



## PLANNING COMMISSION

### MINUTES

CITY OF NOVI

Regular Meeting

**June 10<sup>th</sup>, 2020 7:00 PM**

Remote Meeting

45175 W. Ten Mile (248) 347-0475

In accordance with Executive Order 2020-48, this meeting was held remotely.

#### CALL TO ORDER

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

#### ROLL CALL

Present: Member Avdoulos, Member Ferrell, Member Gronachan, Member Lynch, Member Maday, Chair Pehrson

Absent: Member Anthony

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Madeleine Kopko, Planning Assistant; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Elizabeth Saarela, City Attorney; Pete Hill, City Environmental Consultant; Saumil Shah, City Traffic Consultant

#### PLEDGE OF ALLEGIANCE

Chair Pehrson led the meeting attendees in the recitation of the Pledge of Allegiance.

#### APPROVAL OF AGENDA

Moved by Member Gronachan and seconded by Member Ferrell.

**VOICE VOTE TO APPROVE THE JUNE 10, 2020 PLANNING COMMISSION AGENDA MOVED BY MEMBER GRONACHAN AND SECONDED BY MEMBER FERRELL.**

**Motion to approve the June 10, 2020 Planning Commission Agenda. *Motion carried 6-0.***

#### AUDIENCE PARTICIPATION

Seeing no one in the audience wished to speak, Chair Pehrson closed the first audience participation.

#### 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

### 1. GRIFFIN FUNERAL HOME JSP17-13

Approval of the request of Novi Funeral Home, LLC for the first one-year extension of the Final Site Plan approval. The subject property is located south of Eleven Mile Road and west of Beck Road, in the RA, Residential Acreage Zoning District. The applicant is proposing to construct a 13,000 square foot building and associated site improvements for use as a funeral home. A special land use permit was granted in June of 2017.

Motion made by Member Avdoulos and seconded by Member Maday.

### **ROLL CALL VOTE TO APPROVE THE ONE YEAR EXTENSION OF THE FINAL SITE PLAN FOR GRIFFIN FUNERAL HOME MADE BY MEMBER AVDOULOS AND SECONDED BY MEMEBR MADAY.**

**Motion to approve the first one-year extension of the Final Site Plan approval for Griffin Funeral Home JSP17-13. Motion carried 6-0.**

## PUBLIC HEARINGS

### 1. TAFT KNOLLS III JSP 19-34

Public hearing at the request of Trowbridge Land Development for Preliminary Site Plan, Site Condominium, Wetland Permit, Woodland Permit and Stormwater Management Plan Approval. The Subject Property is located in Section 22, South of Eleven Mile Road and East of Taft Road and is zoned R-4 (One Family Residential). The applicant is proposing to construct a 13-unit single-family residential development (Site Condominium) off of an extension of Danya's Way.

Planner Bell said the subject property is located on the east side of Taft Road north of 10 Mile Road in Section 22 of the City of Novi. The property totals 9.6 acres. The current zoning of the property is R-4, One-Family Residential, with the same to the North, east and south. The properties to the west across Taft Road are zoned Residential Acreage. The future land use designation and surrounding properties on the north, east and south is single family. Educational facility is indicated on the west. The site has a substantial portion of regulated wetland areas along the east and west property lines, and also a considerable amount of woodlands along the eastern portion of the site.

The subject property is subject to two existing easements. A drainage easement on the east is 1.53 acres and the conservation easement on the west side covering the wetlands is 1.51 acres. There is a 12-foot wide strip of land that was excluded from the conservation easement on the western side of the site to allow for driveway access from Taft Road to the existing home.

The applicant is proposing a 13-unit single-family residential Site Condominium with access off Taft Road via an extension of the existing Danya's Way from the north. A secondary emergency access road would be required, with a total width of 20 to 25-feet. This would also serve as the construction route to prohibit construction traffic from entering and exiting the site through the existing Taft Knolls neighborhood to the north. There was a previous proposal for a 15-unit single-family residential development utilizing the Open Space Preservation option in 2017. That plan proposed a full 60-foot wide public right-of-way through the existing conservation easement out to Taft Road. The Planning Commission recommended approval of that plan on August 23, 2017. However, when the plan went to City Council it was not approved due to concern about the proposed easement modification, having to widen that drive access through the existing easement would require an

amendment with the conservation easement.

