



PLANNING COMMISSION MINUTES

CITY OF NOVI
Regular Meeting

September 27, 2023 7:00 PM

Council Chambers | Novi Civic Center
45175 Ten Mile Road, Novi, MI 48375 (248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Avdoulos, Member Becker, Member Dismondy, Member Lynch, Member Roney, Member Verma

Absent Excused: Chair Pehrson

Staff: Barbara McBeth, City Planner; Tom Schultz, City Attorney; Lindsay Bell, Senior Planner; James Hill, Planner; Rick Meader, Landscape Architect; Humna Anjum, Plan Review Engineer; Doug Repen, Woodland/Wetland Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion made by Member Lynch and seconded by Member Becker to approve the September 27, 2023 Planning Commission Agenda.

VOICE VOTE ON MOTION TO APPROVE THE SEPTEMBER 27, 2023 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER.

Motion carried 6-0.

AUDIENCE PARTICIPATION

Acting Chair Avdoulos invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing no one, Acting Chair Avdoulos closed the first public participation.

CORRESPONDENCE

There was not any correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

There was no City Planner Report.

CONSENT AGENDA - REMOVALS AND APPROVALS

1. SPARC ARENA PHASE II JSP23-23

Approval of the request of SPARC Holdings, LLC, for SPARC Arena Phase II JSP 23-23 for a Section 9 waiver. The subject parcel is in Section 35, east of Novi Road and south of Nine Mile Road. It is

zoned I-1, Light Industrial. The existing building is a former industrial building and was erected prior to the adoption of the Façade Ordinance. The applicant proposes to raise portions of the façade elevations to expand the recreational activities offered.

Motion to approve JSP23-23 Sparc Arena Phase II Section 9 Façade Waiver moved by Member Lynch and seconded by Member Becker.

In the matter of JSP23-23 SPARC Arena, motion to approve a Section 9 Façade Waiver to allow for:

- a. Deficiency of brick (30% minimum required) on the west facing side of the structure (10% proposed), Brick portions of the façade however are being added to the north (front-facing), and west facing sides of the structure which are being affected by the addition to address this.**
- b. Overage of flat metal panels (50% maximum permitted) on west facing side of the structure (77% proposed).**
- c. All roof top units must be screened from view from all on-site and off-site vantage points in compliance with the Façade ordinance.**

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

ROLL CALL VOTE TO APPROVE JSP23-23 SPARC ARENA PHASE II SECTION 9 FAÇADE WAIVER MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER.

Motion carried 6-0.

PUBLIC HEARINGS

1. CENTRAL PARK ESTATES SOUTH JSP 23-22

Public hearing at the request of Nobe Property Group II, LLC for JSP 23-22 Central Park Estates South for Preliminary Site Plan, Wetland Permit, Woodland Permit and Storm Water Management Plan. The subject property is zoned RM-2 (High Density Mid Rise Multiple Family) and is approximately 7 acres. It is located south of Grand River Avenue on the east side of Beck Road, in Section 16. The applicant is proposing a multifamily development with 142 units in a single 5-story building. The site improvements include parking on the first level of the building as well as surface parking, and related open space amenities.

Planner Lindsay Bell relayed the subject property is approximately 7 acres and is located on the east side of Beck Road, south of Grand River Avenue in Section 16. The parcel is currently vacant.

The property is zoned RM-2 High Density Mid Rise Multiple Family, with the same zoning to the south, RM-1 Low Rise Multiple Family to the east and north, and R-3 One-Family Residential on the west side of Beck Road. To the northwest is zoned Office Service Commercial and contains the Ascension Hospital campus. Further south on Beck Road are single family uses zoned R-A Residential Acreage.

The Future Land Use map indicates Multiple-Family Residential for the subject property and surrounding property on the north, east and south. To the west of Beck is planned for Suburban Low Rise and Office Commercial. The recommended density in the Master Plan for Land Use is 20.7 dwelling units per acre for this area. There are wetland and woodland areas on the site.

The applicant is proposing to develop the parcel with a single 5-story apartment building with 142 units. The effective density is 20.3 dwelling units per acre. Parking would be provided under the building on the ground floor, as well as surface parking on the southwest, northwest, and northeast sides. A private street is proposed to connect the development to Beck Road as the primary entrance, with a secondary connection to the northeast to the Central Park Estates development. Sidewalks are provided throughout the development and include a connection north to the Central Park Estates site.

These connections between the properties are enabled because the applicant owns both projects. In fact, the current subject property was originally intended to be developed as "Beck House" in the early

2000's and both properties were included in the original site plan submittal. The applicant indicates there are existing cross-access easements in place for the roads, and that it was intended that the properties both benefit from shared preserved 15 acres of open space that is technically on the Central Park Estates site. In the motion sheet the Planning Commission is asked to make a determination that a portion of the open space on the adjacent site count toward the usable open space required for this project. The site plan approved at that time shows the open space provided greatly exceeded what was required for Central Park Estates.

