

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

March 23, 2016

Proceedings taken in the matter of the PLANNING
COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi,
Michigan, on Wednesday, March 23, 2016

BOARD MEMBERS

Mark Pehrson, Chairperson

David Greco

David Baratta

Michael Lynch

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

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Novi, Michigan.

Wednesday, March 23, 2016

7:00 p.m.

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CHAIRPERSON PEHRSON: I'd like to call to order the March 23, 2016 Planning Commission Meeting.

Ms. McBeth?

MS. MCBETH: Member Anthony?

CHAIRPERSON PEHRSON: Absent, excused.

MS. MCBETH: Member Baratta?

MR. BARATTA: Here.

MS. MCBETH: Member Giacobetti?

CHAIRPERSON PEHRSON: Absent, excused.

MS. MCBETH: Member Greco?

MR. GRECO: Here.

MS. MCBETH: Member Lynch?

MR. LYNCH: Here.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Here.

MS. MCBETH: And Member Zuchlewski?

CHAIRPERSON PEHRSON: Absent,

1 excused.

2 With that, if we could stand
3 for the Pledge of Allegiance.

4 (Pledge recited.)

5 CHAIRPERSON PEHRSON: Motion for
6 approval of the agenda or any changes?

7 MR. GRECO: Motion.

8 MR. BARATTA: Second.

9 CHAIRPERSON PEHRSON: All those
10 in favor?

11 THE BOARD: Aye.

12 CHAIRPERSON PEHRSON: Anyone
13 opposed? We have an agenda.

14 Come to our first audience
15 participation of the evening.

16 If anyone in the audience
17 wishes to address the Planning Commission on
18 something other than the public hearing,
19 please step forward at this time.

20 (No audible responses.)

21 CHAIRPERSON PEHRSON: Seeing no
22 one in the audience, we will close the first
23 audience participation.

24 Any correspondence?

25 MR. GRECO: No correspondence.

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CHAIRPERSON PEHRSON: Any
committee reports?

Community development?

MS. MCBETH: Thank you. Good evening. Couple of items that I wanted to share with the Planning Commission that occurred at the March 14 City Council meeting.

First, the approval of the request for Hunter Pasteur Homes for Dunhill Estates. It was approved. That was for the planned rezoning overlay and plan. That was to rezone property at the northwest corner of Beck Road and Eight Mile from RA to R1. That was approved for their agreement.

So we expect that this matter will return to the Planning Commission for a preliminary site plan probably in the next month or six weeks or so.

The other item that was approved at the March 14 City Council meeting, that the Planning Commission also considered was the request to of Pulte Homes for Dixon Meadows. That was also a zoning map amendment with a planned rezoning

1 overlay, for the east side of Dixon Road,
2 north of Twelve Mile and that was rezoning
3 from RA residential acreage to RT, two family
4 residential. That was approved for a 90 unit
5 single family residential detached site plan
6 condominium plan.

7 Again, that project will
8 likely proceed and come back to the Planning
9 Commission for preliminary site plan
10 approval.

11 CHAIRPERSON PEHRSON: Very good.

12 MS. MCBETH: Thank you,
13 Mr. Chair.

14 CHAIRPERSON PEHRSON: Thank you,
15 Barb.

16 We come to our first public
17 hearing. It's for Montebello Estates,
18 JSP15-76.

19 That's a public hearing at
20 the request of Mirage Development for
21 Planning Commission's approval of the
22 preliminary site plan, woodland permit,
23 wetland permit and storm water management
24 plan.

25 The subject property is

1 currently zoned R3, one family residential
2 and is located in Section 27 West Novi Road,
3 north of Nine Mile Road.

4 The applicant is proposing a
5 32 unit single family detached residential
6 development on 26.94 acres property.

7 Kirsten?

8 MS. MELLEME: Good evening.

9 So we have here Montebello
10 Estates, the subject property is located
11 north of Nine Mile between Novi Road and Taft
12 Road.

13 The subject property is zoned
14 R3, one family residential and is surrounded
15 by the same zoning, except the northeast and
16 southwest, which are R4. It is abutted by
17 Novi Township to the north.

18 The future land use map
19 indicates single family for the subject
20 property and the surrounding properties.

21 There are regulated woodlands
22 and wetlands on the property.

23 The applicant is proposing to
24 construct a 32 unit conventional site
25 condominium with associated site

1 improvements. The site access is provided by
2 a proposed public roadway with a single curb
3 cut from Nine Mile Road. A secondary
4 emergency access is provided to Cottisford at
5 the northeast.

6 The proposed preliminary site
7 plan has been revised from the one previously
8 seen at the January 13, 2016 Planning
9 Commission meeting, where the applicant was
10 asked to consider modifications requested in
11 the staff and consultant review letters to
12 provide a traffic study, which is provided in
13 your packet on page 92.

14 And a member from staff
15 regarding woodland replacement trees may or
16 may not be located, which is in the packet on
17 page 57.

18 Planning is recommending
19 approval contingent on the applicant
20 obtaining the necessary permits for modifying
21 the flood plane limits which -- because
22 proposed lots 120, 21 and 22 encroach into
23 the 100 year flood plane.

24 The applicant is requesting
25 two variances from the designing and

1 construction standards for not providing a
2 water main and a five foot sidewalk along the
3 entire Nine Mile Road frontage.

4 The missing sidewalk segment
5 along subject property frontage is identified
6 as segment 93A and is ranked 15 in our 2015
7 and 2016 non-motorized prioritization update.

8 There is no existing sidewalk
9 on the south side of Nine Mile as well.

10 Engineering believes that
11 there are alternate means to the proposed
12 water main, such as directional drilling to
13 preserve the natural features along the
14 frontage.

15 So for reasons stated above,
16 engineering is not supporting the variance
17 request and is recommending denial.

18 Landscape has identified some
19 waivers that are required for reduction
20 absent of the greenbelt planting, street tree
21 and required berm along Nine Mile Road and
22 Cottisford Road. The details are listed in
23 the motion language.

24 Landscape does support these
25 requests and is recommending approval.

1 The revised site plan
2 reflects some of the concerns made by the
3 wetland consultant regarding the direct
4 impact to Miller Creek by removing Lot 8 and
5 9 from the plan, which is now the space
6 between Lot 28 and 29.

7 The applicant was also
8 encouraged to provide wetland conservation
9 easements for any areas of the remaining
10 wetland or 25-foot wetland buffer that were
11 not addressed on the site plan. Wetlands
12 does recommend approval.

13 The total number of regulated
14 trees is still 970 of which 51 percent are
15 proposed to be removed, which is from the 58
16 percent from the previous preliminary site
17 plan, resulting in a total of 1,027
18 replacement trees required.

19 The applicant did not provide
20 a grading plan, so the woodland consultant
21 was unable to determine if all tree removals
22 are necessary. The woodland consultant also
23 stressed that the applicant should continue
24 to look for opportunities to preserve
25 additional on-site trees and provide

1 conservation easements for the remaining
2 woodlands. Woodland does recommend approval.

