



PLANNING COMMISSION

MINUTES

CITY OF NOVI

Regular Meeting

October 14th, 2020 7:00 PM

Remote Meeting

45175 W. Ten Mile (248) 347-0475

In accordance with Open Meetings Act, MCL 15.261, ET SEQ., as amended, this meeting was held remotely.

CALL TO ORDER

The meeting was called to order at 7:04 pm.

ROLL CALL

Present: Vice Chair Avdoulos, Member Ferrell, Member Lynch, Member Maday

Absent: Chair Pehrson, Member Dismondy

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Madeleine Kopko, Planning Assistant; Rick Meader, Landscape Architect; Elizabeth Saarela, City Attorney; Doug Necci, City Façade Consultant

PLEDGE OF ALLEGIANCE

Vice Chair Avdoulos led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Maday.

VOICE VOTE TO APPROVE THE OCTOBER 14, 2020 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.

Motion to approve the October 14, 2020 Planning Commission Agenda. Motion carried 4-0.

AUDIENCE PARTICIPATION

Stephanie McMullen, 41548 Tamara, said my husband and I live behind the proposed sushi restaurant. We are opposed because we get a lot of trash behind that wall like beer bottles and Little Caesars boxes, for example. I think there's other locations in Novi where this could go. Is there going to be an alcohol license? Where are they going to keep their trash bin? Is there going to be a fish smell? What are the hours going to be? I also think that with everything that's been going on in a pandemic, why would we open another restaurant when there's a massive virus going around?

Vice Chair Avdoulos said we appreciate your comments. This topic will be coming up soon in one of the public hearing items.

Seeing no one else wished to speak, Vice Chair Avdoulos closed the audience participation.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

No City Planner Report.

CONSENT AGENDA - REMOVALS AND APPROVALS

Nothing was on the Consent Agenda.

PUBLIC HEARINGS

1. 1585 PARAMOUNT STREET, PWD20-0006, WOODLAND USE PERMIT REQUEST

Public hearing at the request of Yen Cheng for consideration of a request for a Woodland Use Permit at 1585 Paramount Street. This property is also known as Lots 85-88, Cenaqua Shores Subdivision, which is located north of Thirteen Mile Road, west of Novi Road in Section 2 of the City. The applicant is proposing to remove thirty-three (33) regulated woodland trees (twenty two on-site, eleven off-site) in order to construct a single family residential structure.

City Planner McBeth said we sent a revised memo to the Planning Commission today. It has an updated suggested motion and some further description of the actual request. The plans presented show removal of trees on the residential lot as well as proposed removal of some trees within the City's right-of-way on both Paramount and Lashbrook Street. On further analysis, staff is recommending that the Planning Commission consider the requested tree removals only on the lot itself. The Planning Commission is not authorized to approve the removal of off-site woodland trees, so the revised suggested motion had been sent to you late this afternoon. I will now turn it over to Christian Carroll.

Planner Carroll said this request is by Yen Cheng to remove thirty-three regulated woodland trees. Twenty-two are on-site and eleven are off-site as Barb had mentioned. The applicant is preserving twenty-two remaining trees on the property that are regulated woodland trees. The site is located near Thirteen Mile Road and Novi Road. It's zoned R-4, One-Family Residential, and all the surrounding properties are zoned R-4 as well. The future land use for the area is single-family. It should be noted that the plot plan that was provided does not necessarily reflect the accurate removals and preservation that's proposed by the applicant, but the tree survey does indicate where the trees are located. The most accurate list is within ECT's review letter. The review letter that was revised, was provided yesterday and it confirms that the applicant is proposing to remove thirty-three trees and of the thirty-three proposed for removal, again, twenty-two are on-site and eleven are off-site. However, none of the proposed off-site removals may be removed as part of this permit as Barb had eluded to. Exceptions have been made to allow off-site removals with the adjacent property owner's permission and in instances where construction or revised grading has been authorized. Therefore, staff recommends that only twenty-two of the thirty-three woodland trees be approved for removal. That would require thirty-nine woodland replacement credits and there is a suggested motion within the memo for reference.

Vice Chair Avdoulos asked if the applicant would like to address the Planning Commission.

Hearing none, Vice Chair Avdoulos said this is a public hearing, if anyone in the audience wishes to address the Planning Commission you may do so now.

Christine Alexander, 218 Monticello, said I am basically right down the street from this proposed building site. I have been in this location for twenty-three years and have always had flooding problems. My flooding problems have been exasperated by the neighborhood across from Novi Fire Station 2 at Thirteen Mile. Because they're higher up and we are in lower grade they went ahead and put sewer locations and drainage locations from the upper ground into the lower ground which now floods out my area even more than it did before. I purchased the lots that go up to the Novi Fire Station just so that I could prevent building on that property and maintain habitat for animals and tree preservation. Also, I don't want anyone building there because it will exasperate the water issues that I already have. With that being said, there are flooding issues throughout the neighborhood already and now you are taking away areas that water has to drain to. I don't understand why they would be willing to take away the wetlands and woodlands when they're supposed to be protected.

Seeing no one else wished to speak, Vice Chair Avdoulos closed the public hearing and turned it over to the Planning Commission for consideration.

Member Lynch said right now, for all intents and purposes you could build three homes there and that would be allowed through the Ordinance. Is that a correct statement?

City Planner McBeth said yes, through the chair, this is really just a single-family lot and it is fairly narrow. The plan that's shown on the screen shows a portion of the lot and the potential location for the house on the lot.

Member Lynch said I'm looking at the subject property and your describing it as three separate lots: 85-88. So, there's three separate lots that they just want to turn into one, right? You could put three separate homes there and that would be within the Ordinance and there's not much we can do about it. So, what the applicant is proposing, is combing these three lots and putting one single family home, is that correct?

City Planner McBeth said yes, that is correct. These are some smaller lots that have been combined into this larger parcel to accommodate the proposal.

Member Lynch said with the way it is zoned right now, is it true they can put three homes there under our current Ordinance?

City Planner McBeth said there is a prevision of the Zoning Ordinance that allows for homes to be built on non-conforming lots, so these lots have been established probably before Novi became a city and they are smaller than our typical standards. So yes, typically the lots would have been buildable at the time probably for smaller homes and in this case, I believe they've combined the three into one parcel.

Vice Chair Avdoulos said just as a matter of fact, we're looking at the woodland use permit request so were not looking at approving the building site or anything beyond that.

Member Lynch said I absolutely understand. I'm just trying to get an understanding of the bigger picture and when somebody brought up the flooding issue, it got my attention. What is the plan with the woodlands? Are they going to be replanted back on the site or are they going to have to donate into the city's tree fund?

Planner Carroll said it's unsure at this moment whether there would be a replant or if it would be paid into the tree fund. The applicant did not indicate one way or another.

Member Lynch said so in my opinion, I've been consistent on this for a decade, if the trees are

removed from that property, they should be replaced somewhere else on the property. As far as the woodlands, I read the ECT review letter, it looks like they are approving it, we're not approving a building so I really can't address any of the flooding things. I do agree with one of the comments made by the public about the flooding and I'm going to take it as face value that there is a flooding issue, which leads me to my position that I would like to see the trees replaced on that same property instead of putting it into the tree fund.

