



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

February 22, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Member Anthony, Member Baratta, Member Greco, Member Gutman, Chair Pehrson, Member Prince

Absent: Member Lynch (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Tom Schultz, City Attorney; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Brian Coburn, Engineer; Adam Wayne, Engineer; Rod Arroyo, Traffic Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the February 22, 2012 Planning Commission agenda. *Motion carried 6-0.*

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that at their most recent meeting, the City Council approved the request for the rezoning of the property located at Twelve Mile, east of Napier from Pinnacle Homes to rezone to an R-4 District.

Deputy Director McBeth asked Engineer Coburn to introduce our new staff engineer.

Engineer Coburn came forward and introduced the new staff engineer, Adam Wayne. Mr. Wayne is replacing Nathan Bouvy. Mr. Wayne is a recent graduate from Lawrence Technological University and has a Degree in Civil Engineering and has recent experience in working with MDOT and will be a good addition to our team.

Engineer Wayne came forward and stated that it is an honor to be selected to work for the City of Novi and he is looking forward to working with the Planning Commission and assisting and delivering the best product to the citizens of Novi.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. ISLAND LAKE OF NOVI PHASE 5C

Consideration of the request of Toll Brothers, Inc. for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located north of Ten Mile Road, west of Wixom Road, in Section 19 of the City. The property totals 10.047 acres and the applicant is proposing 22 single-family residential units in the Island Lake subdivision.

Motion made by Member Gutman, seconded by Member Baratta:

ROLL CALL VOTE ON CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the February 22, 2012 Consent Agenda. *Motion carried 6-0.*

PUBLIC HEARINGS

1. 2012 – 2018 CAPITAL IMPROVEMENT PROGRAM

Assistant City Manager Cardenas explained that he is here to present the Capital Improvement Program. This is an annual event and is part of the City's budget process. This document serves as a guidepost for major capital expenditures for the next six years. This is all done in accordance with the provisions outlined in Public Act 285.

The plan is divided into nine different categories: roads, sanitary sewer, intersections and signals, sidewalks and pathways, storm sewer and drainage, water distribution equipment, parks technology, building and property.

This document has already gone before a joint committee of Planning Commission and City Council on January 24, 2012. This is a very fluid document; so many changes will be done in terms of projects being funded and included in the City Manager's proposed budget that goes to City Council at the end of April.

Correspondence from Planning Commissioner Mike Lynch was accepted for the record and provided for all of the Planning Commissioners' review.

No one from the audience wished to speak and there was no additional correspondence and Chair Pehrson closed the public hearing.

Member Gutman stated he served on the CIP Committee and wanted to commend the City and the staff for their hard work and effort. The proposed CIP is a very good plan for the coming years.

Chair Pehrson asked when grants and other funds that might be available are investigated.

Assistant City Manager Cardenas answered it depends on what the project is and where in the process it is. Park project applications are submitted about a year ahead of the anticipated start of construction. Some road projects are federally funded with grants from the federal government so those applications would take place about a year before the project begins.

Engineer Coburn added road projects are normally scheduled four to five years out and safety grants for intersection improvements are typically one to two years out. The City makes decisions based on whether or not the grants are awarded.

Chair Pehrson asked that in general terms of the items that are on the list (150 – 200 items) how many of

those are carry over from previous years. Is this a rolling process, and how many new items typically on a percentage basis are included?

Assistant City Manager Cardenas responded noting there are only a few projects that are carry overs from years past. Most are new projects.

Motion made by Member Greco, seconded by Member Anthony:

ROLL CALL VOTE ON MOTION TO APPROVE THE 2012-2018 CAPITAL IMPROVEMENT PROGRAM MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY:

Motion to approve the 2012-2018 Capital Improvement Program. *Motion carried 6-0.*

2. REZONING 18.701 ZCM 12-02

Public Hearing on the request of Beck Ten Land, LLC for Planning Commission's recommendation to the City Council for rezoning of property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The subject property is approximately 24.24 acres.

Planner Kapelanski stated that the applicant is proposing the rezoning with PRO of an approximately 24.24 acre parcel located on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. To the north and west of the property are existing single-family homes. To the east, across Beck Road is an existing shopping center and to the south, across Ten Mile Road, are existing single-family homes and vacant land.

The subject property is currently zoned R-1. The site is bordered by R-1 zoning to the north and west with R-1 and B-1 zoning to the east across Beck Road and R-1 zoning to the south, across Ten Mile Road. The Future Land Use map indicates single family uses for the subject property and the majority of the surrounding properties. The natural features map does show a small area of regulated wetland near Ten Mile Road. Any regulated natural features will be addressed as part of the site plan review.

Planned Kapelanski noted the applicant is proposing 38 single-family lots. Planning staff has recommended approval of the proposed rezoning with PRO. Although the applicant has requested a rezoning to R-3, the concept plan only indicates 38 total lots, meaning the total density of the site is 1.77 units per acre, which is much closer to the planned R-1 density of 1.65 units per acre than it is to the permitted R-3 density of 2.7 units per acre. Additionally, the proposed plan is consistent with and comparable to the surrounding developments. A PRO requires the applicant propose a public benefit that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed upgraded frontage landscaping along Beck Road and Ten Mile Road, a pocket park feature with a platform for City-owned art directly at the intersection and funding (not to exceed \$9,000) for additional sidewalk connections on Ten Mile Road. The applicant has included the required sidewalks along their property frontage on both Ten Mile Road and Beck Road. Additionally, the applicant has proposed housing style and size upgrades. Our façade consultant has reviewed the provided renderings and confirmed what has been proposed would be above the minimum requirements of the ordinance. However, the applicant will need to provide elevations and floor plans so that this can be confirmed. Ordinance deviations for the lack of paved eyebrows and the proposed skewed intersection have been requested by the applicant for inclusion in the PRO Agreement.

