant has plans to add onto their home and would like additional information on this as well.

Vivian Demitry, 24400 Taft Road, lives two houses down from the proposed daycare. The project is great for child development but objects to the request to take place in a single-family residential house. They are trying to avoid paying business taxes from an actual building and it is not fair to the surrounding area. Little Birds Montessori is all over the nation and they only operate from business buildings. Neighbors will not be able to enjoy their yards due to the anticipated noise if this daycare were to take place, and the city will not be able to control how many children are watched in the facility at one time.

John Adams, 24630 Taft Road, lives north of the property in question. He purchased his home 41 years ago because it was a quiet area and things have changed since then. There are now schools and he would not want this additional daycare next to his property. In addition, the driveway they are using is on the south side of his lot. With twelve cars in and out of the driveway twice a day, there will be additional congested traffic.

Chair Pehrson asked Member Giacopetti to read the correspondence.

Member Giacopetti stated they received a letter from Brian and Pam Diephuis, 24366 Taft Road. They object to the proposal. Taft Road is a mixed development of schools and residential between Grand River and Ten Mile. This commercial business while listed as a Daycare Center will serve as a Montessori School and provides no value to the immediate neighboring homes. A commercial business will increase traffic on Taft Road. Vivian Demitry, wrote that she is in objection to the proposal as she has also stated during the public hearing. She also wrote a letter to the Community Development Department with her concerns. George Serkian and Hazel Rosinski also wrote objection letters stating what Mr. Serkian had previously explained during the public hearing.

Chair Pehrson closed the public hearing.

Chair Pehrson told Attorney Schultz he noticed the difference in R-4 usage between a Daycare Center and a School Business Private Operated for Profit. He said they may have a conflict in terminology between Daycare and School and asked for some light on the issue.

Attorney Schultz stated that an approved daycare is listed as a Special Land Use in the R-4 District. The owner of a single-family home can care for up to six children without approval under zoning law. It is considered a single-family home even if there are six unrelated children at the property. Novi allows a group daycare home which is a private single-family home in which

more which more than six but not more than twelve minor children are receiving care and supervision for a time of period. This is within the time frame that the applicant is talking about. The planning staff has taken the applicants information, recognized that it uses the term Montessori based school but has determined correctly that they fall within the definition of a group daycare home. They would be caring for between six and twelve children and they would have to get a license from the state in order to do so. The children will be taught as opposed to being sat down in front of a TV which does not change from the staff's perspective what this is.

Member Greco explained to the residents that the process is that the board gets the information prior to the meeting and they study up on it. They make judgment calls prior to the meeting based on what they may think is or is not appropriate, but the public hearing is the place for the residents to come speak for them to make their decision. They may have some preconceived thinking about what way they may go, but this is the date and time they take a look at and consider all the things and make the decision. No one on the board has a pre-determined determination up to this point. The staff, as the City Attorney has indicated, takes a look at the applications and checks to see whether it falls within the Zoning Ordinance or not, but they are not the decision makers. Prior to this meeting date, there is no decision to recommend or approve by the board prior to the meeting date. When he first reviewed the packet, he noticed the number of children in a residential area. It seemed to be too intensive of a use for the area and looking at the criteria, he did not think it fit within it. Hearing from the residents, it confirms his thoughts that it is not appropriate. He will not be in support of the Special Land Use approval.

Member Giacometti stated that he agrees with Member Greco. In terms of a Special Land Use, they need to consider whether there is a benefit to it being in the neighborhood, meaning people can walk to the facility. They also need to consider whether there is a shortage of facilities in the city, and he believes that the answer is 'no'. He does not feel it adds a value to the neighborhood or there is a compelling need for it to be placed in a residential area.

Member Baratta asked the applicant to come to the podium to answer some questions. He asked what age group the children would be that would attend the school.

The applicant stated that the children would be between the ages of three and six years old.

Member Baratta asked if there would be a pre-kindergarten and kindergarten program where they would be teaching reading and writing.