Member Avdoulos said I know that what is indicated on the motion is to have a woodland replacement plan. Do you know what the idea is, Christian? Is it to look at the removing of trees, but are they replanting on that property or can they even replant on that property?

Planner Carroll said if they were to replant, they would have to provide a plan indicating where the replanting will be located. Currently, I don't have any indication of a replanting plan, but not to say they won't.

Member Lynch said well I can see the applicant and the applicant can see me. Nod your head then. Are you okay with instead of paying into the tree fund, you replace the trees back on the property?

The applicant nodded no.

Member Lynch said so they want to put it into the tree fund. My position is this: if the trees can be replaced on site, I don't have an issue with it, if they can't be replaced on site, I'd like to revisit this when I can speak to the applicant.

Member Ferrell said can we table this item to the end and see if the applicant can get reconnection to their audio and if not, we can re-hear this at a different time?

City Planner McBeth said I think either tabling it to the end of the meeting to see if the applicant can resolve their technical difficulties would be one opportunity or if they cannot we can certainly table it to the next available meeting.

Motion made by Member Lynch and seconded by Member Ferrell.

ROLL CALL VOTE TO TABLE ITEM, 1585 PARAMOUNT STREET, PWD20-0006, WOODLAND USE PERMIT REQUEST UNTIL THE END OF THE MEETING.

In the matter of 1585 Paramount Street, PWD20-0006, motion to table the Woodland Use Permit to the end of the meeting to give time to the applicant to fix internet connection issues. Motion carried 4-0.

2. PARK PLACE LOT 29, PWD20-0005, WOODLAND USE PERMIT REQUEST

Public hearing at the request of David and Lillian Barach for consideration of a request for a Woodland Use Permit at 50820 Applebrooke Drive. This property is also known as Lot 29, Park Place Subdivision, which is located south of Nine Mile Road, east of Napier Road in Section 31 of the City. The applicant is proposing to remove five (5) regulated woodland trees in order to construct a pool.

Planner Carroll said in your packet you will find another woodland use proposed with a use permit requested by the applicant to remove five regulated woodland trees from Lot 29 in Park Place Subdivision to provide space to construct a pool. The site is zoned RA, Residential Acreage, as well as the surrounding properties and it has a single-family future land use designation. In 1997 the Planning Commission reviewed the plans for Park Place. The City's Environmental Consultant

reviewed the request and provided a letter on August 25 and confirmed that the proposal is to remove five trees within the regulated woodland, remove three trees due to construction of the pool, and remove two trees out of concern for safety. The city forester did go out to the site to determine if those two trees were deemed unsafe and he determined that they weren't unsafe and therefore ten woodland replacement credits would be required. Staff suggested the Planning Commission approve the woodland use permit for the removal of five trees. The suggested motion is provided in the memo.

David Barach, applicant, said thanks for taking the time to review this today. We've completed the tree survey, we've submitted the application for the woodland permit, and we've received approval from the HOA. This is my first time doing this and I'm not a builder. I've never gone through this process before so I'm learning a lot. Pete Hill has been a great help as well as Christian Carroll and the tree forester. We're planning on using a builder who has done three pools already in this neighborhood and has done a really great job. He comes highly recommended and we certainly plan on preserving the natural beauty of the neighborhood with as little impact to the woodlands as we can. We look forward to the decision on the committee before we submit plans and put money down with the builder.

Vice Chair Avdoulos said if anyone in the audience would like to address the Planning Commission on this matter, you may do so now. Seeing no one in the audience wished to speak, Vice Chair Avdoulos asked for the written correspondence.

Planning Assistant Kopko said there was one letter received from Thomas Mulvihill, 50760 Applebrooke, who supports the project and says the removal of the trees does not negatively impact his property.

City Planner McBeth said there was also a letter from another neighbor, Doug Necci, who offers his support of the project as well.

Vice Chair Avdoulos closed the public hearing and turned it over for the Planning Commission's deliberation.

Member Lynch said the first thing I want to do is thank the applicant for asking permission. Most people just go in and take the trees down and put the pool in and come back and ask for forgiveness, so I appreciate you going through the process. It looked like your immediate neighbors, the homeowner's association, and the woodland consultant all agree and support your proposal. With that, I'd like to make a motion.

Motion made by Member Lynch and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE REQUESTED WOODLAND REMOVAL PERMIT MADE BY MEMBER LYNCH AND SECONDED BY MEMBER FERRELL.

In the matter of Park Place Lot 29, PWD20-0005, motion to approve the Woodland Use Permit subject either to payment for the Woodland Replacement Credits into the City's Tree fund or subject to the planting of woodland replacement trees on site as shown on a woodland replacement plan, and any other conditions as listed in the Environmental Consultant's review letter. *Motion carried 4-0.*

3. CASA LOMA UNIT 4 (PHASE II), PBR20-0228, WOODLAND USE PERMIT REQUEST

Public hearing at the request of Compo Builders Inc. for consideration of a request for a Woodland Use Permit at 47685 Casa Loma Court. This property is also known as Unit 4, Casa

Loma Subdivision, which is located north of Eight Mile Road, west of Beck Road in Section 32 of the City. The applicant is proposing to remove an additional nine (9) regulated woodland trees in order to construct a single-family residential structure and a pool.

Planner Carroll said we're familiar with this property as it came before the Planning Commission about a month ago. This is another proposal to remove an additional nine regulated woodland trees from Unit 4. It is zoned RA, Residential Acreage, and the Future Land Use is designated as single-family. The proposed removal plan is shown on the screen. It is an additional three trees to the east and six trees to the southwest. The conservation easement to the southeast of the property will not be impacted by the proposed removals and the City's Environmental Consultant provided another review letter on September 22 and it confirmed that the applicant is proposing to remove an additional nine trees from city regulated woodland and they're not located within the previously approved building area on the site or within the twenty-six regulated woodland trees that were previously approved for removal by the Planning Commission on August 12. The proposed removals require an additional nineteen woodland replacement credits and the removals, again, are proposed for additional grading and construction of the pool on the site. Staff does suggest that the Planning Commission approve the Woodland Use Permit for the removal of the additional nine trees on the site and the suggested motion is provided in the memo.

David Compo, Compo Builders, said I was with you about a month ago and once the owners saw the foundation in and backfilled and we were looking at the grades, we had expanded the use of the pool area that you see drawn there. It is still in the shade as this is such a wooded lot and I said to the homeowner, certainly you don't want to try to get into any of the protected wetland areas which he agreed. Fortunately, we have some terrific clients in Casa Loma and they agreed that the three trees that were between Lot 3 and Lot 4 were dumping quite a bit of debris on the driveway of Lot 3 and the applicant talked about doing a big row of evergreens along there to make it have less debris. One tree was leaning quite a bit and they felt it was a better use of space.

