REGULAR MEETING - PLANNING COMMISSION
CITY OF NOVI
March 9, 2016

Proceedings taken in the matter of the PLANNING
COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi,
Michigan, on Wednesday, March 9, 2016

BOARD MEMBERS
Mark Pehrson, Chairperson
David Greco
Tony Anthony
Robert Giacopetti
Ted Zuchlewski
David Baratta

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 9, 2016

7:00 p.m.

** ** **

CHAIRPERSON PEHRSON: We call to order the regular meeting of the Planning Commission.

Kirsten, can you call the roll, please. Oh, Barb, please.

MS. MCBETH: Member Anthony?

MR. ANTHONY: Here.

MS. MCBETH: Member Baratta?

MR. BARATTA: Here.

MS. MCBETH: Member Giacopetti?

MR. GIACOPETTI: Here.

MS. MCBETH: Member Greco?

MR. GRECO: Here.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Here.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Here.

MS. MCBETH: Member Lynch?

CHAIRPERSON PEHRSON: Absent, excused.

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

(Pledge recited.)

CHAIRPERSON PEHRSON: With that, we will look for a motion to approve the agenda or a modification thereof.

MR. GRECO: Motion to approve.

MR. ZUCHLEWSKI: Second.

CHAIRPERSON PEHRSON: All those in favor.

THE BOARD: Aye.

CHAIRPERSON PEHRSON: Any opposed?

We have an agenda.

This is our audience participation.

Is there anyone in the audience that wishes to address the Planning Commission on something other than one of the three public hearings, please step forward at this time.

(No audible responses.)

Seeing no one, we will close the first audience participation.

Any correspondence?

MR. GRECO: There is some
correspondence and it is related to the public hearings.

CHAIRPERSON PEHRSON: Very good.

Any committee reports, community development?

MS. MCBETH: Good evening.

Nothing to report this evening.

CHAIRPERSON PEHRSON: Brings us to our first public hearing then.

Item No. 1 is Covington Estate, JSP 15-02. It's a public hearing at the Request of Biltmore Land, LLC for recommendation to City Council for approval of a residential unit development RUD plan alternate.

The subject property is located in Section 31, north of Eight Mile and West Garfield in the RA residential acreage district.

The applicant is proposing a residential unit development RUD on 48.83 acre parcel to construct 38 single family residential units.

The applicant is proposing possible relocation of the emergency access drive along the north property line from
Garfield to an alternate, to the current proposed emergency personal access drive location to the neighboring property to the east in the event easements are not acquired.

Now it's your turn.

MS. MELLEM: So the parcels in question are located west of Garfield Road and north of Eight Mile Road in Section 31 in the City of Novi. The property totals 48.83 acres. The current zoning is RA residential acreage. The zonings to the north, east and west are also RA and to the south is Northville Township and Maybury State Park.

The future land use map indicates single family residential for the subject property and the surrounding properties. There are a few regulated wetlands and woodlands on the property.

The applicant has proposed a 38 unit single family residential unit development on 48.85 acres. The purpose of the RUD option is to permit an optional means of development, flexibility in the RA through our four residential districts, which allows the mix of various residential dwelling units
and to permit permanent preservation of valuable open land, gradual natural resources and rural community character that would be lost under conventional development.

The current plan is proposing a variety of lot sizes, with four lots conforming to the underlying zoning district RA requirements, and the rest of the lots conforming to the R1 requirements.

The proposed density is 0.8 units, which is consistent with the RA zoning of the site. The current plan proposes to preserve the natural features of the site and provides active recreation for the residents with 42 percent of the site intended for open space.

A paved pathway connection is proposed from the trail to Garfield Road, and provides opportunities for active or passive recreation along the sides in the future.

The applicant is also proposing a gated community.

So this submittal is to provide an alternate RUD plan, in the event that the Ballantyne development, which is to
the east of the property, is not constructed prior to commencing construction of this site.

The plans have been prepared to illustrate an alternate plan which includes an additional 20-foot wide asphalt emergency access drive, along the northern property line, to the -- from the proposed Covington Drive cul-de-sac connecting to Garfield Road, which both sides will be gated and a water main connection to Garfield Road in the same area. Minor modifications to units 18 through 20 are proposed and shifted to accommodate the width of the proposed emergency access road and sidewalk.

If approved, the applicant would have a means to construct Covington Estates regardless of the timing of Ballantyne.

So the original site plan was approved by the Planning Commission on August 15, 2015 and was approved by City Council on September 14, 2015. The plan is in general conformance with the code except for a few
deviations identified in the review letters.

Planning is recommending approval of the current plan provided the City Council approves the modification to the lot sizes and building setback reductions, which was like the previous plan.

Engineering is recommending approval of the revised RUD plan with additional comments to be addressed with the next submittal. Engineering identified two DCS variances that would be required. One to be able to exceed the maximum distance of 1,500 feet between Eight Mile and both emergency accesses. Two, to not provide a sub-straight to the subdivision boundary at intervals not to exceed 1,300 feet along the subdivision perimeter.

Landscaping, fire recommend approval of the revised RUD plan with additional comments to be addressed next submittal.

Traffic, wetlands and woodlands did not see this review since there was no changes to those parts of the plan.

So the Planning Commission is
asked tonight to hold a public hearing and to
make a recommendation to City Council to
approve the RUD alternate for the Covington
Estate site.

The applicant representatives
are here tonight to answer any questions you
may have.

As always, I am happy to
answer questions that you have of me. Thank
you.

CHAIRPERSON PEHRSON: Thank you,

Kirsten.

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

MS. THURBER: Good evening. I'm

Carol Thurber with Fazal Kahn and Associates.

We are the engineers for Biltmore Land, LLC.

I really have nothing to add

only one minor item. It was mentioned at the
very beginning that four units were going to
conform to the original RA requirements, and
at the City Council meeting, we were asked to
make all of the units the same, rather than
to have four units conforming to the original
RA. So we did make that change, that
request.

CHAIRPERSON PEHRSON: Thank you.
Appreciate it.

MS. THURBER: And it provided
more open space.

CHAIRPERSON PEHRSON: If you want
to have a seat.

If there is anyone in the
audience right now that wishes to address the
Planning Commission on this particular
matter, please step forward.

As you do, please come to the
podium, if you could also please speak
loudly, and give us your name and address so
our court reporter, Ms. Jennifer, can make
sure you're on the record. Thank you.

MR. COROTNI: Hello. My name is
James Corotni. I live at 49531 Deer Run, on
the north boundary of the proposed change and
would like to highlight concerns that I have
on this change for whoever is making the
decisions.

I have read through all the
material and there is a number of comments
about not having a detrimental affect on
adjacent property and findings, having a
demonstrated need for proposed use,
maintaining the naturalness of the site and
blend of the use, within the site and its
surroundings.

Applicant has provided a
clear, explicit and substantial and
ascertainable benefits to the city as a
result, and consistent with the surrounding
areas, not injurious to the natural features
and resources of the property and surrounding
area.

So, if you will bear with me
for a moment, I just want to give a couple of
comments and thoughts.

I do have an overarching
concern that we are talking putting a road in
that impacts us Deer Run residents and
particularly those that live adjacent to
this. I'm not sure I fully understand why
that's the only option and why something that
is a permanent change in a road that impacts
us heavily, of course, we live there.