Planner Bell continued to say staff's current recommendation for Planning Commission's approval is contingent on Council's approval to approve the amendment of the easement. We cannot be sure that City Council will be willing to approve the amendment of the existing easement; however, the impact is significantly reduced now that that full width is going through there. City Council would also need to approve a variance for the radius and right-of-way width of the proposed road eyebrow, which does not meet the standard requirements. The revised layout that is now proposed has also eliminated the need for a driveway spacing waiver and the 25-foot stormwater buffer encroachment variance that was asked for previously. Amendments to the drainage easement on the eastern portion of the site are also no longer required. The Engineering review identified a couple of administrative variances that are required: one for the sidewalk placement for a portion of Danyas Way near the wetlands in a couple locations, and another for not providing a stub street at 1,300 foot intervals along the property line. Staff is in support of both waivers as they would reduce the impacts to the existing wetlands without compromising safety. The landscape review identified three waivers required: absence of the required berm and five required street trees along Taft road, and the lack of greenbelt trees provided along the frontage, all due to presence of the existing wetland which would have more impacts if those berms and trees were in place.

There are eight areas of wetlands on site. The site plan proposes about 0.11 acre of impacts to five of those wetlands. This amount of impact does not require mitigation measures under the City's Ordinance. The site plan proposes to include some of the wetland buffers in the rear yard for about five lots. In those locations the applicant proposes deed restrictions and signage to be placed on the lots to protect those buffers. About 52% of the woodland trees surveyed are proposed to be preserved. The proposed removal of 106 regulated trees, after taking into account 46 non-woodland trees to be preserved onsite, would require 127 replacement credits. The plan proposes to replace all of them on site.

All reviews are recommending approval, contingent on City Council approval of the variances and easement modifications, with additional information requested at the time of Final Site Plan. The Planning Commission is asked today to hold the public hearing to consider the Preliminary Site Plan, site condominium, wetland permit, woodland permit and stormwater management plan. The applicant Anthony Randazzo is here tonight with Engineer Mike Powell to address any concerns you have.

Mike Powell, Powell Engineering, said I'd like to introduce this project back to the Planning Commission. In this particular case, the cul-de-sac design was originally approved approximately ten years ago. Due to the economic downturn it was never initiated. When it was brought back, the Planning Commission and City Council really were hoping to have an access road to Taft Road. With that in mind, we ended up with 15 lots. As was presented, the Planning Commission approved that plan and recommended to City Council. City Council had a problem with removing and modifying a 60-foot right-of-way leading out to Taft Road in order to allow that looped street. With that information from the City Council, we went back to the drawing board and ended up with a new concept with a new cul-de-sac design, but the owner lost 2 lots. The owner believes that was better than trying to fit the additional lots in there. This layout does the least to impact the wetlands and the conservation easement.

This particular plan, when initially submitted, the fire department was concerned with the length of the cul-de-sac. Therefore we worked with them and proposed a 20-foot wide emergency road access out to Taft Road. This will be a gated access that the fire department will have a key to and be able to open it in case of emergencies. The planning department also pointed out that we needed to have some type of a stub road to the south so that this roadway system could be

extended to the south into the next piece of property if it needed to be developed.

One of the issues before the Planning Commission tonight is a waiver modification for the size of the cul-de-sac. The cul-de-sac itself meets the Road Commission of Oakland County requirements. The City of Novi's design is typically a little larger than what Oakland County requires. We were able to meet it at 60-foot dimensions. We provided the turnaround radius to the fire department so they can navigate around this cul-de-sac and per chance there was an accident in that area they can also use the emergency route out to Taft Road. A t-turnaround was also established in the cul-de-sac and staff has pointed out that we received the blessing from the fire department and all the staff reviewers.

Mike Powell said I did want to point out one additional thing. We are asking for a site modification in the conservation easement. The easement granted by City Council was for a 12-foot wide access easement just for a driveway for the original house. Unfortunately what's happened is the fire department's minimum size for an access road for emergency vehicles is 20-feet and we are asking for a 25-foot modification to the access easement from Taft Road into this site for emergency vehicles only. As were asking for a waiver on that and as a benefit to this modification, the owner is looking to actually increase the conservation easement by 3 acres. So all the acreage to the east will be added to the conservation easement which means there will be a net increase of 3 acres to the community and preserving that area in perpetuity. With that, I'm here to answer any questions the Planning Commission may have and I thank you very much for giving me this opportunity.

Chair Pehrson opened the Public Hearing for comments.