A separate determination is also requested to permit 8 parking spaces on the Central Park Estates site, which were not required for their minimum parking, to be shared with this project. The applicant has offered a shared parking agreement to formalize this arrangement. Five of the 8 spaces are needed to fulfill the minimum parking requirement.

One landscaping waiver is requested for the lack of a greenbelt berm along Beck Road, due to the location of the stormwater detention pond. Staff supports this waiver because there is significant landscaping provided between the building and Beck Road, and the placement of the detention pond avoids additional wetland impacts.

Four variances are being requested by the applicant from the Zoning Board of Appeals:

1. For exceeding the maximum building length
2. For a reduced parking setback from the property to the north
3. For a reduced parking setback from the building
4. For spaces with less than 50-foot dimensions to count toward the required usable open space on the site (these would be the 3 terrace spaces on the building, one of which includes a pool)

Staff supports each of these variances as they help minimize the wetland and woodland impacts, and because of the unique relationship between this project and Central Park Estates to the north. Also, because the ground floor contains parking rather than living spaces the setback from the building will not have a big impact on residents.

The Façade review notes the elevations of the building are in full compliance with ordinance. The materials proposed include 3 colors of brick, scored EIFS, and fiber cement panels.

Plans to reconfigure this area of Beck Road are in the preliminary design stage and have not been finalized, but the work is anticipated to begin in 2025. Currently, the plan is to widen the road between Grand River Avenue and Eleven Mile Road to a 5-lane cross-section in the northern part, and 4-lanes with a central boulevard closer to Eleven Mile. The City's consultant has been notified of the possibility of the proposed Central Park Estates South project, so adjustments to the design may be made if the project is approved.

Wetland areas on the property will be impacted, which has been reduced somewhat from the original submittal. Total impact area proposed is 0.33 acre, which will require mitigation at a ratio of 2:1 because it is forested wetland. The applicant provided mitigation plans to construct 0.60 acre of forested mitigation on the adjacent property that they own to the south.

This area of the adjacent property is protected by an existing Conservation Easement that was granted when Central Park Estates was developed, however, the language of the Easement states that "The subject areas shall be perpetually preserved and maintained, in their natural and undeveloped condition, unless authorized by permit from the City, and, if applicable, the Michigan Department of Environmental Equality (sic) and the appropriate federal agency."

The Planning Commission's approval of the wetland and woodland permits on behalf of the City would count as authorization under the terms of the Easement. Just today the applicant has shared an updated plan for mitigation which indicates a full 0.67 acre area can be built, and the new 25-foot wetland buffer would be contained within their property and not encroach on the adjacent properties. As the area proposed for mitigation is upland area, and proposed tree removals would be subject to the requirements of the Woodland Protection Ordinance, Staff supports the mitigation plan proposed if requirements of

Chapter 12 can be met and recommends approval of the Wetland Permit. These revised mitigation plans would be reviewed at the time of Final Site Plan submittal to ensure they meet the ordinance requirements for mitigation before the permit would be issued.

All reviewers are recommending approval or conditional approval if the requested waivers and variances are granted, and the other conditions are met.

The Planning Commission is asked to hold the public hearing and approve or deny the Preliminary Site Plan, Wetland Permit, Woodland Permit and Storm Water Management Plan. The City's Wetland Consultant is here, along with Staff, to answer any questions you may have. The applicant Blair Bowman is here with his team to further elaborate on their plans.

Acting Chair Avdoulos invited the applicant to address the Planning Commission.

Blair Bowman, 46100 Grand River, Novi, on behalf of Central Park South, relayed this is a proposed RM-2 project on an existing zoned RM-2 site just south of the Central Park existing townhouse community.

Mr. Bowman thinks that the Staff has done a great job in summarizing most of the details, so he would like to provide a bit of a historical context about the site and the development intention. The total site, as shown on the approved combined plan, was intended to be integrated together and was always intended to be developed along with the RM-1 portion, which is now Central Park Estates.

The site was originally jointly site planned in 2000, and the intent was then as it is now, to preserve the vast majority of the natural features on the total 55-acre site. The subject property was originally known as Beck House, and that is where the modest amount of woodlands and wetlands impacts were to occur, and that is still the case today.

As originally proposed, the joint site plan project preserved nearly 95 percent of the wetlands and over 85 percent of the woodlands on the total site. Shared open space Conservation Easements were provided to benefit the entire development, including 10.6 acres immediately adjacent to both Central Park Estates and the current Central Park South site. The vast majority of these open spaces are upland areas and woodland areas where walking trails and pathways have been established. They have been maintained for the use and enjoyment of the residents of all the properties.

This is a comprehensive development with use of common utilities, drainage, ingress and egress routes, as well as the open space and preservation areas. In fact, the landscape and woodland replacement plan for the existing Central Park Estates included the replacement of the future intended removal trees on the Beck House site, so ultimately 339 replacement trees have already been completed and installed on the existing Central Park site.

