



PLANNING COMMISSION MINUTES

CITY OF NOVI
Regular Meeting
June 26, 2024 7:00 PM

Council Chambers | Novi Civic Center
45175 Ten Mile Road, Novi, MI 48375 (248) 347-0475

CALL TO ORDER

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

ROLL CALL

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

Absent Excused: Member Dismondy

Staff: Barb McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; James Hill, Planner; Heather Ziegler, Planner; Humna Anjum, Plan Review Engineer; Rick Meader, Landscape Architect

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion made by Member Lynch and seconded by Member Avdoulos to approve the June 26, 2024 Planning Commission Agenda.

VOICE VOTE ON MOTION TO APPROVE THE JUNE 26, 2024 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. *Motion carried 6-0.*

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing no one, Chair Pehrson closed the first public audience participation.

CORRESPONDENCE

There was not any correspondence.

COMMITTEE REPORTS

There were no Committee reports.

CITY PLANNER REPORT

There was not a City Planner report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There were no Consent Agenda Removals and Approvals items.

PUBLIC HEARINGS

1. PICKLEBALL NOVI JSP23-15

Public Hearing at the request of Pickleball Novi for JSP23-15 for Preliminary Site Plan, Special Land Use Permit, Woodland Permit, and Stormwater Management Plan. The subject property is approximately 3.65 acres and is located north of Nine Mile Road on the east side of Venture Drive

in the I-1, Light Industrial District. The applicant is proposing to build an indoor recreation facility with accessory uses.

Planner Lindsay Bell relayed the subject property is in Section 26 of the City. The 3 vacant parcels in the Hickory Corporate Park total 3.65 acres. The parcel is zoned Light Industrial, the parcels on the north, south and west are also zoned Light Industrial. On the east is the Meadowbrook Lake residential neighborhood, zoned R-4 One Family Residential.

The Future Land Use map designates this area as Industrial Research Development Technology. The area to the east is planned for Single Family and Private Park.

There are regulated woodlands on the property, and a woodland permit is required for the proposed removal of trees. Approximately 90 trees are proposed to be removed, which will require 176 replacement credits. The applicant shows about 50 of those trees will be planted on the berm and protected by a Conservation Easement.

The applicant is proposing to construct a new recreational facility for a pickleball club. The 45,000 square foot building would include 13 indoor courts, as well as a pro shop, snack bar, party room, and restaurant. Two outdoor pickleball courts are proposed south of the building. Stormwater would be detained in an underground basin under the parking lot. Two driveways off Venture Drive would provide access to the site and around the building.

Private indoor and outdoor recreational facilities are listed as a permitted use in the I-1 District, however when adjacent to residential they require Special Land Use consideration and a noise impact statement. The factors to consider for Special Land Use approval are listed in the draft motion sheet, and essentially state that relative to other potential uses of the site the proposed use will not be detrimental to public roads, services and facilities, and also would be compatible with natural features and adjacent land uses relative to other potential uses.

The Planning Commission is also asked to make a determination whether the proposed restaurant within the club should be considered an accessory use. The ordinance definition of an accessory use is "clearly incidental to, or customarily found in connection with, the principal use proposed." The applicant states that the restaurant would not be open to the general public, but only to members of the club.

The applicant did provide the noise study as required. The sound contour plots show various activities that would be expected to take place, including delivery truck loading and unloading, vehicles in the parking lot, as well as use of the outdoor pickleball courts. The only activity that is projected to exceed the daytime performance standards for noise is pickleball. For residential receiving zones, the daytime limit (7am – 10 pm) is 60 decibels and the nighttime limit is 55 decibels. The applicant has proposed to place a 10-foot acoustic fence to mitigate the noise. This treatment was also modeled in the noise study and appears to bring the noise level within the acceptable range during the hours of operation. The suggested Special Land Use motion includes a condition that this noise barrier be provided for the outdoor courts.

The applicant is requesting a landscape waiver for the deficiency in the height of the berm. The Ordinance requires 10-15 feet when industrial abuts a residential district. The existing berm varies from 5 to 9 feet tall, and the applicant states that increasing the height would require the removal of additional mature trees and vegetation that provide screening. The berm is proposed to be heavily landscaped, which will bring the screening to at least 15 feet. The applicant also plans to place a Conservation Easement over the berm area to permanently protect existing trees and woodland replacement trees that would be planted there.

The proposed plan will require variances be granted by the Zoning Board of Appeals for two items:

- The parking setback adjacent to a residential neighborhood is required to be 100 feet, the applicant has proposed 61 feet.
- The number of parking spaces required by the Ordinance is 151 spaces, the applicant has proposed 142 so they would be seeking a variance for the deficiency of 9 spaces.

The proposed site plan meets all other zoning ordinance requirements, including the façade materials, and all reviewers are recommending approval or conditional approval with additional comments to be addressed in the Final Site Plan.

The Planning Commission is asked tonight to hold the public hearing, and to consider approval or denial of the Special Land Use permit, Preliminary Site Plan, Woodland Permit and the Storm Water Management Plan. Representing the project tonight is the applicant Dan Dempsey, architect Bill Finnicum, and engineer Allen Eizember. Staff is also available for questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Dan Dempsey thanked the Planning Commission for the opportunity to speak before them. He stated he has been a resident of Novi for 31 years and owns a building on Nine Mile at Venture Drive, the home of his former software company, Chameleon Power, which he sold two years ago. Since then, he has been buying up properties in different places and investing in various things.

Something that really jumped out at him was what's going on in this country with a sport called pickleball. He was not familiar with it until he visited friends at The Villages in Florida, and everybody was playing it. Mr. Dempsey purchased a place in Naples recently and everybody is playing pickleball there too. Naples is actually the home of pickleball in America. Pickleball growth is out of control, if you're paying attention that's all you're hearing about nowadays in sports. Of the recreational sports and fitness activities, pickleball has become number two in the country behind jogging.

Last year three governing bodies of pickleball, USA Pickleball (USAP), which is the National governing body and trying to make pickleball an Olympic sport, USA Pickleball SFIA, a sports and fitness industry association, and the Association of Pickleball Players (APP), provided stats for 2023. Of the 258,000,000 adults in our country, 19% are playing pickleball, so 48 million Americans are playing pickleball right now and it is expected that will go to 60 million this year.

Participation is out of control, and as Mr. Dempsey started looking into it, he realized in the north there's probably a significant problem six months of the year, in the south, not so much. Mr. Dempsey found a group out of Sarasota, FL called The Pickleball Club (TPC) who were the first group that really started to build a lot of different facilities, mostly in Florida. Mr. Dempsey talked to their venture funded investment group, and discovered their founder is Brian McCarthy, a retired Navy Admiral from Farmington Hills who lives in Florida now. TPC polled an audience of 5,000 avid pickleball players. One of the compelling questions asked was would you prefer to play indoors or outdoors. This is in Sarasota, Florida, and 96% said they'd rather play indoors, so that's when they started building clubs rather than outdoor courts. There were many reasons for this, Florida has storms that come and go very quickly, people get baked in the middle of summer sun so it's too hot to play outside, along with other reasons, but they realized the indoor club scenario is the way to go on the sport.

Mr. Dempsey is proposing for Novi a private club, similar to Meadowbrook Country Club, Walnut Creek Country Club, or the Detroit Athletic Club. Players must be a member; it will mainly be a center to play pickleball or for people to come in and enjoy themselves. It will have a small restaurant upstairs for members only, it will serve beer and wine if players want to relax after a game just like they do at outdoor courts right now in Novi where players bring their coolers and sit out after play and have a beer and talk about it. It's a very social sport.

What Mr. Dempsey is proposing is a first of its kind facility in Novi, that will absorb a lot of people who want to play pickleball. Novi has 67,000 people, of which 49,000 are 18 years of age or older. Of that group, if 19% of those people play pickleball like all the governing bodies of this industry indicate, that's 9,300 people in Novi that are playing pickleball right now. Mr. Dempsey knows many of them and they're not playing indoors in Novi, they play other places or outdoors, and maybe are not playing in the winter because we don't have the facilities here to play.

Mr. Dempsey and his architect, Bill Finnicum, have been working on this project for more than 20 months, which was longer than Mr. Dempsey preferred. The closest club to Novi geographically with a similar

business model is Wolverine Pickleball in Ann Arbor. It started in a small old distribution warehouse that had a lot of posts in it, which is not ideal for this type of business. They eventually approached their members to invest, built a building very comparable to Mr. Dempsey's proposal, with their grand opening in December of last year. Mr. Dempsey and Mr. Finnicum attended and spoke to the owners at length about the process, for example, what kind of parking exercise they had to go through. They said Ann Arbor didn't ask for it. Mr. Dempsey made the mistake of telling them he was going to do the same thing in Novi, and they clammed up. Why? Because there are two big groups that play there multiple times a week, about three dozen people who live in Novi. They drive 40 miles to play indoor pickleball and Wolverine Pickleball realized they are going to lose those people as soon as the Novi location opens.

Mr. Dempsey and his wife made the mistake of mentioning this project when they bought the land back in August of 2022. They run into people just about every day in town who ask about it. Mr. Dempsey is done talking about it because it's taken this long to get this far. People are eager to play pickleball indoors and the people they've spoken with love the idea of a private club.

Pickleball is a sport where the average player has a bachelor's degree. It's an educated group of players. The average Novi resident has a bachelor's degree. If you look at the year separations all the way up into the 60's, there are very similar numbers between Novi and pickleball. What Mr. Dempsey is trying to accomplish is to bring a club here that belongs.

Mr. Dempsey has continued to watch what has been happening with other clubs around the country, such as TPC, Ace Pickleball, and Wolverine. Several national franchising groups have different takes on it, but what has come out of it is similar rules or stats to the tennis world, they figure about 80 members per court. Most of the courts like Wolverine have 12 courts, so that's approximately 960 members. Novi Pickleball is going to have 15 courts if it goes right and could then actually have 1,200 members.

An interesting statistic about the existing clubs is that for every 1,000 members, there are another 2,500 to 3,500 guest players. There will be somewhere between 3,500 and 4,500 people coming to the club to play regularly, similar to other clubs such as TPC or Wolverine. Mr. Dempsey thinks he can handle half of the anticipated players for Novi right now with one club, which would literally cut in half the need for indoor pickleball in Novi very quickly.

The bottom line is this is a private club, not a nightclub or bar. Mr. Dempsey has heard some people speculating that he's building a bar. Novi is the #1 drunk driving arrest town in America, so he would not want to set up a club like that. This is a private club, similar to the Meadowbrook concept where people are voted in and out. They will have a board and run like a private institution for the sport of Pickleball.

Mr. Finnicum relayed he is the project architect for Pickleball Novi. George Ostrowski, landscape architect with Nowak and Fraus Engineers, is also in attendance and can answer questions regarding engineering if necessary. They are eager to make this presentation to the Planning Commission because they think the project will benefit the entire community.

The Pickleball Novi team has been working with the staff for over a year and are happy that they have been able to refine the design and meet the staff's recommendation for approval. This is all about health and wellness. As Dan Dempsey stated, they are a pickleball club with a restaurant, not a restaurant disguised as a pickleball club.

Mr. Finnicum relayed relative to the Special Land Use permit feasible uses of the site as indicated on the motion sheet:

- 1) The proposed recreational use will not cause any detrimental impact to existing thoroughfares in terms of overall volumes, capacity, safety, and vehicular turning patterns, etc. because all engineering standards have been met and the traffic generated is substantially below the city threshold.
- 2) Relative to other uses, the proposed recreational use will not cause any detrimental impact on the capabilities of public services and facilities.
- 3) Relative to other feasible uses the proposed recreational use is compatible with the natural features and characteristics of the land. There's a woodland tree loss that's proposed to be

mitigated by replacement trees on site and other required landscaping that will reestablish the natural habitat. There are no wetlands or water courses.

- 4) Relative to other feasible uses of the site, the proposed recreational use is compatible with the adjacent uses of the land. All requirements for screening sound attenuation, lighting control, traffic, and stormwater management for the sites adjoining the residential zoning have been met.
- 5) Relative to other feasible uses for the site, the proposed recreational use is consistent with the goals, objectives and recommendations of the Master Plan.
- 6) Relative to other feasible uses, the proposed recreational use will promote the use of the land in a socially and economically desirable manner. Pickleball is highly popular recreational activity that promotes social interaction and physical fitness. Pickleball Novi will be a destination for residents of Novi and surrounding communities drawing economic activity to Novi daily and increasing the city's tax base.
- 7) Relative to the other feasible uses of the site, the proposed recreational use is listed among the provision of uses required or requiring Special Land Use review set forth in this zoning district, and it's in harmony with the purposes and conforms to the applicable site plan regulations of the zoning district.