You know, there aren't other
options that are being laid out. I don't
fully comprehend all the other situations
that have gone into it, the agreements,
disagreements, things that are going on,
schedule-wise between Ballantyne and
Covington. But that is a concern of mine,
that there are not options that I can look at
and understand and see.

There is somewhat of an
increase and safety concern for our children.
Of course, we should keep them in the yard
and all of that stuff, but a concern that we
wouldn't have otherwise.

Two primary concerns, being at
a lower elevation, approximately 10 feet down
from where that berm is, and where the walk
path is again, the proposed road. Privacy,
number one, and that particular elevation
down, we lose the opportunity that I would be
asking for landscaping, of course, that would
help with that, what have you, a road going
there, alongside the walk path, is going to
mean there is less opportunity for
landscaping, building up a berm or thinking
that also is going to help with that. Also
noise levels, also reduced, same reasons.
Of course, I'm concerned about my property value, and selling price. Anybody that's there is going to see a road there, is going to be less likely to want to purchase my house at a price that I will be looking for, and I have no idea if this is a concern to anybody else, but we do have a significant white tail deer herd in the area that constantly is moving across both the full width of Ballantyne, Covington and generally quite often in that north boundary, and they are going to be less likely to be able to do that, or for us to be able to enjoy them, if there is a road there in addition to a walk path.

So those are some of the concerns I have as a resident living right along that boundary. Thank you.

CHAIRPERSON PEHRSON: Thank you. Anyone else? Just for the audience, there is a three minute time limit, so if you would be brief, I would appreciate it.

MR. STEVENS: For the record, my name is Gary Stevens, 49551 Deer Run. I am a newcomer to the area. My wife and I just
moved here in July.

With some experience in land planning, I obviously took note to this what I would term a flag lot, which runs directly behind my property, and relied upon the planning department -- the Planning Commission's other guidance that this flag lot was to be used for a pervious surface, nature trail, and not for a paved roadway.

When I looked into where this emergency access was originally planned and approved by the Commission, it demonstrated to be sound land planning and that you were combining two residential subdivisions and using emergency access that would be shared through both of these developments.

I see no reason to change that plan other than to sue the developers either timing to market, which should not be my concern, or otherwise the developer did not acquire these private property rights to traverse Ballantyne via easement.

I don't see any overriding reason why my property rights should be impinged with a permanent paved pathway. I'd
also like to point out that there is a

clearly marked 16-inch high pressure gas line

within this strip, that may make this entire

hearing technically unfeasible since no one

seems to know really about that easement and

its potential impact on the ability to

relocate to this area.

I have other comments that I

submitted in writing for the record.

CHAIRPERSON PEHRSON: Thank you, sir. Anyone else?

(No audible responses.)

No one else wishes to address

the Planning Commission, I think we have some correspondence? Possible?

MR. GRECO: Yes, we do. We have

a letter dated March 9 from Jason and Polly Kenison, voicing concerns regarding the

alternate plans proposed for the Covington Estates development. They are residents of

Deer Run, and the backyard directly abuts

where Covington is proposing and emergency access road. They do not agree with the road being placed there. They object because also there is no landscaping being proposed along
the border of our yards, and the development, and even without the emergency access road, they will have people walking and riding bikes along the top ridge of their yard. This is concerning because they have small children.

Just for the record, I'm summarizing the correspondence.

Next is a letter dated March 9, 2016, by Mr. Stevens, which in addition to his public comments, he has submitted, which he objects to the placement of the road, he opposed the proposed change, and reviewed the plans, characterizes it as a flag lot connection. Was previously satisfied with the review by the Planning Commission. And understands that this change has been made because there's been more wishes to commence construction on Covington earlier than Ballantyne, the neighboring development. Believes that the earlier placement was adequate.

The proposed relocation flies in the face of Planning, the only reason being given for the change is to expedite the
developer's time to market.

Also points out as he pointed
out during his public comments about this
16-inch high pressure gas line, clearly
marked throughout the area. Has concerns
with that and generally objects to the
repositions of the road.

Next, we have a letter from
Tyler Wells dated February 27. Objecting,
general tenor of the letter, to this change,
which may adversely affect the residents in
the neighborhood.

Again, objects to the
placement of the road and believes that the
alternative road now being proposed may
adversely affect property value.

Her understanding was that the
green belt is an easement for utility and gas
lines which she never imagined would be
developed in any way, and believes that this
change that she objects to is a material
change from the original plan. That
concludes.

CHAIRPERSON PEHRSON: Very good.

We will close the public hearing on this
particular matter and turn it over to the Planning Commission for their consideration. Would you like to start?

Member Zuchlewski.

MR. ZUCHLEWSKI: Yes, my first question is for Carol Thurber.

Carol, a couple of instances, I've heard a delay in market time to project time to market.

What type of time frame are we talking about here? Is there any ideas, at three months, six months, a year type of time to market we are talking about?

What's the value of that statement? Can you tell me?

MS. THURBER: There really -- the statement was indicating that there was a delay in our time frame because of this, and the statement really for us is that the Ballantyne development is uncertain. We don't know when it would be developed. And so it was requested to find an alternate emergency access, in the event that we cannot make the access through to Ballantyne as originally planned.
MR. ZUCHLEWSKI: Barb, can you help me out with kind of what's going on with the other project?

MS. MCBETH: Yes, from what I understand, and what Ms. Thurber said is that timing is uncertain with Ballantyne. We have talked with the applicant for that project as well, and they're not exactly certain as to when that development will commence. So the proposed alternate that's being proposed is that another location for the emergency access that would lead out to Garfield Road, provide two means of access in case of an emergency.

This could be considered something that, you know, could be temporary in nature, wouldn't necessarily have to be a permanent access point as soon as the Ballantyne project develops, and then the connection is made through. It's possible that the other connection along the north property line could be abandoned.

And we have had brief discussions about that, to see if that may be feasible, and the Planning Commission thought
that was a positive recommendation, you could make that recommendation to council.

MR. ZUCHLEWSKI: So the road could be paved gravel, would that work?

MS. MCBETH: It would need to be able to support a fire truck, so it's got have a certain capacity. It could either be grass pavers potentially, or maybe even use the nature of the bike path that's proposed, although the north side, that had been proposed, too. With an extension on either side of that with the pavers, or some other that would be able to support a fire truck, could be a solution, we haven't talked completely with the applicant about those, but perhaps something like that could be done.

MR. ZUCHLEWSKI: Barb, the other question I have, would be for you.

There is this discussion about this large gas main. Is it true that nobody knows where it is, there is no records of an easement?

MS. MCBETH: Ms. Thurber knows about that, she has that on the drawings as
well.

       MS. THURBER:  It is shown on the
drawings, picked up from the gas markers that
we encountered in the field when we were
doing our survey. So it is shown in its
accurate location.

       MR. ZUCHLEWSKI:  What is the
depth of that?

       MS. THURBER:  We don't know the
depth. When we get further into design, we
will coordinate that with the utility
comppany.

       MR. ZUCHLEWSKI:  What is it, just
a contact with Michcon to find out where that
is?

       MS. THURBER:  Yes, it's Consumers
actually.

       MR. ZUCHLEWSKI:  Consumers, okay.