3 Traffic and fire recommending
4 approval as well since all comments were
5 addressed.

6 The Planning Commission is
7 asked tonight to hold a public hearing to
8 approve, postpone or deny the preliminary
9 site plan, wetland permit, woodland permit
10 and storm water management plan.

11 The applicant, Mirage
12 Development, is here to answer questions you
13 may have, and our engineer, Jeremy Miller,
14 our landscape architect, Rick Meader, and our
15 wetlands, woodlands consultant, Pete Hill,
16 are also present to answer any questions you
17 may have.

18 CHAIRPERSON PEHRSON: Thank you,
19 Kirsten. Appreciate that.

20 Does the applicant wish to
21 address the Planning Commission at this time?

22 MR. SIEBER: Good evening. My
23 name is Cliff Sieber, project engineer for
24 Montebello Estates.

25 With me this evening is

1 Claudia Rossi, the applicant and Jim Allen,
2 the landscape architect.

3 As you recall, when we were
4 before you about a month and a half ago, you
5 requested a traffic study, which we have
6 provided for, and specifically you were
7 asking for an analysis of Center Street, the
8 apartments which are a little farther to the
9 west and on the south side of Nine Mile Road
10 as well as the approach to Dunbarton Pines.

11 That study, which included
12 traffic counts on all those driveways,
13 indicated that the level of service was met
14 for all those driveways as well as our
15 proposed road approach into Montebello
16 Estates, and your traffic consultant seemed
17 to agree with that finding.

18 The other thing -- one of the
19 larger changes that we have made to the
20 planning since the last submittal was in
21 response to your wetland consultant concern
22 about Lot 29, which used to be -- it's
23 right -- was next to Lot 28 right at the
24 middle of the street near the top of the plan
25 there. That has been eliminated.

1 There was a concern about
2 enclosure of some of that portion of Miller
3 Creek and we had eliminated that to try to
4 minimize the amount of enclosure required to
5 make the crossing under that roadway. So we
6 have certainly addressed that issue.

7 As was indicated, we do a
8 number of landscape waivers, one both along
9 Cottisford Lane and along Nine Mile Road with
10 respect to berming and trees. Inasmuch as
11 there are a very large number of trees, very
12 well forested and vegetated along both of
13 those roads. We don't think, you know, it
14 really it serves any purpose to try to cut
15 those down and install the berm with trees on
16 it.

17 We have got some pictures
18 that we will be showing you in just a few
19 minutes here.

20 The last two issues really
21 are as was indicated, engineering has an
22 issue with a water main and the sidewalks on
23 Nine Mile Road, as we indicated at the last
24 meeting, we are proposing an internal walkway
25 that runs along the Thornton Creek. It's an

1 existing asphalt path, and that would be
2 extended back to Nine Mile Road at the
3 easterly end of the site. Also we have
4 provided for a 12 inch water main loop
5 through the site, that runs back out to Nine
6 Mile Road and stubs off to the eastern edge
7 of the property.

8 We think the impact on trees
9 and vegetation along Nine Mile Road would be
10 significant if we are required to install
11 that sidewalk and water main along Nine Mile
12 Road.

13 Finally, we did, of course,
14 last time discuss replacement trees along the
15 back of some of the lots, that provide
16 buffering to the -- especially to the north
17 and westerly edge along Dunbarton Pines. We
18 estimate that we could plant, I believe it's
19 between 38 and 51 trees in that area to
20 provide that screening, however, staff is
21 reluctant to allow any replacement trees on
22 lots.

23 We note that there is no
24 prohibition of planting trees, replacement
25 trees on lots in the ordinance. But

1 apparently at this point that is a staff
2 policy. So they would rather not see us do
3 that. Although we think it certainly would
4 offer some benefit to the adjacent neighbors
5 if we provided that screening.

6 Lastly, just to show you --

7 CHAIRPERSON PEHRSON: Can the
8 tech team switch to the podium PC if you can
9 hear us, please.

10 MR. SIEBER: This is a picture
11 along Nine Mile Road looking easterly. It
12 fronts the easterly portion of our frontage.
13 You can see, in fact, it's a little dark
14 there, it looks darker than it does on my
15 screen.

16 You can see how the trees
17 come pretty close along the edge of Nine Mile
18 Road through there.

19 If we do proceed with a
20 directional bore, there would be -- I believe
21 we identified either four or five bore pits,
22 which would be an area that needs to be
23 cleared in order to make those connections
24 for fire hydrants and valve installations as
25 well as, of course, connections to the

1 existing main.

2 But in particular, there
3 would be a requirement for a bore pit right
4 at the top of the hill. You can see the top
5 of the hill right there as it crests and how
6 thick the trees and vegetation are right
7 there.

8 So, in addition, the
9 installation of sidewalk along that roadway,
10 when you reach the top of that hill, the
11 slopes from the back of the curb up to the
12 property line are at least one on four, it's
13 probably close to one on three, and
14 installation of a sidewalk in that area would
15 be very difficult, certainly require all the
16 clearing of the trees and then probably
17 retaining walls or something to achieve that
18 installation.

19 City's requirements are that
20 the sidewalk needs to be placed no closer
21 than five feet to the back of the curb. So
22 you would have a five foot distance, plus
23 five feet for the walk, so you would have a
24 clearing of at least 10 feet, and then I
25 would expect at least another ten or 15 to

1 make the grade changes that would be
2 necessary.

3 This is a picture taken just
4 about from the area where the proposed
5 entrance would be into the property.

6 You can see it gives you a
7 little better idea from a little farther back
8 what the roadway looks like cresting over the
9 top of the hill.

10 That's very dark there. This
11 picture is Cottisford Road right through the
12 curve. This is very close to where the
13 proposed emergency driveway would exit onto
14 Cottisford.

15 And lastly, this is the
16 north/south portion of Cottisford, the area
17 where a -- where ordinance requires that a
18 berming and trees be planted.

19 Of course, due to that very
20 thick vegetation right there, we would
21 request a waiver from that requirement.

22 So with that, I will be glad
23 to answer any questions the Commission may
24 have of us.

25 CHAIRPERSON PEHRSON: Thank you,

1 sir. This is a public hearing. If there is
2 anyone in the audience that wishes to address
3 the Planning Commission on this matter,
4 please step forward to the podium.

5 As you reach the podium, if
6 you could state your name, address, please.

7 MR. RADKOWSKI: My name is Don
8 Radkowski (ph). I live just north of where
9 the proposed edge of this new subdivision is
10 going to be.

11 And my concern is the
12 drainage from that area, because from my
13 property, when I look up, this is all higher
14 from that area down to mine.

15 So if the rain -- if it's not
16 going into a sewer, if it's to be running
17 off, if it's going to run off, water runs
18 downhill, it's that area that's just north of
19 that, my property then, you know, gets filled
20 up. And that's a concern that I have because
21 once it's done, I have no recourse. It's
22 done, you know. I like to know where -- are
23 they going to have a fill area for all the
24 water that's going in, or are they going to
25 just let it run next to it? I don't know if

1 that makes sense.