These sites are under common ownership and as there were technically two different parcels established, we now face some technical need for variances. In essence, phantom boundary lines were created with these sites when they were established as two different sites, so we are going to be proceeding to the Zoning Board of Appeals, which we are scheduled to do in October.

One of these variances, as was referred to, relates to the technical deficiency in open space of just under 9,000 square feet. This issue truly underscores our position and it's only a technical deficiency if you look at the Central Park South site in a vacuum. In reality, Central Park South residents, along with Central Park Estates residents, will have access to acres of open space and usable area. At the time that the original projects were approved, there was literally 15 times the required open space provided, with 15.8 acres provided for 1.18 required.

An updated open space calculation was provided. If there is concern there might be a double dipping when looking at if a portion of the existing Central Park open space is utilized, even proportioning it out, there's excess acres that more than provide for the 9,000 square feet of deficiency.

Overall, a lot of progress has been made with regards to improving this site as compared to the original Beck House plan. Working with Staff and Consultants, we were able to position the new site improvements

and the building footprint at the furthest point to the north and west as possible, also reducing the overall size of the building which further minimizes the impact to sensitive areas.

Mr. Bowman showed a comparison diagram indicating road and parking improvements and where the building previously encroached quite a bit further into the sensitive areas in the south and to the east. Where building and parking areas were to be established and basically max out the site, now a very heavily landscaped basin area will also be a green space and a very nice natural feature as well.

The largest area of improvement is relating to the wetlands and wetland mitigation issue. Originally when proposing the development, Mr. Bowman had an MDEQ permit for the Beck House portion of the site but at the time, it didn't call for any mitigation. Under current standards the requirement is to provide 0.66 acres or a 2:1 mitigation ratio for those 0.33 acres that are being impacted.

To address this mitigation, initially Mr. Bowman looked to pay into a wetland bank through EGLE. After suggestions from Consultants and Staff, on site opportunities were examined, even potentially within the Conservation Easement. After a view of the site and confirming the flagging areas, an area was found that lent itself quite well to mitigation. Though a recently submitted plan was slightly shy and didn't have a buffer, a plan submitted today reflects where the entire south and west boundary for the buffer and the entirety of the mitigation required can be met. Once complete, the site will literally have more wetlands in a more comprehensive and viable format than previously existed.

In conclusion, Mr. Bowman is very excited about the updated design for the RM-2 portion of the development. Although it's different from the previously approved Beck House in that it will not be totally dedicated to Senior Housing, Seniors are expected to be a big market share for this new facility with the elevator-based approach and the very nice design. Due to its proximity to the Providence Park Hospital, it will be workforce related housing. It will be very complementary to the unit types and styles in the existing Central Park Estates property and has a convenient location on Beck Road to the expressways and other major thoroughfares. It's very well positioned to serve the marketplace as well. Mr. Bowman would be happy to answer any questions.

Alexander Bogaerts, Architect for the project, relayed he is delighted to be in front of the Novi community again. As the original architect for Central Park Estates, he is very pleased to be a part of this new phase.

Mr. Bogaerts thanked the Staff for their comments as they really covered all the important things in terms of detail. He would like to talk a little bit abstractly about the design of the property.

One of the things that Mr. Bogaerts is particularly excited about is the configuration of the building is such that the presentation of the building to Beck Road is minimized by one corner and it fades away going either north or south along Beck Road. The building spreads out and it really doesn't have the visual impact of what the previous Senior facility would have had.

Secondly, one of the things done on the exterior facade of the building as represented in the rendering is the inset of balconies vertically in each building leg, breaking up the visual massiveness of the building, which is about 200 feet long. Mr. Bogaerts did not want to have a sheer vertical wall for 200 feet and balconies projecting out as is seen a lot of time classically in multifamily developments.

Additionally, a great deal of care was taken on color selection and letting the color change across each vertical element. What that does is gives a nice soft movement of architecture across the side of the building and really makes the building a comfortable element to look at.

One of the great things that this building brings to the community is that it is what we call a podium type building. There is primarily parking on the first floor of the multifamily units, above it you gain a very high percentage of units that have parking sheltered under the building, secure and protected. There are 142 units and 139 spaces covered, plus additional interior courtyard spaces as well. What that does is it gives any resident the good fortune of when it's a pouring rainy day in Michigan or it's snowing, a car can be parked as if in a home environment and residents can walk protected over to the elevators to go to their

unit. One of the important things about that is security, there will be garage doors and the only access to that parking area will be via openers available to the residents.

Additionally in the building itself, there are a variety of unit types that really gives an opportunity to appeal to a broad scope marketplace – studios, one- and two-bedroom units, and two-bedroom units with dens. With the elevators, the development can certainly serve the Senior community that chooses to stay in Novi but want to be out of the home that they're in. Additionally, the studios give an opportunity for people who want to be in a luxury development like this, but don't want to be into the high expense of the highest unit, the two-bedroom unit with a den.

