



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

September 25, 2019 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 Gronachan, Member Lynch, Member Maday, Member Anthony, Member Ferrell

Absent: Chair Pehrson

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Thomas Schultz, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Anthony and seconded by Member Maday.

VOICE VOTE TO APPROVE THE SEPTEMBER 25, 2019 AGENDA MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER MADAY.

Motion to approve the September 25, 2019 Planning Commission Agenda. Motion carried 6-0.

AUDIENCE PARTICIPATION

Nobody in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

Planner McBeth said I just wanted to report a few items, two of which were considered and approved at the City Council Meeting this past Monday. The first one the Planning Commission had recently considered, which was the amendment to the Zoning Ordinance that would allow additional building height in the B-2 District subject to a number of restrictions. That was approved for the first reading. The second item the Council approved was the request of Cambridge of Novi for the first amendment to the previously

approved Planned Rezoning Overlay. That amendment was requested to allow greater flexibility for the construction of the individual homes in the development and alternate pavement for the sidewalks and driveways and a few other minor changes. Also, we placed on your table this evening a flyer providing information about the ITC Corridor Trail grand opening community walk which is this Saturday, September 28, 9-11:00 AM at Wildlife Woods Park. The entire community is invited to attend that. Also, one item the Planning Commission and members of the audience might be interested in hearing about is that there are two Public Hearings on the agenda tonight, Golling Maserati and Alfa Romeo and The Scenic Pines Estates. We did hear from Mr. Golling earlier today that he would not be able to attend the meeting. We will ask the Planning Commission to go ahead with the planner's presentation on this item and the Public Hearing to get comments from the public and if you choose to do so to set the decision date in a month from now which is October 30th. So that will be later in the agenda, but we just wanted to announce that in the beginning.

Chair Avdoulos said just for those that didn't hear we are going to hear the Public Hearing for Golling Maserati and allow the public to speak toward it but we're not going to vote on it. We're going to postpone that vote until October 30th.

CONSENT AGENDA - REMOVALS AND APPROVALS

1. 39500 ORCHARD HILLS PLACE JF19-04 – SECTION 9 WAIVER

Approval of the request of JFK Investment Company, LLC, for 39500 Orchard Hills Place JSP19-04 for a Section 9 waiver related to an exterior remodel. The subject parcel is located in Section 36, west of Haggerty Road north of Eight Mile Road. It is zoned OSC, Office Service Commercial. The existing building was constructed in 1986, prior to the adoption of the Façade Ordinance. The applicant proposes to update the building facades to replace the existing primary material, EIFS, with a Flat Metal Panel system.

2. CROSSPOINTE MEADOWS ACCESSORY BUILDING JSP 19-36

Approval at the request of Crosspointe Meadows Church for Preliminary Site Plan with a Section 9 waiver. The subject property is located on the eastside of Meadowbrook Road, south of Thirteen Mile Road in section 12. The primary building on the property is a Church. The applicant is proposing to build a 480 square feet storage building in the rear yard, adjacent to the existing dumpster. No other changes to the Site Plan are proposed.

Motion made by Member Lynch and seconded by Member Maday.

ROLL CALL VOTE TO APPROVE BOTH ITEMS ON THE CONSENT AGENDA MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.

Motion to approve both items on the Consent Agenda. Motion carried 6-0.

PUBLIC HEARINGS

1. GOLLING MASERATI & ALFA ROMEO JZ19-28 WITH REZONING 18.728

Public hearing at the request of Dorchen/Martin Associates for Planning Commission's recommendation to City Council for a Planned Rezoning Overlay Concept Plan associated with a Zoning Map amendment, to rezone from NCC (Non-Center Commercial) to B-3 (General Business). The subject property is approximately 5.25 acres and is located on the south side of Grand River Avenue,

west of Joseph Drive (Section 24). The applicant is proposing an automobile dealership, a permitted use in the B-3 District, with outdoor space for exclusive sale of new and used automobiles, which is a Special Land Use in the B-3 District.

Planner Komaragiri said the applicant had previously come before the Planning Commission in March with a traditional rezoning request which would have allowed the parcel to be developed with any of the uses permitted in the B-3 District if the zoning change had been approved. After hearing feedback from staff, Commission Members and the concerns raised by nearby residents, the applicant decided to pursue the PRO option in order to be able to clarify their intended development plans and limit the use that can be developed. The applicant is currently requesting a Planned Rezoning Overlay and associated Zoning Map Amendment for two parcels located South West of Grand River Avenue and Joseph Drive from NCC, Non Center Commercial, to B-3, General Business.

The site as you mentioned is in Section 24 has been the location of Glenda's Garden Center for many years which is a non-conforming use in the NCC District. As shown in the PRO Concept Plan the applicant proposed to redevelop the 5.52 acres of the property for an auto dealership with associated outside storage. The proposed dealership building would have a footprint of approximately 17,000 square feet and the parking area consists of approximately 292 spaces. The property is currently zoned Non Center Commercial which allows uses such as retail business and service uses, professional and medical offices, financial institutions, sit down restaurants, and instructional centers. Special Land Use Permits could also allow for low density multiple family or single family dwellings, day care centers, places of worship, public utility buildings, as others as permitted uses.

The current zoning of the surrounding area is I-1, Light Industrial District to the north, OS-1 Office Service District to the west, Non Center Commercial to the east, R-4 One Family Residential to the south. The Future Land Use Map identifies this property and the parcel to the east as community commercial. The parcels to the west along Grand River Avenue are planned for community office. North of Grand River Avenue is planned for Industrial Research Development and Technology and the south is planned for Single Family Residential uses. In this area for Grand River there are professional offices, small retail strip centers, sit down restaurants, and an office complex. Single family residential homes are located to the south of the property.

The proposed concept plan requires a couple of deviations that were identified in our review letters. The first one is along the southern property line. The ordinance requires a six to eight foot berm or wall as a buffer between residential and commercial uses, as well as landscaping to achieve 80% opacity in winter and 90% opacity in summer. The applicant has proposed to retain the three to five foot buffer and many of the existing trees. The tree survey submitted by the applicant indicates all the trees in this area are in fair or poor condition with significant vine growth. In the response letter, the applicant has indicated they will supplement landscaping with evergreen trees as well as large sub-canopy shrubs to provide the required screening as well as clear the vines. Staff is still concerned that the trees are in poor condition should be removed in order to make way for new healthy trees that will be more effective to providing a visual and noise barrier to the adjacent residential area.

Planner Komaragiri continued to say the applicant requests deviations to allow overhead doors to face the major thoroughfare Grand River Avenue and a residential district to the south with the justification that the doors will only be opened for entering and exiting

vehicles and will otherwise remain closed. Staff does not object to this deviation provided that the buffer requirements are met or exceeded. A deviation to allow a reduction in same side driveway spacing is required. It is supported as it allows efficient circulation around the site without a curb cut onto Joseph Drive, which was a major concern for the nearby residents. The curb cut along Joseph Drive was removed and was relocated to Grand River Avenue which would require the waiver because it is too close to Joseph Drive.

The applicant had requested deviations for absence of twelve raised islands in the parking area. In their response letter, several islands had been modified to be proper raised islands but the deviations are still requested for several missing end islands. As you can see in the landscape plan, the plan proposed for a few islands to be painted, but the applicant provided a revised plan where he indicated raised islands, but staff still has concerns about the areas indicated on the plan and we've asked the applicant to reconsider those locations and provide a revised plan.

There are no designated woodlands or wetlands on the property. Landscape review is currently not recommending approval due to number of deviations required from the landscape ordinance. The applicant has stated some of these will be reduced by providing additional landscape islands.

Engineering review found that there are adequate public utilities to serve the parcel and the impacts from B-3 uses are expected to be the same as potential NCC uses. The engineering design manual permits underground detention facilities for storm water collection to be utilized on developed parcels that are proposed to be redeveloped as is the case with this property. This determination was revised from the original review and the revised letter recommending approval was included with your packet.

Traffic consultants have reviewed the anticipated traffic generation from the proposed use and found the impacts are expected to be less compared to what could be developed under the existing zoning. The applicant has submitted public benefits being offered to meet the objective of the benefits including eliminating a non-conforming use reducing the number of vehicle trips generated and providing additional landscaping areas along the east and south side yards. Staff feels these are fairly minor in nature and could be achieved under alternate development scenarios.

We would encourage the applicant to consider other ways the deviations sought could be offset with the provision of more significant community enhancements. Staff and consultants are mostly recommending approval of the concept plan although staff recommends approval of the plan to move forward, we still have concerns about certain details of the plan as noted which will need to be worked out. This request for postponement by the applicant provides an opportunity for the staff to keep working with the applicant to address those concerns and come back to Planning Commission with more clarity in October. Tonight the Planning Commission is asked to hold the scheduled public hearing and postpone making the recommendation to City Council to the October 30th meeting. Thank you.

Chair Avdoulos said this is a public hearing. The public has an opportunity to make any remarks related to this particular project. You have three minutes per person. If you do have something to say please approach the podium and if you could, address the Planning Commission, not the audience. We'll take in all the comments; everybody will hear everything as indicated. We won't be making any kind of recommendation until the

next Planning Commission Meeting.

Raju Ramaswamy, 24730 Bethany Way, said I am a resident of Willowbrook Farms Subdivision and a member of the home owner's association board. I'm also one of the immediately impacted residents south of the proposed rezoning area. As I mentioned in the last meeting too, I am not really against the progress of development in the Grand River Avenue Corridor and am certainly thankful to the City Planning Commission for recommending the applicant to use a Rezoning Overlay Concept Plan. We as residents of Willowbrook Farms Subdivision expect some sort of landscaping and buffering requirements on the south side of the property. Based on the resubmitted proposal from the dealership, I'm a bit surprised they're not offering any improvements on the buffering. This raises a lot of concerns and contributes to be one of the most important factors that impacts the residents on the south side. My request to the Planning Commission is to reconsider the buffering requirements or make sure the dealership provides adequate buffering. I would like to see at least a minimum of a six to eight foot wall. I did hear that there will be some trees to be planted, taking care of the older trees now, but it will take quite a few years for the trees to grow to sufficient height to cut down the noise and light pollution.

