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        REGULAR MEETING - PLANNING COMMISSION
        CITY OF NOVI
        June 28, 2017
        Proceedings taken in the matter of the PLANNING
COMMISSION, at City of Novi, }45175\mathrm{ West Ten Mile Road,
Novi, Michigan, on Wednesday, June 28, 2017.
                    BOARD MEMBERS
Mark Pehrson, Chairperson
                        David Greco
                Robert Giacopetti
                    Tony Anthony
                    Ted Zuchlewski
                John Avdoulos
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ALSO PRESENT:
Barbara, McBeth, City Planner
Thomas Schultz, City Attorney
Kirsten Mellem, Planner
Rick Meader, Landscape Architect
Theresa Bridges, Construction Engineer
Certified Shorthand Reporter, Diane Szach


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we could rise for the Pledge of Allegiance.
(Pledge recited.)
CHAIRPERSON PEHRSON: Thank you.
With that, we'll look for a motion to approve or amend the agenda.

MR. GRECO: Motion to approve the agenda.

MR. ANTHONY: Second.
CHAIRPERSON PEHRSON: We have a
motion and a second. Any other comments? And a third. All those in favor?

THE BOARD: Aye.
CHAIRPERSON PEHRSON: Anyone
opposed?
We have an agenda.
We come to our first audience
participation. If there's anyone in the audience that wishes to address the Planning Commission on any matter, please step forward at this time.

Seeing no one in the audience, we'll close the first audience participation.

Any correspondence?
MR. GRECO: No correspondence.
CHAIRPERSON PEHRSON: Committee
reports? I don't believe.

City Planner report. Ms. McBeth, good evening.

MS. McBETH: Thank you. Good evening. Nothing to add tonight.

CHAIRPERSON PEHRSON: Beautiful.
No public hearings, so we come to the matters for consideration. Item Number 1, Bolingbroke JSP 17-34. It's a consideration at the request of Singh Development, L.L.C. for the approval of the Preliminary Site plan, Site Condominium, Woodland Permit, and Stormwater Management Plan. The subject property is located in Section 10 at the intersection of Novi and Old Novi Roads, north of 12 1/2 Mile, and is zoned R-4, One-Family Residential. The applicant is proposing to develop the 19.78 acre parcel to 46 single-family, detached residential site condominium.

Kirsten, good evening.
MS. MELLEM: Good evening.
So the subject property is located at the convergence of Novi Road and $121 / 2$ Mile Road in Section 10. The applicant is proposing a 46-unit single-family detached residential site condominium on 19.78 acres.

The subject property is zoned $R-4$,

One-Family Residential. The properties to the west and north are zoned RA, Residential Acreage. The properties to the east are zoned $R-4$, One-Family Residential, and the properties to the south are zoned RM-1, Low-Density Multiple Family.

The Future Land Use Map indicates Single Family for the subject property and all properties to the west and north, a private park to the east, and PD1 to the south.

The site contains wetlands on the north, west, and south edges of the proposed combined parcel.

The proposed project is focused at the intersection of Old Novi Road and Novi Road. There are two entrances, one from Old Novi Road and another from 12 1/2 Mile Road. The project proposes 46 single family units in a site condominium. There is a detention basin at the southeast corner of the site and a small park which is mostly a berm near the cul-de-sac at the west side of the project. There is one wetland near lots 2,3 , and 4 where the 25 -foot wetland buffer is proposed on these lots. Planning is asking for signage, boulders, fencing, that will protect this buffer from encroachment by the residents.

So to review the history of the project, the site plan was reviewed in 2005 and 2015, which have both since expired. So this review was a combined preliminary/final site plan. Planning did not recommend the final site plan at the time, but after conversations with the applicant, the changes can be made on the electronic stamping set after preliminary consideration and discussion by the Planning Commission. The current site plan complies with all applicable regulations of the Zoning Ordinance except for a couple minor deviations requiring landscape waivers, which are supported by staff. The public hearing was held on June 14, 2017 where the applicant had requested to hold the public hearing but postpone the decision.