James Marr, 25387 Sullivan Lane, said my biggest concern is the wetland areas and the privacy issue. I live at the back of the proposed development. The engineer was talking about adding the 3-acres to the east side and that's what helped influence what my main concern was which is not being able to physically see the development. My wife and I purchased this home almost three years ago and the reason why we bought this home was because we had privacy in the backyard with the wetlands. We assumed that was protected land, so not having to walk out in our backyard to see 13 houses was somewhat important to us when we purchased this home. I'm also concerned with how it could possibly affect the value of the property by the loss of privacy. Until I could see the rearranged plans I would have to object.

Ruby Marr, 25387 Sullivan Lane, said I would like some clarification on the woodlands. When I walk into my backyard and into these woods, it looks like there are trees that are coming down that are awfully close to the property lines for me and my neighbors who live in Cedar Estates. We have lovely wildlife that we enjoy seeing and its part of what brings uniqueness to this neighborhood. It's very demoralizing and upsetting to see all these trees marked with nickel plates and pink flags of what I would hate to think are coming down. I don't quite understand the drawings. I would like to have some clarification because it looks like its protected wetlands. I see signs that say "protected wetlands" when I walk down the street to Jamestown and I just don't understand why these are not protected and why we're entertaining this idea.

Dan Trainor, 44646 Kerri Court, said I certainly agree with what Mr. and Ms. Marr contributed and I just wanted to expand on it a little bit. There are a number of aspects of the plan that I have some difficulty with. The biggest concern is with the wetland areas. I think overall the plan is too ambitious and looking at the drawings that were submitted with the 13 proposed lots, I can't see where 15 homes would ever have been feasible. I still think 13 homes are too many. Specifically, I look at some of the sections of the packet where ECT commented that they continue to suggest that the applicant attempt to reduce the overall proposed impacts to the existing woodlands. I couldn't agree with that more. As a matter of fact, I would maybe update and say require them to

reduce the overall impact.

When you look at the Woodlands Protection Ordinance and some of the language that was quoted by ECT, it mentions providing paramount public concern for the natural resources and the interest of health, safety, and general welfare of the City residents. Also they mention how the removal or relocation of trees should be limited to those instances when necessary. I think that they could move the detention basin and eliminate the removing of at least 83 trees on the eastern portion of the property where the houses are not proposed to be built. If those trees come down, that will destroy that natural barrier of woodlands.

Dan Trainor continued to say I really think this is on the developer to comply with the Ordinances rather than the city. The city should act on behalf of the residents to really back down and enforce the Ordinance. They need to scale their project to be able to meet the requirements that are in place. ECT also said that it is their opinion that the current site layout is not consistent with upholding the intent and goals of the City's Woodland Ordinance. Again, I think that's an issue that really needs to be addressed. I think if that detention basin was moved to another location they may have to take out another site and I think that's what the outcome should be. We really need to leave the trees and the impact to the wetlands alone especially wetlands in areas A, B, and C on the plan as proposed. I really ask of your consideration in modifying this plan. It just befuddled me that they can request a twenty-foot wide easement, but they can't find space for the replacement trees. That's because every parcel of property in there is really being marked for development when it should have factored in in compliance with the Ordinances. I look to the Planning Commission. You're representing the residents of the city of Novi in this. I really ask for your help and expertise making sure this plan is brought in line with the Ordinances that exist.

Amy Wang, 25472 Danyas Way, said I understand that there is an entrance made for construction purposes, but I want to emphasize that on Danyas Way where the new subdivision will be connecting, that road should not open up until the final capping of the roads occur. We're asking for reassurance that there will be no construction traffic of any sort that will be traveling through our side of the subdivision or parking in front of our homes and disrupting where we are living now. I know that construction can go through a lengthy process and so I'm asking that that does not occur because we don't want to be disrupted. In addition, when we finished our side of the sub, the original Taft Knolls had complained about the construction traffic and it affecting their roads, so I want to emphasize again that we do not want any disruption but for also any reason if they come through and there is impact to our currently capped roads that there's something put aside to discourage that from happening because we know from history that it had happened before.