       Would there be -- on the
developer's part, if we were going to put in
a temporary road, crushed gravel or whatever
that support fire trucks, what would the
likelihood be that we could get a line of
shrubs that go along the north side of that
easement or that -- you know, what would the
chance of that be, is there a likelihood that
we could --

MS. THURBER: I think there would
be a likelihood for that and that we could
work that with landscape, find something that
would be more screening.

MR. ZUCHLEWSKI: Those are the
only two questions that I have.

CHAIRPERSON PEHRSON: Thank you, sir. Anyone else? Member Baratta?

MR. BARATTA: Carol, just a
couple other questions, as long as we have
you up there.

What is the distance between
this proposed road and the edge of the
property? Do you know that offhand?

MS. THURBER: The proposed road
as it's shown right now is on the southern
dge of the -- call it the strip, which is
00 feet wide. So there is -- you're
actually closer from the walk to the property
line, but there is still about 55 feet to
60 feet at least.

MR. ZUCHLEWSKI: 55 to 60. And
do you know what the elevation of that road
is?

MS. THURBER: We have not done any grading yet on the road. We would have to coordinate that with the Ballantyne grading, too, when we get to that point.

MR. BARATTA: What else did I have here.

And do you anticipate any issues with the -- maybe this is before you get your engineering done, what concerns me is this gas line. And you're going -- you want to put a temporary there. I understand that's for emergency vehicles and it's not going to be used frequently, et cetera, et cetera, hopefully.

But that gas line being there, you're going to have to have a certain elevation of road if you're going to have a certain elevation of the gas line.

Do you think that that's posing a problem, that would prevent you from putting that road?

MS. THURBER: It does not. The gas line is closer to the north property line.
MR. BARATTA: Where was your road before, was it the one right in the middle there?

MS. THURBER: It's actually still shown there.

MR. BARATTA: Between 13 and 12, is that where it is?

MS. THURBER: Yes.

MR. BARATTA: Why would we not be able to construct that temporary road? Could we not get an easement from the Ballantyne project to let you do that?

MS. THURBER: We would have to get an easement all the way through the Ballantyne project.

MR. BARATTA: Would they allow that or have you approached that?

MS. THURBER: We had approached them initially about that. It's because they are uncertain of their time frame.

MR. BARATTA: That would prevent them from giving you that easement?

MS. THURBER: I believe so.

MR. BARATTA: Thank you very much.
CHAIRPERSON PEHRSON: Thank you, Member Baratta.

Member Giacopetti?

MR. GIACOPETTI: Are there representatives here from Ballantyne?

CHAIRPERSON PEHRSON: No.

MR. GIACOPETTI: Oh, there is. Were you available for comment.

MR. GREWAL: Avi Grewal from Singh Development.

MR. GIACOPETTI: Maybe this is a question for both. If you could summarize just the nature of your discussions between each other to date.

To me, the most logical solutions seems like a temporary easement through the property, so that it -- so this development can proceed, if it's on a schedule that's quicker than the Singh development. Can you answer that --

MR. GREWAL: We are happy to open up that discussion. That's fine with us.

MR. GIACOPETTI: You're okay with that?

MR. GREWAL: Opening the
discussion, I think we would have to know
more specifics about it, with us and
Biltmore.

        MR. GIACOPETTI: I'm sorry,
through the chair, Barb, what is Ballantyne, 
if you can refresh my memory, that's an RUD 
also, or --

        MS. MCBETH: Yes, that is an RUD 
as well.

        MR. GIACOPETTI: And when does 
that agreement expire?

        MR. GREWAL: That agreement 
expires next year, 2017.

        MS. MCBETH: It's got another --
it's been recorded, I believe, with the 
county, so it's got sometime left on it.

        MR. GIACOPETTI: Approximately a 
year?

        MS. MCBETH: I'm sorry, I don't 
have that answer right now.

        MR. GREWAL: I recall sometime 
next year, sometime in 2017. I don't know 
the exact date or month, but --

        MR. GIACOPETTI: There is nothing 
we can do to reopen that until it expires,
correct?

MS. MCBETH: Correct.

MR. GIACOPETTI: Those are all my questions.

MR. BARATTA: I have follow-up.

So obviously the parties were looking to develop two housing developments.

There is an easement here for emergency easement, obviously. Would there be an objection on your part, you see -- your part you see what they want to do to go back and see if we can put that easement into Ballantyne? Because it seems to be a waste in my mind. To build a new access easement at a different size of the property, when inevitably you're going to construct something. And it makes absolutely sense to have connectivity.

Why would we not -- and I don't want to disturb -- what you're proposing, but if there were a temporary easement here for this emergency, it seems like it would be a benefit to your group and the applicant's group. Why would we not consider that today?
MR. GREWAL: This is the first I'm hearing of it, to be honest with you, so before reading the packet last night, that's the first time I have heard of this option of putting emergency access at the north end of my property, so I haven't had -- I have to have some discussion with my internal group on what we want to do. But I see what your point is.

MR. BARATTA: You are inevitably going to need something from this group, and we all have to play nice together, so --

MR. GREWAL: Quite honestly, we put that emergency access connection early on in our original proposal, we offered that up originally, it wasn't something that was required by us, I don't think. So knowing that there would be the another group to the west of us that would need that access, so --

MR. BARATTA: Thank you very much.

CHAIRPERSON PEHRSON: Member Greco?

MR. GRECO: Yes, which all of this discussion leads me to the -- have there
been discussions or there have not been discussions?

MR. GREWAL: No. Like I said, this is the first time I am hearing about it.

MR. GRECO: But somebody had discussions with the applicant and you're just hearing about it now or there have not been discussions?

MR. GREWAL: To my knowledge, there has not been any discussions.

MR. GRECO: Fair enough. I thought it was represented that there were some discussions and could not be obtained?

MR. BARATTA: That's what I understood initially.

MR. GRECO: I'd like to speak with the applicant, Ms. Thurber. Have there been discussions?

MS. THURBER: I was under the impression that my client had already contacted Singh about that.

MR. GRECO: I guess, my initial comments both -- well, primarily to the Planning Commission, you know the access or the new access road, it doesn't bother me
that much because it's not really a road with
traffic. It's an access road for emergency,
I guess, on the south side of a path there.

With that being said, it
sounds like through our inquiry and
discussion here that perhaps there is an
alternative that would satisfy the residents
that hasn't been fully explored.

So I mean, that would be my
comment, I mean, it seems like this is a
solution as Member Baratta correctly points
out it's going to be necessary for both lots.
This access road on the north may not be not
only necessary, but optimal and it should be
something that should be explored between the
parties.

MR. BARATTA: I would agree.

MR. GRECO: To get this done.

CHAIRPERSON PEHRSON: If I might,
Barb, relative to the access on any given
parcel, given that that road is going into
Ballantyne, that is not developed at this
point in time, we don't require the access to
be functional, just be available so that we
can in future times have that availability of
an emergency access, is that correct?

MS. MCBETH: Yes, in the past we have wanted these emergency access connection points to match up, adjacent pieces of property. In other cases we have said, it may be sometime before there is a connection made and we would like to see another location for a temporary emergency access, that's what happening in this case.

We are not sure of the timing, so we are looking for a temporary other location or a permanent alternate location.

