



PLANNING COMMISSION

MINUTES

CITY OF NOVI

Regular Meeting

June 23rd, 2021 7:00 PM

Remote Meeting

(248) 347-0475

As authorized under the open meetings act, MCL 15.261, ET SEQ., this meeting was held remotely.

CALL TO ORDER

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

ROLL CALL - Pursuant to the State of Michigan Open Meetings Act, all members shall identify their physical location by stating the county, city, and state from which he or she is attending the meeting remotely.

Present: Member Avdoulos- City of Novi, Oakland County, MI; Member Becker- City of Novi, Oakland County, MI; Member Dismondy- City of Novi, Oakland County, MI; Member Lynch- City of Novi, Oakland County, MI; Chair Pehrson- City of Novi, Oakland County, MI; Member Roney- City of Novi, Oakland County, MI; Member Verma- City of Novi, Oakland County, MI

Absent: None

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Madeleine Daniels, Planning Assistant; Tom Schultz, City Attorney

PLEDGE OF ALLEGIANCE

Chair Pehrson led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Roney.

VOICE VOTE TO APPROVE THE JUNE 23, 2021 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to approve the June 23, 2021 Planning Commission Agenda. Motion carried 7-0.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

City Planner McBeth said I just wanted to confirm for all of you that this will be the Planning Commission's last Zoom Meeting. We will be back in the Chambers in July and were looking forward to seeing everyone. I just want to take a minute to thank all the members of the Planning Commission for your ability to adapt and go along with this plan to do these meetings on Zoom. I think we were one of the first communities that had our Planning Commission participate in Zoom, so we really appreciate that. Our development community too; they have gone along with this and appreciate that. Some are very familiar with these kinds of programs and others are not, so we do appreciate everyone coming along with us on that. Also, the members of our audience and the people we usually see in person; we know that's been a challenge for some, but we do appreciate everything that they have done. Our staff as you know, Lindsay and Madeleine are here tonight, Rick, Christian, Kate, Victor, Tom, and Beth, and a lot of people behind the scenes that you don't see but hear from like Rob Petty in IT, sending us emails and reminding us that it's time to join the meeting. Also, our Community Relations team; Sheryl Walsh, and the whole team of video production that we have, Josh, Damon, Calvin, and Frank. So, we look forward to seeing all of you back in the Council Chambers in July.

Chai Pehrson said I echo your sentiments and thank everyone for getting us through this.

CONSENT AGENDA - REMOVALS AND APPROVALS

There was nothing on the Consent Agenda.

PUBLIC HEARINGS

1. LAKEVIEW JSP 18-16

Public hearing at the request of Robertson Brothers Homes for Planning Commission's recommendation to City Council for an amendment of the Planned Rezoning Overlay Agreement. The subject property is approximately 3.15 acres and is located south of 13 Mile Road on the east and west sides of Old Novi Road (Section 10 and 11). The applicant is proposing to amend the PRO Agreement to remove a condition that states garages must be set back 5 feet from the porch in order to offer additional home models for buyers to select from.

Planner Bell said as you mentioned, the subject property is along Old Novi Road and Wainwright and Linhart Streets up in the Walled Lake area of the City south of Thirteen Mile Road. The properties were rezoned to RM-2, High Density, Mid-Rise Multiple-Family, with a Planned Rezoning Overlay Option, which was approved in February of 2019. The applicant later received Final Site Plan approval for the twenty-unit single family residential development with frontage and access to Old Novi Road, Wainwright, and Linhart Streets. The plan also included a detention pond and sidewalks along both sides of Old Novi Road, on street parking spaces on the east of Old Novi Road, and the subject property is a total of about 3.15 acres.