The applicant stated they would be teaching pre-school.

Member Baratta asked if they would be following the Montessori program.

The applicant confirmed that they would be.

Member Baratta asked under the Michigan guidelines, if they would have to enclose the property with the fence, and if there are gaps whether they would have to repair the gaps.

The applicant stated that they would be.

Member Baratta asked if they would be adding some screening for the children on the fencing or if it is a requirement.

The applicant stated that they have a tree on the side. There is some space with no trees so they want to plant more trees.

Member Baratta inquired about the driveway and access and asked if they would be making any driveway improvements or making any changes to the access and exit from the property.

The applicant stated they have two cars space available for the exit. They can park up to fourteen cars in their driveway and it is turn able. They are expecting a maximum of twelve cars since they cannot have more than twelve children. They will be holding a stop sign and the drop off will be quick.

Member Baratta asked how many employees there would be at the school.

The applicant stated there would only be two employees.

Member Baratta asked if they will be securing the property and if there will be locks on the doors and gates so there is limited access and exit.

The applicant confirmed that they would. Also, in regards to the noise, the children will only be outside twice a day from 11:00 a.m. to 12:00 p.m. and from 4:00 p.m. to 5:00 p.m. The children will not be outside the entire day. In Montessori school, the children will not be very loud but will be active quietly.

Member Baratta stated that he thinks the program is great. He joined the company he is currently with four months ago, and when he goes into these schools and meets the children, he can tell they will be leaders of this country one day. He stated that the board needs to decide if there is a reason to grant a Special Use Permit for this particular use at the proposed location. He knows it is a good use, but the location is what is being questioned.

Member Lynch stated that he has listened to the comments and is concerned about the driveway. He is looking at the appropriate use of the property and is not sure if it is appropriate for the area. Listening to the comments from the neighbors, they bring up some valid points and he thinks that talking to them prior to this meeting would have helped their case. He applauds the school and knows that they do great work with the children. In this particular setting, he does not believe that it is appropriate.

Chair Pehrson asked Attorney Schultz about a requirement that states the licensee shall occupy the dwelling as a residence and whether they are supposed to own it or just have to live there.

Attorney Schultz confirmed that it could be a rental home.

Chair Pehrson stated that they have to identify the Special Land Use considerations and he thinks the applicant meets a majority of the requirements, but there is some deficiency relative to the parking and the driveway. He cannot envision parking cars along the side of the driveway and having to turn around on it, or what they would do if a fire truck needed to get in there. There needs to be some additional research done on the driveway to be able to accommodate this use. For this particular location, he cannot support it at this time.

The applicant stated that she agrees that they should have talked to the neighbors prior to this meeting. Some of the residents are concerned about the water at the back of the yard, but the neighbors have a locked fence. She does not think the children can climb up the fence

because it is high.

Moved by Member Greco and seconded by Member Baratta:

**ROLL CALL VOTE ON THE MOTION TO DENY THE SPECIAL LAND USE PERMIT MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**In the matter of Little Birds Montessori, JSP15-09, motion to deny the Special Land Use permit for the reasons that it is not in compliance with the Ordinance including the following**

- a. That it will cause a detrimental impact on the existing thoroughfare for the reason it is in the location of heavily trafficked areas at the same time as the proposed use and the backing in and coming out of the single family residence with that many automobiles may cause an impact.
  - b. It is not consistent with the goals, objectives and recommendations of the city's master plan for land use as it is a residential area and the use is too intensive at this particular location;
  - c. It is not in harmony with the purposes and does not conform with the applicable site design regulations in the zoning district in which it is located because of it being a school for 12 children in a residential area and it will be sandwiched between two homes.
- Motion carried 6-0.*

**4. Zoning Ordinance Text Amendment 18.274**

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.82, Residential Dwellings; in order to reconcile the standards for multiple-family uses for mixed use developments and non-mixed use developments.

