



PLANNING COMMISSION MINUTES

CITY OF NOVI
Regular Meeting

October 30, 2024 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 Becker, Member Dismondy, Member Lynch, Chair Pehrson, Member Roney

Absent Excused: Member Avdoulos, Member Verma

Staff: Barbara McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; Dan Commer, Planner; Humna Anjum, Plan Review Engineer; Rick Meader, Landscape Architect; Saamil Shah, Traffic Consultant; Jason DeMoss, Environmental Consultant

PLEDGE OF ALLEGIANCE

Member Lynch 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 October 30, 2024 Planning Commission Agenda.

VOICE VOTE ON MOTION TO APPROVE THE OCTOBER 30, 2024 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER. *Motion carried 5-0.*

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing no one, Chair Pehrson closed the first public audience 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. JSP17-37 ARMENIAN CULTURAL CENTER

Approval of the request of Zeimet Wozniak & Associates, on behalf of the Armenian Community Center of Greater Detroit, for the one-year extension of the Final Site Plan and Special Land Use approval. The subject property is located on the north side of Twelve Mile Road, east of

Meadowbrook Road, in the Residential Acreage (RA) zoning district. The project area is approximately 19.30 acres. A revised Special Land Use Permit was granted by the Planning Commission on October 14, 2020 to permit a Place of Worship, a daycare in a residential district, and a proposed Armenian Genocide Memorial structure within the courtyard.

Motion to approve a second one-year extension of the Final Site Plan and Special Land Use for JSP17-37 Armenian Cultural Center moved by Member Lynch and seconded by Member Dismondy.

In the matter of JSP17-37 Armenian Cultural Center, motion to approve a second one-year extension of the Final Site Plan approval.

ROLL CALL VOTE ON MOTION TO APPROVE A SECOND ONE-YEAR EXTENSION OF THE FINAL SITE PLAN AND SPECIAL LAND USE FOR JSP17-37 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER DISMONDY. *Motion carried 5-0.*

PUBLIC HEARINGS

1. JZ24-31 THE GROVE PRO PLAN WITH REZONING 18.745

Public hearing at the request of Ivanhoe Development for initial submittal and eligibility discussion for a Zoning Map Amendment from Office Service Technology to High-Density Multiple Family with a Planned Rezoning Overlay. The subject site is approximately 62 acres and is located east of Meadowbrook Road, south of Twelve Mile Road (Section 13). The applicant is proposing to develop 438-unit multiple-family residential development.

Senior Planner Lindsay Bell stated the applicant is proposing to rezone approximately 62 acres using the Planned Rezoning Overlay (PRO) option. To the north of the subject parcel is largely vacant land but it is approved for a retail area and the Armenian Cultural Center. On the east side of Meadowbrook are some office buildings and the proposed Elm Creek PRO project which is residential townhomes. South of the property is the Meadowbrook Corporate Park, and to the east is a large area owned by MDOT with stormwater facilities and wetland mitigation, and the M-5 freeway.

The current zoning of the property is OST – Office Service Technology. The properties to the east, west and south are also zoned OST. The area to the north is B-3 and RA Residential Acreage. The Future Land Use Map identifies this property as Office, Research, Development and Technology, which is consistent with the current zoning. The area to the north single family and community commercial.

The natural features map shows there are significant wetland and woodland areas on this property as well as to the east and south. The tree and wetland surveys provided by the applicant confirm these features.

The applicant is proposing to utilize the Planned Rezoning Overlay to rezone the whole property to RM-2 High Density Multiple Family, except for about seven acres on the corner. The initial PRO plan shows 4 different villages offering different types of residential units. The Vistas are 3-bedroom townhome units – a total of 49 units in 3-story buildings. The Woods and The Point are 2-story townhome buildings with a total of 133 units, each with 3 bedrooms. The Meadows are residential apartment buildings with a total of 256 units. These would offer a mix of studio, 1-bed and 2-bed units. There is also a clubhouse building and central park area with amenities, including an outdoor pool, pickleball courts, a playground park and a dog park.

The development is accessed by two entrances off Meadowbrook Road, and one from Twelve Mile Road.

Rezoning to the RM-2 category would permit the use proposed, however the multifamily zoning is not in compliance with the current Master Plan designation as Office Research Development and Technology.

However the current update to the Master Plan is under review, and the land use designation for this area may change.

The public benefits offered by the applicant include:

1. Four focal areas – two along Meadowbrook Road and two along Twelve Mile Road, which would be publicly available from the sidewalk. These are seating areas with landscaping primarily. One of these could serve as a bus stop for the new SMART service along Twelve Mile.
2. A corner feature at the corner of Meadowbrook and Twelve Mile.
3. The usable open space and general open space significantly exceed the requirements.
4. Other conditions and benefits as listed in the Planning Commission report.

Given the size of the development proposed, additional benefits to the public could be considered to offset the negative impacts of the project.

As described in the Wetland Review, each of the delineated wetlands on the site meet the criteria of providing wildlife habitat as well as flood and storm control. Wetland review notes that the proposed development appears to result in a total permanent wetland impact area of 1.71 acres out of the total 9.64 acres present on site (about 18% impact). Approximately 1.4 acres of on-site mitigation area is noted on the plan, which is not likely to meet the full requirement for mitigation. The applicant should note that the City has determined that all wetlands on the site are regulated, and therefore should update the wetland impacts and mitigation calculation requirements accordingly.

For woodlands, the plan appears to remove about 75% of the regulated trees on the woodland survey.

As noted in the Façade Review, the façade materials proposed do not conform to the Ordinance requirements. The design of the building shows extensive use of vinyl siding, which is not permitted. Most of the building facades do not meet the 30% minimum brick requirement. The façade materials should be reconsidered to bring the units into substantial compliance.

Some other issues identified include questions of compatibility and buffering from the adjacent uses that will remain OST. Being adjacent to a residential development can require additional setbacks or other restrictions, which can be an added burden to surrounding non-residential landowners, however this would primarily be an issue to the south, but that parcel is largely developed. Dense landscaping is proposed in that area.

A residential development may result in smaller wetland and woodland impacts compared to an OST development due to the typical size of buildings and parking needs. OST permitted uses include offices, research and development, data processing, and hotels, which all have a larger footprint than the RM-2 uses proposed. The Traffic study notes that the number of residential units proposed would likely result in fewer vehicle trips compared to an OST development, but there is a net increase during peak hours.

Under the terms of the PRO ordinance, the Planning Commission will not make a formal recommendation to City Council at this meeting. Instead, the initial public hearing is an opportunity for the members of the Planning Commission to hear public comments, and to review and comment on whether the project meets the requirements of eligibility for Planned Rezoning Overlay proposal. Planning Commission members may offer feedback for the applicant to consider that would be an enhancement to the project and surrounding area, including suggesting site-specific conditions, revisions to the plans or the deviations requested, and other impressions.

Following the Planning Commission public hearing, the project would then go to City Council for its review and comment on the eligibility.

After this initial round of comments by the public bodies, the applicant may choose to make any changes, additions or deletions to the proposal based on the feedback received. The subsequent submittal would then be reviewed by City staff and consultants, and then the project would be scheduled for another public hearing before Planning Commission for a recommendation for approval or denial to City Council.

The applicant, Gary Shapiro from Ivanhoe, as well as Brad Strader with Cincar Consulting, are here representing the project tonight, along with other members of their team. Staff and consultants are also available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Gary Shapiro, Ivanhoe Companies, stated he has been developing multiple communities in Novi for 30 years. Ivanhoe takes a lot of pride in their reputation to deliver what they say they will. Environmental protection and environmental sensitivity integrated with their communities has been their calling card. They have won multiple awards around the state and take a lot of pride in maintaining that reputation.

This site has been vacant for a long time. It is owned by Trinity Hospital and Ivanhoe has now partnered with them. When Trinity purchased the site many years ago, they thought they had 70 developable acres, however the entire site cannot be developed since there are extensive natural features on the site. About a third of the site is wetlands so it needs some special attention and as such it has remained vacant.

Ivanhoe has been working on this plan for the past three years. Mr. Shapiro has developed over 100 communities and has never done so much upfront work to be proactive and come up with the best plan possible with an exemplary well thought out project. Two traffic studies have been done showing half the traffic at peak hours for the proposed residential project compared to OST development.

If the property were to remain OST, the only way it could be developed is if environmental impact is encouraged. To build OST type business uses, big floor plates and parking lots are needed and that is not appropriate for this site.

On the Ivanhoe team is Brad Strader, who is a municipal planner, and The Chesapeake Group, who is doing the marketing and is one of the same consultants that the City uses. Ivanhoe also took a lot of input during multiple meetings that Beckett & Raeder and the City had on the Master Plan, where this property was earmarked for a multiuse development. After approximately 25 years, there are only four buildings to the west on Meadowbrook. This site has never had any traction nor is it desirable for OST uses.

This proposal leaves 20 percent of the property at the northeast corner of the intersection as OST for a unique typography to come in the future. There is over half a mile of frontage on Meadowbrook and Twelve Mile. After many variations, the design has integrated connecting sidewalks at the corner. There were some great comments from Planning staff to widen the pedestrian path through the site to be multi-use. This project will transform the area, which right now has no identity. Multi-use areas are good for one another. This product near the OST uses will appreciate their value.

The Grove is designed with one circular pattern of roads for pedestrian/vehicular access. Ivanhoe has elected to request rezoning to RM-2 which would allow 950 units, but will limit the scope to 450 units. There are four distinct villages – townhouses, flats, and two condominium villages, and a fifth area that is a 5 ½ acre recreational space with hiking trails and natural features for all the other villages to use.

The Chesapeake market study relays there is a tremendous need for housing in Novi for generation X, Y, and Z. There are not many parcels left to provide it. To get the context of this parcel, it is adjacent to the MDOT property to the east, so this project was designed with wildlife habitat corridors, and a lot of unique

mitigation including rain gardens. Ivanhoe is really excited with the plan; it is a world class development. It is a multi-generational destination that will transform this corridor and finish it off.

Mr. Shapiro said this is where residential should be mixed in with business uses. That is the way developments are done now. Originally, Ivanhoe tried to get a relationship with MDOT and Novi to turn it into a park, but with state politics it didn't work out.

Mr. Shapiro invited the Planning Commission to look at the market study. It was used to develop these iterations and to hopefully answer any questions regarding the market.

Brad Strader, Cincar Consulting, stated he has been fortunate to work with Ivanhoe since 1998 when he was hired to help with their understanding of zoning and planning. He has been a community planner for 50 communities around Michigan and in 18 other states, and has worked with all the communities around Novi, including helping the City of Novi with an ordinance. Most of his work is in the public sector.

As Mr. Shapiro mentioned, the team has been looking at this site for the past three years. Mr. Strader has been involved for two years. They have had environmental specialists, architects, engineers, and market consultants looking at it since it is a very complicated piece of land. They have been studying different uses and layouts because of the complexity, mainly due to the wetlands, but also due to the market and location.

Mr. Shapiro narrated a slideshow depicting the project. About one-third of the site will be open space with wetlands, woodlands, parks, and the other two-thirds would be developed. There are four different residential types, with different architectural styles, the idea is to have some diversity. There are a lot of amenities, open space, and connected pathways. The natural features are what makes it unique. The units, parking, and roadways are integrated into the fabric of what is there now. There will be some consistency in terms of walkways and landscaping, but the units will be distinct.

The project site is less than a mile from Twelve Oaks Mall and the Novi Town Center. There is commercial on the east side of Haggerty and M-5, Beacon Hill on the north side of Twelve Mile. The site is in easy walking, biking, or SMART route distance along Twelve Mile. With the increase in online shopping, it is important to increase the population within the trade/market area of the commercial district. This will add population and benefit the existing commercial.

The site is in the northwest quadrant of Haggerty Road and I-96. The area has commercial offices, the future Armenian Church, recreation and open space, residential of various types, so the reality is it is already a mixed-use area with OST included.

