



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

April 13, 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 Becker, Member Dismondy, Chair Pehrson, Member Roney

Absent Excused: Member Avdoulos, Member Lynch, Member Verma

Staff: Barbara McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Rick Meader, Landscape Architect; Humna Anjum, Plan Review Engineer; Ben Peacock, Planning Assistant; Emily Hansen, Environmental Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion made by Member Roney and seconded by Member Dismondy.

VOICE VOTE TO APPROVE THE APRIL 13, 2022 PLANNING COMMISSION AGENDA MOVED BY MEMBER RONEY AND SECONDED BY MEMBER DISMONDY.

Motion to approve the April 13, 2022 Planning Commission Agenda. Motion carried 4-0.

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

CORRESPONDENCE

1. INTENT TO START MASTER PLAN FOR LAND USE REVIEW

City Planner McBeth said we've included a notice in your packets tonight that is going to be sent out to neighboring communities and utility companies regarding the start of our Master Plan for Land Use review. We have identified around 35 agencies to send this notice to.

COMMITTEE REPORTS

1. MASTER PLAN STEERING COMMITTEE MINUTES FROM MARCH 30, 2022

City Planner McBeth said the Master Plan Steering Committee had its kick-off meeting on March 30. It was well-attended by the committee members. That meeting mostly served the purpose of going over the process for the review and update, including some of the expectations that our consultant has. The community engagement aspect was discussed quite extensively; housing, natural features, and redevelopment areas were all briefly discussed, and we are looking forward to discussing them more at our future meetings. We will be having a meeting about once a month for the next six or seven months. Member Dismondy is on the Committee, as well as Member Avdoulos and Member Verma.

Member Dismondy mentioned that there is a website for residents to visit if they are interested, and they are welcome to attend the meetings.

CITY PLANNER REPORT

City Planner McBeth had nothing to report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There were not any consent agenda items.

PUBLIC HEARINGS

1. COVINGTON ESTATES RUD JSP21-47

Public hearing at the request of Toll Brothers LLC for recommendation to City Council for approval of a Residential Unit Development (RUD) Plan. The subject property is located in Section 31 north of Eight Mile and west of Garfield in the RA, Residential Acreage District. The applicant is proposing a Residential Unit Development (RUD) on a 54.3-acre parcel to construct 44 single-family residential units.

Senior Planner Bell said the subject property is located on the north side of 8 Mile Road, west of Garfield Road in Section 31 of the City of Novi. The property totals 54.3 acres. The current zoning of the property is RA, Residential Acreage, with the same to the north, east and west. The properties to the south across 8 Mile Road are in Northville Township and are zoned R-2 Single Family Residential. There is a small day care facility directly opposite on 8 Mile, but most of the area to the south is Maybury State Park. The future land use designation and surrounding properties on north, east and west is single family. The site has a small portion of regulated wetlands along the northwestern area and some regulated woodlands surrounding it. The remainder of the site is open farmland.

Senior Planner Bell elaborated that it has been a little while since the Planning Commission has reviewed an RUD Concept Plan, so she briefly described the intent and process for this optional form of development. The Residential Unit Development is intended to allow development flexibility of various types of residential dwelling units, such as one-family and attached one-family cluster. It is also the intent of the RUD option to permit permanent preservation of valuable open land, fragile natural resources and rural community character that would be lost under conventional development. This is accomplished by permitting flexible lot sizes in accordance with open land preservation credits when the residential developments are in a substantial open land setting, and through the consideration of relaxation of area, bulk, yard, dimensional and other zoning ordinance standards. Tonight, the Planning Commission is considering a recommendation to City Council on the applicant's RUD Concept Plan. The next step would be for City Council would review the request and Planning Commission's recommendation. If they decide to approve it, an RUD Agreement would be drawn up that would accompany the RUD Concept Plan to describe the terms of development, including any deviations and conditions – similar to a Planned Rezoning Overlay (PRO) Agreement. Following approval of the RUD

Agreement by City Council, the applicant would then begin the Site Plan approval process. If the project continues forward, you would be seeing this again for the Preliminary Site Plan stage. The findings to consider with the RUD are listed in the suggested motion in your packet.

Senior Planner Bell continued to say the applicant is proposing a 44-unit single-family Residential Unit Development with access off 8 Mile Road. The overall density is 0.8 dwelling units per acre, which is the maximum permitted in the Residential Acreage district. The lot sizes vary from $\frac{1}{2}$ acre to a little over 1 acre. The smaller lot widths, area and setbacks are consistent with R-1 district standards, which City Council can approve in RUDs in order to achieve greater open space preservation. The plan indicates 44% of the site will be maintained as open space, including the existing wetland and woodland areas – no impacts to those natural features are proposed in this plan. The applicant states the open space will be owned and maintained by the Homeowners Association and indicated for preservation in the Master Deed documents. An Open Space Preservation easement to the City is also requested. A 0.9-mile trail is proposed around the stormwater retention basins and through the open space area in the north to the Garfield Road frontage. A landscape buffer is shown in the northern area to provide a buffer to the existing Deer Run neighborhood to the north. A secondary emergency access road is proposed along the eastern side of the property that will connect to the emergency access stub in the Ballantyne RUD development, which is under construction. Another road stub will be provided to the western lot line to offer a connection if that parcel develops in the future.