There are two variances that are required and a landscape waiver. Determining the accessory use, the proposed restaurant is entirely incidental to the primary recreational use, which is playing pickleball. This is a private club. The restaurant will be used only by members and guests. The availability of food is common in recreational and entertainment industries. Even movie theaters are serving food these days. It's essential for providing a comprehensive club experience. Combining the love of sport with food and drink has many benefits for the club members. The convenience of the restaurant on the premises is a perfect opportunity for members to relax and refuel after a match. The restaurant is a hub to socialize and build connections. It's welcoming, its comfortable atmosphere allows players to unwind and bond with friends and competitors. There will be a symbiotic relationship between the sports side of the club and the restaurant. Camaraderie, good food, and sports competition is a winning formula for a healthy pickleball club. We want this club to be built, and it needs to be successful so that it lasts.

Mr. Finnecum stated a practical hardship exists because of the strict dimensional requirements of pickleball courts and the site proportions. This building has been laid out as efficiently as possible so that it combines the social aspect with the athletic aspect in a very rational way, with six courts on one side of the utility core and six courts on the other side. The building is positioned so that parking is in the rear because parking is not allowed in the front yard.

A racquetball court measures 20 feet by 44 feet and has 10-foot safety buffer on all sides. That is a spatial demand that is unlike an office, restaurant, store, or any other use the space can be molded into any shape that will fit with everything else comfortably. In this case we're dealt very large rectangles to be placed inside the building. If the parking were to be moved so that it was only single loaded in the back, 15 parking spaces would be lost, but there would still be a 21 1/2 foot encroachment into 100 foot setback. Mr. Finnecum believes the setback differential is compensated for by enhancing the berm with additional planning and also with the masonry wall which will cut off the light from headlights shining towards the residential area.

Mr. Finnecum showed photos of the existing berm and vegetation taken in March and taken recently and indicated heavy vegetation is existing. He is proposing to keep the existing berm because it has established woodland on it, which would be preserved enhanced with additional planting.

If the building were made longer and skinnier so that parking can be moved outside of the 100-foot set back line, that would eliminate the primary parking on the sides. There are 142 spaces, approximately 100 are on the north and south.

With the berm waiver, Mr. Finnecum is requesting that the existing berm is kept because of the existing woodland that is on it. He showed photos that illustrate how the berm actually shelters or screens the residential. The edge of the berm will be cut off with the retaining wall to make room for parking. The berm towers over the cars and the masonry wall, which is 3 feet 4 inches, is right in front of cars when they're parking so their headlights will go right into that wall. The central portion of the wall is actually 5 feet 4

across from the entrance, and that's where there would be more pedestrian activity going into the building.

There are no wetlands. The façade meets all the requirements of the Ordinance, all requirements of the fire Marshall will be met for the final site plan review.

One item caused some confusion for people viewing the project without explanation. We inadvertently sent the wrong file to the printer when submitting. Mr. Finneccum showed the actual restaurant plan that represents 80 seats. Some people thought there were 104 seats, which was the plan a year ago. It was reduced to lessen the parking load; they've done everything possible to maximize the parking and minimize the necessary variance that's required.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium.

Rhonda McDougall, 22633 Ennishore, relayed she is speaking on behalf of herself and her husband Tom. They have lived in their home for 40 years, which abuts the proposed development. The developer is asking for several variances that would have a direct impact on their current standard of living. Approving these requested variances, contrary to current Ordinances, is like attempting to place a square peg into a round hole.

Allowing the proposed parking setback would affect any time spent outdoors in our backyard, including entertaining family and friends. The cumulative noise from all sources would have an impact on an otherwise quiet environment even with the windows closed. The noise that comes from pickleball alone is essentially concerning, given the character of the noise. Decibel readings alone are insufficient to convey the true magnitude of any annoyance and does not address the other sources of noise pollution that will be produced by this development.

The entrance of the building would face Ms. McDougall's home and would expose her to light pollution from parking lot vehicles and the building until 11:00 PM daily. This would be especially notable during the winter months and may affect sleep. The berm on the property behind her home does not meet requirements and the current landscaping is basically scrub and does not provide any protection from the noise or light pollution, especially in the winter months. The planned landscape would take years to mature and from the pictures that were shown, the trees referred to are on Ms. McDougall's property.

The addition of a restaurant which serves alcohol is being rationalized as incidental. How can something that would increase noise, odors, trash deliveries, and potential rodents be considered incidental?

Ms. McDougall expressed concern about property value and thought home buyers will have reservations about purchasing a home next to this development. She has been a happy resident of Novi for the past 40 years and has seen the City grow, develop, and prosper. Development of vacant properties is important for the City, but it should not be done to the detriment of Novi residents. The development is not a good option for property abutting residential homes, and Ms. McDougall strongly opposes this proposal.

Amanda Winagar, 22647 Ennishore, stated her home is one of the properties that is directly adjacent to where the pickleball development is being proposed. She objects to this proposed development as it would have an adverse impact on her right to enjoy her property. She does not want to continuously hear sounds of paddle smacking balls all day long, or constantly hear spectators cheering and yelling. She does not want to have her animals or her children to have to deal with that.

Ms. Winagar expressed concern that since her living rooms and bedrooms are at the backside of her home, she would have to deal with light that will be shining through to her home. There is the idea of potential increase for crime that comes along with having a bar and a restaurant. The proposed pickleball development, if approved, would also disrupt the character of peace and serenity of her neighborhood, and that of embracing the nature and wildlife around her home, qualities that attracted her to this community in the first place. Just the other day she watched her daughter get excited over

spotting a deer in the neighbor's backyard. It was such a special moment, and she wants to have more of those. If this proposed development is approved, the noise that will be generated will drive the deer and other welcome wildlife away.

Ms. Winagar does not want to live behind a restaurant or bar. The developer states it is incidental, but Ms. Winagar does not see how that's accurate if it stays open later than the pickleball courts. She has also worked in the restaurant industry in the past for well over a decade and is aware of all the unpleasantness that accompany that type of business. There will undoubtedly be unpleasant odors emanating from the restaurant, whether it be from food or the smell of garbage. Litter may be strewn across the lots and that's going to attract unwelcome animals, namely rats.

Ms. Winagar does not believe that all development is bad. This is not about precluding development; it's about preventing this particular development on this particular piece of property that is not zoned for this. The zoning and other ordinances are there for a reason. The exceptions to those ordinances, the waivers and variances, should only be granted in extraordinary circumstances, and that is why they're exceptions and not the rule.

You might think that this development isn't that big of an issue, but pickleball growth is out of control. We heard that earlier and know that because of articles relating to issues and conflict all over the country from pickleball development in residential areas. With several pickleball options within a square mile radius of this proposed development, Ms. Winagar does not see why it's necessary on this property that's not meant for this type of development. Instead of being a sheep among sheep in the realm of pickleball development, let's be leaders and lead the correct way. And that's not to allow developers to skirt their rules by infringing on others property rights. There is room for more pickleball in Novi, just not on Venture Drive. Ms. Winagar respectfully asks the Commission to deny the applicants' proposal.

Deborah Malott, 22601 Ennishore, relayed she lives directly behind the proposed development. She and her husband Andre would like to express their extreme opposition to this development. They have many concerns and objections which have to do with how this proposed development would adversely affect their quality of life.

The noise level that would be expected with this type of establishment, especially with two outdoor pickleball courts, would be extremely intrusive. Car doors being slammed, late night parties, traffic coming and going, noise from the restaurant, dumpsters being slammed and emptied, all would generate noise that would be extremely intrusive and would destroy the tranquility of the neighborhood. The proposed placement of dumpsters in the northeast portion of the property would have a huge impact when you consider the odors that would be generated as well as the very real possibility of rat infestations, cockroaches, flies, etc. This would be practically in Ms. Malott's backyard and have an adverse effect on her quality of life.

There are safety concerns with this type of establishment, especially with restaurants and bars. The very reason Ms. Malott bought her house was because it was a quiet residential neighborhood with the light industrial complex behind her home. No matter how you look at it, it seems these types of establishments attract crowds that are not always peaceful and can in fact get quite rowdy. Ms. Malott worked in restaurant bars for many years and can attest that sometimes the crowds were quite noisy in and out of the restaurant, and it's not always controllable. This would have another adverse effect on quality of life.

This proposed development of a 1.5 story recreational building with a restaurant, bar, pro shop, party room, snack bar, and indoor and outdoor pickleball courts would generate a tremendous increase in traffic on Nine Mile Road, which is already a nightmare during rush hour and especially when a train is going through. Oftentimes traffic will try to take shortcuts through the neighborhood, which is another quality of life issue because residents have kids and grandkids coming through.

Ms. Malott expressed concern that this development would decrease her property value with her house backing up to a very noisy, very intrusive establishment. Her home is her sanctuary, which this threatens to destroy, and it is the only nest egg she and her husband have. They are vehemently opposed to this proposed establishment being built in this location and the variances that are proposed make it all the

more objectionable. She hopes and prays that their voices are heard.

Lucinda Warren, 22469 Ennishore, stated she and her husband Careem also live directly behind this proposed development and are vehemently opposed to it. Ms. Warren stated that she was going to speak from her heart. When she heard of this proposed development, she pondered if she really wanted a pickleball development in her backyard. Before she came to the meeting, there was a deer in her backyard. One of the reasons why there are so many deer is because it is such a beautiful area with a park with trees across the street. This establishment is going to deforest some more of the area which none of the residents want.

Ms. Warren also thought about how this would affect her quality of life. Most of us use our houses as our sanctuary. We go on our backyard, we pray, we meditate, we have our tranquil space, we work hard, we come home. We just want to relax. We just want to get some iced tea and just sit in our backyard. We don't want to hear pickleball, or people cheering, slamming doors, or all the loudness and the traffic that comes from it. Ms. Warren does not want to have that in her backyard.

Ms. Warren was listening to everyone speak before her and does not think this would be any benefit for residents in her community. It's not going to help their property values, to help the noise, to help with the smell of the neighborhood, to help with the tranquility of the neighborhood. It's not going to help with the beauty of the neighborhood and is certainly not going to help with the traffic. It's not going to help with the residents' peace because it's going to be open probably seven days a week. It is not going to help quality of life or safety. What we sometimes fail to realize is we can't control people or what they do outside of a facility. It's going to just bring more things that Ms. Warren does not feel are needed within the community.

Ms. Warren concluded by speaking from her heart, she does not feel this particular development is the best use for the space. There are other places that would be more suitable for pickleball courts, maybe in Wixom by Jessica's Splash Park. The area up there is developing really fast and would be a perfect spot for a pickleball court.

Moonseok Lee, 22611 Ennishore, stated he is the owner of one of the houses that will be directly impacted by this new building proposal. If someone asked him what does a home mean, he would say home is where everything begins. Home is where we grow, where we spend time with our family and friends, where we cry and laugh, and where we feel safe and secure. Home is the foundation of our daily lives, so when our home is invaded by negative influences such as noise from the parking lots, delivery trucks, pickleball courts, presence of the alcohol, and smells from the restaurant and trash bins, this is directly impacting quality of daily life. Regulations and ordinances exist to protect our homes and families. If regulations and ordinances are violated, we need intervention from our local government. This is the reason why Mr. Lee is here tonight, and this is the reason why his neighbors are here tonight, because we need the City of Novi to stand with the residents of the City and say no to this building proposal. Protect our homes and families.

Matt Groen, 22483 Ennishore, stated his home is another of the properties directly behind this proposed development. He appreciates the Planning Commission's consideration of how this proposal negatively affects his home, his neighborhood and Novi as a whole.

First of all, Novi is a great city for a project like this. We have places where you can do axe throwing, escape rooms, indoor go karts, a trampoline park, mini golf, and fowling. But every single one of those things is at Fountain Walk, in a centralized retail development that draws people in for events and activities like this. That would be an appropriate place for an indoor pickleball facility, not an industrial park adjacent to a residential neighborhood. Fountain Walk is not the only potential spot for a building like this. There are plenty of areas on Grand River, and areas over by Total Sports on Meadowbrook and Grand River. There are a lot of other areas that would be much better suited to a facility like this

Second, it is not viable for a complex this size to stay afloat by charging people to do something that they can typically do for free. The only way they can hope to hit any kind of revenue target is through the sale of drinks and food. Anybody that's tried to get a loan from a banker would understand this, so they may

be soft selling it right now, but the food and drinks is a core part of what they're going to do to get revenue out of this. It's posturing as a pickleball center but is a bar with pickleball courts.