CHAIRPERSON PEHRSON: So for the sake of this particular development, if that roadway were made along the strip to serve as that emergency access until the point in time in which the Ballantyne property is developed, in which case that other access could be utilized in the original access could then be removed, replanted whatever, is within the discretion of the Planning Commission to make a recommendation at this point in the time?

MS. MCBETH: Yes, I think that's correct.
CHAIRPERSON PEHRSON: So my recommendation is I can't bet on the future, so I'm not going to bet on Ballantyne being here next year, or the year after, so I would suggest that we include the emergency access to the strip, knowing full well that it will, can be removed and would be removed in due time as soon as the development further, Ballantyne whatever it might be called, is there and that begins the emergency access.

MR. ZUCHLEWSKI: So the emergency access would in go as it's indicated?

CHAIRPERSON PEHRSON: As a temporary.

MR. ZUCHLEWSKI: As a temporary and then the bike or running path, would that be removed also or that will remain?

CHAIRPERSON PEHRSON: That would remain.

MR. ZUCHLEWSKI: That would remain, okay.

Then the potential is when Ballantyne does their work, they would be able to tie into that same road -- that's the temporary?
CHAIRPERSON PEHRSON: Yes.

MR. ZUCHLEWSKI: Maybe we can landscape that up real nice.

MR. BARATTA: Mr. Chairperson, I look at a willingness or I'm hearing a willingness from the parties to talk.

I would recommend, I propose a motion to table this for 30 days so the parties can at least discuss it and see if they could put a temporary easement across the property as planned. I think we need to exhaust that issue first.

CHAIRPERSON PEHRSON: I don't want to put this petitioner in harm's way if they had got development timing for 30 days for that fact.

Ms. Thurber, do you have -- is this a green light project, are you ready to start moving earth?

MS. THURBER: We are ready to do cement for our preliminary site planning and engineering, yes.

MR. GIACOPETTI: If you are making a motion, I will second it, because I agree with you. I think it's wasteful.
CHAIRPERSON PEHRSON: There is a motion on the table then to table for 30 days, motion by Member Baratta seconded by Member Giacopetti.

Any other comments?
(No audible responses.)

CHAIRPERSON PEHRSON: Barb, will you call the roll.

MS. MCBETH: Member Baratta?
MR. BARATTA: Yes.

MS. MCBETH: Member Giacopetti?
MR. GIACOPETTI: Yes.

MS. MCBETH: Member Greco?
MR. GRECO: Yes.

MS. MCBETH: Chair Pehrson?
CHAIRPERSON PEHRSON: No.

MS. MCBETH: Member Zuchlewski?
MR. ZUCHLEWSKI: Yes.

MS. MCBETH: Member Anthony?
MR. ANTHONY: No.

MS. MCBETH: Motion passes four to two.

CHAIRPERSON PEHRSON: Okay. Next on the agenda is the Dixon Meadows JSP 14-46 with rezoning 18.709.
It's a public hearing to request that Pulte Homes for Planning Commission's recommendation to City Council for a planned rezoning overlay associated with zoning map amendment from RA residential acreage to RT, two family residential.

The subject property is approximately 22.36 acres and is located in Section 10 east side of Dixon Road, north of Twelve Mile Road.

The applicant is proposing the development of 90 units, single family residential detached site condominium. The alternate plan is being presented for public hearing review and recommendation.

MS. MCBETH: Mr. Chair, I get to make a presentation this time and Kirsten gets to run the photos.

As you said, this is a request for Dixon Meadows, requesting a zoning map amendment for that 22.36 acre parcel from RA to RT, using the city's planned rezoning overlay option to allow the development of a 90 unit single family site condominium.

A revised concept plan is
being presented this evening for
consideration as an alternate plan, to the
plan that was most recently presented to the
Planning Commission in January.

The subject property is
located on the east side of Dixon Road, north
of Twelve Mile in Section 10, it is zoned
residential acreage and it's surrounded by
the same zoning on all sides.

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

There are a few regulated
wetlands on the property and a considerable
amount of regulated woodlands on the
property.

The Planning Commission held a
public hearing first in August 26, 2015 and
postponed the decision to give the applicant
time to make further modifications to the
concept plan, per the city's professional
staff and consultant's recommendations.

The applicant has since made
three revised submittals. The first one was
reviewed by staff and additional comments
were provided. Staff and the applicant felt that further revisions would be required before holding another public hearing.

The second review submittal was presented to the Planning Commission for public hearing on January 13th of this year. The Planning Commission recommended approval of the subject rezoning request and concept plan at that time.

Following the Planning Commission meeting several residents of the adjacent Liberty Park development contacted staff and asked for a review of an alternate sketch, the residents had prepared that highlighted a number of the resident's concerns. Staff and the applicant met with the resident's representatives on February 4th to discuss those concerns. The applicant has now provided an alternate plan to the plan that was recommended for approval.

The applicant has provided a summary letter and a traffic impact study addendum as well.

It was staff's opinion that the proposed changes are significant enough
to return to the Planning Commission for
another public hearing this evening, and a
recommendation on the alternate plan prior to
forwarding the request to the City Council
for consideration.

The three main changes
provided on the alternate plan are as
follows: First, relocation of Dixon Meadows
entry boulevard about 175 feet to the south
of where it was on the previous plan, while
shifting the proposed storm water detention
pond to the north.

The modifications also result
in minor revisions to the lots along the
south and west perimeter of the development,
and an increase in the size of the small
pocket park between units 66 and 67 by about
5,000 square feet.

The major change was the
landscaping along Dixon Road is proposed to
be enhanced based on comments from the
Planning Commission as well as from the
residents who contacted Planning staff
following the Planning Commission meeting in
January.
The revised plans now include a double row of oversized 12-foot tall evergreen trees behind the Liberty Park homes that back up to Dixon Road adjacent to the subject property.

Additional deciduous trees and shrubs and proposed natural planting arrangements along the frontage of Dixon Meadows at other locations along Dixon Road are also proposed.

The third change is that the applicant has now offered an alternative to the paving of Dixon Road. The previously submitted plan showed new pavement for Dixon Road from Twelve Mile Road north to the Liberty Park Boulevard entrance called Declaration Drive. The nearby Liberty Park residents expressed their desire to terminate the paving at the new south entrance, the new main entrance to the subject property, Dixon Meadows and not extending all the way to Declaration Drive. Pulte Homes has indicated that they're willing to offer either option. Our staff is recommending accepting the offer to
pave all the way to Declaration Drive.

I don't want to go over all of the changes that have been addressed over the several months, many months of discussions because we went over those in January.

But we will mention with the recent modifications we believe that we have made considerable progress on this plan and continue to recommend approval.

We know the design and construction standards variance would need to be granted by City Council as required for the lack of paved eyebrows in the streets. Engineering staff supports the variance request and recommends approval of that plan with some items to be addressed on preliminary site plan.

We talked a little bit about the woodlands being modified sightly in the review letters. There are 725 regulated trees on the site, of those about 83 percent are proposed to be removed.

Additional tree credits are proposed to be planted on-site with this alternative plan. There is some details in
the review letter and our environmental consultant, Pete Hill, is here this evening to address any questions you might have about those.

There are some additional plantings along Dixon Road that are proposed with this plan that weren't proposed with the previous plan.