In terms of exterior terraces for the joint use of the property, there is about 2,250 square feet of open turf that will have lounge chairs, seating and tables for use by the residents. In addition to that, an outdoor terrace of over 4,000 square feet will provide cover and be used by both the pool and the pool deck terracing.

On the interior, the amenity space has a large clubhouse, exercise facility, and all things one would hope to have moving into a deluxe property like this. That area in itself is over 4,000 feet.

One of the things that happens, when a building is essentially a square donut, for lack of a better description, the interior corridors end up being very short compared to what you would normally see in an elongated building. The distance that people have to travel is really minimized. There are three elevators in this building and three stairwells. That breaks down to people not walking more than about 80 feet from the elevator to their front door, so it's really a wonderful format.

Mr. Bogaerts is very excited to be a part of the continuing development of Central Park. This is going to be an enormous asset to the community, and we certainly know from experience the people that will be occupying this building will have a really wonderful place to stay. Mr. Bogaerts is happy to answer any questions that the board members might have.

Acting Chair Avdoulos opened the Public Hearing and invited members of the audience who wished to participate to approach the podium.

Khurram Abbas, 26508 Mandalay Court, lives fairly close to the proposed development. There is a large sentiment of residents in Novi that are concerned about a lot of these mixed-use developments or dense residential units being proposed on the west side of Novi.

Mr. Abbas is here today to talk about some of the concerns with wetland mitigation. Mr. Abbas and his neighbors have been talking to Mr. Bowman regarding City West proposals and he was nice enough to share some of the plans for this particular proposal at the same time. It sounds like at that time there were two options available for wetland mitigation, and at that point Mr. Bowman was looking into the option of paying into the wetland mitigation fund.

Now another solution has been found to utilize land which is south of the existing Central Park Estates development. One of the concerns residents have is the walking trails over there, although they haven't really looked into this deep enough to understand what the impact to the actual existing wetland would be. One of the things not understood right now this is considered an existing woodland/wetland and it's supposed to be maintained in its perpetual natural state. If a walkable trail were to be built over there, wouldn't that defeat the purpose of having a Conservation Easement to begin with? This is new to Mr. Abbas, he and his neighbors just started looking at it recently, but on behalf of the 40 or so Asbury Park residents, he did want to come out and ask these questions and get a little more clarity on what that walkable trail would actually entail.

Mark Foster, 47200 W Eleven Mile Road, relayed earlier today he took the liberty of delivering a letter to the Community Development Department noting objection to holding the Public Hearing due to a glitch in the referenced URL listed on the City of Novi Response Form.

Mr. Foster also brought response forms signed by some ten of his neighbors, who are all immediately adjacent to this proposed development. There is, with all due respect to the applicant who is an honorable long-standing developer in this region, universal opposition. Mr. Foster says this not on a qualified basis but on the basis of having polled about 25 neighbors. He has not found anyone who is in favor of this development.

The letter noted that due to the deficiency or error unintended in the public hearing notice, no one was able to download the plan until late last night. Obviously, that was a glitch, related to an update to the City of Novi website which rendered the referenced URL to be invalid, but it did cause a great bit of consternation. Mr. Foster requested in his letter that this hearing be postponed or re-noticed for a later date, until those who had an interest were able to download the rather formidable set of documents, some 118 pages. Mr. Foster reiterated that request respectfully given the unintended software glitch that we all face in our companies.

The response forms accompanying the letter noted three major points that underscore the adjacent landowners concern about this project. As a preface, as nice as the plan is, and Mr. Foster is a former developer who can appreciate the architectural effort, there simply is no justification offered for this massive density in this location. Since there is no justification, Mr. Foster wonders why we're here. He wonders what the necessity is and why an ordinary development which complied specifically with all the requirements of the City and didn't require all of these variances is not put in place.

The massive traffic congestion will be exacerbated by some 300 cars going two or three times a day into an already basically overcrowded parking lot for at least four or five hours a day. One can't even get access right now onto Beck Road or even on Eleven Mile Road for four hours a day. Residents can't even exit their own driveways because of the traffic that's diverted to Eleven Mile Road right now. So even if there were a justification for this level of density, this is not the spot for it.

There are major concerns which have already been highlighted regarding the devastation to the wildlife in this area. Mr. Foster listened carefully to the report on the wetland, living in an adjacent area. The whole area just to the south of this proposal is much more than six-tenths of an acre. It's about four acres and it's a solid wetland 12 months of the year. That is what nature has dealt us. Mr. Foster fails to see how planting a few trees is sufficient to mitigate the impact, the devastating impact to wildlife and to human life around this area which is designated as a wetland.

Mr. Foster also believes, although he is not on the Planning Commission, that at some point the volume and the extreme nature of the variances that have been conditionally approved and requested by this developer, a reputable man he may be, exceeds the reasonable authority of a Commission. Why do we have zoning laws if one can just ask to be exempted from the zoning laws? Those of us that have done development on our homes in that area had the zoning laws applied with the tape measure and had to move our proposed structures two or three inches to comply? Mr. Foster believes that this is a matter for the City Council address.

