



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

January 15, 2014 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Anthony (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Gary Dovre, City Attorney; Adam Wayne, Staff Engineer.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Greco, seconded by Member Lynch:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:

Motion to approve the January 15, 2014 Planning Commission Agenda. *Motion carried 6-0.*

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no Correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth mentioned that at the last City Council meeting, the Council took action on several items that the Planning Commission had recently considered. One of those was the Fox Run Revised Preliminary Site Plan and Revised Phasing Plan with a PD1 Option, which were approved. Also approved was the Revised Façade for the awning for the Indo Fusion restaurant.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. Knights Auto Awning, JSP13-79

Approval of the request of Marygrove Awning for Final Site Plan and Section 9 Façade Waiver. The subject property is located in Section 15 at 43500 Grand River Avenue in the TC, Town Center District. The applicant is proposing to add one blue fabric awning above the entrance door located on the east façade of Knight's Auto Supply, an existing retail store.

In the matter of Knight's Auto Awning, JSP13-79, motion to approve the Final Site Plan and Section 9 façade waiver to allow the proposed fabric awning without bringing the entire façade up to compliance on the basis that the proposed alteration:

1. Represents an improvement in the existing façade that does not detract from the buildings overall appearance;

2. Is compatible with the existing façade and with adjacent buildings; and
3. Is generally in keeping with the intent and purpose of Section 2520. *Motion carried 6-0.*

PUBLIC HEARINGS

1. Ballantyne, JSP13-43

Public hearing at the request of Singh Development for recommendation to City Council for approval of a Residential Unit Development (RUD) Plan. The subject property is 50.85 acres in Section 31 of the City of Novi and located at the northwest corner of Garfield Road and Eight Mile Road. The applicant is proposing a 41 unit single-family development.

Planner Kapelanski said the applicant is proposing a Residential Unit Development or RUD on a 50.85 acre parcel located at the northwest corner of Garfield Road and Eight Mile Road. Vacant land borders the property on the north and west with single-family residential and vacant land on the south and east. The subject property is zoned RA, Residential Acreage and is bordered by RA zoning to the north, east and west in the City of Novi and R-2, Single-Family zoning to the south in Northville Township. The Future Land Use map indicates single-family uses for the subject property with single-family uses planned for the properties to the north, west and south and single-family and educational uses planned to the east. There is a small area of regulated wetland on the north portion of the site. This will be preserved. This site is slated to become wooded as the woodland replacement trees from the Oberlin site plan are proposed to be planted on this vacant property. The site layout has been designed around the areas where the trees are proposed to be planted as those areas would be placed in a conservation easement.

The applicant is proposing a 41 unit gated community. In addition to the preserved open space, the applicant has also proposed wood chip trails through natural areas to enhance the recreational features of the property, consistent with intent of the RUD ordinance. The planning review recommends approval of the proposed RUD plan. The Planning Commission should consider the various standards from Section 2402 outlined and listed in the planning review letter. The applicant has requested a City Council modification of lot size and width and a reduction in the required building setback. Some lots are proposed to be reduced to a size consistent with the R-1 District lot sizes. Staff does not object to this request. The traffic review recommends approval and notes a same-side driveway spacing waiver is required and supported. All other reviews recommend approval of the proposed plan. The engineering review notes a City Council variance would be required to allow the sidewalk on Emery Boulevard to extend on only one side the street. The applicant has agreed to extend this sidewalk on both sides of the street and the Planning Commission should adjust point h of the proposed approval motion to indicate this change.

Planner Kapelanski concluded stating the Planning Commission is asked to make a recommendation to the City Council on the proposed RUD Plan. The Council will then consider the RUD Plan and RUD Agreement. If those are approved, the site plan would follow the normal development process and require the approval of the Planning Commission. The city's attorney office had recommended some minor changes in the language of the motion recommending approval and a revised motion has been provided.