They do not have a replacement tree credit plan yet, just like they didn't when we took the original trees down. They had indicated on the original tree permit that those tree credits that we had paid for subsequently we're going to try to put as much on the site as possible. Obviously, anything not planted on the site would be paid into the tree fund, but there is no plan as of right now. These are builds that last about a year and a half, there is no quick timeline and they have not gone with a landscape architect yet, which typically would be Premier Landscaping or Great Oaks, which are both located in Novi so were dealing with very reputable companies that handle the trees. The ones you see on the bottom left corner and with the topography they wanted to try to be able to blend that down so water that was going from the patios around the pool back to the southwest corner of the lot and that's where those trees were in between grade so therefore they were trying to get some of those other trees removed to allow a little bit of sun in the backyard and also to be able to help the drainage. I'm not sure if the owner, David Konja, is on, but again they're going to be building a beautiful home and they're doing extensive landscaping. We had a lot of discussions about it and want to make it look amazing.

Vice Chair Avdoulos said this is a public hearing, if anyone would like to address the Planning Commission on this item, you may do so now. Seeing no one in the audience wished to speak, Vice Chair Avdoulos asked for the written correspondence.

Planning Assistant Kopko said there were four letters received. The first is from David Compo, of Northville, who supports the project as it will avoid grade issues from the Lot 4 pool area. The second letter is from Jessica & Michael Dabish, 47615 Casa Loma, who give support for the project. They say the trees are messy and pose a potential risk to their house if they were to fall over. The third letter is from Ryan Schrieber, 47755 Casa Loma, who also supports the removal as the trees are pretty messy.

The last letter is from David Konja, 47685 Casa Loma, who supports the project because some of the trees are starting to lean over into neighbors' properties and leaving debris.

Vice Chair Avdoulos closed the public hearing and turned it over to the Planning Commission for consideration.

Member Lynch said the nice thing about this project is that we have the neighbor's approval and the woodland consultant's approval. I'd like to make a motion and then we can have further discussion if you would like.

Motion made by Member Lynch and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE REQUESTED WOODLAND REMOVAL PERMIT MADE BY MEMBER LYNCH AND SECONDED BY MEMBER FERRELL.

In the matter of Casa Loma Lot 4 Phase II, PBR20-0228, for the removal of nine regulated woodland trees within an area mapped as City Regulated Woodland motion to approve the Woodland Use Permit subject either to payment for the Woodland Replacement Credits into the City's Tree fund or subject to the planting of woodland replacement trees on site as shown on a woodland replacement plan, and any other conditions as listed in the Environmental Consultant's review letter. Motion carried 4-0.

4. BOLINGBROOKE LOT 15, PWD20-0007, WOODLAND USE PERMIT REQUEST

Public hearing at the request of Bashar Yalldo for consideration of a request for a Woodland Use Permit at 43854 Bolingbrooke Lane. This property is also known as Lot 15, Bolingbrooke Estates Subdivision, which is located north of Twelve and a Half Mile Road, west of Old Novi Road in Section 10 of the City. The applicant is proposing to remove twenty-five (25) regulated woodland trees in order to construct a pool.

City Planner McBeth said we sent a revised memo out again late this afternoon. It further clarifies the applicant's request which was to remove all the remaining woodland trees on the lot in order to construct a swimming pool associated with the house. The applicant, as I understand, was unsure where the existing trees would cast shade or shadow onto the swimming pool so staff reviewed the plan and suggested the Planning Commission consider the removal of only the trees that are within the area of influence and the construction. The trees on the north and north west sides of the lot are not expected by staff in any way to cast shadows or shade on the pool for most of the day. Additionally, two trees at the very north end of the site are within an existing conservation easement and those may not be removed because those are protected and again there is a revised motion in the packet that went out late this afternoon for your consideration.

Planner Carroll said as Barb had mentioned the applicant is proposing to remove twenty-five regulated woodland trees from Lot 15 in Bolingbrooke. Its located near Twelve ½ Mile Road and Old Novi Road, it's zoned R-4, One-Family Residential, and the future land use is designated as single-family. This indicated the regulated woodlands on the property and the surrounding area as noted on the plan. You can see a dashed line that is the extent of the conservation easement so these two trees would fall within the conservation easement and the next slide shows the concept plan for the proposed pool and deck and approximately the location for the regulated woodland trees in the area that would be impacted. In ECT's review letter that was revised and provided on October 6 it does indicate that approximately eleven of the twenty five regulated woodland trees would fall in the potential impact area for this construction and that is part of the reasoning behind staff's recommendation. It is staff's recommendation that the remaining twelve trees that are not within the influence for this project shall be preserved and therefore staff recommends only eleven of the

twenty-five regulated woodland trees be approved for removal and these trees would require eleven replacement credits because two of them were considered dead by the city forester who went out there and inspected that and will not require woodland replacement credits. The plan does indicate some type of replacement vegetation in the concept plan so it is unclear whether the applicant intends on replacing all plantings on site or paying into the tree fund. Staff does suggest that the Planning Commission approve the woodland use permit for the removal of eleven trees of the twenty-five requested. The adjusted motion is provided in the memo.

Bashar Yalldo, applicant, said I just wanted to say thank you Christian and Pete for the time and effort you put into this for me and I hope for an approval. I don't want to do anything without permission of the committee, of course. As I was telling Christian, if we do remove any trees I'll absolutely pay into the tree fund or if I can plant in the future when we actually do construction of the pool I would do that too. I do love mature trees and I'm really going to try to limit whatever I can cut down. I even offered to pay for the removal of all the trees in advance and if I don't cut some trees down you guys can still use those funds to replant other trees because I think that is the right thing to do.

Vice Chair Avdoulos said this is a public hearing, if anyone would like to address the Planning Commission on this item, you may do so now. Seeing no one in the audience wished to speak, Vice Chair Avdoulos asked for the written correspondence.

Planning Assistant Kopko said there were two letters received. The first one is from Liang Yin Chen, 43870 Bolingbrooke Ln, who objects because removal of the trees impacts the ecosystem, de-beautifies it, provides less shade, and it cannot be easily reversed. The second letter is from Jennifer & Dennis Kramer, 245 Pleasant Cove Drive, who oppose the project. They say this will devastate the densely wooded area, the character of the neighborhood would change, homes for wildlife would be gone, and it would diminish a quiet and private sanctuary for nature lovers.

Vice Chair Avdoulos closed the public hearing and turned it over the Planning Commission for their consideration.

Member Lynch said ideally based on some of the neighbors comments, to avoid any controversy, it sounds like the applicant was willing to put some of these trees back where feasible on-site instead of paying into the tree fund. I prefer to see that. Certainly, I don't want to plant the trees where they are going to compete for the same nutrients. However, I think, as a responsible neighbor, based on the comments, would you be willing to replace the trees instead of paying into the tree fund? You could put as many as you can on your site instead of paying into the tree fund. I'd like to hear from the applicant if he's going to do that.

Bashar Yalldo said yes, that's something I would definitely be willing to do.

Member Lynch said I think that solves a lot of problems. I don't have a problem making a motion. I just want to make sure in the motion that you're willing to put the trees on-site where feasible versus the tree fund. Is that the best way to do it, Beth? I'm trying to make sure that what's discussed here gets included in the motion, but I don't want him planting the trees so close together that they're going to kill each other so, how would I word something like that?

