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
Novi, Michigan.

Wednesday, March 23, 2016

7:00 p.m.

** ** **

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 Giacopetti?

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,
excused.

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

(Pledge recited.)

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

MR. GRECO: Motion.

MR. BARATTA: Second.

CHAIRPERSON PEHRSON: All those in favor?

THE BOARD: Aye.

CHAIRPERSON PEHRSON: Anyone opposed? We have an agenda.

Come to our first audience participation of the evening.

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

(No audible responses.)

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

Any correspondence?

MR. GRECO: No correspondence.
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
overlay, for the east side of Dixon Road, north of Twelve Mile and that was rezoning from RA residential acreage to RT, two family residential. That was approved for a 90 unit single family residential detached site plan condominium plan.

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

CHAIRPERSON PEHRSON: Very good.

MS. MCBETH: Thank you, Mr. Chair.

CHAIRPERSON PEHRSON: Thank you, Barb.

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

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

The subject property is
Currently zoned R3, one family residential and is located in Section 27 West Novi Road, north of Nine Mile Road.

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

Kirsten?

MS. MELLEM: Good evening.

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

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

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

There are regulated woodlands and wetlands on the property.

The applicant is proposing to construct a 32 unit conventional site condominium with associated site
improvements. The site access is provided by a proposed public roadway with a single curb cut from Nine Mile Road. A secondary emergency access is provided to Cottisford at the northeast.

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

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

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

The applicant is requesting two variances from the designing and
construction standards for not providing a water main and a five foot sidewalk along the entire Nine Mile Road frontage.

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

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

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

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

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

Landscape does support these requests and is recommending approval.
The revised site plan reflects some of the concerns made by the wetland consultant regarding the direct impact to Miller Creek by removing Lot 8 and 9 from the plan, which is now the space between Lot 28 and 29.

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

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

The applicant did not provide a grading plan, so the woodland consultant was unable to determine if all tree removals are necessary. The woodland consultant also stressed that the applicant should continue to look for opportunities to preserve additional on-site trees and provide
conservation easements for the remaining woodlands. Woodland does recommend approval. Traffic and fire recommending approval as well since all comments were addressed.

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

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

CHAIRPERSON PEHRSON: Thank you, Kirsten. Appreciate that.

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

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

With me this evening is
Claudia Rossi, the applicant and Jim Allen, the landscape architect.

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

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

The other thing -- one of the larger changes that we have made to the planning since the last submittal was in response to your wetland consultant concern about Lot 29, which used to be -- it's right -- was next to Lot 28 right at the middle of the street near the top of the plan there. That has been eliminated.
There was a concern about enclosure of some of that portion of Miller Creek and we had eliminated that to try to minimize the amount of enclosure required to make the crossing under that roadway. So we have certainly addressed that issue.

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

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

The last two issues really are as was indicated, engineering has an issue with a water main and the sidewalks on Nine Mile Road, as we indicated at the last meeting, we are proposing an internal walkway that runs along the Thornton Creek. It's an
existing asphalt path, and that would be
extended back to Nine Mile Road at the
easterly end of the site. Also we have
provided for a 12 inch water main loop
through the site, that runs back out to Nine
Mile Road and stubs off to the eastern edge
of the property.

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

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

We note that there is no
prohibition of planting trees, replacement
trees on lots in the ordinance. But
apparently at this point that is a staff policy. So they would rather not see us do that. Although we think it certainly would offer some benefit to the adjacent neighbors if we provided that screening.

Lastly, just to show you --

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRPERSON PEHRSON: Thank you,
sir. This is a public hearing. If there is anyone in the audience that wishes to address the Planning Commission on this matter, please step forward to the podium.

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

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

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

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

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

CHAIRPERSON PEHRSON: Okay. Is
that it?

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

CHAIRPERSON PEHRSON: Thank you,
sir. Appreciate it.

MR. RADKOWSKI: How do I verify
that?

CHAIRPERSON PEHRSON: We will ask
the petitioner.

Thank you. Anyone else in
the audience wish to address the Planning
Commission?
MR. TISDALE: My name is Tom Tisdale (ph). I live at 43565 Nine Mile Road. I'm just on the south side of Nine Mile from that. I have got a couple of things I'd like to talk about.

