



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**August 10, 2022 7:00 PM**

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

## CALL TO ORDER

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

## ROLL CALL

Present: Member Avdoulos, Member Becker, Member Dismondy, Chair Pehrson, Member Roney, Member Verma

Absent – Excused: Member Lynch

Staff: Barbara McBeth, City Planner; Tom Schultz, City Attorney; Christian Carroll, Planner; Madeleine Daniels, Planner; James Hill, Planner; Ben Peacock, Planning Assistant

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Motion made by Member Avdoulos and seconded by Member Verma.

## VOICE VOTE TO APPROVE THE AUGUST 10, 2022 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

**Motion to approve the August 10, 2022 Planning Commission Agenda. Motion carried 6-0.**

## AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward.

Mike Duchesneau, 1191 South Lake Drive, said I'd like to mention that last week the Municipal Broadband Committee met on August 4<sup>th</sup>. The city likely has the video of the meeting on their website, and I would suggest anyone interested watch it. There was a good summary of broadband and what it means to Novi. They also discussed broadband being a public utility, which might lead to a change in ordinance and development standards.

Seeing that nobody else wished to participate, Chair Pehrson closed the first public participation.

## **CORRESPONDENCE**

There was not any correspondence.

## **COMMITTEE REPORTS**

### **1. MASTER PLAN STEERING COMMITTEE: VISIT TO FISHERS AND CARMEL, INDIANA**

City Planner McBeth said in your packet, we've included some information from the last Master Plan Steering Committee meeting regarding the visit several of the committee members made to Fishers and Carmel, Indiana. Our planner James Hill has a brief presentation to share with you all.

Planner Hill said about a month ago, several of the staff, consultants, and Member Verma took this trip to Indiana to look at development initiatives that have taken place there. It also served as an opportunity to see what could be implemented here in Novi, as both Carmel and Fishers resemble the city demography and layout similarly. Both cities are suburbs of Indianapolis, have a population right around 100,000 residents, and have experienced rapid development over the last ten years. They visited three distinct districts in these cities: The Fishers District and the Nickel Plate District in Fishers and the Arts and Design District in Carmel. The Nickel Plate and Arts and Design District highlighted a pedestrian friendly atmosphere and mixed-use development. The Fishers District was more auto oriented. Branding of the districts was also noticed by staff and consultants; for example, the Nickel Plate District had branded manholes and flags throughout the area. Amenities, such as splash pads and bike parking, were scattered throughout. As Novi continues to develop its Master Plan, staff and consultants agree that aspects of these municipalities should be considered.

Member Becker said in Novi, we've had two recent developments and one that was recently approved that were described as urban developments rather than suburban developments. In many cases, this included little setback from roadways and parking in the rear of the site rather than front. Has Fishers or Carmel engaged in those types of developments?

Planner Hill said particularly in the districts that they visited, the development is dense with less setback space between the road and buildings. It is likely that the planners for those cities would classify those developments as urban.

City Planner McBeth said we did see developments mixed with some other uses; some of the buildings were mixed-use standing alone while others were the denser, three-story developments with smaller setbacks and parking behind or underneath the building.

Member Avdoulos asked do you know if the cities help guide any of these developments toward uses that they want, or do they rely more on their Master Plans?

City Planner McBeth said we did not have the chance to speak with people from the communities about that. However, there is a decent amount of literature on these cities that shows there was quite a bit of collaboration, particularly when they signed a major tenant.

Chair Pehrson asked did these cities have the same type of Master Plan Steering Committees, and what do their Master Plans look like overall compared to the City of Novi's Master Plan?

City Planner McBeth said it seems that they might be around 10 years ahead of Novi in terms of what they've accomplished. Their plan from 10 years ago has been implemented over the last 6 to 8 years, and it is coming together. Some areas are not redeveloped, but there are plans for how those areas could be redeveloped. It seems that they are nearing completion of certain things, but they also remain focused on other areas that could be developed for different uses.

## **CITY PLANNER REPORT**

City Planner McBeth had nothing further to report.

## **CONSENT AGENDA - REMOVALS AND APPROVALS**

There were not any consent agenda items.

