

CITY of NOVI CITY COUNCIL

Agenda Item N
August 8, 2011

SUBJECT: Approval of a request from Catholic Central High School of Detroit for a temporary variance from Section 11-276(b) of the Design and Construction Standards requiring the installation of a pedestrian safety path along its 12 Mile Road frontage, subject to the applicant installing the sidewalk, together with other required improvements, upon the occurrence of certain future events, and executing the "Agreement Regarding Future Improvements—Conditions for Landscape and Sidewalk Waivers" relating to parcel 22-18-200-022, and approval of said agreement.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *RA*

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Zeimet Wozniak, on behalf of Catholic Central High School of Detroit, has requested a variance from Section 11-276(b) of the Design and Construction Standards requiring pedestrian safety paths to be placed across the arterial and collector street system frontage for all projects in accordance with the "Master Plan for Bicycle and Pedestrian Safety Paths." Locations of the proposed pedestrian safety paths are specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance (Appendix A). Twelve Mile Road along the applicant's property is classified as a non-residential collector on the Future Land Use Map. The master plan indicates that a five foot wide pedestrian safety path would be required along the 12 Mile Road frontage of this parcel.

The applicant has submitted a site plan that proposes the construction of practice athletic fields on parcel 22-18-200-022, which is located north of the existing Catholic Central site and has frontage on 12 Mile Road. On July 27, 2011 the Novi Planning Commission approved the site plan and special land use request subject to several conditions including City Council consideration for approval of a waiver of the sidewalk requirement along 12 Mile Road (see Action Summary attached). The applicant is requesting the variance because the first phase of improvements proposed by Catholic Central is located on the southern portion of the site at a substantial distance from 12 Mile Road and installation of the sidewalk would require removal of existing natural vegetation along 12 Mile Road.

In addition to the variance request, Catholic Central has worked with the City attorney on the attached draft agreement which will be recorded at the Register of Deeds and requires Catholic Central to construct the sidewalk at a later date. Specifically, the draft agreement requires Catholic Central to construct the 5-foot sidewalk along Twelve Mile Road as required by City ordinance if and when 1) any structures and/or parking lots or any other improvements requiring site plan approval are proposed the parcel within 1,000 feet of the right-of-way, 2) in the event a Twelve Mile Road paving project is initiated by

the City or any other governmental entity, or 3) when a site plan is approved for the parcels immediately east or west of the Catholic Central parcel. The agreement also requires future compliance with several zoning related requirements that were waived by the Planning Commission for this site such as greenbelt planting, street trees, and the berm along the Twelve Mile right-of-way. A copy of the draft agreement is attached for your information.

The request for the variance has been reviewed by Community Development, Fire Department, and Public Services staff as well as the City Attorney with no concerns. With the execution of the agreement by Catholic Central, the Engineering Division is recommending approval of the variance request because it ensures future compliance with the ordinance.

RECOMMENDED ACTION: Approval of a request from Catholic Central High School of Detroit for a temporary variance from Section 11-276(b) of the Design and Construction Standards requiring the installation of a pedestrian safety path along its 12 Mile Road frontage, subject to the applicant installing the sidewalk, together with other required improvements, upon the occurrence of certain future events, and executing the "Agreement Regarding Future Improvements—Conditions for Landscape and Sidewalk Waivers" relating to parcel 22-18-200-022, and approval of said agreement.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Fischer				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Staudt				
Council Member Wrobel				

**AGREEMENT REGARDING FUTURE IMPROVEMENTS—CONDITIONS
FOR LANDSCAPE AND SIDEWALK WAIVERS**

This Agreement dated this ___ day of _____, 2011, is between the City of Novi, whose address is 45175 W. Ten Mile Road, Novi, Michigan 48375 (“City”), and The Catholic Central High School of Detroit, whose address is _____ (“Catholic Central”).

RECITATIONS:

1. Catholic Central secured special land use and site plan approval for outdoor athletic practice fields in connection with a high school use from the Novi Planning Commission on July 27, 2011.