Seven of the homes have already sold in the development and a total of thirteen lots remain. The applicant now seeks to amend one provision of the PRO Agreement that requires all units shall have front entry garages which will be setback a minimum of five feet from the porch. That condition, if it was removed, would allow new house plans to fit on ten of the lots on the west side of Old Novi Road. Two of the new house plans would fit on all of the lots on the east side of Old Novi Road and two others will fit on a few of the lots. The applicant we still offer the original series of house plans in addition to the new models if the restriction for the garage set back is removed from the agreement. The original intent of the setback of the garage was reasons for aesthetics and to reduce the visual effects of the front entry garages and it was also just consistent with the models that they had proposed at the time. The aesthetics of the front facing garage doors can now be better visualized since two homes are largely constructed and three others are approved.

The applicant, Tim Loughrin, is here from Robertson Brothers Homes to answer any questions. The Planning Commission is asked tonight to hold the public hearing and make a recommendation to City Council on the amendment of the PRO Agreement.

Tim Loughrin, Robertson Brothers Homes, said, the request on our end is that we believe these are much better elevations than what we're currently offering. It also offers the opportunity to provide variety along the street scape. Novi does have a monotony clause and as we're moving along with the project having the additional homes to sell would really help with that so, we think that is an important part of the request and it provides more options for buyers.

If you recall, back in 2018, the plan evolved over several meetings and ultimately what we have is some lots that are difficult to build homes on. Essentially, the eastern ten lots are very limited in what we can provide because they are narrow. Having this new plan series would really help with that. It would add a couple more plan options for buyers and that's where most of our homes are left to sell in the community so we feel it will be a win-win and it will provide a better street scape and better options. It's not a Novi requirement to have the five-foot separation, that was part of the PRO Agreement. We feel these new plans are superior in many ways, not just architecturally, which you can see from the elevations. We would like to continue this development with these additional options for home buyers but would still offer what we had previously as well. Your façade consultant, I believe, would agree these are better looking plans. We would continue the same color and material palette as what was approved, it would simply be adding additional home options. The only deviation would be not having that five-foot separation with the garage. There are some plans that certainly do still have that and it's not like these are garage prominent, I think they're very well appointed and look nice.

Chair Pehrson said this is a public hearing if anyone in the audience wishes to address the Planning Commission on this matter you may do so now.

Rachel Sines, 2219 Austin Drive, said for anyone new to the Planning Commission, there has been problems with the Lakeview development in the community from conception. Robertson Brothers started this project trying to cram 74 three-story apartments on this property. With constant complaints from the residents about the concept presented, the City of Novi held a workshop for the community to create a vision for what should be done for this area. The overwhelming decision was that the residents wanted to see country cottage style one-story homes to blend in with the existing neighborhoods. Knowing the Robertson Brothers, they still tried to cram in as many houses as possible and the biggest houses they could after it was made very clear that the residents did not want giant homes. In the end, the development settled on twenty single family homes, none of which were country cottage style homes. Robertson Brothers chose the housing types they wanted to build. If Robertson Brothers knew at the time that all the houses they chose wouldn't fit on the lots, which I find hard to believe, they could have figured that out before the development took off. What they wanted to do was sell all the lots to accommodate the largest house they have in the project, and I can only assume the most profitable before asking to add more options. These options presented today should have been available for every lot from the beginning. It's shameful to play the residents and the city to get as many as the big homes built before presenting more options. They agreed to a style at inception, and I believe they should be held accountable to their commitment.

Dorothy Duchesneau, 125 Henning Street, said I'm concerned about the new elevations the developer has proposed. As Rachel stated earlier, for something that's supposed to be cottage style neighborhood development, those sure don't look cottage style to me. In fact, I would take a really good look at the maximum elevations on some of those. I'm sure a very creative person putting in the right type of trusses in those attics can end up with a third story without batting an eye. They're

mcmansions that were supposed to be smaller style homes and thereby more affordable. It just doesn't fit, and I think that these newer larger homes will definitely dwarf the rest of the neighborhood.

Chair Pehrson asked for the written correspondence.

Planning Assistant Daniels said I did receive one letter from Todd Keene, 2300 Austin Drive, who supports the request.