## **PUBLIC HEARINGS**

### **1. 22609 MONTEBELLO COURT, PBR20-0272**

Public Hearing at the request of Cristopher Naida for consideration of a Woodland Use Permit at 22609 Montebello Court. This property is also known as Lot 16 in Montebello Estates, which is located north of Nine Mile Road and west of Novi Road in Section 27 of the City. The applicant is requesting the removal of eight regulated woodland trees in order to receive approval of final grade for a single-family residential lot.

Planner Carroll said before you tonight is a proposed woodland use permit, as requested by the applicant Cristopher Nadia, to receive approval of 8 regulated woodland trees that have been removed from 22609 Montebello Court. Approval of the Woodland Use Permit would allow the applicant to receive approval of final grade from the City's Landscape Architect. The site is located north of Nine Mile Road and west of Novi Road. It is zoned R-3, and it has a single-family future land use. The Planning Commission initially reviewed the plans for Montebello Estates in 2016 and approved a Woodland Use Permit for the development.

Planner Carroll continued to say looking at the plot plan, the City's Environmental Consultant reviewed the request and prepared a review letter dated July 12, 2022. The letter states that the applicant has removed 8 trees, all of which are regulated woodland trees, from a section of City Regulated Woodland; the trees range in size from 9 to 16 inches diameter at breast height. These removals require 12 Woodland Replacement Credits, with a total of 10 replacement credits proposed to be planted on the site. The Environmental Consultant's review letter provides a detailed count and explanation of the required replacements. The homeowner plans to pay any remaining replacement credits into the City Tree Fund for the trees that they cannot fit on-site. The proposed removals are not located within any recorded conservation or preservation easements that abut or encroach onto the property. It should also be noted that a minimum of one replacement tree should be planted in the woodland conservation easement – this is listed in the landscape letter and is based upon the final grade inspection.

Planner Carroll concluded by saying staff suggests that the Planning Commission approve the Woodland Use Permit. A suggested motion is provided in the memo. Cristopher Nadia, the homeowner, is here tonight and is available to answer any questions. Staff is available to answer any questions as well.

Chair Pehrson invited the applicant to address the Planning Commission, but the applicant did not have anything further to add.

Chair Pehrson invited members of the audience who wished to participate in the public hearing to approach the podium. Seeing that nobody wished to speak, and that there were no public hearing responses, Chair Pehrson closed the public hearing and turned it over the Planning Commission for consideration.

Member Becker said in 2016, the Planning Commission approved a woodland use permit for this plot of land. Did that permit specifically include the preservation of these 8 trees?

Planner Carroll said no it did not. Those trees were within the regulated woodland area and

were shown to be kept at the time, but they weren't in any conservation easement. Nevertheless, they were not proposed to be removed.

Member Becker asked when the Planning Commission approved the 2016 permit, did the City enter an agreement with the developer?

Planner Carroll said yes.

Member Becker asked do we leave it up to the developer to make sure that future owners of the property understand what is allowed?

Planner Carroll said that is correct, but it depends on the situation. Sometimes, trees are impacted by grading work and need to be removed – that is typically handled by the developer. In other cases, the homeowner may remove the trees to put in a deck or pool, for example.

Member Becker said it seems that there is no method of communication to convey that there are certain things that cannot be done with certain trees just because you own the property.

Planner Carroll said when a developer submits a plot plan to develop a lot, they're also required to submit a survey showing the trees that exist on the lot. When the city reviews it, it should still show the same number of trees that were shown with the original development.

Member Becker said this still seems very loosely handled; if we are going to have these permits, it seems that we should have policies in place to enforce them.

Motion made by Member Avdoulos and seconded by Member Dismondy.