Andrew Phillips, 24710 Bethany Way, said I live right behind the planned development. I agree with my neighbor Raj. I have significant concerns about the buffering of the property between residential and B-3 usage. The trees there now are more than 90% in poor condition. You can easily see through to the existing property. In the last meeting there were a number of improvements I would have loved to see in the plan. The one I really cannot fall back on is the addition of a wall between my property and the property behind us. That's something I personally as a resident could not feel comfortable about with the approving of this particular project not only now but for the future of what could be there after the FCA lease is up. I couldn't help but think that the number of deviations that are being requested on this leads to be the best use for this piece of land.

John Waack, 24841 Joseph Drive, said I'm the first house right behind the proposed dealership on Joseph Drive on the west side. I have a number of concerns. Some improvements have been made since the last meeting, but to me there are too many deviations to let this plan move forward. My concerns regard the lighting and the storm water management plan. I don't understand how it will work going underground. There's a huge retention pond that's used now by Glenda's and I would like to show you a couple pictures, if I could. The pictures show the top of the berm, and the retention pond that's currently there; this was about fifteen years ago. I don't see how the current plan will prevent some water issues that are not limited to just this situation, but I have seen it worse. There are more pictures of Joseph Street and how our street looks after we have a decent rain. We already have plenty of water. Some driveways fill right to the edge of where cars get parked. I don't see how the plan is going to work in this current situation. The other problem with that is when they make changes.

Mr. Waack continued, there are a couple new curb cuts, the one is really close to Joseph Drive and I'm not sure that's such a great idea. There's a future building expansion noted on the plan, we can't comment on that because we really don't know what that means. I would like to say the Master Plan at one point said NCC Zoning was not be any type of automotive buildings, it's changed now, it does not say that, but it used to. Needless to say, when it comes down to it this development is using up four of the five acres and will be cemented over. There's hardly any green space left and it doesn't seem to fit the mold of living here in Novi. I don't think any of the residents have been talked to about

adding a berm or wall to the back of the property. I guess I'll end with, I hate to keep coming here and then it gets postponed, I really don't understand why we're here talking about this when in two weeks or a month maybe some of these things will change and we'll have to go over them again. I would like the process to not be so fractured, but I appreciate your time, thank you.

Nisha Curran, 24801 Joseph Drive, said I'm against the rezoning and I don't think we need another car dealership especially around the residential areas. It's a nice area, I like the greenery. With the car dealership right near the residents there will be 24 hour lights, traffic, and noise by our small street. I don't like the idea of test cars coming down the street when we have a lot of people that are disabled. There are a lot of open properties that they can put a car dealership on, just not at Glenda's. We like the greenery and we like the nature. It seems to be its becoming over developed here in Novi, its pretty sad, that's what I liked about it. I'm hoping this does not go through but thank you for listening and thank you for your time.

Richard Reising, 24750 Joseph, said John sort of stimulated some thought here when he showed the pictures of the water retention pond and the drainage problems we've had along Joseph Drive. Joseph Drive, whether you realize it or not, is a chip seal road and right now it looks beautiful because they just resurfaced it a couple of weeks ago, but typically it is under constant repair. The City says they cannot do anything about it because of the drainage both at the north and at the south ends. I would also like to point out we have wells and septic tanks and I don't know what this underground water retention tank is but it seems like someone better do some sort of environmental study. We don't want our septic tanks and wells interfered with by a structure underground.

Chair Avdoulos said, seeing no one else from the audience wishing to speak, I'm going to ask Member Lynch to review the written responses.

Member Lynch said I'm going to go through the written responses and I will summarize them. We have an objection from Jean Reising, 24750 Joseph, she is primarily concerned about the noise. Another objection from Richard Reising, 24750 Joseph, he is worried about property values. Another objection from Victor Diponio, 24729 Joseph, concerned about rezoning, which will lead to my question after this. An objection from Rekha Hariram, 24826 Joseph, says there's an empty dealership within a mile, they could put it there. Objection from Helen Lear, 24730 Joseph, she has property value concerns. Objection from Jacob Lee, 41033 Scarborough, concerns about noise and greenery, specifically the evergreens on the western border. Lastly, from John Waack, 24841 Joseph, an objection, in summary, concerns about the lighting plan, storm water management, berm, landscaping outside of the property.

Member Lynch confirmed this project is a PRO and not a straight rezoning.

Chair Avdoulos closed the public hearing and asked if we have a motion to postpone this to the October 30th meeting?

Motion made by Member Anthony and seconded by Member Gronachan.

ROLL CALL VOTE TO POSTPONE RECOMMENDATION TO CITY COUNCIL MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER GRONACHAN.

Motion to postpone recommendation to City Council to the October 30th Planning

Commission meeting. Motion carried 6-0.

2. SCENIC PINES ESTATES JSP 18-76

Public hearing at the request of Singh Development for Preliminary Site Plan With One-Family clustering Option, Site Condominium, Special Land Use, Wetland Permit, Woodland Permit and Stormwater Management Plan Approval. The subject properties are approximately 9.44 acres and are located south of South Lake Drive and south side of Pembine Drive (Section 3). The applicant is proposing to utilize the One-family Cluster Option to develop a site condominium with 25 single family detached homes.

Planner Komaragiri said the subject property is currently zoned R-4 and surrounded by R-4 on all sides with RA to the south. The Future Land Use Map identifies this property and the surrounding properties as single family use and a public park to the south for the area shown in green on the map. The applicant is proposing to combine three existing parcels for this development. The site is predominantly undeveloped. However, it does contain two single family homes which are proposed to be demolished. The properties to the West are developed with single family homes and there are some vacant parcels of land to the West. To the North are also single family homes that are within the Lakewood Subdivision. To the Northwest is the Lilley Pond Subdivision. To the East are the South Pointe Condominiums. To the South is vacant land which is part of the City's Lakeshore Park.

The site frontage spans the entire length of Pembine Street. There is no outlet from the side. All existing single family homes to the North are all legal non-conforming with smaller lot frontages and setbacks. Buffington Drive, Henning Drive, and Pembine Street are public roads with a width of eighteen to twenty-one feet with a fifty foot wide right-of-way. They are paved with chip seal pavement and are not planned for asphalt.

The site is surrounded by and has a significant amount of regulated wetlands and woodlands. Our Zoning Ordinance provides a one-family clustering option for similar sites as an alternate development option. The intent of that section is to allow flexibility in single family developments where conventional developments would destroy the unique environmental significance of the site. This option does not allow additional density, but does allow relief in certain developments standards such as setbacks and yard requirements. To be able to use this option, the applicant has to preserve a minimum of 50% natural features to qualify. The current plan proposes to preserve about 53%.

Just a little bit of background, Planning Commission has approved a Preliminary Site Plan for a similar development on this property in 2003, subject to a number of conditions. The current layout is similar and is also using the same option with a slightly different road layout. The applicant has referred to that Site Plan approval and a couple of locations in their response letter. However, the current review is independent from that approval. Staff did recommend some conditions that were a part of their approval which are still applicable at this time. I wanted to share this slide which gives a brief overview of existing site conditions and the proposed impacts before we get into other details. As you can see on the slide, the area highlighted in the blue boundaries are the existing regulated wetlands and everything south of the green line shown on the map is all regulated woodlands on site. The applicant is proposing to clear the woodlands within the shaded area in green shown on the map to propose the twenty-five unit development. The wetland impacts are in the area shown in dark green on the map and the wetland buffer

impacts are in the area shown in red on the map. The impact shown on the map is mainly because of the bridge that is proposed. All the other impacts are because of the grading for the new units. The plan proposes about 0.07 acres of wetland impacts and 0.129 acres of buffer impacts as part of them are temporary. Currently, they are proposing about 219 trees to be removed within the green shaded area on the map. That would require about 438 replacement woodland credits and only seventy-four are proposed to be replaced on site.

The applicant has performed soil boring tests at twelve different locations. The soil type mostly includes clay type with layers of sand. Storm water is proposed to be detained on site with an above ground storm water pond in the North West corner and an underground retention pond south of Pristine Lane (proposed street name). Approximately 2.15 acres of the northern portion of the development will drain to the on-site detention basin and about 1.7 will drain to the underground retention to the south. Engineering staff had some concerns originally that the ground water elevation may be within three feet from the bottom of the underground detention unit however, after reviewing the soil borings and meeting with the applicant and discussing in detail, we are at a comfort level where they are recommending approval with some conditions. The plans that are in the packet are good enough for a level of detail for Preliminary Site Plan, but we will continue monitoring the piezometer readings where requested near the underground detention to be provided with each future Site Plan submittal.

The landscape review notes two landscape waivers that would be required. One of which is completely supported by staff, which is lack of street trees along Pembine Street. The other one is the engineering review requires that the sidewalk to be placed fifteen feet from the edge of the road and then the street trees are expected to be planted between the curb and the sidewalk, however, given the cluster development plan trying to protect the woodlands in the back, the sidewalk is pushed closer to the curb in certain locations and less than fifteen feet in some locations due to which the street trees which are expected to be along the road are pushed farther away. Our landscape review recommends support of the deviation as long as the trees are kept within 15 feet from the road right-of-way.

Traffic review does not note any major concerns, just asks for a few details at the time of Final Site Plan application.

The applicant has provided about twelve different elevations for the proposed units. They are proposing a first floor master bedroom to gear towards older senior citizens. Our façade review notes, they include adequate variations to comply with similar and dissimilar Ordinance requirements which would be reviewed at the time of plot plan review.

The fire review noted some additional comments to be addressed at the time of Final Site Plan which the applicant indicated will be addressed.