Senior Planner Bell concluded by saying staff has identified deviations for not providing a stub street at 1300 feet intervals along property line and blocks greater than 1,400 square feet, which are supported because the locations of the emergency access and stub roads are logically placed given available access points to surrounding developments. One unit is placed within 65 feet of the exterior lot line rather than the required 75 feet, which is unit 13. This deviation was not included in your original packet, but it is listed in the revised printed motion sheet in front of you. There is also a landscape deviation requested for the absence of the required berm along Garfield Road, which is supported because the proposed homes are very far from that frontage. All reviews are recommending approval, with additional comments to be addressed in the Site Plan process. The Planning Commission is asked today to hold the public hearing and consider making a recommendation to City Council. The applicant Scott Hansen with Toll Brothers is here with his team, including Engineers Mark Crider and Matt Bush, to discuss the project and answer any questions. Staff and our consultants are also available for questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Scott Hansen, Senior Land Development Manager with Toll Brothers, said Toll Brothers started in 1967. We entered the Novi and Michigan market in 1999. We have been building in the City ever since. One of the most impressive things we've accomplished in Novi is that we've built over 1,000 new homes in the community. Just to put these 1,000 units in perspective, we've built around 3,500 new homes in Michigan overall, meaning that about one third of these homes are in Novi. We are excited to continue building in the community. In terms of the site plan, we're complying with the underlying density. The RUD option allows flexibility with this site plan to provide the buffers around the property and maintain the open space. Along the east property line, we are providing a 25-foot buffer from rear lot line to east property line. I think the most impressive one is the 193-foot buffer we are allowed to maintain along the north property line. For our neighbors near the southeast portion of the site, we are providing a 70-foot buffer. We really feel that this development is consistent with all the development along 8 Mile Road. We think the largest public benefit of this project is the water and sewer extension along 8 Mile Road. Currently, it ends just west of Garfield along the frontage of Ballantyne; we plan to extend that water and sewer all the way to our west property line. That will give access to the three single family homes on 8 Mile in that area to public water and sewer. With that extension, we plan to provide stub-outs so those residents can make easier connections if they choose to. We

have added a pavilion to the walking trail as well as benches. We have seen across the country that a walking trail is an amenity that residents now look for in new communities. We are anticipating first and second time move-up buyers in these homes in addition to multi-generational households. We are excited about the multi-generational aspect because it allows residents with aging parents to be closer to home while still having their own space.

Chair Pehrson invited members of the audience who wished to participate in the public hearing to approach the podium.

Adam Beattie, 49730 Eight Mile Road, said I live on the property to the southeast corner of this site. My family is looking forward to the development – hopefully it will bring more kids to the area for our children. We have only lived here for about six months, but during the Ballantyne construction there were a few incidents with DTE. We'd just like to ask that the DTE guidelines are followed – we have had a couple power surges that caused emergency shut offs. As far as utilities are concerned, we are currently on well, so I will be interested in those stub-outs when they become available. I had a question about the grading of the site because is essentially a large, flat field, and my house is built up off that; we just want to make sure that none of these new houses will be going up around 20 feet in grade. From what I could tell on the map, it does not appear they will.

Seeing that nobody else wished to speak, Chair Pehrson acknowledged the correspondence received from the public on this item: Kimberly Samulak, 49721 Deer Run, objects; Mr. Beattie, who just spoke, and his wife Stephanie; Paul and Eve Ryznar, 49601 Deer Run, could not make the meeting, but they object as well.

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

Member Becker said one of the letters from the community discussed a retaining pond to be constructed near 8 Mile, but I did not see anything on the map.

Senior Planner Bell said I believe this was the wife of the gentleman who just spoke, but they had originally looked at a plan that was proposed in 2016 from a different developer and different plan. The stormwater pond for this development is located away from 8 Mile.

Member Becker said the interesting part I see is the requested deviation for not providing a stub street to the subdivision boundary along the north perimeter. It does not seem like a stub street would be useful there because we did not require Deer Run to put in a stub street on their south perimeter, so there isn't a road to connect to. Therefore, it is a variance that we essentially must approve. I also noticed that there is some sort of a pathway between lots 30 and 31. The notes say it is a 15-foot path with grass pavers, but elsewhere it says it is a 40-foot emergency access easement. It seems like this path would align with a stub street that the Ballantyne development is planning to put in adjacent to it. My question is: are grass pavers going to be suitable for emergency equipment?