**Motion to approve Woodland Use Permit, PBR20-0272, for the removal of eight regulated woodland trees within an area mapped as City Regulated Woodland on Lot 16 of Montebello Estates for the construction of a single-family residence. The approval is subject to on-site tree replacements to the extent possible and payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as listed in the Environmental Consultant's review letter.**

**ROLL CALL VOTE TO APPROVE WOODLAND USE PERMIT PBR20-0272 MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.**

**Motion to approve Woodland Use Permit PBR20-0272. Motion carried 6-0.**

**2. 47755 CASA LOMA COURT, PWD22-0009**

Public Hearing at the request of Ryan Schrieber for consideration of a Woodland Use Permit at 47755 Casa Loma Court. This property is also known as Lot 5 in Casa Loma, which is located north of Eight Mile Road and west of Beck Road in Section 32 of the City. The applicant is requesting the removal of nineteen regulated woodland trees in order to plant alternative landscape plantings.

Planner Carroll said this is another woodland use permit at a different site: 47755 Casa Loma Court. The applicant, Ryan Schrieber, is requesting to remove 19 regulated woodland trees to plant alternative landscape plantings. The site is located north of Eight Mile Road and west of Beck Road. It is zoned RA and has a single-family future land use. The site is in Casa Loma, which was initially approved by the Planning Commission in 2015.

Planner Carroll went on to say looking at the plot plan, the City's Environmental Consultant

reviewed the request and prepared a review letter dated July 13, 2022. The letter states that the applicant is proposing to remove 20 trees, all of which are regulated, and they range in size from 9 to 37 inches diameter at breast height. The applicant is no longer requesting to remove Tree 422, which is a 24-inch regulated tree that would require three replacement credits. The plot plan has been updated to reflect this. Therefore, the applicant is proposing to remove 19 regulated woodland trees and 43 Woodland Replacement Credits would be required. The Environmental Consultant's review letter provides a detailed count and explanation of the required replacements. The homeowner plans to replace the trees with landscaping and pay the replacement credits into the City Tree Fund. The only proposed replacements are three dogwoods located on the front portion of the property that account for three replacement credits. The proposed removals are not located within any recorded conservation or preservation easements that abut or encroach onto the property.

Planner Carroll concluded by saying staff suggests that the Planning Commission approve the Woodland Use Permit. A suggested motion is provided in the memo. Ryan Schrieber, the homeowner, is here to tonight and is available to answer any questions. Staff is also available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission

Ryan Schrieber, the applicant, said regarding the payment of any tree replacement credits, 18 of the 19 trees were identified to have construction damage. There were funds allocated by the developer to receive the certificate of occupancy last October. Based on that, I have been in discussion with the developer, and they have agreed to split the cost with me halfway.

Chair Pehrson invited members of the audience who wished to participate in the public hearing to approach the podium. Seeing that nobody wished to speak, Chair Pehrson mentioned the correspondence received for this public hearing.

Chair Pehrson said Vanessa Konja of 47685 Casa Loma Court is in support; Ronald Bush of 21565 Beck Road is in support; the petitioner also submitted correspondence noting his support.

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

Member Becker said the letter from Davy Resource Group says 15 of the 20 trees included were previously identified by the City as having root damage due to construction grading. Does that mean the proper protection was not provided for the trees during grading, or was this inevitable construction damage.

City Planner McBeth said typically, the tree protection fencing must go up before the start of construction, and it must be maintained throughout the course of construction. Sometimes the fencing gets displaced and leads to tree damage. I don't think it is unusual that some damage happens, but the City does what we can to protect the trees.

Member Becker said to me, the trees are already damaged, and we have no option but to say it is okay for the homeowner to cut them down. The city needs to enact some oversight to ensure that trees that should remain on the site are not damaged beyond repair.

Member Roney said I share Member Becker's concerns, but I am glad to hear that the developer is willing to step-up and help with the payment.

Motion made by Member Avdoulos and seconded by Member Dismondy.

**Motion to approve Woodland Use Permit, PWD22-0009, for the removal of nineteen regulated woodland trees within an area mapped as City Regulated Woodland on Lot 5 of Casa Loma for the planting of alternative landscape plantings. The approval is subject to on-site tree replacements to the extent possible and payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as listed in the Environmental Consultant's review letter.**

**ROLL CALL VOTE TO APPROVE WOODLAND USE PERMIT PWD22-0009 MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.**

**Motion to approve Woodland Use Permit PWD22-0009. Motion carried 6-0.**

## **MATTERS FOR CONSIDERATION**

### **1. FOUNTAIN VIEW PROFESSIONAL CENTER JSP19-22**

Approval of the request by Aquira Reality Holdings for a Revised Preliminary Site Plan and a Section 9 Façade waiver. The subject property contains 5.45 acres and is located in Section 10, on the east side of Dixon Road, north of Twelve Mile Road. The applicant is proposing to modify the façade of Building A, which is proposed to be a total of 13,300 square feet and one-story in height.