Finhas Husan, 45293 Sedra Court, said my concern is regarding the trees as well as the construction traffic. I support what Mr. and Ms. Marr said that this property has a lot of wetland as well as mature trees. I need to understand how the trees are counted because if you are measuring trees by their diameter - they are all so different that it doesn't represent the trees accurately and it is not effective from a perspective of how dense the foliage is and how much it provides privacy to the residents. That is our primary reason why we moved here is to have the privacy. On lot numbers 1, 2, and 7 it is going to completely destroy all the privacy. There's going to be a significant amount of pine trees that are there for lots of wildlife and this plan does not address any of those things and it completely removes a lot of the foliage around them. Also, I echo what Amy said about the timeliness of completion because we need to have a timeline of when this project could be completed, we don't want this project to go on for years.

Wen Liu, 45257 Sedra Court, said I would like to reiterate and reemphasize the messages that all the other residents given. My wife and I do object to this in terms of the ecological impact of the tree removals and the impact to the wetlands, as well as the construction traffic going through Taft

Knolls I and II. We think these needs to be addressed before we could support it.

Planning Assistant Kopko read the correspondence. The first letter was a letter of support from Anthony Randazzo at 25150 Taft Road. The second letter is from Finhas Hasan, 45293 Sedra Court, who objects. There are concerns with significant landscape changes, privacy, and construction traffic. Another objection from David Tozer, 25411 Sullivan Lane, concerns about privacy and property values. Then there were some objections from quite a few Taft Knolls and Taft Knolls II residents, who all agreed on the same items, I'll read of their names: Miguel Vidal, Bradley & Sarah Graca, Faisal Uppal, Johnathan & Alanna Nzoma, Girish Rao and Kavitha Raghunath, Wen Liu and Lian Tao, Ben and Amy Wang, Bhavana Chakraborty, Venkata Krishna Curapati Murali: they all have concerns about construction traffic, children's safety, home security, tree removals, timely completion, and poor maintenance of the current retention pond. There were also some recommendations that an agreement be put in place with the builder that all conditions are met, an entrance update, and children's play area be added.

Planning Assistant Kopko continued to say there's another objection from Eric and Nicole Bradshaw, 25315 Sullivan Lane, citing concerns about hurting the uniqueness of the surrounding properties, decreasing property values, and they would ask for the plan to not encroach on the woodlands and wetlands. Another objection from James Marr, 25387 Sullivan Lane, with concerns about protected lands and how it affects privacy and home values. One last objection from Jeffrey Gedeon, 25458 Danyas Way, stating concerns about completing the project in a timely manner and would recommend a completion agreement and compensation to the City's tree fund based upon any trees that are removed, concerns about loss of the woodlands and the engineered ponds that already exist, concerns about extending Danyas Way, concerns about construction vehicles parking in the existing Taft Knolls subdivisions, and would recommend a 'No Construction Traffic' and 'No Construction Parking' sign be put up. That was all the correspondence received.

City Planner McBeth said it looks like there is one more hand raised in the audience.

Alex Kadarjan, 25363 Sullivan Lane, said my concern is with the uniqueness of our home purchase and that was the huge selling factor was the woods in the backyard. My concern is also with the wildlife. We love watching the deer that come out of the woods. I feel like that might be destroyed and the property values will be decreased and we will lose the uniqueness. This property was very rare to find. I fear my property values will go down, I don't want to see other houses in the view - that's one of the reasons why we moved to Novi, for these woods.

Chair Pehrson closed the public hearing after seeing no one else wished to speak and turned it over to the Planning Commission for consideration.

Mike Powell, Powell engineering asked to make a brief statement. We certainly understand the concern of the existing residents. I've never yet been to a Planning Commission meeting to where the adjacent neighbors haven't had concerns about every development that goes on in the City and in other communities. That being said, this site has changed dramatically since the last plan was approved by the Planning Commission. We have greatly reduced the impact of the natural resources and the wetlands. The trees that are marked do not mean they are coming down. We have been approved by each and every department of the City of Novi. I also wanted to let the Planning Commission realize that this is a standard site condominium; we meet all the requirements of the standard subdivision development. It's no longer an open space plan and it has been reduced by 2-lots, we are adding 3-acres of conservation area to the site which means half the site will be in conservation easements and not be developed. I also wanted to point out that the tree count has been done and been blessed by the departments in the city. I wasn't sure what report the resident was reviewing, but the Planning Department might be able to respond to that. I would

also like to offer that the land owner has agreed to use the emergency access drive off of Taft Road for all construction traffic, so there will be no construction traffic allowed on Danyas Way. Everything will be coming in off of Taft Road and then that entrance will be closed when construction is completed and be used for emergency access only. There will be no construction traffic at all on the local roads. As far as construction, the owner would very much like the initial construction to be done by next spring and homes to be built next summer.