Senior Planner Bell said yes, we have seen these installed in other developments, and it allows a more pervious pavement. The fire department does review that to make sure it can hold the 35-ton weight. This was done at Terra as well, and it might also be what Ballantyne is using for their connection.

Member Becker asked since that is an emergency access, do they also need another access because of the 1,300-foot requirement, and thus a waiver? Or does the access to the east satisfy multiple accesses.

Senior Planner Bell said the fire department really only requires the secondary access. However, the Design and Construction Standards state they must be installed in 1,300-foot intervals. Therefore, this is typically granted a variance because it is often not logical or possible to achieve access points at that interval.

Member Becker said looking at the safety issue, who knows how long it will take before that property to the west is developed. Since there is no stub street possible to the north, then we have a property that only has one access until Ballantyne is completed. That's why I wanted to be sure that the one satisfies the requirement.

Member Dismondy asked if staff knew how this development compared to Ballantyne in terms of density.

Senior Planner Bell said I think it is the same – they were also at 0.8 units per acre.

Member Dismondy also expressed his appreciation for the extension of the water and sewer lines beyond what is required.

Member Roney said I have no concerns; Member Becker covered the question I had about the pond.

Motion made by Member Roney and seconded by Member Dismondy.

In the matter of Covington Estates, JSP21-47, motion to recommend approval of the Residential Unit Development (RUD) Plan subject to and based on the following findings and conditions:

- a. The Site is appropriate for the proposed use, as the density proposed does not exceed that allowed under the RA Zoning District and is consistent with the Master Plan for Land Use;
- b. The development will not have detrimental effects on adjacent properties and the community, as the use proposed is consistent with the surrounding land uses;
- c. The applicant has clearly demonstrated a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings, as the existing regulated wetland and woodland areas on the site will not be disturbed;
- e. The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;
- f. Relative to other feasible uses of the site:
 1. All applicable provisions of Section 3.29.8.B of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;
 2. Adequate areas have been set aside for all walkways and recreation areas, parking areas and other open spaces and areas to be used by residents of the development and the Planning Commission is satisfied that the applicant states they will permanently protect these areas as open space in the Master Deed and an Open Space Preservation Easement;
 3. Traffic circulation features within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
 4. The proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;

5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
 6. The RUD will provide for the preservation and creation of open space and result in minimal impacts to provided open space and natural features;
 7. The RUD will be compatible with adjacent and neighboring, existing and master planned land uses;
 8. The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the RUD;
 9. There will not be an increase in the total number of dwelling units over that which would occur with a conventional residential development;
 10. The proposed reductions in lot sizes are the minimum necessary to preserve and create open space, to provide for park sites, and to ensure compatibility with adjacent and neighboring land uses;
 11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and will add to the City tax base;
 12. The Planning Commission is satisfied that the applicant will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
 13. The Planning Commission is satisfied that the applicant will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
 14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. City Council modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet as the requested modification will result in preserving and creating open space and recreational area as noted in Section 3.29.8.B.x of the Zoning Ordinance, and the RUD will provide a genuine variety of lot sizes;
 - h. City Council reduction of permitted building setbacks to R-1 development standards consistent with the proposed reduction in lot size and width;
 - i. City Council variance from Section 3.29.2 to permit one unit on the west side of the property to be located up to 65 feet from the peripheral property line rather than the 75 feet required.
 - j. Landscape waiver from Section 5.5.3.B.ii requirement of a landscaped berm along Garfield Road, as there are no proposed buildings near this area requiring screening;
 - k. City Council variance from Appendix C Section 4.04(A) (1) of City of Novi Code for not providing a stub street to the subdivision boundary along subdivision perimeter at 1300-foot intervals, as two access points are provided in suitable locations;
 - l. City Council variance from Section 11-194(a)(7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access route, as two access points are provided in suitable locations;
 - m. 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 in the Final Site Plan.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF THE RUD PLAN FOR JSP21-47 COVINGTON ESTATES TO CITY COUNCIL MOVED BY MEMBER RONEY AND SECONDED BY MEMBER DISMONDY.

Motion to recommend approval of the RUD plan for JSP21-47 Covington Estates to City Council. Motion carried 4-0.

2. ANCHOR PRINTING WAREHOUSE JSP22-02

Public hearing at the request of Anchor Printing for Special Land Use and Preliminary Site Plan approval. The subject property contains 9.32 acres and is located at 43043 Nine Mile Road (Section 35). The applicant is proposing to fully occupy lease space within an industrial building, remove a gazebo, and install two overhead doors for loading and storage purposes. The site abuts Knapp Cemetery, which is zoned R-1 (One-Family Residential) and requires a Special Land Use permit pursuant to Section 4.45 of the Zoning Ordinance for the proposed change in use.

