

Mr. Carson indicated he and his client have tried to be very cooperative with the City in the other activities with the proposed development and other developments.

Member Ruyle clarified that he was not directing Mr. Carson to pave the streets. He merely wanted the request on the record.

Mr. Carson felt a number of the concerns raised were already satisfied through the City Staff and City Consultants. These included retaining the water, the establishment of the internal site, and attempting to save as much of the woodland and wetland as possible.

Member Ruyle requested the site plan return to the Commission for Final Site Plan Approval.

Member Sprague asked if the Applicant was in agreement with numerous comments and revisions recommended in the review letters.

Mr. Carson indicated many of the suggestions were incorporated. He was not clear as to which items Member Sprague was referring. He indicated in past practices, the attempt to accommodate the suggestions. There are some items that are not able to be addressed until Final, such as whether or not to remove the berm and provide more wall or to accommodate the landscaping in the corner with additional trees. He indicated the Final site plan will show the area in detail and in working with the staff and consultants, the items will be brought to something more agreeable. He committed to continue to work together with the Staff and Consultants.

Member Sprague asked if the impact on drainage is a variable in the attempt to balance the preservation of woodlands and adequate detention capacity.

Ms. McClain answered, yes. She explained that to take drainage to the northeast corner of the site and bring it back across to the southeast corner of the site or to take it to the northeast corner and the southeast corner without connecting them is not an efficient way to handle the drainage. Water that is moved a lot it does not necessarily help the detention.

Member Sprague asked if there are additional options for the placement of the detention pond with 210 Buffington.

Ms. McClain stated to utilize the property for detention would exacerbate the impact to 208 Buffington. The impact would be in the front and along the side piece of his property. She stated that she could not speak to the elevations in that area throughout the whole site. The Applicant is not seeking to add that into the site plan at this time.

Member Sprague asked Mr. Carson to address the resident's comment regarding the snow removal.

Mr. Carson stated the snow will not be plowed onto his property.

Member Sprague asked where he anticipated the plowed snow would be placed.

Ms. McClain indicated as in the past, the snow will continue to be plowed into the ditch area between the proposed sidewalk and the roadway.

Member Sprague indicated he was referring to the area up in the corner, not on Pembine.

Ms. McClain indicated this issue would be handled further in the final site plan process.

Member Sprague wanted to know the resident's concern would be addressed.

Mr. Newman proposed a wall for both sides of the proposed drive of 210 Buffington (the purchased property). Therefore, when the snow is plowed, it would be plowed back into the property on 210 Buffington. The area designated on the drawing in white is actually a larger area than the 11-feet requested by the resident at 208 Buffington. The 5-foot of grass, located on Scenic Pines property, will be left along with the 15-feet to the wall.

Member Papp asked who owns the lot on the lower portion of the Scenic Pines Aerial photo.

Ms. McClain stated the property is owned by Michael Chobak of West Warren Detroit who wrote in favor of the proposed development.

Member Papp indicated South Point Drive has a speed limit of 25mph. Since the trucks weigh more than the bridge's 5-ton limit, all construction traffic would need to route to the west.

Ms. McClain recommended that all construction traffic route to the west. She indicated the road is a thoroughfare and there is currently construction traffic and other traffic crossing the bridge. The City's Weighmaster intercepts the traffic as much as possible. Improvements to the bridge are being considered with the South Lake Drive project.

Member Papp assumed construction traffic routed west would utilize Lilley Pond Road because it is wider than Buffington and Henning.

Ms. McClain stated the applicant is required to submit a proposed construction route, which will be approved based on conditions at the time of construction. She indicated this stage is part of the right-of-way permit process and Final Construction.

Member Papp noted page C-2 of the site plan was not sealed or signed. He asked if this was common.

Ms. McClain stated the Engineering Firm indicated their awareness that it needed to be provided. She stated although it is not signed and sealed, it does not necessarily mean that it is not correct. She stated it will be provided in the future.

Member Papp pointed out the 14 trees located in the detention pond listed on Chart WP-1. He asked if these would be removed.

Ms. McGuire clarified that he was referring to the northwest corner.