Member Maday said first, I'm okay with modifying the conservation easement because I believe the intent is the same intent that the original owner had and that was access. The previous owner donated a lot for his access to his home; I believe that intent is the same. It's the bare minimum width that it can be to meet the code and so I've actually come to grips with that. I am slightly concerned about the additional 83 trees that are going to be taken away to build the detention basin and I would love to know if the applicant has looked at any other options in order to help meet the intent of the Woodlands Ordinance or if it has been discussed and its really not an option at this point. So that would be my first question and I think that maybe would be for you Rick.

Landscape Architect Meader said I actually would defer to this to Pete Hill. The reason is because they have moved the detention pond to where it was before. I can't really speak to what options they have gone through in their design process. It's probably more for the design engineer more than either of us with what they've actually tried to do. I can tell you the first plan didn't have the pond at the very edge like this one does, but that's about what I can tell you.

Mike Powell, Powell Engineering, said the previous design had the detention basin along the east and more central property line. It was decided to move from that area because there was an intrusion into the wetland along that east side. The Planning Commission approved it there. The only area that we could find that fit that required detention basin in is in the upland area that's not in the wetland, so we are actually taking upland area that would not impact any wetlands whatsoever and utilize that for the detention. That is the only upland area on the entire site that does not have impacts to the wetland and the natural preservation of the wetland area so it was decided that that was a much better area, it did remove some mature trees right in the center of the east side of the site, substantially back from any property lines, and of course the owner is planting the trees as required to buffer that detention area and is proposing to plant a great number of new trees to replace those that have to be removed.

Member Maday said that's good to hear. I also wanted to make sure that all the trees that are going to be removed are going to be replaced on site. Is that correct?

Mike Powell said that is correct.

Member Maday said so the last thing is there are a lot of concerns from the public about construction and privacy issues. It looks like you committed to using the access from Taft Road so it will not affect the residents to the north which is great. It also looks like a lot of people are concerned about wetlands and you're only disturbing a minimal amount of so I'm pretty happy to see that, which will hopefully keep as much of the wetlands and natural areas that we can preserve so thank you for that.

Member Lynch asked how large the site is. Planner Bell confirmed it was 9.6 acres.

Member Lynch said the zoning on this site seems to have has the same zoning for at least over a decade. Is that true?

Planner Bell said I'm not certain of the length of time it's been zoned R-4, but everything around

there has been R-4 and developed that way.

Member Lynch said as the adjacent subdivisions were getting built I was wondering if this particular parcel had a different zoning. The best I could see, it has been zoned this way for quite some time. As an R-4, they could legally put a lot more homes on it. Commissioner Maday touched on one of my biggest concerns: the trees that are going to be removed and replaced. There not going into the tree fund, they are actually going back on the site so there will be those same amounts of trees on this site when this is done. I appreciate the minimizing the impact to the conservation easement. It's unclear to me what the holdup was on the original approval? Was it too wide?

Mike Powell said the Council was concerned that the 60-foot right-of-way and the 30-foot wide road way was going to affect too much of the wetlands going out to Taft Road, so now it is a 20-foot wide emergency access drive, and we've eliminated that concern of theirs, we hope.

Member Lynch said okay I understand. I agree with Council on that, I'm surprised we missed that on the original approval. Overall, as long as the trees remain on site, it's been zoned this way for well over a decade. I do like the idea of minimizing the amount of land that you're going to use for the actual development. As far as the density, I'm actually quite pleased there's a reduction of density. It looks like the setbacks from the adjacent subdivision are significant, based on the drawings it looks like it will still be significant amount of deciduous and evergreen trees between the two subdivisions.

Mike Powell said were not disturbing any trees within the wetlands or the buffer areas. We're leaving the buffer outside of the any homes that are actually going to be constructed. The owner is not in the business to remove trees so he's going to minimize the disruption of any trees along the rear lots.

Member Lynch said I don't have an issue with it. I'm actually pleased with what you have done and I like the idea of wanting all construction traffic down that access road. I'm in support of this.