Planner Carroll said this is Fountain View Professional Center; it came before the Planning Commission on June 9<sup>th</sup> of 2021. The applicant is here to request approval of a revised Preliminary Site Plan and Section 9 Façade Waiver for Building A, which is currently under construction. Building A is located on the southern portion of the site, east of Dixon Road and north of Twelve Mile Road. The site is zoned OS-1, Office Service District. Building A was initially granted a Section 9 Façade Waiver that allowed for an overage of EIFS because brick was added to all elevations to closely match the requirements of the façade ordinance. In lieu of that brick, the applicant is now seeking to a Section 9 Façade Waiver for an overage of Burnished CMU installed in a running bond pattern. The City's Façade Consultant is of the opinion that the applicant has introduced an equal amount of stone in lieu of the brick, which meets the intent of the ordinance. Therefore, staff recommends approval of the Section 9 Façade Waiver and Revised Preliminary Site Plan for Fountain View Professional Center. Representing the project tonight is Joe Schimizzi, Owner and Developer of the project. Staff is available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission, but the applicant did not have anything further to add at that time.

Chair Pehrson turned it over the Planning Commission for consideration, but none of the Members had any concerns.

Motion made by Member Avdoulos and seconded by Member Roney.

**In the matter of Fountain View Professional Center, JSP19-22, motion to approve the Revised Preliminary Site Plan and Section 9 Façade Waiver based on and subject to the following:**

- a. Section 9 Façade Waiver for an overage of Burnished CMU on Building A installed in a running bond pattern in lieu of brick because it meets the intent of the ordinance, which is hereby granted;**
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those being addressed on the Final Site Plan.**

**ROLL CALL VOTE TO APPROVE THE REVISED PRELIMINARY SITE PLAN AND SECTION 9 FAÇADE WAIVER FOR JSP19-22 FOUNTAIN VIEW PROFESSIONAL CENTER MADE BY MEMBER AVDOULOS AND**

**SECONDED BY MEMBER RONEY.**

**Motion to approve the revised Preliminary Site Plan and Section 9 Façade Waiver for JSP19-22 Fountain View Professional Center. Motion carried 6-0.**

**2. BRECKENRIDGE PLAZA JF22-01 – SECTION 9 WAIVER**

Approval of the request of Big Rock Commercial Construction for a Section 9 Façade waiver for Breckenridge Plaza exterior remodel. The subject parcel is located in Section 35, east of Novi Road north of Eight Mile Road. It is zoned B-3, General Business. The existing building was constructed in 1987, prior to the adoption of the Façade Ordinance. The applicant proposes to update the building facade to replace the existing primary material with newer brick and stone, fiber cement panels, and flat metal canopies.

Planner Daniels said this site is home to an existing multi-tenant commercial building located in Section 35, east of Novi Road north of Eight Mile and South of Nine Mile Road. It is zoned B-3, General Business, and the Future Land Use Map indicates local commercial. The building was constructed in the late 1980s, prior to the adoption of the Façade Ordinance. The applicant is proposing to update the building facade to incorporate newer brick and stone, fiber cement panels, and flat metal canopies. The changes to the façade are not permitted unless a Section 9 Façade Waiver is granted. The waiver would allow 8 percent of brick, which is below the minimum requirement of 30 percent, and 32 percent of fiber cement panels, which is above the maximum limit of 25 percent permitted on a front façade. The City's Façade Consultant has reviewed the proposal and noted that because the proposed combination of masonry would exceed the minimum requirement of 30 percent, it is consistent with the intent and purpose of the Façade Ordinance. Therefore, staff recommends approval of the Section 9 Façade Waiver. Representing the project tonight is Raad Samona, developer for the project. Staff is also available to answer any questions.