2 But I know we have an issue
3 where -- north end of our subdivision, that
4 there was no plan for it, so it all gets
5 flooded.

6 CHAIRPERSON PEHRSON: Okay. Is
7 that it?

8 MR. RADKOWSKI: That is it.
9 There are four properties that -- four or
10 five properties that would be effected. Mine
11 is the biggest one and I think that's a
12 probability of it being flooded. I just want
13 to make sure they do make provisions in there
14 to make sure that the drainage system in the
15 collect basin where they would drain it into
16 would be functional and work.

17 CHAIRPERSON PEHRSON: Thank you,
18 sir. Appreciate it.

19 MR. RADKOWSKI: How do I verify
20 that?

21 CHAIRPERSON PEHRSON: We will ask
22 the petitioner.

23 Thank you. Anyone else in
24 the audience wish to address the Planning
25 Commission?

1 MR. TISDALE: My name is Tom
2 Tisdale (ph). I live at 43565 Nine Mile
3 Road. I'm just on the south side of Nine
4 Mile from that. I have got a couple of
5 things I'd like to talk about.

6 One is the traffic. My
7 mailbox is on the north side of Nine Mile and
8 so I park in my driveway and I have to cross
9 the street to get to it. I don't know if you
10 got -- did a study of how that's going to
11 affect the traffic.

12 I come home from work right
13 now, I have to wait quite a while to be able
14 to cross the street and come back on -- and
15 it's kind of dangerous even now. Because
16 there is so many cars going by.

17 Now if you're adding -- I
18 thought it was 33, but now 32 more homes,
19 each one those houses will probably have two
20 cars, so we are talking over 60 more cars
21 going down that road, at -- in the morning
22 and then again right at rush hour, when I'm
23 coming home trying to get my mail.

24 And I'm nervous, I'm right at
25 the bottom of the hill, and I'm concerned

1 that it is going to be even worse than it is
2 now with those cars. And the speed limit is
3 only 30 miles per hour there, but most cars
4 are going faster than 30, so I think we ought
5 to take into consideration what that's going
6 to do to all the folks on Nine Mile that got
7 to cross that street to get their mail
8 especially at rush hour when they first get
9 home from work.

10 Second, I heard them talking
11 about the water main and putting a sidewalk
12 down Nine Mile. I would love to see that. I
13 think that's a good idea. So, now they did
14 send some letters to our house saying hey,
15 trees would have to be taken out, and that if
16 you connect to it, you would have to take
17 down a lot of trees on your property, you
18 know, and they talked about some sort of
19 significant expense for doing that, but, you
20 know, I'd like to see it. If they're going
21 to say, you got to cut down trees on my
22 property, come out and mark the trees and
23 show me what you're testing about so I can
24 actually make an informed decision on whether
25 I want you to do it or not.

1 But the idea of having a
2 sidewalk go on the south side of Nine Mile
3 sounds good to me and having a water main, of
4 course, I'd like the opportunity to hook up
5 to a water main. I'm on a well right now,
6 and if you brought a water main down Nine
7 Mile that would be great for me.

8 So those are my comments.

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

11 MR. STALL: Hi. I'm David Stall.
12 I live at 2243 Lidgate (ph) Court, so I'm
13 just on the east side of this property. Just
14 two quick comments.

15 Number one, there was mention
16 of potentially replacing some of the trees
17 that will be taken out as part of this
18 process.

19 On my side of that
20 development, there is a lot of brush and
21 other things that provide cover and some
22 separation assuming this will go trough and
23 those lots are clear. There is not going to
24 be a lot of protection, so I would ask
25 whoever had decided maybe if replacement

1 trees didn't make sense to reconsider,
2 otherwise there will have to be a lot of
3 expense on our part to try and build some
4 privacy.

5 My second comment, I guess,
6 is more of a question, there is a fence that
7 borders the entire property, I believe
8 including the entire east side that's in
9 really bad disrepair. So I'd ask as part of
10 this process, that we understand whose
11 responsibility that is. Ideally it's removed
12 or fixed up as part of the redevelopment.
13 That would be it.

14 CHAIRPERSON PEHRSON: Thank you,
15 sir.

16 Anyone else?

17 MR. STOVER: My name is John
18 Stover (ph). I live at 43825, I live a few
19 houses down from the gentleman that spoke
20 earlier. He shares the difference of opinion
21 as far as doing the water main.

22 I guess I don't know enough
23 information about bringing in the water main
24 and hooking up to it. And I heard mention
25 that it would take up five feet plus five

1 feet, plus a possible another 15 feet of
2 sidewalk. So I guess, have to kind of figure
3 out that.

4 Also, too, I have a severe
5 amount of trees, all in front of my property.
6 I don't know what the extent of actually
7 doing everything that would cover his idea
8 about parking stuff out to see what would
9 happen would be good idea. Good idea.

10 Otherwise, that's about it.
11 That's all I wanted to know about is actually
12 where it would be done. That's it.

13 CHAIRPERSON PEHRSON: Thank you,
14 sir.

15 Anyone else?

16 MR. KENNEDY: My name is Patrick
17 Kennedy. I live at 43645 Nine Mile Road,
18 just east of Mr. Tisdale.

19 I would encourage the city to
20 require the water main on the south side be
21 extended to the proposed limits.

22 I think the city made --
23 missed a great opportunity back to the days
24 when Timber Ridge to the south was developed
25 and no provision to tie into either water or

1 sewer was provided for, so this is a good
2 opportunity for all of those residents along
3 that corridor.

4 And if topo is such that
5 getting the sidewalk on top of that
6 directional bore, I can't imagine that it
7 would be anymore difficult and probably
8 easier to put the sidewalk on the north side
9 of Nine Mile where it's mostly a fill from
10 the proposed entrance to the subdivision to
11 that eastern limit of the property line for
12 the development. So that's an option that
13 could be considered for the tree removal to
14 provide for the back slopes on the sidewalk
15 development would be too severe as far as the
16 tree removal.

17 It would seem to me that you
18 could do a fill on the north side and take
19 care of the sidewalk requirement. Thank you.

20 CHAIRPERSON PEHRSON: Thank you,
21 sir.

22 Anyone else?

23 (No audible responses.)

24 CHAIRPERSON PEHRSON: Seeing no
25 one else, we will close that part of the

1 audience participation.

2 Any other comments or
3 letters?

4 (No audible responses.)

5 CHAIRPERSON PEHRSON: Seeing
6 none, we will close the audience
7 participation. Turn it over to the Planning
8 Commission for their consideration.