Member Gronachan said I would like to talk to the residents that have voiced all their concerns. I realize and I've heard a lot of concerns over this piece of property prior to my appointment to the Planning Commission because I was on the Zoning Board and this piece of property has been under discussion by the residents in those neighborhoods for a long time. I can understand when you're dealing with a lot of wetlands and a lot of woodlands it can be a delicate situation. I don't feel that the residents should be frustrated. I think that the City and the staff have done a great job in overseeing the development of this site. Because of the concerns of these residents, they have a vested an interest in their homes and I'm glad to see so many are paying attention to what's going on next door. Kudos to all of you for bringing up questions and voicing your concerns.

I have to say that with this particular site when you look at it, half of it is staying as a wetland, which is huge. All the trees are going to be brought back into this site. Some of them are going to be new trees. So there's a lot going on in this subdivision and one of the residents mentioned that there are a lot of lines on the plan and it's hard to understand. I would encourage them to go to the Planning Department and take a look at the plans to ease your mind. This developer, in my opinion, has done a lot of steps to pay attention to the privacy issues, to make sure were not removing excess trees, he's addressed the concerns about the wetlands, he has very minimal impact and so I feel confident that this is a good development for this particular piece of land. I do have a question about the emergency access drive to be used for construction. I just want to make sure that with the access road only being 20-feet wide, if the trucks would have a problem going into the site that they are not going to be turning around and going through the other subdivisions.



Kate Richardson said if the developer is willing to put up signs to stop construction from going through that area then absolutely we can enforce that, especially with the final site plan approval. We'll ask that the developer and the contractor take a video of the all the roads in the nearby area to prove that they weren't at fault for any harm out there. I will be on site, our construction inspectors will also be on site regularly and I'm sure the residents will keep us informed too if there are any issues during construction.

Member Gronachan said and that's something the residents can contact the city about and let them know if they see something that is not in agreement to what is going on here tonight. I don't think it's the developer's intent to cause any damage to other subdivisions or come in and destroy anything because at the end of the day it's going to cost him more money if there is destruction. So with that, I echo the previous member's sentiments about the trees and I really wanted to send out some words to the residents and address their concerns. I'm in support of this development.

Member Ferrell said I echo a lot of what the other commissioners have previously said. I had some issues with the trees and I actually wanted to ask the applicant about the trees that you said are marked. What are the markings on the trees for and which trees are going to be removed?

Mike Powell said the neighbors may not understand the process of tagging all the trees. They happen to mention all the trees they were concerned about have silver buttons on them with numbers. That quite frankly is standard operating procedure where you go through to identify every single tree of the required size and log it, categorize it, and determine the quality and then we present it to the city because based upon that, it is going to determine what type of tree and how many trees have to be replaced. Just because it's tagged doesn't mean it's going to be removed. I do not believe that the tree clearing has been identified yet on the site. I certainly ask the resident to come in and take a look at the plans because we've identified every single tree on the landscape plan and on the tree removal plan that's to come down and it has to be replaced per the Ordinance. Again, the developer is looking to minimize any disruption especially along property lines because we know how important those are.

Member Ferrell said thank you, I just wanted to make sure what the tags meant is clear, but they also mentioned some other markings on the trees besides the silver buttons.

Ruby Marr, 25387 Sullivan Lane, said there are pink flags on some of the trees that are very close to the property line.

Environmental Consultant Hill said in some of our previous review letters for woodlands we noted that a lot of the trees on the very far eastern section of the site that the residents are concerned with had not been surveyed. They did not have the metal tree tags on them yet, so perhaps it's my guess that the ribbons that are the most visible to those residents are not necessarily meaning those trees are coming down, but those may have not been surveyed yet. Maybe the developer's team or the surveyors have flagged all the ones that were yet to be surveyed.

Member Ferrell said thank you for that, I just wanted that clarified for the residents so they know what the procedure is. I support the development and I do appreciate reducing it to have 13 homes instead of 15 and the waiver for having the extra 3-acres to the property to help facilitate the natural habitat of the animals that everybody seemed to be concerned about.

Member Avdoulos said I echo my fellow commissioner's comments and I appreciate the residents addressing their concerns and Member Gronachan for walking us through what we're doing. There's going to be cautionary verbiage put in the packet to, especially in the woodlands, to minimize the amount of disruption to the woodlands. In order to make something successful, there's

got to be some give and take. This project went through the first round and seems like the City Council was not comfortable with it so now they're back before us and the applicant has made adjustments. I think one of the big things that was expressed, and I'm actually going through it myself personally, is to make sure that when projects are under construction, if there is going to be any disruption to the residents either construction traffic or being blocked off the residents should be notified. I know the applicant is before us and is listening to all these concerns, but that information and those goals need to be notified to the team that is actually doing the construction. Whoever is the superintendent out in the field has to know that this is very important. We have a couple of projects going in in my neighborhood and work started on an intersection that we had no notice of and there was a 4-foot drop that came right in front of you so we called the City and the City acted within 24-hours, so if we keep lines of communication open, I think we will be good.