Planner Kapelanski stated that the city has proposed an amendment in response to the recommendations of the Town Center Area Study and the Redevelopment Ready Communities Community Assessment Report. Both included findings that suggest the City consider revising the ordinance to provide consistent minimum size requirements for multiple-family dwelling units for mixed use and non-mixed use developments. The proposed amendment would alter the mixed-use minimum dwelling unit sizes to match the minimum sizes currently allowed for non-mixed-use developments. The Planning Commission is asked to hold the public hearing and make a recommendation to the City Council regarding the proposed amendment.

Chair Pehrson opened the case to public hearing. No one wished to speak, and there was no correspondence. The public hearing was closed.

Member Greco commented this is a key component of the recommendations received from the Town Center Area Study for a mixed use Town Center area of the city and it can promote the development of the area. He is in support.

Moved by Member Greco and seconded by Member Baratta:

**ROLL CALL VOTE TO RECOMMEND APPROVAL OF ZONING ORDINANCE TEXT AMENDMENT 18.274 MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**Motion to recommend approval of Zoning Ordinance Text Amendment 18.274 to the City Council. *Motion carried 6-0.***



## **MATTERS FOR CONSIDERATION**

### **1. APPROVAL OF THE FEBRUARY 25, 2015 PLANNING COMMISSION MINUTES**

Chair Pehrson stated that he had one change. He stated he remembered making a comment about the Similar Dissimilar as it was being presented to them by one of the residents. They had chosen to use the Similar Dissimilar Ordinance in their argument to point out the Dissimilar portion of the argument which he tried to educate them on, and that it isn't just the Dissimilar part between Echo Valley and the new; it is the Dissimilar Similar part which is what they are trying to avoid from having happen again on Beck Road.

Moved by Member Lynch and seconded by Member Greco:

### **VOICE VOTE ON THE FEBRUARY 25, 2015 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:**

**Motion to approve the February 25, 2015 Planning Commission minutes with Chair Pehrson's modifications. *Motion carried 6-0.***

### **SUPPLEMENTAL ISSUES**

Chair Pehrson stated he had three issues to discuss. In regards to the size of the Brightmoor Christian Church, as far as opening it on their iPad and seeing the pages, he was having some difficulty. He was not sure if it had something to do with the dpi level of the scanning that needed to be addressed. A lot of the traffic pages did not open up quickly. Secondly, for Barb and staff, he thinks it would be helpful and beneficial to have the traffic consultants come out. He would like them to help the board and the public in understanding who is responsible for what roads and a primer relative to capacity on the roads themselves. With every plan that comes before them, he would like to be able to have a roadway surface status as to what is good and bad in the city. Lastly, he would like to see a document from the Economic Development and Community Development with facts in relation to property values in the city that they could show people in relation to their arguments. The number one complaint from residents is that they think their property values will be lowered due to a development, and the second is traffic.

Member Lynch stated that he does not think that most people understand inflation or 5%, whichever is lower and the fact that the city can only raise taxes so much.

Member Giacometti stated that as a body, they should review their involvement in the CIP process. Their involvement was the board members receiving a very large binder Friday night and having to review it for a meeting Monday night. After reading through the project sheets, they have PASER 2 roads that will not be done in fifteen years. He feels they need to get involved earlier, which is what Mr. Cardenas had stated earlier that evening.

Member Giacometti stated he thought they should have a driving role, not a responding role, because they have a sense of the capacity needs and the needs of the developments. He would like to see them communicate a plan driven by need as opposed to dollars and cents.

Chair Pehrson suggested that they have a joint meeting between Planning Commission and City Council to have some of those discussions.

## **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

**ADJOURNMENT**

Moved by Member Lynch and seconded by Member Baratta:

**VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BARATTA:**

**Motion to adjourn the March 25, 2015 Planning Commission meeting. *Motion carried 6-0.***

The meeting was adjourned at 9:12 PM.

Transcribed by Stephanie Ramsay  
March 30, 2015  
Date Approved: April 22, 2015

---

Richelle Leskun, Planning Assistant  
Signature on File