City Attorney Beth Saarela said you can add where feasible in accordance with the woodland plan approved by the city's consultant and landscape architect.

Motion made by Member Lynch and seconded by Member Maday.

In the matter of Bolingbrooke Lot 15, PWD20-0007, motion to approve the Woodland Use Permit

for the removal of eleven regulated woodland trees, subject to planting the replacement trees on site where feasible as shown on a woodland replacement plan, to be reviewed and approved by the city's staff and consultants, and where not feasible, paid into the tree fund. Motion carried 4-0.

Member Ferrell said so there's no set number of if he decides to only put one or two trees or is that part of the whole what's feasible comment that Beth said?

City Attorney Beth Saarela said I think that would be decided by the Landscape Architect and Woodland Consultant and they would determine what's feasible based on where there's other trees, where there's other structures, and if the trees work out there as Member Lynch suggested. So, I think it's going to be as feasible as shown in the plan.

Member Ferrell said hypothetically, if he can't put any trees back on the property then do we need to add something that says that he would pay into the tree fund?

City Attorney Beth Saarela said will we add that the rest would have to go in the tree fund.

Member Maday said I really emphasize where feasible and whatever you can't plant put back into the tree fund.

ROLL CALL VOTE TO APPROVE THE REQUESTED WOODLAND REMOVAL PERMIT MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.

In the matter of Bolingbrooke Lot 15, PWD20-0007, motion to approve the Woodland Use Permit for the removal of eleven regulated woodland trees, subject to planting the replacement trees on site where feasible as shown on a woodland replacement plan, to be reviewed and approved by the city's staff and consultants, and where not feasible, paid into the tree fund. Motion carried 4-0.

5. ANU SUSHI JSP20-25

Public hearing at the request of Anu Sushi for Special Land Use and Preliminary Site Plan approval. The subject property contains 2.68 acres and is located in Section 26, on the west side of Meadowbrook Road, south of Ten Mile Road. The site is known as the Peach Tree Shopping Center. The applicant is proposing to move into a tenant space in the center as a carry-out restaurant, which is a Special Land Use in the B-1 Zoning District. The applicant is not proposing any exterior changes to the site or building.

Planner Carroll said this is a request from Anu Sushi for Special Land Use and Preliminary Site Plan approval. The property contains 2.68 acres and is located at Meadowbrook Road and Ten Mile Road. It is also known as the Peach Tree Shopping Center and as mentioned earlier, it does have a few tenants in it but none of them are currently restaurant uses, they're all educational uses. The applicant is proposing to move into a tenant space as a carry-out restaurant which is a Special Land Use in the B-1, Local Business, Zoning District as approved in 2018. Again, there are no exterior changes proposed to the site or building.

A little bit of background on this site, there's a mix of uses in the Zoning Districts surrounding the site with B-3, business and shopping to the north, B-1, business and bank uses to the east, and R-4, residential uses to the west and south. It does abut about four or five residential properties to the south. In regard to future land use, the future land use of the site is Local Commercial with Local Commercial also to the north, Community Office to the east, and single-family to the west and south.

There are no natural features in the surrounding area according to the Novi GIS Wetland and Woodland Map.

The proposed plans that were submitted by the applicant are on the screen. The tenant space is located towards the eastern side of the building, it doesn't occupy a lot of space and is 1,100 square feet. A few items to note are that there is a grease trap that would generate noise used for frying. The current trash receptacle, which is on the north west of the property, would be used and there would not be any new additions of trash receptacles to this site.

Planner Carroll continued to say the use does comply with the Special Land Use requirements as outlined in the motion sheet. The proposed use is not anticipated to generate large volumes of traffic. It will continue to be served by public water and sewer and there is adequate service to manage the increase in use of the site from an additional tenant. The applicant is not proposing to remove any regulated woodland trees or impact wetland areas. The building will appear much the same as it does currently while providing an additional restaurant for the shopping center visitors and the surrounding area. It does comply with the goal within the Master Plan that recommends for supporting growth of existing businesses. The restaurant will promote the use of land in a socially and economically desirable manner because Anu Sushi is a unique restaurant that will provide additional foot traffic for the shopping center and provide the surrounding area with another restaurant option.

The proposed use is also in harmony with the purposes of a Special Land Use and conforms to the applicable site design regulations of the zoning district in which it is located. Relative to Section 4.91 of the Zoning Ordinance, which specifically discusses carry-out restaurants within the B-1 Zoning district, the hours of operation of any such restaurant shall not extend beyond the hours of 7 a.m. to 10 p.m., except that deliveries only may take place until 1 a.m. There shall be no outdoor food preparation of any kind and such activity must occur inside the building.

Sam Matthew, Applicant, said thank you Christian for all the help throughout this process. You had mentioned us having a fryer and we have decided not to have one at this time and strictly serve sushi, no fried food would be produced. We had added a fryer just in case we wanted to incorporate that at some point, but at this time we have decided not to have a fryer.

Vice Chair Avdoulos said this is a public hearing, if anyone in the audience would like to address the Planning Commission on this matter, you may do so now.

Sue Kang, representing O'Sushi on 41563 W 10 Mile Road, said we're located right behind this proposed Sushi Restaurant. We're a small family owned restaurant. I started this project a couple years ago with my elderly parents to see what we could do in Novi and we we're gradually building it up, but then the pandemic happened, which almost shut us down. We were performing under twenty-five percent and had to get grants. We're slowly starting to build up our business again because at one point we were thinking about shutting down, but then we had employees and other things we are putting our hearts and soul into and suddenly we get this letter that a new sushi restaurant, not even a quarter mile away from our restaurant is being proposed. This is setting us up for failure, having the same kind of food in the vicinity of us. There's a clear pathway between our buildings. I just don't understand how someone can build something that's exactly the same kind of food were serving. It's devastating news for myself and my parents. They are also already remodeling inside so why are we here tonight to have support and objections? We want to stay in Novi and thrive with our business. I hope you can understand where I am coming from and this position I am holding right now. Thank you.

Matt McMullen, 41548 Tamara, said we definitely do not want a restaurant right behind our property. We already have a lot of problems with kids toys coming over the wall and people climbing the wall,

coming into our back yard to come get those toys. We also don't want to deal with any of the traffic that comes with it and there's already two other sushi restaurants in this vicinity as the last person was just saying. I believe a sushi restaurant is really not a good spot for this location and it would definitely not help our home value as well.

Seeing no one else wished to speak, Vice Chair Avdoulos asked for the written correspondence.