Chair Pehrson said I have no other comments, I think you did a wonderful job trying to explain what your thought process is. I appreciate everyone bringing forward their comments and I also see the developer is very willing to address the concerns that the surrounding citizens have. I'm in support.

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN AND SITE CONDOMINIUM OF PROJECT JSP19-34 TAFT KNOLLS III MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.**

**In the matter of Taft Knolls III JSP 19-34, motion to approve the Preliminary Site Plan and Site Condominium based on and subject to the following:**

- a. **A Landscape waiver for absence of required berm along the Taft Road frontage, as required by Section 5.5.3.B.ii and iii, *due to the presence of wetlands between the road and lots that are being preserved, which is hereby granted;***
- b. **A Landscape waiver for absence of five required street trees along the Taft Road frontage, as required by Section 5.5.3.E.i.c and LDM 1.d., *due to lack of space caused by presence of wetlands, which is hereby granted;***
- c. **A Landscape waiver for absence of greenbelt canopy, evergreen or subcanopy trees provided along north 166 linear feet of frontage (4 canopy and 6 subcanopy trees required) *because wetland to be preserved occupies that section, which is hereby granted;***
- d. **City Council approval of proposed modifications to the existing conservation easement;**
- e. **City Council approval of a variance from Chapter 11, Figure VIII-G of the City Code for not meeting the required radii and right-of-way dimensions of the proposed eyebrow *in order to prevent further encroachment into the wetland buffer;***
- f. **Administrative variance for not providing a stub street at 1300 foot intervals along property line, as listed in Section 4.04 A.i.b of the Subdivision Ordinance, *due to presence of existing regulated woodlands and wetlands;***
- g. **Administrative variance for placement of the sidewalk greater than 1 foot inside the right-of-way in various locations, *due to the presence of existing regulated woodlands and wetlands;***
- h. **The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and**
- i. **The applicant shall provide the appropriate signage for construction to communicate and minimize any disruption to the adjacent residences. If there is going to be any anticipated traffic disruption to the residences, the applicant shall notify the residents in writing.**

**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 6-0.*

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE WETLAND PERMIT FOR PROJECT JSP 19-34 TAFT KNOLLS III MADE BY MEBER AVDOULOS AND SECONDED BY MEMBER FERELL.**

In the matter of Taft Knolls III JSP 19-34, motion to approve the Wetland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Gronachan.

**ROLL CALL VOTE TO APPROVE THE WOODLAND PERMIT FOR PROJECT JSP 19-34 TAFT KNOLLS III MADE BY MEBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

In the matter of Taft Knolls III JSP 19-34, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE STORM WATER MANAGEMNET PLAN FOR PROJECT JSP 19-34 TAFT KNOLLS III MADE BY MEBER AVDOULOS AND SECONDED BY MEMBER FERELL.**

In the matter of Taft Knolls III JSP 19-34, motion to approve the Stormwater Management Plan, based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

## **MATTERS FOR CONSIDERATION**

### **1. INTRODUCE TEXT AMENDMENT 18.293 – LANDSCAPE ORDINANCE AND LANDSCAPE DESIGN MANUAL**

Set a public hearing for Text Amendment 18.293 to update Section 5.5 of Zoning Ordinance related to the Landscaping standards, and the Landscape Design Manual, in order to update and make modifications to the ordinance and manual in certain areas.

Landscape Architect Meader said in 2017 we made pretty significant changes to the Ordinance because I thought the requirements were a bit overdone and Planning Commission and Council agreed. These changes are much more limited in scope and tonight we are here to set the Public Hearing. Basically, the memo in the packet describes the changes in the Ordinance; most of them are very minor. They are organizational things and some minor corrections. Some that would be considered more major are suggestions that would require a wall between parking areas and

residential areas within a mixed use development in the TC and TC-1 Zoning Districts. Some changes look at street trees where we have some gaps in requirements that I think should be filled. There are also some environmental issues that we could improve on with our requirements for now. I encourage you to look over the memo and look over the Ordinance and I'm happy to answer any questions you may have.

