



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

July 14th, 2021 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

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

Absent: Member Dismondy (excused), Member Lynch (excused)

Staff: Barbara McBeth, City Planner; Christian Carroll Planner; Madeleine Daniels, Planning Assistant; Rick Meader, Landscape Architect, Beth Saarela, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Verma.

VOICE VOTE TO APPROVE THE JULY 14, 2021 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

Motion to approve the July 14, 2021 Planning Commission Agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

There was no City Planner Report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There was nothing on the Consent Agenda.

PUBLIC HEARINGS

1. 48810 CASTELLO COURT, PBR21-0229

Public Hearing at the request of Cambridge Homes for consideration of a request for a Woodland Use Permit at 48810 Castello Court. This property is also known as Lot 23 Tuscany Reserve which is located north of Eight Mile Road and east of Garfield Road in Section 32 of the City. The applicant is requesting the removal of twenty-six regulated woodland trees in order to build a single-family structure on the lot.

Planner Carroll said in your packet you will find a proposed woodland use permit as requested by the applicant, Cambridge Homes, to remove twenty-six regulated woodland trees from Lot 23 Tuscany Reserve to build a single-family residential structure. The subdivision is located north of Eight Mile Road and east of Garfield Road, is zoned RA with an RUD Agreement, and has a single-family future land use. The Planning Commission reviewed the plans for Tuscany Reserve in 2003 and approved a Woodland Permit, which covered the majority of the lots to the south of this property, but any lots on the north side of the intersection of Castello Court and Veneto Drive were not included in this Woodland Use Permit so, a number of lots on the north side of Castello Court weren't included in the original Woodland Use Permit. This is the last vacant lot in the development.

The City's Environmental consultant reviewed the request and prepared a review letter dated July 7, 2021. It confirmed that the applicant is proposing to remove twenty-six trees from a section of City Regulated Woodland ranging in size from eight inches to thirty-four inches diameter at breast height. The twenty-six regulated woodland trees proposed for removal are located outside the approved Woodland Use Permit for the development, therefore an individual woodland use permit is required. As noted in the report there are fifty-seven Woodland Replacement Credits that are required, with forty-seven replacement credits required for the removals plus ten replacement credits per the approved site plan for the development and Woodland Use Permit for the Tuscany Reserve II Subdivision. The applicant intends on using the remaining extra forty and a half woodland replacement credits for the development to help meet the required replacements. That would leave sixteen and a half woodland replacement credits that would be owed. The Environmental Consultant's review letter provides more detail on that. It breaks down where the credits came from and where they're going and it should be noted that these removals do not have any impact on any previously approved or recorded woodland use permit or the conservation easement nearby on the property nor does it have any impact on the previously approved and recorded Residential Unit Development (RUD) Agreement, other than the regulated woodland trees that are currently being proposed for removal. Staff suggests that the Planning Commission approve the Woodland Use Permit. A suggested motion is provided in the memo.

The Planning Commission is asked tonight to hold the public hearing and approve or deny the Woodland Use Permit. Representing the project tonight is Mark Guidobono, Cambridge Homes. Staff and the City's Environmental Consultant are available to answer any questions.

Mark Guidobono, Cambridge Homes, said I'm representing Brad and Sarah, my customers, who are here in the audience with me. Today we're in front of you regarding Lot 23 in Tuscany Reserve. I think we have about fourteen sites like this and this is the last one and

only one we've had to come before the Planning Commission with. The Ordinance had been changed, which required us to come before the Planning Commission. What we're proposing is no different than what we proposed on these other sites that we've already built homes on. The homeowner would like to put a pool in and have a lawn area around the pool as well and I'm happy to answer any questions that the Planning Commission may have.

Chair Pehrson said this is a public hearing, if anyone in the audience wishes to address the Planning Commission you may do so now.

Bill Gubing, Tuscan Reserve HOA president, said by no means are we opposed to the motion. We recognize that that's been the process across the board for the other homes. We would like to make a couple of requests: if the sixteen tree credits don't fit on your property, we would love to request that you plant them somewhere else within the subdivision. We do have areas within the subdivision that could use the additional trees and we think that would be a nice addition and trade off for the homeowners. Also, as we reviewed the documents for today there were several areas that mention the HOA approval letters were being requested. To date, we haven't heard any of those requests, we're more than happy to work with you, but we would just ask to be included in the HOA letter approvals and the architectural approvals for the property. Again, not to hold you up, but to be able to be involved and to ease the nervousness of some of the construction fears around us.

Chair Pehrson asked for the written correspondence.

Planning Assistant Daniels said there was no written correspondence.

Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission for their consideration.

Member Avdoulos said I think this was a straightforward review. The consultants and the staff are good with the request so I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Verma.