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

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

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

And I'm nervous, I'm right at the bottom of the hill, and I'm concerned
that it is going to be even worse than it is now with those cars. And the speed limit is only 30 miles per hour there, but most cars are going faster than 30, so I think we ought to take into consideration what that's going to do to all the folks on Nine Mile that got to cross that street to get their mail especially at rush hour when they first get home from work.

Second, I heard them talking about the water main and putting a sidewalk down Nine Mile. I would love to see that. I think that's a good idea. So, now they did send some letters to our house saying hey, trees would have to be taken out, and that if you connect to it, you would have to take down a lot of trees on your property, you know, and they talked about some sort of significant expense for doing that, but, you know, I'd like to see it. If they're going to say, you got to cut down trees on my property, come out and mark the trees and show me what you're testing about so I can actually make an informed decision on whether I want you to do it or not.
But the idea of having a sidewalk go on the south side of Nine Mile sounds good to me and having a water main, of course, I'd like the opportunity to hook up to a water main. I'm on a well right now, and if you brought a water main down Nine Mile that would be great for me.

So those are my comments.

CHAIRPERSON PEHRSON: Thank you, sir. Anyone else?

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

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

   On my side of that development, there is a lot of brush and other things that provide cover and some separation assuming this will go through and those lots are clear. There is not going to be a lot of protection, so I would ask whoever had decided maybe if replacement
trees didn't make sense to reconsider,
otherwise there will have to be a lot of
expense on our part to try and build some
privacy.

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

   CHAIRPERSON PEHRSON: Thank you,
sir.

   Anyone else?

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

   I guess I don't know enough
information about bringing in the water main
and hooking up to it. And I heard mention
that it would take up five feet plus five
feet, plus a possible another 15 feet of sidewalk. So I guess, have to kind of figure out that.

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

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

CHAIRPERSON PEHRSON: Thank you, sir.

Anyone else?

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

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

I think the city made -- missed a great opportunity back to the days when Timber Ridge to the south was developed and no provision to tie into either water or
sewer was provided for, so this is a good opportunity for all of those residents along that corridor.

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

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

CHAIRPERSON PEHRSON: Thank you, sir.

Anyone else?

(No audible responses.)

CHAIRPERSON PEHRSON: Seeing no one else, we will close that part of the
audience participation.

   Any other comments or
letters?

   (No audible responses.)

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

   Member Lynch?

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

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

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

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

   MS. PETERS: I did, yes.

   MR. LYNCH: Your findings were?

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

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

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

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

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

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

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

MS. PETERS: Correct.

MR. LYNCH: According to the city standards?

MS. PETERS: Correct.

MR. LYNCH: Thank you very much.

MS. PETERS: You are welcome.

MR. LYNCH: The next thing I want
to talk about is drainage.

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

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

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

MR. LYNCH: They are meeting --

MR. MILLER: Yes.

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

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

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

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

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

MR. MILLER: Yes, that's correct.

CHAIRPERSON PEHRSON: All set?

MR. LYNCH: I got a couple more. I'm going to go down the list here so we can get it on record.

I'd like to speak to the applicant now. My understanding is that the sidewalk and the water main is going to be on the north side.

Is it on the north side of Nine Mile?
MR. SIEBER: Well, the sidewalk would be required to be on our side, on the north side. Right now the water main is on the south side.

MR. LYNCH: On the south side, okay.

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

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

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

MR. SIEBER: It would follow the creek.

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

But it would provide the
intent of the sidewalk?

MR. SIEBER: Yes.

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

MR. SIEBER: Yes.

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

MR. SIEBER: Yes.

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

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

MR. SIEBER: No, it will be paved.
MR. LYNCH: So it will be a concrete sidewalk?

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

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

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

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

MR. MEADER: I can address that. There is no restrictions to putting trees along there. The problem is using Woodland replacement trees for those. And it becomes an issue in terms of maintenance, of
protectant, long term, the ordinance requires they put in an easement for long-term protection, which no one really wants to do in their backyard.

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

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

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

MR. LYNCH: That leads me to another question.

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

MR. SIEBER: Yes. We are proposing there will be conservation
easements for both woodlands and wetlands.