Due to the close proximity with the single family homes, the Site Plan has gathered a lot of public interest. The applicant has held two public meetings on their own to gather comments from the surrounding residents. They also noted they met with a few of the immediate neighbors multiple times to address their concerns. There's a resident who lives on the opposite side of Pristine Lane, she was bothered by the headlights shining into her house and the applicant has agreed to provide additional screening on her property to protect her from the shining headlights. Staff also met with the residents and immediate

neighbors multiple times to address their concerns and explain the review and process and a majority of the concerns relate to the site drainage. Engineering review agrees with most of the public comments, but they note the comments can be addressed adequately with detailed engineering drawings at the time of Final Site Plan submittal. Our engineers are available here tonight if you have any questions. The Planning Commission is asked to hold the public hearing today and make a decision on the Site Plan, special land use, and other items. I do want to point out that the motion sheet that was posted online has been revised and the one in front of you is the revised motion sheet. The changes mainly refer to two deviations that the Site Plan would require which refer to the reduction of distance between the clusters and reduction of front building setbacks from the street. There was a little confusion as what the Planning Commission can approve and what would need to go to the Zoning Board of Appeals. The one you have in front of you is the final clarified version of the motion sheet. Planning Commission can approve the reduction of distance between the clusters if they can make a finding that the strict allegation of the distance would destroy a natural amenity such as regulated wetlands and woodlands. This deviation is only requested for one set of clusters, not all. The other one where the Planning Commission can approve a reduction of building setbacks from the streets provided that the applicant met certain conditions that is listed in the Ordinance, which the applicant is meeting with an exception of one which would require a landscape berm on all sides abutting single family districts. Staff would not support a berm because of the existence of the wetlands and woodlands so they have to go to the Zoning Board of Appeals to get a relief from that. But, Planning Commission, if they make a finding that the other conditions are met they can provide a conditional approval subject to ZBA approval. The other two options the Planning Commission needs to make a finding and make a motion is the approval of the one family clustering option. The applicant as noted earlier is proposing to permanently preserve up to 53% of the qualifying area and then a special land use based on Section 6.1.2.C and this is where staff has included certain conditions which were part of the previous approval but are still applicable at this time. We have Todd Rankine from Singh Development with his engineer Mike Noles if you have any questions for them. Thank you.

Chair Avdoulos asked if the applicant would like to address the Planning Commission?

Mike Noles, Diffin-Umlor, said good evening. I'm representing Singh Development tonight. I'm pleased to be back in front of the Novi Planning Commission with another fantastic, luxury development. Scenic Pines is a wonderful opportunity to develop a unique property with significant natural features. As Sri indicated, we are in the R-4 Zoning and we're utilizing the one-family clustering option in Section 3.2A, which provides a framework to allow certain innovations, constraints, and also departures and whose goal is to cluster the homes closely together to preserve and permanently protect the abundant natural resources on this site. The cluster option is not easy to navigate. I'm grateful for Singh Development's patience and understanding while we spent the last year perfecting the plan before you. We are pleased to have secured unanimous recommendations for approval from your diligent staff and consultants. We look forward to discussing the details for our project tonight.

As Sri mentioned, Scenic Pines was Final Site Plan approved in 2003, those approvals have since expired. The City staff at the time, Planning Commission, and residents collaborated on the previously approved plan to identify and resolve many of the conflicts. We carefully examined the record and identified opportunities to further improve the plan. The changes from the previously approved plan include 53% woodlands preservation which was up from 50%, a better storm water management configuration that has been

updated to today's stricter standards including storage for the 100-year event versus the 10-year event, an approved entry configuration, less impact to the natural features, and elimination of a contentious wall. We also engaged the neighbors to listen to and address their comments. I would like to thank the thirty-five neighbors who actively and courteously participated in our informal meetings. I would especially like to express my gratitude to Dorothy and Mike Duchesneau who helped to coordinate communication with the neighbors and help coordinate our informational events. All in all, we held two public meetings at the Novi Public Library which lasted three hours each. We attempted to answer all questions and the input helped guide the plan before you tonight. We've exchanged over thirty emails with residents, held multiple one-on-one meetings, fielded over twenty phone calls, and prepared dozens of specialty exhibits to clarify and communicate our proposal. We didn't always agree on every aspect and I'm sure you'll hear about that tonight, but many concerns were addressed and the process greatly reduced rejections to the development.

I won't belabor my remarks by reiterating Sri's thorough report, but I do wish to highlight a couple of bullet points. The density: the twenty-five units proposed are consistent with the previously approved plan, the Master Plan, and the cluster ordinance restrictions. The 9.45 acre property would technically yield thirty units under strict adherence to R-4 zoning rules. The right of way: the proposed 0.17 acre Pembine Road right-of-way dedication associated with this plan greatly improves the configuration of the City street that was built long before construction standards were enforced. The roads in the Lakewood Subdivision meander in and out of the prescribed right-of-way and this additional property dedication to the City helps resolve that issue. The wetlands: the existing 1.7 acre on-site wetlands are minimally impacted under our proposal and an EGLE/MDEQ draft permit was issued for the site last week. Trees: 53% of the regulated woodlands will be preserved. They will be protected by a conservation easement. Interesting fact, in the last sixteen years since the old tree survey was done, the number of regulated trees has increased, but the number of trees called for removal with this proposed plan has actually decreased. We are going the right way with this and we have some fantastic slides if you want to see how we managed to do that, we can show you that as well. Mitigation is proposed in strict accordance with the City of Novi replacement requirements including a bond for saved but at risk trees. The extension of the water main through the Lakewood Subdivision and looping of the water main is a definite benefit for all the residents of Lakewood. That subdivision previously had a special assessment district that was only partially completed. Singh is bringing the water main through the Lakewood Subdivision to serve Scenic Pines so a future dig will not be required, which eases the burden on residents should they one day want to hook up to the public water supply.

We have spent a considerable amount of time discussing the drainage on this site and the surrounding properties so that our neighbors can see graphic depictions of where their issues really lie and how the Scenic Pines proposal helps them and in no way exacerbates their situation. I can go into further detail if you wish, but the City staff has also looked at this proposal in detail and has also issued a recommendation for approval. Thank you for your time tonight. I hope we can count on your support and I'm available to answer any questions you may have.

Chair Avdoulos said this is a public hearing, if there are those who wish to address the Planning Commission on a Public Hearing, please approach the podium. Please state your name and address and please address the Planning Commission and not the audience. We are here to listen to your concerns and then we'll address it during our discussion. Thank you.

Gary Zack, 359 South Lake Drive, said on September 25, 2002 a previous developer was planning to develop the same sensitive wetland and woodland area and was meeting with the Planning Commission. After significant discussion of citizen input, a final motion was made regarding Scenic Pines Estates SP01-63B to approve the Preliminary Site Plan with several stipulations including but not limited to the following: One, the Planning Commission approval for a brick screen wall in lieu of the required thirty inch tall landscape berm abutting Pembine Road. Two, subject to the understanding that the Site Plan does not carry with it, approval of the lake access lot. Three, conditional on no lots encroaching in the wetland buffer. Final Site Plan requires additional significant detail of the Northwest corner, engineering issues being satisfied as well as DEQ permit being obtained. Four, the Site Plan shall return to the Planning Commission for Final Site Plan approval and be subject to the comments on the attached review letter being addressed at the time of Final Site Plan review. The concerns of the residents and neighbors remain the same today as they did seventeen years ago. I recommend that the Planning Commission incorporate the wording of the final motion from September 25, 2002 regarding SP01-63B and any motion made today regarding the current Scenic Pines Estates JSP18-76. It is also very important that citizens have a chance to review the final plans and provide comment. I do not recommend allowing administrative approval of the final plan. Developers go into these projects eyes wide open and know the restrictions and City ordinances. They should not receive or expect large numbers of deviations and variances for it defeats the intended purposes of the Ordinance. If they cannot work with the guidelines they should not pursue development of the property.

Howard Katz, 1155 South Lake Drive, said I am appearing on behalf of the condominium association to the Northwest. One of the issues nobody has addressed yet is the wetland water table that extends to the northwest into South Pointe Condos. I didn't see any boring samples taken there. The drainage according to the plans is going to the west and going to the north and I believe that the only water that is going to come through that wetland is going to come from those seven houses on the plan and they're going to keep dumping more water. We see the water level right now as pretty high, it's just going to get higher because that water has no place to go. It's a very moist area and to quote the engineer, he says the borings genuinely indicate major problems for installing basements. The builder is looking for trouble because this is not a suitable parcel to build. More importantly if you look at the plan of the development itself, they're going to bring in tons of dirt. They have to build up that whole level five to eight feet tall, where's the water going to run from there? When it runs to the Northwest, it's going to go down into the wetlands and it's going to come to the north and flood our homes. We're a senior citizen development. That water is going to come up and we have no recourse whatsoever.

Mr. Katz continued, if you approve this today and administratively accept them without any input, you're doing us a disservice. You're going to raise the ground level another seven to nine feet and you're going to be driving down South Lake Road and looking at these towers going over the trees and you're going to cut down all those trees anyway. You're going to destroy the whole natural beauty of a piece of property you have here which is one in a million. I would recommend that you see the final plan, and then you give us an opportunity to come back and look at the final plans because the builders going to have to adjust. He's taking advantage of a lot of zoning requirements and ordinances. He's asking you to give him a break because it's to his benefit. He could eliminate a couple of houses off the plan and not have very many variances, he chose not to, he wants to maximize the houses and he's asking you to help him do it. I just don't think it's the right thing to do.

Gerald Montes, 128 Buffington, said the first thing that I want to get into is something that is going to affect the future owners of Scenic Pines and it's the borings that were taken in place by the engineers. The water table is so great they recommended that this is going to be a problem site for quite a few of the units. According to a study, it's in the plans, on page 7, this is a recommendation by the services of McDowell and Associates that they would be engaged for all soil and footing extractions and placements. In order to do tests on each foundation setting which will include a density test after the hole is dug to place the foundations and that the foundations be extra-large to support the soil which is not be given enough time to settle. You're going to bring in that much fill, you need to have soil densities done at different levels as the soil is placed. They're going to have basement problems and cracks. In Texas, it's 25 years before you can build on any type of fill.