Planner Carroll said this 9.32-acre site is located at 43043 Nine Mile Road, east of Novi Road and on the south side of Nine Mile Road, which is in Section 35. The lease space on the site is proposed to be fully occupied by Anchor Printing. The site is near Woodbridge Park, Shiro, Knapp Cemetery, and several industrial buildings. It is zoned I-1 Light Industrial Zoning District, and the surrounding area is mostly zoned I-1, with the exceptions being Knapp Cemetery, R-1, and Woodbridge Park on the corner, which is zoned RM-1. Per Section 4.45 of the Zoning Ordinance, a Special Land Use permit is required for the use because the site abuts a residential district – Knapp Cemetery. The Future Land Use map indicates Industrial Research Development Technology for most of the surrounding area, again, except for Knapp Cemetery and Woodbridge Park. The subject property does not contain any regulated wetlands or woodlands.

Planner Carroll continued to say looking at the site plan, this applicant is proposing to fully occupy lease space at this industrial building. Some minor changes to the site are proposed, including the removal of a gazebo on the northeast portion of the site, the addition of two overhead doors, the repairing of the façade to match the existing façade, and the addition of two end islands for parking safety. This is a special land use, so some of the conditions of the special land use requirements that the site meets are noted. Use is not anticipated to generate large volumes of traffic and it will continue to be served by public water and sewer with adequate service available. It will not impact any regulated woodlands or wetlands. It does not significantly change the character of the building and is similar to several surrounding uses. It complies with the goals of the Master Plan including supporting growth of existing businesses, and it promotes the use of land in a socially and economically desirable manner because it promotes the expansion of a business within the City. The proposed use is in harmony with the purposes of a special land use and mostly conforms to the applicable site design regulations of the I-1 Zoning District.

Planner Carroll went on to say the preliminary site plan requires two Zoning Board of Appeals variances the applicant needs to seek. They are requesting those before the ZBA if the plans are approved tonight. The first of these is the loading area is currently less than 100 feet from a residential zoning district. Currently, the proposed loading area is about 70 feet from the property line between Knapp Cemetery and this industrial site. However, staff feels that the loading area is properly screened from the cemetery and allows for safe and efficient loading and unloading for the site. The second variance needed would be for the allowance of two overhead doors on a wall of a building that faces an abutting residential zoning district. Staff feels that the overhead doors and loading dock are properly screened, the landscaping along that side of the property is not changing, and it is well covered. Any other items of this project are to be addressed on the next submittal if it were to be approved.

Planner Carroll concluded by saying the Planning Commission is asked tonight to hold the public

hearing and approve or deny the Special Land Use Permit and Preliminary Site Plan. Representing the project tonight are Andrew Weitz from Anchor Printing, and Kevin Biddson, who is the Project Architect. Staff is available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Since the applicant did not wish to address the Commission at that time, 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 was no correspondence, Chair Pehrson closed the public hearing and turned it over to the Planning Commission for consideration.

Member Dismondy said I am curious as to what prompted this agenda item. Was there a prior tenant in the building with a different use, or is it the overhead doors?

Planner Carroll said there are certain uses under the Special Land Use requirements. This is a new user of the building, so one of the conditions is for installing loading docks and overhead doors. This prompts a special land use review.

Member Dismondy asked hypothetically, if this tenant has a 5-year lease, would we see this request every 5 years if someone new came in to use the building.

Planner Carroll said it depends on the use. If it falls under special land use, then we would have to look at it.

Member Dismondy said just to be clear, the residential area that is referenced is the adjacent cemetery?

Planner Carroll confirmed that is correct.

Member Becker said I do think it is interesting that we must do a special land use because for some reason a city owned cemetery is zoned residential. The only thing I was curious about was the storage building that directly abuts the cemetery. I hope the applicant does something with that because it is in bad shape at this point.

Member Roney asked if the previous use of this building is similar to what the applicant is proposing tonight.

Planner Carroll said that he was not familiar with the previous use of the building.

Motion made by Member Becker and seconded by Member Dismondy.

In the matter of Anchor Printing Warehouse, JSP22-02, motion to approve the Special Land Use permit based on the following findings:

a. Relative to other feasible uses of the site:

- i. The proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service because the proposed use is not traffic-intensive;
- ii. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer

- service, storm water disposal and police and fire protection to service existing and planned uses in the area because the proposed use does not result in a major increase in utility usage;
- iii. The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses, and wildlife habitats because the proposed use does not impact any regulated features;
- iv. The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood because the proposed use is similar to the surrounding industrial uses;
- v. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use because the proposed use is a compatible light industrial development that provides economic value to the community;
- vi. The proposed use will promote the use of land in a socially and economically desirable manner because the proposed use promotes the expansion of a business within the City;
- vii. The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this ordinance, and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

ROLL CALL VOTE TO APPROVE THE SPECIAL LAND USE PERMIT FOR JSP22-02 ANCHOR PRINTING WAREHOUSE MOVED BY MEMBER BECKER AND SECONDED BY MEMBER DISMONDY.