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

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

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

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

MR. SIEBER: Absolutely, yes.

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

MR. SIEBER: Yes.

One thing I would like to add, too, Rick mentioned the easement.
We did offer -- we would be willing to provide easements along the back of those lots for those trees, if that was something that would make that happen.

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

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

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

MR. GILLAM: In theory, yes. The condominium association would have the
ability to enforce the easement. Again, it's a question of enforcement.

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

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

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

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

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

MR. GILLAM: Correct, yes.

MR. LYNCH: So this is going to
be an issue that I think may have to be worked out at some point.

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

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

CHAIRPERSON PEHRSON: Thank you, Member Lynch.

Member Baratta?

MR. BARATTA: Thank you.

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

MR. MEADER: Absolutely not.

MR. BARATTA: He can put the trees in?

MR. MEADER: Right. It's just a matter of whether they can use woodland replacement credits.
MR. BARATTA: If the applicant would approach.

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

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

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

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

MR. SIEBER: I don't think -- we really haven't discussed it, what's going to happen with that fence. I know it's been part of that estate for a very long time.
That's probably why the condition of the fence is what it is, so I don't think it would be replaced, it might be removed, but not necessarily replaced.

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

MR. SIEBER: I think that would be fair.

MR. BARATTA: Thank you very much.

CHAIRPERSON PEHRSON: Thank you. Member Greco?

MR. GRECO: Just a couple of comments. You know, last time we had a public hearing on this matter, I think most of the people were anti, or most of the residents that showed up were anti sidewalk on Nine Mile and anti water main to keep the esthetics of the particular drive there, but we did hear from some of the individuals that would prefer a sidewalk and/or attaching to the water main, so obviously that's something a little bit different from what we heard previously from the residents.
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...
of Nine Mile and connect the water main, then
we would have approved a water permit -- I'm
sorry, a Woodland permit that would not be
applicable to the site or would no longer
work for the site or would the applicant have
to come back? What would we be doing?

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

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

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

So the City Council would
decide about the location of the sidewalk, pathway and the water main, depending on what the applicant is requesting and what staff's recommendation would be.

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

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

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

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

MR. GILLAM: Yes, I think you could.

MR. GRECO: So if they were not granted, then the applicant would be back here, would be back in front of the Planning
Commission solely for the woodland permit to consider what we need to do given what was approved by the City Council?

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

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

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

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

MR. SIEBER: Like I said, we really haven't talked much about it. We know the fence belongs to the estate. It is not a fence that was put up by adjacent property owners.
So, no, we don't -- you know, if it is in poor condition in some sections, we may remove it. I don't know that we would remove all of it.

MR. GRECO: Okay. Thank you.

That concludes my comments, Mr. Chair.

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

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

MS. MELLEM: It just terminates there, if you look at the colored site plans --

CHAIRPERSON PEHRSON: It terminates north south to Nine Mile?

MS. MELLEM: Right.
CHAIRPERSON PEHRSON: There is nothing else that continues --

MS. MELLEM: Not from their plans, no.

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

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

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

MR. MILLER: We would need more information from the applicant on what's out there and review that with regard to city standards.
CHAIRPERSON PEHRSON: If found efficiencies, it still would be the obligation of petitioner to repair, fix, mediate --

MR. MILLER: Yes.

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

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

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

But making sure that it does -- that path does meet city standards,
to the extent that the city and the developer work together, are you okay with whatever is needed or required to meet the city code for that meandering path if we find sections to be fixed, altered and made whole?

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

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

MR. SIEBER: We had offered, as has been done on other projects, that last section from there to the easterly property line, to make a payment into the city's sidewalk fund equal to the cost of constructing that because that section of
walk wouldn't connect to anything. There is nothing to the east that it would serve.

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

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

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

So I would like to see if there is a motion made some language relative to that, and then the developer obviously,
based on City Council's recommendation,
either paying into the city fund or if it's
their desire to put a sidewalk to nowhere,
that's fine and dandy, but also to work with
the city to determine that that right angle
obviously be taken care of as well, so we
don't have people migrating from that point
into Nine Mile Road, so that would be okay.

MR. SIEBER: Sure.