Motion to approve Woodland Use Permit, PBR21-0229, for the removal of twenty-six regulated woodland trees within an area mapped as City Regulated Woodland on Lot 23 of the Tuscan Reserve Subdivision for the construction of a single-family residence. The approval is subject to on-site tree replacements to the extent possible and also working with the subdivision on some alternate tree locations where feasible instead of or in addition to payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as listed in the Environmental Consultant's review letter.

Member Becker said obviously the entire site in Tuscan Reserve was going to be homes so, the woodland review document under comment one says no trees were proposed to be cleared on this site as part of the approved site plan and woodland use permit. I'm curious why the applicant didn't have the site cleared already for the construction of these homes.

City Planner McBeth said I recall that the north part of that piece of property is a beautiful forest and the Planning Commission at that time said if the applicant could hold off on the removal of the trees on the north end until the subdivision plans are ready to be developed

into individual lots that would be the preference and that was the motion that was made at that time.

Member Becker said the stipulation that if you don't replace trees, you pay into the tree fund. Does that mean a homeowner can say I'm not even going to try to replace the trees and just pay into the fund or does the City Planning Commission have the opportunity to say you must replace a certain amount of trees?

City Planner McBeth said it's pretty much how the motion was written is that we would encourage them to be replanted on the property to the extent possible and then as Member Avdoulos added to have the applicant additionally work with the subdivision if the trees can't be planted on that site.

Motion made by Member Avdoulos and seconded by Member Verma.

ROLL CALL VOTE TO APPROVE WOODLAND USE PERMIT FOR PBR21-0229 48810 CASTELLO COURT MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

Motion to approve Woodland Use Permit, PBR21-0229, for the removal of twenty-six regulated woodland trees within an area mapped as City Regulated Woodland on Lot 23 of the Tuscany Reserve Subdivision for the construction of a single-family residence. The approval is subject to on-site tree replacements to the extent possible and also working with the subdivision on some alternate tree locations where feasible instead of or in addition to payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as listed in the Environmental Consultant's review letter. Motion carried 5-0.

2. ISLAND LAKE NORTH BAY TREE REMOVALS JSP21-23

Public Hearing at the request of Elliott Milstein, President of Island Lake North Bay Homeowner's Association, for approval of a Minor amendment to the RUD Plan and Revised Landscape Plan. The subject property contains 22.1 acres and is located in Section 18 & 19, east of Napier Road, north of Seaglen Drive. The applicant is proposing to remove 31 landscape trees within open space common area of the Island Lake North Bay Homeowner's Association (Phase 6 of Island Lake) due to tree health, site congestion, and aesthetics.

Planner Carroll said the site, Island Lake North Bay, Phase 6 of Island Lake, contains 22.1 acres and is located east of Napier Road, north of Seaglen Drive. It is zoned R-1, One Family Residential, and RA, Residential Acreage with a Residential Unit Development (RUD) Agreement & Area Plan in place. The property to the north is zoned MH, Mobile Home. The Future Land Use map indicated single family for the site, with private park surrounding the area. In regard to natural features, the site does contain some regulated wetland and woodland, but the proposed project does not have any impact on these features. The subject of this request is the proposed removal of 31 landscape trees within open space common area.

Upon submittal and review by City staff and the City Landscape Architect, it was determined that the subject site has approximately 343 landscape and shoreline trees that were required and planted as part of the original approval and subsequent shoreline plans for the development. In the tree survey and narrative provided by the applicant, approximately 431 trees have been identified in the tree survey. These additional trees were likely planted over the years by various members of the community and by the developer

in an effort to landscape the community. That's part of the reason why the numbers might be off when you look at your packet. Most of the plantings are either between units or behind units. Shown on the screen is the replacement plan that Rick Meader looked at and at this time, the applicant, who is the President of the Island Lake North Bay Homeowner's Association, would like to remove 31 landscape trees from this site. It is staff's opinion that 13 of the 31 trees proposed for removal be replaced, with some allowance for adjusting positioning to alleviate any congestion, since these 13 trees are part of previously approved site plans and shoreline plans for the development. These 13 trees have been identified in this plan, which was reviewed in detail by the City's Landscape Architect. In particular, staff feels most strongly that Tree #1224, a dead oak tree near the west shoreline, should be replaced as it was part of the approved revised watercourse plans and it provided rather significant habitat benefits before it died.

Planner Carroll continued to say as for the impact on the RUD, there are a number of conditions listed within the Zoning Ordinance that describe the RUD process, but really the condition that this proposal would apply to would be condition F as listed in the motion sheet, which is underlined. Per Section 3.29.18.B, any amendment or revision constituting a change which is not considered major may be approved by the Planning Commission in conjunction with site plan approval. Staff is of the opinion that the proposed removal of 31 trees does not constitute a major change in the approved RUD area plan.