Member Papp answered, yes.

Ms. McGuire answered, correct.

Member Papp asked if soil boring was done.

Ms. McClain stated some soil borings were done at the northern portion of the site. Additional soil borings need to be done to the south. Discussion as to how it should be handled with a minimum impact across the wetland is included in the engineering and wetland review letters.

Member Papp noted the trees proposed located under the power lines. He asked if there is an easement at this location.

Ms. McGuire answered, yes. The landscape review letter indicates the requirement to remain 15-feet from the power lines.

Member Papp asked if the City is responsible for grading the gravel road.

Ms. McClain answered, yes.

Member Papp asked if it would be necessary to grade the road more often with the addition of construction traffic. Additionally, would it be at the expense of the City.

Ms. McClain answered, not necessarily. She stated the Developer and the Contractor during construction will be responsible for maintaining dust control on that road.

Member Papp clarified that the Developer is responsible to grade the road once a week if necessary.

Ms. McClain answered, correct.

Member Kocan indicated letters from the residents were included in the commissioner's packets that were not read into the record as they are already part of the record. She noted some of the concerns mentioned and request the Staff to address their concerns. The easement records were not shown on the site plans. Member Kocan stated the site plan proposed a detention basin in the location of the easement.

Ms. McClain indicated that Staff has informed the Applicant that the easements for the access and the regional detention basin need to be shown on the site plan.

Member Kocan asked the setback from the easement.

Ms. McClain indicated that a setback is not required from the easement. The City has an easement across the area in the southeast corner for a Retention Basin that is part of the North Novi Retention Basin (a large basin that covers most of the wetland area up in that location). The Regional Detention Basin easement is located completely located within the wetlands and there will be no impact. The applicant is abiding by the requirements of the easement to the City for Regional Detention Basin. Concerning the access easement, the Applicant has worked out with Mr. Wok as to how it would be handled with the purchase of the property. There remains an issue with the access, which will need to be worked out between the two property owners. An easement is necessary that would still have access; however, the two property owners can change the easement.

Member Kocan asked if it would require a lot split or Board approval.

Ms. McClain answered, no. It will need to be recorded with Oakland County. She explained that it is not a lot split and it is an easement for access across the corner of the parcel.

Member Kocan stated the fact that the lakefront lot is not part of the proposed development will be included in the motion. A resident stated half of the homes would exceed the 2½-story limitation per City Code. She asked if this was correct.

Ms. McGuire stated there are walkout units located in the southeast corner, which are a three-story unit. She deferred to Mr. Arroyo to address the measurement of height.

Mr. Arroyo indicated it would be difficult to make a final determination at this point with the information provided. He explained that the height is measured based upon the average grade around all four sides. The Ordinance defines what constitutes a basement versus a story based upon how much of the grade is above grade versus below grade. Therefore, it would be difficult to make a final determination until the final plans for the buildings are submitted to determine if they meet the definition of a basement or a story. He noted the site has a lot of changing topography and it is in a preliminary stage. In the event there it does not meet ordinance either requirement, then a story will need to be removed or a ZBA Variance obtained. If there is a case of practical difficulty due to something unusual with the property, then they could have a good case for the variance.

Member Kocan asked who is responsible for monitoring this.

Mr. Arroyo stated the Building Department issues the permits on the homes and will ensure that it is being done properly.

Member Kocan asked if the Commission has any discretion with respect to the number of lots under the Cluster Option. If the developer meets the findings that it is an unsubdivided area; the conventional approach would destroy the unique environmental significance; and the majority of the net site area is composed of lands that are within jurisdiction of the woodlands protection ordinance, then does the Commission have any discretion. The site just barely meets the requirement at 50.01%.

Mr. Fisher stated the Commission makes the determination as to whether or not the qualifications are met. Since the ordinance specifies the density. Therefore, if the qualifications are met then it is a calculation thereafter.

Member Kocan clarified that the developer's removal of three units was due to the Ordinance calculation and not the "goodness of their hearts".

Mr. Fisher did not find it appropriate for him to address her question.