2. Under the City’s Zoning Ordinance and Code of Ordinances, a sidewalk and certain other improvements would be required along Twelve Mile Road as a result of the athletic field improvements. More specifically, special land use and site plan approval would require 5-foot sidewalk along Twelve Mile Road, right-of-way greenbelt planting along Twelve Mile Road, street trees along Twelve Mile Road, and a 4- to 6-foot tall landscape berm along Twelve Mile Road. The Planning Commission’s approval of the special land use and the site plan without those improvements being shown or provided was conditioned upon Catholic Central securing a design and construction variance/waiver from the City Council with respect to the installation of a sidewalk along Twelve Mile Road, and also entering into this written and recorded Agreement.

3. Catholic Central agrees that it will provide the required sidewalk and related improvements in the event that (1) a Twelve Mile Road paving project is initiated by the City or any other governmental entity, or on its or their behalf; (2) the Catholic Central property is improved in the future in certain respects; or (3) a development proposal is approved for properties to the east or west of the subject property.

4. The basis for the approval subject to the granting of the variance is that the first phase of the improvements proposed by Catholic Central at this point are a substantial distance from Twelve Mile Road; that there will be no outdoor lighting or amplified noise associated with the athletic field construction; and that there is no expected increase in vehicular or pedestrian traffic associated with the improvements. Additionally, Catholic Central has requested that the installation of the sidewalk and other improvements along Twelve Mile Road be delayed until

future development of the property closer to Twelve Mile Road, and that instead the existing natural vegetation and wetlands along the north property line be maintained to assist in screening the outside activities from the neighbors to the north.

5. The City Council considered the design and construction standard variance at its City Council meeting on _____, 2011. The City Council determined to grant the variance required for installation of the sidewalk, subject to Catholic Central's agreement to install the sidewalk and the other required improvements upon future development as described herein.

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

A. In consideration of the City Council granting the design and construction variance to waive the obligation to install the required sidewalk along Twelve Mile Road in connection with the special land use and site plans approved by the Planning Commission, Catholic Central agrees that it will install the 5-foot sidewalk along Twelve Mile Road as required by City ordinance if and when (1) any structures and/or parking lots or any other improvements requiring site plan approval are proposed on the Catholic Central property, described and shown in the attached Exhibit A, within 1,000 feet of the Twelve Mile Road right-of-way; (2) a Twelve Mile Road paving project is initiated by the City or any other governmental entity, or on its or their behalf; or (3) a development proposal is approved for parcels immediately to the east or west of the subject property.

B. In addition, Catholic Central agrees that at the time any structures and/or parking lots or any other improvements requiring site plan approval are proposed on the Catholic Central property described and shown in the attached Exhibit A within 1,000 feet of Twelve Mile Road, or in the event a Twelve Mile Road paving project is initiated by the City or any other governmental entity, or on its or their behalf, or in the event that a development proposal is approved for parcels immediately to the east or west of the subject property, Catholic Central will provide the required right-of-way greenbelt planting along Twelve Mile Road, the required street trees along Twelve Mile Road, and the required 4- to 6-foot tall landscape berm along Twelve Mile Road.

C. This Agreement shall run with the land constituting the property described on Exhibit A and shall be binding upon and inure to the benefit of the City and Catholic Central and to their respective heirs, successors, assigns, and transferees.

D. Catholic Central hereby warrants that it is the owner of the Property described on attached Exhibit A, and that it has the full authority to execute this Agreement.

E. A delay in enforcement of any provision of this Agreement shall not be construed as a waiver or estoppel of the City's right to eventually enforce, or take action to enforce, the terms of this Agreement.

F. Each covenant, requirement, obligation, and provision contained herein shall be considered to be an independent and separate covenant and agreement, and, in the event one or more of the covenants, requirements, obligations, or provisions shall for any reason be held to be

invalid or unenforceable by the court of competent jurisdiction, all remaining covenants, requirements, obligations and provisions shall nevertheless remain in full force and effect.