The Landscape Review noted the applicant has met the requirements of the ordinance and confirmed upgraded frontage landscaping has been proposed. The engineering, traffic and fire reviews noted items to be addressed on the Preliminary Site Plan submittal. The City's Traffic Consultant, Rod Arroyo of Birchler Arroyo is here this evening to address any questions regarding traffic.

Planner Kapelanski stated that just an additional note on the PRO, if this were to be approved by the City Council, the applicant would be held to this particular concept plan and if they would propose any changes, they would have to come back and go through the process again.

Howard Fingerroot with Beck Ten Land, LLC and Pinnacle Homes came forward to speak about the project and about its prior history. There was a prior applicant on this parcel for the last 6-10 years and he was proposing commercial. The property has about 2,000 feet of main frontage on Beck Road and Ten Mile Road. Mr. Fingerroot stated he approached the former applicant about 8 months ago and explained that he thought residential could work at this location.

Mr. Fingerroot explained that he worked with the prior applicant and the City to get a site plan submitted beginning in August. The road frontage makes this piece of land more difficult to develop as a residential property but by providing an adequate buffer and visual screening from the roads it will be a nice community. A 50 foot landscape buffer has been provided and included as part of the public benefit. The plan also includes brick walls, pillars and a variety of things to make the corner attractive and also provided visual screening to make residential possible for this corner.

Several options were contemplated for the subject property including a straight zoning, a PRO and even the RUD and cluster options. There were numerous submittals, meetings and discussions with the staff and after 6-8 months this plan is the plan that was developed. There is additional landscaping included on the plan as well as a pocket park at the intersection including an art platform for City-owned art as a nice public benefit when motorists pull up to the intersection.

Mr. Fingerroot indicated there are two stubs leading into this parcel right now and the new development would connect into both stubs. This will eliminate any cut through traffic because it goes right into the existing sub and help alleviate back-ups at Ten Mile and Beck as well as deter people from trying to cut through the sub.

Pathways are required as part of any development and will be provided along Ten Mile and Beck. In addition, west of the site is the ITC Corridor, which intersects with the Ten Mile Road pathways. As part of the proposed public benefit \$9,000.00 has been offered to help complete the pathway along Ten Mile leading to the ITC corridor.

The plan proposes 90 foot lots with a density closer to the R-1 than to the R-3. There are side entrance garages and homes would range from 2,400 feet to 3,500 feet. Mr. Fingerroot anticipates the average house will be in the 3,000 – 3,100 sq. ft. range. Four sided brick on the first story will also be provided with the front being primarily brick with some accent materials added to make it more attractive.

Chair Pehrson asked if anyone in the audience wished to address the Planning Commission.

Dennis Ringvelski, 24359 Nantucket came forward and wanted to commend Mr. Fingerroot on his attempts to satisfy the local residents. Mr. Ringvelski has lived in Greenwood Oaks since 1992 and prior to that lived in Echo Valley. He is a 34 year resident and opposes the proposed project. He does want to see the northwest corners of Ten Mile and Beck developed as a subdivision. But although the proposed density of 1.77 units per acre is close to the 1.65 units per acre permitted under the R-1 zoning (only a difference of 7%), all but 3 of the 13 lots that backup to Greenwood Oaks and Warrington Manor are about 14,400 sq. ft. and 21 out of the 38 lots are in the range of 14,400 sq. ft. and 14 more are in the 15,000 sq. ft. range. The average of all the lots in this proposed subdivision is only 14,712 sq. ft. and square footage often has an effect on how things look. If you look at the size of the lots in Greenwood Oaks and Warrington Manor and other accompanying subdivisions, there are no lots in either subdivision that are less than ½ acre which is 21,780 sq. ft. and many are larger. The homes in Greenwood Oaks that back up to this proposed

subdivision are 21,780 sq. ft. The homes in Warrington that abut this proposed subdivision average 23,195 sq. ft. The density variance presented by the developer and the consultants was a mere 7% from the surrounding areas, but the lots are 33% smaller than the lots in the surrounding subdivisions. The figures presented are voodoo mathematics. Mr. Ringvelski has outlined other objections including concerns with the traffic situation and the lack of a separate entrance in a letter submitted to the Planning Commission.

Min Weng, 47577 Greenwich Drive came forward and his lot is connected to this property and he has lived there for the last 14 years. The lots proposed by this plan will be significantly smaller than Mr. Weng's lot. When the lot size is reduced, the homes will be worth significantly less than the homes in the Greenwood Oaks Sub. Additionally, the value of the houses in Greenwood Oaks that abut the new development will go down because they will now be adjacent to smaller lots. When this rezoning is approved, it will give a signal to all developers they can ignore the Master Plan and the loser will be the City of Novi.