Chair Pehrson closed the audience participation and turned it over to the Planning Commission for their consideration.

Member Avdoulos said there's the two residents that provided some commentary. The square footage from what was originally presented and in the PRO to what we're looking at now, is that changing dramatically? What's the average square footage of these homes?

Tim Loughrin said right now the current plans are roughly 1,900-2,400 square feet. There is a sunroom option on both of those that would add 200 more square feet so 1,900-2,600 square feet is what the existing plans would allow. This request essentially has another approximately 1,950 square foot plan and a 2,350 square foot plan. Those are the two that would essentially be permitted to be built on the east side of Old Novi Road so certainly not mcmansions by any stretch. There are some in the area, but we do not build mcmansions. On the west side, I think there's maybe two or three lots that could accommodate a little bit larger home. We have a 2,600 and 2,800 square feet option, there's only a couple of lots left for that. This is mostly a request for those east ten lots, which again would be no more than 2,400 square feet, which is basically what the project was originally envisioned for. Regarding the question about why we didn't know, this is a plan series. We did not have this plan series in 2018. We've been developing this and feel this is a very good location for that series. Simply put, we knew that all the homes on the east side would be that smaller version. This is what we could get on this site. Rachel is right, we came in with more density, we were encouraged to do so by some in the city. Ultimately working with the neighborhood, which I think we did a very good job at, we've done more than what I can say any other developer would do and I think they'll fit into the neighborhood and they're very attractive.

Member Avdoulos said I just wanted to see if that five-foot deviation would create a dramatic change in the original character of what was being presented in the PRO. To our façade consultant, Doug, based on what you have seen as indicated here that you think that the new designs are in conformance with the Ordinance equal or of better quality to those already approved, do you see any big change to what's been presented based on this five-foot adjustment?

Doug Necci, Façade Consultant, said no in fact, features that were present on the original plan are still present on the proposed new facades maybe with an increased level of detail and features on the façade so I think they're equal or greater architectural quality than the original plan. One could say that the garage door itself being pulled forward would give it more presence, but all these homes have very well-defined front entrances that visually precede the garage door. Certainly, more options will help with the similar/dissimilar compliance because they will have more to choose from.

Member Becker said is there some way for Robertson Homes to keep people from choosing the same elevation? You have a lot of options, but what would keep people from perhaps everyone choosing a favorite?

Tim Loughrin said the city does have what I call a monotony clause, where you basically can't sell the same elevation next to or across the street from each other. We usually have that same requirement in all the communities we build, regardless if the city has a requirement or not. That's

been a challenge with the fact that we only have one house plan available on the east side of Old Novi Road, that's our Charleston plan and that is the only one that fits on the east side, so we are struggling with that. We have three elevations right now for that plan and we actually have one lot that we have to create a new elevation for if we are not successful tonight in offering new options. Our take on this is that we will provide additional options that will meet that similar/dissimilar ordinance by nature by giving them that many options, but we don't sell them in the city and allow the same house with the same elevation and color scheme next to each other.

Member Becker said in my drive by I went down a number of streets and every home that I saw was single family, front facing attached garage, and none of the garages were set back five feet. I think we have a lot of other places in the city where we have in fact waived the five-foot setback and to me, seeing that many homes, it did not look offensive at all to see the garage that far forward so I have no problem with the requested exemption of the five foot setback.

Member Dismondy said I drive by this street every day and I think the more varied the street scene, the better. I just want to confirm that the amendment to the PRO doesn't mean you can build a taller and bigger house, correct?

Chair Pehrson said that's correct.

Member Lynch said I remember this project and it was a struggle and I think the developer fixed a lot of problems like drainage issues and we finally arrived at some elevations and some mixture. I think Commissioner Avdoulos asked all my questions and I'm satisfied with the answers. I still believe it conforms with the Ordinance and I am interested in the new design. It does look a little more appealing and with the diversity of the elevations, I think it's going to turn out quite nicely.

Member Roney said you've all asked the questions I would have asked so no further comments.