Therefore, the Planning Commission is asked tonight to hold the public hearing and approve or deny the amendment to the RUD Plan and Revised Landscape Plan. The applicant's representative, Jim Utley, Landscape Chairman for Island Lake North Bay HOA, is present tonight. Staff is available to answer any questions.

Jim Utley, Landscape Chairman for Island Lake North Bay, said I just wanted to introduce myself first. I've been a Novi resident for forty years and I've been with a number of homeowner associations. I was the first homeowner's president of Orchard Ridge and also of Waldenwoods when I moved there. I was also involved with Island Lake Woods as I was a director there for a short time so, I've been around Novi and I've been involved in the city for quite a long time.

The tree removal project that you see in front of you actually involves twenty-five trees that were taken down. Then, there were six trees that were not removed and seven trees in question. We have twenty-five trees that have been removed, we have six trees that were not removed so of the thirteen that were taken down, the city wants us to plant seven trees in a condo association that has over 400 trees right now. The RUD included about 250-260 trees around there so, we have a real excess of trees on site and we feel that we shouldn't have to plant any more. The soils are bad out there, they're clay. The trees we took down were either dying, diseased, or aesthetically unpleasing. They were blocking views.

We've been working on this for a year and a half, and we took down the trees that we felt were necessary to take down. We reviewed it, we scrutinized it, and we came up with that list in front of you. A lot of the trees were dead or dying. There was no one that was going to take them out except for us so, we did. Now, we have seven trees that were concerned about because six of them weren't taken down. We did a lot of work on it, and we felt that those did not have to be taken down. We're down seven trees on top of approximately 400 and you want us to plant seven trees. We just think we have too many trees in the area, and we don't really need any more.

Mr. Utley, continued to say we wrote a response letter to both Christian and Rick. The first

point states the accurate count of the trees. There are 431 total trees and 245 were on the original RUD Plan back in 2003. So, a lot of trees have been added over that period. The first point says, "we had been advised over the years by multiple arborists that our neighborhood is severely overgrown, a situation easily confirmed by a simple drive-through." If you go out to our property you will see trees all over the place, we have an abundance of trees, probably way too many plus, we have your city trees in front of our houses which are fine, we love trees, but we have enough right now. It goes on to say, "The Tree Plan of the RUD filed with and approved by the City of Novi shows a detailed map for the planting of 245 trees. Our survey shows the presence of 431 trees in our community. That's what point number one says basically and that we have too many. The second point is, "We have already been approved by the city for the permanent removal of 18 of the 31 trees requested. No clear explanation has been given for the city's refusal to permit the removal of the other 13 trees." We don't understand why we are being told to replace trees and I'd like to get that in writing from you. We're disappointed, and I'm also disappointed that the count was incorrect. If you look at our plan, we specify the reasons why we took out the trees. In our letter you can see that green represents trees we had to take out, the red were trees that we had to take out but replaced with Rick Meader's advice, and the yellow were trees that were blocking people's views of the lake and should have never been planted in the first place.

Toll Brothers was our developer and they put in too many trees, and they put them in the wrong areas. They stripped the areas of all good topsoil so all we have is clay and that's what caused some of this. We have done our due diligence for the last 6 years, we've sprayed every tree at a cost of \$6,000. I'll be honest with you, we have put a lot of effort into preserving these trees and in some cases you have things like girdling roots and different diseases that come around and we've tried to keep them as long as we could but eventually it became pointless. Why spend that money on something that is going to die quickly. We would like you to see it our way and not have us plant any more trees. Island Lake is one of the most beautiful subdivisions in the City of Novi and I've lived in a lot of subdivisions, but this is special, and we intend to keep it special.

We would like to do this on a yearly basis, but I don't think there's too many more we need to take out right now. I'm getting a little emotional because I feel so strongly about this. We would hope that right now you do not force us to plant more trees at this time. It's not a matter of money it's a matter of principle. Why put another tree through that. We have people here tonight that would probably like to comment, and I appreciate you giving us the time.

Chair Pehrson said this is a public hearing if anyone in the audience wishes to address the Planning Commission you may do so now.

Charles Marr, 26004 Island Lake Drive, said slide number eight shows the two trees that are in question in the common area adjacent to my property. Those trees actually weren't taken out by the association, they were taken out by the wind this winter. They were evergreens that were planted very close together. Tree number 1455 blew into number 1454 and uprooted both of them. They both fell into number 1453 but that tree was saved. Frankly, I don't see any benefit in trying to put those trees back in. There are a number of trees between those condos and the lake that block the wind in the winter as best as possible. I can see eight trees that were blocking those two and they still got blown over because of the condition of the clay soil. I think we gain nothing by putting them in and I would ask for your consideration in allowing us to not replant those two.