Mr. Montes continued, the entrance for the trucks coming in to Buffington and leaving on Henning for the fill is another concern for me. South Lake Drive is considered a B-class road with a weight limitation of 18,000 pounds for all weather conditions. It says single axels are 20 tandems or 36,000. No through traffic because of the bridge on South Lake Drive. Henning and Buffington have very small entrances, there's also a sewer cap to the right for the entrance into Buffington, that's for all the main sewers that connect into South Lake Drive and all the remaining streets. For the amount of trucks and that amount of fill, it's probably going to be one hundred to three hundred semi-trucks. The turning radius for a semi-truck single trailer is forty feet out of the corner. As it stands now that truck approaching South Lake Drive having to turn on to Buffington is going to have to access the opposite side of the road into oncoming traffic. Hopefully people slow down and with the way people drive there now, I doubt it. The trucks are going to tear out our new curbs that we put in this year. It's also going to run over the City sewer which is right at the corner base. I recommend that this be denied and wait until these conditions are corrected. The developer says they are responsible and they will maintain the road, but for two to three years the residents are going to have to live with a torn up road. For that reason I would ask that you would deny their request for approval. Thank you.

Michelle Werner, 135 Henning, said I live about midway down the block from the property. I want to talk to you today about basements and groundwater. We have the only house on Henning Street with a full depth basement. We live in a house that never should have been allowed to be built. Thirty years ago, a different developer came before this Commission and said the same things the developer is saying now. They were wrong thirty years ago and they're still wrong now. I and the previous owners of our property have been fighting a battle that's expensive and unending for thirty years against groundwater encroachment because the water table is just as high as they found it to be in April. We replace our sump every twelve to eighteen months because we pull that much silty water through our basement. We have had to have our foundation resealed twice, it has major problems because fill settles harder when you have groundwater running underneath it and it does not settle as evenly as when you built up on dry ground.

Ms. Werner continued, the developer is selling these houses as low maintenance luxury homes for retirees. They are not signing up to deal with flooding basements and high water tables and flooded backyards and living in the middle of a swamp. Please don't let this developer dig basements on this property. The people that are going to buy these homes, they're not going to know what's underground until they put their life savings into these properties. It's not fair to say we hope that the July numbers were right. It's just not fair to these folks who are going to be retiring and think this is an easy house to live in and finding that they're pumping water constantly. Where will the tens of thousands of gallons

of the sump discharge supposed to go every day? Are those tanks big enough to hold hundreds of thousands of gallons of sump discharge for four months a year? Until you can get a full year's worth of readings to see what's on on that site I don't think it's fair to approve anything, because the water is there and not going away and I don't want to see these folks get hurt the way we were. Thank you.

Robert Harris, 209 Henning, said I'm a lifetime Novi guy. I've lived on the north side for about seventeen years when this project was first brought on so I'm familiar with it. I'm not against the project. What I'm against is that I live three houses in from the project off of Henning on the east side and my garage is sitting in thirteen inches in water three to four months out of the year. As soon as the first thaw hits, it just fills. Mike Noles, who I have spoken to - when he talks about the phone calls and the emails trying to work through things and we have still have not come up with a solution. Todd, my neighbor, deals with the same thing. All of our neighbors have flooding and when Mike tells me it's going to divert the water away and I can't understand how that is. The engineers have no idea what's going on. I don't know who to believe. I've emailed City Council, I've been in front of them and no one can come up with a solution of what's going on at my house and what's going on with South Pointe Condos. It's just concerning that were building another project less than two hundred feet from my house. I'm really concerned about my house and myself and I don't find this to be anything that's conducive to help me out until we find out why the drainage is going on. We sit on wetlands and it's pretty wet back there. I know it better than anybody, we do have to address it, the project is sitting on both sides of wetland preserves and they're talking about putting it up on fill. So it falls on you guys to see where it's at before we approve this. Thank you.

Gerry Cooper, 155 Buffington, said I'm right across the street from where the developer is going to put the pond. They're running the water back towards Pembine. There's no pond there now, there's no water there now, it sheds to the back, it runs to the south so were taking water and bringing it to the road. Across the street I have a pond, if the proposed pond ends up being higher in elevation than what my pond is, that's going to fill my pond with what's going to end up in my basement. There are twenty-five condos being put in and fifty vehicles going down the street. You're going to bring in all these giant trailers full of dirt over capacity. It's going to ruin the roads and the houses are going to get ruined that are on Buffington and Henning, they're going to flood out and the liability lies with the City.

Danielle Fasseel, 1185 South Lake Drive, said I live right at the end of Henning. Mostly I'm here just to say I agree with most of my neighbors. I am very concerned about the water, especially the runoff. If we're going to be building up these houses seven to eight feet higher, were going to get all the rain water and sump pump water, I know they're saying this can be contained, but I know my neighbor's yards flood in the spring almost all the way up to their houses so if this does go in and it does increase the levels, what is that going to do to everybody that already has houses there? I was shocked to learn they were going to put in basements just because I know many of the neighbors with basement problems. Because of how high the water table is, I feel like it's just asking for problems for all these people who are going to be buying these houses. I also agree with the fact that they should have to bring back their final plans so the neighbors can have final comments about what can be done so this isn't just put straight through and approved. With the water problems that are already there and how high quality these wetlands and woodlands are, I really recommend that they decrease the number of houses that they're proposing to put in. I don't know if Buffington and Henning are actually made for an increase in traffic, those streets are crumbling already. I know they

have repaved them already this year, but they're not high quality roads. I'm also concerned, I know you're only increasing maybe fifty cars every day but we're also increasing traffic because of the beautiful park renovation and we renovated the other park and there's so much traffic on South Lake Drive, I would just like this to be a smaller development because all of the people that live on South Lake Drive already know there's a problem with traffic. We all have kids; they cross the streets and people are always speeding. Maybe a stop sign gets put in at Buffington with the way that traffic is going to be coming in and out down those small streets. That's all I had to say, thank you so much for listening to me.

Rachel Sines, 2219 Austin, said I moved to this area for the nature and in the last 5 years it has just been devastating watching all these trees come down. In fact, developments at 12 ½ and Novi Road and 13 Mile Road and Novi Road and now Old Novi Road and even Lakeshore Park, just everything is coming down. There is probably more tree credits that you guys have than places that will ever be able to plant trees. So my question to you is that this development can probably be done without many deviations and variances yet the City tends to bend over backwards and give the developers whatever they want. I would challenge the City to hold the development to the current standards, deviations, and variances and limit those so our community wouldn't be as impacted as it is now.

Xiaoli Xiao, 29785 Lilley Trail, said my concern is about Buffington or Henning Road being pretty narrow. Both sides are private parking so I guess that the people and traffic, at least a portion of the traffic, will travel through Lilley Trail, which I do not like. The second concern is to the south of Lilley Trail is zoned as Residential Acreage so I would like to know if the City of Novi also plans to have that developed because I hope not. Thank you.

Dorothy Duchesneau, 125 Henning, said my home is also one of the homes where the backyard tends to flood. It's like an anniversary tonight. Exactly seventeen years ago, on September 25, 2002 Scenic Pines Version 1 came in front of the Planning Commission as Site Plan 01-63. It was the only item under Public Hearings that evening. According to the minutes, the Planning Commission was here until 12:35 in the morning that night. Many concerns were brought up then by the neighbors, but it was approved that night with certain restrictions in the Motion to Approve.

Ms. Duchesneau continued, Scenic Pines Version 2 now comes before you with a different builder involved. One who it seems has read the issues brought during Scenic Pines Version 1 and has addressed many of them up front. There are still some issues with details that need to be explained and worked out. I believe it is in the City's and the neighboring resident's best interests to still include some of the restrictions put on the development back in 2002 on the 2019 version. As a Preliminary Site Plan there are still unanswered questions that won't come up until further engineering work is done on the project. The actual answers to these questions may dictate a change in the plans of the developer or the scope of the project. For example, the recent soil borings have shown high water levels in several areas of build. Planning basements in these areas even if staying within the two and a half story height, will require substantial grading changes to bring the basements underground to comply with our ordinances for building heights in an R-4 cluster option. At this time, all we know is the amount of fill that will be required to create the bridge, 2,100 cubic yards worth. That by itself will be about twenty-five big semi-truck loads and trips for just that small area. It's approximately twenty-eight cubic yards to one big truck.

Ms. Duchesneau said the previous motion also approved a brick screen wall and I just

want to bring that up because at that time, at the front of the development the motion required in lieu of the required thirty inch tall landscape berm abutting Pembine Road a brick screen wall would be applied. That helped to facilitate the continuing flow of water onto the City owned property of 2.4 acres on the northeast corner that had been bought by the City years back to help with storm water management back when South Pointe Condos were developed. The same for the northwest berm, which helped the flow south towards the proposed retention pond area. Even though berms are required by the City, the creation of berms along Pembine in this case, were deemed to hurt, not help the water run off by staff at that time. There will be more than enough tree credits left over to more than adequately shield Scenic Pines from Pembine by creating a small forest on both sides of their entry road. Additional pines in Scenic Pines would be appropriate. Another important condition stipulated at that time was that no lots encroach into the wetlands buffer. The most important condition added to the motion at that time, the Site Plan shall return to the Commission for Final Site Plan approval and subject to the comments on the attached review letter being addressed at the time of the Final Site Plan review. This is the most important to me. By returning to the Commission for Final Site Plan approval rather than just as administrative approval stamp, the residents and neighbors will have a chance to make final comments on the rest of all those details we don't know about now. If this gets approved tonight please make these conditions as part of the approval. There are too many loose details that are not required to be answered in the preliminary approval process especially with the location of this site. Thank you.

Tod Neff, 217 Henning, said I'm the last house on the left, which I think I will be affected the most because everyone around me has filled in the swamp, the condos behind me, everybody else, and now you're going to push water over onto my side. I have pictures on my phone of how high the water is. I've never seen it this high. My furnace is the crawl space and I've never replaced it since I've built that house. I've been on this property for a long time, haven't seen the water this high since this year. Now we're going to build and push water and affect me more. I can't have that. I hold you guys responsible if my crawl space gets flooded. Please don't allow this.