G. Catholic Central and City agree that this Agreement and its terms, conditions, and requirements are lawful and consistent with the intent and provisions of local ordinances, state and federal law, and the Constitutions of Michigan and the United States of America. Catholic Central agrees that the terms and conditions under which the City has granted the design and construction variance/waiver, as set forth in this Agreement, are intended to protect the public health, safety, and welfare and provide material advantages and development options for the Catholic Central, all of which improvements and obligations Catholic Central and the City agreed were roughly proportional to the burden imposed and necessary in order to ensure that public services and facilities necessary for or affected by the proposed improvements will be capable of accommodating the development on the Property, and to achieve other reasonable and legitimate objectives of the City and Catholic Central, as authorized under applicable City ordinances and the Home Rule City Act, MCL 117.1, et seq.

Furthermore, Catholic Central fully accepts and agrees to the final terms, conditions, requirements, and obligations of this Agreement, and Catholic Central shall not be permitted in the future to claim that the effect of this Agreement results in an unreasonable limitation upon use of all or any portion of the Property, or claim that enforcement of this Agreement causes an inverse condemnation or taking of all or any portion of such property. It is further agreed and acknowledged that the terms, conditions, obligations, and requirements of this Agreement are clearly and substantially related to the burdens to be created by the development of the Property, and are, without exception, clearly and substantially related to the City's legitimate interests in protecting the public health, safety, and general welfare.

H. This Agreement shall be interpreted and construed in accordance with Michigan law, and shall be subject to enforcement only in Michigan courts.

I. As used in this Agreement, the term "Catholic Central" shall mean and include the undersigned party designated herein as Catholic Central and owner of the Property, as well as all future and successor persons and entities that become owners of all or any portion of the Property in the future.

J. Any headings contained herein are for the convenience of the parties and are not to be used in construing or interpreting this Agreement.

K. This Agreement is deemed effective as of the date first written above.

"CATHOLIC CENTRAL"

By: _____

Its: _____

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____,
2011, by _____, as the _____ of _____.

Notary Public
Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: _____

“CITY”

By: _____

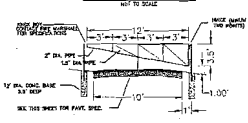
Its: _____

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____,
2011, by _____, as the _____ of _____.

Notary Public
Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: _____

ACCESS GATE DETAIL
NOT TO SCALE



SILT FENCE (SP-03)
GENERAL NOTES: SEE SPECIFICATIONS



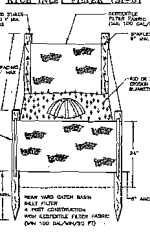
TREE PROTECTION DETAIL
NOT TO SCALE



TEMPORARY STONE ACCESS DRIVE (SP-09)



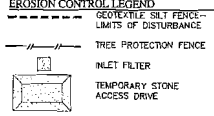
RHYCH INLET FILTER (SI-03)



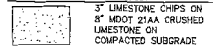
SOIL EROSION CONTROL SEQUENCE

1. INSTALL SILT FENCE, TREE PROTECTION FENCE, AND TEMPORARY STONE ACCESS DRIVE WHERE SHOWN.
 2. INSTALL INLET FILTER ON EXISTING DRAINAGE STRUCTURES WHERE SHOWN.
 3. MASS GRADE SITE, INSTALL STORM SEWER, PLACE INLET FILTERS ON NEW DRAINAGE STRUCTURES.
 4. FINE GRADE SITE, SEED AND MULCH ALL DISTURBED AREAS.
 5. REMOVE ALL EROSION CONTROL DEVICES UPON STABILIZATION OF SITE.
- NOTES**
1. A SOIL EROSION AND SEDIMENTATION CONTROL PERMIT WILL BE REQUIRED.
 2. A NPDES PERMIT WILL BE REQUIRED.
 3. MAINTAIN A 25' "NO MOW" WETLAND BUFFER, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS.
 4. A PHOSPHORUS FREE FERTILIZER SHALL BE USED.
 5. THE MAXIMUM SLOPE OF ANY GRADING ON-SITE SHALL NOT EXCEED 1V:4H.