Member Avdoulos stated the existing site size is 8.93-acres. He calculated 24.156 units allowed. The Applicant has indicated 29 units allowed, proposed 27 and have now reduced the number to 24 units, however 24 is the maximum number allowed. Member Avdoulos restated his concern with the stress to the upper corner. He suggested the removal of lot 23 and lot 24, the extension of the detention basin, provide the property owner an easement with more elbowroom on the side and thereby resolve some of the issues.

Member Kocan concurred with Member Avdoulos' calculations. Concerning the wall around the detention basin, she stated the 2½-foot berm (with the 2½-feet, 3-foot slope and 2-foot plateau) would allow an additional setback of 17-feet. She asked if the wall would be located 17-feet from the road.

Ms. McGuire asked if she was referring to the curb.

Member Kocan asked where the berm would end.

Ms. McGuire stated the berm is placed on the right-of-way. The property owner has to place the berm on his or her own property.

Member Kocan asked how far the berm would be located from the road. The detention basin appears to be very close to the road. She hoped if there was a berm, then the detention basin would be located farther from the roadway. She asked where the berm starts.

Ms. McGuire stated the berm starts at the right-of-way.

Member Kocan clarified that the berm would be located 17-feet from the right-of-way.

Ms. McGuire answered, correct. The detention basin is currently located plus or minus 5-feet from the right-of-way.

Member Kocan clarified that if there was a berm, then the detention basin would be located farther from the roadway.

Ms. McGuire answered, correct.

Member Kocan was in support of this option. She felt its current location in the corner was very imposing. In order to support a waiver for the berm in lieu of a fence, she required it be located 17-feet from the right-of-way. The fence is a wall; therefore, she asked how drainage could continue to drain.

Ms. McGuire indicated that drainage can be accommodated through a wall.

Member Kocan stated the garage does not meet the current setback ordinance, it is in the most visible area of the development and it occupies park space. In her opinion, the garage served absolutely no purpose to beautification of the site. She did not deem find any hardship and hoped the ZBA made these considerations. The construction vehicles using South Lake Drive that should not be should be handled in a more aggressive manner. She requested the posting of additional signs for construction traffic limits. She requested the Developer to pass on the information that truck traffic will not violate the City weight loads on South Lake Drive. Buffington and/or Henning may require major reconstruction after the construction is completed. Therefore, she proposed the videotaping of the roads both before and after construction. Further, the roads shall be return to at least the same condition that they were prior to the beginning of construction. She recalled the response to the issues at the northwest corner, "We can try to address that at Final Site Plan". Hypothetically, she asked what would happen if site plan approval was granted and serious problems arose. She was concerned with the numerous water problems in the area that were anticipated to be addressed later.

Mr. Fisher interpreted *later* as referring to between now and Final Site Plan review when the Engineering is done. Based upon the Ordinance definition, he assumed that Preliminary Site Plan Approval did not approve engineering. Therefore, if engineering later discloses unfeasibility, then the grant of Preliminary Site Plan Approval is not standing in the way of changing that position.

Member Kocan clarified that the Preliminary Site Plan Approval would become *null and void*.

Mr. Fisher agreed.

Member Kocan stated Lot 7 and Lot 10 that appear to be encroaching into the wetland buffer. She asked if the lots sizes are required to be a minimum because she did not support an encroachment into the wetland buffer. She asked Ms. Kay to clarify.

Ms. Kay was not certain if the lot sizes or the building envelope was at a minimum therefore, her comments were deferred otherwise. She stated overall the buffer impact to the site is miniscule,

however, any effort to stay out of the buffer is recommended. The options would be explored at Final, which she agreed to as a condition of approval if it is feasible. She noted her understanding that most of the buffer disturbance was related to the construction of the bridge and some of the grading at the end of the cul-de-sac, which she believed was corrected since the original submittal. Therefore, the impact could be less than what was referred to as conditions of the plan. She noticed an error for buffer in cubic yards, which should be corrected. She deferred to the applicant.

Member Kocan clarified that the possible buffer disturbance on Lot 4 is related to bridge work as opposed to the lot.

Ms. Kay answered, yes.