David Mosley, Island Lake South Harbor HOA President, said although we are not directly affected by this, we are affected by your decision tonight. We stand in solidarity with the North Bay Association and we have been having the same problems. At the end of the day, we would like the ability to manage the trees in the area. We realize that we have an abundance relative to the original plan in numbers of trees and this is a problem that we not only have right now, but we foresee in the future. Specifically, regarding the soil conditions and knowing the issues we have had with trees to date.

Beth Blessing, 25760 Island Lake Drive, said I wanted to thank the city for their efforts for being shepherds of our city and with our landscaping and our trees. From my point of view, we have a lot of trees in our development and I agree with our Association that I don't see any reason to replace them.

Sheila Bahr, 25780 Island Lake Drive, said I am also on the Landscape Committee for North Bay. The chart that was up on the screen before, I just want to summarize that there were thirty-one trees originally that we thought about taking out and as we scrutinized it more, we brought it down to twenty-five. Mr. Meader told us we could take those out which were the ones in green. The ones in red we could take out but have to replace. The ones in yellow we were advised to ask the homeowners to reconsider so we went back to the homeowners, as you can see, the homeowners said no. That was how the red, green, and yellow chart came about. When you move over to the right of the screen and you see things in purple and blue, just to make it a little but more clear, of those thirty-one trees, there were eighteen that were approved in the letter from the City Staff under the direction of Mr. Meader and then the other thirteen were under discussion and of those thirteen, seven of them were removed and six were not.

In regard to the individual trees, early on Christian mentioned a dead oak. As I've come to learn about city planning, there's all sorts of documents; there's a RUD document, there's a foundation document and there's a shoreline document and it goes on. The numbers, partly as he stated, get separated out and you don't have the 431 that we had. A company came out and did a survey and added all the trees up. As he said, there were some 300 trees, but of interest was his first statement that a majority of the trees were in between buildings or behind the buildings. Actually the trees behind the buildings are not even on the RUD. There's a ton of trees that we not only taken care of, treated, planted, removed, and replanted that were never on any of these documents. These were things like Ornamental Cherry Trees and Japanese Lilacs. As a Landscape Committee that we started back in 2010, we thought we needed to help our board take more ownership because there was so much to do and so this Landscape Committee has been functioning all this time to keep our properties looking nice. For people to drive by and see this beautiful lake is the reason I moved here.

To the points about the specific thirteen trees and to Mr. Utley's point, were not quite certain of the rationale, but I can speak to certain trees to Mr. Marr's concerns. I've actually walked this property so many times I can see it in my sleep as far as trees are concerned. In the storm Mr. Marr referred to, those trees were planted about four feet apart, the two trees were growing into each other. When the drone came over to do the aerial view it counted that as one tree. Then, tree number 1455 is way down the hill and is very healthy and still standing so who ever marked this is a little bit incorrect and we can provide documentation for this. Of those two trees, the one on the bottom is still standing and the on the top are the ones that were taken out in the storm, but it actually was only counted as one on the survey.

Sheila Bahr continued to say if you were to go out there as I have done there are two trees that are either planted in the path or was put in along the shoreline and that are right on top of those trees there. Behind that and closer to the buildings is the tree in question, number 1224, which is an oak tree. There were only, I believe, two oak trees on the whole property, and that being one of them. As far as the integrity of the shoreline, which is very important to me, years ago, we did a burn to try and help and we replanted on the shoreline so to say having to replace this tree if it's removed is a problem. There's two other trees in front of it that are providing for the integrity of the shoreline so the people living in that home not only have three trees and can't see the lake from their home, and I don't know how many points we get for that or what argument it supports, but I think it's part of our committee as a landscape and aesthetics committee and we want to maintain the aesthetics of the view of our lake because that's why people move there. My point is that I would agree with everything that was said before. There are a lot of trees out there. We've only taken out the trees that we needed to or requested to remove some for aesthetic reasons to view the lake. This specific one was not taken out, so saying the tree is dead, and our arborist has not said that to us, I'd have to ask him to look at it again. That would be the only thing I have in question about that specific tree, but again there are two other trees right there protecting shoreline.

Chair Pehrson asked for the written correspondence.

Planning Assistant Daniels said there were a couple of letters received. The first one is from Jerry Frohlich who objects because it will change the look of the subdivision. Maria T. Prose supports the request. The last letter is from Sandy Skees Giaier who supports the request if the city can allow the association to plant the trees in locations that would benefit from additional tree coverage.

