



APPROVED

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, OCTOBER 11, 2006 7:30 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475
EXERPTS

CALL TO ORDER

The meeting was called to order at or about 7:30 p.m.

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, David Lipski (7:33 PM), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Ben Croy, Engineer; Larry DeBrincat, Woodland and Landscape Consultant; Tom Schultz, City Attorney

PUBLIC HEARINGS

1. HAMPTON WOODS PHASE 4, SP05-40A

The Public Hearing was opened on the request of Amarjit S. Chawney for Preliminary Site Plan with Site Condominium, Wetland Permit, and Stormwater Management Plan approval. The subject property is located in Section 27, west of Novi Road and south of Ten Mile in the OS-1, Office Service District. The Applicant is proposing to make modifications to the project, which will combine three previously approved senior housing buildings into one, three story senior housing facility.

Planner Tim Schmitt described the property. The Hampton Woods development fronts onto Novi Road south of Ten Mile. To the west is the Orchard Ridge subdivision, the common area of which is adjacent to the common area of the Hampton Woods development. To the south are vacant land and a single family home. To the north is the Novi Professional Office Complex. The Master Plan for Land Use designates Office uses for the land along Novi Road in the Ten Mile area. To the west the Master Plan designation is Single Family Residential and the Common area is master planned for a private park. The zoning line of OS-1 follows the wetland delineation line determined in 1994. The Applicant is not encroaching into that area. Therefore, the property is entirely in the OS-1 portion of the site. The remainder of the area is zoned R-4, including the Orchard Ridge development to the west.

There are medium cover woodlands on the site. There is a large wetland complex in the area that is not being touched.

Mr. Schmitt showed the original 1994 plan that was approved in 1996. The plan was for one office building in the front, one office to the south and four small assisted living facilities along a small cul-de-sac. The areas of disturbance on that plan are the same affected areas on this new plan. There was an area cleared that did not have to be cleared, but those trees will be remediated under the previous permit.

The Applicant came in to modify Building 2 in 2002. This change made Building 2 the same as Building 1, just with a different orientation to Novi Road. This approval was given administratively, though the Applicant did have to go before the Planning Commission for a Section Nine Waiver for a substantially higher than normal roof peak.

Phase 3 was approved by the Building Department within the last year, and construction has occurred. The Applicant placed the building on stilts to bring it out of the flood plain.

The last three buildings of the original plan have now been combined into one larger building. The cul-de-sac design remains. The original buildings were one-story peaked-roof buildings, similar to the office buildings. The new building will be 29 feet tall, less than what is permitted and shorter than most of the Single Family Residential homes found in Novi. It is taller than the original one story buildings proposed.

The Wetland Review recommends approval. The previous wetland permit allowing for stormwater discharge has expired and the Applicant wishes to renew it. There are no additional impacts. The mitigation for Phases 2 and 3 are under a separate permit that is still active.

The Landscape Review indicates three items to be addressed at the time of Final Site Plan submittal. The Planning Commission is asked to waive the berming requirement adjacent to residential, along the far western edge and the southern edge. These are protected wetlands in this area, and the City would not want to see the wetlands impacted. A Planning Commission Waiver for specific loading zone requirements is requested. With the wetlands to the west, a waiver would be recommended to the north. The Applicant should be able to modify the plans to meet the requirements. The Applicant needs to redesign the parking lot design. The Applicant has indicated that this should not be a problem.

The Traffic Review and Engineering Review indicate minor items to be addressed at the time of Final Site Plan submittal. The Applicant has answered positively on the items noted.

The Façade Review indicates the plan meets the Ordinance.

The Fire Department Review indicates a redesign is required for access to parts of the building. The Applicant will likely meet with the Fire Marshal to determine what exactly is necessary. The secondary access point is proposed to the north, to the Novi Professional Office Complex. This complex needs the secondary access as well. The Fire Marshal has other items pending regarding the front and rear of the building.

The Planning Review notes one item of concern. The Applicant filed a Condominium with Oakland County, presumably for financing reasons. The Planning Department was not notified until after the parcels were created by the Assessing Department. Now there are setback problems. The Planning Commission is asked to approve the Condominium, subject to Section 2407. It is odd that it has already been recorded.