Woodlands, traffic and fire are recommending approval noting that the applicant needs to provide additional details at the time of preliminary site plan review.

The addendum to the traffic study was found to be acceptable by the city's traffic consultant.

Our facade consultant reviewed the renderings of the nine models that were proposed by the applicant with that initial submittal and the facade consultant notes that significant design diversity is evident in those models and that the facade elevations provided would be consistent with this similar, dissimilar ordinance.

The Planning Commission is asked tonight to hold a public hearing and
make a recommendation on the proposed planned
rezoning overlay and the alternate concept
plan to the City Council.

   Mr. Bob Halso is present
tonight along with his engineer, Bill
Anderson. I think they have a brief
presentation that they would like to make.

   CHAIRPERSON PEHRSON: Thank you,
Ms. McBeth.

   Does the applicant wish to
address the Planning Commission?

   MR. HALSO: Good evening,
Commissioners. Bob Halso representing Pulte
Holmes. I'm joined by the owners of the
properties that we are proposing this
development on, as well as Bill Anderson from
Atwell.

   It so much fun last time we
just couldn't wait to get back.

   I'm not going to walk through
everything because Barb did an excellent job
summarizing.

   I would like to say that we
have worked very hard with city and staff
over the last 18 months to get to the plan
that you recommended on January 13th.

We have also worked very hard
in the last six weeks to try and work with
the adjacent homeowners to address some
conscerns.

I just want to make you aware
that we are offering these alternatives to
you for your consideration.

We are happy to do either.
The alternatives are to relocate the
t entryway, which he have re-engineered at some
t expense to accommodate the request, to
terminate the paving at a shorter distance,
and third, to kind of firm up our plans on
the Dixon Road plantings. And most
specifically utilizing the Liberty Park
common area, which we really need to do a
first rate job of screening, which I think
what the residents are looking for and what I
think we have accomplished. We have met with
the residents three times to accomplish to
that.

Jim Allen and I walked with
representatives of the association. This
past week Jim has captured all of the
discussions and notes in a plan that we have submitted to the association. I think we're very close to figuring out where we want to put the trees at this juncture, and we would envision incorporating that specific plan into the landscape plans we will submit to the city for approval so that it's all part of one understood package.

That plan at this point, as we have drawn it up consists of 117 additional good sized trees being planted in the Liberty Park common area as well as the addition of two shrubbed entry beds at the Dixon Road entry to Liberty Park consisting of 116 shrubs that Jim Allen designed for us.

Again, we offer these as alternatives to your previous recommendations and we would look to follow your lead.

CHAIRPERSON PEHRSON: Thank you. This is a public hearing. If there is anyone in the audience that wishes to address the Planning Commission at this time please step forward, state your name, address, you have three minutes.

MR. SINGH: My name is Sanjay
Singh, and I'm a resident of Liberty Park, S-a-n-j-a-y, S-i-n-g-h, address is 28370 Climber (ph) Drive.

First of all, thanks to Barb to work with us and address our concerns. The last time we raised concerns of our kid's safety, privacy as well as the beauty of the road.

So the new plan addresses all of the concerns, and regarding the two options of having the dirt road till the new grade of Dixon Meadow off to Declaration Drive, we will request to stop it to the new gate of Dixon Road, only because that road, I think, proposing for benefit of Liberty Park residents like us, and we are requesting not to do that because our concern is a lot of traffic will be there behind our house, in case the kids play in the backyard.

So my request is to approve the alternate plan which Barb has presented and stop the dirt road near the new gate of Dixon Road.

CHAIRPERSON PEHRSON: Thank you, sir. Anyone else?
MR. MCCULLOUGH: Good evening.

My name is Bob McCullough. I just recently moved into a condo in the Carlton Forest area, 28435 Carlton Way Drive.

I have been a resident of this area for all my life, except for the last 14 years, which took me out of town, but I'm back and I was real pleased to get back because of being familiar with Novi, although in 14 years it had developed so much. It's like coming into a strange town from what I knew growing up.

But I'm really concerned, evidently nobody from Carlton Forest has talked to the Commission yet in regard to 79 feet away from the side of my building is going to be the new planned development.

We have a beautiful woods area sitting there, which I see on paperwork, 83 percent of that is going to be removed. And in place of it it's going to be a bunch of condominiums. We have wildlife that goes through there. I have deer walking through my property daily. And it's just such a beautiful site, turkeys, all kinds of
wildlife. That's all going to be gone, 
you're going to force all of those things 
right out of the area. 

Take into effect that 79 feet. 
That's what? Twelve, 13, people laying down 
end to end. That's not very much. Our drive 
on the side of our building takes up a good 
portion of that and I think what they have 
left there, which I think they are referring 
to as wooded area is really what belongs to 
Carlton Forest. There is a berm there. It's 
been landscaped real nicely with different 
colored trees and such forth, it's really 
beautiful. That's all going to be gone. 

Take into effect the valuation 
of the property. I think a lot of people 
including myself mainly moved there because 
of such a beautiful setting there. We don't 
have thickness of buildings there. It's kind 
of one street and buildings on either side. 
They're not stacked on either side of the 
street. 

So a lot of us have the same 
view only on the opposite side of the street. 
I think on the east side of the street it's
wetland area so probably a lot of that is protected, but, in fact, some of the north or west side would be protected also.

I just would like to voice my objection to how this is being put down and from what I have heard tonight, I don't think anybody from Carlton Forest has complained. And maybe that's even understandable, being that so many people that bought those places and rent them out.

I would like to have some consideration for what we have the privilege of seeing there as residents of Carlton Forest. Thank you for your time.

CHAIRPERSON PEHRSON: Thank you, sir.

Anyone else? Step forward.

MS. GALATI: Good evening, Commissioners. My name Jahru Galati and I'm at 28382 Climber Drive. We are west of the new development. Initially we had a lot of concerns about privacy. Our lots are very small and our biggest concern now, Pulte has really, thank you Bob, worked really, really hard with us, to address some of our concerns
which were more privacy with planting more trees and they have done an excellent job of meeting with us and putting two to three rows of alternating trees which preserves the beauty of Dixon Road, which is what we overlook from our bedrooms and our lot sizes are very small. So our biggest concern now is the fact that the paved road should not go more than where the entrance to the new property is. The reason for that is multiple.

One, Twelve Mile is a Michigan new only road, and if Dixon Road is paved any further, this will becomes a throughfare and lead directly onto Novi Road, which will cause a lot of traffic, noise at night. There is a park behind us, and a there is a lot of traffic already because of the park, and sometimes people tend to drive really fast -- like I said, our property lots are very, very small. There is not a lot of room between the berm and our houses. And if that road is paved, it's going to cause lot of additional traffic. There is a lot of little kids, elementary school kids and, yes, we
need to keep the kids in our properties and we try our best, but they all gravitate back to the gravel, which it's very hard to contain them. So if the road is paved, we are further putting them in harm's way and we are really, really concerned about that.

We feel that if the road is not paved, it will prevent a lot of traffic.

First, it's different from the subdivision because every subdivision is different, you know, everybody drives at a lower speed, but Dixon Road itself has more potential of becoming a thoroughfare and we are very concerned about that, because of that. So our request to the Planning Commission is that we contain the road up until the entrance point because that's needed for the residents to exit.