Clif Seiber, with Sieber-Keast Engineering, said he is there to represent Singh Development Company. As it was indicated, we are proposing a 41-unit site condominium as part of an RUD Development. It provides for a variety of lot sizes. Ten percent of those lots are measuring one acre or larger. Also, we're having 35.7% of the site be open. There will be quite a number of tree replacements. A few months ago, the Oberlin project was in front of the Planning Commission for approval, but one of the aspects of that plan was to place those replacement trees from that development on this site. Many of the trees that will be on this site will be coming from the Oberlin project, in addition to all the street trees, berm requirements and stormwater detention plantings. Regarding the sidewalk, to the right of the plan at the very south, there is about 400 feet of the roadway that is zero-loaded, in which no lots that front on it.

Originally, we had proposed on the westerly side of that road that a sidewalk would run all the way down to Eight Mile and connect to the proposed Eight Mile sidewalk. We did not propose it on the other side of the road because we thought it was a duplication. However, in response to some of the comments from staff, we elected to go ahead and show that sidewalk.

Mr. Sieber said, one thing that Bill Stimpson from Clearzoning suggested is that perhaps instead of running a duplicate sidewalk on both sides of the road, a connection from that roadway out to Garfield Road may be suitable. Maybe that could be something that could be done in lieu of running both sidewalks all the way down to Eight Mile Road. Certainly, we'd be interested in doing something like that, if that's something that the Planning Commission would want to consider.

Chair Pehrson opened the public hearing.

Kristin Korotney, of Deer Run, objected to the proposal. This is in a watershed area. We've already built on one side of the road where Tuscany has done their extension and now we're building on the other side of the road. I'm just wondering, what does a watershed mean if we keep building on it? We've lived there for over three years now. There is a lot of wildlife there. We love it there because of the wildlife. That's our main reason for the objection. Our second reason is for how close it is to the Deer Run properties and if it does go ahead, the developed should install thicker landscaping facing the Deer Run side. The land actually sits higher than the properties on Deer Run. So when I'm on my land, looking out toward my backyard, my land goes up at least six feet. So if you put a house there, it's going to tower over our property. Ms. Korotney continued noting she would also like to request that the rear setback be increased to 50-55 feet so they're not so close to the Deer Run development. Also, I'm wondering if the traffic is taken into account. We already have a backup; when you turn onto Eight Mile from Garfield going east towards Beck Road, there's quite a backup now in the mornings going to work. By putting in 41 houses, that is going to further increase that backup because they're probably going in that direction to go to the highway off of Beck Road. My last question, if this becomes a done deal, is the sewer hookup. Is that at least going to be a benefit to Deer Run residents? Will we be able to hookup to sewer and water because most of the houses right now are on well and septic. So that at least would be a benefit if we could get free hookup into sewer and water there for the few houses that are affected on Deer Run. Will the ponds in Deer Run be affected and will the development have ramifications on our land, drainage, overflow and flooding?

Rick Schafner, resident on Eight Mile Road, said he had about ten and a half acres. My main question is, there's a dump on the west side on the other side of the church property, has there been anything done concerning the water that may be contaminated? Another questions close to that, is this all going to be on City water and sewage? There was a lake near the middle of this property years ago. It started drying up but it's still a lake. There's quite a bit of water in a very wet season and it's to the west of the pond that they have proposed there. Where the pond is proposed is a high ground and I just wonder why they would propose a pond on high ground when there already was a lake that retains water to the west of that. The same thing holds true with the pond that's down closer to the corner of Garfield and Eight Mile. That pond proposed there, looks like it would conflict with a pond that's just south of that across that roadway. What are the smallest lots that are proposed? Also, what is the price range of the houses that are going in there? I just wondered if they were going to be similar in price to the other projects that are east of that and north of Eight Mile.

Chair Pehrson asked if anyone else from the public wished to speak. Seeing none, he asked if there was any correspondence.

One response form was returned from Ms. Korotney, who has already spoken at the public hearing. The notice indicates that she objects to the request. It is a watershed area for sandhill cranes, geese, fox, and coyote. The sign on Garfield Road says "Entering Huron River Watershed-Ours to Protect". She

opposes the request to build houses.

As there were no additional public hearing responses, Chair Pehrson closed the public hearing.

Member Greco asked the applicant if there was an origin to the name Ballantyne.

Mr. Seiber said it was Greystone at one time, but when it went through the Street Naming Committee for review, they found a duplicate. So the owner arrived to this name.

Member Greco asked for a ballpark number of the price range and size of home that would be constructed.