Michael Boujoulian, 24282 Lynwood came forward and stated that he agrees with everything that has been said so far and with the comments in the Homeowners Association letter. The City has a Master Plan and I should follow the Master Plan and maintain the R-1 zoning and keep the 1.65 density. Mr. Boujoulian does have concerns with the traffic flow going through the neighborhoods and believes there will be more than the numbers in the traffic review letter show. Furthermore, how is a 3,000 sq. ft. home going to fit on a 90 ft. lot? The feel, the look and the character of the existing neighborhood should continue and this develop will only undermine the value of the existing neighborhoods.

Cathy Hapanowicz , 24254 Warrington Court came forward and explained how her lot backs up to the proposed subdivision. She has looked at the plans with an open mind hoping the developed would work with the existing residents. She did go into the tax database and found out that the property owner has not been paying their taxes.

John Holmstrom, 47701 Red Pine Court came forward from the Mocking Bird Glens Sub and agrees with the objections that have been stated already. Greenwood Oaks is going to be overwhelmed with extra traffic with the way the road system is laid out, and that is a major concern. Also, the size of the lot, compared to the size of the house seems like it is out of proportion. Packing the corner with houses so the developer can come out with some money at the expense of the existing subdivisions around there is wrong. The only one who will benefit from this is the developer and not the City.

George Oommen, 47453 Greenwich came forward and lives in the Greenwood Oaks Sub. The residents have opposed this development for the last twelve years. In 1999 there was an opportunity to make money and to build homes that were similar to those in the existing subs and the developer did not want to do that. The developer should sit and wait until the market comes back and then build half acre lots at that time. The residents surrounding the subject property have been focused that the lots developed next to the existing subs will be ½ acre home sites. Past City officials have been very supportive and Mr. Oommen hopes that support will continue.

Larry Czekaj, 24383 Nantucket Drive came forward and commended the applicant for coming in with a residential proposal. He would like to clarify some of the facts. He has lived in the Greenwood Oaks Sub since 199 and there have been many parties that have come before the City regarding a rezoning or some type of development for the site. The most recent petitioner being Ten Beck LLC and they have come in with multiple variations of plans, some commercial, some quasi-commercial and some residential.

Mr. Czekaj suspects that the applicant does not have the property under contract and probably has a condition to close once the zoning of the property is approved. If the Commission denies the request the petitioner will not lose anything, other than the time and effort they have expended to date. The

petitioner noted is it not economically feasible to develop the property under the existing zoning. But in order to make development under the existing zoning feasible, the petitioner would simply have to pay less for the property to begin with.

Additionally, it will be quite difficult for the developer to fit a 3,000 sq. ft. house on a 90 ft. wide lot and still meet all of the required setbacks. Lastly, the standard for approval of a PRO is that the benefits proposed must clearly outweigh the reasonably foreseeable detriment to the surrounding area. The detriments include the reduction in the perceived value not only to the existing houses but the integrity of the existing Master Plan. Of the 10 listed as public benefits, the staff knocked out approximately four of those as items that would be required. Mr. Czekaj is not sure how the residents, specifically the neighbors or residents nearby benefit from the additional landscaping. Who will maintain this new landscaping? Additionally, residents of the existing subs will not use the pocket park as it is at the corner of two major roads. And motorists will not be able to enjoy it as they will drive by too fast to see it. It won't have a perceived benefit, or a perceived benefit that would clearly outweigh the detriments of the plan.

No one else wished to speak and Member Greco read the correspondence into the record.

Dennis Ringvelski is opposed to the PRO and indicates that the benefits to the citizens are questionable. Also, he questions the traffic study by the traffic consultant and indicates that he believes that any subdivision on the site should have its own entryway, which is not provided. He also objects to the entryways in the plan.

Larry Czekaj objects to the PRO and indicates that he is encouraged that there is residential being proposed in the area given the property history. Mr. Czekaj does not find the variance for 38 home sites objectionable, but does have concerns about the traffic and utilities and how this plan will change the character of the area. He also questions the reduced lot sizes and the floor plans and believes as indicated in his public comments that the benefits clearly do not outweigh the detriments.

The Greenwood Oaks Phase 1 & 2 Homeowners Association Board (Elisa Endress, Mike Daraskavich, Tom Parrish, Inge Viehweber, Sabine Lucas, Helen Winship, Lindsay Boujoulian, Robert Smith) indicate they have reviewed the plans and have the following concerns. The proposed lot sizes are dramatically smaller than the lot sizes in the existing neighborhoods. The proposed minimum home size is considerably smaller than the existing homes or adjacent homes in the neighborhoods. Also, the lack of direct access to Ten Mile and Beck is concerning. They respectfully request the following amendments to the proposal. No changes to the zoning or the net acre or the amount per acre that is outlined in the Master Plan. The lot sizes be equivalent to the existing average on the adjacent properties which they indicate is in excess of 23,000 sq. ft. The minimum home sizes be equivalent to the average of the existing adjacent properties, which they indicate is 31,000 sq. ft. They would like one direct access point to Ten Mile and Beck to avoid additional traffic in existing neighborhoods and the installation of sidewalks connecting the full intersection of Ten Mile and Beck.

The Feinstein family located at 47541 Greenwich Drive has lived in Novi since 1999 because of the many attributes of Novi, including a great location, low crime rate etc. They indicate that they object to the rezoning and that it will have a negative effect on the whole area and reduce property values and increase traffic. They also summarize some of the past history.