Mr. Strader continued that there is a need for housing for the X, Y, and Z generations. This development is trying to appeal to the younger generation to keep them in the city or attract them to the city. There is also a segment of active adults that are looking to stay in Novi but maybe move out of their single-family home. There is broad appeal for these products.

There has been a change in the market since OST was envisioned in the Master Plan. When Trinity purchased the land, they probably had visions of a healthcare complex. The property is very complicated to develop because of the wetlands. It can't really be developed for OST uses due to the footprint of the buildings and the parking, it wouldn't be sustainable or practical. This proposal integrates the buildings, the views, and the walkability. When people move into the development, they will think it is very unique.

Mr. Strader attended some of the Master Plan workshops that Beckett & Raeder, the City's Master Plan consultant, conducted. They made a distinction for this property on their draft map. It is different from the OST on the other side of Haggerty, it is proposed to be a mixed-use area. Mr. Strader thinks The Grove

proposal for land use and layout is very consistent with City goals and policies.

The corner is important, so Trinity worked with Ivanhoe collaboratively to come up with the land uses. They made sure the buffer, the walkability, and the size of the 7.8-acre parcel Trinity retained is appropriate to have a variety of uses on the site. The land uses and design will be integrated, and Trinity is supportive of residential development for the remaining parcels.

The open space is about one-third of the site, more than required. Part of that is due to the wetlands, but work was done to integrate the 5 ½ acre central park, the pocket parks, the pathways, and hiking trails. An area of more concentrated walkability will have a ten-foot-wide pathway instead of the typical eight-foot wide pathway. The sidewalk will also be completed on the Trinity parcel. The central park will have a lot of amenities, a clubhouse and pool, pickleball courts, a playground, a dog park, a picnic area, and seating areas. This would be accessible to all residents of the development.

The Vistas residential units look out onto the natural features. Much of the open space abuts the MDOT open space which makes a great habitat. There is a pathway along the MDOT property boundary with viewpoints. The Vistas will be three-story townhouses, with garages and flex space on the first floor, 2-3 bedrooms, and 2 ½ baths. It has been carefully thought out to make sure it is a unique village within the overall project.

There are two condominium villages, The Woods and The Pointes, that will have similar floor plans, but the architectural styles and landscaping will be distinct. They will have 2-4 bedrooms, two stories, with garages attached. They could be for sale or for rent.

The Meadows are an upgrade of a standard apartment. There are some with garages and some with carports. What makes it unique is that it is called a flat. For active adults or others who want a single-story lifestyle, the first floor is like a ranch. Each has a separate doorway, there are no hallways. The second and third level is a separate unit accessed by a first-floor door. The flats were designed by Hobbs and Black. There are 29-32 units in the building. The Meadows is mostly abutting the Trinity parcel.

Mr. Strader concluded by saying Ivanhoe pays a lot of attention to parking, streetscapes, and variety in landscape with natural species. They put a lot of emphasis on not only protecting natural features but adding impressive landscaping along Meadowbrook, along Twelve Mile, and within the development.

Alan Greene, attorney representing The Grove, stated that he has been working with Mr. Shapiro for 30-35 years. They have worked on at least 30 projects together. Mr. Shapiro looks for environmentally sensitive, difficult properties to develop, even more so with The Grove. They are trying to create a sense of place. This development has a lot of amenities and natural features in and around the site.

Mr. Greene does a lot of work for major malls in terms of working with communities and redeveloping the malls, it is a challenge. The Novi community has the best shopping in in southeast Michigan and the best way to protect that is to have people, particularly in areas where there wouldn't otherwise be residential developments.

Mr. Greene is a lifelong pro-Michigan resident. He looked at stats today, Michigan is 47th in the nation in the last 12 years in population growth. We are stagnant as a state and the population is getting older. Young people are leaving for a variety of reasons. What The Grove aims to do is create an environment that allows all types of people, including seniors, empty nesters, active adults, along with young people, and professionals, to live in the same community in different kinds of units, enjoying the same amenities. Mr. Greene thinks The Grove development is consistent with the Master Plan. There are a host of reasons for additional housing. There are a lot of projects going on now, they are all a little bit different.

Trinity is excited because it will have an opportunity to have something special on the corner. The only thing Mr. Greene disagrees with planning staff on is the need to bring in more amenities to offset the negative effects of the rezoning. He thinks the rezoning will have a positive impact on the community. He is not opposed to working with staff to add amenities but disagrees with the negative aspect of rezoning. Mr. Greene does a lot of OST and industrial work; this is not a desirable site for OST use. His OST clients would never choose this site, it is too difficult and too expensive to develop.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to speak to approach the podium. Seeing no one, Chair Pehrson asked Member Lynch to read the correspondence received. Member Lynch stated there were two objections received from Mr. Carey on Meadowbrook Road and Mr. Hatcher on Meadowbrook Road.

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

Member Lynch stated he reads all information provided on a project and he visits the site. If an applicant is going to spend time and money putting a proposal together, he wants to make sure that he and his colleagues give a fair analysis.

Member Lynch is not opposed to rezoning OST to residential and the applicant makes a good argument. A similar project was recently tentatively approved to rezone OST to multi-family residential for Elm Creek, which is just across Meadowbrook. It was also a difficult piece of property to develop with wetlands on site. A lot of the same points were made by the Elm Creek developer, for 134 units on 37 heavily wooded acres with wetlands, which came out to about 3.6 units per acre. A minor side yard setback was approved. The Elm Creek development exceeded the 30% minimum brick requirement and there were very few deviations.

The Grove proposal is requesting 438 units on 62 acres, which is about 7.1 units per acre, with major deviations on side yard setbacks – 39% for the Vistas, and 58% deviation from the Ordinance for the Woods and Meadows. There is virtually no brick, it is all vinyl siding. The density and deviation from the facade ordinance are the two major areas that need to be addressed. It is so out of character with the area and Novi in general. Member Lynch thinks density should be no more than 5.4 units per acre maximum for the rezoning.

A minor concern is regarding the note about police calls going from OST to residential. Member Lynch would like to see an apples-to-apples comparison. He does not want to create a financial burden for the rest of the City in terms of additional police, fire, and equipment. Member Lynch would like to see in the next presentation what the expected police and fire calls are for OST versus residential.

The traffic study was fairly consistent with the Elm Creek traffic study and Member Lynch agrees that there would be an improvement going from OST to residential.

Member Becker stated for decades the subject parcels have been designated as the OST - Office Service Technology zoning, and as Office, Research, Development and Technology on the Future Land Use Plan and have contained regulated woodlands and regulated wetlands. When the previous owner, Trinity Health Services, bought the property it was zoned OST and contained all the current woodlands and wetlands. When Trinity sold the property to the applicant, it was zoned OST and contained all the current wetlands and woodlands. The Meadowbrook Road corridor has been planned for development to be nonresidential for that same time period. From Grand River north to Twelve Mile Road, there is not a single residential development with the direct access from Meadowbrook Road. The Twelve Mile corridor from Haggerty to Novi Road does not have a single residential development at this point with direct access to Twelve Mile Road.

The applicant is stating this is the time for the City to significantly change what had been planned for decades for this section of the Meadowbrook corridor because OST designations are no longer relevant to the way things are in Novi. The more City Council and the Planning Commission are asked to make dramatic changes to long established development plans, the more judicious we must be and in providing the rationale for doing so. The applicant has provided such rationale for us to consider, and that needs to be critically examined on behalf of every resident and business that calls Novi home.

The applicant's position in brief is that the subject parcels have remained undeveloped and now cannot be developed under the OST zoning restrictions because times have changed, there is no need for new OST development in Novi because there's no market for it. This is based on their position that many OST type companies have and will continue to shift their business operations to having employees work remotely and therefore don't need brick and mortar offices. That position is challenged by the reality that many businesses in the OST realm have discovered that employees working remotely have many negative consequences for the business, and a meaningful number are requiring employees to come back to the office to work.

Member Becker continued to say the applicant states that the unique conditions of the parcels, namely regulated wetlands and woodlands, make the parcels impractical, if not economically unfeasible to develop for OST prospects. Trinity Health Services and Ivanhoe Companies both bought these parcels knowing the Master Plan designation and current zoning, and the presence of regulated woodlands and wetlands. One has to wonder if their master plan all along was to get the City of Novi to change our Master Plan.

The applicant maintains the City of Novi is deficient and lacking affordable and diverse housing options for the missing middle, and that their request addresses this concern. In Member Becker's four years on the Planning Commission, the single most frequent development classification submitted has involved multifamily residential developments. The south side of the City West district and an approved development on Bond Street address this segment. The Gateway Townhouses near Meadowbrook and Grand River are in the midst of expanding this residential option. There are multifamily residences being built in the Sakura and Townes at Main Street developments. There are also multiple family developments proposed for Elm Creek, and there is a huge apartment development called Innova located on Haggerty north of Twelve Mile. The Novi-Ten proposal on the agenda this evening includes multiple family residences.

In Member Becker's opinion, the missing middle residential segment isn't missing in Novi, it's already been developed and continues to be developed. The Grove proposal is an example of a solution in search of a problem. What is missing in the City of Novi, and in this proposal, is single floor residential non-apartment options dedicated to our Senior citizens.

The applicant says the design of The Groves is to create something called placemaking, which is "to provide the city residents, meaning non-Grove residents with great views, open space and pathways available to the public". Are we to believe that some meaningful number of current Novi residents are going to make their way to the corner of Twelve Mile and Meadowbrook Road to take in scenic views and open spaces inside The Grove?

The applicant says that the addition of 438 families will bring new business to the stores and restaurants at Twelve Oaks, West Oaks, and Fountain Walk, and that this would definitely appeal to the residents of The Groves who will want to walk or bike a mile to the commercial development. It is in fact farther than that to the mall stores, and further still to Fountain Walk.

When deciding what justifies making a meaningful change in the Master Plan, we should stick to reality for what is likely and even feasible. To fit in the proposed 438 residential units, the applicant is asking for a

33% reduction in the building setback from Meadowbrook Road from the required 75 feet to a reduced 50 feet. With the one exception of a commercial building on the southwest corner of Meadowbrook and Twelve Mile, this request is completely out of alignment with the current character of the Meadowbrook Road corridor.

The proposed 438 three story buildings are primarily clad in vinyl siding, which is not permitted in RM-2.

The applicant wants us to accept their traffic study that says 438 residential units at the corner of Meadowbrook and Twelve Mile Road will actually create less new traffic on three lane Meadowbrook than if the parcels were all developed as OST businesses. The City's traffic consultant has some doubts about that being the case. Without knowing what those businesses are it is hard to state what their traffic pattern and flow would be like.

Finally, the applicant states that there is no possible way for the subject parcels to be developed except under RM-2 with the PRO designation. The applicant's justification of this belief is that companies don't need offices anymore. Even if that were true, there are other types of businesses that would be allowed and are already allowed under the OST zoning designation that wouldn't require rezoning and a PRO. Those include professional medical offices, a lot of which are being constructed with the graying of our population, data processing and computer centers, hotels like the one down Twelve Mile just to the east of this property, higher learning institutions, indoor/outdoor recreation facilities, daycare centers, and adult daycare. All of these could in fact be developed on that property and probably still mitigate some of the loss of the wetlands and woodlands.

Changing our Master Plan, our Future Land Use Plan, and our zoning classifications must always be something that can be justified and accomplished under the right conditions and relevant for the City, its current residents and businesses; a truly meaningful enhancement over what the guiding principles would currently allow. Member Becker is not persuaded that this project as proposed rises to that level of justification.

Member Dismondy stated he thinks the applicant did a great job with the layout and knows Ivanhoe develops great communities. It is a challenging piece of land. Elm Creek was approved because they were set back from Meadowbrook a good distance and are behind the existing OST uses so as not to detract from the adjacent OST feeling. They are also adjacent to other multi-family developments. Member Dismondy recommends the applicant look at addressing the setback from Meadowbrook.

Member Roney thanked the applicant for putting this proposal together. It is a really nice plan. The theme Member Roney is hearing is it justifiable to deviate from the Master Plan. There has to be a lot of benefit to the City to consider rezoning from OST to residential.