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

Member Roney said it's certainly true that there's a lot of trees in that community. I took a drive through there and it's quite abundant. As I read the report, eight of the trees were in the original plan and that's the reason it's being recommended that they be put back in, five of them were not in the original plan, but they're healthy trees so I would hate to take out a healthy tree. I don't know the reason you want to do that. There's that one oak tree that's written in here that has something to do with the shoreline and habitat and it sounds very important, can I hear a little bit more about that?

Landscape Architect Meader said it was on the shoreline plan that there would be three trees in that cluster and an oak is one of them. Oaks have a particularly strong role in the environment; they support habitats. Oaks are very valuable ecologically. Just to go back for a second, twelve of the thirteen trees that I'm contesting were on a plan of some sort whether they were on the RUD plan, the shoreline plan, or the foundation tree plan. That is the reason why I was willing to not accept that those 13 trees could be removed without being replaced. I didn't feel it was my place to overturn a RUD plan and I thought that was the Planning Commission's right and authority to do that. The other eighteen, I could not find on a plan. Toll Brothers did put in a lot of trees, some residents also put in trees, and those eighteen trees that were not on plans, I had no reason to say no to the removal, so I said they could remove them. There were also a few that were healthy trees and there was no reason other than aesthetics to remove them, so I asked them to reconsider taking them out. The real thrust of it is that I didn't approve removal of trees that were on this plan that I could find on previous plans. That's up to you as a Commission, not me, and that's

why I fought for those. The one in particular, 1224, I just think it has a stronger ecological value than any of the other trees on the site as one of those that they're talking about removing and not replacing.

Member Roney said replacing the trees because they were on an original plan with all the number of trees they have there now - I think I leave that to the homeowners to figure out. The five that were not accounted for, I think the homeowners can figure something out. I do think that oak tree should be replaced if it has an important role in the community.

Landscape Architect Meader said our Ordinance requires that the plants be kept up to the approved site plan. If we allow homeowners to decide on their own not to replace things, one or two it doesn't really matter, but if you get fifty homeowners to decide we don't need to replace this tree, after a while it could have an impact on the whole site. I just don't think that's the precedent we want to set where people can take trees down without coming to you and ask to revise the plan because they want to change the look of the subdivision.

Member Verma said I was not sure about those eighteen trees. You could not find those on a plan? That means they were put in after the builders finished. Did the homeowners put those in afterwards?

Landscape Architect Meader said Toll Brothers could have as well. My understanding is Toll Brothers decided some extra trees were needed that weren't on the approved plan, so they added them. I think a lot of those are the ones in between the buildings and the shoreline. Those don't appear on any approved plan, but they appeared on their new survey. I understand that Toll Brothers did come by after the fact and added some trees. Also, in other cases, it could be some homeowners did add trees.

Member Verma said what is the thickness of those trees?

Landscape Architect Meader said they vary by the type of tree that they are. The maple that I was hoping would stay was a good size tree. I understand that it blocked their view and that's why they wanted to take it down, but there was no health reason for taking it down.

Member Becker said can you tell me the approximate year when Island Lake North Bay began construction? Thus, implementation of the approved and mutually acceptable landscape plan for the area.

Landscape Architect Meader said it was around 2003.

Member Becker said the summary of the requested minor amendment to the applicable RUD and revised landscape plan says, "the applicant is proposing to remove thirty-one landscape trees," in the applicant's June 24 correspondence to the Planning Commission the applicant states, "we have already removed the trees." Do you know when the twenty-five trees (now I heard it's twenty-five and not thirty-one) were removed and if they were removed prior to the request, then why are we looking at the request for the trees that have already been removed?

Landscape Architect Meader said it is about replacement of the trees that are shown on plans.

Member Becker said I'm just curious because the document says we have to approve

removing thirty-one trees, but they have already been removed, or twenty-five have already been removed.

Landscape Architect Meader said it is really about whether they have to replace the trees.

Member Becker said in the plan review documents provided for this hearing it says that of the thirteen trees, eight of them appear on the subsequent shoreline plan, is it then correct for me to assume that these eight trees were agreed to by the developer as necessary by the Planning Commission to agree to the site plan and other relevant plans for the development of the property?

Planner Carroll said that would be correct.

Member Becker said is it correct to say that the applicant and homeowner's association did not follow the proper required process steps before removing the trees?

Landscape Architect Meader said I would say that's true. Again, I really did not have a problem with them removing sick or dead trees because that's what we want them to do. We also want them to replace the trees once they're removed as we would for a business or any other place, it's not just this development.

Member Becker said in the applicant's response letter to the Planning Commission, the applicant asserts that, "the tree plan RUD filed with and approved by the City of Novi shows a detailed map for the planting of 245 trees," so as far as we know, 345 at some point were required by Novi to Toll Brothers.