**Motion to approve the Special Land Use Permit for JSP22-02 Anchor Printing Warehouse.
Motion carried 4-0.**

Motion made by Member Becker and seconded by Member Dismondy

In the matter of Anchor Printing Warehouse, JSP22-02, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. The Planning Commission finds the following conditions of Section 3.14.3 are met:
 - i. The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts;
 - ii. The intended truck delivery service can be effectively handled without long term truck parking on site;
 - iii. The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of Article 5 and the performance standards of Section 5.14;
 - iv. The storage and/or use of any volatile, flammable or other materials shall be fully identified in application and shall comply with any city ordinances regarding toxic or hazardous materials.
 - v. Compliance with the City's hazardous materials checklist is required;
- b. Zoning Board of Appeals Variance from Section 3.14.5.B.ii of the Zoning Ordinance for a loading area less than 100 feet from a residential zoning district (XX feet provided) as recommended by staff because the proposed loading area allows for safe and efficient loading/unloading and has proper screening in relation to the adjacent residentially zoned property;
- c. Zoning Board of Appeals Variance from Section 3.14.5.A of the Zoning Ordinance for the allowance of two overhead doors and a loading dock proposed on or in a wall of a building that faces an abutting residential zoning district as

- recommended by staff because the overhead doors and loading dock are properly screened and setback from the adjacent residentially zoned property;
 - d. 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 PRELIMINARY SITE PLAN FOR JSP22-02 ANCHOR PRINTING WAREHOUSE MOVED BY MEMBER BECKER AND SECONDED BY MEMBER DISMONDY.

**Motion to approve the Preliminary Site Plan for JSP22-02 Anchor Printing Warehouse.
Motion carried 4-0.**

3. 29930 BRUSH PARK COURT, PBR21-0676

Public Hearing at the request of Meridian Homes Construction, LLC for consideration of a request for a Woodland Use Permit at 29930 Brush Park Court. This property is also known as Lot 10 West Park Place Condominiums, which is located north of West Road and West of West Park Drive in Section 4 of the City. The applicant is requesting the removal of twenty-four regulated woodland trees in order to build a single-family structure on the lot.

Planner Carroll said in your packet you will find a proposed woodland use permit as requested by the applicant, Meridian Homes Construction, LLC, to remove 24 regulated woodland trees from Lot 10 of West Park Place to build a single-family residential structure. The site condos are located north of West Road and West of West Park Drive, it is zoned R-2, and it has a single-family future land use. The Planning Commission reviewed the plans for West Park Place Condominiums in 2003 and approved Woodland Permit for several of the initial lots. Lot 10 of West Park Place is one of a few vacant lots remaining in the development. As a side note, Lot 13 is also currently under review for wetlands and woodlands, so you may see that in the future.

Planner Carroll continued to say the City's Environmental consultant reviewed the request and prepared a review letter dated 2/4/22. The review letter confirms that the applicant is proposing to remove 42 trees, 24 of which are regulated woodland trees, from a section of City Regulated Woodland ranging in size from 8 to 18 inches in diameter at breast-height. 28 Woodland Replacement Credits would be required, and the Environmental Consultant's review letter provides a detailed count and explanation of the required replacements. The homeowners and developer, who are in attendance tonight, will provide clarification as to whether the trees will be replaced on-site, or payment will be made into the City Tree Fund if this permit is approved. 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. Representing the project tonight are Basil Karana from Meridian Homes Construction, LLC, and the homeowners of the proposed single-family structure. Staff and the City's Environmental Consultant are available to answer any questions.

Chair Pehrson invited the applicant to approach the Planning Commission.

Basil Karana, Meridian Homes, said I have built 7 or 8 homes in the subdivision between 2000 and 2005. We have a few vacant lots remaining, and Lot 10 is one of them. We have a building permit for this lot and one for Lot 12; Lot 7 is coming. These are three of the four lots remaining. I have the property owner with me tonight, and we are hoping for your support. Either he will replant the trees or pay into the tree fund.

Seeing that nobody wished to speak at the public hearing, Chair Pehrson acknowledged the correspondence received from the public on this item: Suat Kaya, 30184 Sterling Drive, objects; Ezio Walter Masciulli, 29839 Martell Court, objects; Noah Krugel, 30196 Sterling Drive, objects.

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

Member Becker said when we designate areas as residential through the Master Plan or by ordinance that have trees on them, the trees must come down if the property is going to be developed. Everyone residing in that area probably had to cut trees down as well. I like that the owner is going to try to keep as many trees as possible, and for the ones that he cannot keep, he will pay into the tree fund as anyone else would be required to do. Hopefully we will then be able to replace them. I think this is a very normal and appropriate request.

Motion made by Member Becker and seconded by Member Dismondy.