Planning Assistant Kopko said there were quite a few letters received. The first one is an objection from Jeanne Adamson, 23950 Meadowbrook, she says it will add too much noise and traffic will add to an already busy intersection. Sue Kang of O'Sushi, 41563 W 10 Mile Road, says their business is struggling due to the pandemic, they object to the idea of another sushi restaurant across the street from theirs and it will set them up for failure. Judy Allen, 41560 Tamara, objects because additional garbage will be thrown over the wall into the backyards of residents, there will be noise late at night, and the smell of fish in the garbage will attract rodents. John Sherwood, 23980 Meadowbrook Road, objects because restaurants should not be located backed up to residential homes and there's no guarantee there will not be any smells. Jack Schaffer, 41701 Sycamore, objects because there are already enough take-out businesses, and the trash keeps piling in their yard from these businesses and the plaza was not designed for the traffic that will be added. Christina Pierce of Koby Learning Group, 24055 Meadowbrook, supports the project and they need more food options close to them, there will be no unwanted smells, her customer base likes sushi, and their customers could potentially become her customers. Kerope Arman of West Bloomfield supports the project because the restaurant offers food that many residents enjoy and likes that part of the restaurant's proceeds go to charitable causes. Dylan Delikta of Center Line supports the project because there is demand for the food type in the area. Chris Hoehn of Waterford supports the project. Michael Barre of Brighton supports the project because a successful restaurant would be good business in an underutilized strip mall, he shops and eats quite a bit in Novi and would welcome this proposal. The last letter is from Filipina Romero of Wixom, she supports the project, she is interested in new restaurants she can try in the area and the location is very close to where she attends language classes.

Vice Chair Avdoulos closed the public hearing and turned it over to the Planning Commission for their consideration.

Member Lynch said are we approving a sushi restaurant or are we just approving a restaurant for special land use? This is coming in as a sushi restaurant and I didn't think we approved specific types of restaurants.

City Planner McBeth said typically a special land use does indicate an area of square footage and a restaurant. In this case they're proposing a particular restaurant and it seems like certain conditions could be added to this if you wish to do that, but in most cases a special land use would go with the individual property.

Member Lynch said so really what we're doing is approving a special land use permit for, in this case, a restaurant. It does not matter if it's sushi or something else. Correct me if I'm wrong, but I believe that we have done that fairly consistently throughout the City. I don't remember any exceptions. I am sensitive to the comments we received. The trash receptacle, as I see it, is located away from where the homeowners are adjacent to the back of the building. Is that true?

Planner Carroll said correct, the trash receptacle is in the north west of the property.

Member Lynch said so that's away from the residential property. Now, behind the building, what's adjacent to it? It looks like an alley way or some kind of parking. What is exactly is that?

Sam Matthew, Applicant, said yes that is parking.

Member Lynch said okay so there's no entrances there, that would maybe be an employee entrance?

Sam Matthew, Applicant, said that's correct.

Member Lynch said I am sensitive to the competition argument. I don't know that we have the authority to limit any kind of competition.

City Attorney Beth Saarela said that's correct.

Member Lynch said that's out of our purview. Although I am sensitive to what one of the residents mentioned, I don't know that there's anything we can do about that. We have to look at this project as a special land use. Have we done this throughout the city? Are we applying the same standards consistency to everyone that comes before the Planning Commission with similar requests? I'm also sensitive to the homeowners that live adjacent to that. I, at one time, did live adjacent to a Little Caesars, so I do understand the concerns. I believe that those concerns, once again, are out of our purview. We're not creating these concerns. My recommendation to the residents that complained is please contact the police.

So I guess where I'm at with this is we've approved similar special land uses on prior occasions and I don't ever remember rejecting one that came to us with a similar proposal and so it would be inappropriate for me to object this one especially if it's not causing additional problems in the area. I did look at the traffic situation, that's always something that I'm concerned about. It's going to be a commercial use anyways so you're going to have traffic whether it's a sushi restaurant or another type of store. I don't see how that's going to affect the adjacent homeowners as far as Ten Mile Road and Meadowbrook Road, I believe we did a traffic study there. We are in fact putting a tenant into a vacant property and I am sensitive to that also. There's nothing worse than having empty strip malls so I guess I'm leaning towards approving this although, if there's some reasonable arguments against I would be willing to reconsider, but as of right now this is fairly consistent with what we as a commission have approved throughout the city in the past so I'm leaning towards approving this, but I'll listen to my other colleagues before making a final decision.

Member Maday said this is a carry-out only facility, correct?

Planner Carroll said correct.

Member Maday said and there's no liquor license involved with this and the hours are going to be between 7am-10pm. The trash receptacle is going to remain in the same place which is on the other side of where the residences are. The fact that they're not going to have a fryer will certainly help with any potential smells. They don't plan on doing any cooking outside and they're not allowed to. It meets the general compliance of the Ordinance so I'm leaning towards being in favor of this. I do have another question though. The subsequent substantially similar restaurant Section 4.91, does that mean that someone coming in at a later date could only do a carry-out or could they do a larger scale restaurant?

Planner Carroll said so it has to be a carry-out restaurant as indicated in section 4.91 that wouldn't have to necessarily be sushi, but I think it does note that if the footprint is expanded at all they would have to come back for special land use approval again.

Member Maday said okay with that, this one has my support.

Member Ferrell said I agree with my fellow commissioners. I do feel bad that there's competition, but I believe that competition is exactly what it is, and I don't think that is, like we discussed, in our wheelhouse unfortunately. This is part of the Ordinance and I unfortunately or fortunately, however you look at it, have to support this request.

Vice Chair Avdoulos said just like what Member Lynch had indicated is we can't really control what type of restaurant or business is being brought before us. The fact is that that type of business use is allowed within the Ordinance as long as they follow the requirements. Everyone has to do their market research and if someone wants to put another sushi restaurant or three coffee shops right next to each other, we just can't look at what is a smart business decision we just have to follow the Ordinance. Can we have a motion?

Motion made by Member Ferrell and seconded by Member Maday.

ROLL CALL VOTE TO APPROVE THE SPECIAL LAND USE PERMIT FOR PROJECT ANU SUSHI, JSP20-25 MADE BY MEMBER FERRELL AND SECONDED BY MEMBER MADAY.

In the matter of Anu Sushi JSP20-25, motion to approve the Special Land Use permit based on the following findings:

a. Relative to other feasible uses of the site:

- i. The proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service. Although there may be additional traffic relative to the commercial use, the proposed use is not anticipated to generate large volumes of traffic. The site plan shows that the shopping center contains adequate parking.**
- ii. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area, because the shopping center will continue to be served by public water and sewer systems and there is adequate service to manage the increase in use of the site from an additional tenant in the building.**
- iii. The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses, and wildlife habitats because the applicant is not proposing to remove any regulated trees or impact wetland areas.**
- iv. The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, because the proposed use will appear much the same as it does currently while providing an additional restaurant for the surrounding area and visitors to the shopping center.**
- v. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use, because it complies with the goal that recommends supporting growth of existing businesses.**
- vi. The proposed use will promote the use of land in a socially and economically desirable manner, because Anu Sushi is a unique restaurant that will be able to provide the shopping center with additional foot traffic and will provide the surrounding area with another restaurant option.**
- vii. The proposed use is listed among the provision of uses requiring special land use**

review as set forth in the various zoning districts of this ordinance, and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

b. Relative to Section 4.91 of the Zoning Ordinance:

- i. The hours of operation of any such restaurant shall not extend beyond the hours of 7 a.m. to 10 p.m., except that deliveries only may take place until 1 a.m.
- ii. There shall be no outdoor food preparation of any kind. All such activity must occur inside the building.