Norman & Nancy Powell at 47446 Greenwich Drive indicate they do not live within 300 feet of the rezoning, but do live in the Greenwood Oaks Sub. They believe they would be greatly affected by any development of the property. They were unable to attend this meeting and wish for their comments to be put into the record. They request that the Planning Commission follow the Master Plan and not allow this development because of the smaller lots. They believe this will greatly reduce the value of their home and also it will increase traffic.

Dennis and Gail Kline at 47527 Greenwich Drive believe the lot sizes should stay at a half acre. The proposed lots they presume will be attached to the existing subdivision. They are also concerned about the increased traffic they will see with 38 more homes. They do not want the houses to look cramped in the new subdivision. Their home backs up to the proposed homes.

No one else in the audience wished to speak and there was no additional correspondence. Chair Pehrson closed the public hearing.

Member Anthony asked the applicant to address the issue of the unpaid property taxes on the parcel.

Mr. Fingerroot could not speak to that question and staff noted that the status of property taxes is not generally a land use question.

Member Anthony then asked if there has been any calculation or estimate on the homeowner's fees that would be required to maintain the proposed landscaping.

Mr. Fingerroot envisioned that this would be an association separate from the Greenwood Oaks sub but he has not done the calculations yet to determine the fees. He has developed a number of sites this size with equivalent open spaces and always informs buyers if any fees. On average, the associations in his communities charge \$400 to \$1,000 a year to maintain the landscaping.

Member Anthony asked the staff what the required setbacks were.

Planner Kapelanski stated that the developer would be expected to meet the setbacks for the R-3 District if this rezoning were to be approved. They are similar to the setbacks in the R-1 District. The front yard being 30 feet, the rear yard 35 feet and the side yard a minimum of 10 feet with the 2 side yards together equaling 30 feet.

Member Anthony asked what the side yard setbacks would be in the R-1 District.

Planner Kapelanski answered a minimum of 15 feet.

Member Anthony stated that he lives here to and has the fear of the drop of property values. Ten Mile and Beck are thoroughfares and because of that there is always going to be pressure to make this corner commercial. There is already commercial at that intersection. The City has set the Master Plan as residential. The plan that has been presented before us is consistent with that and ensure the property is developed as residential.

Member Baratta asked Planner Kapelanski how many lots could be developed on the site under the current zoning.

Planner Kapelanski answered in saying with the R-1 density of the 1.65 units per acre up to 35 lots would be permitted. If this property were to develop as R-1, the lots would have to meet the R-1 standards, which is close to 22,000 sq. ft. per lot. If they laid out a subdivision with 22,000 square foot lots and ended up with 30 lots, then that is how many lots they could have on this property without seeking variances for lot size.

Member Baratta asked about the size of the lots that are proposed under the new development.

Planner Kapelanski stated that the lot sizes vary and the average lot size is about 15,100 square feet.

Member Baratta asked if it was accurate that then that under the R-1 zoning, a 22,000 sq. ft. would be the minimum and under the R-3 zoning it would be 15,100 sq. ft..

Planner Kapelanski explained that if this would be rezoned to a straight R-3 zoning the lots would actually be smaller, but under this proposal some of the lots are about 14,000 sq. ft. and they average around 15,000 sq. ft.

Member Baratta asked if the applicant is locked into the lot sizes proposed.

Planner Kapelanski answered that was correct.

Member Baratta asked if they would have to maintain the setbacks required under the R-3 zoning.

Planner Kapelanski answered that was correct.

Member Greco said he was encouraged that it was residential. The proposal includes Greenwood Oaks backing up to 7 or 8 homes and under the existing zoning they would be backing up to 6 homes. Member Greco does not see how the proposal would change the character of the area. These are proud residents of these subdivisions and to them the lot sizes and the home sizes mean a lot and Member Greco suspects the people looking for those types of things in a home would look in Greenwood Oaks rather than the new subdivision. This looks like a plan that looks very acceptable and does not look out of character with that area and the southwest quadrant or the existing intersection. Pending additional comments from the Planning Commission, Member Greco is likely to support this.

Chair Pehrson asked Traffic Consultant Arroyo to step forward and give some comments on the Traffic Study he performed and wanted to know the basic difference in the traffic generated between the R-1 and R-3 zoning.

Traffic Consultant Arroyo explained that he did not do the Traffic Study, that he just reviews what the applicant has supplied and verifies to the City that the information is correct. The trip generation in the traffic review letter shows the difference between an R-1 and R-3 development under straight zoning and then it shows the proposed development at 38 units. If the property were developed under R-1, 35 dwelling units, on a daily basis 396 trips would be expected with 41 trips during the PM peak hour. If it is bumped up to 38 units, which is what is proposed there will be 427 daily trips and the PM peak hour would have 44 trips with a difference of 3 trips with between the underlying zoning and under the proposed scenario.

Chair Pehrson asked if Traffic Consultant Arroyo saw any issues with which entrance potential residents may choose.

Traffic Consultant Arroyo explained that they are not required to submit a Full Traffic Study that evaluates other intersections given that there are less than 75 units proposed in this development but he thinks the Beck draw is greater than other directions for this particular development.