The Planning Department asks for the following changes. There are five units proposed, roughly the same as the phasing plan for the development. One line needs to be moved to the east to meet the parking lot setback for this plan. That is not a problem. The Applicant has indicated that this is acceptable.

The Planning Department is hesitant to allow Unit 4 to stand on its own. That is the wetland area, and shouldn't be its own parcel because if the taxes aren't paid on it, it would go to the Sheriff's sale. The Applicant said he will combine Units 3 and 4 together. The Planning Department is satisfied with that response. The Master Deed and By-Laws will be reviewed at the time of Final Site Plan submittal.

The parking lot setbacks for Buildings 1 and 2 are a problem. The south side is deficient. Their parking is approximately 14 feet north of the line. The Planning Department suggests that a Unit be created for the road, and then combine the unit into Units 1 and 2. The setback problem is solved because the setback goes to the other side of the road. The ingress/egress easement remains in place and the Condominium can be approved. The Applicant has not directly responded to this suggestion. They have indicated this is a pre-existing situation. That is the only change the Planning Department is requesting that is not responded to in the Applicant Response Letter.

The Planning Commission's approval, if given, should be subject to modifications to the Master Deed documentation.

Chair Cassis thanked Mr. Schmitt for working on solutions with the Applicant.

Mr. Amarjit Chawney, 23965 Novi Road, Suite 120, addressed the Planning Commission. He said most of the items are workable. The loading zone landscaping can be done. The market has changed, which is why he is now proposing one three-story building. In the old days, single-room occupancy was very common for assisted living. It no longer is, as people want a little bigger apartment where they can relax. The 12-foot by 24-foot single room design is no longer appealing. The footprint is smaller than the footprint of the original three buildings. He said the Condominium issues are workable. He will do whatever has to be done. The reason for the Condominium was financial; without the condominium, getting funding for the new building would require paying off the first building. The Assessing Department would not do a lot split for this project. Due to a misunderstanding, the Condominium was already recorded and he will amend whatever is necessary for the City. Mr. Chawney will

do what is necessary for the parking lot setback. There are 14 feet of greenbelt along the private road. He understood that the setback from the private access road is not the same as the front yard. Later he was told that he might have to follow the front yard, the same as the dedicated road. It is the access road that serves these four parcels. If need be, Mr. Chawney will make the access road into a unit and overcome the problem as Mr. Schmitt has suggested.

Chair Cassis opened the floor for public comment:

- Richard Pierle: Homeowner on the other side of the wetlands. His basement is 22 feet above the wetlands. He paid a premium for his lot because it was in a quiet non-polluted area. He questioned the need for a three-story building behind his home.

Member Pehrson read the Public Hearing correspondence into the record:

- Richard Pierle, 24010 Greening Drive: Again expressed that he disapproved of a three-story design. The light pollution is unacceptable.
- Mary Nims, 23870 Greening Drive: Objected to the three-story design, and the impact on the wetlands and animals. She was concerned about the senior traffic from the facility.

Chair Cassis closed the Public Hearing.

Member Lynch confirmed that the wetland is part of the common areas and would not be disturbed.

Member Lynch asked whether the homeowners had a Master Deed. Mr. Schmitt said if the subdivision is platted there wouldn't be a Master Deed, but if it was a condominium they would have received a copy at their closing.

Member Lynch asked about the height of the building. Mr. Schmitt responded that the OS-1 District allows additional height over thirty feet for specific uses, including assisted living and hospitals. The Applicant is under the straight zoning height of thirty feet – he is at 29 feet.

Member Lipski asked if the site condo was not in place, would the building be able to be built as designed. Mr. Schmitt responded that they could do so. The site condo just changes the ownership for the financing. Mr. Chawney said he would retain ownership of the building. Member Lipski asked if the setback requirement is greater because of the site condo. It is kind of like a legal fiction. Mr. Schmitt agreed. He said that the Applicant created greater setbacks for himself by filing a site condo. The initial review of this plan took the setbacks to the exterior property line. Member Lipski said it was interesting to consider the practical application of the Ordinance. The structure can be identical under a regular plat, and yet a site condo changes the setback. It doesn't make sense to Member Lipski that the Ordinance would allow an identical building with an identical use and have two different setbacks because of the different way in which the property is described legally.