He stated the consultant's recommendation for this area and the timing of an updated Master Plan may be significant when the Planning Commission further reviews The Grove. There is a lot of work done in master planning for the City and on what it should look like in the future. If the Master Plan designation of this parcel is going to change, then this fits quite well. If it is not a change being made, then the Planning Commission needs to evaluate whether to deviate from the Master Plan. Member Roney noted that only feedback is being provided at this meeting, there is no vote being held.

Member Becker noted that 16 deviations requested is a lot, and the ordinances should be followed, they are there for a reason. He looks forward to seeing this project again, and hopefully more information on the Master Plan update will be flushed out at that time.

City Planner McBeth commented that the Master Plan Committee will be meeting, hopefully before the end of the year, to review the draft Master Plan. It will then be brought before the Planning Commission

as a whole for review, then goes on to City Council for distribution reasons and their comments. After that, it will come back to the City for potential adoption, probably in the middle of next year.

Chair Pehrson stated that there is nothing in Novi anymore that is simple as far as zoning, setbacks, easement regulations, or building height specifications. This proposal has provided another thought starter for the Planning Commission to think about relative to where OST was designated when the last Master Plan was adopted. The Master Plan is the document that looks into the crystal ball to determine what might fit in the future. When proposals come before the Planning Commission that are not in line with the designated zoning, a deep dive must be done to determine whether the Master Plan still currently reflects what is needed or requested from the community and how is that best made to fit.

Chair Pehrson agrees that the applicant put together a wonderful plan and spent much time trying to create what is best for the subject property relative to the natural features, which is evident in their layout of the site. The proposal is not quite refined enough yet though. If an applicant is going to come forward with the number of deviations that are being requested here, they should all be accounted for. There may be a few oddball one or two things relative to where the dumpster goes, or things that never quite fit a site that need to be addressed. Chair Pehrson is not comfortable with the setback deviations, or the density being requested. He would like to know what the parcel on the corner will be so setbacks there can be determined since it would now abut residential.

Chair Pehrson agrees with Member Becker in questioning the need for this type of housing. He believes if this were to be built, it would probably be fully occupied in a matter of years. He can speculate what the target prices might be based on economics and what the buildings look like, but what is missing in Novi is the single family, first floor residential units that address senior needs, not townhouses per se. This is missing the mark on that.

When the applicant comes back before the Planning Commission, they should take into account materials seen on other properties in Novi, and it is not vinyl siding. Chair Pehrson does not want to see vinyl siding in a development like this at the price point this will have. It does not fit the overall theme of what Novi is. The screening must be significantly different alongside both Meadowbrook and Twelve Mile. The green spaces are great, it does give walkability. There must be additional thought process given relative to the PRO benefits. Chair Pehrson does not agree with any benefits the applicant presented. Anyone bringing a development to the City will bring a tax base increase and bring people into the City, but that is not justification for a legitimate PRO benefit. This is where creativity has to come in to get the Planning Commission to understand why the development would benefit the City to change the OST to RM-2 zoning.

Chair Pehrson thinks the applicant has enough of the intent regarding the Planning Commissioners comments. He looks forward to the applicant coming back and going through the next round of reviews.

Mr. Shapiro stated he would like to give a brief response. He thanked the Planning Commissioners for thoroughly reviewing the submittal and acknowledging the work that's been done. He has heard the comments, and the team will address the issues brought up. Regarding the lack of brick and the use of vinyl siding, Ivanhoe works here and out of state with architectural designers who specify luxury vinyl siding. They believe it is more sustainable; it is attractive. Mr. Shapiro has clients who cannot tell the difference from four or five feet away, but that is not a boulder Mr. Shapiro is going to push uphill. Hobbs and Black is one of the finest national architects around, and times are changing on the use of vinyl siding, but if that is something the Planning Commission is adamant upon, it won't be a confrontational issue.

Regarding the setbacks, if this were under RM-1 zoning it wouldn't be an issue. Mr. Shapiro's team thought that there are only a few buildings on Meadowbrook so it was inconsequential. They can demonstrate that or look at it. He also is hearing that the Planning Commission wants the team to look at the number

of deviations and why they were there. A multitude of them are those that have been granted to other locations relative to the density.

Relative to density, this project was previously at 1,000 units under RM-2. The team takes pride in studying what has been going on in a community and redesigned a product that is less dense. The genesis of what they are trying to do is make a multi-generational community where one village was multi-family. The point is well taken, the Planning Commission wants to see what is being done across the street. What the team is trying to do here though is create something totally unique for Novi where there is multi-generational low-density apartment living in the Grove community. The project was previously at over 12 units per acre, so they have brought that down. Mr. Shapiro would like the Planning Commission to keep an open mind as the Ivanhoe team proceeds to the goal of having a diverse attainable community for future Novi residents.

Mr. Shapiro believes Ivanhoe has a creative multi-generational unique development. He and his team appreciate the comments and are going to digest what was discussed this evening. They look forward to moving ahead with the project. He invites the Planning Commission to reach out if they have any thoughts in the interim.

This agenda item was discussed, but a motion on the item was not required.

2. JZ23-09 NOVI-TEN PRO WITH REZONING 18.740

Public hearing at the request of Novi-Ten Associates for Planning Commission's recommendation to City Council for a Zoning Map Amendment from Light Industrial and Office Service to Low Density Multiple Family and Community Business with a Planned Rezoning Overlay. The subject site is approximately 34-acres and is located east of Novi Road, south of Ten Mile Road (Section 26). The applicant is proposing to develop a 71-unit multiple-family townhome development on the RM-1 portion, and approximately 35,900 square feet of commercial space on the B-2 portion.

Senior Planner Bell stated the applicant is proposing to rezone about 34 acres utilizing the Planned Rezoning Overlay option. The site is currently vacant and was historically part of the original Erwin Orchard along with the area to the south. The Ridgeview of Novi development is now to the south, along with the Novi Athletic Club and Novi Ice Arena & Dog Park. The railroad tracks border the eastern property line. North of Ten Mile Road are industrial uses, and commercial uses are to the west.

The current zoning of the property is I-1 Light Industrial on the eastern side, and OS-1 Office Service on the western side. The adjacent parcels on the west are also OS-1. The Ridgeview development to the south is zoned RM-1 with a PRO, while the Athletic Club and ice area are I-1, as is the area east of the railroad tracks. North of Ten Mile is zoned I-2 and I-1.

The Future Land Use Map identifies this property as Community Office on the west and Industrial Research Development Technology on the east. To the south and east is planned for Industrial, north of the site is planned for industrial and heavy industrial, and on the western side is community office.

There is a floodplain area associated with Chapman Creek and Walled Lake Branch of the Middle Rouge along the southern property boundary and along the eastern side of the site extending down toward the dog park. The natural features map also indicates extensive wetland area within the floodplain, and regulated woodlands are present in most areas of the site.

The applicant is proposing to utilize the Planned Rezoning Overlay to rezone about 7 acres of the property to B-2 Community Business, and about 27 acres to RM-1 Low Density Multiple Family. The PRO plan shows a total of 71 attached 2-story townhome units on the site. The RM-1 residential portion is accessed by one entrance off Ten Mile Road, with a secondary emergency access drive to the commercial portion of the

project. Parking is provided in garages, on the garage aprons, and a few small bays of surface parking.

During the initial review of this project the commercial area was proposed for B-3 General Business, but the applicant heard the feedback given and has revised the request to B-2 which is more in line with community-scale retail and removed the drive-through restaurant. For the B-2 portion, the current concept plan shows a total of 35,900 square feet in four separate buildings. Access to the commercial site would be from three curb cuts on Ten Mile Road – one is the existing shared driveway with Maly Dental office, and the other two are new. The plan notes retail and restaurant uses within the commercial buildings – but generally other uses permitted in the B-2 district could be tenants in those spaces. However, the applicant does offer to prohibit certain uses as a condition of the PRO Agreement, including Hotel/Motel, Gas Station, Marijuana sales, Check Cashing, and Pawn Shop. Marijuana sales are not permitted in the City of Novi. By changing to the B-2 District, Automobile repair/service/maintenance uses and car washes would not be permitted.

The applicant describes the project as creating a walkable community, with linkages to the existing paved public access path in Ridgeview Villas, which would connect to Nick Lindstrom Drive and to the nature trail behind the Novi Athletic Club and dog park area. They also propose a paved path around the proposed townhouses that would be available to the public, and two new overlook areas behind the Athletic Club.

The trail connection is consistent with the Ridgeview PRO Agreement, which offered as a public benefit the construction of a pathway for public use from Nick Lidstrom Drive to the north property line to provide for this future connection. This is also shown in the Ridgeview Master Deed, and a Pathway Easement was granted to the City for this segment in 2016.

A park area with seating is proposed between the commercial and residential area, and in place of the pickleball/tennis courts that were previously proposed in the northeast corner of the site, there is now a "trailhead" area which is proposed to be donated to the City for public use. Currently there are no amenities proposed for that area and the size of the area to be dedicated is undetermined, which will need to be clarified for the PRO Agreement.

Staff and consultants have identified some issues with the proposed rezoning and PRO Plan. First, the zoning districts indicated do not match the Future Land Use map guidance. Staff has concerns about the proposed residential use compatibility with the adjacent I-2 General Industrial to the north. However, the RM-1 category does correspond to the adjacent Ridgeview development to the south, which was also previously zoned Light Industrial and Office Service. They are also providing a landscaped berm to help screen the homes from the industrial uses to the north. There are also commercial uses in this area to the west that would be contiguous with the B-2 area.

The revised Traffic study notes that the change of uses will result in a modest increase in traffic on the local road network compared to likely development under the current zoning. The revisions to the study considered the commercial area decreasing in size from 60,000 sf to about 36,000 sf. The anticipated daily trips are just under 3,000 for the proposed uses, whereas the potential uses under the existing zoning is approximately 2,500 trips (16% increase). However, the proposed mix of uses is estimated to generate approximately 35% fewer morning peak hour trips compared to potential development under the existing zoning, and about 1% fewer afternoon peak hour trips. The applicant indicates that they intend to complete the following improvements identified in the study to mitigate the traffic impacts on Ten Mile when the commercial portion of the project is developed:

- Widen eastbound side to two through lanes, ending with a right-turn deceleration lane at the site's easternmost residential driveway.
- Widen westbound side to two through lanes west from the 3rd site driveway to help provide

additional capacity for outbound site traffic.

- Extend the center left-turn lane from where it currently ends at Catherine Industrial Road to service all commercial driveways.

The applicant will need to coordinate improvements with the Road Commission for Oakland County as Ten Mile Road is under its jurisdiction.

Driveway spacing and major drive deviations are also likely to be required, but the applicant states the Road Commission for Oakland County has given preliminary approval of the driveway locations.

Engineering notes there is capacity for the water and sewer demands for the proposed use in the public utilities, and stormwater detention is to be provided in a single storm sewer detention system on the east side of the site, with controlled outlet into the floodplain to the east. An image was shown reflecting the areas of stormwater collection that would be directed to the basin. The City engineers review all proposed developments to ensure that the stormwater systems are properly designed to meet all standards to account for 100-year flood conditions.

The proposed landscaping is generally in conformance with the ordinance. The applicant has added screening between the residential and commercial portions of the property, and the deficiencies in foundation landscaping and greenbelt berm in the commercial portion will be corrected in the site plan submittal. Landscaping waivers for street trees and greenbelt canopy trees along Ten Mile Road are supported by staff due to conflicts with existing underground utilities.

Façade review notes that the commercial buildings are in full compliance with the ordinance, and actually exceed the requirement for brick material, which could be considered an enhancement to the area. For the residential buildings, Section 9 façade waivers would be required for an underage of brick on the rear and some front facades, and an overage of asphalt shingles on some front facades. These waivers are supported as they are minor in nature and do not adversely affect the aesthetic quality.