The applicant is seeking three
waivers from the Planning Commission and two variances from City Council:

1. A landscape waiver for insufficient berm along Novi Road.
2. A landscape waiver for insufficient berm along 12 1/2 Road.
3. A landscape waiver for less street trees along $121 / 2$ Mile Road.
4. A DCS waiver for the eyebrow design.
5. And a DSC waiver for meandering sidewalk along 12/12 Road.

The first waiver for insufficient berm along that portion of Novi Road fronting the stormwater detention basin, the second and third are to preserve the natural wooded buffers along 12 1/2 Mile Road in lieu of a berm and less street trees. The DCS variance for the meandering sidewalk is to preserve the trees in the path of the sidewalk along $121 / 2$ Mile Road, which are all supported by staff.

The last item of concern is regarding the Woodland Permit and the proposal for the treatment of the woodland replacement tree credits. The applicant is proposing to plant 50 credits on site, which is 9 percent of the total 588, and to
plant 537, which is 91 percent of the total, off-site at the Ballantyne site.

The Ballantyne site plan is set to expire on December 22, 2017, and there has been no application for building permits. There is fairly significant uncertainty as to whether the Ballantyne site will be built. ECT, our woodland consultant, has recommended the applicant pay into the tree fund for that 537 credits should either of the following conditions occur:

1. no building permits applied for prior to site plan expiration or
2. if the current owner sells the property.

It is ultimately the Planning Commission's decision regarding the woodland permit, but the woodland consultant and planning staff are concerned about the future of these credits and do not encourage placing them off-site.

The reviewers are all
recommending approval; some with conditions to be met with the next submittal.

The Planning Commission is asked tonight to consider the Preliminary Site Plan with Site Condominium, Woodland Permit, and the Stormwater

Management Plan. The applicant, staff, and consultants are here to answer any questions you may have regarding the proposed project.

CHAIRPERSON PEHRSON: Thank you, Kirsten, appreciate it.

Does the applicant wish to address the Planning Commission?

MR. KAHM: Good evening, Mike Kahm of Singh Development Company. I just wanted to give the Planning Commission a brief historical perspective on the subdivision.

As Kirsten mentioned, we originally submitted this plan for approval back in 2005, and actually we started construction on this subdivision. We built the basin, we installed the sanitary sewer, we installed a portion of the storm sewer, and we had -- we took down the trees which have been guaranteed. In fact, we have a letter of credit with the City of Novi for almost $\$ 875,000$ that you've had for 12 years, and it's still current. And at the time we thought we were going to sell the lots to a builder, that didn't work out, and then the recession came, and one thing led to another.

So we would like to continue to propose to plant the woodland replacement trees off --
site, you may recall that you granted that approval when we submitted our Oberland Subdivision on Eleven Mile Road. And at that time those replacement trees were approved to be placed in the open preservation area of our proposed Ballantyne Subdivision at the corner of Eight Mile and Garfield.

> Since that time Pulte bought
that subdivision. They chose to post the money into a tree fund. So we're simply proposing that we take the trees we were originally going to put until Ballantyne from Oberland and take the trees we now have to replace for Bolingbroke to Ballantyne. We understand that that site plan is nearing expiration, and we do intend to come in with a request that that be extended. It's a gated community, Ballantyne is, and it's been a little slow in that particular market, so we haven't reached a point where we're ready to do something with that yet, but we do intend to come in and bring that approval current with obviously Planning Commission's approval.

Some of the waivers that Kirsten mentioned again were in existence way back in 2005 for the same reason. As you know $121 / 2$ Mile is a natural beauty, very nice canopy. We want to preserve that, so we would like to in lieu of the berm, we want to preserve
those woodlands and meander the pathway around those trees. Again, that -- this design for the most part is the same as it was 12 years ago. The only minor differences are to bring it current with city ordinances, but $I$ would say 99 percent is the same as it was 12 years ago.