Mr. Schmitt felt it was unique because of the wetlands. He said that the Haggerty Corridor Corporate Park along Cabot Drive is part lot splits and part condo. Without looking at the condo documents, one would not be able to discern which was which. In this case, with the large wetland being parceled off as its own piece, the setbacks get tightened. If that was all one large piece in the back the setbacks wouldn't have changed. Member Lipski asked whether it could be noted that the City Attorney should look into this unique situation. He reiterated that it was interesting because there is no practical effect.

Member Wrobel said there was about 320 feet to the back lot lines. He wondered how far the buildings were from the lot lines at Orchard Hills. Mr. Schmitt responded that the measurement was no closer than 500 feet. There is a 75-foot setback, and the building is pushed a bit further east. There are 325 feet in Unit 4, which is the wetland complex, and then there is a similar distance on the Orchard Ridge property. Member Wrobel said that if the building was within the allowable height, he didn't have much of a comment. He didn't like the building's look on the site, but he acknowledged the distance involved. This project is set apart substantially from Orchard Ridge.

Member Pehrson asked whether the City Attorney, Tom Schultz, wanted any specific motion language to address the condo. Mr. Schultz responded that he was comfortable with Mr. Schmitt's comments. He did not think this was that unique of a situation. It is endemic to the problem. One could create a one-parcel multi-office building

but trying to overlay parcel lines over it in the future could potentially cause a problem. He didn't know if there was a way to fix that. He asked that the City Attorney get an opportunity to review the Master Deed, because that it necessary.

Member Pehrson asked about the 70-foot setback. Mr. Schmitt said the proposal was reviewed with that 70-foot setback in mind. His concern was for the front of the building facing Novi Road. The Applicant will be able to meet the requirement in all directions with the proposed modification.

Member Pehrson did not think that the setbacks of this project were an issue. Given the fact that the Applicant is meeting the rest of the intent of the Ordinance, including the building height, Member Pehrson did not have a problem with the proposal.

Moved by Member Pehrson, seconded by Member Lynch:

In the matter of the request of Amarjit S. Chawney for the Hampton Woods, Phase IV, SP05-40A, motion to approve the Preliminary Site Plan and Site Condominium, subject to the following: 1) A Planning Commission Waiver to eliminate berm adjacent to residentially zoned property in the west and south, due to existing natural features, as indicated by Mr. Schmitt in his presentation; 2) A Planning Commission Waiver of loading zone screening to the south and west, due to existing natural features; 3) The Applicant redesigning the plan to meet parking lot landscaping requirements; 4) The Applicant modifying the condominium plans to meet all setbacks required; 5) The Applicant redesigning the circulation to meet Fire Department requirements, and the Applicant will meet with the Fire Marshal to define those prior to Final Site Plan submittal; 6) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; and 7) Review of the Master Deed by the City Attorney prior to Final Site Plan approval; for the reason that the plan is otherwise in compliance with the Master Plan for Land Use.

DISCUSSION

Member Avdoulos could not recall any other three-story buildings in the area. He was also concerned about the height of the building, after hearing from the neighbor. Mr. Schmitt said that the Applicant's finished floor will be seven to ten feet above the bottom point of the wetland. Member Avdoulos said that the neighbor is going to look onto this roof. Mr. Schmitt concurred, if the building were even visible through the trees.

Member Avdoulos asked if the combination of Lots 3 and 4 fixed any of the setback problems. Mr. Schmitt said that it would reduce the requirement. In theory, the building could be pushed back, but that would require massive wetland impacts, which Staff wouldn't support in any way.

Member Avdoulos acknowledged that the Applicant has responded favorably to the Staff and Consultant comments, but that his responses have not been reviewed against any plan. Mr. Schmitt added that he didn't see a concern if the Applicant followed what Mr. DeBrincat suggested, especially for the parking lot landscaping. The Applicant will have to meet the requirements, as it is part of the Planning Commission motion.