Wetland impacts have been minimized, with only 0.1 acre, less than 1% of the total wetland area present, of impact to a few small pockets of wetlands in the upland area. A large portion of the site, 15.87 acres of wetland, woodlands, and floodplain area, is proposed to be protected in a conservation easement to ensure permanent preservation (the area in green on this slide). This could be considered a benefit to the public.

The PRO request includes conditions that are more limiting than we could otherwise require of a developer, including:

- A 15.87-acre area of woodland and wetland to be protected in a Conservation Easement
- The publicly accessible pathway and trailhead area previously mentioned
- Exceeding the open space requirements
- The residential units will be set back a minimum of 100 feet from the south property line, which is greater than the required 75 feet
- Limitations on building height
- Limitations on residential density
- Greater than required building setbacks for the commercial buildings
- Use restrictions for commercial buildings
- See the draft motion sheet for a full list of proposed conditions and deviations requested

Tonight, the Planning Commission is asked to hold the public hearing, and to make a recommendation to City Council on the PRO Plan. Following the Planning Commission public hearing, the project would then go to City Council for its determination of approval.

The applicant Dan Weiss from Novi-10 Associates, along with Scott Hansen from Toll Brothers, architect

Lonny Zimmerman, as well as other members of their team, are here representing the project tonight. Staff and our traffic and environmental consultants are also available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Lonny Zimmerman, architect with Siegal Toumaala Associates, introduced Dan Weiss, the developer and longtime property owner in Novi; Scott Hansen and Jason Iacoangeli with Toll Brothers; and Jason Emerine with SKL Engineers. Ms. Bell did a complete job describing the project. It has been presented to the Planning Commission on prior occasion. The team has made some improvements since the last time they were here. They tried to follow the goals in the Master Plan – walkability, connectivity, supporting local retail, creating open space, and environmental stewardship.

This 34-acre site has been owned by Dan Weiss for over 35 years. There have been past plans to develop it. This has now taken the form of what Mr. Zimmerman believes is a really workable, successful plan. The current zoning is I-1 and OS-1, both of which have low demand right now and replaced it with B-2 zoning for retail and RM-1 zoning for the townhomes. Previously the site could have had up to a 291,000 square foot building. There isn't really an office market these days, but there is a market for retail and townhouses.

The retail center is proposed at 35,900 square feet, with the limited uses Ms. Bell indicated. Architecturally it is a little more unique. It has a 20-foot plaza in front of the buildings, with planters and landscaping that create more of a plaza feel than just a walkway in front of the store fronts.

Regarding walkability, the whole concept is to be able to walk around the residential areas and that connects to the new proposed pocket park on the northeast corner near Ten Mile. The pickleball courts in this area were eliminated given concerns with noise issues. The pocket park would be donated to the City of Novi. There is a connector path to Ridgeview Villas that was built into the PRO agreement for that development. The Novi-Ten team is flexible in terms of the walking trail shown, it would be a very good connecting trail to let people look at the wetlands along the railroad tracks. There is a 100-foot-wide wetland area the connect just to the south of the new trail system and separates Ridgeview Villas from this development. There is a lot of natural area to be seen.

Mr. Zimmerman believes that this connectivity, which is called for in the Master Plan, and the walkability is something that adds to the development. The retail area was changed to B-2 to orient it more towards the local retail rather than the general business of the B-3 which was part of the previous plan. That was a good suggestion that came from the Planning Commission when the project was previously presented.

Environmental stewardship is very important. Almost 16 acres are to be put into the conservation easement so in perpetuity this will be kept in a natural form. Two lookouts proposed down towards the southern end will allow views into this natural area.

Jason Iacoangeli stated he is a certified planner with Toll Brothers. He and Scott Hansen had the opportunity over the summer months to meet on a couple of occasions with the neighbors at Ridgeview to discuss the plan and what could be done to make it better work for the Ridgeview residents. Their major concern was pedestrians coming through the neighborhood through the existing easement. Some discussion was had to change the material type of the pathway from a hard surface to a soft surface, like a crushed limestone that you would find in a nature preserve to be able to better preserve trees that are in that horseshoe around the new residential development. It is much easier to place a pathway of that kind in and around trees as opposed to using something harder like asphalt or concrete.

Another consideration was some of the residents preferred to just eliminate that U-shaped trail and just have the connection to the commercial. If they had to have a pathway, it would just be directly to the commercial center and run sort of straight down, eliminating the area that goes behind the buildings to

what would be a pocket park because the thought was residents that are currently there now don't want to see people walking through the woods behind their homes. That point was well taken and the way it was left was to have the Planning Commission consider the scope and breadth of the walkability around the new development.

Looking at this piece in its entirety, not only the Novi-Ten development being proposed, but with what is already there, this development is the perfect fit. The proposed residential complements the residential that currently exists to the south. They both have consistent zoning, and then it introduces neighborhood level lower impact commercial that can be walkable for all the residents.

Mr. Iacoangeli and Mr. Hansen met with the Ridgeview residents twice and did listen to their concerns. Stepping down on the commercial to the B-2 zoning eliminates the drive-thrus, which was a big concern for the Ridgeview neighbors. They wanted more pedestrian scale commercial that would be more of a destination place for people who might walk.

Mr. Zimmerman added the I-2 zoning, approximately 295 feet across Ten Mile, has been screened from the proposed entry to the Novi-Ten development with very dense evergreens. This was a concern raised in being able to market the units. The traffic concerns were addressed by widening Ten Mile, paid for as part of this project. It is a benefit as well.

Chair Pehrson opened the public hearing and invited members of the audience who wished to speak to approach the podium.

Tammy Spangler-Timm, 42908 Cardinal Way, stated she would like to thank the City leaders for this opportunity to provide feedback tonight. She has multiple concerns about the development adjacent to Ridgeview, but wanted to start with a positive approach by showing a map she created that proposes an alternate route that still achieves the purposes of the walkable pathway. The positives are that this route would keep the trail in the high visibility areas instead of down through the wetlands and woodlands. It would still provide access to the community resources down here, the dog park, and the gym. It would not increase the risk exposure for Ridgeview residents. The connector pathway does exist right now. Ms. Spangler-Timm showed a photograph of how close that pathway comes to about eight Ridgeview homes, it is within one to two feet of some of those homes. Those people could be on their back patios barbecuing and they are going to have a parade of people walking by their decks. Ms. Spangler-Timm is not sure if there's any other situation like that in the City of Novi.

The Ridgeview community is very dense, they are not like Chase Farms or Turtle Creek. They don't have a lot of green space for screening, for buffers, for noise, for visuals. There are areas within Ridgeview that are like a parking lot, there are multiple driveways, the sidewalks are close to the homes. There are pods within here where three and four homes are using the same driveway and to have pedestrians walking through there would be a very hazardous situation. Ms. Spangler-Timm also has concerns about the connector pathway and whether it should it be kept there. People could just wander. There's no guarantee they're not going to come into Ridgeview and walk around through the development. Ridgeview is private property by Michigan law. It's very generous of Mr. Weiss to have donated the property, but technically that is a swamp wetland that could never be developed anyway.

Ms. Spangler-Timm spoke with Cindy Ross at Friends of the Rouge. She was involved in a study of Chapman Creek. Chapman Creek is 2.5 miles long, so it's not just the little stretch by Ridgeview. Whatever happens upstream is going to impact things downstream. Ms. Spangler-Timm has a photo of some flooding that occurred during the storm on August 28th this past summer. That is classified by SEMCOG, and the Michigan Extension Service as a rare and vulnerable wetland, now they're maintaining it's 100 feet wide. Ms. Spangler-Timm stated that to put a trail through there a two-way pedestrian pathway must be 10 to

12 feet wide, and two feet are needed on either side for stability and drainage. So, you're really cutting a wide swath of trees, vegetation, and destroying the wildlife habitat.

If the trail Ms. Spangler-Timm proposed on her map were to go in, it could follow along the beautiful plaza pathway that the applicant is proposing that is now even wider. There are 420 apartments in the River Oaks development, and the current pathway proposed opens it up for them to also enter the Ridgeview community.

John Linxwiler, 23778 Seminole Trail, stated his comments are going to specifically address the proposed public nature trail, which consists of the connector pathway between Ridgeview and the proposed development and the cut through berms to the River Oaks West Apartments.

Ridgeview of Novi is a privately owned community. Through their HOA fees Ridgeview residents pay to have their streets and sidewalks maintained and for snow removal. Ridgeview had their streets repaved two years ago and HOA fees paid for that. The City of Novi does not incur these expenses. Ridgeview residents also through their monthly HOA fees pay for the insurance on their property.

Mr. Linxwiler is concerned that the Planning Commission could consider granting public access points into the privately owned Ridgeview community. If someone uses one of these public access points to come into the Ridgeview property and they are injured and sue, will the City of Novi indemnify Ridgeview residents? If a child comes onto the Ridgeview property through one of these public access points and they drown in one of the two ponds, who's going to be responsible? Ridgeview general liability costs are certain to increase due to nothing they have done. Due to the increased foot and pedestrian traffic and the bicycle traffic that's going to come through our neighborhood, who's going to pay for that increased cost? Ridgeview residents will. Mr. Linxwiler requested the public access points be eliminated by not connecting the pathway through the Novi-Ten development to Ridgeview. It would be an open invitation to access a private community, which increases liability, exposure, and cost to Ridgeview residents, none of which the City of Novi would be assuming.

Mr. Linxwiler supports a fully walkable community, but Ridgeview is privately owned. The City of Novi should never have allowed Toll Brothers to build a privately owned community if the intention now is to create public access points into Ridgeview that it's residents pay for and maintain, it's not fair. He would like to support Ms. Spangler-Timm's proposal to build a pathway west to Novi Road and connect it with a better sidewalk down Novi to and down to the Novi Sports Club. There is a sidewalk that exists already between Ridgeview and the Novi Sports Club that would be an automatic tie in with this, and that would satisfy the walkable community needs, and it would satisfy Ridgeview needs as well.

Elena Wayne, 42776 Cardinal Way, stated she wants to address a few concerns and one of them is safety. She moved back to Novi in February and was so happy to move into Ridgeview, it is a beautiful Toll Brothers community. However, Ms. Wayne is sure Mr. Zimmerman would agree that he wouldn't want people walking through his backyard or people approaching his front door. In the past month and a half, Ms. Wayne has had Novi police in her neighborhood twice, once using a drone, looking for somebody in the woods. Safety is a big concern. Ms. Wayne is sure anyone would agree that having people wandering in their neighborhood is quite concerning. Mental health issues are quite concerning, and she has had an influx of people with mental health issues in her neighborhood.

Another concern Ms. Wayne has is regarding the new development proposed at Twelve Mile and Meadowbrook, with two-story and three-story homes. Novi is not addressing the need for one-story home development, and yet more two-story homes are being proposed with retail. Going along Novi Road for a mile or two there is retail, a lot of restaurants, so why the need for more retail? There are empty retail spaces all over in a five-mile radius of Ms. Wayne. She does not think more retail is needed.

Ms. Wayne continued she is not opposed to having something built, but what concerns her is extra traffic coming in for retail. That means people coming into the adjacent development, walking after dinner, walking the nature trail, walking in her backyard and that's concerning. She asked if City Council will be hiring extra police officers to patrol. Her concerns are her safety, her family's safety, and her community's safety. She asks the Planning Commission to consider all these points and to think about her community, and the wildlife. There is a lot of talk about preserving wetlands and Ms. Wayne is concerned that Novi is turning into another concrete jungle and that is not what she wants for Novi.

Greg Wayne, 42776 Cardinal Way, stated as a longtime resident of Novi and a recent resident of Ridgeview Villas, he has been keenly interested in the proposal to develop the Novi-Ten property. He firmly believes it should be rejected in its entirety. The property was part of a larger parcel that was purchased a long time ago by the Weiss family and over the years, they've divided it up and turned a profit from it. Mr. Wayne thinks the parcel should remain undeveloped in perpetuity. It's a haven for wildlife that contributes to the remaining natural beauty of Novi, and, most importantly, it serves as a floodplain for the surrounding area. He finds it somewhat absurd to think that we can modify this based on 100-year government flood maps. We have all seen what's been going on in the environment around the world and the increasing number of extreme weather effects we've witnessed.