Third, to address a few of the more personal impacts, my family of five bought this home about 11 years ago, and when we bought this house, we understood it was adjacent to an industrial park. We live with it and it's fine. There are occasionally noises during the day. This proposal radically changes that because it extends the hours of hearing noise and it's a totally different kind of noise. In looking at what they have proposed, it's way fewer trees and a really short wall. Everybody knows that lights go over walls straight into the air. Mr. Groen has major concerns about that. It would be detrimental to the quality of life for his family having a parking lot 60 feet from the back of his property.

Mr. Groen has three daughters. He does not want these people stumbling out of there any time of day or night staring into his backyard or house. Again, this berm doesn't have that much coverage. It's not that high. The trees, especially in the winter, you can see right through them, right into our back windows. This is a terrible idea for this area and the business in this location is bound to fail because there's just not that kind of traffic around here. Mr. Groen would definitely appreciate the Planning Commission's consideration and asked that they reject this proposal.

Richard Kramer, 23157 Meadowbrook Road, stated he and his wife Marlene have resided in the Meadowbrook Lakes sub since 2007. Earlier tonight, the architect presented an elevation diagram showing a compact car next to a substandard berm which is below the 10 foot plus requirement of the City of Novi. The top of the exhaust pipe, where the noise and the pollution emanate, on a diesel refrigerated truck bringing food to that restaurant and alcoholic beverage facility would be much higher than what was shown in that elevation.

With respect to this entire proposal. Mr. Kramer would like to point out the multiple fatal flaws that are included. Calling a restaurant that will be "open to members", but to the public by virtue of the guests of the members, a mere ancillary or accessory use when at 80 tables plus is larger than the average eating establishment in Novi simply flies in the face of the facts. Why should a long-standing peaceful neighborhood have to tolerate impacts to property values and life quality, plus noise and vermin, when the dining facility is not permitted in this zone by Novi rules.

Another violation is the presence of outdoor pickleball courts. This presentation is titled as an indoor pickleball facility, but outdoor pickleball courts are not a permitted use. The methodology that the developer presented to all of you in his noise study did not take into account crowd noise or cheering wins and losses on the court. The nature of pickle ball noises is percussive. It's not a steady state like an air conditioner where you can tune it out mentally. It's more like the sound of a shooting range. This failure impacts the quiet and common neighbors who will be forced to seal their homes during the warm months and use air conditioning.

The next violation is non-conforming parking setback from the residences.

Finally, the substandard berm being presented will rely on deciduous trees, which during droughts or other times may lose leaves and not provide enough screening. The City of Novi is an award-winning city in Michigan and nationally because it has good rules, and it enforces them fairly with an even hand. This project has too many fatal flaws to be allowed to be ignored. Mr. Kramer sincerely hopes and prays the Planning Commission will stop this proposal dead tonight.

Jeremy Rogers, 23200 Balcome, stated he also wants to say that he is against this proposal in the strongest possible terms. Zoning laws have been created for reason. City ordinances were also created for a reason. For example, Mr. Rogers would love to build a fence around his yard so he can have his dog inside it to be protected from wildlife and to run around the yard freely, but he can't do that because it's an ordinance in Novi that he can't have a fence. He didn't ask for an exemption to build a fence, he just followed the ordinance.

In speaking for his family and neighbors, the development would negatively impact them. An example would be that there's a park right across the street from the houses that are backed up to this proposed

facility and Mr. Rogers elementary age boys could potentially learn new vocabulary as they're playing in the park and they overhear people that are outside cheering on alcohol fueled activities.

Another example, as other people mentioned, the restaurant that is being proposed is a magnet for mice and vermin. Mr. Rogers actually moved from another city to Novi to get away from mice in and around the house he was living in. It was mentioned earlier that the restaurant will only be open to members and guests, essentially everyone that is allowed inside the facility is going to be allowed to eat there.

Mr. Rogers concluded that this proposal violates a lot of rules and ordinances. The law is there for a reason and it should be followed. He is opposed to this development.

Tim Kirk, 23070 Ennishore, stated he lives about 1,700 feet from this proposed facility. He has lived in Novi for 35 years. He is a retired Novi business owner. He owns a commercial building and has worked with the City, wonderful building department, and the Zoning board successfully.

Pickleball Novi is a square peg trying to be shoved into a round hole. On a very simple basis, it's too big a footprint for the space it is trying to go into. Obviously pickleball is hugely popular. Landowners are free to develop their land, however, only when it legally complies with the Ordinance. Mr. Kirk is sure that neither Mr. Dempsey nor the Planning Commissioners would like a pickleball facility, bar and restaurant within stone's throw of their backyard.

We have a specific code in Novi for facilities over 2,000 square feet for recreation, code 4.38 states they are limited to B-3, OS-1, OSC, and OST districts. In general, those are business and office service zones. For smaller recreational facilities, Code 4.34 states if they're under 2,000 square feet, they are considered a special use in an I-1 district. The way other parts of the code are read, a larger facility can sneak in under the wire, but when the code was written, it wasn't designed to have huge facilities about residential areas.

Public outdoor recreational facilities are not an allowable use in a special use application and Zone I-1. This is a public facility, not a private facility as portrayed. There are different qualifications for each. The applicant clearly acknowledges the public status in their parking analysis. In their item 2.1 it states the facility is also open to walk in non-members. They're looking at 1,200 members and 3,500 guests, so they're expecting three times the foot traffic of outside non-members, people walking down the street just popping in, eating, drinking, playing pickleball, whatever they want. Mr. Kirk is not a member of Meadowbrook Country Club or a golfer in general but doubts you can walk on and get a golf tee time and dinner in their restaurant.

In 3.14 I-1 District Required Conditions it states all uses within the I-1 district shall be subject to the Site Plan Review Requirements as set forth in section 6.1. The verbiage "shall be" means there are no exceptions to be made. The Planning Commission does not have that authority. Uses which may take place within or outside of a completely enclosed building, except as provided in subpart (B), all uses shall be conducted wholly within a completely enclosed building, the exceptions are off street parking and outdoor placement of above ground storage tanks.

There are many flaws with the plan. Mr. Kirk wishes the developer well with the property. This just isn't the appropriate use. This is set as light industrial for manufacturing, moving, research, it is not designed for a bar, restaurant, pickleball facility abutting homes. Mr. Kirk hopes the Planning Commissioners all consider their own backyard and deny this proposal.

Lynn Kocan, 23088 Ennishore, stated she served on the ZBA and Planning Commission in the past. She respects the Planning Commissioner's time, commitment, and dedication in reviewing this development, which directly abuts her subdivision. She knows that there are levels of consideration in order to make findings as part of the site plan review process. Contrary to the order of motions on the draft motion sheet, you have to make the site plan review required findings based on the intent and on the required conditions of the zoning district, before you can make the legal findings required for Special Land Use. The intent of an I-1 zoning district in 3.1.18 Section A is to encourage innovations and variety but at all times to protect neighboring residential districts from any adverse impact.

The general goals of the use, Section A, item 2. are to protect abutting residential districts by separating them from manufacturing and related activities by limiting the uses which may locate adjacent to residents, setbacks for the buildings and off-street parking and landscape planning and berms. With regard to limiting use, the scope of the Ordinance and Section 1.3 is very specific. Any use that is not specifically permitted in a given district shall be a prohibited use within that district. Tim Kirk spoke about the size of the facility and the outdoor recreational aspect of the project as not being a principal use permitted, but also this section does not list a restaurant or a bar as a permitted use.

In section 4.49, restaurants and bars are not permitted on sites adjacent to residential districts. The definition of a sit-down restaurant in the Ordinance is a business establishment. However, the petitioner is claiming his full-service restaurant and full-service bar are an accessory use to the primary facility for 1,200 members plus guests. In essence, he created his own standard, contending that they occupy only 10% of the building. Ms. Kocan did not see anywhere in the Ordinances that there's a 10 percent, or any percent for that matter, standard for determining what's incidental or not. Ms. Kocan proposes that staff could not find any kind of a standard that spoke to this percentage and that's why it's in front of the Planning Commission tonight for the determination as to whether it's clearly incidental to the main use or if this made-up standard of 10 percent justifies the restaurant use and bar as an accessory use in this development. It's about the use, not the size. Should the Planning Commission make this accessory determination based on size relative to the entire project, it would set a precedent and would change the Ordinance forever.

Ms. Kocan believes the Special Land Use Permit and Preliminary Site Plan should be denied because the zoning does not fit the area.

Ryan Byrd, 23006 Gilbar Drive, stated as Lynn Kocan pointed out, restaurants are not allowed in the I-1 district. This restaurant is not incidental. As originally proposed, there are 104 seats. If the pickleball courts are maxed out, 60 people can play at one time. The restaurant seats 133 percent more people than the pickleball courts. To get to a 50/50 split as proposed, you'd have to increase the pickleball courts by 66 percent. For an 80 seat restaurant, the pickleball courts would need to be increased by 20 percent of what is proposed, so this is not an incidental restaurant. If the thought was this is an incidental restaurant, the zoning might allow for incidental restaurants if it's customary. There is no such thing as a customary restaurant to accompany a pickleball court.

SPARC is across the street from where this proposal is, with no restaurant. They have a 1,600 square foot snack bar, not a 20,000 square foot restaurant. The City of Novi just built pickleball courts without a restaurant, proving that it is not customary to include a restaurant with pickleball courts. The restaurant will also bring unwanted nuisances. It will bring odors, noise, rats, pests, and trash in addition to patrons. The gentleman who is proposing this said there will be roughly 1,200 members, but up to 3,500 guests.

He also said that there's 9,300 people that will play pickleball in Novi. The proposal says that there's only going to be 328 trips per day to this restaurant. That would mean that the restaurant had seating of 104, would flip over twice, and the courts at 60 players per in total, would flip over twice. That means this restaurant, open for 16 hours per day, is only going to turn over twice to get to 328 trips per day. That's just people attending the restaurant, not the workers. Mr. Byrd hopes that the Planning Commission denies this proposal.

Melissa Byrd, 23006 Gilbar Drive, stated she is going to focus solely on the noise issue, though that's not the only issue. The applicant has submitted a noise analysis purporting to show that the noise coming from the project meets the zoning ordinance limitations. However, there are several obvious flaws in the analysis, such as, would cause the Commission to find that the I-1 noise standards are not met.

First, the Ordinance prohibits sound levels from any source or combination of the sources from exceeding certain decibel levels. The noise emissions under maximum operating conditions are to be measured in a noise analysis attempting to show compliance with the standards. Here, they only address various individual noise sources. It completely overlooks certain aspects like the voices of the players and spectators yelling. Nowhere does it attempt to assess the cumulative effect of these sounds under maximum operating conditions. No actual pickleball court levels were used in the studies. Another key

point is that the City's noise zoning ordinances prohibit noise disturbances without regard to decibel levels. Novi's noise ordinances prohibit noise disturbances, which are defined as any sound that violates the standards and zoning ordinance, or any sound that disturbs a reasonable person of normal sensibilities, or any sound that is just plainly audible.

There is an abundance of articles from across the country of residents complaining and litigating pickleball courts that are built near their houses. Ms. Byrd spoke to an environmental acoustics engineer about this noise. What the articles state and what she confirmed is that the effect of this noise on people is not solely the decibel level of the ball hitting the paddle. It's the random percussive sound that our bodies do not react well to. It's not a cadence that can be tuned out, it is unnerving and random. For the abutting neighbors, this will be a constant interference with their right to enjoy their property, and they will have an inverse impact on the residents and likely property values. This noise will be going on all day and into the night. Originally, the planning review said the noise the outside courts would not be used past 8:00 PM. Now the applicant response indicates that they will be used till 10:00 PM making this noise disturbance almost constant for our residents.

These are plainly audible sounds, and they clearly violate the noise disturbance ordinance. The applicants' own analysis shows that the noise disturbance ordinance will be violated. It shows decibel levels of 50 right at the backs of homes abutting projects abutting the project. In addition, on Exhibit 7 on the noise analysis study, it shows the noise from the parking lot alone will be 55 decibels in the middle of the abutting properties backyards. The zoning standards require the nighttime levels to be 55 decibels or below at the lot line.

The Planning Commission cannot possibly find that the outdoor pickleball courts or the parking lot comply with the intent of the I-1 noise standards. It cannot possibly find that they will not cause a noise disturbance and it cannot find that they will not have any inverse impact on the adjacent homes. Ms. Byrd respectfully requests that the Commission deny the applicants proposal.