EROSION CONTROL LEGEND



PAVEMENT SPECIFICATION



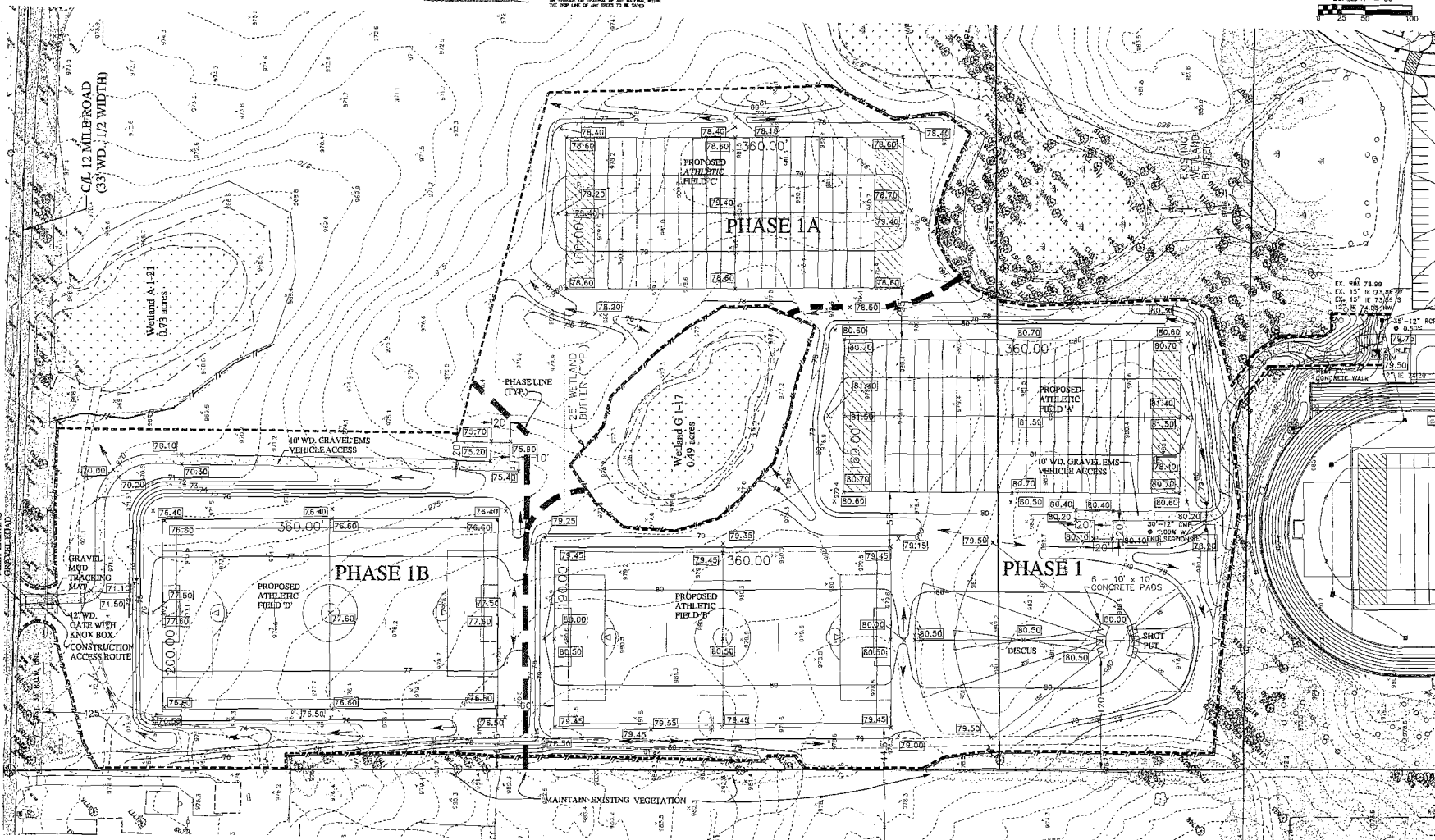
cdpa architects

48813 West Road
Wixom, Michigan 48393
1 (248) 924-2333 F (248) 724-2333

Email: cdpa@cdpa-architect.com
www.cdpa-architect.com

ZEMET Wozniak
Professional Engineer
No. 11717
11111
11111

SCALE: 1" = 50'