Member Kocan restated that she would not approve encroaching into the wetland buffer for numerous reasons. The wetland buffers need to be protected. She agreed with the resident's comment that there will be chemical. Filling in part of a wetland here and there has a cumulative effect that changes everything. She required that the approval be conditional upon no lots encroaching into the buffer area. Member Kocan explained that the new letters the Staff provided to the Commission were due to the need to have letters with correct information on file since the approval often indicates compliance with the consultant's letters. In essence, the lot numbers, as referenced in the landscape review letter, were revised. Concerning the trees located within 10-feet of the driveway, it is better to leave the trees as there is not much room between the driveways. In discussion with the Landscape Architect, it was determined that in order to leave the trees within 10-feet of the driveway they will need to be at least 13-feet back away from the road. Although the matter will need be addressed by the ZBA, she did not find a problem with the request. Concerning the opposite-side driveway, she preferred to have Henning continue into White Pine Trail and curve around. She thought that option could assist with the detention basin situation; however, units would likely be lost. Member Kocan asked the Developer to be open to the allowed number of units and allowing additional area around the detention basin to help ensure the existing residents, as well as future residents, in the area would not be flooded out.

Chairperson Nagy stated there was a large response from the residents involved. She recalled the resident's letter which stated, "Back in 1994 and 1996 the developer proposed a fourteen unit subdivision and was denied by the City due to the wetland issues". She asked Mr. Arroyo if the statement was true. She indicated to Mr. Carson that the new commission was not involved in the historical information that he is privy. The questions might sound redundant; however, the Commission asks because they do not have the answer.

Mr. Carson indicated that he was not present during that time either and neither was his client.

Mr. Arroyo indicated that he was not aware of a project submit and acted upon during the given timeframe. He indicated that he could check the Projects Map for record of the submittal.

Chairperson Nagy requested him to do so. She walked the property, Henning, Buffington, Pembine and South Pointe. She shared the concern(s) related to drainage as it drains into the Middle Rouge. She noted the stress placed on the corner by units 23 and 24. She pointed out that she was not privy to anything that occurring prior to the matter coming before the present Commission. Additionally, she was not privy to all of the changes that might have been made on the site plan. She asked how the flow into the Middle Rouge would be affected. She noted her concern that the trees would be killed.

Ms. McClain showed the Commission the drainage pattern of the current undeveloped site. Showing the direction of the water flow and its redirected route, she indicated that it is not a major change. The function of the detention basin is to slow the water down and allow it to come out at

a controlled rate of runoff, which for this site is .02 cfs per second, (known as the standard agricultural runoff). She explained that South Pointe Condominiums does not have a detention basin, which is the reason it flows fast into the back ends of the lots creating a problem.

Chairperson Nagy asked if the proposed site plan is under the jurisdiction of the new Stormwater Management Ordinance.

Ms. McClain answered, no. The plan falls under the old Ordinance due to its site plan number issued prior to the beginning of June.

Chairperson Nagy inquired with Mr. Arroyo regarding his finding to the earlier question.

Mr. Arroyo showed the Commission the 1995-1998 Projects Map showing projects in process between 1995 and 1998. He pointed out the subject property and that no submittal was in the process in 1996.

Chairperson Nagy read from the review letter dated September 18, 2002, *we recommend, instead that the returns be positioned to match the future construction of a 28-foot local street section located a minimum distance from the new south right-of-way line.* She asked if this has been addressed.

Mr. Arroyo indicated that the comment is a condition that would be addressed on the Final Engineering plans. It sets the curbs back for the entry at the location where the roads would match up if ultimately the road were to be paved to City Standards. Additional gravel would be added in the interim to provide a taper to match it up to the existing gravel road base.

Chairperson Nagy asked him to comment on the driveway spacing.

Mr. Arroyo stated that technically it does not meet the Ordinance. Typically, the Commission review projects that have access directly onto a major thoroughfare. Spacing is very critical, because typically, speeds are higher and there is more activity. He did not have any specific objections to granting a waiver in this case because of its location. It is not located in a heavily traveled area. He agreed that there are no alternatives and the roadway cannot be placed at a location without requiring a waiver. The Ordinance provides for situations with no alternatives; placement in a reasonable location with the granting of a waiver.