Jennifer Villanueva, 22695 Penton Rise Court, stated she has been a resident in Meadowbrook Lake for four years and has lived in Novi for over 20 years. She always dreamed of moving into this neighborhood because of the wildlife, it's so tranquil and peaceful, so she is so happy to live there. She is concerned with the potential for future conflict with this facility and the proposed location.

Ms. Villanueva has a teenage daughter who plays club volleyball at SPARC right across Nine Mile from Venture Drive. In that facility they also have pickleball. From December to June, Ms. Villanueva picks up her daughter from practice anywhere between 10:30 PM and 10:45 PM two nights a week. She has to set an alarm because she may doze off on the sofa waiting to pick up her daughter. As she sits in the parking lot half asleep, she watches pickleball players come out. They are still wired and having fun, and many of them congregate around their cars and talk. Then she watches the volleyball gals come out and they're all pumped up and they're hooting and hollering. They slam their car doors and many of them tear out of the parking lot. But this space is an appropriate spot in that it's surrounded by trees, Rotary Park there, it's an area that's not disturbing any residents.

While Ms. Villanueva is thrilled to see the community pickleball provides, and the athleticism and friendly competition against players. This scenario for her neighborhood, particularly the five residents whose yards that will line the proposed facility, with the bar and the restaurant, will have an adverse impact in our community and a cause for friction between the residents and the business. There are little ones that have bedtimes, dogs that are bothered by the sound, and people that just want to enjoy their backyard and peace. The is risk of calls to the police and ordinance enforcement staff. Ms. Villanueva fears for the quality of life of residents and for home depreciation. She loves seeing people have a good time and is the social chair on her Home Association board. She is concerned with the conflicts moving forward and thinks this facility would better be suited in a more appropriate space.

Lisa Barton, 41635 Chattman, stated she would like to address the parking setback waiver because it is a critical issue. In order to protect homes from the adverse impact of a development, the I-1 standards contain detailed limitations on parking, including a 100-foot setback requirement. The law makes clear that the 100-foot setback requirement is not to be waived. Rather front and side yard limitations are to be

waived in order to preserve the 100-foot separation from residents. The ordinance reads all off street parking shall not be closer than 100 feet from the boundary of a residential district. Notwithstanding the requirements of Section 3.6 item 2, E and F, the Planning Commission may permit front and side yard parking where necessary to maintain the separation required by this section. The use of the word shall makes this a shall regulation, which the Ordinance states is mandatory and must be followed by the Planning Commission.

This development does not seek front parking. Instead, despite the mandatory requirements of this section, the applicant seeks to waive the required 100-foot setback from the homes abutting the property, seeking to reduce the setback from 100 feet to 61 feet for over 40 parking spots. The applicant is asking the ZBA to waive this requirement. Apparently, the ZBA would not have to make a finding that this development would not have any adverse impact on the neighborhood, but the law prohibits the development from getting this far. The limitations stated in the Zoning Ordinance on site plan approval must be followed by the Planning Commission. The Planning Commission is only allowed to approve a development in I-1 that has a 100-foot parking setback from an adjoining neighborhood. The Commission cannot waive its site plan approval responsibilities and allow the ZBA to approve parking setback waivers under less stringent requirements than that required by the I-1 site plan approval process.

The proposed site plan makes clear that the expected parking activity adjacent to the neighborhood would be much more intensive than any normal I-1 development. The building is designed backwards. The front is opposite the street and faces the residential neighborhood, which is highly unusual. The plan estimates 720 entrances and exits every day occurring throughout the day until 11:00 PM at night. Over 40 parking spots will be located adjacent to the neighborhood. These will be the spots closest to the entrance and therefore the most used spots. Therefore, resulting in a very busy parking lot 61 feet from residents' backyards, without even the required 10 foot high, 66 foot wide screening berm. The zoning law does not allow this.

Mike Barton, 41635 Chattman, stated he would like to address the berm waiver issue. We heard that a "shall" regulation in the Ordinance means that regulations must be followed by the Planning Commission. There are two mandatory shall regulations that prohibit waiving the required berm here. The first states that a screening berm is required for an I-1 use abutting a neighborhood, and further states that berm shall be at least 10 feet high. We've heard in the presentation that the applicant knows the berm is supposed to be 10 feet high and they are seeking a waiver for height but did not address the width of the berm. The ordinance specifically says that berm has to be 66 feet wide. It has to have a six foot wide crest at the top and a slope ratio of three feet horizontal to one foot vertical, which means it must be at a minimum 66 feet wide.

The second shall regulation has to do with the waiver request. This berm can only be waived under the ordinance to retain valuable woodland. Further in order to get that waiver the retained woodland shall be of the depth and height equal or greater than the berm being waived. Therefore, the berm can only be waived to protect the woodland that is at least 66 feet in depth, the same width as the berm. That requirement cannot be met here because the parking lot extending parallel to the entire border with the neighborhood is only 61 feet from the lot lines.

That would be the end of the site plan analysis here that should be the end of the approval process because the law just does not allow a 61 foot wide strip of land to substitute in for 66 foot wide berm. That would be true even if that strip of land contained valuable woodland. The berm waiver request here has really nothing to do with protecting woodland. There are 115 regulated trees on the property, 90 will be cut down, 25 trees will be preserved. These are tall deciduous trees strung out along the property line, which is about 650 feet long, or in other words, one tree for every 25 feet on average.

Waiving the berm requirement cannot have anything to do with preserving these trees. Almost all are at or near the property line, at or near the bottom of the required berm, and therefore not be affected. But even if they were affected by building the berm, the ordinance itself specifically addresses that issue. It specifically allows the berm to be sculpted to go around existing trees to preserve them. The waivers being sought not to protect trees, rather to protect the parking lot. The Zoning Ordinance does not allow the Planning Commission to wave a berm in order to protect the parking lot.

Larry Reuben, 22810 Ennishore, stated that 30 years ago when he and his wife purchase in Meadowbrook Lake Estates, it was a no brainer due to the tranquility and beauty of it all. This evening we've heard people talk from their heart, from their sentiment of what it means to them to live in Meadowbrook Lake Estates.

Mr. Reuben can hear a real estate agent when he's going to sell a house to somebody who now wants to buy in Meadowbrook Lake, relay that in their backyard, there will be a pickleball facility with a bar and restaurant. What a selling point that is.

The sound of a pickleball game, depending upon the competitiveness and individuals playing, when somebody misses a shot, there'll be a word used that you won't find in a dictionary that the kids will hear. Then all of a sudden, when the word gets out that there's a new bar in Novi, what do you think that's going to draw? There's a lot to consider but understand what Meadowbrook Lake Estates stands for and what it brings to the community.

Seeing no other audience members who wished to speak, Chair Pehrson requested Member Lynch read the correspondence received. Member Lynch stated that there were 35 responses received, three in support and 32 against. Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for consideration.

Member Lynch stated the role of the Planning Commission is to make a finding on the ancillary uses. To do an analysis, he went through Novi to figure out if we have anything similar that's not on a major thoroughfare that has a bar and a restaurant. The closest thing he could find was Novi Athletic Club. He went and looked at what kind of ancillary stuff they have. For a health club, or pickleball facility, or whatever it might be, a pro shop would be ancillary, a snack bar would be expected. The Athletic Club does not have a restaurant or bar. If it had come to this Commission, we probably would have rejected it because it is very similar. It's located close to residential. It is an athletic club, with outdoor activities; it has a pool, tennis courts and pickleball courts. Although Member Lynch thinks the business model is good, his fear is precedent being set based on what happened with Novi Athletic Club and he is not willing to open that door at this time in this particular location.

There were no other pickleball facilities to reference, but Member Lynch does remember in his younger days when racquetball was very popular. There was a place called the Coliseum in Westland. They had racquetball, and then they had the bar and restaurant. It was located right off of a main thoroughfare in a business district which had grocery stores, markets, Dunkin' Donuts, subway, that kind of thing. And it seemed to work out well. Racquetball was kind of a phase, and now pickleball has picked up.

With the restaurant and bar portion of this, Member Lynch feels like he'd be setting precedent if he were to approve it. As far as parking is concerned, right now this industrial property is approved for medical office laboratories, health and fitness facilities, office buildings and they have parking lots, so you're going to get that kind of noise.

When a sound analysis is typically done, noise levels are measured in decibels. Every 10 decibels doubles the sound. In a normal subdivision, the ambient level is about 45 to 50 decibels, normal conversation is probably 60 to 65 decibels, freeway traffic would be around 70, a lawn mower about 90.

Our Ordinance indicates 65 decibels is the limit at the property line. One thing that it doesn't take into account is pitch. Member Lynch would argue that if somebody took their fingernails on a chalkboard, the decibel level is probably 60 decibels, but the pitch drives you nuts. There are some studies that have been done that the percussion in the pitch coming off the rackets, and they're trying to make some improvements with the rackets to deaden it, could be a bit annoying.

Member Lynch saw that the applicant has put in a sound barrier fence, which is good. A 10 foot fence would probably reduce the decibel level by 6-7 decibels, the distance and some foliage, maybe would reduce another six or seven decibels. Really, it's just that pitch that is annoying, Member Lynch is not sure how to address that in the Ordinance, but that is something that needs to be considered.

Member Lynch likes the business model. If it wasn't for the bar and the restaurant, he wouldn't have much of a problem with this. He'd like to see some improvements in the berm, and some sound deadening. He is really concerned about setting a precedent with the bar and the restaurant. We've already had some history of having been approached and said no.

Member Lynch appreciates the work that's been done. There are some areas that would be an ideal location for this off of a main thoroughfare close to some businesses, but not this particular location. His fear is that he'd be a hypocrite by telling Novi Athletic Club no and then and then allowing this. Unless he can be convinced by his colleagues, he is not in favor of setting the precedent of the bar and restaurant.

Member Becker stated he'll be reading his comments based on his research and input about the details and scope of the project. He has done this almost always since his very first Planning Commission meeting just about four years ago.

Member Becker found after reviewing the I-1 Light Industrial district time and time again that as long as the bar restaurant is considered an ancillary accessory service, this is in fact something that can be approved through the Special Land Use determination following the rules.

The applicant is asking for a 38 1/2-foot variance on the setback from the residential district property line. Member Becker has seen similar requests for four feet, five feet, maybe eight feet. But never in four years, one for 38 1/2 feet, which is a 38 1/2 percent reduction in the 100-foot minimum. That is specifically there to protect the residents on the other side of the property line. If a 38 1/2 percent reduction were approved this time, will the next project ask to do 40 percent?

Similarly, the established berm height for this type of project abutting residential district is stated as 10 to 15 feet. Again, specifically to be a better sound than light buffer than just some deciduous trees that have no leaves four months of the year. The existing berm is only 5 to 8 feet, a part of which the applicant is thinking about lowering, and the applicant has put the only public entrance to the facility on the east side, the one closest to the residential district, and homeowners. This is where customers are going to look first for a parking place.

The applicant is also short on providing required parking places. His solution in his response letter is that during busy times he'll encourage employees to park in a lot across Venture Drive. There was no plan indicated for lighted crosswalk encouraging pedestrians to cross Venture Drive.

The applicant is asking to set a precedent with a Special Land Use and one of his reasons is that a full-service restaurant and bar are necessary for a successful indoor recreation facility such as a pickleball facility. The Planning Commission is being asked to consider this amenity as an incidental accessory use within the building, which in our ordinance code defines as a use which is clearly incidental to and customarily found in connection with the principal use of the building.

Member Becker did some research by taking a map of Southeast Michigan, drawing a border from Clinton Township to Troy, Warren, Pontiac, Waterford, Canton Township and Ann Arbor. He found all of the 13 indoor pickleball facilities that exist. Not one of these facilities has a full service restaurant and bar. This makes it difficult to believe that the restaurant portion of the project is necessary for its recreational business. The applicant stated that the availability of food is common in the recreational industry, zero out of 13 doesn't sound common. The Novi Athletic Club has indoor pickleball, plus other recreation activities, but no restaurant or bar. Same for SPARC which is expanding internally to add six to eight dedicated indoor pickleball courts. The SPARC owner told Member Becker he might have a snack bar but never a full restaurant or bar. And one of these 13 locations that doesn't have a restaurant or bar is only two years old and has 16 pickleball courts. It was interesting when the applicant mentioned Wolverine Pickleball in Ann Arbor. According to their website, they service food by having food trucks come in. They don't have a restaurant.