Secondly, we want the nature path to be preserved. It's a very beautiful area, lots of deer, lots of wildlife, turkeys, everything comes over there. If you make it a thoroughfare, and there is paved roads, all of that will go away, leading to more traffic and our privacy will be totally
gone. I mean, we still have privacy
corns, but I think Pulte has done an
excellent job of offering us trees on the
berm which, you know, gives us some of the
privacy that we are asking for.

And so, again, our sincere
request is that the road not be taken down to
the Declaration entrance, which would cause
more traffic, lack of privacy and reduction
in our property prices because when we bought
those lots, the only reason, I know for
myself, the reason I bought was for the
privacy. It's a dirt road, natural beauty,
and if that's paved, all of that goes away,
and also leads to reduction in our property
prices. Thank you.

CHAIRPERSON PEHRSON: Thank you,
ma'am. Anyone else?

MR. SWAMINADHAN: Good evening.

My name is Mathuraman Swaminadhan,
M-a-t-h-u-r-a-m-a-n, S-w-a-m-i-n-a-d-h-a-n,
resident of 28358 Climber Drive.

I just want to echo the
thoughts of my fellow residents, we would
like to keep that paved road at the end of
the entrance of the proposed Dixon Meadows,
just to preserve our current privacy and also
our kid's safety. So that's it.

CHAIRPERSON PEHRSON: Thank you.

Anyone else?

(No audible responses.)

Seeing no one else, I think
there is some communication.

MR. GRECO: There is some

The letter that we have is --

hold on.

MR. GARCIA: We weren't done.

May I approach?

CHAIRPERSON PEHRSON: Yes, you

may.

MR. GARCIA: My name is George

Garcia. I represent the Elizabeth D. Garcia

trust who owns the property at 28250 Dixon

Road in Novi.

This is a letter I'd like to

read and be entered into the minutes.

Members of the City Planning

Commission. My name is George R. Garcia, son

of Ramone and Elizabeth Garcia, resided at
28250 Dixon Road, Novi, Michigan, 48377 for over 60 years.

My father and mother purchased the property from Mary Flint in the early '50s and I am the representative of the trust and family of which I have four brothers and two sisters that now hold the property.

Our parents cleared the land, built the first house and after the family outgrew it, built the current brick house and subsequent out buildings. I have very fond memories of growing up on Dixon Road with many neighbor children and exploring the fields and forests and sledding the hills of the area of the west side of Dixon Road. The west side of Dixon Road was always an area where we could wander safely.

We became aware that it had been donated to the city for parkland for residents, subsequently to a legal issue concerning the default on development with builders near Thirteen Mile and Old Novi Road, it was awarded to developers instead of a cash settlement.

When plans were proposed for
development on the west side of Dixon Road, my parents and other neighbors disagreed with the density and development plans of the site. They were ignored. That is why we have the diverse and non-standard high density development on the west side of Dixon Road. In fact, the land uses in our area have significantly changed from the original small farm zoning which happened many, many years ago.

We have joined with a number of neighbors to present a large parcel for sale to Pulte developers. One of the primary reasons is that we are unable to sell individually due to arsenic contamination from natural sources. Only through a large development can the arsenic abatement be managed.

In addition, Pulte will be improving Dixon Road, which will be good for all the residents. Some of the opposition to the development is that the west side of Dixon Road residents want the area to be more open and natural. This went out the door with the developed areas they now live in.
If they wish to experience nature at its purest form, then they only need to walk north out of their homes through the woods and trails to experience deer darting across the path, muskrats, frogs in the marshes and if they are lucky a fox den in the woods.

That is what we experienced growing up and I encourage them to do the same, spend the time with nature instead of a gaming council with (inaudible).

Pulte has been very satisfying to work with through this process. They have been forthcoming on any issues that we have needed to address in a timely manner.

Previously the Commission has approved the site plan after much negotiation. We encourage you to give the final approval and let this development go forward for the development of the city, which is a need for quality housing, the benefit of all residents and future generations as a result of improvements, including arsenic remediation and the benefit of the current residents who supported the City of Novi through their taxes for many years. Respectfully, myself
on behalf of the trust. And to address the issue of the area east of the condominium complexes, east of our property line, which borders them, I know they are -- gentleman is concerned -- expressed his concern over that. We also express our concern in the fact that we have had multiple people all allowing their dogs to defecate on our property, come across through the woods, definitely through the berms, defecate on our property, they have dumped leaves and refuse on our properties, both Ridenhours (ph) and my own. And really, we are ready to have a change and have it developed. Thank you very much.

CHAIRPERSON PEHRSON: Thank you, sir.

Member Greco, correspondence?

MR. GRECO: We do have correspondence, the first received March 8 by the City, by Yousef and Arina Arpassi (ph), approved the project and believe it's entirely appropriate for the environment that exists around the project. They approve it. Believe it will be a benefit to the city.

Next correspondence dated
March 6, 2016, received March 8 by the city community development, by Deborah -- Mr. and Mrs. Cox, they are strongly opposed to this project. Their property is adjacent in Carlton Forest. They don't want anymore residents in Novi. They don't want to look at site condominiums adjacent to their home. Trees are decades old that would be cut down. They believe this is improper so Novi could build more buildings and gain more tax revenue. They believe the city is seeking property tax revenue and don't care about preserving the beauty, nature of the area, and requests to preserve our land, no more housing projects, we don't need it, save our land and our nature.

Next is a letter received March 8 by the city, to the Planning Commission by Nick and Florence Marini. They support and approve the proposed project. One of the benefits they believe it will take care of the removal of the arsenic contamination, which they believe is a benefit and the paving and sidewalk construction will eliminate the danger of
people now walking in the roadway.

Next is a letter dated March 4th by Rick Catterman. Believes that this development fits with the previously approved developments in the area, and that the removal of arsenic is feasible with a development of this size.

That concludes the correspondence.

CHAIRPERSON PEHRSON: Thank you, sir, with that, we will close the public hearing on this matter, turn it over to the Planning Commission for their consideration. Anyone like to start? Member Barrata.

MR. BARATTA: I would be happy to, Mr. Chair.

I think that the proposed plan by Pulte is -- I think it's come a very long way, they have done a very thorough job. I think they have reached out to the local community.

And I think they have met their concerns to a large part. So I think it's a good project. So I'm in favor of this
project. I want to thank you for reaching out to the residents. I just think it's a good project.

CHAIRPERSON PEHRSON: Thank you, sir. Member Greco?

MR. GRECO: Yes, I, too, upon reviewing the materials think it is a good project. As I'm sure the applicant remembers, I was against the project originally. But seeing it come back, I was wondering why it was coming back again. Now I see why that developer has worked a lot with the residents to -- well, to work with the residents to better fit the project or something that they could accept.

You know, that being said, I will support it tonight. But just discuss this with the Planning Commission and we heard some objections from the residents of Liberty Park. You know, I haven't heard any comments from the Planning Commission, but I am in favor of paving the road. I think that while we have the opportunity to pave a road, we should take it. I understand the resident's concerns that they believe that
the paved road will increase traffic, I'm not sure if that's necessarily accurate or not based upon where it goes and where it's located, but, you know, with the area being developed as it is, with the different kind of housing options that you have there, I don't know why we would not take the opportunity to pave the road as much as we can pave it. That concludes my comments.