Chairperson Nagy noted her concern that the traffic from Buffington could run into the utility pole. She noted the location of the detention pond. She stated the maximum units allowed by Ordinance is 24. Therefore, she questioned if two units could be removed and everything pushed back to make the development safer.

Mr. Arroyo addressed the issue of the roadside safety in his review letter requesting more information. He was informed additional information was submitted to the Planning Department in response to the review letter; however, it was not forwarded. These issues would be addressed as part of the Final Site Plan Review. In cooperation with the Department of Public Works (DPW), a review to determine what could be done in a practical standpoint by the Applicant or the City to address existing safety concerns in that area. Typically, this would address issues within right-of-way. The removal of units would not necessarily help in this situation; however, there are items that could be addressed that could improve some of the situations.

Mr. Evancoe stated he received a call today from a representative from Aprecis indicating that they provided additional information beyond the aerial photo referred to in Mr. Arroyo's review



letter; however, Mr. Arroyo or he had not seen the information. He stated it was a verbal indication from the representative. Concerning the utility pole, he suggested reflective signage.

Chairperson Nagy felt the corner was unsafe. She asked if the Sign Ordinance addresses retail signs for condominiums.

Mr. Arroyo answered, yes. The Sign Ordinance addresses homes/units for sale. A variance is required if the applicant desires to place a sign offsite.

Chairperson Nagy asked if there were alternative options to improve the safety of traffic flow on Pembine, Henning and Buffington.

Mr. Arroyo stated the biggest challenge is determining what to do when the conditions are *off the site* need correction. He explained that it is very limited in terms of what can be required *off site*. He noted the best alternatives have been outlined in the various recommendations. He felt what could be done within the given limits has been done.

Member Paul asked the Developer if he was amenable to have a group come in and remove whatever they are permitted to remove for beautification in the City.

Mr. Carson assumed his client would work with the City Administrations to save any plant life that would be attractive to the City. He was not aware of the plans. He assumed the garage would end up being removed. At that point, he stated something could be worked out though the City Manager Rick Helwig or through the Commission. He agreed to make an effort.

Member Paul found it an appropriate project for the City's Beautification Commission.

Mr. Carson explained that there was a disagreement between the Developer and the City as to whether to remove the 1.76-acres in the calculation of the number of units. Typically, the 1.76-acres would not be removed from the calculation. There was uncertainty of the net site area because the 1.67-acres might attach to something offsite. The matter was resolved in the City's favor; otherwise, there could have been 29-units. The onsite wetland would not typically reduce the site for the calculation.

Mr. Fisher stated the independent lot south of 210 Buffington. He confirmed that the lot was not being landlocked.

Mr. Carson stated the treatment of that lot is not being changed.

Mr. Fisher clarified that the lot was already landlocked.

Ms. McClain agreed.

Member Kocan stressed that no disrespect was intended to the Developer when she stated he reduced the number of lots out of the goodness of his heart.

Mr. Carson indicated that he took no offense to her comments.

Member Kocan noted her concern with the numerous open issues; however, there are Ordinance requirement and the Developer meets the Clustering Option and the number of sites. She hoped that he would be open to additional flexibility. She indicated that there were a number of items discussed that she would attempt to include in the motion. She clarified if she could include in the motion *that the Developer would provide appropriate access to the resident at 208 Buffington.*



Mr. Fisher answered, yes.

Concerning maintenance and reconstruction of the roads, Member Kocan asked if it is appropriate for the motion to include a request to consider *videotaping the conditions of the road before and after the construction.*

Mr. Fisher indicated a request could be made.