The applicant for the project says this facility will benefit the City because "local restaurant shops and bars will benefit from the increase in visitors to the area". The applicant asserts that they would likely come

from "Plymouth, Walled Lake, Livonia, Farmington Hills, New Hudson and South Lyon". This seems like a solution in search of a problem. Novi is already a regional destination for people in those cities and others seeking places to dine, drink and shop. Our traffic is testimony to that. It would be logical to assume that many of these potential pickleball players are already coming to Novi to spend some of their time and treasure. And they're coming here to play pickleball. It's not going to increase business in any substantial way in Novi.

For a broader perspective, the I-1 zoning ordinance section begins with the section called intent. The very first sentence reads, "The I-1 Light Industrial District is intended to encourage innovations in variety and type, design and arrangement of land uses, but at all times to protect the neighboring residential districts from any adverse impacts". This states any adverse impacts, not some, not a few. There is plenty more to consider in the intent section of I-1. The general goals of this use district include the following specific purposes: 1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of research, office, light industrial and related uses, and 2. To protect abutting residential districts by separating them from manufacturing and related activities by limiting uses which may locate adjacent such residential districts, by setbacks for buildings and off street parking, and by landscape planning, berm, and wall screens.

The quote from the American Planning Association Michigan Chapter Planning and Zoning Essentials manual, under the Section Special Land Use decision guidelines, it says in bold and italicized print that the principal question that should be asked in reviewing a Special Land Use request is this: Is the proposed location an appropriate location for that use. The question isn't so much about the actual facility, but about the location being appropriate. One of the specific things that Members of this Commission must answer when considering Special Land Use is, whether relative to other feasible uses of the site, is this proposed use compatible with the adjacent uses of land in terms of location, size, character, and impact on the adjacent property or surrounding neighborhood.

To focus on the character part from the perspective of someone who lives on Ennishore or Balcome, Member Becker requested some information from the Planning staff. Since 1959 and continuously since the Hickory Corporate Park area has been zoned for industrial or light industrial. The residential development of Meadowbrook Lake began in the mid 60's. This research indicates that one of the existing commercial buildings was built there in the year 2000. There might have been more before that, but that's the only one found.

For at least 24 years, the character of the development and use of the east side of Venture Drive in Hickory Park Corporate Park, and what the residents there have come to expect, is a vast majority of traffic in and out of the parking lots is between 8:00 AM and 6:00 PM Monday through Friday and almost none on holidays. Member Becker knows this based on his multiple trips there at various times and various days of the week. On his several recon trips on weekdays around 6:00 PM, there's never been more than 40 cars in the entire parking lot area in the entire length of Venture Drive. Between 6:00 PM and 8:00 PM, there's close to zero traffic. On weekends, the parking lots are virtually ghost towns with virtually no traffic, regardless of time of day.

Considering the current I-1 compliant buildings on the east side of Venture Drive, not one of them has a 25-foot parking lot light in it. Not one of them has the main entrance on the east side of the building where the entrance and security lighting would face the residential district property line. That is because none of these existing buildings require such parking lot lighting as they are virtually unused when it is dark, and because they are in fact compliant with the 65-year intent of this Light Industrial district.

How does the expected use of this proposed project with parking lot noise, headlights after dark, parking lot lighting, evening traffic as late as 11:00 PM, seven days a week and seven nights a week, and many holidays fit the character of the existing I-1 district, especially for the residents adjacent to it? Simply put, it does not.

Member Becker is not against having a dedicated pickleball facility with a bar and restaurant. Frankly, this project would be a wonderful fit in our new City West District, especially on the north side of Grand River. This would give it access to all of those thousands of expected customers coming from miles around

so they could use I-96, Grand River, and Beck Road to get to the facility instead of Nine Mile and Venture Drive.

Member Becker's comments would have been much shorter if this project was proposed for the two large, adjacent undeveloped parcels of property in Hickory Corporate Park, just north of the subject property, but on the west side of Venture Drive, which total 3.18 acres abutting a railroad track instead of homes.

Accepting this project on the parcels indicated violates the intent of our Master Plan and our Future Land Use map. The two major variances being asked would eviscerate the very landscaping requirements meant protecting existing residential district and the homeowners and families closest to the subject property. It would set a precedent that could be used in the future to justify similar exceptions on the two other undeveloped parcels on the east side of Venture Drive or even some repurposing of an existing building or parcel on that same side of Venture Drive, or maybe one other I-1 district in the city that abuts the residential district, where an applicant wants to step around the intent of the I-1 district uses.

Member Becker's determination is that the serious variances being asked by the applicant are in fact a self-inflicted wound that he wants the City of Novi to heal. It is not that this is some unique confining parcel of land that's difficult to develop. It is that the serious requested precedent setting code variances are created by the building being too big for the location. A smaller building will allow 100-foot setback to be achieved. It would allow for a fully compliant buffer berm size, allow for more parking spaces, and trees to be planted. A smaller building wouldn't require as many parking places and thus resolve that variance request. Is the subject property the last place in an establishment such as this could be built in Novi? No, it's not, but it's the last place it should be.

Member Verma stated that he appreciates the presentation by the applicant including the history and importance of pickleball. The location requested is an industrial park area and the applicant is asking for so many variances. Member Verma takes the objections from the residents very seriously and respects their views as they would be those impacted by the proposal. He does not support bringing this facility to this location.

Member Roney stated that when he heard about this development many months ago, as a pickleball player, thought having an indoor facility was extremely desirable. Staying out of the sun and having food service there would be a nice convenience. Member Roney believes that is an incidental accessory use, which he supports, other than the size of it. He does have concerns about any kind of liquor being served so close to a neighborhood, but the state and county have their rules and that would be resolved by them rather than the Planning Commission.

When Member Roney viewed the plans, he was surprised to see two pickleball courts outside. He has been lobbying for pickleball courts in the City of Novi for a number of years. He's worked with Jeff Muck, who's the Director of the Parks and Rec, and he's very much in favor, and the City is very much in favor of putting them in. Some have gone in at Meadowbrook Park, there is some hope that ITC will have some, and Wildlife Park is being expanded. The biggest challenge that Jeff shared with Member Roney is the noise concern. A sound study was done, and it says that this fits within the Ordinance, it gets it down to 55 decibels, but if Member Roney lived there and had to listen to pickleball at the two outdoor courts all day long, especially on the weekends, it would be like somebody mentioned being next to a gun range.

Member Roney would feel a lot better about this project if those two courts were not outside. He was told early on that this was an all-indoor facility, so was surprised to see the outdoor courts. The noise is the major concern in his opinion. When he goes to Wildlife Park, even with the parking considerably far from the courts, the noise can be heard. He wouldn't want that in his yard.

Member Avdoulos stated that he wanted to dovetail on what Member Roney was saying related to the outdoor courts. When he looked at the acoustician's sound analysis, it was all related to the outdoor activities because there were rooftop units and other things being monitored. Member Avdoulos' concern would be anything outdoors.

It would be good to understand if this facility would abut a residential area, what sound is coming from inside the pickleball courts and how that emanates outside of the building. Member Avdoulos does not think that's going to be as big of an issue, but that would be good to understand.

As mentioned, it feels like the project is too big for the site, which is causing a lot of issues. It's like five pounds of sugar in a 2 pound bag. Being a private club with a restaurant, like Member Lynch had said, it's an interesting business model, but Member Avdoulos does not feel it's in the right location. It should be somewhere where there's more traffic and we don't have to have as many variances to consider.

The Planning Commission truly appreciates residents coming before them and indicating concerns, this is a public hearing and so that's their right. Member Avdoulos appreciates the symbiotic relationship that Meadowbrook Lake has with the industrial park as Member Becker indicated, so the expectation is there. If a future project came up and met all the Light Industrial requirements, the residents would be here, but would also be of the understanding that it met requirements.

A Special Land Use can be placed on top of another zoning, but there are requirements that have to be met in order for the Special Land Use to be approved. Member Avdoulos knows from his own professional experience that the building code a lot of times indicates what is an accessory use and what is incidental use to a project and that gets limited to 10%, so that's where that number comes from.

The industrial park, as Member Becker indicated, is not a highly utilized area. It's Monday through Friday traffic, with limited hours. The extended hours of the proposal were concerning. Member Avdoulos is not opposed to this type of business, it's just in the wrong location.

Chair Pehrson stated most of the main points have been hit. If this were not abutting residential, it would be a different story, and have a different outcome. If this were to go back and be rethought, he'd certainly offer an opinion on parking. Having just come through Member Lynch's neighborhood, Island Lake, and watching the boathouse when they're having a swimming meet, the number of cars that couldn't fit in what was considered to be a useful sized parking lot and had to park on the off-street parking was unmistakably a nuisance for someone trying to get through on a fire truck.

There are issues that again relative to location that this doesn't fit. The size is just too big relative to what is being requested. More importantly, on the truly objective side of the equation, on the Special Land Use, the proposal fails on item four and item seven, given that this does not fit the character and it is not in harmony with the rest of the area. If there's something that where to come back to the Planning Commission that had an appropriate location, it would be right on, and would look forward to that. But at this point in time, Chair Pehrson can't support this particular motion.

Motion to deny the Special Land Use Permit for Pickleball Novi JSP23-15 made by Member Avdoulos and seconded by Member Becker.

In the matter of Pickleball Novi JSP23-15, motion to deny the Special Land Use Permit because the plan is not in compliance with Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. The proposed use does not meet items four and seven of the Special Land Use criteria as listed on the motion sheet. The proposed use is not compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood because the berm height of 7-9 feet with mature trees and new plantings will not provide adequate screening of the building and parking area. The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this ordinance and is not in harmony with the purposes nor conforms to the applicable site design regulations of the zoning district in which it is located.

ROLL CALL VOTE ON MOTION TO DENY THE SPECIAL LAND USE PERMIT FOR PICKLEBALL NOVI MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER. Motion carried 6-0.

Motion to deny the Preliminary Site Plan for Pickleball Novi JSP23-15 made by Member Avdoulos and seconded by Member Becker.

In the matter of Pickleball Novi, JSP23-15, motion to deny the Preliminary Site Plan because the plan is not in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO DENY THE PRELIMINARY SITE PLAN FOR PICKLEBALL NOVI MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER. Motion carried 6-0.

Motion to deny the Woodland Permit for Pickleball Novi JSP23-15 made by Member Avdoulos and seconded by Member Becker.

In the matter of Pickleball Novi, JSP23-15, motion to deny the Woodland Permit because the plan is not in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO DENY THE WOODLAND PERMIT FOR PICKLEBALL NOVI MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER. Motion carried 6-0.

Motion to deny the Stormwater Management Plan for Pickleball Novi JSP23-15 made by Member Avdoulos and seconded by Member Becker.

In the matter of Pickleball Novi, JSP23-15, motion to deny the Stormwater Management Plan because the plan is not in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO DENY THE STORMWATER MANAGEMENT PLAN FOR PICKLEBALL NOVI MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER. Motion carried 6-0.

2. RELIABLE TRAINING INSTITUTE PSLU24-04

Public Hearing at the request of Shanae Almon for Special Land Use approval to operate a Certified Nurse Assistant school within a portion of an existing building. The subject portion totals approximately 5,917 square feet out of a total 16,800 square feet and is located at 22960 Venture Drive in Section 26, north of Nine Mile Road and east of Novi Road.

Chair Pehrson stated at this time the Planning Commission has been asked to postpone this particular recommendation. The public hearing will be held at this point in time and kept open until the applicant is able to attend and share their opinions.

Planner James Hill relayed a Special Land Use application was submitted to the City for consideration of a certified nurse assistant school in an existing building at 22960 Venture Drive. Unfortunately, due to personal reasons the applicant was unable to attend the meeting tonight and is requesting to postpone the public hearing until they are available at a later date. Since a public hearing was advertised and scheduled, Planner Hill provided a brief presentation.

The name of the proposed school is the Reliable Training Institute and is proposed to operate out of a portion of the industrial office building at 22960 Venture Drive.

The current zoning of the site is I-1 Light Industrial. Trade schools are a Special Land Use in the I-1 Light Industrial zoning district when the site abuts residential. In this case, the site abuts R-4 One Family Residential to the east and I-1 Light Industrial to the north, south, and west.

The Future Land Use shows Industrial, Research, Development, and Technology for the site in addition to the property to the north, south, and west, and Single Family Residential to the east.

There are no proposed site changes, and any interior changes will go through the building department when and if Special Land Use approval is granted.

The Planning Commission is asked to hold the public hearing tonight for PSLU24-04 Reliable Training Institute, postpone the Special Land Use Permit, and leave the public hearing open until the applicant is prepared to move forward. Staff is available for any questions.