In addition to the natural features and barrier provides, building on this parcel adds to an already untenable traffic situation on Ten Mile Road. There has been talk about trying to widen it, but it can only be widened in certain areas and certainly not across the railroad tracks. Anyone who has driven down Ten Mile Road knows what that's like at rush hour.

Mr. Wayne can't comprehend why anyone would want to live directly off this major thoroughfare and right next to the train tracks with the railroad crossing which the trains signal every time they go through. The noise and vibration from the trains, let alone from the paint manufacturing plant to the east of this proposed subdivision, make this site undesirable. Surely there must be more appropriate areas available within city boundaries to build on.

Mr. Wayne appreciates the conservation easement being proposed. However, that portion of land is really unbuildable as it exists today. He does not see any reason to not consider a conservation easement for the entire property. Other municipalities have used their budget to purchase land. Mr. Wayne proposes this would be a potential win-win situation, where the City or County retains control of the property while providing financial benefit to the Weiss family who have indeed supported Novi all these years. He is not speaking as a member of the Ridgeview HOA, but perhaps there is an opportunity for the HOA to raise funds to help offset this cost to the city.

Mr. Wayne acknowledged the dedication of City leaders. Their work directly contributes to the quality of life for Novi residents, and this is where Mr. Wayne has chosen to live for the past 30 years.

Mr. Wayne urges the Planning Commission to uphold and fulfill previous mandates to preserve and protect valuable woodlands and wetlands within the boundaries of Novi. He knows recently Novi was classified as a Tree City USA. It seems absurd to him that on one hand we are a Tree City USA, and on the other hand, going to destroy these natural wetlands and woodlands. We need to continue to have the foresight and vision to prevent the overdevelopment of properties and help avoid the destruction of these unique and valuable land features that have been disappearing, one small tract at a time.

Joy Carter, 23951 Seminole Court, stated she will stress what has already been talked about, which is the walkability. She believes it is an obvious mistake to continue to build the connecting pathway. This needs to be revisited. She would like the Planning Commissioners to imagine their children in their own yard and then have other people coming into their yard that they did not expect. That is what the homes across the street from Ms. Carter will experience. It is not safe, it doesn't feel good at all, and no one would

expect to have anyone walking into their home or on their property at any time of the night. You would greet them with something different than a smile or a question.

Ms. Carter would like the Planning Commission to reconsider the plan that's being proposed. Let's not try to achieve walkability for the City of Novi at the expense of the Ridgeview Community.

Ellen Linxwiler, 23778 Seminole Trail, stated she moved to Novi from out of state about 4 ½ years ago after hearing that Novi was a great place to live. She was attracted to Ridgeview partly because it is a private community. Taking away the private sidewalks by allowing others to come in creates some issues. First, the driveways are very short. There is not much space from when you back out of the garage and are on the sidewalk, so you're constantly having to look out for pedestrians and kids on bikes, scooters, and dogs. Adding non-Ridgeview residents just creates more exposure issues.

She continued that the private yards are small. She does not need non-Ridgeview residents walking or riding bikes on her grass, causing damage to her grass and landscaping. The sprinkler heads are right by the sidewalk and can be easily damaged if walked on or run over by a bike. There are downspout grates in the small front yards that can also be easily damaged. Residents don't need dogs running through their landscaping and people not picking up after their dogs because that happens. Who is supposed to pay for damages incurred?

Ms. Linxwiler stated there is one pond right among the condos. Non-resident kids have had to be chased away from playing around it. She does not want non-Ridgeview residents wandering too close to the pond, or the cost of added exposure. She feels a sense of safety living in her private neighborhood. She fears an increase in crime if non-Ridgeview residents are allowed to freely walk on her private sidewalks and streets. Residents who live there take pride in the neighborhood, and allowing non-Ridgeview residents to walk freely in the neighborhood increases exposure and takes away from the privately owned community.

Steven Emmenecker, 23912 Seminole Trail, stated he lives in Ridgeview and has been a Novi resident for 35 years. He was one of the founding members of Saint James Church. He agrees with what previous speakers have said. He thinks the walkway can be rerouted to not come through Ridgeview property. He is one of the residents who literally lives on that walkway. His deck could only be seven feet because it would be over hanging the walkway. Ridgeview residents walk that pathway, and when he is out barbecuing or doing things he enjoys seeing them. He knows them and loves talking to them. He loves that Ridgeview residents use the pathway but does not want people he doesn't know or has no clue of who they are using it. That is not right. He's concerned about security, about dogs. The people in the River Oaks Apartments walk through Ridgeview all the time. They shouldn't be there. On top of that, if you put a trail head in, what does that invite?

There are ducks behind Mr. Emmenecker's home, as well as turkeys, coyotes, deer, osprey, grey herons, possums, and weasels. He doesn't want to see that habitat destroyed. That's why he moved there. He paid a premium for his lot. He was told by Toll Brothers that the reason they put a bench at the end of the path facing the woods was because that was the end of the trail. It would never continue any further. He stated in the fall the trees drop their leaves, and he will be able to see the new homes. He does not want the trail connection. He prefers to not have the adjacent development but doesn't know if that's practical.

In Mr. Emmenecker's opinion there is no need for restaurants. People aren't going to walk up there. There is already empty commercial down by the CVS, the whole strip on Novi Road is empty.

Larry Haddock, 23976 Seminole Court, said he would just like to outline seven points that he feels are the most important in his objection to the development as it is recommended.

First, many residents paid a significant premium for a condo backing up to the woodlands and were told by Toll Brothers that this land wouldn't be developed due to its sensitive environmental status and it's not fair or proper to change it now.

Secondly, there would be increased traffic congestion on Ten Mile and Novi Road. There are constant long backups because of excessive vehicles, the train track crossing, school buses, etc. Adding 71 townhomes and commercial retail buildings in the same area is a bad idea.

Third, the proposed walkable community pathway goes directly through Ridgeview private property, resulting in diminished privacy, safety, and HOA maintenance and cost issues and disruption of the quiet ambiance of the community. The pathway should be routed around, not through Ridgeview.

Fourth, the destruction of woods and wetlands will increase flooding possibilities. Ridgeview is already located at the designated flood plan. Where's the water going to go?

Fifth is the loss of natural features and wildlife habitat, removal of trees and vegetation that filter noise and provide a visual screen.

Sixth, Novi has two ordinances that address the protection and preservation of Woodlands and Wetlands within the City that need to be upheld.

Lastly, Mr. Haddock asks the Planning Commission to please have the foresight and vision to prevent the over development of properties in Novi and halt the destruction of our unique and valuable land features.

Karen Chopjian, 23991 Seminole Court, stated she sent in a response form with nine objections which she would not restate. She wanted to back the opinions of her neighbors because she sees a turnover in the neighborhood. People are selling their homes, and new people are coming in. She doesn't like it and doesn't want to see her neighbors leave. She concluded she also doesn't want any flooding⁴²⁷⁸⁷.

Ken Mac, 42787 Cardinal Way, apologized in advance for the redundancy, but hopefully it helps the Planning Commission formulate its feedback and its questions. He showed a picture of Ten Mile representing the 3:00 PM to 6:00 PM window, without a train crossing. During rush hour going east or west, it's madness. It backs up. It gets dangerous back into the Novi intersection. The 71 units that Toll Brothers propose is likely to make ROI numbers. Perhaps they could consider making those numbers by lowering the density and cutting out some of the unnecessary costs. In Mr. Mac's opinion, the u-shaped pathway and the two proposed lookouts could be eliminated along with other cost-cutting measures.

He continued pathways are quite destructive to the natural wildlife and to the watershed area. It really wipes out the swaths of trees, the brush, and the barrier. What is extremely concerning is connecting an existing path close to the Ridgeway condos and the new path would decimate some wildlife habitat. It would negatively impact the wetlands and the watershed. There is a lookout behind that pond. Mr. Mac showed a photo taken behind the Novi Athletic Club showing a 20 to 30 foot drop off there. He spoke to Toll Brothers about this when he did his walk through but wonders why this is even there. It's serving a purpose to channel flood water out of the pond and overflow water, but it's dangerous for a child, or a biker, or a stroller to have a lookout here.

Mr. Mac questioned who will maintain the maintenance of the paths and the lookouts, and who is responsible for the liability. If it doesn't get maintained, and if there is a problem, the finger pointing begins. He urged the Planning Commission to strongly to consider reducing the density from 71 units to a lower number, to eliminate the pathway, the lookouts, and the horseshoe between the proposed development and the Ridgeview development, and to save trees and brush. It will help keep a natural barrier, save

costs, and eliminate liability. The Ridgeview community pays about \$1,000,000 of tax property to the city per year and is an important stakeholder.

Seeing no one else, Chair Pehrson requested Member Lynch read the correspondence received. There was a petition with 57 signatures and 17 letters were received, with some duplication, all from Ridgeview residents.

Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for consideration.

Member Lynch stated that he thought getting rid of the pickleball and putting a trailhead in that location was a good idea. The Novi Sports Club is nearby, and they have pickleball. He also thought it was a good idea to reduce the intensity of the business district.

He stated the subject site is a difficult piece of property to develop. To compare density, he looked at what is being proposed to what's existing in Novi, not only at Ridgeview, but at another industrial site that was rezoned residential, Villas at Stonebrook. He saw 71 units proposed on 27 acres for Novi-Ten, that comes out to about a 2.6 unit per acre, yet in the motion sheet it references a 4.5 dwelling units per acre.

Senior Planner Bell stated it depends on how you consider the area that is being rezoned to RM-1, and whether you look at the entire area that's being rezoned to RM-1, including the whole area on the east side, which includes the area that's going to be in the conservation easement. Theoretically, the density could be based on all the RM-1 area, or just the area that is being built on. That's the difference in the numbers.

Member Lynch stated it looks like Ridgeview is at about 4.7 dwellings per acre. Novi-Ten is about 4.5 dwellings per acre. Stonebrook is about little over 4 units per acre. These are difficult sites when rezoning from industrial to residential. The pathway was something that got his attention. Member Lynch lives next to a pathway too. It's next to a lake and he worries about that.

Member Lynch confirmed the path will be crushed limestone and stated that is good and eliminates the bike traffic. He inquired if the conservation easement would extend the entire length between the two properties.

The applicant clarified the conservation easement would not include the west park area on the right.

Member Lynch stated the densities between the proposed residential and Ridgeview are about the same, the units from the renderings that he saw are substantially similar, there are not a lot of deviations that are unreasonable. He agrees that with the industrial to the north, there is a road in between so that means less issue with compatibility. He stated he didn't have a problem getting rid of the berm. He inquired about the deviation to exceed the required 3,000 CCT.

Senior Planner Bell stated that CCT is color correlated temperature. It's the temperature of the light measured in Kelvin. The recent text amendment now requires light fixtures to be 3,000 Kelvin and the applicant is proposing 4,000 Kelvin.

Member Lynch stated removing the landscape berm on the east side is no issue. The trees don't make sense on Ten Mile. These are minor deviations in landscaping. Wetlands had an improvement. Woodlands will have a permit. And as far as the facade, there are very few deviations. In Member Becker's opinion the density is the same as Ridgeview. The units are substantially similar. He likes the layout. It's a beautiful piece of property. With the railroad tracks on Ten Mile, Member Lynch does not think the traffic issue will be solved.

Regarding the pathway, Member Lynch will let one of his colleagues that is more familiar with the Walkable Novi plan comment, but going from concrete to the limestone fines would be more beneficial for the wetland areas. It would also significantly reduce bike traffic. He does not believe that people will be coming from all over just to see the railroad tracks and the wetland areas. Member Lynch is in support of the proposal.

Member Becker stated as opposed to the earlier project where the Planning Commission was asked to consider a PRO rezoning request, this proposal is in fact compatible with the surrounding area. It forms a transition that goes from offices that are on the south side of Ten Mile to the east to the new designated B-2 commercial buildings, and then to residential.