Project Name and Applicant:
CATHOLIC CENTRAL HIGH SCHOOL ATHLETIC FIELD EXPANSION
SECTION 18
NOVI, MICHIGAN



CATHOLIC CENTRAL HIGH SCHOOL
27225 WYOMING RD.
NOVI, MI 48374
(248) 924-2318

Drawn: [Signature]
Checked: [Signature]
Approved: [Signature]

Date: 8-11-11
Issued For: 8-11-11
Pre-Application Mtg: 8-11-11
PPP Application:

PRELIMINARY SITE PLAN - ENLARGED CONSTRUCTION AREA

Project Number: CDPA ZWA 08103

Sheet Number: 2 OF 3

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Catholic Central Request for Variance

Sidewalk



1 inch = 417 feet



City of Novi

Engineering Division
Department of Public Services
26300 Delwal Drive
Novi, MI 48375
cityofnovi.org

Map Author: Nathan Bouvy
Date: 7/29/11
Project: Catholic Central Field Expansion
Version #: 1.0

MAP INTERPRETATION NOTICE

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



Request for Variance Design and Construction Standards

Applicant Information

Name: Catholic Central High School

Address: 27225 Wixom Road
Novi, MI 48374

Phone No: 248-596-3899

Engineer Information

Name: Zelmet Wozniak & Associates

Address: 55800 Grand River, Suite 100
Novi, MI 48165

Phone No: 248-437-5099, ext 120

Applicant Status (please check one):

- Property Owner Developer Developer / Owner Representative
 Other _____

Project Name Catholic Central Field Expansion

Project Address/Location South side of 12 Mile Road, west of Wixom Road.

Variance Request Construct the required sidewalk in the 12 Mile Rd. right-of-way at a later date

Justification (attach additional pages if necessary)

Please see attached

INTERNAL USE

Date Submitted: _____

Code Section from which variance is sought: 11-276(b)

- Submittal Checklist: Twelve (12) sets of plans (folded and to scale)
 One (1) copy of plan on 8.5 x 11 size paper
 \$100 Filing Fee

Sec. 11-276. - Scope.

- (a) This article establishes requirements for the design and construction of pedestrian safety paths (sidewalks) within the street right-of-way of platted subdivisions, the arterial and collector street system, roads in unplatted residential areas and private roads in other unplatted areas within the city.
- (b) Pedestrian safety paths shall be placed across the arterial and collector street system frontage for all projects in accordance with the "Master Plan for Bicycle and Pedestrian Safety Paths", as well as at those locations specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance (Appendix A).

(Ord. No. 87-124.02, Pt. I, 11-9-87; Ord. No. 93-124.06, Pt. LXXXVII, 2-1-93; Ord. No. 97-124.09, Pt. III, 10-20-97; Ord. No. 97-124.10, Pt. I, 12-1-97; Ord. No. 99-124.11, Pt. XXXIX, 7-26-99)

Z EIMET W OZNIAK
& ASSOCIATES

Civil Engineers & Land Surveyors

55800 Grand River Avenue, Suite 100
New Hudson, Michigan 48165-9318
248.437.5099 · 248.437.5222 fax
www.zeimetwozniak.com

July 22, 2011

Mayor David Landry
City of Novi
Community Development
45175 West Ten Mile Road
Novi, Michigan 48375

RE: Catholic Central Athletic Field Expansion
Novi, Michigan

Dear Mayor Landry:

Catholic Central High School is requesting a waiver to construct the required sidewalk in the Twelve Mile Road right-of-way at a later date. We request that the waiver would require the sidewalk be constructed with the construction of any structures on the property, the improvement of Twelve Mile Road and/or the development of any adjacent properties. Catholic Central will provide an agreement to the City to be recorded at the County stating such conditions.