Mr. Seiber said actually this is going to be very similar to the Tuscany project across the street. Tuscany was developed under the same RUD ordinance. Lot sizes are also going to be very similar in size. Ten percent of them are going to be one acre or larger and there will be a similar mixture of lot sizes.

Member Greco asked for the range of the lot sizes.

Mr. Seiber said the minimum lot size in this development is half an acre. So it ranges from a half an acre to an acre. As far as the price of the homes, they could be as high as what's going in now at the Tuscany Development.

Member Greco asked about the elevation of the subject property in relation to the Deer Run property. Is that something the applicant has taken into account in terms of buffering?

Mr. Seiber said yes, actually he was involved in the design of the Deer Run development many years ago and there is a 60 foot strip of land between the back of this development and the Deer Run property. It's owned by the property to the west of us. So Ballantyne does not abut the Deer Run property but there is quite an elevation difference from the back of that strip of land to the back yards of the Deer Run properties. It was indicated that it was six feet but I know in some areas it's much larger than that, like 15 feet or so. We are proposing trees along the back of that. There's about a 25 foot park area in addition to the strip of land that's to the north of us and then of course the 35 foot rear yard setback. Of course, not always are these homes pushed right to the rear setbacks, but in some cases they could be. We could prepare an elevation cross section that would show the strip of land that we do not own plus the park area to see what the height of the house looks when viewed from Deer Run. We would certainly be willing to take a look at that and if we need to do a little bit of berming back there or rearrange some of the tree plantings, that's something we could certainly provide.

Member Greco asked if the applicant was familiar with the pond or the lake that the gentleman was describing.

Mr. Seiber said yes there is a pocket of wetlands on that site, but we're not touching it. It would have been much easier to locate the stormwater basin there but it would have wiped out the wetland quality. So we are leaving that alone. That pocket is staying the way it is. We're providing some plantings around it. In fact, because of the type of wetland vegetation that is in it, some of it is a detrimental type of vegetation and the wetland consultant had suggested that we make some enhancements to that. But that wetland is staying intact and that's the reason for locating the stormwater basin away from it. So I guess to answer that question, that pond will stay there.

Member Zuchlewski asked if the stormwater basins will dump into the existing wetland.

Mr. Seiber said no. The high end of the system is the middle pond, that empties into the pond next to

Eight Mile Road and there will be an overflow for that. We did not want it to overflow into that wetland complex because we thought we would inundate it. It would have so much water it would probably greatly change the characteristics of that wetland.

Member Zuchlewski asked if there was an old dump on the subject property at one time.

Mr. Seiber said no. There's a property to the west of us and then the property next to that is where the old dump is located. There were studies done many years ago, when Deer Run was developed, to identify ground water contamination or where that groundwater was directed. From that dump, it flowed on a southeasterly direction. That flow does not affect this. This developed will be tied into the City water system and the sanitary sewer system. City water is available to Deer Run. There's a water main out on Garfield Road now so if Deer Run residents wanted to extend the water main into their site to connect to City water, that is there for them.

Member Zuchlewski asked if it would be out of line to ask to put a T in the service that's going in now. Is that even coming into play or is that out of the question?

Mr. Seiber said no actually that water main is existing. It's there today. It was constructed as part of a City project.

Member Zuchlewski asked if the development would be tapping into that existing main.

Mr. Seiber said yes we would tap right across the street where the Tuscan roadway connects.

Engineer Adam Wayne said the sanitary sewer provided for this site is from the special assessment district, which passes under Garfield Road. As part of this project, the City will look at the service area provided by that lift station and if possible, we will work with the developer to deepen that sanitary sewer. We cannot require the developer to provide any sort of offsite development though.

Member Giacometti asked what the effects of the development are on the local watershed.

Mr. Seiber said a watershed is an area that drains to the main river system. This is a watershed area just like the rest of the City of Novi is a watershed area. I know a concern was that if the watershed from this site changed in a way such that it was directed to the north it would have an impact on the ponds that they have in Deer Run; that would certainly be a legitimate concern. In this case, the watershed or the direction of flow is going to be to the south, away from Deer Run.

Member Giacometti asked the applicant to describe what is being done to prevent flooding in Deer Run.