Motion to approve Woodland Use Permit, PBR21-0676, for the removal of twenty-four regulated woodland trees within an area mapped as City Regulated Woodland on Lot 10 of the West Park Place Condominiums 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 THE WOODLAND USE PERMIT FOR PBR21-0676 29930 BRUSH PARK COURT MOVED BY MEMBER BECKER AND SECONDED BY MEMBER DISMONDY.

**Motion to approve the Woodland Use Permit for PBR21-0676 29930 Brush Park Court.
Motion carried 4-0.**

1. CITY CENTER OFFICE PLAZA JSP21-06

Consideration of the request of City Center Office Plaza, LLC for approval of the Preliminary Site Plan and Stormwater Management Plan. The subject property contains 1.25 acres and is in Section 15, on the west side of Flint Street, south of Grand River Avenue. The applicant is proposing a three-story office building with a bank on the first floor and general office on the upper floors (15,300 square feet total). The site plan includes a two-lane drive-through for the bank use on the south side of the building.

Senior Planner Bell said the subject property is in Section 15 on the south side of Grand River Avenue, west of Flint Street and north and east of the planned Bond Street extension. The site is approximately 1.25 acres. One of the parcels is the location of the former Lee BeGole house, which is currently owned by the City. The applicant and the City intend to swap portions of properties in order to accomplish the Bond Street extension which will intersect with Grand River opposite Crescent Boulevard. To the southeast of the property is the site of The Bond project, which is a 260-unit apartment development that is anticipated to begin construction later this year. The parcel, along with those to the east, south and west, are zoned TC-1 Town Center - 1. Properties to the north across Grand River are zoned Town Center. The surrounding areas are largely developed with commercial uses with a vacant property directly across the street, and more industrial-type uses to the west. The Future land use map indicates Town Center Commercial for this and surrounding parcels, including north of Grand River. There are no regulated woodland or wetland areas present on the site. The Walled Lake Branch of the Middle Rouge River occupies the northeast corner of the site. The plan may have some impact on the 25-foot natural feature setback, which may require an Authorization for encroachment. That can be granted administratively in the Final Site Plan stage if required. The applicant is proposing

to construct 3-story building totaling 15,300 square feet. A bank use would occupy the first floor with two drive-through service lanes on the south side of the building, and the 2 upper floors would have office uses. The site would have driveway access to Grand River Avenue and the future Bond Street. The applicant has proposed 65 parking spaces. Storm water would be collected by an underground detention system installed by the City when they re-constructed Bond Street.

Senior Planner Bell continued to say the applicant requests a waiver for the location of the loading zone in the exterior side yard, which is permitted to be granted by the Planning Commission because the property will have road frontage on all 4 sides. A rear yard or interior side yard location is not possible. A same-side driveway spacing waiver is requested for the north entry drive. The applicant has indicated the Road Commission for Oakland County has reviewed and approved the plans for changes along Grand River Avenue. Landscape waivers are also requested for deficiency in greenbelt width, greenbelt canopy tree, frontage landscaping on the south side of the building, and lack of a landscape island. These waivers are supported by staff, mostly due to the presence of road frontage on all sides and the small site size. One additional landscape waiver for parking lot screening is not supported by staff unless hedges are added between the wall sections to better screen the full parking lot. The suggested motion asks the Planning Commission to choose in Item E whether to support the waiver without hedges as requested by the applicant – option 1 – or with the addition of hedges as suggested by staff – option 2. The applicant is also requesting several variances from the Zoning Board of Appeals, including for a deficiency of 5 parking spaces, which was mostly based on a previous parking count. They are now showing in their current calculations that they need 65 spots, and they have 65 spots. Variances are also requested for the smaller size of the loading zone, parking in the exterior side yards along Flint and Bond Streets, and parking setbacks on the east, west and south sides. The applicant will also require a Design & Construction variance to be approved by City Council for the lack of sidewalk on the Flint Street frontage.

Senior Planner Bell concluded by saying if the necessary waivers and variances are approved, all reviewers recommend approval. The Planning Commission is asked tonight to consider the request and approve or deny the Preliminary Site Plan and the storm water management plan. Representing the project are applicant Karl Zarbo and engineer Jason Emerine, who can tell you more about the project and answer your questions. Staff and our consultants are also available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Karl Zarbo, construction manager for this project, said with me tonight is Patricia Keros, Principal at GT Management. We also have Jason Emerine with tonight, who is our civil engineer. We believe the building elevations and materials are in good taste and meet all the standards you look for. The 65 parking spaces will be provided, and we believe that meets the intent of your ordinance. For projects like this, we typically look at parking calculations as a function of GLOA as opposed to footprints. What the basically means is that there is significant square footage devoted to the functionality of the building, and it does not have much occupancy if any at all. Therefore, we did not want to calculate parking on unoccupied area. ADA parking and landscaping are shown on the plans. There has also been conversation on the trash enclosure. We do not anticipate any large truck deliveries. That coupled with the constraints on lot size, the loading area is a bit smaller than what the ordinance requires. We have attempted to create this with four front yards, which presents challenges to functionality. The configuration of this site created some unusual challenges. We believe that the variances and waivers are the result of the joint effort to make this project work. Without these, it becomes very restrictive on this property.