This motion is made because the plan is otherwise in compliance with Article 3.1.10, Article 4, Article 5 and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PAN PERMIT FOR PROJECT ANU SUSHI, JSP20-25 MADE BY MEMBER FERRELL AND SECONDED BY MEMBER MADAY.

In the matter of Anu Sushi JSP20-25 motion to approve the Preliminary Site Plan based on and subject to the following:

a. The findings of compliance with Ordinance standards in the planning review letter and the conditions listed in those letters being addressed on the Final Site Plan; and

b. Relative to Section 4.91 of the Zoning Ordinance:

- i. The hours of operation of any such restaurant shall not extend beyond the hours of 7 a.m. to 10 p.m., except that deliveries only may take place until 1 a.m.
- ii. There shall be no outdoor food preparation of any kind. All such activity must occur inside the building.

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. *Motion carried 4-0.*

6. ARMENIAN GENOCIDE MEMORIAL JSP 17-37

Public hearing at the request of Armenian Cultural Center for revised Special Land Use and revised Preliminary Site Plan approval. The subject property is located in Section 12, on the north side of Twelve Mile Road and east of Meadowbrook Road, in Residential Acreage (RA) zoning district. The project area is approximately 19.30 acres. The applicant previously received approval of a church and cultural center with accessory uses such as day care center, multipurpose hall, café, religious educational rooms, and recreational facility. The applicant is now seeking approval of a proposed Armenian Genocide Memorial structure within the courtyard. The previous Planning Commission approval stipulated that Special Land Use approval would be required if a structure did not meet the height limits of the Ordinance.

Planner Bell said as you stated the 19.3-acre site is located on the north side of Twelve Mile Road, east of Meadowbrook Road. The zoning of adjacent parcels are OST, Office Service Technology, to the south and R-4, Single Family, and B-3, General Business to the east. To the north and west are areas zoned RA, Residential Acreage, and developed with single family homes.

Some of you may recall that the Armenian Church and Cultural Center came before the Planning Commission for Site Plan and Special Land Use in October of 2018. That request was approved, with a stipulation that if the church or monument structure did not meet the height limitations of the district, the project should return to the Planning Commission for revised Special Land Use approval. The proposed Armenian Genocide Memorial monument is 6 feet wide and 62.83 feet, or 1,915 cm, which exceeds the 35-foot height permitted in the RA district. The height of the monument represents the year the genocide began, 1915. The applicant will need a determination or variance from the Zoning Board of Appeals for the proposed height.

Planner Bell continued to say the monument would be located in the central area of the site, within the courtyard. No new parking, traffic circulation, landscaping, or utility work is proposed with this change, and no additional natural features will be impacted. The structure is composed of stainless steel and copper panels, which is an overage of flat metal panels on all elevations. Our façade consultant recommends approval of a Section 9 façade waiver. The structure is also proposed to be lit with upward projecting lights. The top of the memorial restricts the projection of light into the sky but does not completely obscure it. As designed, a ray of light would project above the structure. The Planning Commission may waive the cut-off requirement in this case if it determines it otherwise meets the considerations for lighting plan review, which were included in the packet. The applicant has proposed to limit the hours the structure will be lit from dusk to 11 pm, however they request extended hours for culturally significant holidays. This is included in the proposed motion and may be amended at your discretion. The applicant has also included some additional details of the proposed lighting in their response letter. The applicant has provided perspective drawings that illustrate how the monument would appear from surrounding properties and other vantage points.

The Planning Commission is asked to hold the public hearing and approve or deny the Special Land Use permit and revised Site Plan. The applicant and their team are present tonight to tell you more about their plans.

Constantine G. Pappas, Architect, said it seems like every time we're getting ready to start our project something always comes up. This time it's the coronavirus, hopefully once we get through this, we'll be ready to go. We do have our stamped set in our possession right now so this would be an amendment to the original site plan to allow the monument. Hayg put together a very nice explanation on the history of the Armenian Genocide and what it represented as far as the Armenian Culture. We think this could be a very powerful monument into this space. I am here to answer any questions that you may have as well as Evans.

We tried to take cross sections throughout the site. This is going to be seen from the property to the west and we're about 300 feet away from that property, to the east we are about 540 feet away from the property and to the very north, I would say we're about 650-700 feet from the property line and in fact the grades along the northern side is all heavily rooted in front of the memorial itself all the way to the back of the property where there's 15-20 foot heights. So you can see that we took a cross section of the properties and you can hardly see the memorial at all with all the trees there right now. We would like the lighting to be on during those hours, but we're open to suggestions from the Planning Commission and we have a few small events four to five times a year we may ask to keep it on a little longer.

Evans Caruso, Architect, said I just wanted to add something about the dimensions that you see when it was read that 62.83 foot dimension is specific to the year 1915 of the Genocide so they're a little bit odd dimensions, but they're critical to what this is historically about.

Vice Chair Avdoulos said this is a public hearing if anyone in the audience would like to address the Planning Commission on this item you may do so now.

William DeDecker, president of Beacon Hills Meadows HOA, said we're the subdivision that abuts the west side of this proposal. Pulte did not disclose any of this to us when we were buying our property that this Armenian Center was going to be built here. So, we as residents of our subdivision have a lot of questions about noise, traffic, about lighting. We see there's going to be an expansion of this for this structure with lights that will be on until eleven o'clock at night. I don't know how much that's going to bother the people that live along that side of our subdivision. I don't personally live on that side of the subdivision, but our residents on that side had a lot of concerns about the size of this

structure and the lighting.

We also had a lot of questions about what's going on in this property, we don't know anything about it or the activities that will be going on. There's a service road that runs on the west side and there were some concerns by some of our residents here that when the church gets out people will be using that service road to exit. Will they have access to it? Then, the buffer zone walking along that sidewalk, there's some big beautiful trees over there we would certainly hope that those are preserved and we would hope there would be some additional evergreen trees arborvitae or something that would retain its leaf structure throughout the year not just in the summer especially in the winter to block the noise that would be coming through there as well. I don't know if it would be appropriate to have another meeting between the Armenian Cultural Center and some of our residents, we would just need a half hour of your time for our residents to ask some questions and to get an understanding of what this property is all about. Expanding the property and adding this structure with the light on until eleven o'clock at night, I personally wouldn't mind, but I don't know if the other residents in the subdivision would mind that have children.

Seeing no one else wished to speak, Vice Chair Avdoulos asked for the written correspondence.

Planning Assistant Kopko said there was one letter received from Robert and Roxanne Jones, 27968 Hummingdale Circle, who object because the area is a residential neighborhood, and it would be appropriate to leave it that way.

Vice Chair Avdoulos closed the public hearing and turned it over to the Planning Commission for their consideration.

Member Lynch said I think we're only approving the special land permit. I think this project has been approved for two years.

Vice Chair Avdoulos said correct.

Member Lynch said all these items are a matter of public record and I think all the landscape drawings are with the City. As far as the homeowner's association goes and I don't know what the responsibility of Pulte is, but I think all the information is available at the City if they want to look at it. As far as this particular structure, this is what we're considering tonight, the project has already been approved. So really what we're faced with tonight is approving this memorial structure. The first thing is and since this structure is located so internal to the entire site, granted you have to get a variance from the variance committee, but I don't see an issue with that. How tall is it going to be again?