Chair Pehrson confirmed that the applicant was not present to address the Planning Commission and then opened the public hearing by inviting anyone who wished to speak to come forward. Seeing no one, and confirming there was no correspondence, Chair Pehrson held the public hearing open.

Motion to postpone the PSLU24-04 Reliable Training Institute Special Land Use permit and leave the public hearing open made by Member Avdoulos and seconded by Member Lynch.

In the matter of Reliable Training Institute, PSLU24-04, motion to postpone the Special Land Use Permit and leave the public hearing open until the applicant is prepared since the applicant had a conflict and was unable to prepare a response or attend the meeting.

ROLL CALL VOTE ON MOTION TO POSTPONE PSLU24-04 RELIABLE TRAINING INSTITUTE SPECIAL LAND USE PERMIT AND LEAVE THE PUBLIC HEARING OPEN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 6-0.

3. THE BOND JSP18-10

Public Hearing at the request of Bond at Novi LLC for JSP18-10 for recommendation to the City Council for approval or denial of the revised Preliminary Site Plan, Woodland Permit and Storm Water Management Plan. The revised plans propose to add a fifth floor to accommodate additional units.

Planner Bell stated the subject property is approximately 7.99 acres and is located in Section 22, southwest of the intersection of Grand River and Novi Road. The subject property is behind City Center Plaza between the recently reconstructed Bond Street and the railroad, west of Novi Road.

The property is zoned Town Center - 1 surrounded by the same on all sides except across the railroad tracks which is zoned Light Industrial.

The Future Land Use map indicates similar uses for the subject property and surrounding parcels.

The applicant had received approval to redevelop the former Fendt Transit Mix Concrete site into a mixed-use development with two four-story multi-family residential buildings with 260 units and a single-story commercial building as a Phase 2. The project included a two-level parking structure, surface parking, site amenities such as a swimming pool, landscaped courtyards, fitness room, and related landscape improvements. No changes to Phase 2 are proposed.

Since approval of the project in 2021, the applicant states that delays caused by nearby FEMA floodplain delineation followed by the COVID-19 pandemic prevented construction from getting started, and now increased building costs and interest rates has made the previous project economically unfeasible. The applicant now proposes to increase the height of both residential buildings to 5 stories to accommodate an additional 69 residential units (329 total) and add a third level to the parking structure. The footprint and general layout of the rest of the project remains unchanged, with only minor adjustments to landscaping, utilities, surface parking, and stormwater management facilities.

In the Town Center district, the total number of rooms dictates the maximum density that can be granted for a specific site. This development proposes a mix of 1, 2 and 3 bedroom units. In the TC-1 district, the maximum allowable rooms is calculated by taking the area of the parcel in square feet, divided by a factor of 800 for a mixed-use development. For the subject parcel, the maximum number of rooms allowed for this property is 435 rooms (7.99 acres = 348,044 sq. ft. / 800).

However, the Ordinance permits Planning Commission or City Council, if the project is over 5 acres, to allow an increase in the number of rooms if strict adherence would serve no good purpose or if the intent of the district would be better served by allowing the increase. However, not more than double the

number of rooms can be approved (cap of 870 rooms in this case). The applicant's new room count of 812 is within the allowable range of permitted maximum density of the TC-1 District. To allow any increase in additional rooms beyond 435, the City Council must confirm the following:

- a. That an increase in total number of rooms will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area.
- b. That an increase in total number of rooms is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.

Staff is also asking for a finding that the Usable Open Spaces shown on the site plan, including the clubhouse and fitness room, are acceptable and meet the intent of the Ordinance to provide active and passive recreation, although they do not meet the strict Ordinance definition because they include indoor spaces. Given the unique shape and configuration of the site, the applicant has provided the outdoor space to the extent possible, and the indoor amenities can be used year-round.

With the addition of a fifth story, the Façade review notes that the proposed revisions do not result in any significant change to the previously approved Section 9 waivers for an underage of brick/stone and overage of EIFS, and making the slight adjustments to the previous waivers is recommended.

No new landscape waivers are required, and landscape comments will be addressed in the Final Site Plan submittal if the revised plan receives approval.

An updated Trip Generation Analysis was provided, which shows a decrease in the estimated trips compared to the previous submittal. As explained by our traffic consultant, the reason behind this is the use of two different versions of the ITE trip generation manual, the former 9th edition versus the 11th edition which is now available. Generally, the number of trips has been going down per unit every time a newer version is published. This is the reason a lower impact is shown even when total units are increasing.

The site plan is subject to all previously approved conditions and deviations. Although there are no changes to the Woodland Permit previously approved, reauthorization is being requested along with the revised Site Plan.

The project required several variances from the Zoning Board of Appeals, mostly due to the irregularly shaped lot and urban design of the project. Since those approvals have now expired, the applicant will need to reapply for those variances.

All reviews are recommending approval. The development is over 5 acres and is located in the TC-1 district. This would require City Council approval based on your recommendation, and amendment of the associated Development Agreement.

The Planning Commission is asked to hold the public hearing to consider the proposed changes to the plan described and to make a recommendation to City Council to either approve or deny the revised Preliminary Site Plan and Woodland Permit. Applicants Albert Ludwig, Glenn Cantor, and their design team are present for any questions. Staff is available for questions as well.

Chair Pehrson invited the applicant to address the Planning Commission.

Albert Ludwig introduced himself along with Glenn Cantor and John Woods. They are all members of The Bond at Novi, which is a partnership formed between Mr. Ludwig, Mr. Cantor, Mr. Woods along with DTN management out of Lansing. DTN owns thousands of apartments and student housing units and was brought in for their expertise.

The property was purchased back in 2017. While working on final plans, HUD financing was lined up. It was all approved with one exception. One of their consultants is from FEMA and FEMA demanded that the floodplain map for the entire city of Novi be revised by the City because they put in the loop road which is now called Bond Street. FEMA took over a year to approve the new floodplain map. By that time, COVID had come, interest rates went crazy, and construction costs went crazy. People were out of the

office and couldn't work for a while. Since then, you can't get insurance on wood stick buildings anymore. The building had to be redesigned to steel in order to be able to obtain insurance, since there have been too many casualty claims on wood frame buildings.

This proposal has no change to the site plan whatsoever, the ramps got a little bit longer on the parking deck, to add the additional floor, but it's a very minor change on the landscape plan. No parking spaces are lost because of it. There are the same percentage of one-bedroom units as before. There is the same parking ratio as before. There are the same materials on the exterior elevations as before with the same percentages.

The development team is trying to make this work from an economic standpoint and get it off the ground. The whole financing world has changed since 2017. Mr. Ludwig and his team have been in it for the long run and want to get it done. They have worked with Beth over and over on development agreements, and with Barb and Lindsay. Staff has been incredible to work with.

Downtowns need people to survive and to thrive. This is a TC-1 district that needs people. From what Mr. Ludwig is reading in the paper, some of the other TC-1 parcels are downsizing their number of units or type of units, so he thinks this proposal is a good thing for the City to add more people coming into the downtown.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium.

Mike Duchesneau, 1191 South Lake Road, congratulated the three Planning Commission members who got reappointed. He loves the consistency of this board. He was here when The Bond was first proposed. It's a very nice development. Looking closer at the Ordinances, a five-story building is allowed next to a railway or a freeway. That's not an issue for this particular location. Mr. Duchesneau doesn't have an issue with the density if the City Council approves it. He is usually here complaining about traffic, but not with this particular location. The ring road is complete now, it wasn't when it was first proposed.

Mr. Duchesneau recommended to keep the flavor of the Town Center district, that the commercial aspect not be a separate phase, but be included either before units start to get rented or at some other appropriate time frame.

Seeing no one else, and confirming there was no correspondence, Chair Pehrson closed the Public Hearing and turned the matter over to the Planning Commission.

Member Lynch did not have any issues.

Member Becker stated this is the most complex, complicated project he's seen. The subject property is one of the most godforsaken pieces of property in all of Novi. It's a very strange setting. It's a limiting lot shape. Railroad tracks are down the entire west side, warehouses on the back of that, and there is backside of the City Center Plaza to look at. There is a small access road. Member Becker is not sure what other kind of development would even want to go into this TC-1 parcel or would fit.

Member Becker is 74 years old and loves this concept here, the modern part of it and everything else. Maybe this project could go in City West, but then what would we put on this terrible piece of property? Many residents are going to look at this five-story building and say it's so modern, it's a monstrosity, it's aesthetically offensive. But where it is going it's really a remarkable job of tucking it out of the way, of mitigating its size and look for those who don't like it. The parking garage is going to be virtually invisible to anyone but the residents. To check that out, Member Becker went down Clark Street and then into the residential area on the north side of it. He has lived in Novi for 48 years and has never been down Clark Street or knew there was a Creek Crossing subdivision development down there. It's amazing. This will be tucked away; it won't be seen.

It will provide a new close-up group of customers for existing commercial businesses that are accessible right across the street, but also mobility to perhaps even go over into the rest of Town Center. Member

Becker is concerned about the traffic volume on Bond Street, which is going to be condensed into the normal morning and evening rush hours, so he is hoping the new traffic assessment process with its updated metrics is correct.

Member Becker believes this concept should be supported in every legal way possible. He loves the urban design, where it is, and hopes this can proceed.

Member Verma had no comment.

Member Roney stated there is not really a significant change in adding one floor when he looks at the elevation, somehow it even looks better. He cannot think of a better place to put something like this than over in that corner of Novi. Now with the ring road going through it seems like it would make it an even greater success. He is in support.

Member Avdoulos did not have any further comments other than he agrees with Member Roney on the accessibility. He thinks it is going to work out great.

Motion to recommend approval to City Council the revised Preliminary Site Plan for JSP18-10 The Bond moved by Member Avdoulos and seconded by Member Lynch.

In the matter of The Bond JSP18-10, motion to recommend approval to City Council the Revised Preliminary Site Plan based on and subject to the following:

1. The previously approved waivers and Development Agreement granted by City Council.
2. City Council finding per Section 4.82.2.b. for allowing an increase of maximum number of rooms allowed (435 allowed, 812 proposed), as the number of rooms falls within the allowable range and the increase is not anticipated to cause negative impacts to the site or the surrounding area.
3. City Council finding acceptable the usable open spaces as shown on the site plan as they meet the intent of the Ordinance to provide active and passive recreational opportunities for future residents and as the unique shape and urban-style design of the project limits the ability to comply with the strict ordinance definition.
4. A revised section 9 waiver for the following deviations as the overall appearance of the building would not be significantly improved by strict application of the percentage listed in the Ordinance:
 - a. Not providing the minimum required brick (30% minimum required) on the east (17% proposed), north (21-24% proposed), west (23% proposed), and south (21-24% proposed) facades for Building 1 and 2.
 - b. Exceeding the maximum allowed percentage of EIFS (proposed: East-52%, North-51%, South- 51% and West- 77%) for Building 1 and 2.
 - c. Not providing the minimum required brick and stone (50% minimum required) for TC-1 district on all facades (23-34% proposed) for Building 1 and 2.
 - d. The previously approved Section 9 waivers for the commercial building and parking garage remain unchanged as the interesting massing and creative use of materials is not compromised by the proposed revisions as recommended by the City's façade consultant.
5. The following variances require re-approval from the Zoning Board of Appeals since the original approvals have expired:
 - a. Variance from Section 4.82.2 for increasing the maximum percentage of one-bedroom units allowed for this development (50% maximum allowed, 59% proposed) based on applicant's response that a 60% unit mix is recommended based on their internal marketing survey and assessment.
 - b. Variance from Section 3.27.1.D for allowing parking in the side yard for a commercial building (around 49 spaces) due to the unusual shallow shape of the subject property and the inability to park in the rear yard.
 - c. Variance from Section 3.27.1.D for allowing parking in front yard for residential section (around 38 spaces, 9% of total 432 spaces) due to the unusual shallow shape of the subject property and the inability to park in the rear yard.