Across the railroad tracks on the north side of Ten Mile is residential, and to the south of the proposed Novi-Ten project is residential, so this is a much more fitting PRO rezoning request to consider.

Member Becker stated as a reminder that for just about everybody who lives anywhere in Novi, there were existing trees, wetlands, and things that had to be disturbed to build the houses that we all live in. A rezoning request with the PRO was approved for Ridgeview Villas. This is exactly what the Planning Commission is considering for the Novi-Ten proposal, so it seems that it would be a natural thing to do, since it was already done once in this immediate area.

However, the City also gave the right to the Ridgeview developer and the expectation to the people moving to Ridgeview that they would have control of the access to their neighborhood, both vehicular and otherwise. Whether it somehow got baked into the earlier agreement for Ridgeview or not, it seems totally illogical to come back at this point and say let's route traffic from someplace else through your neighborhood.

Member Becker thinks Ridgeview residents have every right to restrict access since they are a private development. For the Planning Commission to approve or to say that it's OK to run that pathway from the new proposed development through the Ridgeview development, and not on the edge of it, it is not proper to even consider at this point.

He recommends the applicant take the sidewalk down Novi Road to Lidstrom Drive as was suggested earlier. It's not that far out of the way and it respects what has already been established. The 71 units proposed in return for designating 16 acres as easement is going to benefit everybody in Ridgeview in that it will never be developed. Member Becker is in support, with the exception that the connector pathway be taken out.

Member Dismondy stated he agreed with Member Becker. He thinks the proposal is compatible with surrounding development. He doesn't understand the genesis of the walkway and having it go through the adjacent neighborhood.

Member Roney stated he looks at this in four different ways, four different parts. He likes the conservation easement, that's always something we like to see in the city. He thinks the development of the townhomes is good and overall it's a good fit.

Member Roney asked Senior Planner Bell for clarification of the pathway in the Ridgeview PRO and if it was intended for attachment at some point.

Senior Planner Bell stated that she believes so. The PRO document says extending it to the property line to connect to future development.

Member Roney stated that it may not mean they have to connect to it, but that was the intent if it is in the PRO agreement for the Ridgeview property.

Engineer Humna Anjum stated there's also a public sidewalk easement on that pathway right now within Ridgeview, which takes that S curve through the Ridgeview property. Member Roney stated he believes that was mentioned in the prior Planning Commission presentation of this project and stated that's still something that needs to be debated in his opinion.

He appreciates the plaza concept though there weren't any renderings to see how it would look different, he really doesn't want to see another strip mall. He cannot be in favor of this proposal today if the retail there is going to look like a strip mall.

Chair Pehrson thanked the applicant and asked if there has been any consideration to reroute the path as suggested.

Dan Weiss stated that he was not sure how this got buried in a small print but had 4 brief things to say. The first one will accommodate what you just said that they had said in writing, in prior comments, and at prior meetings that to accommodate everybody here is well, the city is used to weighing public benefits versus private individuals and we think that accommodations are often on the table and we placed them there. We said we could accommodate and ignore the fact that these fine people when they bought, they knew this connection was there. We can accommodate by ignoring that.

Mr. Weiss continued to say they could remove the trail connection. Furthermore, that whole South Walkway, the South part, that's between the two complexes. If they don't even want to see people walk there, that can be deleted. Papers that we submitted to the City said we leave that to the city and their final site plan approval through the Planning Commission and Council. Those connections can be removed.

The other piece of it that goes from 10 Mile Road along the railroad tracks that gives a public benefit to overlook the marshland and in no way impacts the residents to the South. If you guys want to keep that there seems like there would be a public benefit to that, but seems to me that we're glad to accommodate and you know it seems like they would rather residences be there instead of a 290,000 square foot industrial building.

Chair Pehrson thanked the applicant and stated the question had been answered.

Chair Pehrson stated that relative to the PRO that exists is there the ability in the language that would be created for this PRO to acknowledge that connection point and eliminate it?

Attorney Beth Saarela stated that there is a public pathways agreement in the PRO that would need a closer look to see what the process would be to terminate the public path.

Member Becker added that when the residents of Ridgewiew purchased their homes the connector pathway was there, and the subject site was zoned for I-1 Light Industrial.

Chair Pehrson suggested that the City attorney look at the PRO to see if that small path can be avoided as part of this plan. Legally, if there's already something in play that can't be taken away we will be stuck with it. Otherwise, I'd like to see that it be removed just from the standpoint of not having intrusion into the current development.

Attorney Beth Saarela stated that there may need to be a PRO amendment to the PRO which would be a significant process. There would be somebody coming in and proposing to amend the PRO plan to

eliminate a pathway connection and vacate a pathway easement which would have to go to City Council. So potentially we're looking at a process that would require them to come in for a whole process like this where they come to you for a recommendation to amend their PRO plan to eliminate the public pathway connection. The Planning Commission would make a recommendation to City Council to take that into consideration. She advised she would have to take a look at whether there was any provision in the PRO agreement or what minor amendments might have been considered in that agreement.

Chair Pehrson stated that whatever we recommend is still at the jurisdiction of the City Council to make their final recommendation one way or the other.

Attorney Beth Saarela advised an additional condition to the current motion be added for City Council consideration to modify or eliminate the proposed pathway connection to the Ridgeview subdivision.

Motion to approve JZ23-09 Novi Ten Pro was made by Member Lynch and seconded by Member Becker.

In the matter of JZ23-09 Novi-Ten PRO, with Zoning Map Amendment 18.740 motion to recommend approval to City Council to rezone the subject property from Light Industrial (I-1) and Office Service (OS-1) to Low Density Multiple Family (RM-1) and Community Business (B-2) with a Planned Rezoning Overlay Concept Plan.

- A. The recommendation includes the following ordinance deviations for consideration by the City Council, for the reasons noted:**
- 1. Building Orientation (Sec. 3.8.2.D): Deviation for proposed residential buildings to not be configured 45 degrees to the property lines since most of the buildings are not on any main road and they front to a substantial irregular shaped 20-acre wetland nature area of a minimum 200 feet wide separation across from Toll's existing multifamily Ridgeview project.**
 - 2. Side and Rear Setbacks (Sec 3.1.7.D and Sec 3.6.2.B): Deviation to reduce the side setback from 75 feet to 25 feet along the north property line for two residential buildings abutting the proposed commercial area (B-2), since screening is proposed between the residential and commercial uses.**
 - 3. Distance between Buildings (Sec 3.8.2.H): Deviation to reduce the building separation distance from the calculated formula (resulting in 31-32.72 feet required) to a distance of 30 feet between all buildings. This deviation of less than 3 feet is considered minor and enables the layout of this project to fit within the available space while minimizing wetland and woodland impacts.**
 - 4. Parking along Major Drives (Sec. 5.10): Deviation to allow for 8 perpendicular parking spaces on a major drive, since the spaces provide for visitor parking.**
 - 5. Major Drive Radius (Sec. 5.10): Deviation from the ordinance requirement for a minimum centerline radius of 100 feet, to allow the 85-foot radius shown at the western curve. The reduced radius does not impede the fire truck access route, and may serve to slow traffic speeds, creating a safer roadway.**
 - 6. Landscape Berms (Section 5.5.3.A.ii): A Zoning Ordinance deviation is requested to not provide a 10 to 15-foot-high landscape berm on a proposed RM-1 district adjacent to an I-1 district. The berm would be unnecessary in this case as the adjacent I-1 area is east of the existing natural features and the railroad tracks and would likely result in greater wetland and woodland impacts, as well as fill in the floodplain.**
 - 7. Right-of-Way Landscaping (Section 5.5.3.B.ii): A deviation for the lack the required street trees and berm along 10 Mile Road due to underground utilities. The required trees are to be provided elsewhere. This deviation is supported due to the utility conflicts.**
 - 8. Adjacent to Public Rights-of-Way – Berm/Wall (Zoning Sec. 5.5.3.B.ii, iii): The required 3-foot-tall berm is not proposed, however an alternative brick screening wall 3-feet in height is proposed.**
 - 9. Building Foundation Landscaping (Zoning Sec 5.5.3.D): None of the commercial**

buildings meet the requirements for building foundation landscaping along the front side and allow the planter landscaping to count toward foundation requirements. However, Buildings A, C and D are only slightly deficient, so the waiver is supported. The applicant states Building B landscaping will be increased to lessen the deviation or eliminate it.

10. **Section 9 Waiver (Section 5.15):** Proposed elevations for residential buildings have an underage of minimum required brick on all rear and some front facades (26-27% proposed, 30% minimum required) and an overage of Asphalt shingles (56% front side, 50% maximum allowed). As the deviations are minor and do not adversely affect the aesthetic quality of the facades, the waiver is supported.
 11. **Opposite-Side Driveway Spacing Waiver (Code of Ordinances, 11.216.d.1.d & e.):** The Design and Construction Standards indicate a minimum of 150 feet is required between a new driveway and an existing “downstream” driveway. The proposed driveways are 105 feet and 118 feet. *The applicant indicates they have RCOC approval of the proposed driveway locations, however the City would also need to approve a waiver from its standards.*
 12. **Color Spectrum Management (Sec. 5.7.3.F):** A recent amendment to the Zoning Ordinance has a requirement that light fixtures shall not have a Correlated Color Temperature (CCT) greater than 3000 Kelvin (K). The photometric sheets show light fixtures measuring 4000K, *since the level still represents a warm tone that is pleasing to the eye rather than a cool or unnaturally bright light.*
- B. If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement:
1. *The complete east portion adjacent to the railroad tracks and the south 50-foot-wide strip along the wetland of the proposed PRO (15.87 acres of the 27.07 RM-1 rezoning) being retained as a natural area with a conservation easement to preserve its existing marshland and wildlife. This natural area, with wetlands, wraps around the PRO and includes on the west end a proposed new 0.4-acre park/playground located between the proposed residential and retail sites. The proposed trail system, with its overlooks near the Novi Athletic Club is to be a usable and accessible community resource.”* This is a benefit to both residents and the environment to have additional natural resources preserved in perpetuity.
 2. *“To help achieve walkability and connectivity of the entire area, a trail system is being added which consists of new crushed limestone paths, overlooks, and existing sidewalks. This walkway system provides connectivity between surrounding existing residential areas and new proposed PRO residential area with all the marshland nature areas, the proposed pocket park, the Novi Athletic Club, Ice Arena, and Dog Park, and with the new proposed local (retail) along Ten Mile Road. The retail consists of the new proposed retail and restaurant areas, and the existing Walgreen’s and dental office. New walkways and bike paths wind through the natural area, overlook 15.87 acre wildlife area and connect this PRO development to the recreation areas: The \$3.2 million dollars worth of Novi 10 land previously donated to the city, initiated by Novi request (18 acres of land): For the Novi Arena Facility and the Novi Dog Park.”* This is a benefit as future residents as well as the general public will have access to a pleasant area for walking that connects various community amenities. The City would prefer the pathway to be concrete rather than crushed limestone. Subject to the Planning Commission’s recommendation to the City Council for consideration to modify or eliminate the proposed pathway connection to the Ridgeview subdivision.
 3. *“Two pocket parks are added: One added at the trail head on 10 Mile Road at the north end of the new conservation area. The second is on the west end of the trail townhouses to include playground equipment.”* This is a benefit as future residents as well as the general public will have access to the pocket parks and trails. The applicant states the trailhead area will be dedicated to the City. It remains unclear if they will be providing amenities and responsible for maintaining it. There are no details currently provided. If this is to be a benefit, the size and details of the benefit will need to be

clarified and be included in the PRO Agreement.