Rick Weiner, longtime resident of Novi since 1985, relayed that seeing the development of Novi, seeing the destruction of wetlands in Novi, here we have another unnecessary development of wetland and heavily wooded area in Novi. At some point, where is our carbon footprint? Do we need to develop everything? When are the wetlands going to be protected? Bringing in heavy equipment, stripping the land bare, then building a densely populated apartment complex - this isn't the correct development at this phase for Novi. We need to start protecting our wetlands here in Novi.

Mr. Weiner requested more notification be given when these types of developments are coming up so residents can properly prepare. Mr. Weiner asked who on the Planning Commission is in favor of destroying the heavily wooded areas and wetlands. Is this all for money?

Acting Chair Avdoulos stated that the Planning Commission does not respond to questions during a Public Hearing, but after the Public Hearing is closed the Planning Commission will discuss the project.

Seeing no other audience members who wished to speak, Acting Chair Avdoulos asked Member Lynch

to read into the record the correspondence received. Member Lynch relayed there were nine objections received as well as the letter that Mr. Foster referenced.

Acting Chair Avdoulos closed the Public Hearing and turned the matter over to the Planning Commission for consideration.

Member Becker relayed it's always interesting to look at the development of land and see what has to happen. In this particular matter, the land was in fact designated, from both a land use designation as well as a zoning designation, for mid-rise high density residential for over 23 years, so it was always going to be available to be developed.

As Member Becker has frequently said from his chair on the Planning Commission, nobody builds tree houses. When an area has been zoned for residential development, it means trees are going to come down. Member Becker would challenge anyone here to say that they have not had any trees or wetlands devastated when their own homes were built. That's what always happens in the City, and it's done under the umbrella of what our Ordinances and Future Land Use is supposed to be.

It was set out at least 23 years ago that mid-rise high density residential development would be here, and that's exactly what's being proposed, and that's what the parcel is zoned for.

Member Becker is truly impressed with how the staff has worked with the applicant to try to come up with creative ways to mitigate the amount of land that's being used, which means mitigating the number of trees cut down and the number of wetland areas that were affected. For those who are worried about the number of trees in Novi, Member Becker would say that basically a four-story building with one story of a parking providing homes for 142 families in a relatively small footprint is a lot better than taking the same acreage and putting single home one-acre lots on them. We are developing the City and offering the ability of people to move here with minimal impact to the undeveloped areas of Novi.

Member Becker appreciates the work that was done by Staff and applicant to find a way to keep the mitigation of the wetland and woodlands in Novi and not pay into a mitigation bank to have it be done someplace else in the state. It's staying here, Novi is getting the trees and getting the wetland mitigation.

Member Becker especially likes how the first story is going to have 139 out-of-sight parking spaces so the cars for residents won't be clustered around the outside of the building. According to the plantings and everything else, the building may be pretty much invisible to anybody driving by, but still, it certainly reduces the number of cars out in the open. A number of other apartment complexes that have been built in Novi have a lot of outside parking, so it's not that unusual, but the out-of-sight parking is nice.

Member Becker's biggest concern was Beck Road and traffic which is why he asked Staff to take a look at what "Beck to the Future" will be. Member Becker drove out to the site several times to take a look at how this is going to impact people trying to turn left either from Beck Road into the project or from the project on the Beck Road. Going from three lanes to five lanes is certainly going to help reduce backup. There is a traffic light that is going to be at Central Park Blvd as well that will help create open spots in the flow of traffic onto Beck Road allowing easier access from the project site.

In taking a look at what we wanted as a City and have wanted for 23 years, Member Becker thinks the applicant has developed that and presented it to us.

Member Dismondy relayed he thinks it is a good use of the space. It has been suggested that there are a lot of waivers that are being granted, but he believes there are three - the shared usable open space, the shared parking, and the waiver for lack of green belt berm.

As a combined project when originally approved back in 2000, those were non-issues and became issues now that it's a separate approval process, so a technical waiver is what we're calling it. In Member Dismondy's opinion, that's a waiver that should be granted.

Regarding the shared parking, Member Dismondy inquired why the shared parking area would need to have trees separating the spaces. If the existing spaces had trees in the way, they wouldn't be used for the proposed complex, so should there be different landscaping there or none?

The waiver for a lack of greenbelt berm is understood as the berm is unnecessary because of the retention pond there.

The zoning allows for 20.7 units per acre, and the proposed is less than that at 20.3. Most of the parking is tucked underneath, which is an expensive method of construction, but works well to save the woodlands and wetlands. It looks like the wetlands mitigation that was submitted today would probably support the request, but we have to wait to see if that's the case.