Twelve Mile Road is currently unimproved and has little pedestrian or vehicular traffic. There is existing vegetation along the entire Twelve Mile Road frontage which extends from the edge of the gravel road to the right-of-way line and is at least thirty feet wide. This vegetation is extremely dense and mature and includes approximately 20 regulated trees. In addition, there are two regulated wetlands which abut approximately 550 feet of the existing vegetation. Construction of a sidewalk would destroy the vegetation and impact the regulated wetlands. We have attached photos of this area for you use.

Since Twelve Mile Road is not being improved at this time, we believe it's important that the natural feel of the road be maintained for the residents of the co-op apartments on the north side of the road and for the school. Removing the existing vegetation would eliminate the visual buffer that the residents now have. Additionally, if the fields are more visible, access from Twelve Mile Road may be encouraged.

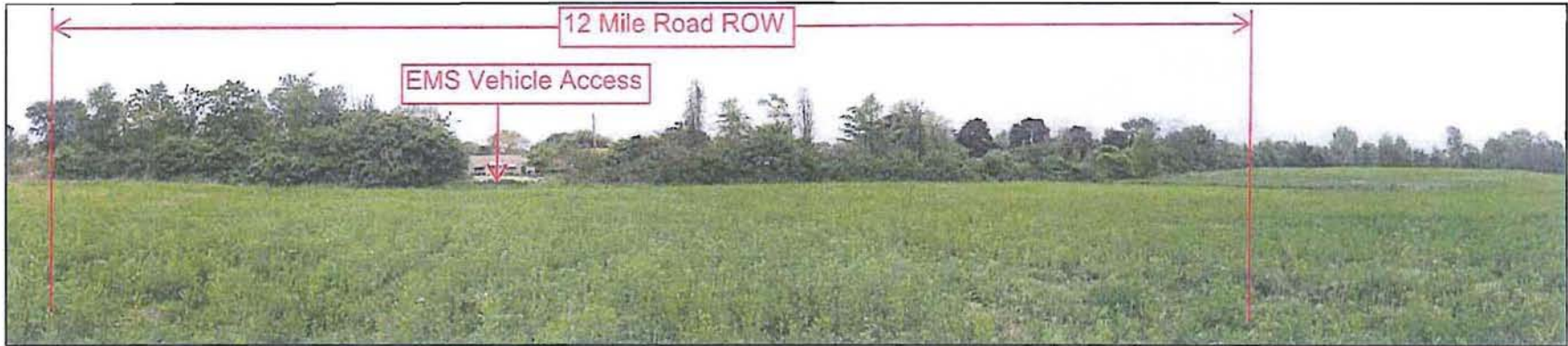
Thank you for your consideration of this request.

Very truly yours,



Andrew J. Wozniak

Attachment



View of 12 Mile Road buffer from the site



View of 12 Mile Road buffer from Road

July 26, 2011

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secretwardle.com

Nathan Bouvy, Civil Engineer
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Catholic Central Athletic Field Expansion
Variance from Design and Construction Standards
Our File No. 55142 NOV**

Dear Mr. Bouvy:

We have reviewed the materials you forwarded with respect to the variance from the City's Design and Construction Standards requested by the Developer with respect to the Catholic Central Athletic Field expansion. The variance requested is from Section 11-276(b) of the Design and Construction Standards, which requires that pedestrian safety paths shall be placed across the arterial and collector street system frontage for all projects in accordance with the "Master Plan for Bicycle and Pedestrian Safety Paths," as well as at those locations specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance (Appendix A).

The Applicant requests a variance to install the sidewalk at a later date in connection with the development of any structures on the property, the improvement of Twelve Mile Road, and/or the development of any adjacent properties. The Applicant has agreed to enter into and record an agreement setting forth the condition to install the sidewalk at a later date accordingly. The Applicant has cited the desire to maintain the existing woodlands, wetlands and vegetation on the property, as well as the limited foot traffic in the area, as the basis of the request.

Section 11-10 of the Ordinance Code provides the standard for granting variances from the City's Design and Construction Standards. For projects requiring site plan approval, the application for a variance must be made to City Council. Per Section 11-10, City Council may only grant a variance if all of the following conditions are satisfied:

- (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;

- (2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

The City's Planning Department, Civil Engineer, and Traffic Engineer should review and comment on the proposed variance from an access, pedestrian and traffic safety standpoint. Should the City Council find, based upon all information provided with regard to this matter, that the Applicant has satisfied all of the above standards, and is able to meet any condition imposed in relation to the variance, we see no additional impediment to granting a variance.