9 Member Lynch?

10 MR. LYNCH: Okay. Let's first of
11 all start with traffic. We have our traffic
12 study folks here?

13 I'd just like to confirm your
14 analysis of the traffic.

15 MS. PETERS: Maureen Peters with
16 (unintelligible). I'm the city's traffic
17 consultant.

18 MR. LYNCH: You took a look at
19 the traffic study?

20 MS. PETERS: I did, yes.

21 MR. LYNCH: Your findings were?

22 MS. PETERS: So the impact from
23 the development is going to be minimal to
24 what's existing there currently. The levels
25 of service aren't going to change or they're

1 not expected to change.

2 There is only going to be a
3 second or two of delay added here and there
4 to the different approaches.

5 MR. LYNCH: So you concur with
6 the applicant's assessment?

7 MS. PETERS: Yes. We find the
8 traffic study acceptable.

9 MR. LYNCH: And I know that you
10 checked where the entrance was, based on
11 where that hill is, took a look at the speed
12 limit in that area, you don't see an issue?

13 MS. PETERS: The site distance at
14 all of the driveways along that corridor seem
15 to be in compliance with the city standards.
16 They had at least a minimum of 340 feet.

17 MR. LYNCH: So in summary,
18 traffic is not an issue?

19 MS. PETERS: Correct.

20 MR. LYNCH: According to the city
21 standards?

22 MS. PETERS: Correct.

23 MR. LYNCH: Thank you very much.

24 MS. PETERS: You are welcome.

25 MR. LYNCH: The next thing I want

1 to talk about is drainage.

2 I think, Jeremy, there was a
3 gentleman, I think his name was Don brought
4 up an area about the north side of the
5 subdivision and the drainage.

6 My understanding is that
7 everything is going to drain into a wetland
8 area on-site, then go down that creek, is
9 that how that works?

10 MR. MILLER: Yes, that's correct.
11 The applicant is required to contain all
12 their drainage on the site, detail it for a
13 certain storm event, certain amount of time
14 and then drain it at a certain rate, which
15 they're meeting.

16 MR. LYNCH: They are meeting --

17 MR. MILLER: Yes.

18 MR. LYNCH: So in summary, the
19 drainage is not going north, it's all coming
20 south?

21 MR. MILLER: It's all going to
22 the pond in the center of the development.

23 MR. LYNCH: So that area back
24 there where the existing homes are, they have
25 nothing to fear from drainage issues as a

1 result of the subdivision.

2 MR. MILLER: No. It should
3 improve the drainage on the north side from
4 what's there now.

5 MR. LYNCH: Okay. So actually,
6 the development of this subdivision and
7 wetland areas may improve the existing -- I
8 mean, one could assume that with the grading
9 and the work that is going to be done, the
10 current drainage issues that some of the
11 public brought up, some of them could be
12 alleviated because you're kind of cleaning up
13 that area.

14 MR. MILLER: Yes, that's correct.

15 CHAIRPERSON PEHRSON: All set?

16 MR. LYNCH: I got a couple more.

17 I'm going to go down the list
18 here so we can get it on record.

19 I'd like to speak to the
20 applicant now.

21 My understanding is that the
22 sidewalk and the water main is going to be on
23 the north side.

24 Is it on the north side of
25 Nine Mile?

1 MR. SIEBER: Well, the sidewalk
2 would be required to be on our side, on the
3 north side. Right now the water main is on
4 the south side.

5 MR. LYNCH: On the south side,
6 okay.

7 MR. SIEBER: I would assume it
8 would extend along the south side.

9 MR. LYNCH: It's going to be
10 extended along the south side.

11 As far as the sidewalk, from
12 previous discussion, I think that we kind of
13 thought that ripping down all of that
14 foliage, you know, wouldn't be a good idea.
15 I mean, you have got very good tree cover,
16 Nine Mile is a beautiful road. The sidewalk,
17 as I understand it, is going to be -- is
18 going to kind of go down Nine Mile, so to
19 speak, then go back up -- up south --

20 MR. SIEBER: It would follow the
21 creek.

22 MR. LYNCH: It would follow the
23 creek so that would be basically be nature
24 walk.

25 But it would provide the

1 intent of the sidewalk?

2 MR. SIEBER: Yes.

3 MR. LYNCH: Being able to get
4 from point A to point B, except it won't have
5 a straight down line Nine Mile.

6 MR. SIEBER: Yes.

7 MR. LYNCH: Other than that, I
8 have seen this thing from the very beginning,
9 you know, it's still in the concept stages.
10 I do like the sub. I know you're putting
11 less homes, significant less homes into that
12 area, where, I mean, you could put quite a
13 few more.

14 MR. SIEBER: Yes.

15 MR. LYNCH: A density, I kind of
16 applaud that. I'd like to keep as many
17 natural features as possible. That's why I'm
18 not really -- the sidewalk along Nine Mile
19 Road, as long as you have something there
20 that allows people to get from point A to
21 point B, I'm happy with that.

22 This is going to be an
23 asphalt, it's not going to be woodchip --

24 MR. SIEBER: No, it will be
25 paved.

1 MR. LYNCH: So it will be a
2 concrete sidewalk?

3 MR. SIEBER: Well, the
4 internal -- it's actually part of the
5 existing 10-foot wide pathway along the creek
6 that is already there.

7 So we will connect to that,
8 then run it back out to Nine Mile Road, you
9 know, so it can be continued in the future to
10 the east.

11 MR. LYNCH: Okay. And there was
12 one other thing. I think I brought it up.
13 There seemed to be a city standard that you
14 couldn't put trees along the east side,
15 that's just the city standard, you don't have
16 an issue doing it.

17 It's just that the city
18 standard does not allow us to put trees down
19 the east side of the property line, is that
20 correct?

21 MR. MEADER: I can address that.
22 There is no restrictions to putting trees
23 along there. The problem is using Woodland
24 replacement trees for those. And it becomes
25 an issue in terms of maintenance, of

1 protectant, long term, the ordinance requires
2 they put in an easement for long-term
3 protection, which no one really wants to do
4 in their backyard.

5 That's the big problem. The
6 other is just getting access to even monitor
7 what's going on back there, to protect these
8 woodland trees. It's supposed to remain in
9 perpetuity basically.

10 It's just a real problem to
11 have them back there, have them protected as
12 they would be if they were in a park or even
13 in the street where we can maintain them.

14 It's not that there is no
15 trees allowed back there, it's just not
16 supposed to be woodland replacement trees.

17 MR. LYNCH: That leads me to
18 another question.

19 You have got a wetland area
20 in there. Are you going to put a 25 foot
21 conservation easement along the wetlands? I
22 was reading somewhere in here that there is
23 going to be some sort of an easement?

24 MR. SIEBER: Yes. We are
25 proposing there will be conservation

1 easements for both woodlands and wetlands.

2 MR. LYNCH: How are you going to
3 enforce that? Is there going to be something
4 in the master deed?

5 What concerns me is these
6 property lines will probably go right up to
7 the easement. What's to prevent one of the
8 homeowners or majority of the homeowners that
9 back up to tearing everything down, then
10 letting all the phosphates and stuff rundown
11 into the water way?