Constantine G. Pappas, Architect, said 62.83 feet.

Member Lynch said okay and there is some religious significance to that?

Constantine G. Pappas, Architect, said well what is significant about it is it's the year the Armenian Genocide actually started which was 1915 and went to about 1924. So, it has significance of when the atrocity started, and we thought we would use that as a symbolic feature for the design.

Member Lynch said here's why I'm asking. I'm really looking forward to seeing the completion of this entire project. I did a lot of research when you first came to the City with your initial project and I did not realize the genocide with the Armenian People. To be quite honest with you I'm very excited about this project, it's very well done, I think your building plans and landscaping plans were exquisite. As far as the structure, my personal feeling is that since it's so eternal, if it was on the edge of the site I would probably be concerned, but since it's so eternal to such a large site I'm really not that

concerned about it. The lighting I think will be tastefully done, it's not like it's the Twin Towers in New York, but there is going to be a light there which I understand. I remember when we approved another religious site, there were certain things that were important to the religion that really I have no say in. So there's law on what I can and can't approve. I don't know, Beth, if the 62.83 falls into that category. It seems to me there's some significance to that and I don't want to break the law by rejecting it, which I'm not going to reject it. I support the project, I think its tastefully done, its internal to the site, no big deal, but I guess my question to our legal council is, my understanding is as far as the law goes we really can't say too much about something that's significant to a religion.

City Attorney Beth Saarela said yes, you're talking about the religious land use. I haven't heard that they this is a requirement of their religion, they've said this is more from a historical perspective of the Armenian Genocide so I don't know that they've filled out their application and incorporated this as a religious land use. I guess we would have to get more detail from them on that. This has more of a historical significance to their heritage.

Member Lynch said okay I'm glad you said that because I certainly don't want to violate any laws. My opinion is based on the design of the entire site which is all a matter of public record. The addition of this monument will only enhance the site and not detract from the site. It's certainly not going to cause more traffic. I guess I would like to hear a little bit more about the lighting but being so internal to the site I just don't see how that could be a problem and I will support this. I think it's going to be spectacular and I'm glad you came to Novi.

Constantine G. Pappas, Architect, said I would like to add a couple of other things, if you look on sheet 4 page 4 there's some computer images that we added in the upper left hand corner where you can kind of get an idea of what the effect is. I want everyone to understand that the lighting will be subtle. What we're doing is forcing the light right through the middle of it. It's supposed to be a memorial, not a used car sales lot so you know there's history and significance here. We think this could be a very powerful element within the City of Novi. We would also like to add for the gentleman of the adjoining property, we could always meet to discuss any issues. Everything that was on the drawings was either requested by the City of Novi. The amount of landscaping is over the top and Rick can speak to that. Were excited about this and hope you can support it.

Evans Caruso, Architect, said just to make a point for the resident next door, when you look at the image right now on the screen that's literally looking from the property to the south. That parcel right there is from that resident's point of view. Its fully landscaped pretty much a berm covering that whole area. You can't even see through that and that's not even matured yet. So those are things we wanted to show the city and the residents.

Constantine G. Pappas, Architect, said and by the way all the existing landscape material we're trying to keep as much of that there as possible, we're not planning on tearing all that out. Our concept is to augment what is there right now.

Member Lynch said I appreciate it. I did look at the rendering and it is a muted light beam that I see there. I personally have no issue with this project and am looking forward to its completion.

Member Maday said I just want to reiterate were not approving this land for development. It's been approved and everything is at the city if anyone wants to look at it. I really appreciate the applicant addressing the resident that's on the call with us tonight and your willingness to be open and forth right with the properties adjoining to make them more comfortable with the development. The fact that this is going to be a monument, it's going to add to the facility, it's got a significant historical aspect to it, it's going to be turned off by 11 o'clock unless otherwise approved, and the fact that it's just a single stream of light shining upward and not outward towards the adjacent properties, I'm in

favor of this.

Vice Chair Avdoulos said before we have a motion I would like to echo the comments from the previous Planning Commissioners and I have known Gus and Evans personally for many years and they always put together a very good product. As indicated, this is going to be a subtle monument. It has a lot of historical significance to it, not only it's the Armenian Genocide, but a lot of other ethnic groups along that area also were impacted by it, so I think this is going to be a really good landmark monument for this city. The architecture of it is very subtle with the stainless steel and copper and I'm glad Doug looked at it and recommended a façade waiver. The light is going to be subtle to it. I think it's a great thing and I appreciate the process we're going through to get this within the city and getting it approved and allowing the community to start building their center.

Motion made by Member Lynch and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE SPECIAL LAND USE PERMIT FOR PROJECT ARMENIAN GENOCIDE MEMORIAL, JSP17-37, MADE BY MEMBER LYNCH AND SECONDED BY MEMBER FERRELL.

In the matter of Armenian Church Genocide Memorial JSP17-37, motion to approve the Special Land Use Permit to allow a Place of Worship and daycare based on and subject to the following:

- a. The proposed use will not cause any detrimental impact on existing thoroughfares (no additional traffic will be generated by the monument);**
- b. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities (based on Engineering review);**
- c. The proposed use is compatible with the natural features and characteristics of the land (because the addition of the monument is within the courtyard and does not impact natural features);**
- d. The proposed use is compatible with adjacent uses of land (because the proposed use conforms to the requirements of Places of Worship and the monument will be a reasonable distance from adjacent properties and will limit the hours of illumination);**
- e. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use (the project creates an aesthetically pleasing development);**
- f. The proposed use will promote the use of land in a socially and economically desirable manner (as the proposed use will promote cultural awareness and education);**
- g. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.
Motion Carried 4-0.

ROLL CALL VOTE TO APPROVE THE REVISED PRELIMINARY SITE PLAN PERMIT FOR PROJECT ARMENIAN GENOCIDE MEMORIAL, JSP17-37, MADE BY MEMBER LYNCH AND SECONDED BY MEMBER FERRELL.

In the matter of Armenian Church Genocide Memorial JSP17-37, motion to approve the revised Preliminary Site Plan based on and subject to the following:

- a. The primary use of 'Church' will be established prior to any other accessory uses proposed.**
- b. A Section 9 Façade waiver to allow the use of Flat metal panels to exceed the 50% maximum permitted by the ordinance (100% Stainless Steel proposed on the North and South, 100% Copper on the East and West) because the design utilizes high quality materials and is consistent with the intent and purpose of the Façade Ordinance, which is**

hereby granted;

- c. **A waiver per Section 5.7.3.M to allow the decorative lighting proposed to project upward to illuminate the monument structure, as the light will not project onto adjacent residential properties, and will be turned on from dusk to 11:00 p.m., with possible extended hours for culturally significant holidays, which is hereby granted;**
- d. **A Zoning Board of Appeals determination per Section 3.23.3 to allow a height of 62.83 feet for a public monument, or a variance from Section 3.1.1.E to increase the maximum permitted height for the genocide memorial (35 feet allowed, 62.83 feet proposed);**
- e. **The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.**

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. Motion carried 4-0.