Mike Duchesneau, 1191 South Lake Drive, said my front door and entrance as well as my mailbox is on Henning Street. You probably have received this morning the summary of my concerns that I have been raising and asking for answers to these questions. The staff has been very helpful as far as reviewing and communicating with the developer to try to answer some of those questions. There are many items that are left unanswered. My letter was written at the staffs request because I have been so concerned and have been identifying things for months. Many of these items have been on the original list back in April when we met with the developer who was very cooperative as I say in my letter and I'd like to make that letter a part of the record. I'd like to see this item tabled so the applicant can address some of the concerns and items listed by the staff. I recognize this is not a PRO, but the proposal seems to have many built in variances and items needing to be addressed. The soiling borings summary should be enough to alert anybody that these are not typical houses with typical basements. Side and rear elevations were not provided and I've been told the front elevations are all that's required for this particular project. The side elevations and rear elevations would have shown where the patios and decks and the drainage as far as the side of the hill. Screened-in patios do not meet the setback requirements. I've been told through staff that the applicant is proposing to not have any screened enclosures. If you're going to hold that to them, that should be part of the motion. But that wasn't my purpose as far as restricting that, my purpose was just to identify things so they wouldn't have to go to the Zoning Board of Appeals. My concern is mainly about drainage. I've suggested, repeatedly, that we have a twelve foot setback

between the edge of road and the edge of sidewalk. I understand in talking with staff, that generally they follow the item that goes with the back of the curb, they use a different setback calculation, but there's also in that same set of standards that there's a twelve foot setback required when there is no curb. So this is an item. Many mentions were made of the previous approval. The applicant fails to mention that the previous approval was for twenty-four houses not twenty-five. The previous approval also had conditions in it. The Preliminary Site Plan that was approved seventeen years ago also said that it was conditional on no lots encroaching into the wetlands buffer. The Ordinances say that the City has to determine that this is in the public's best interest to encroach into a wetlands buffer. Proposals should also come back as was mentioned to the Planning Commission for Final Site Plan approval. This was basically mentioned a few times, it was part of the original Preliminary Site Plan recommendation. They've done a lot of work, don't get me wrong, because they really have come a long way and they've addressed issues. I'm just not sure they're there, and I would like to see, if you choose to push this forward today, that certain amendments be made to the motion. I'm kind of disappointed that this is such a flurry right now and that the package that we are seeing doesn't include the most recent changes as far as what goes to ZBA because what the package to the public says is that it's going to go to ZBA for certain variances, I don't understand. I guess we should just kind of address this thing and get a good package and more answers. Thank you.

Tom Skrobecki, 132 Henning, said I would just like to agree with my neighbors and object to the development on many of the same reasons: construction traffic and construction noise. Our road is unimproved. We currently have sixteen houses on our street, it's a very quiet street, and I don't know why we would more than double that. I also believe it is a very risky development. It's been for sale for twenty years. No one has developed it for twenty years, why would that be? We went through this in 2002, it got rejected, it never got built, tried again in 2006-2007 bought other lots on Buffington and I question the City's value with trying to go forward with it.

Chair Avdoulos said, seeing no one else wishing to speak, Member Lynch could you review the written responses.

Member Lynch said we have a few response forms. I'm just going to summarize these. We have an objection, Marc Kennedy 1201 South Lake Drive, primarily concerned about the traffic. Another objection, Patricia Koonter, 29740 Lilley Trail, concerned with road deterioration, traffic, noise. Ann Smith, 226 Henning, concerned about loading and unloading, construction site traffic, wetland concerns. Mike Duchesneau, he just spoke and pretty much summarized his findings with pictures. We have Virginia Runyon, 1155 South Lake Drive, concerned about the wetlands and water level. Objection from Gwendolyn Martin, 1127 South Lake Drive, concerned about wetlands and traffic. Lois Nugent, 1155 South Lake Drive, concerned about wetlands and drainage issues and traffic. They're all objections. To summarize the concerns: wetlands, drainage, traffic, and wildlife.

Chair Avdoulos said those will be in our public record for anyone who wants to take a look at what the concerns are but I think we will be addressing mainly everything the residents have concerns about too. Chair Avdoulos closed the public hearing, and turned this over for the Planning Commission's discussion.

Member Anthony asked if the houses include basements?

Mike Noles said they will.

Member Anthony said how high will you be building up fill for these homes? Will fill be needed under all the homes or just a few select homes?

Mike Noles said no, we will be filling the entire site, but it varies how much. For example, on the very south end of the site the existing elevation is at 942 which is significantly higher so over there those are going to be standard basements. This came up when one of the folks was trying to see if our basements are considered basements under the definition of basements in the Novi Ordinance. So I picked the worst-case cross section which is a walk out basement and you can see the basement floor is at 936. Sri mentioned we'll have to do additional piezometer readings to show what that level is. The scientists are determined that the ground water is at 931.

Member Anthony said so in that particular case, how much of that is built up with fill?

Mike Noles said so it will be about zero at the back and then at the front it will be about eight feet.

Member Anthony said so you will not be putting fill that will actually elevate the homes so that the bottom of the basements are elevated?

Mike Noles said to a certain extent there will be some of that. It varies on the grading plan, but we have to match the existing condition with the existing grade ten feet away from the house so there will be a slope down from the house but at the back of the property the fill is zero, at the house it's probably a foot and at the front of the house it's eight feet.

Member Anthony said so it's likely every house will have some degree of fill, but towards the front and no fill towards the back?

Mike Noles said that's correct.

Member Anthony said so there won't be really any adjustment to the bottom of the basement versus current elevation?

Mike Noles said yes, but it's tough to generalize twenty-five houses and the grading without actually looking at the grading plan. Mike Noles showed a map where there was a higher elevation, 942, and the road at 942. There won't be any fill in there. That will be a cut. Where there will be walk out elevations there's already a slope throughout there. He showed a line that was highlighted in blue showing a 934 elevation.

Mike Noles continued to say the water does go through all these Lakewoods backyards. We're not even touching that contour line with any of our development. So if you take the water that naturally flows off of this property, in every direction it's going to be seeing less water going into that direction. We will capture nearly everything, not 100%, but a large percentage of water within the limits of disturbance. We will put it into the detention basins which discharge at this location and at this location (shown on the map). We are not pushing any of our water to the east, were not pushing any of our water up to the Lakewoods. One of the problems is that the neighboring condo development, you can also see we took their engineering design and overlaid it onto a plan so people could understand how that was supposed to work. They have several inlets along the property

line, the rear yard property line that was supposed to allow water to enter into their system and discharge it at the south end. All of this water drains to the south and it even has a drainage easement across our property in this corner to allow it to keep going across the property. We're not doing any disturbance in any of that area. We're not adding water to this area. We're taking water out of the area, were sending it to the west and they're going to see a reduction of water going into that but their big problem is that the neighborhood was never graded properly. That 934 elevation is the same from the south lot all the way to the very north lot, that's not how you design a site. This site was designed a long time ago without any slope to their rear yard drainage. There are some maintenance issues with their neighbors with the inlets not picking up water, but this development has nothing to do with that. What this development is going to do is pick water up in our storm system and store it in our detention basin.

Member Anthony said before you go any further, I want to finish where I'm going with this. The outer blue line on your drawing is elevation 934. What is the significance of 934?

Mike Noles said so what I was trying to illustrate to the residents is in the area where the water is backing up, we don't even hit that contour line. Their water problem is below the existing conditions. We're capturing our storm water, were storing it, and were discharging it to the west. We are treating the storm water, and storing it for the one hundred year event so we are not exasperating their initial problem.

Member Anthony said what's the significance of the 934? Is that telling me that's the top of the surface water? Or are you just saying that's the area of where the surface water flows?

Mike Noles said what I was trying to show was that it's flat as a pancake through there. When the water rises up to the level of the 934, that's the shape of it. It's just a huge flat wet area back there with no slope to it.

Member Anthony said okay I got it now. So what is the elevation of the bottom of your deepest basement?

Mike Noles said I just have the one example with me which was 936 as the depth of that basement which is five feet above the ground water table.

Member Anthony said okay and just so you know, I know you guys do very good work. Singh is a very good developer. So where I'm cutting you short is I'm trying to just get through a train of thought without going on too long. So your bottom basement is at 936, so I realize different people within your team look at different parts of the reports that come in, are you familiar with the geotech report? How many wells or piezometers did they use on this site?

Mike Noles said there were six, I believe. They were all read and were reading the 931 elevation. They also did a ground water study.

Member Anthony said and how many episodes over what period of time did they gauge those wells?

Mike Noles said they only read the piezometers twice. One was at initial installation and really is just to make sure that the water is flowing at initial installation. They have only had one additional reading since then.

Member Anthony said and the time span between that?

Mike Noles said so the second one was July 9th, 2019 and the first one was a couple months before that.

Member Anthony said so you're looking at May and July?

Mike Noles said yes. Here are the readings from the piezometers. They had six of them. Piezometer number one is here in the detention pond that turned out to be all sand and that reading was at 93070 and that's a good indicator because it was really sandy material. Piezometer number six was of interest to us because it was right next to the underground storage detention area which I have highlighted in blue that was also 930. Piezometer number twelve was confirmation of the others and you have this all in one nice line all 931. There were three others that were off slightly. Two of them were at 93150 half a foot higher, but they were in stiff clay so it's harder to get a good ground water reading when it's in stiff clay because the groundwater doesn't move as well. The geotech scientist with McDowell and Associates determined that number eleven, which is over here on the high mound - that it was actually perched water.

Member Anthony said did McDowell state that they were concerned about basements and what the elevations of the basement would be because of the groundwater?

Mike Noles said no they didn't say that but what they did say is that it's a challenging and difficult site and they recommend that their services are engaged so that we can make sure that we don't have any problems. They wanted us to be up and above the ground water with the basements so the sump pumps were not constantly running. The tests that were mentioned earlier are standard practice, every time you dig a foundation you go down and test the compaction at the bottom of the hole.

Member Anthony said just for clarification, there's two separate things, one is compaction, it's pretty standard that when you're bringing in fill material you're compacting in six inch lifts by achieving 95% compaction or more and you have testing on site. Everyone does that. I've seen Singh projects and they hit that nail square on the head. The other issue though is the groundwater and that you can't determine by a field observation during construction it's something that has to occur over time. Just so we don't blend the two because I've noticed some of the public comment had blended the two together and those are distinctly separate.