12 MR. SIEBER: Quite often, we will
13 put language in the master deed that provides
14 for provision of certain fertilizers, even on
15 the site, not just within the 25 foot of the
16 creek or within the buffer area.

17 MR. LYNCH: Non-disturbed, there
18 is no dumping, no cutting, no planting --

19 MR. SIEBER: Absolutely, yes.

20 MR. LYNCH: That will protect.
21 That will be in the master deed, enforceable
22 through the condominium documents?

23 MR. SIEBER: Yes.

24 One thing I would like to
25 add, too, Rick mentioned the easement.

1 We did offer -- we would be
2 willing to provide easements along the back
3 of those lots for those trees, if that was
4 something that would make that happen.

5 MR. MEADER: There would still be
6 an issue of getting access to getting it back
7 there and having them protected. There is an
8 easement but then it becomes an issue of how
9 is that easement enforced, and it's a little
10 bit difficult.

11 MR. LYNCH: I'm just trying to
12 solve a problem here. And I don't want to
13 get stuck on policies, but if we were to put
14 that easement in there and give it the same
15 language as the conservation easement, where
16 the condominium association is actually
17 required, enforceable by law that if somebody
18 goes in there and starts tearing down those
19 trees, you would have a way to enforce it,
20 right. It wouldn't have the city enforcing
21 it, it would be the condominium association?

22 CHAIRPERSON PEHRSON: Why don't
23 we ask that of our esteemed attorney.

24 MR. GILLAM: In theory, yes. The
25 condominium association would have the

1 ability to enforce the easement. Again, it's
2 a question of enforcement.

3 My experience, condominium
4 associations have authority to do a lot of
5 things in a lot of different communities.
6 And whether or not they actually get those
7 things done, sometimes they do, sometimes
8 they don't. In theory the answer to your
9 question is yes.

10 MR. LYNCH: Whether or not they
11 abide by the law or they don't, I mean,
12 that's a question for the courts.

13 If you have something in your
14 condominium documents that someone violates,
15 the association is obligated to enforce the
16 provisions of the condominium documents, is
17 that true?

18 MR. GILLAM: A member of the
19 association could take their own association
20 to court to require the --

21 MR. LYNCH: But you can't come
22 from the outside. So the city couldn't come
23 in there and have --

24 MR. GILLAM: Correct, yes.

25 MR. LYNCH: So this is going to

1 be an issue that I think may have to be
2 worked out at some point.

3 But the only other one I saw
4 from the audience coming in from the east
5 side, planting some trees there, but it's a
6 little more complex that we will allow the
7 developer and the city to negotiate.

8 Other than that, I think the
9 property -- I do like the plan. I'm happy
10 with it.

11 CHAIRPERSON PEHRSON: Thank you,
12 Member Lynch.

13 Member Baratta?

14 MR. BARATTA: Thank you.

15 Rick, just a question, when
16 we were talking about woodland replacement
17 trees in this easement language, there is
18 nothing to prevent the developer to put in
19 non-woodland replacement?

20 MR. MEADER: Absolutely not.

21 MR. BARATTA: He can put the
22 trees in?

23 MR. MEADER: Right. It's just a
24 matter of whether they can use woodland
25 replacement credits.

1 MR. BARATTA: If the applicant
2 would approach.

3 Would you object to putting
4 in some additional trees that are quote,
5 non-woodland replacement trees in those key
6 areas to provide a screening?

7 MR. SIEBER: How many replacement
8 trees are there? I mean, there is over 900
9 replacement trees. We don't have enough room
10 on the site to plant them. So in order for
11 the applicant to then buy additional trees in
12 addition to the 900 to plant in the
13 backyards, I don't think that's -- that would
14 be a reasonable thing for them to do. 850
15 trees.

16 MR. BARATTA: For the applicant.
17 The other question was the
18 fence.

19 Were you going to repair or
20 replace the fence around the perimeter of the
21 property? Is that part of your plan?

22 MR. SIEBER: I don't think -- we
23 really haven't discussed it, what's going to
24 happen with that fence. I know it's been
25 part of that estate for a very long time.

1 That's probably why the condition of the
2 fence is what it is, so I don't think it
3 would be replaced, it might be removed, but
4 not necessarily replaced.

5 MR. BARATTA: Either repaired or
6 removed is about where you are headed with
7 this? Is that a fair statement?

8 MR. SIEBER: I think that would
9 be fair.

10 MR. BARATTA: Thank you very
11 much.

12 CHAIRPERSON PEHRSON: Thank you.
13 Member Greco?

14 MR. GRECO: Just a couple of
15 comments. You know, last time we had a
16 public hearing on this matter, I think most
17 of the people were anti, or most of the
18 residents that showed up were anti sidewalk
19 on Nine Mile and anti water main to keep the
20 esthetics of the particular drive there, but
21 we did hear from some of the individuals that
22 would prefer a sidewalk and/or attaching to
23 the water main, so obviously that's something
24 a little bit different from what we heard
25 previously from the residents.

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I have a question for
Mr. Meader.

We are asked tonight to
approve the preliminary site plan, wetland
permit, woodland permit.

And as part of the approval
of the preliminary site plan, if we approve
it as is and as the applicant is requesting,
we would be asking the City Council to
consider a variance with regard to the
sidewalk and water main, correct? Jeremy?

MR. MILLER: Yes, that's correct.

MR. GRECO: Would that affect the
woodland permit that we would be approving
this evening in any way?

MR. MILLER: Yes, it would if
City Council did not grant that variance,
staff's recommendation, that would change the
number of trees that would have to be taken
out and the woodland permit would need to
reflect that change.

MR. GRECO: So, if we approve
this and the City Council then does not grant
the variances, and the applicant is required
to put in the sidewalk along the north side

1 of Nine Mile and connect the water main, then
2 we would have approved a water permit -- I'm
3 sorry, a Woodland permit that would not be
4 applicable to the site or would no longer
5 work for the site or would the applicant have
6 to come back? What would we be doing?

7 MS. MCBETH: For the Chair, it
8 may need to be modified. It may need more
9 trees that would need to be removed and
10 replaced or fewer trees that would need to be
11 removed and replaced. It's a little bit hard
12 to tell at this point without knowing the
13 exact location of where the water main would
14 go.

15 CHAIRPERSON PEHRSON: The
16 language of the motion anticipates or is it
17 what we have in front of us, City Council
18 makes a recommendation, that is, in
19 juxtaposition to that, is that then their
20 requirement to modify that permit so that it
21 does meet standards?

22 MS. MCBETH: I think the woodland
23 permit would still stand in the jurisdiction
24 of the Planning Commission.

25 So the City Council would

1 decide about the location of the sidewalk,
2 pathway and the water main, depending on what
3 the applicant is requesting and what staff's
4 recommendation would be.

5 And then at that point, what
6 the Planning Commission has done in terms of
7 the woodland permit may need to be modified.