Mr. Zarbo continue to say I would like to spend just a moment on the Bond Street agreement. It has been reviewed, negotiated, and agreed to by the City of Novi, and I'm not sure there is a single city department that did not touch that agreement. A great deal of hard work went into this by the City. The agreement addresses the responsibilities for such things as the phase 1 and 2 construction of the ring road, sidewalks, and grading easements. There is a conveyance parcel and a triangle conveyance parcel that went back and forth between the developer and the City of Novi. The Bond Street agreement also addresses a current proposed site plan, curb cuts, and stormwater detention responsibilities.

Mr. Zarbo went on to say I would like to take a moment to introduce you to the team because we think it brings strength and gives a background on our approach. The City Center Office Plaza will be owned and operated by GT Management, which is the Keros Family. They have a long history with the City of Novi as a quality developer. They have successfully operated restaurant and commercial properties for many years. They are active owners in this community, which I would think the City would find beneficial. The architect, Wah Yee, was selected because we believe they have a good relationship with the city and the developer. I believe our civil engineer, Jason Emerine, who is sitting with us tonight, has worked on 2 or 3 of the other projects on the agenda tonight. I have been in the construction business for about 40 years with a lot of background in the Novi area. We believe one of our strengths is that we bring a very experienced team that the city is familiar working with.

Mr. Zarbo concluded by saying you have an economic impact statement, but it is important to restate that this project will create good paying construction jobs for a period of about 12 to 18 months. However, those time frames for getting material in today's environment is hard to plan for, but the jobs will be there for a long period of time ether way. There will also be a variety of permanent positions once the building is completed. We anticipate an investment of well-north of 4 million dollars, so we think it will be a significant component to your community. I would now like to introduce Jason who would like to say a few words, and we are happy to answer any questions that you might have.

Jason Emerine, Civil Engineer with Seiber Keast Lehner, said there isn't much to add, but I will be here to answer any questions. I just would like to let you know that we do have a wealth of experience in the community. My former business partners, Cliff Seiber and Pat Keast, used to be the City of Novi engineers during the 1980s. We are the engineers on every project you all have talked about tonight. In a few weeks, I will be standing before you to talk about a Main Street development which is directly across the street. We have done so many projects in Novi that I cannot count them all. Again, I am here to answer any question you might have.

Member Becker asked, when looking at the proposed site plan, is there an existing sidewalk on the east side of Flint Street?

Senior Planner Bell confirmed that there is.

Member Becker said the fact that we aren't considering having them put in a sidewalk on the west side is due to the fact there is an existing one on the east side – I like that. Another item I wanted to address was the staff recommendation for planting hedges in between section of the screening wall around the parking lot. To me, the gaps between the two-and-a-half-foot wall are pretty small, and some of them involve sidewalks. I personally think adding hedges would be an unnecessary requirement. The last item I wanted to check on was the variance for same side driveway spacing. I see Bond Street, I see Flint Street, and I see the applicant's proposed driveway into the development. The way I read this; it is a same side driveway requirement to have 185 feet of spacing between the driveways. I think of a street as being something other than a driveway. However, I just want to be sure for the consistent application of our ordinance: should we consider a street to be a driveway?

Senior Planner Bell said the code actually uses the term 'drive-approach,' so it is any entrance and exit.

Member Dismondy asked when is Bond Street supposed to be completed?

Senior Planner Bell said I am not very familiar with the agreement they have with the city, but the site plan approval stage comes first and then the land swapping and construction timing will be implemented.

Member Dismondy then asked is there a tenant identified for the bank user?

Mr. Zarbo said we have not identified a user yet. It is obvious by the design of the building that we have a targeted uses and users. One of the things we've learned is to put the horse before the cart; we wanted to see what the comfort level was with the city and developer before we attempted to market something. The next step, assuming this proceeds, will be to focus on uses and then specifically the users.

Member Dismondy asked would we have a parking issue if it became entirely office use without a bank?

Mr. Zarbo said no, and there is an interesting trend in parking today. The concept of every square foot being occupied by someone versus working from home and/or part time seen more today is very different. The way people typically use their car has changed dramatically over the past couple years, and that is probably why some downward pressure on parking has occurred in other areas. I think that we have tried to work this as hard as we can, and I think that users should be aware of the parking limits. It would have to work on the site as you see it because there isn't much more room for flexibility on parking.

Member Dismondy asked where on the site are the hedges located as part of the variance that we have been discussing?

Senior Planner Bell said it looks like they may have some plantings in the northwest corner. On the west side there is a knee-wall in one location with the sidewalk coming through. Then there is one area located in the corner of the site and another area along the street near the trees.