CHAIRPERSON PEHRSON: Thank you. If I might, I'd just like to commend Pulte Homes for their reaching out to the community and taking maybe some of the advice that we shared with them on some of the earlier plans. And taking it to heart and actually going back. I think it's a great win for everybody. I really appreciate the effort that you went through to come back to us with this proposal.

Any other comments? Member Anthony?

MR. ANTHONY: Thank you, Chairman Pehrson.

To Pulte, my first comment is, again, it's great to hear that you worked
with the residents and the number that have
come out to support that.

Can you refresh my memory
though on what is your plan for the arsenic
remediation? How are you going to conduct
that?

MR. HALSO: Yes, I can. We
retained McDowell and Associates immediately
following preliminary discussion with the
future land use committee of the Planning
Commission. They have done a very thorough
job they gridded out the entire property and
identified the depth of arsenic through a
grid process and have developed the plan for
us essentially. We will -- we have to remove
trees to remediate the arsenic. But we have
to remove the soil to the depths that they
recommend through this grid. They will be
on-site testing it, because we are more
concerned than anyone that it be thoroughly
removed and it be a cleaned site before we
start construction. So essentially we will
remove the contaminated soil and replace it
with clean soil.

MR. ANTHONY: So it will be
removed from the site, taken to a landfill as opposed to just relocated on-site?

MR. HALSO: Correct, it will be removed from the site.

MR. ANTHONY: Very good.

CHAIRPERSON PEHRSON: Anybody else? Member Giacopetti.

MR. GIACOPETTI: Question for the developer, for the applicant, I should say. First, thank you for working with the community and bringing this back. It's much improved.

I think my one question is on the tree replacement, I see that you chose to add trees to the right-of-way along the drives, but the border with the Carlton Way Drive does seem baron, where, you know, you are just relying on the existing berm.

Did you give any consideration to placing some of the tree replacements along that boundary with Carlton, Way and if you did, are there obstacles to doing that?

MR. HALSO: Well, we did. We have -- number one, we did rely on that beautiful berm. And Mr. McCullough, in the
comments, we are not touching the berm, it's
great and we are relying on it, as a natural
buffer, it serves that purpose.

We could plant some
replacement trees in the backyards of those
homes, but we would have to work with staff
on how we would accomplish that.

We don't have the area to put
another berm next to their berm nor do we
really think one is necessary.

We do have -- we have excess
replacement trees available. We are going to
locate as many as we can working with the
city and working with the homeowners
association on Dixon, and to the extent we
have others, we can consider working with
staff on something like that.

MR. GIACOPETTI: Thank you very
much.

CHAIRPERSON PEHRSON: Member
Greco?

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

Before I do that I have a
clarification.
In the motion when it talks about the paving of Dixon Road, the 1,800 linear feet of Dixon Road, is that the entire or just -- all right, so that would be what we are talking about as far as paving the road rather than just going to the initial entranceway?

MR. HALSO: Correct.

MR. GRECO: All right. With that, I would like to make a motion, in the matter of the request of Pulte Homes for Dixon Meadow JSP 14-46, with zoning map amendment 18.709, motion to recommend approval to the City Council to rezone the subject property from RA, residential acreage to RT, two family residential, with a planned rezoning overlay, an alternate concept plan.

The recommendation shall include the following ordinance deviations for consideration by the Council, which are listed as A through F in the motion. Is that acceptable, counsel?

MR. GILLAM: Yes.

MR. GRECO: Is that acceptable if I just list it A through F rather than go
through each one?

MR. GILLAM: Yes.

MR. GRECO: If the Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the planned rezoning overlay agreement, which in the motion sheet are listed, A, lower case roman numeral one through nine. I should have looked at the last one. Set forth in A, with subparagraphs, roman numerals one through nine, B and C.

And this motion is made because the applicant has presented a reasonable alternative to the proposed master plan design of a maximum of 1.65 units per acre to an actual 4.2 units per acre and which supports several objectives of the master plan for land uses noted in the planning review letter. The proposed density of 4.2 units per acre provides a reasonable transitional use in density between the lower density Liberty Park, single family development to the west, approximately 3.5 units per acre and the Carlton Forest
development to the east, approximately 5.6
units to the acres.

The roadways and the
surrounding intersections are expected
maintain acceptable levels of service, with
the addition of the site generated traffic
and the proposed paving of approximately
1,800 linear feet of Dixon Road from the
existing terminus point at Twelve Mile Road
to the northern entrance of proposed. The
development may be seen as a public benefit
to the potential residents of the new
development as well as residents who
currently use Dixon Road.

The site will be adequate
served by public utilities. The city's
traffic engineer consultant has reviewed the
rezoning traffic impact study and notes a
minimal impact on surrounding traffic as a
result of the development as the current
traffic volume on Dixon Road is relatively
low. And submittal of a concept plan and any
resulting PRO agreement provides assurances
to the Planning Commission and the City
Council of the manner in which the property
will be developed.

MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: We have a tie, so alphabetically Anthony wins.

So we have a motion by Member Greco, seconded by Member Anthony.

Any other comments? Sorry, Member Baratta.

MR. BARATTA: That's all right.

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

MS. MCBETH: Member Giacopetti?

MR. GIACOPETTI: Yes.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MCBETH: Member Anthony?

MR. ANTHONY: Yes.

MS. MCBETH: And Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Motion passes six to zero.
CHAIRPERSON PEHRSON: All set, thank you.

Next on the agenda is Oberlin, JSP 14-42. It's a public hearing. The request of Singh Development for revised preliminary site plan utilizing open space preservation option and revised woodland permit approval.

The subject property is 29.9 acres in Section 20 in the City of Novi, located at 48301 Eleven Mile Road on the south side of Eleven Mile Road, west of Beck in the R4, one family residential district.

The applicant is proposing a 72 unit development using the open space preservation option. Petitioner has proposed significant changes to the woodland permit.

Kirsten.

MS. MELLEM: The parcels in question are located on the south side of Eleven Mile between Beck Wixom Road in Section 20 of the City of Novi.

The property totals 29.9 acres and the current zoning is R4.

The zoning to the north is
PSLR, RM-1 with a PRO, and to the east is R1 and to the west and south is RA.

The future land use map indicates residential land use with suburban low rise to the north, educational facilities to the east.

The site has substantial amounts of regulated woodlands and wetlands.

Singh Property, Singh Oberlin has proposed a 72 unit single family residential development utilizing the open space preservation option.

The Planning Commission approved the preliminary site plan with open place preservation option, wetland permit, woodland permit and storm water management plans on November 12, 2014.

Planning, engineering, landscaping, wetlands, woodlands, traffic and fire have reviewed the revised final site plan and are recommending approval with some changes before standing sets are approved.

The reason we are bringing this back to the Planning Commission is the significant change to the woodland permit.
The woodlands permit was an originally approved permit 1,173.48 off site woodland replacement tree credits on private property at the northwest corner of Eight Mile and Garfield Roads, which is a current Singh property name Ballantyne.

The Oberlin property is now being sold to Pulte, and they will no longer be replacing these trees on the Ballantyne site.

The proposed tree removals require a total of 1,347 woodland replacement trees. The plan proposes a total of 433 on-site replacement credits with 914 woodland replacement credits to be paid into the City of Novi tree fund. So this breaks down to about 32 percent on-site replacement and 68 percent into the tree fund.