- d. Variance from Section 3.27.1.D for allowing parking in side yard for residential section (around 50 spaces, 12% of total spaces in east and 35 spaces 12% of total spaces in west) due to the unusual shallow shape of the subject property and the inability to park in the rear yard.
 - e. Variance from Section 4.82.2.e for a reduction of the minimum building setback for Building 1 on the east side (15 ft. required, a minimum of 12 ft. with overhang of 8.8 ft. proposed for an approximate length of 12 ft., total building length is 283 ft.) due to the unusual shallow shape of the subject property.
 - f. Variance from Section 4.82.2.e for a reduction of the minimum building setback for Building 2 on the east side (15 ft. required, a minimum of 8 ft. with overhang of 3.8 ft. proposed for an approximate length of 16 ft., total building length is 283 ft.) due to the unusual shallow shape of the subject property.
 - g. Variance from Section 4.82.2.e for a reduction of the minimum building setback for the parking garage on the west side (15 ft. required, 5 ft. proposed for entire structure, total building length is 283 ft.) due to the unusual shallow shape of the subject property.
 - h. Variance from Section 5.7.3.E. for allowing an increase of the average to minimum light level ratio for the site (4:1 maximum allowed, 4.81 provided) due to site layout and the site's shallow depth.
 - i. Variance from Section 5.7.3.K for exceeding the maximum allowed foot candle measurements along the south property line abutting the railroad tracks (1 foot candle is maximum allowed, up to 1.7 foot candles is proposed for a small area).
 - j. Variance from Section 3.27.1.H. and Sec. 5.4.2 for allowing two loading areas in the side yard for the residential section due to the unusual shallow shape of the subject property.
 - k. Variance from Section Sec. 5.4.2 for a reduction in the minimum required loading area for each of the two loading spaces in the residential section (2,830 square feet required, 644 square feet provided) due to residential nature of the development that does not require larger loading areas.
 - l. Variance from Section 3.27.1.I. for a reduction in width of the sidewalk along a non-residential collector (12.5 feet required on both sides, 8 feet proposed on west side and 10 feet asphalt path proposed on east) as it aligns with City's current plans for Flint Street realignment.
 - m. Variance from Section 5.3.2. for a reduction of the minimum parking bay depth for spaces proposed in the parking garage (19 ft. minimum required, 18 ft. proposed) as the depth is limited by the pre-fabricated manufacturers' specifications.
6. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the revised 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.

ROLL CALL VOTE ON MOTION TO RECOMMEND TO CITY COUNCIL THE PRELIMINARY SITE PLAN FOR JSP18-10 THE BOND MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. *Motion carried 6-0.*

Motion to recommend approval to City Council the revised Stormwater Management Plan for JSP18-10 The Bond moved by Member Avdoulos and seconded by Member Lynch.

In the matter of The Bond JSP18-10, motion to recommend approval to the City Council of the revised 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 the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO RECOMMEND TO CITY COUNCIL THE REVISED STORMWATER MANAGEMENT PLAN FOR JSP18-10 THE BOND MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. *Motion carried 6-0.*

Motion to recommend approval to City Council the Woodland Permit for JSP18-10 The Bond moved by Member Avdoulos and seconded by Member Lynch.

In the matter of The Bond JSP18-10, motion to recommend approval to City Council of the Woodland Permit based on and subject to the following 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.

ROLL CALL VOTE ON MOTION TO RECOMMEND TO CITY COUNCIL THE WOODLAND PERMIT FOR JSP18-10 THE BOND MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. *Motion carried 6-0.*

4. CULVER'S JSP23-37

Public Hearing at the request of Union Pacific Holdings for recommendation to the City Council for Preliminary Site Plan with a PD-2 Option, Special Land Use, and Stormwater Management Plan approval. The subject property is located at the northwest corner of Novi Road and West Oaks Drive in Section 15 and totals approximately 1.69 acres. The applicant is proposing to develop a 4,160 square foot Culver's restaurant with a drive-thru. The applicant is proposing to vacate and move a portion of Karevich Drive so that it traverses through the site.

Planner James Hill relayed this is the continuation of a public hearing previously held at the March 20 Planning Commission meeting. The applicant has returned with a revised site plan and traffic study that has the preliminary approval from all reviewers. The Preliminary Site Plan, Special Land Use with a PD-2 Option, and Stormwater Management plan for a Culver's restaurant, located at the northwest corner of Novi Road and West Oaks Access Drive, is in section 15 of the City. The applicant is proposing a 4,160 square foot restaurant with two drive thru order boards, an outdoor seating area, and associated parking. The site is currently bisected by a portion of North Karevich Drive. As part of the project, the applicant is requesting that the City vacates all of North Karevich Drive so that the applicant can reroute the road through parking lot of the site. The applicant would then take over the responsibility of maintaining the road but allow public access to continue. The street vacation is another matter that the City Council will consider concurrently with the site plan.

Due to the fact that the site lies within the PD-2 District, the Planning Commission does not approve the Preliminary Site Plan, but instead makes a recommendation to the City Council for approval or denial. The City Council then makes the ultimate decision on the matter, in addition to any requested waivers or variances.

As noted, the site is currently bisected by a portion of North Karevich Drive. If the street vacation and lot combination are completed successfully, the site will total approximately 1.69 acres.

The site is currently zoned RC Regional Commercial, and all adjacent property is likewise zoned for RC Regional Commercial. The uses nearby include the West Oaks Shopping Center to the south, including a Carrabba's. Gjeto's Salon is located to the west, Value City Furniture to the north, and Twelve Oaks Mall to the east across Novi Road.

The Future Land Use contemplates Town Center Gateway with a PD-2 Overlay. The PD-2 Overlay also covers the parcels to the west and north of the site, except that their underlying zoning is Town Center Commercial. To the south and east the Future Land Use contemplates Regional Commercial.

Since the site plan for Culver's came before the Planning Commission in late March, there have been a couple notable changes for greater compliance with the Zoning Ordinance. Firstly, instead of rerouting North Karevich Drive around the parking lot, it is now proposed to be routed through the parking lot, with

traffic maintained in both directions and parking for the restaurant on either side. Public access will need to be maintained so that the general public can access sites to the north of this site, and the motion sheet contains language that conditions the approval subject to City Council accepting the street vacation with the appropriate agreements in place. As part of this reroute, the western entrance into the site now has a deficient turning radius of 6.3', with the minimum requirement being 15'. To ameliorate this, the applicant has proposed a mountable concrete median, which is meant to ensure that delivery trucks or fire trucks are able to access the site safely. This will require a deviation from the City Council, and the approval of the site plan will be subject to that deviation being granted. Routing North Karevich Drive through the site has provided additional space onsite so that the bypass lane around the drive-thru is now wide enough to meet City standards. Additionally, no parking setback deviations are required.

The applicant has also provided an updated Traffic Study that provides the correct number of parking spaces and has been approved by the City's Traffic Consultant. As with the former proposal, a sidewalk is proposed on the west side of Novi Road along the site and along North Karevich Drive.

The PD-2 Option permits the restaurant use as a Special Land Use and provides for specific factors that the Planning Commission should consider in the review of the site plan. Namely, meeting the intent of the Special Land Use provisions, providing a Community Impact Statement and Traffic Study, and showing harmony and compatibility with adjacent sites and buildings.

As with other Special Land Use approvals that have come before the Planning Commission, site plans seeking Special Land Use permits need to be considered relative to other feasible uses of the site with the following factors in mind:

- Impact on existing thoroughfares, off-street parking, and travel times
- Impact on the capabilities of public service, including water service, sanitary sewer service, and stormwater disposal
- Impact on natural features such as woodlands and wetlands
- Compatibility with the adjacent property and uses
- Consistency with the goals and intent of the City's Master Plan

Approval of the Preliminary Site Plan will be subject to the City Council granting the requested waivers for the current site layout. Firstly, the PD-2 Option provides use conditions for free-standing restaurant uses. These include a minimum parcel size of 1.25 acres, which the site satisfies. It also requests that the site plan design shall achieve traffic circulation features that assure safety and convenience of both vehicular and pedestrian traffic. The applicant has addressed initial concerns from both Planning, Traffic, and Fire reviews by expanding the bypass lane around the drive-thru. Additionally, the applicant has committed to making future minor revisions to improve the parking layout. The site plan will require a deviation from the Code of Ordinances for a deficiency in driveway turning radii where the mountable concrete median is being proposed. Finally, under the PD-2 option, free-standing restaurants shall be located no closer than 1,000 feet from any other such use on the same side of the street. The proposed Culver's will be less than 1,000 feet from the Carabba's to the south, which will require a deviation from the City Council.

The stormwater management plan for the site is to connect to the greater regional detention system as part of the West Oaks regional detention basin. A pre-treatment structure is proposed prior to storm water leaving the site.

Other site plan related waivers include the dumpster location in the exterior side yard, which is unavoidable due to the site not having a rear yard available for the dumpster to be located in. Landscape waivers include the lack of a berm or wall along both Novi Road and West Oaks Drive, which is supported by staff as a hedge is being provided as screening, for a deficiency in perimeter depth between the west drive and the west property line due to the need to maintain the site entrance location, and a deficiency in sub canopy trees along West Oaks Drive which is supported by staff.

Additionally, a Section 9 façade waiver is required for the underage of brick and overage of composite siding, which is supported by the City's façade consultant. The combined percentage of brick and stone meets the intent of the ordinance with respect to the minimum amount of masonry and the comparatively small overage of composite siding enhances the design of the north elevation.

The Traffic Impact Study indicates that there is a level of service with an F grade for the southbound Karevich drive intersection with West Oaks Drive. The City's Traffic Consultant has acknowledged this level of service but still recommends approval due to the amount of space available on the southbound drive exiting the site for cars to queue.

The Planning Commission is asked tonight to resume the public hearing for JSP23-37 Culver's and recommend approval or denial to the City Council for the Preliminary Site Plan, Special Land Use with a PD-2 Option, and Stormwater Management Plan. The applicant's engineer is in attendance and available for questions, in addition to staff being available.

Chair Pehrson invited the applicant to address the Planning Commission.

Tyler Smith, from Kimley-Horn of Michigan, introduced himself along with his manager Scott Wilson, Mike Sobrowski the general contractor, and Charles Paisley, the owner and operator of Culver's. Mr. Smith relayed that when they were before the Planning Commission a couple of months ago, they weren't prepared so went back to the drawing board to try to come up with something much better that all could agree on.

As Planner Hill mentioned, this is a vacant site with a drive that bisects it into two different parcels, mostly grass with some trees on it. The applicant is proposing to split and combine the parcels with a vacate of Karevich Drive.

Mr. Smith showed the prior layout, which was less efficient for the routing of the road and parking, and into a lot of the front and side yard setbacks. The new layout meets the front yard setbacks along West Oaks Drive and Novi Road, and there is generally a lot more green space and a more efficient layout.

As part of the project there is a sidewalk extension that goes along Novi Road on the west side, as well as including the maintenance of North Karevich Drive and maintaining access to the existing owners. There will also be a 2-inch mill and overlay on Karevich Drive to keep it looking nice and continue to for a long time.

There are a couple of benches proposed with some landscaping, as well as a monument sign along the north side by West Oaks Two Drive to promote people to use that route to get to the site as well, to encourage better traffic flow.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium. Seeing no one, and confirming there was no correspondence, Chair Pehrson closed the Public Hearing and turned the matter over to the Planning Commission.

Member Lynch referenced issues with the traffic flow at Chick-fil-A and stated as long as the traffic consultant is in agreement here, he is in support.

Member Becker referenced the requirement that a restaurant cannot be closer than 1.000 feet to another restaurant in the TC district. He does not see Culver's competing the Carraba's or Starbucks, as they are entirely different destinations. If that is the requirement, then we'll hope to get that approved.

Member Verma stated that the design looks beautiful, very spacious.

Member Roney stated that when the applicant was last before the Planning Commission, he inquired if they were able to speak with Value City about the road. Mr. Smith responded that so far, they have not been responsive, but they are included in the draft terms for full unrestricted access regardless of their feedback.

Member Avdoulos stated that he was hoping there would be samples from Culver's. He is in favor of the proposal, his main concern is traffic making a left turn off Karevich Drive onto West Oaks Drive. It is a bad intersection. With Chick-fil-A, there was a lot of concern with traffic and that settled down after the initial

response to the opening.

Motion to recommend approval to City Council JSP23-37 Culver's for Special Land Use made by Member Avdoulos and seconded by Member Becker.

Chair Pehrson inquired if there has been consideration relative to signage in terms of entering Karevich Drive. City Planner McBeth responded that access would be very similar to how it has always been. Chair Pehrson suggested that initially people may be confused so he'd like to see some thought on added signage.