Planner Carroll said that would be correct.

Member Becker said do we have any idea how many of those 345 were on the property already when construction started?

Planner Carroll said that number is unknown. Between now and then, obviously, some odd hundred trees or so probably got added either between residents adding them or the developer adding them after the fact one can assume.

Member Becker said at any time did the City of Novi require the request or suggest to the developer or the owners of Island Lake Novi North Bay that an additional eighty-eight trees should be planted on the subject property.

Landscape Architect Meader said I doubt it. We don't have any record that that was required.

Member Becker said in the agenda item for tonight's meeting it said the applicant is proposing to remove thirty-one landscape trees due to tree health, site congestion, and aesthetics. I didn't see in any of the documents that that was actually the rationale proposed by the applicant, but I assume there was some type of discussion that those were the reasons for removal of thirty-one, now twenty-five, trees.

Landscape Architect Meader said that's what they told us and, in most cases, there were health reasons or congestion reasons. In a few, it was just aesthetic reasons. I would say mostly it was health or overcrowding. We didn't have a problem with them planting replacements in a different spot to give trees more space, but they didn't want to do that.

Member Becker said my concerns on this are that the removal of trees that were part of the agreed development plan was certainly meant for the trees to be part of the subject property for the long term, as Mr. Meader had said. You approved the trees and then if you start cutting them down, you might as well not have approved the original plan. I did take a tour. I would agree that the subject property has been overplanted, but not because of any the City of Novi did. To overplant the subject property on their own volition and use the additional trees to somehow justify removing regulated trees that were part of the original agreement seems to be a little disingenuous. The plan for the shoreline trees was agreed to by the developer and now some years later the applicant claims these trees diminish the aesthetics of the view of the lake, which seems to me, that the developer did not consider the fact that trees grow in height, width, and canopy over the years and would in fact block the view. That's not a Novi issue. The claim that some of the trees aren't healthy and cause site congestion appears to be another self-inflicted wound, not something caused by the city. It would seem that there was a lack of planning oversight by the developer, by the homeowner's association or both and overplanting can certainly be the cause of poor tree health.

Member Avdoulos said dovetailing a bit off Member Becker's questions. We have a parcel that an applicant comes in and it has existing trees and then we have the development and then we add trees to it so the amount of trees that were indicated, do we know if those were existing plus the new or mainly it was the new ones that were required?

Landscape Architect Meader said I'm quite sure these were all new and planted for the development because there was extensive grading to put the development in. I doubt if there was anything except for the perimeter that was left. These are all twenty to thirty years old but there are not any large trees.

Member Avdoulos said I understand from the residents of Island Lake that looking from the development in it of itself, you want to have a landscape committee, you're adding to it, and you're creating some additional aesthetics, but we have to do this for every project where we get a plan before us, and we have to approve site plans especially if they're PUD's or RUD's and they're documented. As Mr. Becker indicated, if we put them up and all of a sudden don't like it and take it down, were starting to set precedent for other developments. For those that have been on a plan, and we could find them, we're kind of stuck in a tough spot. Rick, working with the development and being cognizant that the trees that he was fine with were not anywhere that were approved, and that's fine too. I understand too if were talking for a minimum number of trees, but it lays in with the process that we have to follow otherwise this starts opening up a lot of other issues especially if they were put into a position in order to be approved. I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Becker.

In the matter of Island Lake North Bay Tree Removals, JSP21-23, motion to approve the Minor Amendment to the RUD Plan based on and subject to the following:

- a. Whether all applicable provisions of this Section, other applicable requirements of this Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met. *The applicant has submitted the required application information.***
- b. Whether adequate areas have been set aside for all schools, walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development. The applicant shall make**

provisions to assure that such areas have been or will be committed for those purposes. *The applicant is proposing to remove 31 trees and will not have any additional impact on the recreation, open space, and safety of the development.*