Chair Pehrson said that he lives near the intersection and does not know how people get in and out of Ten Mile now during peak traffic. He thinks Cider Mill is the only true exit they have and asked if there would be any advantage to having a second egress point onto or out to Ten Mile other than the one in connection with the existing subdivision to ease the traffic.

Traffic Consultant Arroyo regarding additional points of access, each one has their own challenges. If one looks at the way the site is laid out and extends the road out as a driveway coming directly across to Warrington a shortcut would be created for motorists to avoid the intersection of Beck and Ten Mile and it

gets a lot shorter if there is a second point of access to Ten Mile and to Beck. If there is only the access to Ten Mile, that situation is lessened because a motorist would have to snake their way through the intersection. Turning left out of an access point on Ten Mile would be very challenging because there is not a signal at that location and it wouldn't warrant a signal. An access point to Ten and Beck is not a specific requirement of this project regardless if it develops as a PRO or a straight subdivision under the existing zoning.

Chair Perherson asked if there would be any advantage to having an access point to the proposed sub.

Traffic Consultant Arroyo answered it would depend on where someone lives. A new access point could facilitate traffic from the existing subdivisions from Warrington and Greenwood Oaks to come through this project and go out to Ten Mile. If you don't have it, the new residents will be going through the other existing developments, which will happen with or without a new access point to some degree. An access point onto Beck would likely be the most problematic from a traffic perspective and could potentially have the most negative impact just because it would potentially be a cut through to avoid the intersection. No access point is required by the ordinance.

Chair Perherson said his initial concern for any development on this corner is the traffic flow. The City is looking at what is the best application for this parcel and it has been zoned for and has been part of the Master Plan as single family residential. There have been other proposals that didn't fit well and the Planning Commission has looked at that in an unfavorable way waiting and hoping for some single family application for this property that would make sense. The applicant deserves some credit that he has kept the proposed density very close to the R-1 standards. One of the obligations under the PRO is for the applicant to come back to the City and make recommendations regarding different amenities and public benefits. The funding toward the major non-motorized pathway is a benefit as is the saving of the landmark Maple tree and possibly the platform for the City-owned piece of art. Everything else in that list, like the pocket park, the water main loop connection and housing style upgrade does not seem like a benefit to the City. Given the density we are looking at for this, the developer may need to go back and find some other public benefit opportunities. The applicant has gone out of his way to make this something that is workable.

Motion made by Member Baratta, seconded by Member Anthony:

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO REZONE THE SUBJECT PROPERTY FROM R-1 TO R-3 WITH A PLANNED REZONING OVERLAY:

In the matter of the request of Beck Ten Land, LLC ZCM12-02 with Zoning Map Amendment 18.701 motion to recommend approval to the City Council to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay with the following ordinance deviations:

- a. Lack of a paved eyebrows;
- b. Location of proposed sidewalks in relation to the edge of the right-of-way; and
- c. Skewed intersection of Warrington Drive and Graham Lane;

And subject to the following conditions:

- a. Applicant providing elevations and floor plans to confirm housing style and size, a noted public benefit; and
- b. Compliance with all conditions listed in the staff and consultant review letters;

For the following reasons:

- a. The proposed development meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments;

- b. **The proposed density of 1.77 units per acre closely matches the master planned density of 1.65 units per acre; and**
- c. **The proposed development is consistent with a listed objective for the southwest quadrant of the City, "Maintain the existing low density residential development and natural features preservation patterns."**
- d. **Given the varying alternatives for the property, the proposal is clearly a good project for this corner. *Motion carried 6-0.***

3. COLLEX COLLISION SP12-03

Public Hearing on the request of BRIVAR Construction Company for Collex Collision for Preliminary Site Plan, Woodland Permit and Stormwater Management Plan approval. The subject property is located at 25100 Novi Road on the east side of Novi Road, north of Ten Mile Road, in Section 23 of the City. The property totals 4.33 acres and the applicant is proposing to construct a 21,600 square foot building.

Planner Kapelanski stated that the site is located on the east side of Novi Road, south of the railroad tracks. The applicant is proposing to demolish the majority of the site, leaving the existing building only and constructing a new 21,600 square foot auto repair building with associated parking and landscaping.

The zoning of the property is I-2, General Industrial and it is surrounded by I-2 zoning to the north, south and east and I-1 and OS-1 zoning to the west, across Novi Road. The property is master planned for industrial, research and development and technology uses. There are regulated woodlands and wetlands on the property concentrated along the northern and eastern property lines.

Planner Kapelanski stated that the applicant is proposing to construct the new facility on the northern portion of the site. The majority of the building would be used as auto repair for vehicles with a smaller office component in the front of the new building. The applicant has not definitively indicated what the existing building will be used for but has classified it as an auto repair use for the purpose of computing parking space requirements.

The planning review does not recommend approval of the Preliminary Site Plan, mainly due to the insufficient parking provided on the site and the requested parking setback variances. The applicant has several options to address these deficiencies. The building size could be reduced therefore reducing parking requirements and providing additional space on site to meet parking setbacks and provide additional parking spaces, variances from the Zoning Board of Appeals can be requested or the applicant can adjust the site layout to accommodate the requirements. Per Zoning Ordinance requirements, the site would require 300 parking spaces and 140 spaces have been proposed. Parking setback deficiencies exist in the front and southern side yards. Additionally, the Planning Commission is asked to make a finding regarding whether or not the proposed front yard parking is compatible with the surrounding area. The Zoning Ordinance also requires a screen wall for front yard parking in the I-2 District. The applicant has requested and staff supports a variance from this requirement due to the unique topography of the site.