Member Verma said I just want to know about the ten houses. Will they be the same elevation or different?

Tim Loughrin said they will all be different elevations. We cannot sell the same elevation next to each other so they will all be different elevations. Hopefully, if this is approved, we will be able to provide two new plans which will provide many more elevations.

Member Verma said you mentioned the 1,900 to 2,200 square feet homes. Will the 2,200 square feet option fit in those areas?

Tim Loughrin said yes, it's 1,950 to almost 2,400 square feet so those two would fit on the east side lots.

Member Verma said from the garage, what is the length of driveway?

Tim Loughrin said it is at least 20 feet.

Planner Bell said there is a 20-foot setback so the garage would not be before 20 feet of the sidewalk.

Member Verma said so there's a sidewalk also?

Planner Bell said yes.

Member Verma said so you can fit two more cars in the driveway, not including the garage?

Planner Bell said yes.

Chair Pehrson said I support the request and don't see any drawbacks.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO RECOMMEND JSP18-16 LAKEVIEW FOR APPROVAL TO CITY COUNCIL TO AMEND THE PLANNED REZONING OVERLAY AGREEMENT MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

In the matter of Lakeview JSP18-16, motion to recommend approval to the City Council to amend the Planned Rezoning Overlay Agreement as follows:

- a. Remove condition (k) on page 5 of the recorded PRO Agreement which states "All lots/units shall have front entry attached garages, which will be set back a minimum of 5 feet from the porch."**
- b. The new proposed home models to be added to Exhibit B of the PRO Agreement.**

This motion is made because:

- 1. The PRO Agreement otherwise remains unchanged and there are no changes proposed to the lot layouts, deviations and other conditions of development;**
- 2. The amendment will allow for a greater variety of home models that can be accommodated within the lots on the east side of Old Novi Road;**
- 3. The proposed new single family home models are consistent with those previously approved for this development, and appear to be generally of equal or greater architectural quality.**
- 4. The new homes proposed will still be reviewed for compliance with the similar/dissimilar ordinance (Section 3.7) at the time of plot plan submittal;**
- 5. The driveway length will still allow adequate room for parking vehicles within the driveway without encroaching into the sidewalk**

Motion carried 7-0.

MATTERS FOR CONSIDERATION

1. TEXT AMENDMENT – SIGN ORDINANCE UPDATES

Set public hearing for Text Amendment 21-188.01 to update the Code of Ordinances, Chapter 28, "Signs", in order to comprehensively revise the regulations.

City Planner McBeth said this is the first time that the Planning Commission has seen the proposed changes to the sign ordinance, but the draft ordinance in front of you this evening is the result of the work of the City Council's Ordinance Review Committee on the proposed changes to the City's sign ordinance over the course of several months. The Planning Commission should note that the strike-through version of the ordinance that was presented in the packet shows the changes in red text. The rest of the ordinance that is not in red text is proposed to remain the same.

The changes to the Sign Ordinance were prompted by recent case law relating to "off-premises" signs or what we typically refer to as billboards. There are also a few "clean-up" items brought forward by Code Compliance staff, who now have a few years of applying the sign ordinance that was last overhauled in 2017. A few weeks ago, the City Council reviewed the amendments and referred the proposed ordinance amendments to the Planning Commission for review and for a public hearing. The Planning Commission is asked this evening to consider setting a public hearing for the proposed ordinance amendment for an upcoming meeting. City Attorney Tom Schultz is present on the call this evening. If anyone has any specific questions about the ordinance at this time, you may ask them now, or in a few weeks at the public hearing.

Member Lynch said I'm assuming our City Attorney reviewed this. It looks like there's a legal reason why we had to do this, and we have to comply. I'm sure we're all in compliance.

City Attorney Schultz said yes, we did work with the Ordinance Review Committee to bring amendments into conformance with some recent case law at the same time the Planning Staff was looking to make Code Compliance issues up to date. Just as a reminder, your sign ordinance is not in your zoning ordinance, it is actually in the city code, but we bring these through for recommendation for a public hearing because you do regulate signs by district.