4. *"A planted plaza over 20 feet deep, with benches and other amenities is proposed to be continuous along the storefronts of the new local retail area including a variety of planter sizes and types with a variety of trees and flowers."* This goes beyond what the ordinance requires and is considered an enhancement of the project area that could be used by any customers of the retail area.
5. *Proposed use restrictions not permitting certain automotive and other business uses in the proposed B-2 commercial zoning (Sec. 3.1.12.B & C) are to be part of the PRO. Not permitted uses are:*
 - a. *Vehicle Oriented Uses: gas/fueling station,*
 - b. *Other excluded uses: Check cashing, Pawn shop, Hotel/motel (Marijuana sales already not permitted in the City of Novi will also be excluded by the PRO documents in case the city's law is changed to allow it in the future.)*

This is an enhancement of the property as the City can be assured that the future tenants of the property will not include certain less desirable uses, and is more restrictive than the ordinance requires.

6. *EV Charging Stations will be located at each of the commercial buildings (8 indicated in total). Outlets for 240-volt EV chargers will be provided in each townhouse garage. This is an amenity that goes beyond what the ordinance requires.*
7. *The amount of open space provided for the RM-1 townhouses exceeds ordinance requirements. This is a benefit as future residents as well as the general public will have access to the trails and trailhead area.*
8. *Commercial Building Setbacks:*
 - a. *Front: 40 feet required....101 feet provided*
 - b. *Rear: 30 feet required....74 feet provided*
 - c. *Side: 30 feet required.....88 feet provided*
9. *Residential Building Heights will be limited to 29 feet, which is more limiting than the 35 feet permitted. This is a benefit as the buildings will be less obtrusive than the 35-foot otherwise permitted.*
10. *Commercial Building height will be limited to 23 feet, which is more limiting than the 30 feet permitted. This is a benefit as the buildings will be lower profile than the 30-foot otherwise permitted.*
11. *Maximum Residential Lot Coverage of 25% is permitted, 14% is proposed. This is a benefit as more permeable surface will be preserved, which allows stormwater to permeate, and more green space is available.*
12. *The development standards of the RM-1 District require a minimum rear yard setback of 75 feet. The applicant proposes a greater setback of 100 feet minimum along the south side. This benefits the neighborhood to the south as buildings are further away than the ordinance requires, with less of the existing trees to be cleared.*
13. *In the RM-1 District, a development of 3-bedroom units can have up to 5.4 dwelling units per acre. This development proposes 4.5 dwelling units per acre. This is 17% more limiting than otherwise permitted in the district.*
14. *As noted in the façade review, the commercial buildings significantly exceed the 30% minimum requirement for brick on nearly all elevations. This represents an enhancement of the project area beyond what the ordinance requires.*
15. *The applicant states they will off-set their impacts on 10 Mile Road by constructing the following improvements:*
 - a. *Widen eastbound 10 Mile Road to two through lanes, ending with a right-turn deceleration lane at the site's easternmost residential driveway.*
 - b. *Widen westbound 10 Mile Road to two through lanes west from the 3rd site driveway to help provide additional capacity for outbound site traffic.*
 - c. *Extend the center left-turn lane along 10 Mile Road from where it currently ends at Catherine Industrial Road to service all commercial driveways.*

As noted in the Engineering Review letter, these improvements may require the acquisition of Right of Way on the north side of 10 Mile Road, and the approval of those property owners, as well as the approval of the design by the RCOC.

- C. This motion is made because the proposed zoning districts are a reasonable alternative to the OS-1 and I-1 Districts and fulfills the intent of the Master Plan for Land Use, and because:
1. The plan results in the preservation of a large area of woodland, wetland, and floodplain, which benefits the overall environment and community members,
 2. The development supports various goals of the 2016 Master Plan for Land Use, including:
 - a. Provide residential developments that support healthy lifestyles. Ensure the provision of neighborhood open space within residential developments.
 - b. Safe housing and neighborhoods. Enhance the City of Novi's identity as an attractive community in which to live by maintaining structurally safe and attractive housing choices and safe neighborhoods.
 - c. Maintain existing housing stock and related infrastructure.
 - d. Provide a wide range of housing options. Attract new residents to the City by providing a full range of quality housing opportunities that meet the housing needs of all demographic groups including but not limited to singles, couples, first time home buyers, families and the elderly.
 - e. Maintain quality architecture and design throughout the City.
 - f. Protect and maintain the City's woodlands, wetlands, water features, and open space.
 - g. Increase recreational opportunities in the City.
 - h. Provide and maintain adequate transportation facilities for the City's needs. Address vehicular and non-motorized transportation facilities.
 - i. Ensure compatibility between residential and non-residential developments.
 3. The detriments to the City from the commercial and multiple family development as proposed are mitigated through the preservation of woodland and wetland areas, and the proposed improvements to 10 Mile Road. The conditions proposed would result in an overall enhancement of the area that may not be achieved in the absence of the PRO Agreement.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL OF JZ23-09 NOVI-TEN PRO, WITH ZONING MAP AMENDMENT 18.740 TO CITY COUNCIL TO REZONE THE SUBJECT PROPERTY FROM LIGHT INDUSTRIAL (I-1) AND OFFICE SERVICE (OS-1) TO LOW DENSITY MULTIPLE FAMILY (RM-1) AND COMMUNITY BUSINESS (B-2) WITH A PLANNED REZONING OVERLAY CONCEPT PLAN. Motion carried 4-1 (Roney).

3. JSP23-33 SHEETZ

Public hearing at the request of Skilken Gold for Preliminary Site Plan, Wetland Permit, Woodland Permit, and Stormwater Management Plan. The subject property is zoned B-3 General Business and is located in Section 13, west of Haggerty Road and south of Twelve Mile Road. The applicant is proposing to demolish the existing gas station on the site to redevelop with a new gas station/convenience store.

Senior Planner Bell stated the site is located on the southwest corner Haggerty Road and Twelve Mile Road in Section 13. The site currently operates as a BP gas station. The Shelter Bay Animal hospital is to the west, a medical office building to the north, and an undeveloped parcel to the south. Across Haggerty Road, in the City of Farmington Hills, is an office building.

The site is zoned B-3 General Business, and the surrounding area is zoned OST (Office Service) and B-3 (General Business). To the east in Farmington Hills is zoned for Office Research. The Future Land Use map indicates Community Commercial for the subject property and those to the west. The rest of the surrounding area is planned for Office Research Development and Technology. The subject property has regulated wetlands and woodlands along the south side of the property, which are connected to a larger system of off-site forested wetlands.

As indicated on the site plan, the applicant is proposing to demolish the existing BP gas station redevelop

the site with a new Sheetz gas station and convenience store. Access to the site will remain from the driveway on Twelve Mile, and the current driveway on Haggerty will be shifted southward. Stormwater is proposed to be managed by an underground system located east of the building.

The developed area of the site will be enlarged and the existing wetland and woodland areas will be impacted. While the original plan submitted had 0.63 acre of wetland impact requiring about 1 acre of mitigation, staff has worked with the applicant to reduce wetland impacts to approximately ½ an acre, which requires 0.82 acre of mitigation. The applicant has worked out an arrangement with a nearby property owner to the south to construct the required mitigation there.

At the time of our last review, the applicant was not showing the full amount of required mitigation – they were short by about 0.15 acre. However, as indicated in their response letter they will be able to achieve the full mitigation required by revising their plan. The mitigation area and the forested area around it are proposed to be protected by a Conservation Easement – a total of 4.2 acres in size. The total number of woodland tree removals is approximately 93 trees, which includes both on-site and off-site removals.

As for the Preliminary Site Plan, the proposal mostly complies with the requirements of the Zoning Ordinance. However, the applicant is requesting waivers related to landscaping requirements. There were several landscaping waivers that were proposed, some of which were not supported. The applicant states they will be able to address the unsupported waivers in the Final Site Plan submittal, and only request approval of the 3 supported waivers in their response letter. The requested waivers are listed in your motion sheet. They will also apply to the ZBA for a Variance for the loading zone location in the front yard, which is necessary to service the underground fuel tanks.

With the applicant's indication they will comply with the items mentioned, all reviewers can now recommend approval.

The Planning Commission is asked tonight to hold the public hearing and approve or deny the Preliminary Site Plan, Wetland Permit, Woodland Permit and Stormwater Management Plan. Representing the project tonight are attorney David Landry and Alexander Siwicki from Sheetz. Staff and our environmental consultant are available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

David Landry, on behalf of the applicant Sheetz, asked the Planning Commission for Preliminary Site Plan approval, Wetland and Woodland Permits, and Stormwater Management approval. The property is zoned B-3, General Business. Its current use is a BP gas station.

Sheetz is proposing to raze the building and replace it with a Sheetz gas station and convenience store. In addition to the property being zoned B-3, there's a special consent judgment on this property, called the three-party agreement, entered in 1991, between this property and what used to be a Cookers restaurant and ultimately a Ruby Tuesday restaurant. As a part of this, the City got some right of way, BP got the ability to build a gas station, and Cookers got the ability to construct a restaurant. What is proposed is within that agreement.

Sheetz is proposing to replace the current gas station not only from the ground up but from below the ground. They are removing the 30-year-old underground storage tanks and replacing them with new ones.

This is an approximately \$10 million investment that will add jobs. Some jobs will merely be replaced from those at the existing gas station, others will be added.

Mr. Landry indicated it had been a bit challenging because of the wetlands. Concerns have been worked out through several plan iterations and they were finally able to acquire enough land to meet the wetland ordinance for wetland mitigation. They meet the requirements for a Woodland permit, and Sheetz has offered to put 4.23 acres into a conservation easement. Sheetz does realize they have to go to the ZBA for one variance.

Mr. Alex Siwicki from Sheetz gave some information about Sheetz. It was started in 1952 by Bob Sheetz. It was a single location and over 70 years later, there are now 760 locations, all still family owned and operated by the Sheets family, no stores are franchised.

Mr. Siwicki explained that Sheetz is a restaurant, convenience store, and gas station combination. They have a full kitchen, Sheetz brothers' coffee bar, and a made-to-order food program. There are 1.8 million different combinations of food from the Sheetz kitchens. Sheetz has a touch screen ordering system.

Sheetz has four-sided architecture and high-quality materials and takes a lot of pride in how their buildings look, not only from conception but in their lifetime. Sheetz is a very horizontally-integrated business, so they do a lot of things themselves, including maintenance. We have hundreds of maintenance personnel that service our stores across our company.

As Mr. Landry mentioned, this is a \$10 million investment. Most of that investment is spent locally. All the engineering work is spent locally. The location will also have 30 to 35 jobs. Full-time jobs are the preference based on employee availability. Sheetz also does a lot of donations, including donations to food banks every single week from every single location. Donations are also provided to local schools and other organizations. They partner with Special Olympics at every level, national, state and local. They have some of our own charities, such as Sheetz for the Kids.

Sheetz job-related benefits are second to none, medical, dental, vision, paid time off, parental leave, 401K bonuses, and tuition reimbursement. For nine years in a row Fortune magazine has named Sheetz as one of the top 100 companies in the country to work for. This year Sheetz is also very proud because when you segment those hundred companies into their categories, Sheetz is actually the second-best company in the entire country to work for in the retail segment.

Mr. Siwicki shared computerized renderings and photos with the Planning Commission

Chair Pehrson stated that this is a public hearing and invited members of the audience who wished to address the Planning Commission to come forward. Seeing no one, Chair Pehrson confirmed there was no correspondence received, and closed the public hearing. The matter was turned over to the Planning Commission for consideration.

Member Lynch stated that the project looks good and offered a motion.

Motion to approve the JSP23-33 Sheetz Preliminary Site Plan made by Member Lynch and seconded by Member Roney.

Member Becker thanked the applicant for working with planning staff to resolve prior issues. He became a Sheetz fan the first time he had to drive out to Long Island from Michigan and drove through Pennsylvania. The store at Dubois, Pennsylvania is a must stop. He appreciates everything about how Sheetz does gas stations and convenience stores.

Member Dismondy stated the project looks great.

Member Roney thanked the applicant for bringing Sheetz to Novi. He has not been to a Sheetz location, but his wife has and she appreciates it coming to the City.

Chair Pehrson appreciates Sheetz donations and community involvement and suggested that the applicant consider partnering with the Novi Rotary or the Good Fellows programs.