Member Verma relayed that in hearing Mr. Foster talk about the traffic, these days the traffic is due to the construction of the highways and so many other roads. That is why the congestion is on Beck Road, Wixom Road, and Eleven Mile Road. He mentioned that he cannot even come out from his driveway, but this is due to the construction going on. Within a year or so, the construction will be over. The highway will be through, the traffic will be going back to the highway, not to Beck Road or Grand River and others.

This land was already given the zoning years ago and now the developer wants to develop it. Looking to the future, Beck Road and Eleven Mile Road are on the drawing board because they are going to be widened from three to five lanes. If the thinking is the traffic is too much there, so we cannot build it, we should recognize that eventually Beck Road will be a five-lane road and it will be easier for everybody.

Member Verma feels this is the right time to build this development. The developer is not going to build it overnight. It will take months to develop, so Member Verma does not see a problem with the current traffic concerns.

Member Roney relayed this development fits the zoning, and it fits the future land use. When he visited there and parked across the street, it looked to be a good place to put an apartment building.

Member Roney likes the way it's been structured on the site. He likes the fact that it's been talked about for 23 years and it's not something that just came up in the last year or two, it's been part of the plan.

Regarding the question of can the open space be considered for the original development, Member Roney believes it can be. It's a comprehensive plan going way back.

The biggest thing Member Roney keyed on was the wetlands mitigation, and it sounds like there is a good plan for that. The only other thing that might be nice, but Member Roney is not sure if it could be done, is to have that nice walking path up on southeast part of the property connect into this development too with another trail.

Member Roney is very much in favor of this development.

Member Lynch relayed he has been on the Planning Commission since 2005 and is familiar with the former Beck House plan and certainly the developer has the right to develop the property.

When Member Lynch looked at the variances requested, his understanding for the building length change is due to the smaller footprint which has less impact than the prior "Klingon warrior ship" type footprint and impacts less of the woodlands and wetlands.

As far as this being somewhat homogeneous between the two properties in terms of the open space, Member Lynch looks at the whole site. It's the same name, just one development north and one to the south. He has no issue with that.

Member Lynch's clarified his understanding that there is no such thing as a wetland mitigation fund in Novi. There's a tree fund, but there's no wetland mitigation fund, and the understanding is the applicant has been working with EGLE on this. Mr. Bowman responded EGLE has a banking fund, but that does not

necessitate that mitigation would be in the borders of the City of Novi. Member Lynch confirmed with Mr. Bowman that the current plan is to keep mitigation on the applicant's property as he prefers to see the mitigation done on site and believes that everything he's approved of so far in the past has all been on-site mitigation. He appreciates that Mr. Bowman is working with EGLE.

Member Lynch inquired if the area encumbered by a Conservation Easement is about 15 acres? Mr. Bowman responded that the original property had 55 total acres, and 15.8 acres was protected in the conservation easement. The protected area that adjoins the subject property is 10.6 acres and about 9.5 acres of that is upland or woodlands. This is where we are proposing to mitigate our wetland, so 0.66 acres of the upland area is going to turn into a wooded wetland.

Mr. Bowman addressed the public comment that was made inquiring about new walking trails by indicating these walking trails have been there since the inception of the Central Park Estates development. The walking trails were installed per the original site plan that was approved, with the intent for use of those as active open spaces. Member Lynch said his understanding is these walking trails are not public, they're for the residents of the development. Mr. Bowman confirmed they are private for the residents in both developments.

Regarding the new building footprint, Member Lynch inquired if Mr. Bowman can provide a calculation of the difference in environmental impact as it would be good for City Council review if this is recommended for approval. Mr. Bowman responded he has asked his landscape architect to do this calculation. Literally now with the mitigation approach, there will be more wetlands on this site than before, and it will be so much better as far as environmental impact. Mr. Bowman does not have the calculations right now but it's going to be a meaningful number coming from the east and the south relative to the site improvements and the building footprint on the new plan compared to the old.

Member Lynch inquired as to how many passenger and freight elevators there will be so when residents move in and out, they are not using the passenger elevators. Mr. Bogaerts responded that there will be 3 elevators on the property, which is an unusually high count, and special care was taken to locate the elevators both to be easily accessible from the interior of the core of the building for guests, getting to each one of those individual entrances. Usually move in and move out occurs on a low activity time of the elevators. Elevators are used early in the morning and late in the afternoon, so care was taken to plan for moving in and out in the private spaces and to keep the central core for visitors.

Member Lynch inquired about the 139 underground parking spaces for 142 units and whether the spaces will be deeded to the units or be first come first served. Mr. Bowman responded that it is very likely that the studio units will not be marketed as having a parking space.

Member Lynch thinks the variances requested are reasonable. The project looks good as planned and the applicant has done everything that they can in terms of the new building footprint as opposed to the old, the walking paths of the Conservation Easement, and planning elevator traffic for passengers as well as residents moving in and out. Although we struggle with traffic, the construction projects wrapping up should help reduce the volume on the main thoroughfares.