So anyway, we're hoping that the Planning Commission will see their way clear of approving the variances we're asking for, including planting the woodland replacement trees off-site. George Norberg is here with me. If you have any questions, we'd be happy to answer them.

CHAIRPERSON PEHRSON: Thank you, sir, we appreciate that.

We'll turn it over to the Planning Commission for their consideration.

Member Anthony?
MR. ANTHONY: To staff, so the Ballantyne site, it's sold to it sounds like another developer, Pulte owns that?

MS. McBETH: No, not that we're aware of. Mr. Kahm was referring to Oberland.

MR. ANTHONY: Okay. So my
concern is that if we then replant all the trees on the Ballantyne site, what controls do we have that in
the future development they're just not removed again?
MS. McBETH: So the -- through the chair, the Ballantyne site $I$ believe was approved as an RUD, and there's an RUD agreement that would indicate the responsibilities for the woodland plantings.

MR. ANTHONY: Okay. So we would have controls on that property in order to maintain the woodlands and the trees?

MS. McBETH: I believe so. That in addition to the woodland permit and how it's written would indicate that.

MR. ANTHONY: So Kirsten, did I hear that you preferred the payment into the tree fund over the Ballantyne planting or --

MS. MELLEM: That's what our woodland consultant was recommending that we don't -we don't know what the status of that site is and what will happen to it in the future, and it may happen just like Oberland where then we have to redo all the site plans again and redo all the woodland permits two or three times to get them right because they're changing around where the woodland replacement trees are going.

MR. ANTHONY: So is that
following the same logic that $I$ was concerned about before, that we could plant those trees, and then if the plan changes, we may be looking at waivers to remove those?

MS. MELLEM: I don't believe that occurred with the Oberland and moving it about. We're just concerned that -- where they'll go. And so the woodland consultant prefers not to have them off-site, prefers to have them either onsite or into the tree fund.

MR. ANTHONY: Okay. I'm
actually fine with either one. Those are my
questions. I just wanted to see that we had controls for the trees.

CHAIRPERSON PEHRSON: Thank you.
Anyone else?

## Member Anthony.

MR. ANTHONY: I'll make a
motion. In the matter of Bolingbroke JSP 17-34, motion to approve the preliminary site plan with site condominium based on and subject to the following, Items A through H. This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the zoning ordinance and all other applicable provision of the ordinance.

electronic stamping set. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the ordinance.

MR. AVDOULOS: Second.
CHAIRPERSON PEHRSON: Motion by
Member Anthony, second by Member Avdoulos.
Any other comments?
Kirsten, please.
MS. MELLEM: Member Giacopetti?
MR. GIACOPETTI: Yes.
MS. MELLEM: Member Greco?
MR. GRECO: Yes.
MS. MELLEM: Chair Pehrson?
CHAIRPERSON PEHRSON: Yes.
MS. MELLEM: Member Zuchlewski?
MR. ZUCHLEWSKI: Yes.
MS. MELLEM: Member Anthony?
MR. ANTHONY: Yes.
MS. MELLEM: Member Avdoulos?
MR. AVDOULOS: Yes.
MS. MELLEM: Motion passes six
to zero.
MR. ANTHONY: In the matter of Bolingbroke JSP 17-34, motion to approve the

Stormwater Management Plan based on and subject to the findings of compliance with ordinance standards in the staffing and consultant review letters, and the conditions and the items listed in those letters being addressed on the electronic stamping set. This motion is made because it's otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provision of the ordinance.

MR. AVDOULOS: Second.
CHAIRPERSON PEHRSON: There's a motion by Member Anthony, second by Avdoulos.