**PM-02-09-217 IN THE MATTER OF SCENIC PINES ESTATES SP01-63B TO GRANT APPROVAL OF THE PRELIMINARY SITE PLAN, WOODLAND PERMIT AND NON-MINOR USE WETLAND PERMIT FINDING THAT THE PROPOSED CLUSTER DEVELOPMENT MEETS THE INTENT OF THE ONE-FAMILY CLUSTERING OPTION (SECTION 2403.1) AS CONVENTIONAL DEVELOPMENT WOULD DESTROY ENVIRONMENTAL SIGNIFICANCE OF THE SITE AND MAJORITY OF THE NET SITE AREA ARE UNDER THE JURISDICTION OF THE WOODLANDS AND WETLANDS PROTECTION ORDINANCE, A PLANNING COMMISSION WAIVER OF MINIMUM OPPOSITE-SIDE DRIVEWAY SPACING DUE TO THE UNIQUE LOCATION OF THE LANDLOCKED PARCEL, PLANNING COMMISSION APPROVAL FOR A BRICK SCREENED WALL IN LIEU OF THE REQUIRED 30-INCH TALL LANDSCAPED BERM ABUTTING PEMBINE ROAD PROVIDING THE DETENTION BASIN IS SETBACK THE DISTANCE OF A REQUIRED BERM, SUBJECT TO THE GRANTING OF A ZONING BOARD OF APPEALS VARIANCE FOR THE ACCESSORY BUILDING IN THE CURRENT LOCATION AS IT IS NOT IN COMPLIANCE WITH THE ORDINANCE, ZONING BOARD OF APPEALS VARIANCE FOR THE PROPOSED PLANTING OF STREET TREES WITHIN 10-FEET OF A DRIVEWAY PROVIDING THE TREES ARE 13-FEET FROM THE ROAD, SUBJECT TO THE UNDERSTANDING THAT THE SITE PLAN DOES NOT CARRY WITH IT AN APPROVAL OF THE LAKE ACCESS LOT, SUBJECT TO THE MAINTENANCE AND RECONSTRUCTION OF THE ROADS DURING AND AFTER CONSTRUCTION, DUST MAINTENANCE CONTROL AND THE STIPULATION THAT THE ROADS BE VIDEO TAPED BEFORE AND AFTER CONSTRUCTION TO DETERMINE RECONSTRUCTION REQUIREMENTS, LIMIT CONSTRUCTION TIMES WITH RESPECT TO ELEMENTARY SCHOOL BUS SCHEDULE, CONSTRUCTION TRAFFIC TO COMPLY WITH THE CITY LOAD LIMITS, CONDITIONAL ON NO LOTS ENCROACHING INTO THE WETLANDS BUFFER, FINAL SITE PLAN REQUIRES ADDITIONAL SIGNIFICANT DETAIL OF THE NORTHWEST CORNER, ENGINEERING ISSUES BEING SATISFIED AS WELL AS DEQ PERMIT BEING OBTAINED, THE DEVELOPER SHALL PROVIDE APPROPRIATE ACCESS FOR 208 BUFFINGTON, THE SITE PLAN SHALL RETURN TO THE COMMISSION FOR FINAL SITE PLAN APPROVAL AND SUBJECT TO THE COMMENTS ON THE ATTACHED REVIEW LETTERS BEING ADDRESSED AT THE TIME OF THE FINAL SITE PLAN REVIEW, THE REVIEW LETTER OF THE FIRE MARSHALL WILL BE INCLUDED.**

Moved by Kocan, seconded by Shroyer, *MOTION AMENDED*: In the matter of Scenic Pines Estates SP01-63B to grant approval of the Preliminary Site Plan, Woodland Permit and non-minor use wetland permit finding that the proposed Cluster Development meets the intent of the One-Family Clustering Option (Section 2403.1) as conventional development would destroy environmental significance of the site and majority of the net site area are under the jurisdiction of the Woodlands and Wetlands Protection Ordinance, a Planning Commission Waiver of minimum opposite-side driveway spacing due to the unique location of the landlocked parcel, Planning Commission approval for a brick screened wall in lieu of the required 30-inch tall landscaped berm abutting Pembine Road providing the detention basin is setback the distance of a required berm, subject to the granting of a Zoning Board of Appeals Variance for the accessory building in the current location as it is not in compliance with the Ordinance, Zoning Board of Appeals Variance for the proposed planting of street trees within 10-feet of a driveway providing the trees are 13-feet from the road, subject to the understanding that the site plan does not carry with it an approval of the lake access lot, subject to the maintenance and reconstruction of the roads during and after construction, dust maintenance control and the stipulation that the roads be video taped