Acting Chair Avdoulos relayed he appreciates the residents coming forward and providing their concerns. Just to convey the process, the Planning Commission does not bring the projects before the Commission. Projects come before the Commission and then the Commissioners work within the Zoning Ordinance and with Staff to make sure that each property that is developable is developed following the guidelines and following the Woodland Ordinances and the Wetland Ordinances. Each property is reviewed and there's some give and take in order to make the property work well.

As indicated, this has been an approved site plan from over 20 years ago. It is on RM-2 zoning and it is proposed as an RM-2 zoning. So, nothing is changing there. It meets the density requirements. It meets the height requirements. The project basically improves what was previously approved and even with the additions that were made to the Ordinance this project has met that.

Acting Chair Avdoulos also appreciates Mr. Bogaert's explanation of the project and of the site. As an architect himself, Acting Chair Avdoulos is familiar with Mr. Bogaert's reputation and his work of this type across Southeast Michigan. Having this within our community is great. The sensitivity of aligning the project the way it has been done, the explanation of breaking it up so it's not one big giant cube and having a courtyard in there softens it up and doesn't make it like a dominant view on Beck Road.

Acting Chair Avdoulos appreciates the work that's been done and everyone working with the Staff to make this a better project than what was first approved.

Motion to approve the Preliminary Site Plan for JSP23-22 Central Park Estates South moved by Member Lynch and seconded by Member Roney.

In the matter of Central Park Estates South JSP23-22, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. A determination that a portion of the off-site Central Park Estates open space amenities may count toward the total amount of usable open space required, as the original plans for the properties were to share amenities, provided that a formal agreement that the spaces are shared in perpetuity is provided at the time of final site plan in a form approved by the City Attorney.
- b. A determination that 8 parking spaces located on the site of the adjacent Central Park Estates property may be shared between the developments, as the applicant has provided a draft agreement to share those spaces, which were not required at the time of approval of the original site plan. Such agreement will be reviewed by the City Attorney at the time of final site plan approval and must be recorded prior to approval of final stamping sets.
- c. Landscape waiver from Sec. 5.5.3.B.ii for lack of a greenbelt berm along Beck Road, due to the location of the stormwater pond, and because significant landscaping is provided to screen the building, which is hereby granted.
- d. The following will require Zoning Board of Appeals approval:
 - i. Variance from Section 3.8.2.C to exceed the maximum building length of 180 feet by 81 feet (261-foot length proposed).
 - ii. Variance from section 3.6.2.B and 3.8.2.F to allow a 11.5-foot parking setback at the northern property line (20 feet required).
 - iii. Variance from section 5.10.1.B.iv to allow parking spaces within 17 feet of a building (25 feet required).
 - iv. Variance from the definition of Usable Open Space, to allow spaces less than 50-foot dimensions (terraces and walking path) to count toward the required space.
- e. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

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

ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN FOR JSP23-22 CENTRAL PARK ESTATES SOUTH MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

Motion to approve the Wetland Permit for JSP23-22 Central Park Estates South moved by Member Lynch and seconded by Member Roney.

In the matter of Central Park Estates South JSP23-22, motion to approve the Wetland Permit based on and subject to the following:

- a. The size of the mitigation area will be adjusted to fulfill the requirements for mitigation under the Code of Ordinances.
- b. Any area of mitigation outside of the existing Conservation Easement will be protected in a new conservation easement.

- c. **The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Chapter 12 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO APPROVE THE WETLAND PERMIT FOR JSP23-22 CENTRAL PARK ESTATES SOUTH MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

Motion to approve the Woodland Permit for JSP23-22 Central Park Estates South moved by Member Lynch and seconded by Member Roney.

In the matter of Central Park Estates South JSP23-22, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. 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.

ROLL CALL VOTE TO APPROVE THE WOODLAND PERMIT FOR JSP23-22 CENTRAL PARK ESTATES SOUTH MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

Motion to approve the Stormwater Management Plan for JSP23-22 Central Park Estates South moved by Member Lynch and seconded by Member Roney.

In the matter of Central Park Estates South JSP23-22, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO APPROVE THE STORMWATER MANAGEMENT PLAN FOR JSP23-22 CENTRAL PARK ESTATES SOUTH MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. INTRODUCTION TO TEXT AMENDMENT 18.303 – NONCONFORMITIES

Set public hearing for Text Amendment 18.303 to provide the option to expand nonconforming uses under special circumstances, subject to special land use consideration by the Planning Commission.

Planner James Hill relayed Text Amendment 18.303 addresses nonconformities and in particular provides the option to expand nonconforming uses under certain circumstances, subject to Special Land Use consideration by the Planning Commission. Currently, a use that is considered legal nonconforming cannot expand its floor area at all without a use variance from the Zoning Board of Appeals. This Text Amendment aims to provide greater flexibility to some residents or business owners who find their buildings to be legal nonconforming uses yet wish to expand or renovate their building footprint.