1. 1585 PARAMOUNT STREET, PWD20-0006, WOODLAND USE PERMIT REQUEST

Public hearing at the request of Yen Cheng for consideration of a request for a Woodland Use Permit at 1585 Paramount Street. This property is also known as Lots 85-88, Cenaqua Shores Subdivision, which is located north of Thirteen Mile Road, west of Novi Road in Section 2 of the City. The applicant is proposing to remove thirty-three (33) regulated woodland trees (twenty two on-site, eleven off-site) in order to construct a single family residential structure.

The Planning Commission continued the discussion from this matter which had been tabled earlier in the meeting in order to allow the applicant time to resolve technical difficulties.

Member Lynch said what I was trying to get across in my initial assessment of the project is, will the applicant be willing to plant the trees on site versus giving the money to the tree fund?

Applicant Yen Cheng said no, we can't because we are building a house where there's a lot of trees right where the house and the driveway are proposed to be built. The City and Environmental Consultant already agreed to what trees are proposed to be cut. I'm willing to pay the City the tree replacement credits, but in the future after we build the house we plan to do the landscaping and in the landscape plan we can consider where and how many trees we need to replace. That's our second plan, but right now with our first plan we just wanted to pay the replacement credits.

Member Lynch said yes, I think we're talking about the same thing, I think right now I don't have a problem with you cutting down the trees to put the house there. I absolutely understand you can't build the house with the trees there. My question to you is instead of writing the check to the City, you're going to have to put landscaping in anyway.

Applicant Yang Wang said there's a big difference. We followed the city's regulations that we pay into the tree fund. This way it is easy, and I can't guarantee after we build the house we can get all the trees put back on the lot. Plus, when you build a house it takes up space.

Member Lynch said I understand that.

Applicant Yang Wang said I think it would make it easier to follow the regulation from the City to pay into the fund.

Member Lynch said okay well then let me clarify, that is not the only regulation, to pay the tree fund. The regulation is, and the Planning Commission can do this, I'm asking you if you're willing to do this instead of requiring you. When you put your landscaping in, would you be willing to spend the money

putting the trees around your property instead of putting the money in the tree fund? The tree fund, yes, is a regulation if you can't put the trees on site, then yes, you have to give the money to the city, my question to you are is are you willing to plant enough trees or as many trees as you can on site instead of just writing a check to the City?

Applicant Yang Wang said I don't think that is possible. It's hard for us to guarantee anything for now.

Member Lynch said okay here's where I'm getting at- I want to verify that you don't have to pay the tree fund right up front. They're going to have to put a landscaping plan together.

Applicant Yen Cheng said we cannot put replacements in the front and we cannot get a permit, so we have to pay up front to get a tree removal permit then we can start to build the house. After we build the house we can do the landscaping plan and in the landscape plan we will figure out where and how many trees we can replace and replant, but it's not impossible to plant the same amount of trees that I have to cut.

Member Lynch said okay I see what you're saying. How about if we do this, if I word this approval that you'll plant as many as you feasibly can on site and then the ones you can't, you can write a check to the City tree fund. Is that acceptable?

Applicant Yang Wang said that just makes everything hard. It will make everything easier to pay up front.

Member Lynch said okay I guess then maybe I don't know how the process works. Barb, can you help with this? It's my understanding that they must pay up front and you keep that money in escrow.

City Planner McBeth said yes, so typically if the permit is granted and the agreement is to pay into the City's Tree Fund that money can be accepted once the permit is approved and drawn up. If there's going to be plantings on site then there will be additional financial guarantees that would need to be put aside to make sure that the health of the trees remain good for the first couple of growing seasons and if it does maintain its health then that money can be refunded to the applicant. If it doesn't, then they may have to go through another round of plantings to maintain a healthy tree.

Applicant Yen Cheng said yes, that is the rule we are trying to follow.

Member Lynch said I'm still not understanding. I understand the ease of paying into the City Tree Fund. That's typically what we do. So, you're going to take thirty-three trees out and give the city money and then you don't have to worry about it anymore? We've consistently throughout these projects have required the applicant, even tonight, to put the money in escrow and then when they go to plant the trees, they can plant as many as you can feasibly on site, then the rest can go into the tree fund. I want to make the same motion that I made and be consistent with what we made for the rest of the people that came before us asking to remove trees. What I'm getting from the applicant, maybe we're misunderstanding each other is that they just want to pay into the tree fund and be done with it. I, as a Planning Commissioner, want to be consistent on how we apply this standard to everybody and just tonight we approved two projects where they are going to cut down some trees and we told them to plant as many as you can on site and then what you can't plant, pay into the tree fund. Why is this project any different?

Vice Chair Avdoulos said so a question to the City Attorney- we have a motion; can we add that stipulation just like we did previously? The applicant is to look at planting what is feasible on their property that meets the Ordinance.

City Attorney Beth Saarela said yes, exactly. We did modify somebody else's motion to add that to plant whatever is feasible on the property subject to review and approval by the landscape architect and or woodland consultant. Its only twenty-two trees, it's not all thirty-three because some of them are in the right of way.

Vice Chair Avdoulos said right, so Member Lynch you could structure that motion to reflect that and then we could discuss it.

Member Lynch said I wanted to be exactly consistent. I mean, our job is to be consistent and I don't want to make a motion for one property owner that's inconsistent with the same motion on the same night that were making for another property. So, let me make the motion and we can amend it as we see fit.

Motion made by Member Lynch and seconded by Member Maday.

ROLL CALL VOTE TO APPROVE THE REQUESTED WOODLAND REMOVAL PERMIT MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.

In the matter of 1585 Paramount Street, PWD20-0006, motion to approve the Woodland Use Permit for the removal of twenty-two on-site regulated woodland trees, subject to planting the replacement trees on site where feasible as shown on a woodland replacement plan, to be reviewed and approved by the city's staff and consultants, and where not feasible paid into the tree fund. *Motion carried 4-0.*

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE SEPTEMBER 16, 2020 PLANNING COMMISSION MINUTES.

Motion made by Member Lynch and Member Maday.

ROLL CALL VOTE TO APPROVE THE SEPTEMBER 16, 2020 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.

Motion to approve the September 16, 2020 Planning Commission Meeting Minutes. *Motion carried 4-0.*

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

Dan Curmi, 42762 Wimbleton Way, said I just had a comment on the first case that just became the last case. We live in the property just east of that proposal. As the first person mentioned, we have flooding issues here as well. So as far as the trees that are going to be removed, that is a concern for us and as your Member Lynch mentioned, we would fully support having the additional trees added. The flooding seems to be towards the east and that's from my perspective. I don't know if that is at all possible with a driveway going in and the home. I don't what their goal is there know with the drainage. I would very much like to point that out that that is a concern for us. We're all in support of a nice home going in there, I don't have a problem with that, but flooding is a big concern. We have a very wet backyard already and we love the proposal of the trees being added back on site and not into a fund.

ADJOURNMENT

Motion to adjourn made by Member Lynch and seconded by Member Maday.

Motion to adjourn the October 14th Planning Commission meeting. Motion carried 4-0.

The meeting was adjourned at 9:09 pm.