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

Member Greco?

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

CHAIRPERSON PEHRSON: Thank you,
sir.

MR. GRECO: In the matter of
Montebello Estates, JSP15-76, motion to
approve the preliminary site plan based on
and subject to motion subsection letters A
through F, then continuing with G, the City
Council variance from Section 11-68 A-1 of
the Novi city code for the absence of the
water main along the entire Nine Mile Road
frontage in order to preserve the existing
vegetation, next subsection letter H, City Council variance from Section 11-256B of the Novi city code for absence of a sidewalk along the entire Nine Mile Road frontage, provided that the meandering path sidewalk substitute that is put forward in the plan, meets city standards in all sections, and that the applicant provide into the city's sidewalk fund, the cost that it would cost to connect the easterly side where it comes to Nine Mile to the edge of the property.

And the findings of compliance with the 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 this motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the zoning ordinance, and all other applicable provisions of the ordinance.

MR. LYNCH: Second.

MR. BARATTA: May I offer an amendment?

CHAIRPERSON PEHRSON: Let's get
our second first.

MR. LYNCH: Second.

CHAIRPERSON PEHRSON: Now a friendly amendment, sure.

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

MR. GRECO: I accept the amendment.

CHAIRPERSON PEHRSON: Seconder agrees?

MR. LYNCH: Second.

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

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

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: 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.
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
provisions of the ordinance.

MR. LYNCH: Second.

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

Any other comments?

(No audible responses.)

CHAIRPERSON PEHRSON: Barb, please.

MS. MCBETH: Member Lynch?

MR. LYNCH: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Motion passes four to zero.

MR. GRECO: Next I'd like to make another motion in the matter of Montebello I Estates, JSP15-76, motion to approve the storm water management plan 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
it is otherwise in compliance with Chapter 11
of the Code of Ordinances, and all other
applicable provisions of the ordinance.

MR. LYNCH: Second.

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

Any other comments?
(No audible responses.)

CHAIRPERSON PEHRSON: Ms. McBeth.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Member Baratta?

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: All set.

Thank you. Have a nice evening.

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

Kirsten?

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

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

MS. MELLEM: The subject property is located south of Ten Mile Road and east of Novi Road.

The subject property is zoned OS-1 office service district and is
surrounded by OS-1 to the east and south, B-1 to the west, and B-3 and I-1 to the north.

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

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

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

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

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

Engineering, landscape and traffic and fire are recommending approval with changes with the final site plan.
submittal.

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

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

CHAIRPERSON PEHRSON: We appreciate that.

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

MR. SHAW: Todd Shaw representing the applicant.

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

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

CHAIRPERSON PEHRSON: Thank you, sir. If we have any questions, we will ask.
Turn it over to the Planning Commission for their consideration.

Who would like to start.

Member Lynch, go ahead.

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

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

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

CHAIRPERSON PEHRSON: Awesome.

Member Greco?

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

MR. LYNCH: Second.

MR. BARATTA: Second.
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
conditions and items listed in those letters being addressed on the final site plan, and because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other provisions of the ordinance.

MR. BARATTA: Second.

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

Any other comments?

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

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

CHAIRPERSON PEHRSON: Seconder agree?

MR. BARATTA: I would agree with that.

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

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Member Lynch?
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.
MS. MCBETH: Chair Pehrson?
CHAIRPERSON PEHRSON: Yes.
MS. MCBETH: Member Baratta?
MR. BARATTA: Yes.
MS. MCBETH: And Member Greco?
MR. GRECO: Yes.
MS. MCBETH: Motion passes four to zero.
CHAIRPERSON PEHRSON: All set.
Thank you, sir.
MR. SHAW: Thank you very much.
Appreciate it.
CHAIRPERSON PEHRSON: Next on the agenda is the approval of the December 9, 2015 Planning Commission minutes.
MR. BARATTA: Move to approve.
MR. GRECO: Second.
CHAIRPERSON PEHRSON: Motion and a second.
Any other discussion? Barb, can you call the roll.
MS. MCBETH: Yes. Chair Pehrson?
CHAIRPERSON PEHRSON: Yes.
MS. MCBETH: Member Baratta?
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: 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?
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.)
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