Member Anthony said when I first looked at this I thought this is not really intensive, I drove the roads and I drove the area and I thought wow this would be nice, I like the Singh product. I thought the Site Plan was really quite well done in preserving all the wetlands, but once I got to that point I saw that the roads and the sidewalks went over one of the wetland areas and I'm sure that's where the bridge is, but that immediately triggered my concern with shallow groundwater because beyond the bridge when we have shallow groundwater. As groundwater comes up we hit the freeze/thaw cycle, we get liquefaction with soil. Then you begin to get failure under your big surfaces, your driveways will shift, your sidewalk will crack so you do run into those problems on infrastructure. Some of the concerns here were basements so that's why I just put you through these questions on depth and groundwater. One of the solutions I have seen, is to raise the elevation of the base of the homes, bringing it above the water table.

Member Anthony said July is our dry season; five foot fluctuation in Michigan is pretty easy, so it is important knowing how that fluctuates throughout the interior. The sump pump is not designed or intended to run 24-7. It's not just in old homes that are struggling with this, there are two brand new developments in South Lyon where this is happening in every home. They didn't have Singh or McDowell, but they are struggling with it. The industry standard of checking a couple of wells or just having one episode checked in geotech is common, but this is a really complex groundwater site. You can see that when you go through the wetlands pictures, you see the surface, you don't know if that's held up from the clay or if that's truly the potentiometric surface. Once you get that potentiometric surface, what's our fluctuation? And if you're a homeowner that ends up with a basement flooding and your sump pump is running constantly there are all sorts of consequential problems. Trying to find someone that's liable it becomes pass the hot potato. I've been in the middle of those. I started thinking through some mechanisms like, I know Singh does a one year warranty on their homes, is there a way to do a three to five year warranty. But as a City we have no legal authority to require that and it really does take that long to sort these things out. Then I went and I saw the regulated woodland and how much of the regulated woodland came up. Then I had to ask myself is this really a developable site? Rick, help me with where else in the City or how frequently have we seen a site that is nearly 100% regulated woodland become redeveloped?

Landscape Architect Rick Meader said it's happened and there have been commercial sites and residential sites. When you develop a site that's wooded you're going to end up ripping out more than half of the woods, that's a fact of life.

Member Anthony said but I've seen the difference between old growth that's not the regulated woodland where we designate the woodland area versus that's just an old tree we want to keep. What I haven't seen before out of the seven years of sitting here of this density of a regulated woodland where they have come in and removed half of it. This I really the first one I've seen and I kind of cringe at that. I start to go through the reasons, and I like the product and I'm confident in the builder but I'm not confident in the site. I have a really difficult time supporting the site when I look at we don't know enough about shallow groundwater, and the shallow groundwater was measured in July which is our traditional dry season when the groundwater is at its lowest. The construction over the wetland where they do the bridge will work because that's a much deeper foundation but it's going to struggle where the driveways and the sidewalks are. I worry about how frequently the concrete slabs will fail, and I worry about in the flat areas of the road, will we end up with pockets where you get sinkholes or potholes much easier. When I add all of that up, that's where I struggle with the site and having it developed. I guess with that I'm going to turn it over to the rest of the commissioners.

Member Gronachan said I have a question for the experts. Could you help with the clarification of the ZBA variances/ no variances and what we have the right to approve, I'm a little confused. In our packet it said that to allow absence of a required berm, but then there was this eighty-five foot for the driveways, so do they need a variance, what variances is it that they are going to need?

Planner Komaragiri said I have on the screen the section of the Zoning Ordinance that was compared for compliance against the Site Plan. This is section 3.28 it talks about required conditions for one family clustering option. This item talks about a minimum distance required between two-cluster homes. If it's a cluster of four homes against a cluster of two you would apply the minimum distance required based on the total number of homes. That section says Planning Commission can approve the reduction in the

distance. One of the proposed clusters does not meet the required distance of separation of eighty-five. But Planning Commission can approve the reduction if they feel like the deviation is to protect woodlands or wetlands.

Planner Komaragiri said the other item is the reduction of setbacks from the front façade of the home to the back of curb which needs to be thirty feet. The Planning Commission may approve reduction in setbacks if the Site Plan meets all the conditions. The plan meets all the conditions except the one shown in green and they would have to go to ZBA to get relief from that item. So the Planning Commission can go ahead and approve reduction in setbacks or can do it as a conditional approval at this time.

Member Gronachan said thank you for that explanation. So for clarification, somewhere in all of this, I read that if one house was removed and they were down to twenty-four then they would meet the eighty-five foot requirement, is that correct? That would be on the 22-25 cluster and the 1-3.

Planner Komaragiri said I think that they are opposite clusters so that the distance between the clusters is here. For them to meet the eighty-five feet they would have to be pushed further back into the woodlands.

Member Gronachan said so having one more or one less house would not solve that problem?

Planner Komaragiri said no, it would push them farther away from each other.

Member Gronachan said that's another thing that we will have to address for the resident that brought that up in one of the letters we received. Overall, I concur with our first speaker who asked so many wonderful questions. His experience shows at this table. I am concerned about the amount of water. I too think it's a wonderful plan. I feel at this point that more work needs to be done. I will add to this that I have not sat at this table for a long time, but I have been well versed in the development arena. My concern is that I think the developer has a great plan and I think he is doing his due diligence. Lord knows there's been enough time and experts looking at this but as previously spoken, I don't know if we know enough about the water flow and what it's going to do about those basements. Now I will say, I am an insurance agent so when it comes to flooding basements, it's not my favorite time of year. I live in a subdivision where they couldn't build basements, I'm not saying I recommend that for this project, but we don't have basements in my subdivision and we have a ton of water problems. It's a very old subdivision, I don't know what my subdivision looked like thirty to forty years ago and if it was sitting on wetlands or not but I know what the current drainage problems are. I wouldn't want to be a part of something that could create a problem for all these new wonderful home owners. I'm going to reserve any further comments at this time and wait to hear from the rest of my fellow Commissioners.

City Attorney, Tom Schultz said that because there have been a couple of comments about the water table I guess I just want to make sure that were on the same page with what the Planning Commission's role is in reviewing that question. At the Preliminary Site Plan stage, what the developer is obligated to do is to essentially establish for your engineer, engineering feasibility, but not detailed engineering plans. The developer comes to you with a Preliminary Site Plan that shows compliance with your Zoning Ordinance requirements: how big the lots are, how far setback they are from the roads, things like that, and as part of that they are authorized under your ordinance to ask you

for a couple things for that you're here holding the public hearing on tonight: clustering the units together instead of having them separate single family homes and in that process asking you for some relief from things that Sri just went through. The engineering part, the water part, is really an inquiry on part of the Planning Commission at this point to say what does our engineer say about the likelihood that this development is going to be able to be built. Your engineer at this point is essentially saying it looks like we're going to be able to deal with the engineering issues and the storm drainage issues.

Attorney Schultz continued, our Ordinance doesn't really say whether or not they have basements, you are not the building official, and you're not in charge of grading plans. You're looking at: does the lot layout work, should we allow them to do the cluster to save additional natural features, does it look like they're going to be able to deal with engineering issues, and are there any giant red flags about not being able to build a basement that somebody should know about. So the developer has stood up and said were familiar with this. We are going to have deal with your professional staff as we go on with the development process, but the Planning Commission doesn't really have enough information -- and more importantly -- doesn't have a standard in its ordinance to say you can't have this development because you might not be able to have basements. That's just not your role here tonight. You are detail oriented, but not every detail is yours.

Attorney Schultz said, to address one Planning Commissioner's comment, on a regular basis we actually see more than 53% of trees taken down from a development site, because if the plan meets all the setbacks and can create a buildable parcel that fits the Zoning Ordinance, it's probably going to impact trees. We do see a more significant number of trees taken down in other plans. The ironic thing about that is the developer is here in front of you saying I'm going to cluster these homes so I don't have to come to you on this piece of property with just a subdivision that has big lots and impacts even more trees and more wetlands. That's the question you're really here for, and technically holding the Public Hearing on: do we like this plan better because it saves more trees than it might otherwise and maybe impacts less wetlands? That's the fundamental question. It's your decision but I just want to make sure we stay focused on what that question is.

Member Lynch said I do like the cluster option. I like how it saves most of or a large percentage of woodlands that wouldn't normally be saved. I have a follow up question on that, for all the trees you cut down on the property, you have to put money into a tree credit? Is there any way possible, I'm not a big supporter of this tree fund, instead of donating to the tree credit fund, you can put more trees in areas away from the homes to still give it that kind of rural feeling, but I don't want too many close together that they die.

Mike Noles said yes, that would be a problem, but we are using the tightest spacing that we could possibly use. We would love to plant them on here because it would be cheaper for us to plant a tree rather than for us to pay into the fund.

Member Lynch said okay I'm going to take your word for it. I wanted you to keep the issue in mind, if this gets approved. Another thing, the property that's located by the condos, that's a low area. I didn't want this property causing any damage to an existing problem, number one. Number two is I was looking for opportunities where maybe we can alleviate some of the existing problem and based on what you were saying, it looks like the property or the way you set up the flow plus now you put the retention basins in, the water doesn't actually flow in that direction. You mentioned you were going to have some impact, a reduction in the amount of water that's going to flow into the existing areas and also you mentioned there was a maintenance issue with water flowing out of

this property, this condo. There has to be an ordinance that requires maintenance of this drainage, we approve these drainage systems, somebody has to maintain it. It's not the City, it has to be the property owner. What recourse do we or the home owners have to ensure that these drains are maintained?

Staff Engineer, Kate Richardson, said I know that an ordinance officer and the engineering department have been involved reviewing the swale that's back there that's been clogged. An ordinance officer recently went back there to verify what's going on. South Pointe Condo ended up clearing out that swale. I believe they ended up clearing everything out and hopefully when we get a big rainstorm again they'll see some benefits from that work, but right now it has been cleared.