8 CHAIRPERSON PEHRSON: That would
9 be administratively conducted or would that
10 come back to the Planning Commission?

11 MS. MCBETH: It may need to come
12 back to the Planning Commission depending on
13 the extent.

14 MR. GRECO: Would it be something
15 that if we approved the preliminary site
16 plan, with the recommendation for the City
17 Council variances on the sidewalk and the
18 water main, could we make the woodland -- the
19 approval of the woodland permit conditional
20 upon the variances being granted?

21 MR. GILLAM: Yes, I think you
22 could.

23 MR. GRECO: So if they were not
24 granted, then the applicant would be back
25 here, would be back in front of the Planning

1 Commission solely for the woodland permit to
2 consider what we need to do given what was
3 approved by the City Council?

4 MR. GILLAM: I would agree with
5 that, yes.

6 MR. GRECO: Just a question to
7 the applicant about the fence.

8 I know you indicated you guys
9 haven't thought about it that much and we
10 didn't think about it at the last meeting and
11 it is something that is visible that you
12 drive by because you know when you're
13 driving, you live in the area, you pass
14 through that area that it's definitely
15 private property because you see the gated
16 entrance and you see the fence there.

17 Is it the intention really to
18 remove it because it's no longer going to be
19 a private estate? Or you just don't know at
20 this point?

21 MR. SIEBER: Like I said, we
22 really haven't talked much about it. We know
23 the fence belongs to the estate. It is not a
24 fence that was put up by adjacent property
25 owners.

1 So, no, we don't -- you know,
2 if it is in poor condition in some sections,
3 we may remove it. I don't know that we would
4 remove all of it.

5 MR. GRECO: Okay. Thank you.

6 That concludes my comments,
7 Mr. Chair.

8 CHAIRPERSON PEHRSON: Thank you.
9 Is the -- does the plan hold that the
10 sidewalk would front whether it's along Nine
11 Mile or the meandering, do we have the
12 sidewalk terminating to both ends of the
13 property?

14 MS. MCBETH: Kirsten says no, not
15 on the current plan. I think the sidewalk
16 makes a turn to the south or goes north and
17 south about a quarter of the way from the
18 east property line, so it makes a sudden
19 turn.

20 MS. MELLEEM: It just terminates
21 there, if you look at the colored site
22 plans --

23 CHAIRPERSON PEHRSON: It
24 terminates north south to Nine Mile?

25 MS. MELLEEM: Right.

1 CHAIRPERSON PEHRSON: There is
2 nothing else that continues --

3 MS. MELLEEM: Not from their
4 plans, no.

5 CHAIRPERSON PEHRSON: Was that
6 not part of the city code as far as --

7 MR. MILLER: That is part of the
8 engineering objection to the sidewalk is that
9 it does not go over the property line as they
10 are required. We also have safety concerns
11 about it being -- ending perpendicular to
12 Nine Mile there. As for the overall
13 location, we don't necessarily have an issue
14 with the location they are proposing. Our
15 issue is them using the current path, which
16 we don't know if it meets the city standards
17 for construction and accessibility.

18 CHAIRPERSON PEHRSON: What would
19 be involved with reviewing the path to
20 determine its relative nature to the city
21 standards?

22 MR. MILLER: We would need more
23 information from the applicant on what's out
24 there and review that with regard to city
25 standards.

1 CHAIRPERSON PEHRSON: If found
2 efficiencies, it still would be the
3 obligation of petitioner to repair, fix,
4 mediate --

5 MR. MILLER: Yes.

6 CHAIRPERSON PEHRSON: Are we --
7 hypothetically somewhere in the middle of
8 this meandering path there is a 20 foot
9 section that doesn't meet some standard, it's
10 swallowed, it's got something, are we
11 anticipating or suggesting that that 20-foot
12 section only be mediated, remediated and
13 repaired or would we necessitate the entirety
14 of the meandering path be fixed?

15 MR. MILLER: If the rest of the
16 path met standards, then it could just
17 replace that 20-foot section.

18 CHAIRPERSON PEHRSON: Okay. So
19 Mr. Sieber, so with inside the confines of
20 the -- I like the meandering path. I think
21 it makes more sense for this particular piece
22 of property, so that's not an issue in my
23 mind.

24 But making sure that it
25 does -- that path does meet city standards,

1 to the extent that the city and the developer
2 work together, are you okay with whatever is
3 needed or required to meet the city code for
4 that meandering path if we find sections to
5 be fixed, altered and made whole?

6 MR. SIEBER: Absolutely. We will
7 bring -- if that path either structurally or
8 as to size, or even to slope, if that doesn't
9 meet city standard, we would make sure it
10 does meet city standard and provide the plans
11 to confirm that to the engineering
12 department.

13 CHAIRPERSON PEHRSON: Of the
14 eastern most path where it terminates or
15 meets Nine Mile Road to that right angle, do
16 you have an objection to reordering it so
17 that it makes more of a radius and then
18 what's your thought about continuing the
19 sidewalk to the east side of the property?

20 MR. SIEBER: We had offered, as
21 has been done on other projects, that last
22 section from there to the easterly property
23 line, to make a payment into the city's
24 sidewalk fund equal to the cost of
25 constructing that because that section of

1 walk wouldn't connect to anything. There is
2 nothing to the east that it would serve.

3 So the thought may be we
4 would just pay into the fund, but if that
5 were objectionable, then we would just
6 construct it.

7 CHAIRPERSON PEHRSON: I know it's
8 City Council's call, Barb, but in the past,
9 have we looked more favorably on something
10 like that where it isn't connected to have
11 the developer do that and put money into the
12 piggy bank?

13 MS. MCBETH: Yes, we have seen
14 that situation before and that has worked.
15 You know, this -- I think you're right it
16 would be the city Council's call on these, as
17 would the repair and the issues with regard
18 to fixing the path, it could be subject to
19 bringing it up to the city standards. But I
20 think as Jeremy said, we do need a little bit
21 more information on that before we can make a
22 absolute recommendation to the City Council.

23 So I would like to see if
24 there is a motion made some language relative
25 to that, and then the developer obviously,

1 based on City Council's recommendation,
2 either paying into the city fund or if it's
3 their desire to put a sidewalk to nowhere,
4 that's fine and dandy, but also to work with
5 the city to determine that that right angle
6 obviously be taken care of as well, so we
7 don't have people migrating from that point
8 into Nine Mile Road, so that would be okay.

9 MR. SIEBER: Sure.

10 MR. MILLER: That's all my
11 comments at this time.

12 Member Greco?

13 MR. GRECO: I'd like to make a
14 motion.

15 CHAIRPERSON PEHRSON: Thank you,
16 sir.

17 MR. GRECO: In the matter of
18 Montebello Estates, JSP15-76, motion to
19 approve the preliminary site plan based on
20 and subject to motion subsection letters A
21 through F, then continuing with G, the City
22 Council variance from Section 11-68 A-1 of
23 the Novi city code for the absence of the
24 water main along the entire Nine Mile Road
25 frontage in order to preserve the existing

1 vegetation, next subsection letter H, City
2 Council variance from Section 11-256B of the
3 Novi city code for absence of a sidewalk
4 along the entire Nine Mile Road frontage,
5 provided that the meandering path sidewalk
6 substitute that is put forward in the plan,
7 meets city standards in all sections, and
8 that the applicant provide into the city's
9 sidewalk fund, the cost that it would cost to
10 connect the easterly side where it comes to
11 Nine Mile to the edge of the property.