The required payment into the tree fund would be $365,600.

The Planning Commission is asked today to consider the revised woodland permit for the Oberlin site.

As always, I'm happy to answer any questions.
CHAIRPERSON PEHRSON: Thank you, appreciate it.

Is the applicant here? Wish to address the Planning Commission at this time?

MR. GREWAL: Avi Grewal with Singh Development.

Again, just before we go on Oberlin, I just chatted with the Biltmore team outside after this meeting, we are going to have discussion about the temporary easement across the property to Garfield, tomorrow we are going to get together.

CHAIRPERSON PEHRSON: Thank you.

MR. GREWAL: I think Kirsten put everything out there, so I'm here to answer any questions.

CHAIRPERSON PEHRSON: This is a public hearing. You wish to address the Planning Commission, sir?

UNKNOWN AUDIENCE MEMBER: No.

CHAIRPERSON PEHRSON: Seeing no one else in the audience, is there any correspondence?

MR. GRECO: There is no
correspondence for this public hearing.

CHAIRPERSON PEHRSON: Close the public hearing at this time and turn it over to the Planning Commission for their consideration.

Member Giacopetti?

MR. GIACOPETTI: I have a question.

I want to make sure I understand, the Ballantyne development is owned by Singh, or were they recently acquired?

MS. MELLEM: Owned by Singh.

MR. GIACOPETTI: And that was the relocation for -- the trees were supposed to go to that location?

MS. MELLEM: It's part of the agreement, so they're doing Oberlin to put some of those replacement trees onto the Ballantyne property. And now they are selling the Oberlin property to Pulte, so they're no longer doing that replacement on the other site.

MR. GIACOPETTI: Selling this property to Pulte?
MR. MELLEM: Yes.

MR. GIACOPETTI: They are coming to us because they were the original --

MS. MELLEM: Yes.

MR. GIACOPETTI: Or the current --

MS. MELLEM: The current.

MR. GIACOPETTI: This is maybe a question for general counsel.

Since we are amending the plan, is there a way to work in the agreement more than the trees to say, consideration for a public access road -- consideration for a public access for a road on another site owned by the applicant?

MR. GILLAM: The problem is, the property you're dealing with tonight is the Oberlin property. It's not the Ballantyne property. So to try to tie in something regarding this property with an agreement regarding another piece of property is problematic.

The only thing I would indicate in my discussion with Ms. McBeth, I think the Ballantyne RUD is going to have to
be brought back, but that's going to be a different issue at a different time. Because the fact the trees were going to be replaced on the site there.

If the proposal tonight is approved, they are not going to be replanted on the site, there is going to be money put into the tree fund in lieu of that replacement.

So to answer your question, no, we can't do what I think it is that you're asking to do.

MS. MCBETH: If I may, through the chair, I think we still have a number of questions about how the Ballantyne site will look without the tree replacements that would be coming from this site, so we still have a number of questions about that.

CHAIRPERSON PEHRSON: Member Baratta?

MR. BARATTA: So let me just rephrase this, so I understand it. I guess we have a project here in front of us that really needs to stand on its own. And I appreciate the prior
discussion that we have had and your 
willingness to work with the Pulte developer.
But looking at this project as a standalone,
I am a little concerned whether we have 

enough trees on this project.

So if I could address this 
question to Rick, do you feel comfortable 
that this project has adequate landscaping 
and meets our code requirements?

MR. MEADER: Yes. The site, as 

the proposal is asking, it's heavily 

landscaped. That's not an issue at all.
It's very heavily landscaped. I don't think 

there is a lot of room for any additional 
trees on it.

MR. BARATTA: You feel 

comfortable as proposed that there is 

adequate landscaping on this site.

How about the wetland 

preservation, do you think that's been 
satisfactorily taken care of?

MR. MEADER: I'm going to have to 

ask the experts.

MR. BARATTA: I apologize.

CHAIRPERSON PEHRSON: Have the
consultant come up, please.

MR. HILL: Hello, I'm Pete Hill with ECT.

MR. BARATTA: My question is as it related to this project, has nothing to do with the Ballantyne project, with the Pulte project, have we taken adequate review and consideration that we meet all the wetland requirements and comfortable with the project as proposed?

MR. HILL: The applicant I believe has received a permit from DEQ for the wetland impacts themselves. DEQ does not regulate wetland buffer impacts, but the city has a 25-foot buffer rule or recommendation. So the plan as proposed, there is a fairly big impact to 25-foot wetland buffers. Part of the original plan was to do a little bit of improvements to a wetland that was on the Ballantyne site.

But that is now -- it's my understanding that that is taken out of the picture.

MR. BARATTA: So is your opinion based, on this plan that you see in front of
us, not including Ballantyne, just this plan, do you feel like we have adequate assurances here that we meet all of your requirements?

MR. HILL: Yes. But in our last letter we did recommend that the applicant consider invasive species treatments, or improvements to the wetland buffers that are going to remain on the Oberlin site.

But it's not actually a requirement of the ordinance, so the answer is yes.

MR. BARATTA: Thank you very much. Appreciate it.

CHAIRPERSON PEHRSON: Member Greco?

MR. GRECO: Yes. I'd like to make a motion in the matter of Oberlin JSP 14-22, motion to approve the revised preliminary site plan with open space preservation option, based on and subject to the matters set forth in the motion sheet A through D, and because this motion is made because the plan is otherwise in compliance with Article 4, Article 24, and Article 25 of the zoning ordinance, and all other
applicable provisions of the ordinance.

MR. BARATTA: Second.

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

Any other comments?

Ms. McBeth, can you call the roll please.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MCBETH: Member Anthony?

MR. ANTHONY: Yes.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: And Member Giacopetti?

MR. GIACOPETTI: Yes.

MS. MCBETH: Motion passes six to zero.

MR. GRECO: Like to make another motion in the matter of Oberlin JSP 14-42, motion to approve the revised woodland permit
based on and subject to the following requirements listed in A through B on the motion sheet 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. BARATTA: Second.

CHAIRPERSON PEHRSON: Motion by Member Greco, second by Member Baratta, any other comments?

Ms. McBeth.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MCBETH: Member Anthony?

MR. ANTHONY: Yes.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Member Giacopetti?

MR. GIACOPETTI: Yes.

MS. MCBETH: And Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Motion passes six to zero.
CHAIRPERSON PEHRSON: Thank you.

All set. Appreciate it.

Bring us matters for consideration. Anyone have anything else? Discussion? Supplemental issues? Jeremy, would you like to say something?

MR. MILLER: Something.

CHAIRPERSON PEHRSON: This brings us to our last audience participation. Anyone in the audience wish to address the Planning Commission?

(No audible responses.)

CHAIRPERSON PEHRSON: Seeing no one, we will close the audience participation and look for a motion to adjourn.

MR. GIACOPETTI: Motion to adjourn.

MR. BARATTA: Second.

CHAIRPERSON PEHRSON: We have a motion and a second, all those in favor?

THE BOARD: Aye.

CHAIRPERSON PEHRSON: Anyone opposed?

(No audible responses.)

(The meeting was adjourned at 8:21 p.m.)
STATE OF MICHIGAN  )  
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 25th day of March 2016.

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

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