Any other comments?
Kirsten, please.
MS. MELLEM: Chair Pehrson?
CHAIRPERSON PEHRSON: Yes.
MS. MELLEM: Member Zuchlewski?
MR. ZUCHLEWSKI: Yes.
MS. MELLEM: Member Giacopetti?
MR. GIACOPETTI: Yes.
MS. MELLEM: Member Greco?
MR. GRECO: Yes.
MS. MELLEM: Member Anthony?
MR. ANTHONY: Yes.
MS. MELLEM: Member Avdoulos?
MR. AVDOULOS: Yes.

MS. MELLEM: Motion passes six
to zero.
CHAIRPERSON PEHRSON: All set.
Thank you.
Item Number 2 is to introduce Text Amendment 18.285, off-street parking spaces. And it's to set a public hearing for Text Amendment 18.285 to update Section 5.2.12, Off-Street Parking Spaces, to modify the minimum off-street parking requirements to better meet the needs of the City's current and future land uses.

Kirsten or Barb?
MS. McBETH: No.
CHAIRPERSON PEHRSON: Anyone?
MS. MELLEM: So the proposed
ordinance amendment addresses the off-street parking requirements under Article 5: Site Standards, Section 5.2: Off-street Parking Requirements.

So periodically staff reviews different sections of the ordinance for update in order to make sure the ordinance meets the needs of the City's current and future land uses. The Planning staff has done extensive research of neighboring communities, comparison cities, and industry standards from the Institute of Transportation Engineers in
order to identify areas of improvement.
The proposed changes are
detailed in the memo in the Planning Commission packet, which was available for review. The changes are proposed to make it easier for applicants and staff to calculate the minimum parking requirements and to be consistent with industry standards and neighboring communities. Additional clarification will be made to the ordinance regarding some of the definitions that may also be proposed with the public hearing.

The Planning Commission is asked tonight to discuss the proposed amendments, and if acceptable, to set a public hearing. At that time the Planning Commission may make a recommendation to the City Council, who will ultimately approve or deny the amendment and may propose alterations as well. Staff is available to answer any questions you may have regarding the proposed amendment.

CHAIRPERSON PEHRSON: Thank you.
Submit it to the Planning
Commission for consideration.
Member Giacopetti?
MR. GIACOPETTI: I have a
question. In your research of like other ordinances
from other cities, did you come across any language concerning maximum parking spaces?

MS. MELLEM: Yes.
MR. GIACOPETTI: And how is
it -- it's not addressed in this ordinance?
MS. MELLEM: It is not. There are communities that we had information on that do have parking maximums, some are 20,25 percent over what the minimums are, and then it has a section basically where the Planning Commission has the discretion if they can prove that they need the extra spaces, that the Planning Commission can make that allow -- they can allow the additional spaces beyond that 20,25 percent. But we did not put that in this proposed amendment.

MR. GIACOPETTI: I'm not going to put staff on the spot, but --

CHAIRPERSON PEHRSON: Oh, go
ahead.
MR. GIACOPETTI: Do you -- do you think a maximum would be a good idea in Novi?

MS. MELLEM: I think based on planning trends nationwide that is being seen in communities, but it's up to your discretion whether or not a maximum would be suitable for Novi.

MR. GIACOPETTI: It's just
unusual. I don't support -- can I not support the public hearing, or we just set the date and voice -CHAIRPERSON PEHRSON: We have to set the public hearing, and then at the public hearing --

MR. GIACOPETTI: That's fine. CHAIRPERSON PEHRSON: And we can
make recommendations for modification to the document between now and then, too.

MR. GIACOPETTI: I don't know
how the other members of the committee feel. I would like to see some maximums, proposals so that we would have discretion over or the opportunity to say no, that the parking you're proposing is excessive. There have been some projects recently where I feel that the parking proposed was, you know, and this is not total parking. I mean, when you build a building, you can build a garage as well, you know. This is in terms of paving over entire plots of land to just, you know, it's the least expensive way to provide parking.

So I personally would like to see some language concerning maximums. What I had seen before was I think 50 percent over, which is much, much more generous, but I think maybe 25 percent
is a better standard. So that's just my guidance or suggestion.