Planner Kapelanski continued noting the landscape review does not recommend approval. Landscape waivers would be required for the lack of a berm along the property frontage, for the lack of street trees and the lack of building foundation landscaping. Staff supports the requested waivers for the lack of a berm and the lack of street trees. However, staff does not support a waiver for the lack of foundation landscaping. The Zoning Ordinance requires a four foot landscape bed around the entire building foundation, excluding access points. The applicant could come closer to meeting this requirement if the building size were reduced, which would provide additional space for foundation landscaping. The wetland review recommends conditional approval of the plan noting a wetland permit is required for the wetland impacts associated with the stormwater outfall. Significant wetland buffer impacts have been

proposed along the eastern property line. Additionally, this property line is identified as a snow removal storage area. The wetland consultant has recommended all snow be pre-treated prior to being stored within and near the wetland buffer.

The woodland review recommends conditional approval noting items to be addressed on a subsequent plan submittal. The engineering review recommends conditional approval provided the applicant receives permission from Oakland County to build within their utility easement. Oakland County has tentatively granted this permission subject to additional information being provided. The façade, fire and traffic reviews all recommend approval noting items to be addressed on a subsequent plan submittal.

Matt Quinn came forward on behalf of Collex Collision. Collex Collision has been in Novi for 18 years and has been at a couple of different locations. They then bought the current location which was a dilapidated industrial site and brought it up to code. The size of the new building proposed along with the existing building reflects their business model and what they expect the business to be in the future.

Collex did not expect to have a bridge put in front of them along with a 12 foot elevation difference. The property is now tucked under the bridge and patrons cannot see the site when traveling north on Novi Road. The new building being proposed is 21,600 sq. ft. with a main driveway access and an emergency fire access that is being maintained on the south side with the fire truck lane going all around the property. On the back of the new building there are 3 overhead doors and one pedestrian entry door. On the north side there are 4 overhead doors and one pedestrian entry door and the main customer business entrance is up front. There are 3 parking spots and 5 handicapped parking spots in the front of the building for customers.

Mr. Quinn stated the review letters from the City are mostly favorable but do note some required variances. The first is a waiver of the berm required along Novi Road and the staff supports this variance because of the 12 foot difference in elevation. A 5 foot parking setback variance on the south side of the property is required in order to maintain the fire access route on the south side. But the neighbor to the south is another industrial building with really no visibility to the Collex site. As part of the original approval for the building, a ten foot front yard setback was required. Now, because a new building is proposed, a 100 foot front yard setback is required. The purpose of the larger setback for parking is to provide a screen from the road. But because of the elevation change, that is not required in this case.

The perceived deficiency in site parking is probably something that is argumentative at best. Looking at the inside of the building, it can have up to 33 vehicles inside at any one time: 22 in repair, 4 in paint booths and 4 vehicles in the wash area. The City says that we need 300 parking places for this site. Other communities require much less. For example, Royal Oak would require 93 parking spaces for the same size building and number of employees. South Lyon would require 104 parking spaces for the same size building and same number of employees. Wixom would require 104 for the same building and same number of employees. Novi requires 300. Most of the other cities go by the number of vehicle repair spots inside the building and there are 22 repair spots in this building. In the other 11 Collex locations in the area, Clinton Township has in a 38,000 sq. ft. building with 117 parking spaces, Sterling Heights has a 27,000 sq. ft. building with 96 spaces and those are the two highest parking requirements. The Novi parking requirement is just too burdensome for this type of business and this will have to go to the ZBA for a variance for the parking.

Mr. Quinn asked if the driveway spacing waivers were a Planning Commission waiver or a ZBA variance.

Planner Kapelanski answered in saying the driveway spacing waiver is granted by the Planning Commission.

Mr. Quinn said the purpose of that waiver is because the driveway was by the county when they did the

road.

Mr. Quinn stated the proposed building is not oversized and there is adequate parking for the business model. The owner said he wishes he could fill up 300 parking spaces with vehicles that need to come in for repair but he has never had that many in any of the locations that he has owned and operated.

No one wished to speak and there was no correspondence so Chair Pehrson closed the public hearing.

Member Greco asked staff if they had concerns that there was not enough parking on the site for the use proposed.

Planner Kapelanski stated that the applicant is very deficient in terms of what is required versus what is proposed, 140 spaces proposed versus 300 spaces required. So although the parking requirements for this particular use may be in excess (and that is something the staff can look at), in this case the applicant is not even close to meeting the current requirements and that is a concern for staff.

Member Greco asked Mr. Quinn how much parking the business actually needs.

Mr. Quinn stated determined they would need 160 parking spaces and they are showing 175 (including the spaces inside the building). That includes 20 employees and room for someone to drop off a car and have someone pick them up and drive away. The cars that are stored there for work are not there that long.

Member Baratta asked if Collex planned to lease the existing building (which would now be vacant).

Mr. Quinn answered it was a possibility and the owner realizes whatever the use is would determine the parking requirements.

Member Baratta stated he had concerns that approving a plan with such a large parking deviation would create a precedent.