If you have any questions regarding the above, please call me.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

cc: Maryanne Cornelius, Clerk (w/Enclosure)
Charles Boulard, Community Development Director (w/Enclosure)
David Beschke, Landscape Architect (w/Enclosure)
Jeff Johnson, Fire Department (w/Enclosure)
Matt Wiktorowski, Field Operations Manager (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

July 27, 2011 | 7 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, Member Greco, Member Gutman, Member Lynch, Member Prince

Absent: Member Anthony (excused), Chair Pehrson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristin Kolb, City Attorney; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Brian Coburn, Engineering Manager; Nathan Bouvy, Engineer

APPROVAL OF AGENDA

Motion to approve July 27, 2011 Planning Commission agenda, as amended. Motion carried 5-0.

PUBLIC HEARINGS

1. MEDILODGE OF NOVI, SP10-05B

Public Hearing of the request of The Medilodge Group for revised Preliminary Site Plan, revised Woodland Permit and revised Wetland Permit and Stormwater Management Plan approval. The subject property totals approximately 20.05 acres and is located in Section 17, north of Eleven Mile Road between Beck Road and Wixom Road, parcel 50-22-17-400-002. The applicant is proposing a 120 bed 78,560 square foot convalescent (nursing) home building.

In the matter of The Medilodge Group, SP 10-05B, motion to approve the revised Preliminary Site Plan, subject to the following: a) Execution and recording of the approved PRO Agreement; b) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; and c) Applicant incorporating revised ITC pathway shown in Exhibit D of the PRO Agreement into the Final Site Plan submittal. This motion is made because the plan adheres to the approved concept plan and deviations included therein and is otherwise in compliance with Article 6, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. Motion carried 5-0.

In the matter of The Medilodge Group, SP 10-05B, motion to approve the revised Wetland Permit, subject to: a) Execution and recording of the approved PRO Agreement; b) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is in compliance with Chapter 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

In the matter of The Medilodge Group, SP 10-05B, motion to approve the revised Woodland Permit, subject to: a) Execution and recording of the approved PRO Agreement; and b) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

In the matter of the Medilodge Group, SP 10-05B, motion to approve the Storm Water Management Plan, subject to the following: a) Execution and recording of the approved PRO Agreement; and b) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

2. **DETROIT CATHOLIC CENTRAL FIELD EXPANSION SP 11-26**

Public Hearing on the request of Catholic Central High School for approval of the Preliminary Site Plan and Phasing Plan, Special Land Use Permit and Stormwater Management Plan. The subject property is located on the south side of Twelve Mile Road, west of Wixom Road, in Section 18 of the City. The property totals 39.8 acres and the applicant is proposing to construct an area for shot-put and discus practice and competition and four grass athletic practice fields for practice only.

In the matter of the request of Catholic Central High School for Detroit Catholic Central Field Expansion SP 11-26, motion to approve the Preliminary Site Plan and Phasing Plan, subject to the following: a) Applicant providing the required sidewalk along Twelve Mile Road or receiving a Design and Construction standards waiver from the City Council to provide it with the construction of any structures on the property and/or the development of any adjacent properties; b) Applicant providing the required right-of-way greenbelt planting along Twelve Mile Road. Alternately, a Planning Commission waiver of this requirement in conjunction with the required Design and Construction Standards waiver for the sidewalk along Twelve Mile Road with the condition that the applicant provides the right-of-way greenbelt planting at the time the sidewalk is installed; c) Applicant providing the required berm along Twelve Mile Road. Alternately, a Planning Commission waiver of this requirement in conjunction with the required Design and Construction Standards waiver for the sidewalk along Twelve Mile Road with the condition that the applicant provides the berm at the time the sidewalk is installed; d) Planning Commission waiver for the berm required adjacent to the I-1 property; e) Planning Commission waiver for the berm required adjacent to the B-2 property; f) Planning Commission waiver for the required berm along the adjacent R-1 property to the west provided the applicant supplements the existing vegetation with evergreen trees spaced 12' to 15' apart; g) Planning Commission waiver of the required street trees along Twelve Mile Road in conjunction with the required Design and Construction Standards waiver for the sidewalk along Twelve Mile Road with the condition that the applicant provides the street trees at the time the sidewalk is installed; h) Applicant including the emergency access and emergency gate in the first phase; and i) Compliance with all the conditions and requirements listed in the staff and consultant review letters. This motion is made because the plan is otherwise in compliance with Article 4, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 5-0.*