Member Roney said thank you for the number of projects you have done here over the years, and I think this development will be great for the City of Novi. Member Becker addressed my one question about the sidewalk on Flint Street, but I wanted to address the hedges one last time: what is your reason for not putting in the hedges?

Mr. Zarbo said typically, we would be required to meet all your ordinances on the front yard. What we've attempted to do is have 4 front yards, but we are concerned for possible tenants that not only do we have a good-looking building and landscaping, but we also have some quality view corridors. We see differences in tree spacing across the county, but it was important for us to gain some view corridors because we think it is a good-looking building.

Chair Pehrson said I appreciate what both the applicant and the staff have done to make this project possible. This is a project where there are more waivers than there are comments in the staff review letter, which typically is an issue for the Planning Commission as a general principle. Given the shape, size, and scope of this property, you know what you are working against, so I don't think that any of these variances or waivers are out of the ordinary. However, I would be partial to option 2 of letter E in the motion sheet relative to inclusion of hedges on the site.

Motion made by Member Roney and seconded by Member Dismondy.

In the matter of City Center Office Plaza, JSP21-06, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. A waiver from Section 11-216.d.1.d of the Code of Ordinances to allow same side driveway spacing of 112 feet on Grand River Avenue where 185 feet is required, because of the small lot size and RCOC has approved the placement, which is hereby granted.
- b. A waiver from Sections 3.27.1.H and 5.4.2 to allow the loading area in the exterior side yard where rear or interior side yard placement is required, as the property will have road frontage on all four sides and screening on three sides of the area is proposed, which is hereby granted.
- c. A landscape waiver from Section 5.5.3.B to permit a reduction of the required greenbelt width along Bond and Flint Streets (10 feet proposed, 20 feet required), which is hereby granted.
- d. A landscape waiver from Section 5.5.3.B to permit a reduction of 1 canopy tree along Flint Street, as the river occupies a good portion of the greenbelt area, which is hereby granted.
- e. A landscape waiver from Section 5.5.3.B and Section 3.27.1.D to reduce the parking lot screening required, if the applicant plants hedges between the wall sections as suggested in the Landscape Review to more effectively screen the parking lot, which is hereby granted.
- f. A landscape waiver from Section 5.5.3.C for lack of landscaped island on the southwest side of the building, as the proposed sidewalk prevents enough room for a tree, which is hereby granted.
- g. A landscape waiver from Section 5.5.3.D for lack of frontage landscaping on the south side of the building, as the drive-through would conflict with planting areas, which is hereby granted.
- h. ZBA approval of the applicant's requested variances from Ordinance standards as follows:
 1. from Section 3.1.25.D to permit a parking setback reduction on the east, west and south sides (10 to 12.4 feet requested, 20 feet required);
 2. from Section 3.27.1.D to allow parking in the exterior side yard of nonresidential collector road (Flint and Bond Streets);
 3. from Section 5.2.12 to allow a reduction in the number of parking spaces required (65 spaces proposed, 70 spaces required);
 4. from Section 5.4.2 to allow the size of the loading area to be reduced (540 square feet proposed, 940 square feet required);
- i. City Council approval of a variance from Design and Construction Standards, Section 11-265, for absence of a sidewalk along the Flint Street frontage on the west side of the site.
- j. 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 PRELIMINARY SITE PLAN FOR JSP21-06 CITY CENTER OFFICE PLAZA MOVED BY MEMBER RONEY AND SECONDED BY MEMBER DISMONDY.

Motion to approve the Preliminary Site Plan for JSP21-06 City Center Office Plaza. Motion carried 4-0.

Motion made by Member Roney and seconded by Member Dismondy

In the matter of City Center Office Plaza, JSP21-06, motion to approve the Stormwater

Management Plan subject to 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 STORMWATER MANAGEMENT PLAN FOR JSP21-06 CITY CENTER OFFICE PLAZA MOVED BY MEMBER RONEY AND SECONDED BY MEMBER DISMONDY.

Motion to approve the Stormwater Management Plan for JSP21-06 City Center Office Plaza. Motion carried 4-0.

2. APPROVAL OF THE MARCH 23, 2022 PLANNING COMMISSION MINUTES

Motion made by Member Becker and seconded by Member Roney.

ROLL CALL VOTE TO APPROVE THE MARCH 23, 2022 PLANNING COMMISSION MINUTES MADE BY MEMBER BECKER AND SECONDED BY MEMBER RONEY.

Motion to approve the March 23, 2022 Planning Commission Meeting Minutes. Motion carried 4-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were not any consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

There were not any 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 that nobody wished to participate, Chair Pehrson closed the final public participation.

ADJOURNMENT

Motion to adjourn made by Member Roney.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER RONEY.

Motion to adjourn the April 13, 2022 Planning Commission Meeting. Motion carried 4-0.

The meeting adjourned at 8:09 PM.