Member Avdoulos also said it was important for the Applicant to meet with the Fire Marshal. He noted a comment that even if the building is fully suppressed, it still has no factor in access around the building. Mr. Chawney said he met with the Fire Marshal before he submitted these plans. The Fire Marshal said he needed a second access. He also said that the building perimeter has to be covered 50% by the road. No portion of the building can be more than 150 feet from that road. Mr. Chawney drew the plans so that no portion is more than 150 feet. He indicated on the plan where the second access was located. The entire building will be fully suppressed.

Member Avdoulos asked Landscape Consultant Larry DeBrincat if he had any other issues. Mr. DeBrincat felt the critical issues have been addressed.

Mr. Schmitt said that the original plan was in effect until 2003. From that point, when Building 3 was changed, the originally approved plan was void. Member Avdoulos said he could support the motion.

Member Meyer was pleased that the Applicant agreed to work with the City. Mr. Chawney appreciated Mr. Schmitt's efforts and he said that he was one of the finest professional persons he has known. Mr. Schmitt goes the extra mile. Mr. Chawney has already submitted copies of the Master Deed, but the review of the document should be done in conjunction with the Final Site Plan submittal.

Member Meyer said he was pleased to see more available in Novi for senior citizens. Mr. Chawney commented on his vast experience in building assisted living facilities. There are different needs for different people.

Chair Cassis asked Mr. Chawney to comment on assisted living. In assisted living, the breakdown is approximately 80% women. The average entering age is 77. Most are not mobile – they don't drive cars. Meals will be provided in a common dining room. There will be social activities. The three-story buildings are the highest that Mr. Chawney would suggest for assisted living buildings. This building will have two elevators – one on each end. There will be at least 18 employees for the purposes of calculating parking.

Chair Cassis said this project could help the economy.

Member Burke asked about the agreement with the neighbor for the access. Mr. Chawney said that the original proposal noted that he would provide it with acceptance from the neighbor. However, Mr. Chawney didn't want the neighbor's traffic coming through his parking lot, bothering the elderly residents. So, Mr. Chawney confirmed that he could provide an emergency access instead – with a keyed entry or breakable entry. Only emergency access vehicles will be able to enter. The neighboring property will do the same on their new plan that is coming forward.

ROLL CALL VOTE ON HAMPTON WOODS 4, SP05-40, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER LYNCH:

In the matter of the request of Amarjit S. Chawney for the Hampton Woods, Phase IV, SP05-40A, motion to approve the Preliminary Site Plan and Site Condominium, subject to the following: 1) A Planning Commission Waiver to eliminate berm adjacent to residentially zoned property in the west and south, due to existing natural features, as indicated by Mr. Schmitt in his presentation; 2) A Planning Commission Waiver of loading zone screening to the south and west, due to existing natural features; 3) The Applicant redesigning the plan to meet parking lot landscaping requirements; 4) The Applicant modifying the condominium plans to meet all setbacks required; 5) The Applicant redesigning the circulation to meet Fire Department requirements, and the Applicant will meet with the Fire Marshal to define those prior to Final Site Plan submittal; 6) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; and 7) Review of the Master Deed by the City Attorney prior to Final Site Plan approval; for the reason that the plan is otherwise in compliance with the Master Plan for Land Use. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Wrobel:

ROLL CALL VOTE ON HAMPTON WOODS 4, SP05-40, WETLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Amarjit S. Chawney for the Hampton Woods, Phase IV, SP05-40A, motion to approve the Wetland Permit, subject to compliance with all conditions and requirements listed in the Staff and Consultant review letters, for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Gutman:

ROLL CALL VOTE ON HAMPTON WOODS 4, SP05-40, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of the request of Amarjit S. Chawney for the Hampton Woods, Phase IV, SP05-40A, motion to approve the Stormwater Management Plan, subject to compliance with all conditions and

requirements listed in the Staff and Consultant review letters, for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*