On July 12, a proposed rezoning was brought before the Planning Commission at 41700 Eleven Mile Road to rezone a site from light industrial to residential so that the existing residence could make some renovations to the home and detached garage onsite. Both at the Planning Commission meeting and the Master Plan and Zoning Committee meeting that also discussed the rezoning, it was agreed that the

proposed rezoning did not align with the Master Plan for Land Use and could place a burden on the surrounding industrial-zoned properties.

The rezoning was postponed so staff could work with the City Attorney to prepare a text amendment to address the issue of nonconformities wishing to expand or renovate. The text amendment will allow for the expansion of nonconformities as a Special Land Use permitted by Planning Commission and includes factors that the Commission must consider when making such a decision. It is meant to help longstanding property and business owners in the City who may wish to make repairs to restore, reconstruct, or extend their nonconforming use.

Factors that must be considered include the extension of the nonconforming use meeting current building and site standards of the existing zoning district, limiting the amount that the use can expand, and preventing undue hardship on nearby property owners through the effect of traffic, noise, odor, and vibration levels, and the potential for future development.

In addition to the amendment to address nonconformities, staff also wishes to address something brought up by a resident during the last text amendment process that appeared before Planning Commission. The communication sent from the resident is included in the Planning Commission packet and involves addressing an inconsistency in using the terms "Net Site Area" vs. "Net Site Acre". Staff is taking a further look at the request and will have proposed changes prepared in the document for the future if a public hearing is set tonight.

The Planning Commission is asked to set the public hearing for Text Amendment 18.303 – Nonconformities. Staff is available to answer any questions you may have.

Acting Chair Avdoulos turned the matter over to the Planning Commission for consideration.

Member Lynch appreciates Staff working on this as he remembers the applicant who had a home on an industrial site and because of the Ordinance he couldn't do any work to it as it was a non-conformity.

Motion to set a Public Hearing for Text Amendment 18.303 moved by Member Lynch and seconded by Member Roney.

In the matter of Introduction to Text Amendment 18.303, motion to set Public Hearing.

ROLL CALL VOTE SET A PUBLIC HEARING FOR TEXT AMENDMENT 18.303 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

2. INTRODUCTION TO TEXT AMENDMENT 18.304 – HOME OCCUPATIONS

Set public hearing for Text Amendment 18.304 to update and clarify language pertaining to home occupations in the City.

Planner Hill relayed Text Amendment 18.304 involves a change in the ordinance concerning home occupations in the City. The City Council requested the Ordinance Review Committee to explore potential changes after a number of complaints concerning certain home occupations.

The Ordinance Review Committee met on June 13 and August 8 of this year and discussed what staff had come up with for the draft text amendment. This included incorporating language that specifically prohibited outside storage of goods or products, the sale or storage of autos, trucks, recreational vehicles, and other similar items, traffic greater than normally expected in a residential neighborhood, and deliveries via large trucks other than Amazon, UPS, etc.

The text amendment appears before the Planning Commission tonight after a recommendation from the Ordinance Review Committee in August. The Planning Commission is asked to set the public hearing for Text Amendment 18.303 – Home Occupations. Staff is available to answer any questions you may have.

Acting Chair Avdoulos turned the matter over to the Planning Commission for consideration.

Member Lynch inquired is this to limit the explosion in home businesses such as in the case where people are doing auto repair out of their home and things like that.

Planner Hill stated it was in response to specific complaints. City Attorney Tom Schultz added that the red line language is reacting to what code enforcement officers are seeing that is having more of an impact than there used to be in the slow turning of residential areas into business areas. This recognizes home occupations can be okay under certain circumstances, but it is updating the standards for review.

Motion to set a Public Hearing for Text Amendment 18.304 moved by Member Lynch and seconded by Member Roney.

In the matter of Introduction to Text Amendment 18.304, motion to set Public Hearing.

ROLL CALL VOTE SET A PUBLIC HEARING FOR TEXT AMENDMENT 18.304 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

3. APPROVAL OF THE SEPTEMBER 13, 2023 PLANNING COMMISSION MINUTES

Motion to approve the September 13, 2023 Planning Commission minutes made by Member Lynch and seconded by Member Roney.

ROLL CALL VOTE ON MOTION TO APPROVE THE SEPTEMBER 13, 2023 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth relayed she sent an e-mail last week that had some good sessions that the county is hosting with an associate of Tom Schultz providing some background on land use law. They are really good, and City Planner McBeth would recommend those if the Commissioners have the time to view them.

AUDIENCE PARTICIPATION

Acting Chair Avdoulos invited members of the audience who wished to address the Planning Commission during the final audience participation to come forward. Seeing no one else, Acting Chair Avdoulos closed the final audience participation.

ADJOURNMENT

Motion to adjourn the meeting made by Member Becker and seconded by Member Lynch.

VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER BECKER AND SECONDED BY MEMBER LYNCH.

Motion carried 6-0.

Meeting adjourned at 8:16 PM.

*Actual language of the motion sheet subject to review.