- c. Whether traffic circulation features within the site and the location of parking areas are designed to assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets. *The applicant is not proposing any changes to the traffic circulation of the site.*
- d. Whether, relative to conventional one-family development of the site, the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service, or, in the alternative, the development will provide onsite and offsite improvements to alleviate such impacts. *The applicant is not proposing any changes that would impact the traffic within the development.*
- e. Whether there are or will be, at the time of development, adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water. *The applicant is not proposing any changes to the existing utilities within the development.*
- f. Whether, and the extent to which, the RUD will provide for the preservation and creation of open space. Open space includes the preservation of significant natural assets, including, but not limited to, woodlands, topographic features, significant views, natural drainage ways, water bodies, floodplains, wetlands, significant plant and animal habitats and other natural features. Specific consideration shall be given to whether the proposed development will minimize disruption to such resources. Open space also includes the creation of active and passive recreational areas, such as parks, golf courses, soccer fields, ball fields, bike paths, walkways and nature trails. *The applicant is proposing to remove 31 trees from general common area due to tree health, site congestion, and aesthetics. Staff has indicated that the removal of 18 of the 31 trees without replacement credits is acceptable. The remaining 13 trees should be replaced and have been indicated in the Landscape Review letter.*
- g. Whether the RUD will be compatible with adjacent and neighboring land uses, existing and master planned. *The applicant is not proposing any new uses within the development.*
- h. Whether the desirability of conventional residential development within the city is outweighed by benefits occurring from the preservation and creation of open space and the establishment of school and park facilities that will result from the RUD. *The applicant is not proposing any changes to the existing recreation area within the development.*
- i. Whether any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space and the establishment of school and park facilities that will result from the RUD. *The applicant is not proposing an increase in total dwelling units.*
- j. Whether the proposed reductions in lot sizes and setback areas are the minimum necessary to preserve and create open space, to provide for school and park sites, and to ensure compatibility with adjacent and neighboring land uses. *The applicant is not proposing a reduction in lot size or setback area.*
- k. Evaluation of the impact of RUD development on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and with regard to the planned and expected contribution of the property to tax base

and other fiscal considerations. The applicant's proposal does not impact any of the existing utilities or services within the development.

- i. Whether the applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements. The applicant will be required to provide replacements for any trees of record that are proposed for removal as identified in the Landscape Review letter.**
- m. Whether the applicant has made satisfactory provisions for future ownership and maintenance of all common areas within the proposed development. The applicant is not proposing any changes to the ownership or maintenance of the open space.**
- n. Whether any proposed deviations from the area, bulk, yard, and other dimensional requirements of the zoning ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area. The applicant is not proposing any deviations at this time.**

This motion is made because the plan is otherwise in compliance with Article 3.29.18, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Chair Pehrson said Rick, you brought up a good point about updating plans on a continual basis. What's the obligation of a development inside the City, either business or residential for that?

Landscape Architect Meader said if they want to revise that plan, they would need to submit a plan to us and then the Planning Commission would have to approve it. That's what they're doing now, they're proposing to have the twenty-five trees not on the plan.

Chair Pehrson said so as a lesson learned, as we heard from other homeowner's association areas, certainly the process you're going through to remove the dead trees is not the issue, the replacement of the trees is the issue that were addressing. You're doing an excellent job in educating yourself and learning about that and finding out what can and can't be done, but again to Member Avdoulos' comments, there's a process and plan by which we follow so that there isn't some of the different treatment by developments inside the community. Just as a lesson learned for whoever the gentlemen was that spoke about the other homeowner's association, if this is a desire that you're going to go forward with, let's use this as a learning obligation to understand what the process is. Again, I think we've seen both sides try to reach some sort of compromise here relative to understanding the eighteen that couldn't be identified; they are what they are. I don't think it's unreasonable when being asked regardless of how many trees or how beautiful of a site it is and there's not going to be any anyone that disagrees on that. We do have to follow a process and I think those replacement trees do need to be adhered to as well.

Motion made by Member Avdoulos and seconded by Member Becker.

ROLL CALL VOTE TO APPROVE THE MINOR AMENDMENT TO THE RUD PLAN FOR MOTION LISTED ABOVE MADE BY MEMBER AVDOULOS AND SECONDED BY MEMEBR BECKER.

Motion carried 5-0.

Motion made by Member Avdoulos and seconded by Member Roney.

ROLL CALL VOTE TO APPROVE THE REVISED LANDSCAPE PLAN MADE BY MEMEBR AVDOULOS AND SECONDED BY MEMBER BECKER.

In the matter of Island Lake North Bay Tree Removals, JSP21-23, motion to approve the Revised Landscape Plan subject to:

- a. The proposed amendment does not constitute a major change to the RUD Agreement as described in Section 3.29.18.A of the Zoning Ordinance, since it meets the standards of the ordinance as a minor change as detailed in the motion above;**
- b. The replacement of thirteen (13) of the thirty-one (31) landscape trees proposed for removal shall be required, with some allowance for adjustment of positioning to alleviate congestion, because such landscape trees were identified on previously approved landscape plans and shoreline replanting plans;**
- c. The maintenance of approximately 343 landscape and shoreline trees as identified in any previously approved site plans and shoreline plans for the development shall be the responsibility of the association;**
- d. The submittal of a Revised Site Plan/Landscape Plan with Final Site Plan submittal, in the level of detail required by the City's Landscape Architect shall be required;**
- e. 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.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. ELECTION OF OFFICERS AND APPOINTMENTS TO COMMITTEES

City Planner McBeth said I appreciate everyone reviewing the selection matrix we sent around and providing your requested Committees that you would like to serve on. Usually, we do this in two parts. There's the first part which is the election of officers, that would be the chairperson, the vice chairperson, and the secretary. You may want to choose to start with that and after that we can sort through the missing pieces on the Committees.