before and after construction to determine reconstruction requirements, limit construction times with respect to elementary school bus schedule, construction traffic to comply with the City load limits, conditional on no lots encroaching into the wetlands buffer, Final Site Plan requires additional significant detail of the northwest corner, engineering issues being satisfied as well as DEQ Permit being obtained, the Developer shall provide appropriate access for 208 Buffington, the site plan shall return to the Commission for Final Site Plan Approval and subject to the comments on the attached review letters being addressed at the time of the Final Site Plan Review, the review letter of the Fire Marshall will be included.

## DISCUSSION

Member Shroyer asked if the motion should include comments regarding the Developer working with the City in reviewing the possible multiple locations for the basin or splitting to ease the problem with the lots and the surrounding communities.

Mr. Fisher stated there is adequate commentary in the dialog of the minutes.

Member Shroyer clarified that it did not need to be included in the motion.

Mr. Fisher agreed.

Member Shroyer asked if the accessory structure (garage) should be part of the motion.

Mr. Fisher recommended including it in the motion to avoid any implication that the Commission is approving the garage as part of the site plan approval.

Member Shroyer asked if it was worded correctly.

Member Kocan indicated her motion stated, *subject to the granting of a Zoning Board of Appeals Variance for the accessory building in the current location as it is not in compliance with the Ordinance*

Mr. Fisher stated additionally, the motion could clarify further, *if the ZBA Variance is not granted then the accessory building shall be removed.*

Member Shroyer amended the motion.

Member Kocan accepted the amendment.

Member Shroyer asked why there is not an extended paved area for ingress or egress into the road.

Ms. McClain asked if he was referring to a *taper*.

Member Shroyer answered, yes.

Ms. McClain stated Ordinance requirements for *tapers* are based on the amount of volume of traffic. Neither road is a major road and would not meet Ordinance requirements to have a taper.

PM-02-09-218 IN THE MATTER OF SCENIC PINES ESTATES SP01-63B TO GRANT APPROVAL OF THE PRELIMINARY SITE PLAN, WOODLAND PERMIT AND NON-MINOR USE WETLAND PERMIT FINDING THAT THE PROPOSED CLUSTER DEVELOPMENT MEETS THE INTENT OF THE ONE-FAMILY CLUSTERING OPTION (SECTION 2403.1) AS CONVENTIONAL DEVELOPMENT WOULD DESTROY ENVIRONMENTAL SIGNIFICANCE OF THE SITE AND MAJORITY OF THE NET SITE AREA ARE UNDER THE JURISDICTION OF THE WOODLANDS AND WETLANDS PROTECTION ORDINANCE, A PLANNING COMMISSION WAIVER OF MINIMUM OPPOSITE-SIDE DRIVEWAY SPACING DUE TO THE UNIQUE LOCATION OF THE LANDLOCKED PARCEL, PLANNING COMMISSION APPROVAL FOR A BRICK SCREENED WALL IN LIEU OF THE REQUIRED 30-INCH TALL LANDSCAPED BERM ABUTTING PEMBINE ROAD PROVIDING THE DETENTION BASIN IS SETBACK THE DISTANCE OF A REQUIRED BERM, SUBJECT TO THE GRANTING OF A ZONING BOARD OF APPEALS VARIANCE FOR THE ACCESSORY BUILDING IN THE CURRENT LOCATION AS IT IS NOT IN COMPLIANCE WITH THE ORDINANCE AND IF THE ZBA VARIANCE IS NOT GRANTED THEN THE ACCESSORY BUILDING SHALL BE REMOVED, ZONING BOARD OF APPEALS VARIANCE FOR THE PROPOSED PLANTING OF STREET TREES WITHIN 10-FEET OF A DRIVEWAY PROVIDING THE TREES ARE 13- FEET FROM THE ROAD, SUBJECT TO THE UNDERSTANDING THAT THE SITE PLAN DOES NOT CARRY WITH IT AN APPROVAL OF THE LAKE ACCESS LOT, SUBJECT TO THE MAINTENANCE AND RECONSTRUCTION OF THE ROADS DURING AND AFTER CONSTRUCTION, DUST MAINTENANCE CONTROL AND THE STIPULATION THAT THE ROADS BE VIDEO TAPED BEFORE AND AFTER CONSTRUCTION TO DETERMINE RECONSTRUCTION REQUIREMENTS, LIMIT CONSTRUCTION TIMES WITH RESPECT TO ELEMENTARY SCHOOL BUS SCHEDULE, CONSTRUCTION TRAFFIC TO COMPLY WITH THE CITY LOAD LIMITS, CONDITIONAL ON NO LOTS ENCROACHING INTO THE WETLANDS BUFFER, FINAL SITE PLAN REQUIRES ADDITIONAL SIGNIFICANT DETAIL OF THE NORTHWEST CORNER, ENGINEERING ISSUES BEING SATISFIED AS WELL AS DEQ PERMIT BEING OBTAINED, THE DEVELOPER SHALL PROVIDE APPROPRIATE ACCESS FOR 208 BUFFINGTON, THE SITE PLAN SHALL RETURN TO THE COMMISSION FOR FINAL SITE PLAN APPROVAL AND SUBJECT TO THE COMMENTS ON THE ATTACHED REVIEW LETTERS BEING ADDRESSED AT THE TIME OF THE FINAL SITE PLAN REVIEW, THE REVIEW LETTER OF THE FIRE MARSHALL WILL BE INCLUDED.