Member Becker mentioned that he hopes more buildings from the 1980s or older get renovations similar to this one.

Member Roney acknowledged his appreciation for the investment in Novi.

Motion made by Member Avdoulos and seconded by Member Dismondy.

**In the matter of the request of Big Rock Commercial Construction, for Breckenridge Plaza JF22-01, motion to approve a Section 9 Façade Waiver to allow an underage of brick (30% required, 8% proposed) and an overage of Fiber Cement Panels (25% maximum allowed, 32% proposed) because the proposed combination of brick and stone exceeds the minimum requirement of 30% which is consistent with the intent and purpose of the Façade Ordinance.**

**ROLL CALL VOTE TO APPROVE THE SECTION 9 FAÇADE WAIVER FOR JF22-01 BRECKENRIDGE PLAZA MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.**

**Motion to approve the Section 9 Façade Waiver for JF22-01 Breckenridge Plaza. Motion carried 6-0.**

**3. APPROVAL OF THE JULY 13, 2022 PLANNING COMMISSION MINUTES**

Motion made by Member Verma and seconded by Member Dismondy.

**ROLL CALL VOTE TO APPROVE THE JULY 13, 2022 PLANNING COMMISSION MINUTES MADE BY MEMBER VERMA AND SECONDED BY MEMBER DISMONDY.**

**Motion to approve the July 13, 2022 Planning Commission Meeting Minutes. Motion carried 6-0.**

### **CONSENT AGENDA REMOVALS FOR COMMISSION ACTION**

There were not any consent agenda items.

### **SUPPLEMENTAL ISSUES/TRAINING UPDATES**

Chair Pehrson said regarding the construction going on at Old Novi Road near the Linhart/Wainwright area, I had the opportunity to meet with several residents. I did not know the answer to a question they asked, so I figured I would bring it up here. After construction like what has been done in that area, have there been any lessons learned, any outreach, or any survey given to residents?

City Planner McBeth said we try to communicate with the residents throughout the process via the construction team. We don't usually do anything to follow up beyond that, but we could certainly look into trying something if the Commission would like to see that.

Chair Pehrson said I think if we could learn from that and put a survey forward in the future for similar developments it would be beneficial. We could possibly have an itemized list of 10 things that the residents could rank in order of personal importance.

Member Avdoulos said communication is the biggest key. A similar construction situation occurred near my house several years back. At first, they were closing part of the road and people had to backtrack 4 miles just to get into the neighborhood. This also affected school bus and mail truck routes. If people could be notified more efficiently about construction closures, resident would likely be more content with the work going on around their homes.

Member Verma said while we are on the topic of construction issues, I wanted to again bring up the damage that has been done to some trees during the construction process. When the construction is occurring, does anyone go to the site to ensure the developer is acting according to code?

City Planner McBeth said our Environmental Consultant will go out to look to make sure everything is in place, as well as our building inspectors.

Member Verma said it is extremely surprising that 19 of 20 trees were damaged during construction for the 47755 Casa Loma lot. I could understand 1 or 2 being damaged, but all trees destroyed save one is unacceptable. This leads me to believe nobody went out to the site for 6 months to make sure the developer was doing things the correct way.

City Planner McBeth said we can look at that particular situation to see what happened and why so many trees were damaged. However, I think in most situations, there is good compliance with required tree fencing and inspections, but accidents happen sometimes.

### **AUDIENCE PARTICIPATION**

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the final audience participation to come forward.

Mike Duchesneau, 1191 South Lake Drive, said as far as what I have seen with construction, subdivisions being built cannot handle the stormwater load and deliver it to the basins or ponds due to silt sack requirements. Much of the flooding that occurred near Old Novi Road during construction probably could have been avoided if water flow had not been so restricted. There might need to be larger openings for stormwater during construction.

Seeing that nobody else wished to participate, Chair Pehrson closed the final public participation.

**ADJOURNMENT**

Motion to adjourn made by Member Becker.

**VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER BECKER.**

***Motion to adjourn the August 10, 2022 Planning Commission Meeting. Motion carried 6-0.***

The meeting adjourned at 7:44 PM.