Member Lynch said and this particular case went all the way up to United States Supreme Court?

City Attorney Schultz said if you remember, you had to redo your whole sign ordinance a few years ago so we did leave in the concept of off-premises signs and that seems to be a lingering issue from more recent case law so were trying to address that to make sure we're up to speed after your recent rewrite from 2017.

Member Lynch said if you are happy with it, I'm happy with it.

Member Dismondy said there's a lot of requests for variances at the ZBA for signs, correct?

City Attorney Schultz said yes.

Member Dismondy said will this increase or reduce these requests?

City Attorney Schultz said I don't think it will really have any effect on it. I think the main issues from the Planning Staff's perspective were code compliance, clarification to existing regulations, and then off-premises billboard sign.

Member Becker said I'm sure it needed to be cleaned up and it looks awfully clean to me.

Member Avdoulos said it's actually pretty straight forward and I appreciate the red text, I could see that a lot quicker. I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Roney.

ROLL CALL VOTE TO SET A PUBLIC HEARING FOR TEXT AMENDMENT 21-188.01 TO UPDATE THE CODE OF ORDINANCES, CHAPTER 28, "SIGNS," MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to set a public hearing for Text Amendment 21-188.001 to update the Code of Ordinances, Chapter 28, "Signs." Motion carried 7-0.

2. TEXT AMENDMENT – PLANNED REZONING OVERLAY ORDINANCE

Set public hearing for Text Amendment 18.297 to update Section 7.13, Amendments to Ordinance, Section 2, Planned Rezoning Overlay (PRO) in order to comprehensively revise the regulations.

City Planner McBeth said similar to the previous request, this is the first time that the Planning Commission has seen the proposed changes to the Planned Rezoning Overlay (PRO) ordinance, but the draft ordinance in front of you this evening is the result of the work of the City Council's Ordinance Review Committee on the proposed changes to the City's PRO ordinance over the course of several

months.

There is both a strike-through ordinance presented in the packet as well as a clean version. We believe the clean version may be a little easier to read because so much of the ordinance was reordered or rearranged. Consideration of the PRO ordinance was prompted by recent comments and discussion at the City Council and Planning Commission level as to whether the language of the ordinance needed to be updated to address the review criteria and, perhaps more importantly, a possible role for the City Council in reviewing and commenting on PRO applications before the Planning Commission process has already been completed. The Ordinance Review Committee reviewed the attached draft ordinance changes as prepared by the City Attorney's office. The ordinance was then referred to the City Council as a whole to consider the amendments and the ordinance has now been referred to the Planning Commission for review and a public hearing.

The memo that we included had a brief list of the changes that are proposed in the Ordinance so if you may want to take a look at that. The Planning Commission this evening is asked to consider setting a public hearing for this proposed Ordinance Amendment for an upcoming meeting. Tom Schultz, again, is the person who was in charge of writing the Ordinance so he's here to help answer questions.

Member Avdoulos said actually I was going through this and I like the fact that City Council can get involved a little bit earlier. To me, I like the integrated approach and it helps make things a little more transparent so that when we were reviewing the items we understand the tone of what the project is going to be. It's similar to what we have with the Master Plan and Zoning Committee, where projects come before that Committee to test the waters and see the viability and maybe make some adjustments prior to it coming to the Planning Commission. Then if things don't go smoothly that can waste time and have people recirculating and trying to adjust the project. I think this is good. I would like to understand it a little bit better. I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Lynch.

Motion to set a public hearing for Text Amendment 18.297 to update Section 7.13, Amendments to Ordinance, Section 2, Planned Rezoning Overlay.

Member Becker said still being one of the new guys, I still can't say that it's exactly understandable to me, but it sure looked clear when I read the changes. It looks understandable even to a neophyte. Again, great job, it's something that's incredibly difficult, I'm sure.