In the matter of the request of Catholic Central High School for Detroit Catholic Central Field Expansion SP 11-26, motion to approve the Special Land Use permit, subject to the following: a) Planning Commission finding under Section 2516.2.c for the Special Land Use permit: That, relative to other feasible uses of the site: The proposed use will not cause any detrimental impact on existing thoroughfares (due to the fact that no additional traffic is anticipated as a result of the development); The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood (due to the fact that the proposed use is an extension of a previously approved adjacent use); The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; The proposed use will promote the use of land in a socially and economically desirable manner; and the proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located (as noted in the staff and consultant's review letters); b) Waiver of the required Noise Impact Statement (as the use is not expected to generate any substantial additional noise); c) Applicant providing the required sidewalk along Twelve Mile Road or receiving a Design and Construction standards waiver from the City Council to provide it with the construction of any structures on the property and/or the development of any adjacent properties; and d) Compliance with all conditions and requirements listed in the staff and consultant review letters. This motion is made because the plan is otherwise in compliance with Article 4, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 5-0.*

In the matter of the request of Catholic Central High School for Detroit Catholic Central Field Expansion, SP 11-26, motion to approve the Storm Water Management Plan, subject to compliance with all the conditions and requirements listed in the staff and consultant review letters. This motion is made because the plan is

otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. ELECTION OF OFFICERS

Motion by Member Baratta, seconded by Member Lynch:

ROLL CALL VOTE ON PLANNING COMMISSION CHAIR MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH.

Motion to elect Mark Pehrson Chair of Planning Commission. *Motion carried 5-0.*

Motion by Member Lynch, seconded by Member Greco:

ROLL CALL VOTE ON PLANNING COMMISSION VICE CHAIR MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO.

Motion to elect Andrew Gutman Vice Chair of the Planning Commission. *Motion carried 5-0.*

Motion made by Member Lynch, seconded by Member Prince:

ROLL CALL VOTE ON PLANNING COMMISSION SECRETARY MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE.

Motion to elect David Greco Secretary of the Planning Commission. *Motion carried 5-0.*

2. COMMITTEE MEMBER APPOINTMENTS

The Planning Commission worked together as a group to determine the following committee appointments.

Administrative Liaison Committee: Member Greco, Member Gutman, Chair Pehrson

CIP & Budget Planning Studies Committee: Member Baratta (alternate), Member Gutman, Member Lynch

Environmental and Walkable Novi Committee: Member Anthony, Member Baratta, Member Greco

Implementation Committee: Member Baratta, Member Gutman, Chair Pehrson (alternate), Member Prince

Main Street Committee: Member Anthony, Member Greco

Master Plan & Zoning Committee: Member Baratta, Member Gutman, Member Lynch, Member Prince (alternate)

Rules Committee: Member Greco, Chair Pehrson, Member Prince

Zoning Board of Appeals Committee: None recommended at this time.

3. APPROVAL OF THE MAY 18, 2011 PLANNING COMMISSION MINUTES

Motion to approve the May 18, 2011 Planning Commission minutes. *Motion carried 5-0.*

4. APPROVAL OF THE JULY 13, 2011 PLANNING COMMISSION MINUTES

Motion to approve the July 13, 2011 Planning Commission minutes. *Motion carried 5-0.*

ADJOURNMENT

The meeting was adjourned at 7:39 PM.

*Actual Language of motions subject to review.