In the matter of the request of Union Pacific Holdings for Culver's JSP23-37, motion to recommend approval to the City Council for Special Land Use based on and subject to the following:

1. The proposed use will not cause any detrimental impact on existing thoroughfares based on the Traffic review.
2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities based on the Engineering review.
3. The proposed use is compatible with the natural features and characteristics of the land because there are no regulated natural features on site.
4. The proposed use is compatible with adjacent uses of land because the proposed use is similar to other nearby restaurants with a drive-thru.
5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi.
6. The proposed use will promote the use of land in a socially and economically desirable manner as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi.
7. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.
8. The City Council's determination to vacate North Karevich Drive and that the appropriate agreements are put in place to maintain access to the property to the north.
9. Subject to further review as the project moves forward of providing wayfinding signage along the vacated portion of North Karevich Drive to ensure that adequate notice is provided to the businesses in the area.
10. Add signage and wayfinding for Karevich Drive.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL JSP23-37 CULVER'S FOR SPECIAL LAND USE MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER. Motion carried 6-0.

Motion to recommend approval to City Council JSP23-37 Culver's for Preliminary Site Plan with a PD-2 Option made by Member Avdoulos and seconded by Member Lynch.

In the matter of the request of Union Pacific Holdings for Culver's JSP23-37, motion to recommend approval to the City Council for Preliminary Site Plan with a PD-2 Option based on and subject to the following:

1. Planning Commission findings that the standards of Section 3.31.4 of the Zoning Ordinance are adequately addressed, as identified in the Planning Review Letter.
2. The recommendation includes the following ordinance deviations for consideration by the City Council:
 - i. Deviation from Section 3.31.7.B.v.a, the use conditions for fast food drive-thru under PD-2 Option as listed that requires a minimum distance of 1,000 feet between a proposed independently freestanding restaurant from any other such use on the same side of the street. The proposed restaurant is less than 1,000 feet from the

- Carabba's to the south.
- ii. Deviation from Section 4.19.2.F for allowing a dumpster in the exterior side yard instead of required rear yard.
 - iii. Landscape deviation from Section 5.5.3.B.ii and iii for lack of berm or wall along both Novi Road and West Oaks Drive.
 - iv. Landscape deviation from Section 5.5.3.B.ii and iii for deficient perimeter depth between the west drive and the west property line
 - v. Deviation from Section 11-216 of the Code of Ordinances, Design Considerations, for the deficient driveway turning radius where the mountable concrete median is proposed.
 - vi. Section 9 Façade waiver for underage of brick and overage of composite siding.
3. The City Council's determination to vacate North Karevich Drive and that the appropriate agreements are put in place to maintain access to the property to the north.
 4. 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.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL JSP23-37 CULVER'S FOR PRELIMINARY SITE PLAN WITH A PD-2 OPTION MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 6-0.

Motion to recommend approval to City Council JSP23-37 Culver's for Stormwater Management Plan made by Member Avdoulos and seconded by Member Becker.

In the matter of the request of Union Pacific Holdings for Culver's JSP23-37, motion to recommend approval to the City Council for Stormwater Management Plan based on and subject to the following 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 is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL JSP23-37 CULVER'S FOR STORMWATER MANAGEMENT PLAN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER. Motion carried 6-0.

5. 30551 NOVI ROAD WOODLAND PERMIT PBR23-0427

Public Hearing at the request of Ayad Kashat, for a Woodland Use Permit for 30551 Novi Road. The site is located west of Novi Road, and north of Thirteen Mile Road in Section 3 of the City. The applicant is requesting the removal of eighty-four (84) regulated woodland trees to build a single-family home.

Planner Heather Zeigler stated that the applicant Ayad Kashat is seeking approval of a Woodland Use Permit to remove 84 regulated woodland trees, ranging in size from 8 to 29 inches diameter at breast height from a lot located at 30551 Novi Road. The site is located west of Novi Road and north of Thirteen Mile in Section 3 of the City.

The applicant is requesting the removal of 84 regulated woodland trees to build a single-family home. The location is zoned R-4, adjacent to RA Residential Acreage. The Future Land Use map indicates single family residential and the existing wetlands and woodlands on site are to be impacted.

The City Woodland consultant reviewed the request and prepared a review letter dated May 3rd, 2024. Based on the plans provided, the applicant is proposing to remove 84 regulated woodland trees in an area mapped as City regulated woodland. Replacement calculations require 166 replacement credits, 39 are proposed to be replaced and the remainder is to be paid into the tree fund. The Woodland

Consultant review letter, in the Planning Commission packet, provides a detailed count and explanation of the required replacements. The proposed removals have no impact on any previously approved site plan, nor does it have any impact on any previous agreements. The proposed removals are not located within any recorded conservation easement or preservation easements.

Per the city of Novi's Woodland Ordinance, where a proposed activity such as a home construction does not otherwise require site plan or plot approval, the granting or denying of the Woodland Use Permit shall be the sole responsibility of the Planning Commission. The applicant shall obtain approval from the plan from the Planning Commission's prior to issuance of any permits and the Planning Commission is asked to hold a public hearing and either approve or deny the requested woodland permit.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium. Seeing no one, and Member Lynch read into the record correspondence received. There were six response letters, all opposed, Chair Pehrson closed the Public Hearing and invited the applicant to address the Planning Commission.

Tom Shaffer with Orchard Development introduced himself along with Landscape Architect Matt Moser with Moser Design, Civil Engineer Alex Orman with Orman Engineering. This has been a unique project. They have been working with staff diligently over the last 12 months.

There are a lot of beautiful features that come along with this property. Mr. and Mrs. Kashat live in the City of Novi, and they plan on relocating into a ranch family ranch to take care of their two disabled kids. There are a lot of features that came with this property and the intent was to keep it a single family. There have been other options proposed for this property.

The design team tried to take into consideration all the attributes that come with this property and wanted to have the least amount of impact in order to serve the family's day-to-day needs and to preserve the character of the parcel. There is not a whole lot of impact. It is a three-acre parcel with a school to the adjacent north side. The rest of the parcel has dense woodland that gives a good buffer between the house and the neighbors.

Matt Moser stated they have been working with the City and its consultants for about the past year, going through and really diligently trying to help our clients put a beautiful home on the property while trying to respect the original beauty of this property which is filled with quite a few trees, has some wetlands on it and has a fair amount of topography. In doing this a plan was put together that replaces a significant number of trees, planning to put about 169 inches back in of all native species. The reason for the number of trees going back in is to meet requirements and to put the trees where they're actually going to survive and thrive instead of just packing a ton of trees in the property. The species are laid out in a manner that they're compatible with one another. The sunlight requirements are adequate for where the plan shows them. The existing trees that will remain, which are actually quite a few, will have drip line protection that will be installed all around the drip lines so that any remaining trees hopefully don't suffer any construction damage.

The design team has a wetland consultant who worked with the City and the consultants to ensure that all the wetlands are properly protected and not impacted. Given the complexity of this site, we have a plan that makes this site beautiful, and although it is always devastating to see trees go, puts the plan in place for the next 100 years for everything to come back up and appreciate the nature that it's in.

Chair Pehrson turned the matter over to the Planning Commission.

Member Lynch stated the applicant has the absolute right to develop the property and have worked with the Ordinance. It is unfortunate that the neighbors didn't want the trees removed, but the applicant has the right to do so on their property within Ordinance requirements. Member Lynch fully approves.

Member Becker stated that is interesting that the applicant has positioned the house to be near the northernmost property line just about as far as possible away from the residents on Morgan Creek Court and to leave the greatest number of trees along that western and southern edge, which also helps block

anything between the others.

Member Becker shouldn't be amazed anymore when we have people that have cut down trees to build their houses and then ask why we're letting people cut down trees to build their houses. As Member Lynch said, you are entirely within your rights to do this, especially when we have a woodland regulation. Trees are regulated and not sacred. Member Becker wished the applicant luck with the project and stated it looks like a great development. He approves wholeheartedly.

Member Verma inquired regarding the number of trees that will be replanted onsite. Mr. Shaffer responded that 169 inches of all native species of new trees will be replanted onsite.

Member Roney inquired if there were any wetlands impacted. City Planner McBeth stated that there are no proposed impacts to the wetland which are in the southeast corner of the site.

Member Avdoulos stated that he has not issues appreciates the landscape architect attending especially with the sensitivity to regulated woodlands in this case.

Motion to approve the Woodland Use Permit PBR23-0427 at 30551 Novi Road made by Member Avdoulos and seconded by Member Lynch.

In the matter of the request for a Woodland Use Permit PBR23-0427, motion to approve the removal of eighty-four (84) regulated woodland trees within an area mapped as City Regulated Woodland at 30551 Novi Road to build a single-family home. The approval is subject to on-site planting to the extent possible of one hundred and sixty-six (166) required woodland replacement credits. If necessary, any outstanding credits may be paid into the City's Tree Fund. In addition, any other conditions as listed in the Woodland Consultant's review letter shall be addressed.

ROLL CALL VOTE ON MOTION TO APPROVE WOODLAND USE PERMIT PBR23-0427 at 30551 NOVI ROAD MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. PRIMROSE DAYCARE PHASING PLAN JSP22-53

Consideration of the request of EIG14T Development for a Phasing Plan. The subject property is located in Section 27 of the City of Novi west of Novi Road and south of Ten Mile Road. The applicant is requesting to phase the previously approved preliminary site plan.

Planner Zeigler stated that the applicant received previous approval to construct a swim school and daycare center at the former site of an assisted living center. The site is located at 43455 Ten Mile Road and is in the OS-1 Office Service District.

The Future Land Use map indicates community office for the entirety of the property, and lastly, the site contains regulated floodplain, wetland and woodland to the west of the proposed development.

As shown on the site plan, the proposed school is 6,658 square feet and is estimated to have 142 member families. The proposed daycare center is 13,586 square feet and is estimated to have 202 children during peak hours. The proposed daycare center is also proposed to have an 8,945 square foot recreational area. Both proposed uses are Special Land Uses within the OS-1 Office Service District.

Following initial approval of the Preliminary Site Plan, the swim school that is approved for the west side of the site decided to reconsider its options for locating a new swim school. The developer has decided to proceed with the construction of the daycare however, they would like to phase the project to allow the swim school or a use determined later to occupy the footprint on the site that has been approved initially for the swim school.

The applicant is requesting to phase the previously approved Preliminary Site Plan, constructing nearly the entire site including the sidewalks, landscaping and stormwater management, but leaving a stabilized grass pad where the swim school was originally proposed until a new tenant is found to fill the space.

Chair Pehrson invited the applicant to address the Planning Commission.

Mark Kellenberger with 814 Development stated that as staff has outlined unfortunately during this process the swim school tenant chose to not move forward with this. The Planning Commission has seen this project for some time and is now at the final stamping set stage. At this point rather than make modifications and start this process over, Mr. Kellenberger would like to move forward with this development the way that it's proposed with the childcare tenant to allow completion of that portion of the development, leaving space for a future tenant that would he would bring back through the site plan review process to confirm design and site controls, parking, or anything else that may need to be modified.

Member Lynch had no issues.

Member Becker had no comment.

Member Verma had no comment.

Member Roney inquired about the pad that will be left as grass. Mr. Kellenberger responded that would be addressed with a future tenant, but not knowing what may go there, he would like to market it as a development pad and then come back to the Planning Commission with any changes. Member Roney thanked the applicant for cleaning up the site, it had become an eyesore.

Member Avdoulos stated that he appreciates the phasing plan. He would rather see that than building something that may be dormant for years.

Motion to approve the Phasing Plan for JSP22-53 Primrose Daycare made by Member Avdoulos and seconded by Member Lynch.

In the matter of Primrose Phasing Plan JSP22-53, motion to approve the Phasing Plan based on and subject to the following conditions and items listed in the staff and consultant review 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.

ROLL CALL VOTE ON MOTION TO APPROVE THE JSP22-53 PRIMROSE DAYCARE PHASING PLAN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. *Motion carried 6-0.*

2. APPROVAL OF THE MAY 8, 2024 PLANNING COMMISSION MINUTES

Motion to approve the May 8, 2024 Planning Commission minutes made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE ON MOTION TO APPROVE THE MAY 8, 2024 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. *Motion carried 6-0.*

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth congratulated Member Verma, Member Lynch, and Chair Pearson for being reappointed to the Planning Commission for another three-year term and thanked them for their service. James Hill is resigning his position as Planner to attend law school at University of Michigan. The joint Planning Commission and ZBA Training is scheduled for July 16th and will be held at the library.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during

the final audience participation to come forward. Seeing no one, Chair Pehrson closed the final audience participation.

ADJOURNMENT

Motion to adjourn the meeting made by Member Lynch and seconded by Member Roney.

ROLL CALL VOTE ON MOTION TO ADJOURN THE JUNE 26, 2024 PLANNING COMMISSION MEETING MADE BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY. *Motion carried 6-0.*

Meeting adjourned at 10:08 PM.

*Actual language of the motion sheet subject to review.