Member Dismondy said obviously I approve of progress. What is the biggest improvement to this document?

City Attorney Schultz said I sort of look at this as two main changes. The first one, we talked about behind the scenes with staff and others are about tightening up the ordinance to make it clearer like what it is you want to see and when you want to see it. We wanted to make it clear that it's an optional form of development which means the city can say no. Some of the wording is tightened up to confirm that this is really got to be an acceptable development to both the city and the developer. Also, the issue of getting the City Council involved earlier to gain majority support was inserted. It sounded from the City Council meeting that that would address some issue and concerns and they really did want you to look at putting in some general input. So, that's really the two things that the ordinance change does. A lot of it is the same. There's probably more red than there should be because we moved some stuff to make it flow better.

Member Dismondy said ok good. So, more clarity and making people aware.

Member Lynch said I do like the idea of getting City Council involved a little bit earlier. I think it helps streamline the process and reduces a lot of the cost for the developer. I think it helps us create a win-win for the city and the developer. I do, in my opinion, think the biggest improvement is getting the final decision maker in the process a little bit earlier, so I appreciate all the work you have done and I have no issues with what you have.

Member Roney said having not gone through a PRO process yet, I'm not sure what the change really is, but it does sound reasonable and I look forward to reviewing one sometime in the future.

Member Verma said I'm proud of the work done by the City Attorney and those who worked on this. This was a very time-consuming project and it looks good.

Chair Pehrson said the one thing that I didn't see are the components of the PRO where we explain the big portions of what the PRO is and what we're expecting to see. I didn't see anything relative to some kind of preliminary traffic study. Is that in this at all?

City Planner McBeth said a traffic study is typically required for any rezoning request so not just a PRO request and the criteria for that is laid out in our Site Plan and Development Manual. It may not be listed separately in the PRO Ordinance.

Chair Pehrson said would we be able to add that? I don't know the number of applications that I have seen over my tenure, but I'll guarantee that every one of them somebody has come up with traffic concerns. If this is to serve as a communication tool to the developer for at least what were minimally expecting, let them throw some ideas and thoughts about traffic at us, I think that would be very helpful.

City Attorney Schultz said I don't have a problem with that, but we did add a catch all. Basically, on page 4 of the redline, "Other items as may be determined by the City," so if during the process it becomes apparent that you want some more information on traffic, I think you have the ability to point to this section and say we want that for review.

Chair Pehrson said thank you, I appreciate that, Tom.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO SET A PUBLIC HEARING FOR TEXT AMENDMENT 18.297 TO UPDATE SECTION 7.13, AMENDMENTS TO ORDINANCE, SECTION 2, PLANNED REZONING OVERLAY MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to set a public hearing for Text Amendment 18.297 to update Section 7.13, Amendments to Ordinance, Section 2, Planned Rezoning Overlay. Motion carried 7-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth said attached to the email I sent out last week included an email I received earlier. It was Planning Commission training. This training that I shared is offered by Planetizen Courses and is presented by the MSU Extension teachers and trainers similar to sessions that many of the Planning Commission members have attended in the past. This time, the training will offer an online

version with a year-long subscription, making it more convenient to fit the classes into your schedule. Training includes topics like ethics and legal framework of planning, the procedures associated with a planning official's job, each step in the planning and zoning processes, the tools planners use to make land use decisions, and a roadmap of planning processes, from the comprehensive plan to code enforcement. Please review the email that I sent last Friday. By clicking on the links in the text of that email, it provides a lot more details than I have just shared. Let us know if you would like to sign up for this training subscription. The city does have a budget for Planning Commission Training, and we do encourage it.

Chair Pehrson said I would strongly recommend anybody that hasn't been through any kind of planning training to do so. It's very easy to go through and you will learn something.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Moved to adjourn made by Member Lynch and seconded by Member Avdoulos.

Motion to adjourn the June 23, 2021 Planning Commission Meeting. Motion carried 7-0.

The meeting was adjourned at 7:48 PM.