12 And the findings of
13 compliance with the ordinance standards and
14 the staffing consultant review letters and
15 the conditions and items listed in those
16 letters being addressed on the final site
17 plan and this motion is made because the plan
18 is otherwise in compliance with Article 3,
19 Article 4 and Article 5 of the zoning
20 ordinance, and all other applicable
21 provisions of the ordinance.

22 MR. LYNCH: Second.

23 MR. BARATTA: May I offer an
24 amendment?

25 CHAIRPERSON PEHRSON: Let's get

1 our second first.

2 MR. LYNCH: Second.

3 CHAIRPERSON PEHRSON: Now a
4 friendly amendment, sure.

5 MR. BARATTA: I would add that
6 the applicant would repair, replace or remove
7 the fence.

8 MR. GRECO: I accept the
9 amendment.

10 CHAIRPERSON PEHRSON: Seconder
11 agrees?

12 MR. LYNCH: Second.

13 CHAIRPERSON PEHRSON: So we have
14 a motion by Member Greco, seconded by Member
15 Lynch, with that modification, any other
16 discussion?

17 Kirsten, will you call the
18 roll -- or Barb.

19 MS. MCBETH: Member Baratta?

20 MR. BARATTA: Yes.

21 MS. MCBETH: Member Greco?

22 MR. GRECO: Yes.

23 MS. MCBETH: Member Lynch?

24 MR. LYNCH: Yes.

25 MS. MCBETH: And Chair Pehrson?

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CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Motion passes four
to zero.

MR. GRECO: I'd like to make
another motion in the matter of Montebello
Estates JSP15-76, motion to approve the
wetland permit based on and subject to the
findings of compliance with ordinance
standards and the staffing consultant review
letters and the conditions and items listed
in those letters being addressed on the final
site plan, and because the plan is otherwise
in compliance with Chapter 12, Article 5 of
the Code of Ordinances and all applicable
provisions of the ordinance.

MR. LYNCH: Second.

CHAIRPERSON PEHRSON: We have a
motion by Member Greco, second by Member
Lynch. Any other comments?

(No audible responses.)

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

MS. MCBETH: Yes.

Member Greco?

MR. GRECO: Yes.

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MS. MCBETH: Member Lynch?

MR. LYNCH: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: And Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Motion passes four
to zero.

CHAIRPERSON PEHRSON: Next I'd
like to make a motion regarding the woodland
permit. This motion I'm making as a
conditional motion based upon the condition
that the City Council grants the variance for
the water main and the sidewalk as expressed
in the preliminary site plan motion, and this
conditional motion to approve the woodland
permit in Montebello Estates, JSP15-76, is
based on and subject to the findings of
compliance with the 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, and because the plan is otherwise in
compliance with Chapter 37 of the Code of
Ordinances and all other applicable

1 provisions of the ordinance.

2 MR. LYNCH: Second.

3 CHAIRPERSON PEHRSON: We have a
4 motion by Member Greco, seconded by Member
5 Lynch.

6 Any other comments?

7 (No audible responses.)

8 CHAIRPERSON PEHRSON: Barb,
9 please.

10 MS. MCBETH: Member Lynch?

11 MR. LYNCH: Yes.

12 MS. MCBETH: Chair Pehrson?

13 CHAIRPERSON PEHRSON: Yes.

14 MS. MCBETH: Member Baratta?

15 MR. BARATTA: Yes.

16 MS. MCBETH: Member Greco?

17 MR. GRECO: Yes.

18 MS. MCBETH: Motion passes four
19 to zero.

20 MR. GRECO: Next I'd like to make
21 another motion in the matter of Montebello I
22 Estates, JSP15-76, motion to approve the
23 storm water management plan based on and
24 subject to the findings of compliance with
25 ordinance standards and the staffing

1 consultant review letters, and the conditions
2 and items listed in those letters being
3 addressed on the final site plan and because
4 it is otherwise in compliance with Chapter 11
5 of the Code of Ordinances, and all other
6 applicable provisions of the ordinance.

7 MR. LYNCH: Second.

8 CHAIRPERSON PEHRSON: Motion by
9 Member Greco, second by Member Lynch.

10 Any other comments?

11 (No audible responses.)

12 CHAIRPERSON PEHRSON: Ms. McBeth.

13 MS. MCBETH: Chair Pehrson?

14 CHAIRPERSON PEHRSON: Yes.

15 MS. MCBETH: Member Baratta?

16 MR. BARATTA: Yes.

17 MS. MCBETH: Member Greco?

18 MR. GRECO: Yes.

19 MS. MCBETH: Member Lynch?

20 MR. LYNCH: Yes.

21 MS. MCBETH: Motion passes, four
22 to zero.

23 CHAIRPERSON PEHRSON: All set.

24 Thank you. Have a nice evening.

25 Next item is matter for

1 consideration Maly Dental, JSP15-81. It's a
2 consideration of request to Giffels Webster
3 for approval of preliminary site plan, storm
4 water management plan and Section 9, facade
5 waiver. Subject property is located in
6 Section 26, south of Ten Mile Road and east
7 of Novi Road in the OS-1 office service
8 district. The site is approximately 1.8
9 acres and the applicant is proposing to
10 construct a dental office consisting of 4,950
11 square feet and a parking lot of 40 spaces.

12 Kirsten?

13 MR. BARATTA: Mr. Chairman, I
14 have to make a disclosure. I am a patient of
15 Maly Dental. I don't know if -- I have
16 absolutely no interest other than being a
17 patient, but I would need to make a
18 disclosure.

19 CHAIRPERSON PEHRSON: We will
20 accept that and go see your dentist.

21 MS. MELLEEM: The subject property
22 is located south of Ten Mile Road and east of
23 Novi Road.

24 The subject property is zoned
25 OS-1 office service district and is

1 surrounded by OS-1 to the east and south, B-1
2 to the west, and B-3 and I-1 to the north.

3 The future land use map
4 indicates community office for the subject
5 property. Community office to the east and
6 south, local commercial to the west and
7 industrial to the north.

8 The natural features on the
9 property, there are no regulated wetlands or
10 woodlands.

11 The applicant is proposing to
12 construct a dental office consisting of 4,950
13 square feet and parking lot of 40 spaces.

14 Planning is recommending
15 approval contingent on obtaining the ZBA
16 variance for the proposed loading area and
17 dumpsters which are located in the side yard.

18 Facade is recommending a
19 Section 9 facade waiver for the underage of
20 brick and overage of asphalt shingles because
21 the design is consistent with the intent and
22 purpose of the ordinance.