Mr. Quinn answered that he did not see this as creating a precedent. This is a unique parcel with unique topography and natural features that make it difficult to develop. Because the variance would be so use specific, the Planning Commission is basically assured that no other use could occupy the property without coming back to the Planning Commission for approval.

Member Baratta stated he was not aware of the topography issues near the bridge and that makes it difficult to add parking at the front of the site.

Mr. Quinn said the staff said the only way was to shrink the building and that is not economically feasible for this business model.

Member Baratta asked Planner Kapelanski if they had ever approved something like this with such a significant parking deviation.

Planner Kapelanski answered in saying that in her memory, staff hasn't seen this big of a deviation. But past auto repair services that were recently reviewed have all come close or met the parking requirements using the same exact standard. There may be some collision shops that preceded the ordinance or came in under a different parking requirement.

Member Anthony asked Mr. Quinn if it was possible to meet ordinance standards for some other deficiencies on the site. Have the design professionals tried to adjust the site layout to meet the

landscape requirements?

Mr. Quinn answered that the landscape waiver is for the building foundation landscaping. The south side and front of the building are landscaped but the easterly side that faces the railroad and the northerly side that faces nothing are not because it does not make sense to provide landscaping to beautify the building when there are no adjacent properties that will see this area of the building. The owner has committed to working with staff and trying to fit that landscaping elsewhere on the site.

Member Anthony confirmed with Mr. Quinn that he was committing to providing the same amount of landscaping required along the building foundation elsewhere on the site.

Member Anthony asked if there was any consideration given to making the building smaller.

Mr. Quinn explained that it was considered but this business is sized to fit the need.

Member Anthony asked if the calculation was based on the size of the new building or the cumulative square footage of both buildings.

Mr. Quinn answered both.

Member Anthony asked if the business model that showed the proposed amount of space was required in order for the business to be successful was something that could be shared with the staff and if there was any way the staff could verify numbers as well.

Mr. Quinn said he understood and he could provide that information if staff wanted to see it.

Landscape Architect Beschke asked Mr. Quinn if the site layout could be adjusted so that the parking lane that is 20 feet deep could be 17 feet and then 3 feet of landscaping could be provided. The adjacent parking lane is 26 feet, which could be reduced to the City standard 24 feet and another 2 feet of potential landscape area is gained and the lane north of that along the south side of the is a full 35 feet wide so there is 14 extra feet of pavement there that could be converted to greenspace.

David LeClair with Livingston Engineering came forward and agreed the parking lanes are wider than ordinance standards but the sole purpose for that is to get the City's template for a fire truck around the building. There is a little bit more space on the south side and if that parking can be pulled back from 20 feet in length to 17 feet, 3 feet of landscape space could be added.

Chair Pehrson stated that given the unique features on the site he would support the requested variances. He would also encourage the staff to examine the parking standards for this particular use.

Member Gutman stated that to Chair Pehrson's point, it does seem that based on Mr. Quinn's research there is a discrepancy between what Novi requires and what other communities require in terms of parking spaces.

Deputy Director McBeth stated that staff hasn't looked at that specific standard but it was applied recently to a couple of projects. The standard has been around for a while and staff would be open to taking another look at that and seeing what some of the other communities are doing.

City Attorney Schultz stated the applicant will need to address the parking concerns at the ZBA meeting as well.

Motion made by Member Gutman, seconded by Member Anthony:

ROLL CALL VOTE ON PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER ANTHONY:

In the matter of the request of BRIVAR Construction for Collex Collision SP 12-03, motion to approve the Preliminary Site Plan, subject to the following:

- a. Applicant receiving a variance from the Zoning Board of Appeals for the lack of a front yard parking screen wall due to the unique topography of the site;
- b. Planning Commission finding that the front yard parking and lighting is compatible with the surrounding area;
- c. Applicant revising the site layout to comply with the required front yard parking setback or providing sufficient justification for and receiving a variance from the Zoning Board of Appeals;
- d. Applicant reducing the building size to better meet parking space requirements or providing sufficient justification for and receiving a variance from the Zoning Board of Appeals;
- e. Applicant revising the site layout to comply with the required side yard setback or providing sufficient justification for and receiving a variance from the Zoning Board of Appeals;
- f. Applicant receiving permission from Oakland County allowing construction within the sanitary sewer easement;
- g. Opposite-side driveway spacing waiver for the proposed driveway and Gen-Mar Drive (200 feet required, 142 feet provided);
- h. Landscape waiver for the lack of a berm along the property frontage due to the unique topography of the site;
- i. Landscape waiver for the lack of street trees;
- j. Applicant providing building foundation landscaping or landscape waiver for the lack of building foundation landscaping provided the applicant can add additional landscaping elsewhere on the site;
- k. Applicant providing pretreatment for all snow deposit areas; and
- l. Compliance with all the conditions and requirements listed in the staff and consultant review letters

because the plan is otherwise in compliance with Article 20, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-0.*

Motion made by Member Gutman, seconded by Member Anthony:

ROLL CALL VOTE ON WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER PRINCE:

In the matter of the request of BRIVAR Construction for Collex Collision, SP 12-03, motion to approve the Woodland Permit, subject to compliance with all the conditions and requirements listed in the staff and consultant review letters because it is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Gutman, seconded by Member Anthony:

ROLL CALL VOTE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER PRINCE:

In the matter of the request of BRIVAR Construction for Collex Collision, SP 12-03, motion to approve of the Stormwater Management Plan subject to compliance with all the conditions and requirements listed in the staff and consultants review letters 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 6-0.*

Chair Pehrson asked Landscape Architect Beschke if pretreatment of snow is something typically required.