In the matter of Sheetz JSP23-33, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Landscaping waiver from Section 5.5.3.B.ii-iii to allow a continuous hedge in lieu of a berm along 12 Mile Road, as the intent of the ordinance is achieved, which is hereby granted.
- b. Landscape waiver from Section 5.5.3.B.ii-iii for the deficiency in street trees along Haggerty Road due to utility conflicts, which is hereby granted.
- c. Landscape waiver from Section 5.5.3.D to allow 25% of the building foundation landscaping to be located away from the building, as the intent of the ordinance is achieved, which is hereby granted.
- d. Approval of variances to be requested from the Zoning Board of Appeals as follows:
 - i. Loading zone located in the front yard due to the location of the fuel tanks needing to be near the fuel pumps.
- e. 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 Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO APPROVE THE JSP23-33 SHEETZ PRELIMINARY SITE PLAN MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY. Motion carried 5-0.

Motion to approve the JSP23-33 Sheetz Wetland Permit made by Member Lynch and seconded by Member Roney.

In the matter of Sheetz JSP23-33, motion to approve the Wetland Permit based on and subject to the following:

- a. The size of the off-site mitigation area shall be adjusted to fulfill the requirements for mitigation under the Code of Ordinances as shown in the plan dated 9/25/24.
- b. Mitigation areas and the adjacent wetland and woodland areas shall be protected in a 4.23-acre 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 ON MOTION TO APPROVE THE JSP23-33 SHEETZ WETLAND PERMIT MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY. Motion carried 5-0.

Motion to approve the JSP23-33 Sheetz Woodland Permit made by Member Lynch and seconded by Member Roney.

In the matter of Sheetz JSP23-33, 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 ON MOTION TO APPROVE THE JSP23-33 SHEETZ WOODLAND PERMIT MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY. *Motion carried 5-0.*

Motion to approve the JSP23-33 Sheetz Stormwater Management Plan made by Member Lynch and seconded by Member Roney.

In the matter of Sheetz JSP23-33, 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 it is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO APPROVE THE JSP23-33 SHEETZ STORMWATER MANAGEMENT PLAN MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY. *Motion carried 5-0.*

4. 21111 MEADOWBROOK ROAD WOODLAND PERMIT PWD24-0024

Public hearing at the request of Barima Opong-Owusu, for a Woodland Use Permit for 21111 Meadowbrook Road. The site is located west of Meadowbrook Road, and north of Eight Mile Road in Section 35 of the city. The applicant is asking for a delay in the implementation of the standards of Woodland Section 37-9 which calls for immediate woodland replacement or payment into the tree fund for trees that were negatively impacted by the encroachments into the critical root zones of the woodland trees.

Planner Dan Commer spoke on the proposed woodland use permit as requested by the applicant for 21 regulated woodland trees that were impacted in the process of building a single-family home located at 21111 Meadowbrook Road. The site is located west of Meadowbrook Road, and north of Eight Mile Road, is zoned R-2, and has a single-family future land use.

The City's Woodland Consultant reviewed the request and prepared a review letter dated July 22, 2024. Based on the plans provided, and a post-inspection review conducted by the City's Landscape Architect, the applicant is requesting relief from the standards of Section 37-9 (b) that prohibits work within the critical-root-zone of any tree, including placement of soil or construction material in those areas. Inspections revealed encroachment on the critical-root-zone of 21 regulated woodland trees within an area mapped as city-regulated woodland. Replacement calculations require 31 replacement credits.

The applicant is asking for a delay in the implementation of the standards of Woodland Section 37-9 which calls for immediate woodland replacement or payment into the tree fund for trees that were negatively impacted by the encroachments into the critical root zones of the woodland trees. The City's Woodland consultant and Landscape Architect are unable to predict the severity of the impact on trees immediately, but their best judgment indicates that the impacts to the remaining woodland trees were severe. This type of encroachment to the root zone is likely to negatively impact the health of the trees, and it sometimes takes years for the trees to show signs of damage.

Previously, the applicant suggested that it was his desire to place a financial guarantee with the City for the impacted trees until the impacts could truly be determined, instead of paying into the tree fund or replacing the trees immediately. The applicant's proposed solution is for the City to release 75% of the

existing bond and hold 25% until a subsequent inspection is conducted in 2 years. The ordinance does not currently allow that change.

Staff is recommending that the Planning Commission approve the Woodland Use Permit, subject to the applicant paying all associated fees and bonds as required by the City's ordinance. A suggested motion is provided in the memo. The applicant is here to tonight and is available to answer any questions. Staff and the City's is available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Barima Opong-Owusu stated that starting off, he had 66 credits for what he took down to build the house. So, in total he replaced 44 of those credits and paid the rest into the City Tree fund. An additional 31 credits were added around the perimeter. Mr. Opong-Owusu shared some pictures of the property.

The applicant explained that he talked to Landscape Architect Rick Meader and throughout his inspection Rick mentioned that the staff is bound by the requirements of the ordinance. The majority of the trees, as Rick stated, were black locust trees which were deemed undesirable trees. Also, the consultant had a second opinion after Rick's review. Merjent's representative stated that the remaining trees, black locust trees, not associated with the driveway construction, appeared to be growing normally. That's why Mr. Opong-Owusu is hoping to get a waiver.

Attorney Saarela clarified that the only approval the Planning Commission can make is to grant or deny the woodland permit for the additional trees impacted during construction. Any Ordinance deviation for payment of the bonds, if the permit was granted here, would need to be requested from City Council.

Chair Pehrson stated that this is a public hearing and invited members of the audience who wished to address the Planning Commission to come forward.

Liz Vertin of 41449 Mission Lane came forward and stated that the new house is gorgeous. It was landscaped quickly, and there are lots of original trees remaining. She lives very close by, and she and several of the neighbors have the exact same feeling about several other homes that are in great contrast to this home. The house at 41380 Eight Mile Road, on the corner of Meadowbrook, has been under construction for years. It's gorgeous, but it's had a cyclone fence, and there has been a black tarp and porta potty on site for years. The home at 20785 Meadowbrook, for years was not landscaped. She said that she did not care that much but pointed out that it was finally landscaped.

Ms. Verlin continued by saying that the home at 21157 Meadowbrook did not contact the city and completely cleared the front yard of all the vegetation. There were probably at least 20 trees that should have been tagged. The front yard remains dirt today, looking horribly, and she has no idea what's going to be done. Ms. Verlin stated that if it wasn't for this issue, she wouldn't have said anything about those other three homes. Ms. Vertin stated that she is perplexed by all of this and stated that she thinks the homeowner who removed the trees is not paying for those removals. The aerial views show that this property had trees. So, if you don't contact the city, you don't have to pay anything. If you try and follow the rules you get fined. Ms. Vertin hopes that the other properties will be addressed as equally vigilantly as this request.

Seeing no one else, and confirming there was no correspondence received, Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for consideration.

Member Lynch stated he has no issue with the applicant's request for deviation from bond payment and feels it is reasonable; however, he does not have the authority to waive that section of the Ordinance.

That request has to go to City Council.

Member Becker stated he loved watching this property being developed. It does stand out and he agrees with the comments made by the previous resident who spoke. As Member Lynch stated, Mr. Opong-Owusu has a legitimate request and reason to go to City Council.

Member Dismondy stated he would hope common sense prevails for the applicant in their next step.

Member Roney had no further comment.

Motion to approve Woodland Use Permit PWD24-0024 made by Member Lynch and seconded by Member Becker.

Motion to approve a Woodland Use Permit, PWD24-0024, for 21 regulated woodland trees that were impacted in the process of building a single-family home located at 21111 Meadowbrook Road, subject to the payment of all associated fees and bonds as required by the City's ordinances.

ROLL CALL VOTE ON MOTION TO APPROVE WOODLAND USE PERMIT PWD24-0024 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER. Motion carried 5-0.

MATTERS FOR CONSIDERATION

1. JSP24-07 GREAT OAKS LANDSCAPE BUILDING ADDITION

Consideration at the request of Great Oaks Landscape for Preliminary Site Plan approval. The subject property, 28025 Samuel Linden Court, is located north of Twelve Mile Road and west of West Park Drive on a 19.12 acre parcel within the I-2 General Industrial Zoning District. The applicant is proposing to construct a 1,700 square foot addition onto the existing 3,000 square foot office building.

Planner Dan Commer stated a Preliminary Site Plan and Section 9 Façade Waiver were submitted to the City's Plan and Review Center by Great Oaks Landscape to build a 1,700 square foot addition to an existing 3,000 square foot building at 28025 Samuel Linden Court. The subject property is located north of Twelve Mile Road and west of West Park Drive. Great Oaks Landscape was founded in 1981 and is a fully integrated landscape design-build company dedicated to providing complete design, installation, nursery, and maintenance services.

The current zoning of the site is I-2 General Industrial District. The I-2 General Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. In this case, the site abuts additional I-2 parcels to the north and west, I-1 Light Industrial to the south, and OST–Office, Service Technology to the east, notably Toyota Boshoku America and Emerson Numatics Corporate Campuses. The Future Land Use shows Heavy Industrial for the properties to the north and west, Industrial, Research, Development, and Technology to the south, and Office, Research, Development, and Technology to the east.

The applicant is requesting a Section 9 Façade Waiver from the Planning Commission for an overage of exposed aggregate precast (24-27% precast proposed, 0% permitted), and an overage in standing seam roof (0-60% proposed, 25% permitted). Both deviations are currently supported by staff as the exposed aggregate precast is an existing material and the standing seam roof enhances the overall design.

The Planning Commission is asked to consider approval or denial of the Preliminary Site Plan and Section 9 Façade Waiver. Representatives for the applicant are present to discuss the project and answer any

questions. Staff is also available for questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Richard Tuttle, Vice President of Great Oaks Landscape, stated he is with Gary Roberts, the owner and President of Great Oaks, Dan Roberts, Vice President of Great Oaks, and Jerry Pesik, attorney representing Great Oaks. Mr. Tuttle stated Great Oaks currently occupies about 3,000 square feet of their office, and they are requesting site plan approval to add 1,700 square feet to the rear of the building.

Gary Roberts gave background on the company. For approximately 30 years they have been evolving and growing and have enhanced many sites of within Novi. They have had some landmark projects and have helped establish a good reputation for Novi. Their current office is at maximum space for comfort and storage of products and materials. He respectfully requested approval of the application.

Chair Pehrson invited the Planning Commission to provide comments.

Member Lynch offered the following motion.

Motion to approve JSP24-07 made by Member Lynch and seconded by Member Becker.

In the matter of Great Oaks Landscape Building Addition, JSP24-07, motion to approve the Preliminary Site Plan and Section 9 Façade Waiver based on and subject to the following:

- a. Section 9 Façade Waiver for an overage of Exposed Aggregate Precast (24-27% precast proposed, 0% permitted), and an overage in Standing Seam Roof (0-60% proposed, 25% permitted).**
- b. 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 revised 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 ON MOTION TO APPROVE JSP24-07 GREAT OAKS LANDSCAPING PREMIMINARY SITE PLAN MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER. *Motion carried 5-0.*

2. APPROVAL OF THE OCTOBER 16, 2024 PLANNING COMMISSION MINUTES

Motion to approve October 16, 2024 Planning Commission Minutes made by Member Lynch and seconded by Member Becker.

Motion to approve the October 16, 2024 Planning Commission minutes.

ROLL CALL VOTE ON MOTION TO APPROVE THE OCTOBER 16, 2024 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. *Motion carried 5-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

There were no supplemental issues or training updates.

AUDIENCE PARTICIPATION

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

participation.

ADJOURNMENT

Motion to adjourn the October 30, 2024 meeting made by Member Lynch and seconded by Member Becker.

VOICE VOTE ON MOTION TO ADJOURN THE OCTOBER 30, 2024 PLANNING COMMISSION MEETING MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER. *Motion carried 5-0.*

Meeting adjourned at 10:25 PM.

*Actual language of the motion sheet subject to review.