Motion made by Member Avdoulos and seconded by Member Roney.

VOICE VOTE TO ELECT PERHSON AS CHAIRPERSON OF THE PLANNING COMMISSION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to elect Pehrson as Chairperson. *Motion carried 5-0.*

Motion made by Member Avdoulos and seconded by Member Roney.

VOICE VOTE TO ELECT AVDOULOS AS VICE CHAIRPERSON OF THE PLANNING COMMISSION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to elect Avdoulos as Vice Chairperson. *Motion carried 5-0.*

Motion made by Member Avdoulos and seconded by Member Roney.

VOICE VOTE TO ELECT LYNCH AS SECRETARY OF THE PLANNING COMMISSION MADE BY

MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to elect Lynch as Secretary. Motion carried 5-0.

City Planner McBeth said there are two committees that need two members and an alternate. That's the CIP Committee that meets typically once a year and is combined with some City Council Members and some other members of the city staff. Its sometimes a little bit difficult to set up a meeting that works for everyone, so we were requesting two members and one alternate. Member Becker and Member Lynch had volunteered for that. If anyone else wanted to serve as an alternate on that we would appreciate that.

Member Verma volunteered to be the alternate.

City Planner McBeth said the next one that we typically have an alternate on is the Walkable Novi Committee. They typically have about four meetings per year. Again, that's coordinating with the Parks Commission and a couple of members from City Council. Sometimes it's a little difficult to get everybody there. Member Dismondy had kindly offered to serve as an alternate last year, but he declined this time given his other assignments so we would be looking for someone else to be an alternate for this Committee. Member Roney and Member Avdoulos volunteered to be regular members.

Member Lynch was volunteered by the Commission to serve as an alternate.

City Planner McBeth said the Implementation Committee, three members were sought, and we have three members that are requesting that. The Master Plan and Zoning Committee is very popular this year, so we need three members and an alternate. We actually have five members who wanted to be on that committee, so would one person like to defer?

Member Becker said is there a number where one of these committees can meet and not violate the open meetings act? If we had five, I think that would actually have to be a public meeting.

City Planner McBeth said yes, that would be three members to not violate that act.

Member Becker said I volunteer to defer.

Member Roney said I can be an alternate.

City Planner McBeth said we do have enough members for the rules committee. I will send this updated chart around tomorrow. If I made any mistakes, please let me know.

VOICE VOTE TO APPROVE THE PLANNING COMMISSION COMMITTEE APPOINTMENTS.

Motion to approve the Committee Appointments as noted on the committee selection sheet. Motion carried 5-0.

2. APPROVAL OF THE JUNE 9, 2021 PLANNING COMMISSION MINUTES

Motion made by Member Avdoulos and seconded by Member Roney.

ROLL CALL VOTE TO APPROVE THE JUNE 9, 2021 PLANNING COMMISSION MEETING MINUTES

MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to approve the June 9, 2021 Planning Commission Meeting Minutes. Motion carried 5-0.

3. APPROVAL OF THE JUNE 23, 2021 PLANNING COMMISSION MINUTES

Motion made by Member Avdoulos and seconded by Member Roney.

ROLL CALL VOTE TO APPROVE THE JUNE 23, 2021 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to approve the June 23, 2021 Planning Commission Meeting Minutes. Motion carried 5-0.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth said I don't have any new training updates at this time. There was an email I sent around and mentioned last time; it was a subscription service to the Planetizen and Michigan State University. They are a good source of Planning Commission training and this opportunity, I think, would still be held remotely. If anyone would like to sign up, please let me know.

Member Avdoulos said can we become members of the American Planning Association?

City Planner McBeth said yes, you're currently members of the Michigan Association of Planning. The American Planning Association is the national group. If you wanted to be a member of that we can arrange that. We didn't typically expect that you would want to be, but we can get you signed up.

Member Avdoulos said the last time I was, I think I was getting other articles and it was helping me out here and for what I do.

Chair Pehrson said I highly recommend any of the training that Barb points out and especially with it being online, it's probably a lot less invasive on your schedule as opposed to having to go to some place and spend the time. The training updates that are provided by Michigan State are just wonderful.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Motion to adjourn made by Member Roney and seconded by Member Avdoulos.

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

Motion to adjourn the July 14, 2021 Planning Commission meeting. Motion carried 5-0.

The meeting adjourned at 8:10 PM.