Chair Pehrson asked for comments from the Planning Commission.

Member Lynch said we are making all these Ordinances and I support every single one of them, but they're not enforceable. We don't have anyone that's going to enforce these Ordinances. Does City Council realize that we really have no enforcement mechanism on any of these violations to these Ordinances other than the initial development? I think Rick knows what I'm talking about and it's frustrating for him and I'm just wondering why do we continue to do stuff like this if we're not going to enforce it, why do we even have them in the first place?

Landscape Architect Meader said these particular changes are related to site plan issues so we would be able to enforce them up front, but when it comes to enforcing, it is a bit of a different issue.

Member Maday said you're the expert on this Rick, you're the one seeing patterns of development and where the loopholes are, I don't necessarily see that on an individual site by site basis and so I think it's definitely something I would be interested in looking into more and I think it also helps developers with standing operating procedure and guidance, is that correct?

Landscape Architect Meader said in terms of trying to close areas of interpretation so it's clear what's required or not. That's what a lot of these minor changes are aimed at doing to try to take a little less interpretation away and make it more clear.

Member Maday said it makes everybody's standing operating procedure a little bit clearer through this process.

Member Avdoulos said I know we get a lot of requests for waivers so I know were trying to minimize those requests. I think from the last go around to tweaking this that it is very helpful. I understand the back end and I think at least the front end we could set what the requirements are and allow the developments to continue to be enhanced.

Member Gronachan said I think you did a good job cleaning this up and I look forward to seeing the final outcome of it all.

Motion made by Member Avdoulos and seconded by Member Gronachan.

**ROLL CALL VOTE TO SET A PUBLIC HEARING FOR TEXT AMENDMENT 18.293 TO UPDATE SECTION 5.5 OF ZONING ORDINANCE RELATED TO THE LANDSCAPING STANDARDS, AND THE LANDSCAPE DESIGN MANUAL, IN ORDER TO UPDATE AND MAKE MODIFICATIONS TO THE ORDINANCE AND MANUAL IN CERTAIN AREAS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

**Motion to set a public hearing for Text Amendment 18.293. *Motion carried 6-0.***

**2. APPROVAL OF THE MAY 20, 2020 PLANNING COMMISSION MINUTES.**

Motion made by Member Avdoulos and seconded by Member Maday.

**ROLL CALL VOTE TO APPROVE THE MAY 20, 2020 PLANNING COMMISSION MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER MADAY.**

**Motion to approve the May 20, 2020 Planning Commission Meeting minutes. *Motion carried 6-0.***

**SUPPLEMENTAL ISSUES**

Chair Pehrson said as a takeaway from Member Lynch's frustration on being able to enforce the Ordinances that are out there, if we could have someone go through and educate us on what that is and what needs to be done to make that a better process or if there isn't a process what do we need to do to have some enforcement.

City Planner McBeth said we can absolutely look into that.

Member Lynch said thank you for looking into that because we just did it again tonight.

Member Avdoulos said as we start getting back into the office environment, are there steps or plans in the future for meetings to be held in the chambers again?

City Planner McBeth said we think at least through June we will be continuing with the remote meetings. If there's another order from the Governor with any guidance on that as well as any guidance from our City Attorney and City Manager's office on how to proceed with the meetings we will let you know.

Member Avdoulos said the reason I ask is because the order is supposed to expire on Friday and office environments are supposed to go back. I was just curious if there was anything going on with the city.

City Attorney Saarela said with the order expiring and people start going back into the offices were still limited in numbers for internal events to 50 people or less, but at any public meeting I don't think we could guarantee that less than 50 people would show up. At this point, the order for remote meetings still stand until June 30<sup>th</sup> and we are waiting to see if the governor extends the order.

City Planner McBeth said and also as sort of a public service announcement: the city's webpage has a number of interesting pages about the closing of the city offices and how we are gradually reopening. Different departments have different procedures and were continuing to have our meetings done remotely as much as we can, but we are gradually opening back up. That information is on the website.

**AUDIENCE PARTICIPATION**

Seeing no one in the audience wished to speak, Chair Pehrson closed the audience participation.

**ADJOURNMENT**

Moved to adjourn made by Member Lynch and seconded by Member Ferrell.

**Motion to adjourn the May 20, 2020 Planning Commission meeting. *Motion carried 6-0.***

The meeting was adjourned at 8:16 PM.