City Attorney, Tom Schultz, said one of the things since 2002 that the City has more standards on is for each development that's approved that has a retention or detention basin, there's an agreement the property owner is obligated to enter into with the City that says if the owner doesn't maintain the system, the City will.

Member Lynch said so that's one of the benefits of approving this now. If they were to build this in 2003 they were under a whole different set of rules.

City Attorney, Tom Schultz, said I think they still had that obligation. I just like to think over seventeen years maybe the forms have become a little more detailed just as you become more developed as a City and you've improved a little bit. It all helps engineering and helps code enforcement.

Member Lynch said so I do like the cluster option and I do like the idea that you're preserving as much as you possibly can. My primary concern is if I was going to reject this was drainage flow. Correct me if I'm wrong, you're going to come in and do all these drawings, guarantee that the storm water performance as designed and flowing away from this area to somehow alleviate some of the problems there and you're going to put a 120% cost in escrow. You're going to post a performance guarantee and what you're telling us here today is that all this storm water is going to flow in these areas away from that area in the blue with the arrows that you're showing on the map.

Mike Noles said so the arrows that you see, if you notice none of them are inside the development area, that's the existing drainage. Those are areas that we are not touching so if that's what it's doing right now and I'm not going to touch it.

Member Lynch said but what I'm getting at with the number of comments that people are worried about, and I would be worried too, is that here's this development going in and I know I have a bad situation now and this development it's going to make it a lot worse. But we're saying here and what we're guaranteeing is you're going to put in a storm water management system in order to accommodate this subdivision that's not going to create a negative impact on the existing sites.

Mike Noles said that's right, it won't have a negative impact. Now I don't want to broaden that out, performance guarantee is not how the system performs it's for the contractor to perform to install the improvements on the plan and once you've complied with the plan you get your performance guarantee at the end.

Member Lynch said okay but you won't get your approval until the City engineer approves the plans.

Mike Noles said so there's a phasing in there but it's not really performance in the concept of what you're talking about. The other thing that you should know there's multiple drainage areas around the development that go into different areas. There are some areas at the back of the lot by the walkouts that will continue the current drainage pattern so not everything within the perimeter of the development area is going to end up in the basin. Some of them are going to continue on these existing drainage patterns. But what I'm saying is that a great bulk of that water that's currently going that way will be stored, discharged at a controlled rate, and discharged on the other side of the problem area, and that has to help.

Member Lynch said okay that was my concern. At some point this property is going to get developed. I just want to make sure with whatever we do we're not exacerbating an already dicey situation. Based on what I have heard and what I've read in the letters here, I'm comfortable with our engineering department and with the performance guarantees that are in here. They won't approve a storm water management plan that's basically going to exacerbate the situation and I'm confident in that. I guess my overall feeling of the site is that I like the idea of saving as many woodlands as you can, I don't mind the cluster option I think it's more efficient, I do like the idea of the storm water management where there is none right now. Right now there's no directed water flow, at least were going to have directed water flow now with the performance guarantees. That's really a Singh issue with your guarantees and with your homeowner guarantees. Certainly you are cognizant of that because you don't want the blow back. Does the cluster option preserve more area, yes it does. I would like you to save as many trees as you can. Are we causing any more harm in doing what we're doing? I don't believe so, I think there's some checks and balances with it, you won't even get approval from engineering to build it if it doesn't meet ordinance. The last thing that I have written down is that I do share a concern with that narrow road and getting the trucks in and out. My understanding is that if you cause damage the developer will have to take responsibility.

Mike Noles said we have to videotape it at the beginning so we show what the condition is before we start. Ted Meadows is a pretty tough guy when he goes out and does his final inspections and we have to put it back equal or better condition.

Member Lynch said as far as traffic goes, what they do is they shut down the road so the developer can bring in the heavy equipment. It will be backed up, and it doesn't last forever. I'm leaning more towards approving this, I think it's a decent plan. I do like the idea based on what happened with the other project we're working on. Things turned out better than what we initially thought. That was another tough parcel and it was all water drainage issues. I think this project has some potential. Not only do I think it fits into the neighborhood, I think it has the potential for reducing some of the water problems.

Member Maday said I'm not as concerned about the woodlands, the clustering is going to help tremendously with that but I am more concerned about the water. I'm assuming and I'm confident that as this project evolves that there will be work with the engineer back and forth to make sure you're developing a site that's feasible for the people that are potentially going to purchase the property. How long is this taking to do the next phase? Will it be in the spring when you can take some more samples?

Mike Noles said if we move forward tonight we should be starting development in the spring and be fully permitted. One of the conditions that the engineering review made is with each submittal, and we have multiple submittals to make between now and then,

they wanted another set of piezometer readings because they wanted to see those in different seasons. It's a condition of the Ordinance. If you were to support it and approve the plan, that's already written in the Ordinance that we have to do that.

Member Maday said that's what I mean by evolving with the way that these projects work and evolve to work with the City and the developer to make sure it's properly developed.

Chair Avdoulos said before we have a motion, I wanted to respond to Ms. Duchesneau, I don't know but I think I was on that Planning Commission. I was relatively new and we had many late nights and I can't think that far back to remember what was discussed, but you know this property obviously has a lot of concerns and is very sensitive. There are issues with water and with trees and I think we're looking at a vehicle that is offered by the City to create an option where we do cluster more of these homes so that we can save more woodlands and make it more natural. There's a development near my house that has basically done the same thing. I know there are concerns related to construction traffic but I've been very impressed with the City and how they review those projects and if there are concerns from the residents, they do answer them and make sure everything is running the way it should be running. I think based on what I've seen and I appreciate Member Anthony's expertise on a lot of the environmental impacts to the site, but I have one question to Kate. Based on this diagram where the outline is indicating what the developed area is, outside of that is basically left as natural as possible. So this particular development is containing all the storm water within its own footprint?

Staff Engineer, Kate Richardson, said for the most part, like what Mike Noles said, there are still some spots where it is sheet flowing out past its boundaries, but they're not increasing the concentration, or the rate at which the storm water is discharged, or the volume. They are allowed to do that under Michigan Law.

Chair Avdoulos said as the project progresses and we have engineering documentation and obviously that will be reviewed as every project is, I trust the City Engineers and City Landscape Architect to monitor this. I think our due diligence is to listen to make sure that the project follows the process and our engineering teams, our site teams, our staff reviews will be looking to address all the concerns. I think up to this point and from what I've seen and read, I think we're heading in that direction.

Member Anthony said can I just get a point of clarification? The engineering report we're looking at is really just for information and that it's done and submitted and has been approved. Our vote really has no opinion on the engineering side.

City Attorney, Tom Schultz, said so there are communities at the Planning Commission that do not ask for engineering stuff; you do want to see it, obviously. Under the Site Plan section of your Zoning Ordinance says that you want to see engineering feasibility. So engineering gets a copy of the plan and additional details that are shared by the developer, they write an initial review which is what you have in your packet and the planning staff's summary of it. For Final Site Plan, that letter is usually quite a bit more detailed. You go from fifteen things to pay attention to thirty things and detailed engineering plans that you have to get before we give you our final stamp of approval. You get detail that the engineers looked at and everything seems to flow the right way.

Member Anthony said so if I'm hearing you correctly then my vote simply is that the process of submitting to engineering and the review has been done correctly.

Planner Komaragiri said that would be after the Planning Commission approves Preliminary Site Plan and the applicant will start working on the construction drawings.

Member Anthony said I recognize that I'm just trying to clarify my vote.

City Attorney Schultz said so they have submitted the plans that your ordinance requires, and that the engineer typically reviews and comments on for a Site Plan. They have done that.

Member Anthony said okay and that's what my vote reflects.

City Attorney Schultz said can I just say one more thing just because I know a number of people have brought it up. I didn't want it to look like the Planning Commission didn't say anything about it. There was a long motion that was written at the table back in 2002 and a number of speakers have said you should require all these things that you as a Commission did seventeen years ago. I think Sri wanted an opportunity to generally say, in the way your motions are set up now, you're generally doing that because you're referring back to your detailed staff reports which pick most of those things up. There are a couple of things that you should know are not in the motion that were in the motion before.

Planner Komaragiri said so there were two items which we did not carry forward from the last motion. The one is the condition that no lots would encroach into the wetland buffer. They are proposing buffer impacts in three locations. They are very minor. Only one of the impacts is permanent and the rest are temporary. They're going to seed and put them back so we did not carry that forward because it's only happening with one unit, unit 16, where the impact is permanent and because the applicant noted they were trying to make a choice between moving a tree as opposed to impacting the buffer. The other one is the Site Plan shall return to the Commission for the Final Site Plan approval and subject to the comments on the attached review letters being addressed. At that time, after going through the minutes at the moment I think that discussion was brought forward because there were many other Preliminary level concerns that were not addressed so the Planning Commission wanted an opportunity to review it one more time. They have to deal with some additional ZBA variances which are no longer needed because they are proposing to demolish those buildings and some retaining walls and a few other items which were within the scope of Planning Commissions review which was not addressed at that time. Because that didn't happen this time we didn't recommend that as part of the motion.

City Attorney Schultz said but just to be clear, in your Ordinance you are allowed to ask for a Final Site Plan.

Member Anthony said so we would have to amend this motion to see a Final Site Plan?

Planner Komaragiri said yes if you choose to do so.

Member Lynch said before you do that, Mr. Noles there's something I want to address. There's something on here about the future use of a parcel, what is that?

Mike Noles said that is a parcel that is out on the lake that is not subject to this Site Plan request. There was a lot of concern from the residents in Lakewood that somehow this

property would get rights to be able to use that parcel because one of the parcels where the detention basin is located had a right to use it. That is by the parcel number and that parcel number will go away once the property is combined. We have assured them that in no way does authorization of this plan have anything to do with lake access.

Member Lynch said okay, before you made the motion I wanted to make sure that was clear.

City Attorney Schultz said, through the Chair, the motion that is in front of you tonight, because of the questions that were raised over the last few days it is specifically called out in what you have in front of you for the first motion the Special Land Use where you have the most discretion. You are essentially making a finding that that parcel on the lake is not a part of this development and isn't going to become a part of it. I assume that the developer is fine with that from what he just said.