Moved by Kocan, seconded by Shroyer, CARRIED (5-3): In the matter of Scenic Pines Estates SP01-63B to grant approval of the Preliminary Site Plan, Woodland Permit and non-minor use wetland permit finding that the proposed Cluster Development meets the intent of the One-Family Clustering Option (Section 2403.1) as conventional development would destroy environmental significance of the site and majority of the net site area are under the jurisdiction of the Woodlands and Wetlands Protection Ordinance, a Planning Commission Waiver of minimum opposite-side driveway spacing due to the unique location of the landlocked parcel, Planning Commission approval for a brick screened wall in lieu of the required 30-inch tall landscaped berm abutting Pembine Road providing the detention basin is setback the distance of a required berm, subject to the granting of a Zoning Board of Appeals Variance for the accessory building in the current location as it is not in compliance with the Ordinance and if the ZBA Variance is not granted then the accessory building shall be removed, Zoning Board of Appeals Variance for the proposed planting of street trees within 10-feet of a driveway providing the trees are 13-feet from the road, subject to the understanding that the site plan does not carry with it an approval of the lake access lot, subject to the maintenance and reconstruction of the roads during and after construction, dust maintenance control and the stipulation that the roads be video taped before and after construction to determine reconstruction requirements, limit construction times with respect to elementary school bus schedule, construction traffic to comply with the City load limits, conditional on no lots encroaching into the wetlands buffer, Final Site Plan requires additional significant detail of the northwest corner, engineering issues being satisfied as well as DEQ Permit being obtained, the Developer shall provide appropriate access for 208 Buffington, the site plan shall return to the Commission for Final Site Plan Approval and subject to the comments on

the attached review letters being addressed at the time of the Final Site Plan Review, the review letter of the Fire Marshall will be included.

**VOTE ON PM-02-09-218 CARRIED**

Yes: Avdoulos, Kocan, Papp, Shroyer, Sprague.

No: Nagy, Paul, Ruyle

*(15 Minute Break)*

REDUCED COPY OF APPROVED FINAL SITE PLAN



LOCATION MAP



# SP01-63 Scenic Pines Location Map



**CITY OF NOVI PLAN REVIEW CENTER**  
 Created by Mark Spencer  
 2/20/08  
 NOVI COMMUNITY DEVELOPMENT DEPARTMENT  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375-3024  
 (248) 347-0475  
 WWW.CITYOFNOVI.ORG



/scenic pines location.mxd

**MAP INTERPRETATION NOTICE**

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.