23 Engineering, landscape and
24 traffic and fire are recommending approval
25 with changes with the final site plan

1 submittal.

2 The Planning Commission is
3 asked today to approve the preliminary site
4 plan, storm water management plan and Section
5 9 facade waiver for Maly Dental.

6 The applicant Giffels Webster
7 is here to answer any questions you may have.
8 I am always here to answer questions.

9 CHAIRPERSON PEHRSON: We
10 appreciate that.

11 Does the applicant wish to
12 address the Planning Commission at this time?

13 MR. SHAW: Todd Shaw representing
14 the applicant.

15 We also have Mike Parks from
16 Giffels Webster and Mike Meyers and Josh
17 Reynolds, the contractor.

18 Staff did a great job of
19 summarizing the project. We have worked
20 closely with staff and good looking building,
21 your ordinance assures that, and same with
22 the landscaping, so we are excited to present
23 this.

24 CHAIRPERSON PEHRSON: Thank you,
25 sir. If we have any questions, we will ask.

1 Turn it over to the Planning Commission for
2 their consideration.

3 Who would like to start.
4 Member Lynch, go ahead.

5 MR. LYNCH: I guess I'm pretty
6 happy with it the way it is.

7 CHAIRPERSON PEHRSON: That's why
8 I picked on you, because you looked pretty
9 happy.

10 MR. LYNCH: It looks like you've
11 got a dumpster location on the side that's
12 going to be resolved by the ZBA. I'm happy.

13 CHAIRPERSON PEHRSON: Awesome.
14 Member Greco?

15 MR. GRECO: I'd like to motion on
16 this dental office. In the matter of Maly
17 Dental JSP15-81, motion to approve the
18 preliminary plan based on and subject to
19 items A through D on the motion and because
20 this plan is otherwise in compliance with
21 Article 3, Article 4 and Article 5 of the
22 zoning ordinance and all other applicable
23 provisions of the ordinance.

24 MR. LYNCH: Second.

25 MR. BARATTA: Second.

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CHAIRPERSON PEHRSON: We will give Mr. Baratta the tie on this one.

A motion by Member Greco, and a second by Member Baratta.

Any other comments?

(No audible responses.)

Kirsten? Barb, can you please call the roll.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Member Lynch?

MR. LYNCH: Yes.

MS. MCBETH: And Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Motion passes four to zero.

MR. GRECO: Like to make another motion in the matter of Maly Dental JSP15-81, motion to recommend approval of the storm water management plan to the City Council, based on and subject to the findings of compliance with ordinance standards in the staff and consultant review letters and the

1 conditions and items listed in those letters
2 being addressed on the final site plan, and
3 because the plan is otherwise in compliance
4 with Chapter 11 of the Code of Ordinances and
5 all other provisions of the ordinance.

6 MR. BARATTA: Second.

7 CHAIRPERSON PEHRSON: Motion by
8 Member Greco, second by Member Baratta.

9 Any other comments?

10 MS. MCBETH: Mr. Chair, on that
11 one we made a slight typo in the recommended
12 motion. It's not a recommendation for
13 approval it's an actual approval.

14 MR. GRECO: It's an actual
15 approval. I'd like to amend the motion to
16 make it an actual approval.

17 CHAIRPERSON PEHRSON: Secunder
18 agree?

19 MR. BARATTA: I would agree with
20 that.

21 CHAIRPERSON PEHRSON: Ms. McBeth,
22 will you call the roll.

23 MS. MCBETH: Member Greco?

24 MR. GRECO: Yes.

25 MS. MCBETH: Member Lynch?

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MR. LYNCH: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Motion passes four
to zero.

MR. GRECO: I'd like to make
another motion in the matter of Maly Dental
JSP15-81, motion to approve the Section 9
facade waiver based on and subject to the
items listed in A through C on the motion and
because the plan is otherwise in compliance
with Article 3, Article 4, Article 5, Article
6 and Article 6 of the Zoning Ordinance and
all applicable provisions of the ordinance.

MR. BARATTA: Second.

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

Any other comments?

(No audible responses.)

CHAIRPERSON PEHRSON: Barb,
please.

MS. MCBETH: Member Lynch?

MR. LYNCH: Yes.

1 MS. MCBETH: Chair Pehrson?
2 CHAIRPERSON PEHRSON: Yes.
3 MS. MCBETH: Member Baratta?
4 MR. BARATTA: Yes.
5 MS. MCBETH: And Member Greco?
6 MR. GRECO: Yes.
7 MS. MCBETH: Motion passes four
8 to zero.
9 CHAIRPERSON PEHRSON: All set.
10 Thank you, sir.
11 MR. SHAW: Thank you very much.
12 Appreciate it.
13 CHAIRPERSON PEHRSON: Next on the
14 agenda is the approval of the December 9,
15 2015 Planning Commission minutes.
16 MR. BARATTA: Move to approve.
17 MR. GRECO: Second.
18 CHAIRPERSON PEHRSON: Motion and
19 a second.
20 Any other discussion? Barb,
21 can you call the roll.
22 MS. MCBETH: Yes. Chair Pehrson?
23 CHAIRPERSON PEHRSON: Yes.
24 MS. MCBETH: Member Baratta?
25 MR. BARATTA: Yes.

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MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Member Lynch?

MR. LYNCH: Yes.

MS. MCBETH: Motion passes four
to zero.

CHAIRPERSON PEHRSON: Next is the
approval of the February 24th, 2016 Planning
Commission minutes.

MR. LYNCH: Motion.

MR. GRECO: Second.

MR. BARATTA: Second.

CHAIRPERSON PEHRSON: Motion by
Member Lynch and tied by Member Baratta and
Greco.

We will go alphabetically,
Baratta wins.

Any other comments?

(No audible responses.)

CHAIRPERSON PEHRSON: And those
notes, by the way, were very nicely done.

Barb, can you call the roll.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Member Baratta?

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MR. BARATTA: Yes.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Member Lynch?

MR. LYNCH: Yes.

MS. MCBETH: Motion passes four
to zero.

CHAIRPERSON PEHRSON: Any matters
for discussion? Any supplemental issues?
Last chance for the audience
to participate? Anyone wish to address the
Planning Commission at this time?

(No audible responses.)

MR. LYNCH: Move to adjourn.

CHAIRPERSON PEHRSON: I was
getting to that, it's the next item.

Motion to adjourn by Member
Lynch. Do I have second?

MR. BARATTA: Second.

CHAIRPERSON PEHRSON: By Member
Baratta. All those in favor?

THE BOARD: Aye.

CHAIRPERSON PEHRSON: Thank you,
everyone.

(The meeting was adjourned at 8:15 p.m.)

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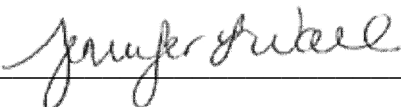
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STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

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

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

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan, this 1st day of April 2016.



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