Mike Noles said we are aware, and it was never part of it. It was a legitimate concern that the residents had because it could be a possible connection to it.

Member Anthony said I'll make a motion.

Motion made by Member Anthony and seconded by Member Lynch.

ROLL CALL VOTE TO APPROVE SPECIAL LAND USE PERMIT MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH.

In the matter of Scenic Pines Estates, JSP 18-76, motion to approve the Special Land Use Permit based on and subject to the following:

- 1. The proposed use will not cause any detrimental impact on existing thoroughfares *(based on the Traffic review)*;**
- 2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities;**
- 3. The proposed use is compatible with the natural features and characteristics of the land *(because the applicant is proposing to preserve 53% of qualifying area that includes regulated woodlands and wetlands)*;**
- 4. The proposed use is compatible with adjacent uses of land *(because the subject property is surrounded by single family residential uses. Façade review notes that the proposed elevations portray an overall architectural standard equal or higher than the existing homes in the surrounding neighborhood)*;**
- 5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use *(because the development is age-targeted. The proposed floor plans indicate first-floor master)*;**
- 6. The proposed use will promote the use of land in a socially and economically desirable manner;**
- 7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located;**
- 8. The approval shall be subject to the following conditions at that time:**
 - a. The Planning Commission finding that Parcel ID No. 22-03-327-004, mentioned in the notes to the Site Plan, located on the north side of South Lake Drive, is not part of this development and shall not become or be made part of this**

development, as it does not comply with Sec. 36-62, Lakefront use standards, of the City Code of Ordinances as relates to lakefront recreational parks;

- b. Maintenance and reconstruction of the roads during and after construction, dust maintenance control and the stipulation that the roads be videotaped before and after construction to determine reconstruction requirements;
- c. Limit Construction times with respect to elementary school bus schedule;
- d. Construction traffic to comply with the City load limits; and

9. Final Site Plan shall come back to Planning Commission for Final Approval.

Motion Carried 6-0.

Motion made by Member Anthony and seconded by Member Gronachan.

ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN WITH ONE-FAMILY CLUSTERING OPTION AND THE SITE CONDOMINIUM MADE MY MEBER ANTHONY AND SECONDED BY MEMBER GRONACHAN.

In the matter of Scenic Pines Estates, JSP 18-76, motion to approve the Preliminary Site Plan with One-family clustering option and the Site Condominium based on and subject to the following:

1. Planning Commission's finding per Section 3.28.1.B, that in all one-family residential districts, the clustering of one-family dwellings may be permitted, provided that the land consists of an unsubdivided area and the proposed Site Plan and, that the conventional approach to residential development would destroy the unique environmental significance of the site, and that the use of the cluster option is a desirable course of action to follow based on the following condition.
 - a. The majority (fifty (50) percent) of the net site area (defined as the area which is delineated by parcel lines, exclusive of rights-of-way as shown on the adopted master plan) is composed of lands that are within jurisdiction of Woodland Protection Ordinance, as amended, Chapter 37 of the Code of Ordinances, or within the jurisdiction of the Wetland and Watercourse Protection Ordinance, as amended, Chapter 12, Article V of the Code of Ordinances, or any combination of such lands. The applicant is proposing to permanently preserve up to 53% of qualifying area on site.
2. Planning Commission approval for reduction of minimum distance between the clusters, based on the finding, subject to conditions listed in Section 3.28.5., that the strict application of the distance in this instance would destroy a natural amenity such as regulated wetlands and woodlands. This is required for the Units 1-2-3 cluster and the Units 22-23-24-25 cluster. A minimum of 85 feet is required, approximately 78 feet is proposed;
3. Planning Commission approval of reduction of front building setbacks from the streets as listed in Section 3.28.4.D. A minimum of 30 feet is required from the edge of Private drive, the plans currently propose 25 feet in order to protect regulated woodlands in the back yards; this is based on the following findings listed in Section 3.28.6.C:
 - a. All the conditions listed in Section 3.28.6.C. from i thru iv are met with the exception as noted below;
 - b. A Zoning Board of Appeals variance from Section 3.28.6.C.iv.a to allow absence of required berm along the east, west and south property boundaries adjacent to other single-family residential districts;
4. Planning Commission waiver for reduction of the minimum distance for opposite-side spacing requirement, Design and Construction Standards Section 11-216(d), for the roadway spacing between Pristine Lane and Henning Street(A minimum of

200 feet is required, 117 feet is proposed, due to estimated low volume of vehicles expected from the proposed development, which is hereby granted;

5. A landscape waiver for absence of three required street trees along Pembine Street Frontage, as listed in 5.5.3.E.i.c and LDM 1.d., due to lack of space between the edge of pavement and the future Right-of-way and conflicts with other required proposed utilities and swales, which is hereby granted;
6. A landscape waiver from Section 2.1 of Landscape Design Manual to allow some of the proposed trees to be located outside of the space between the sidewalk and the curb due to conflicts with proposed utilities, which is hereby granted. This waiver is supported as most of the proposed trees are located within 15 feet from the curb, with an exception of three trees;
7. Administrative approval from Engineering for variance from Engineering Design Manual Section 7.4.2.C.1 for not meeting the minimum distance of 15 feet from back of curb to outside edge of sidewalk;
8. The applicant shall revise the woodland replacement plan at the time of Final Site Plan to avoid the conflict between the proposed tree replacement locations and the existing overhead electric line along the western property boundary;
9. The applicant shall obtain necessary approvals from all related outside agencies for the proposed location of storm water pond and related landscape under the existing overhead lines prior to approval of Final Site Plan;
10. Assurance of the permanence of the open space and its continued maintenance shall be submitted for review and approval by the City Attorney at the time of Final Site Plan approval.
11. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters, as well as all of the terms and conditions of the PRO Agreement as approved, with these items being addressed on the Final Site Plan; and
12. The Final Site Plan shall come back to Planning Commission for Final Approval.

Motion Carried 6-0.

Motion made by Member Anthony and seconded by Member Gronachan.

ROLL CALL VOTE TO APPROVE THE WETLAND PERMIT MADE MY MEMBER ANTHONY AND SECONDED BY MEMBER GRONACHAN.

In the matter of Scenic Pines Estates, JSP 18-76, motion to approve the Wetland 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. *Motion Carried 6-0.*

Motion made by Member Anthony and seconded by Member Gronachan.

ROLL CALL VOTE TO APPROVE THE WOODLAND PERMIT MADE MY MEMBER ANTHONY AND SECONDED BY MEMBER GRONACHAN.

In the matter of Scenic Pines Estates, JSP 18-76, 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. *Motion Carried 6-0.*

Motion made by Member Anthony and seconded by Member Gronachan.

ROLL CALL VOTE TO APPROVE THE STORM WATER MANAGEMENT PLAN PERMIT MADE MY MEMBER ANTHONY AND SECONDED BY MEMBER GRONACHAN.

In the matter of Scenic Pines Estates, JSP 18-76, motion to approve the Storm water 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; and the Final Site Plan must come back to Planning Commission for Final Approval. *Motion Carried 6-0.*

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE AUGUST 28, 2019 PLANNING COMMISSION MINUTES

Motion made by Member Anthony and seconded by Member Gronachan.

ROLL CALL VOTE TO APPROVE THE AUGUST 28, 2019 PLANNING COMMISSION MINUTES MADE MY MEMBER ANTHONY AND SECONDED MY MEMBER GRONACHAN.

Motion to approve the August 28, 2019 Planning Commission Meeting Minutes. Motion carried 6-0.

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

Mike Duchesneau, 1191 South Lake Drive, said I'm really appreciative of you adding the coming back for Final Site Plan approval. I am disappointed in the response from staff as far as the cluster spacing. If one of the houses was taken out between clusters 1, 2, and 3 and 22, 23, and 24 the required setback would change from eighty-five feet to seventy-five feet and then it would be up to the applicant to decide whether to eliminate a house or whether to redesign a lot. I thought that answer was off base. The other question that I had is we looked at a packet and in that packet, Scenic Pines was going to the ZBA. Now, the ZBA is going to be looking at some other things that were listed but not the things in the packet. I find it a little disappointing that the motion went forward without the information available to the public as to what it is we're looking at today. I do thank you for what you're doing and your process and I do respect that you are all residents and are very concerned about what happens in Novi and how it happens. Thank you.

Howard Katz, 1155 South Lake Drive, said there are only two more things I want to say. I don't know what you hired an engineer for because McDowell came back and said you're going to have problems with this site, he says it right here in your letter and he says they're going to do a lot of things that the builder's not doing, but that's going to fall upon you. The other thing I have an issue with when you look at the Site Plan is that no one seemed to address when they talked about the water dispersal system. There are seven houses on the east side, those houses are not connected to that system, their sump pumps are going to run 24/7 and they're going to shoot water into that pond which is wet enough as it is and when the builder says the water is going to the south, it's not, it's just going to fill up that pond and by definition it's not a part of the water retention, at least according to the plan unless they've changed it. The sump pump will be running 24/7 and you didn't address that. You've got all this water going underground to the west but that's to the houses on the west side, that's a problem you're going to have to deal with and nobody said that but I thought you should know. Thank you.

Gerry Cooper, 155 Buffington, said I just find something confusing. Mr. Schultz is saying the only reason that you guys are here is to say that the engineering did the paperwork. Why do you have all of us come down here and actually think that we have input? You said all you people are here to look at the documentation and say if it's put together correctly per the ordinance. If that's all you guys get to look at and that's all you judge the approval by, we don't have any input. You gave them that direction, you guys don't get to make any decisions, you look at the engineering package and you approve it based upon does it meet the ordinance? But you brought all the people down here and say come down here we really want to hear from you and that's not true according to the way that your process works. Think about that because that's the way it happened here today and you know I'm right.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Anthony.

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

Motion to adjourn the September 25, 2019 Planning Commission Meeting. Motion carried 6-0.

The meeting was adjourned at 9:41 PM.