CHAIRPERSON PEHRSON: Perfect.
Thank you, appreciate that.
Anyone else?
Member Avdoulos?
MR. AVDOULOS: I'll let go that the concern was from a project that we saw about a month or so ago that was just very, very excessive, and I think even though we can engineer it, I believe it creates stress on the systems, and then we could also be looking at trying to be good stewards of our land and the environment and trying to limit the amount of pervious surface, and I think it would be just a good thing to take a look at it, because it just creates the large areas of blacktop that aren't really doing us any good.

And I understand it from the business point of view from the developer trying to get the maximum that they can and provide for their lease tenants, but in the same token I think it does get over excessive, and instead of really planning it out, they'll just pave it all and provide a thousand parking spots and be done with it. So I think that would be something that would be a good thing to take a look at.
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CHAIRPERSON PEHRSON: Thank you.
Anyone want to make a motion?
MR. GRECO: I will unless you have another comment.

MR. ANTHONY: I was just going to ask what the motion would be that we would make.

MR. GRECO: Well, okay. I'd
like to make a motion to set a public hearing for Text Amendment 18.285 to update Section 5.2.12, Off-Street Parking Spaces as indicated.

CHAIRPERSON PEHRSON: They'll
take our consideration and add that to the information they provide back to us so we don't need to belabor it by a motion.

Any second?
MR. ZUCHLEWSKI: Second.
CHAIRPERSON PEHRSON: Zuchlewski
wins. He has the deep voice.
Kirsten, can you call roll, please.

MS. MELLEM: Member Anthony?
MR. ANTHONY: Yes.
MS. MELLEM: Member Avdoulos?
MR. AVDOULOS: Yes.
MS. MELLEM: Member Giacopetti?
MR. GIACOPETTI: Yes.
MS. MELLEM: Chair Pehrson?

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know, we've had a number of meetings in the first half of this year where we've not had a full quorum. We've now set the public hearing for the Master Plan for Land Use for the meeting of July 26 th, since the survey of the Planning Commission members indicated that everyone would be present at that meeting.

Staff and the city's planning consultant look forward to bringing the plan back with just minor changes to the plan and two additional maps. The recommendations will remain the same as has been developed with the Master Plan and Zoning Committee, and as had been reviewed by the Planning Commission. I'm going to send you all a link to that plan so you can take a look at it, and feel free to let us know if you have any comments.

CHAIRPERSON PEHRSON: Thank you, Barb, appreciate that.

Our last audience participation?
MR. KAHM: I'm sorry, I just
need clarification. I might have misunderstood. Was the approval received allowing us to put the woodland replacement trees at Ballantyne, or it did not?

MR. ANTHONY: Yes, it did.
MR. KAHM: Okay. Thank you.

CHAIRPERSON PEHRSON: Oh, wait.
Go ahead.
MR. SCHULTZ: A yes and a no. I thought it was subject to the terms and conditions of what's in the woodland -- yes.

MS. McBETH: Yes. The motion as written did not have Ballantyne in it.

MR. SCHULTZ: So I think the answer to the question is you accepted the woodland consultant's recommendation that they not be placed in Ballantyne.

CHAIRPERSON PEHRSON: Correct.
MR. KAHM: Thank you.
CHAIRPERSON PEHRSON: Thank you.
With that we'll close the audience participation and look for a motion to adjourn.

MR. ZUCHLEWSKI: Motion to adjourn.

MR. ANTHONY: Second.
CHAIRPERSON PEHRSON: Second and
third. All those in favor?
THE BOARD: Aye.
CHAIRPERSON PEHRSON: Meeting adjourned.
(The meeting was adjourned at 7:26 p.m.)


#### Abstract

CE R TI F IC AT E

I, Diane L. Szach, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (26) pages, is a true and correct transcript of my said stenograph notes. 

Diane L. Szach, CSR-3170 Oakland County, Michigan My Commission Expires: 3/9/18 July 10, 2017.