Mr. Seiber said there will be a storm sewer system through the backyards, in particular the backyards of that row of lots that face northerly toward Deer Run. Any runoff from those lots and from that park area will be collected into that storm sewer system and discharged into that middle pond area. Then that pond will be piped southerly to the pond on Eight Mile Road. So all the runoff from the site will be directed southerly and there will not be any runoff directed to the north toward Deer Run.

Member Zuchlewski asked how the wood chip paths would be maintained.

Mr. Seiber said the maintenance of that pathway, as well as all the interior parks of the development are assessed as part of the subdivision association. There assessments against each one of the lots and that pays for the maintenance of the pathways, the woodchip path, as well as mowing the entranceways, the boulevard entrances and any of the park areas. So there is a mechanism to maintain all that.

Chair Pehrson asked if Eight Mile Road was an Oakland or Wayne County road.

Deputy Director Barbara McBeth said I believe it's a combination.

Engineer Wayne said at this point, it is Oakland County.

Chair Pehrson any comments on any of the improvements to that road will come through Oakland County Road Commission.

Member Greco indicated that he wished to make a motion, but first he wanted to let the public know we all don't want to see natural features go by the wayside. I've mentioned several times as I've sat up here going to visit my hometown outside of New York and all the fields we used to play in now have either homes or strip malls in them. Fortunately or unfortunately, when these lots of land are owned by private entities, they are allowed to develop it under certain parameters with regard to zoning laws and things that are passed by the City. There are some certain requirements regarding how the matter is zoned and different tools that they can use with respect to how much woodlands they keep there, how many lots are there, the lot size, how many open space areas or parklands that they're going to keep there. With that, while I sympathize with the open space and wooded areas disappearing from people that have lived in the area for years, I personally think that this plan fits within the zoning and it looks like it's going to be a nice development.

Moved by Member Greco and seconded by Member Lynch:

ROLL CALL VOTE ON THE AMENDED RESIDENTIAL UNIT DEVELOPMENT PLAN APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:

In the matter of Ballantyne, JSP13-43, motion to recommend approval of the Residential Unit Development (RUD) Plan subject to and based on the following findings:

- a. The site is appropriate for the proposed use;
- b. The development will not have detrimental effects on adjacent properties and the community;
- c. The applicant has clearly demonstrated a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;
- e. The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;
- f. Relative to other feasible uses of the site:
 1. All applicable provisions of Section 2402 of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;
 2. Adequate areas have been set aside for all walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development;
 3. Traffic circulation features within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
 4. The proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
 5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
 6. The RUD will provide for the preservation and creation of open space and result in minimal impacts to provided open space and natural features;

7. The RUD will be compatible with adjacent and neighboring land uses;
 8. The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the RUD;
 9. There will not be an increase in the total number of dwelling units over that which would occur with a conventional residential development;
 10. The proposed reductions in lot sizes are the minimum necessary to preserve and create open space, to provide for park sites, and to ensure compatibility with adjacent and neighboring land uses;
 11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
 12. The Planning Commission is satisfied that the applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
 13. The Planning Commission is satisfied that the applicant will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
 14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. City Council modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet as the requested modification will result in the preservation of open space for those purposes noted in Section 2402.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;
 - h. Applicant extending the proposed pathway along both sides of Emery Boulevard as indicated in the response letter;
 - i. City Council reduction of permitted building setbacks consistent with the proposed reduction in lot size and width; and
 - j. Same-side driveway spacing waiver for the Eight Mile Road access drive (275' required, 218' provided) being approved at the time of Preliminary Site Plan approval.

This motion is made because the plan is otherwise in compliance with Article 3, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

There were no Matters for Consideration.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda Removals.

MATTERS FOR DISCUSSION

There were no Matters for Discussion.

SUPPLEMENTAL ISSUES

There were no Supplemental Issues.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Greco:

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

Motion to adjourn the January 15, 2014 Planning Commission meeting. *Motion carried 6-0.*

The meeting was adjourned at 7:46 PM.

Transcribed by Valentina Nuculaj
January, 2014
Date Approved: February 12, 2014

Richelle Leskun, Planning Assistant
Signature on File