Landscape Architect Beschke answered that is something that the environmental consultants and he have come up with because the snow storage area on this plan is against the easterly property line which is adjacent to the wetland and the creek. The applicant will need to get the snow piped back to the retention basin so it gets treated before it hits the creek.

4. BECK NORTH LOT 41 SP12-01

Public Hearing on the request of NADLAN LLC for Preliminary Site Plan, Woodland Permit and Stormwater Management Plan approval. The subject property is located the west side of Hudson Drive across from Nadlan Court, in Section 4 of the City. The property totals 4.38 acres and the applicant is proposing a 70,756 square foot building with associated parking and landscaping.

Planner Kapelanski stated that the site is located on the west side of Hudson Drive across from Nadlan Drive and north of Twelve Mile Road. The applicant is proposing to construct a 70,756 square foot speculative industrial building with approximately 25% of the building as office use and the remainder as warehouse use.

The zoning of the property is I-1, Light Industrial and it is surrounded by I-1 zoning. The property is master planned for industrial, research and development and technology uses. The natural features map indicates a regulated wetland on the site. When the site was surveyed for natural features, it was determined this area was a regulated woodland, as opposed to a regulated wetland. A woodland permit is required.

Planned Kapelanski continued noting the planning review recommends approval of the Preliminary Site Plan noting minor items to be addressed on the Stamping Set submittal. The façade review notes a Section 9 waiver is required and recommended for the overage of CMU on the north and west facades. The applicant has provided a revised rendering to staff following the review of the site plan which shows very minor changes to the proposed façade but no substantial changes to the material percentages. The engineering review, traffic review, landscape review, woodlands review and fire review all recommend approval of the plan noting items to be addressed on the Stamping Set submittal.

Oleg Amcheslavsky of Amson Dembs came forward representing the applicant and indicated he was available for questions.

There was no correspondence and no one from the audience wished to speak and Chair Pehrson closed the public hearing.

Motion made by Member Gutman, seconded by Member Anthony:

ROLL CALL VOTE ON PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER ANTHONY:

In the matter of the request of NADLAN LLC for Beck North Lot 41 SP12-01, motion to approve the Preliminary Site Plan, subject to the following:

- a. Section 9 waiver for the overages of CMU on the north and west facades; and**
- b. Compliance with all the conditions and requirements listed in the staff and consultant review letters;**

because the plan is otherwise in compliance with Article 19, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-0.*

Motion made by Member Gutman, seconded by Member Anthony:

ROLL CALL VOTE ON THE WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER ANTHONY:

In the matter of the request of NADLAN LLC for Beck North Lot 41, SP 12-01, motion to approve the Woodland Permit, subject to Compliance with all the conditions and requirements listed in the staff and consultant review letters because it is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Gutman, seconded by Member Anthony:

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER ANTHONY:

In the matter of the request of NADLAN LLC for Beck North Lot 41, SP 12-01, 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 because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provision of the Ordinance. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE FEBRUARY 8, 2012 PLANNING COMMISSION MINUTES

Motion made by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the February 8, 2012 Planning Commission minutes. *Motion carried 6-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda removals.

MATTERS FOR DISCUSSION

1. GRAND RIVER AVENUE AND NOVI ROAD

Deputy Director McBeth noted staff has been seeing a lot of developments, both public and private in the area of Grand River Avenue and Novi Road and sometimes it helps to take a wider view of what is currently there and what has been proposed. This report includes several information maps identifying the existing conditions and the proposed projects in the area as well as some of the assessed values from a few years ago and the current values to so that everyone can get a sense of the property values. There is nothing to take action on tonight.

Chair Pehrson asked for some detail regarding the realignment of Flint Street.

City Engineer Coburn stated that there is a study in the CIP Program to look at the southwest quadrant and the realignment of Flint Street. The northwest quadrant ring road or the Crescent Boulevard extension will come down at some point in the future to Grand River and the City is looking at realigning Flint Street to potentially line up with that.

Member Baratta addressed Deputy Director McBeth and asked if it would be appropriate for the

members of the Master Plan and Zoning Committee to give the Planning Commission an overview of the potential rezoning in the southwest quadrant of the intersection.

Deputy Director McBeth said a committee report could be provided at the discretion of the chair. There have been a number of projects that has come in and sometimes those are brought to the Master Plan and Zoning Committee. The project Member Baratta is referencing is on the south side of Grand River, east of the railroad tracks and includes 7-9 properties along there that are considering seeking a rezoning from the TC-1 District to the B-3 District. The committee meeting was in the fall of last year and staff has had a couple of conversations with the potential applicants since then.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ADJOURNMENT

Motion made by Member Gutman, seconded by Member Greco:

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

Motion to adjourn the February 22, 2012 Planning Commission meeting. *Motion carried 6-0.*

The meeting was adjourned at 9:14 PM.

Transcribed by Juanita Freeman

March, 2012

Date Approved:

Signature on File _____
Richelle Leskun, Planning Assistant