



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**November 14, 2018 7:00 PM**

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

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Anthony, Member Avdoulos, Member Greco, Member Hornung, Member Lynch, Chair Pehrson

**Absent:** Member Maday (excused)

**Also Present:** Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Lisa Anderson, City Attorney

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Anthony.

## VOICE VOTE TO APPROVE THE NOVEMBER 14, 2018 AGENDA MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER ANTHONY.

***Motion to approve the November 14, 2018 Planning Commission Agenda. Motion carried 6-0.***

## AUDIENCE PARTICIPATION

Karl Migrin, 49450 W Nine Mile Road, said I reside in the beautiful southwest section of Novi. I'm not going to discuss this matter right now, but a few months ago one of the Commission members made mention of the angry homeowners that were in front of this podium addressing the Commission, and there was also mention about taking a bullet for anyone approaching the bench. I was a bit taken aback when I heard that because I don't consider anyone that gets up here and speaks on an issue that affects them as an angry homeowner. They may be frustrated, and they may not have the money to hire a lawyer to represent them when they're speaking in front of you. If you just understand the homeowners who are affected by that, they're not angry. They may get heated or anything like that, but I wouldn't want any of you making a decision if you're under duress. If you feel like you're under duress or you're threatened or whatever, table the matter for another day. But at least hear out the people and understand what they have to say.

I have one more thing – on the Michigan Zoning Enabling Act, I believe the requirement is

to notify affected residents 300 feet on the side of the property that is being rezoned. If I'm not mistaken, that's a minimum. Maybe we could consider as a City extending that 300 feet maybe to 600 feet or 1,000 feet on either side of the affected properties so we give more input to people in the area there. Thank you.

## **CORRESPONDENCE**

There was no correspondence.

## **COMMITTEE REPORTS**

There were no Committee Reports.

## **CITY PLANNER REPORT**

City Planner McBeth said good evening, I just have a few things to report from last night's City Council meeting, a couple of items that the Planning Commission had also recently considered. The City Council granted tentative approval for the request of Erhard Motor Sales for the Special Development Option for the property at the southwest corner of Grand River and Meadowbrook Road. Once the Special Development Option Agreement is finalized, it will go back to City Council for approval of that along with the Preliminary Site Plan.

The second item that was granted tentative approval was the request for Keford Collision & Towing, which is a rezoning request with a Concept Plan, located on the south side of Grand River east of Taft Road from Light Industrial to General Industrial. That was approved tentatively and will go back to City Council with an agreement and then will come back to Planning Commission for Preliminary Site Plan consideration.

Also, the request of the Superior Air-Ground Ambulance of Michigan for the Unlisted Use Determination that the Planning Commission recently considered was granted for Special Land Use approval in the Light Industrial District. So we expect that that applicant will come back to the Planning Commission probably in early January with that Special Land Use consideration request.

## **CONSENT AGENDA**

There were no items on the consent agenda.

## **PUBLIC HEARINGS**

### **1. VILLA D'ESTE JSP17-52**

Public hearing at the request of Cambridge Homes, Inc. for Planning Commission approval of Preliminary Site Plan, Phasing Plan, Wetlands Permit, Woodlands Permit, and Storm Water Management approval. The subject property is currently zoned R-1 (One-Family Residential) with a Planned Rezoning Overlay associated with a zoning map amendment from RA (Residential Acreage) to R-1 (One-Family Residential). The subject property is approximately 50-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The applicant is proposing a 41-unit single-family ranch housing development (for sale).

Planner Komaragiri said first I'd like to bring forward one public hearing response that was submitted for Villa D'Este. It is in support from Holly Karinen, 49550 Nine Mile Road.

As you may recall, this plan was presented to you as a PRO Concept Plan three times in the last year. The last time the Planning Commission considered the Concept Plan was at their March 14, 2018 meeting and recommended approval to the City Council. City Council approved the rezoning request subject to the conditions of the PRO Agreement on September 24, 2018. A few minor changes were made to the plan since then; one unit has been eliminated, solar panels have been added in three different locations, and a few other details about PRO conditions have been worked out.

The subject property is located near the north side of the Nine Mile Road and Garfield Road intersection. It is now zoned R-1 with a PRO, surrounded by RA on all sides and R-1 on the northern side.

The current plan proposes 41 single family units in a gated development. One boulevard access point is proposed off of Nine Mile Road. All land outside the unit boundary is considered a common element to be maintained by association. The residents will have an option to install or allow indoor pools and outdoor hot tubs as such in the rear yards within the accessory unit boundary as indicated in the image on the screen.

Planner Komaragiri said an emergency access road is proposed off of the proposed cul-de-sac to Nine Mile Road. The applicant is proposing to pave a part of Nine Mile Road near the entrance to the development. The development is proposed to be built in two phases. Phase 1 includes the western part of the development indicated within the orange polygon, and the rest is to be built with Phase 2. The timing of phases is unknown at this time. A Comfort Station at the southeast corner of the site is proposed to be built with Phase 1. Staff will continue to work with the applicant to identify the scope of work for each phase at the time of Final Site Plan.

A draft PRO Agreement was included in your packet that refers to all approved deviations and conditions for this site plan. The applicant, Mark Guidobono, is here tonight. He is proposing to donate about 20 acres of land filled with regulated natural features to the City to preserve. He is also building a small Comfort Station at the southeast corner of the site to benefit the ITC Trail users and will be dedicating that portion to the City as well. A contribution is also being made to construct a portion of the ITC Trail indicated as a yellow line on the image on the screen.

A total of twelve acres of wetlands are present on site, of which a total of 0.09 acres are being impacted. A total of 0.42 acres of wetland buffers are being impacted, for which the Wetland Permit is being requested tonight.

Woodland impacts include a 23% tree removal. A total of 886 replacement trees would be required, all of which are proposed to be planted on site in areas shaded on the image. All reviews are recommending approval with additional comments to be addressed with Final Site Plan review.

Planner Komaragiri said the Planning Commission is asked tonight to hold the public hearing to consider the Preliminary Site Plan, Wetland Permit, Woodland Permit, and Stormwater Management Plan.

Mark Guidobono, with Cambridge Homes, said we've come a long way with this project.

The site plan is really special in my eyes. I think when the City sees this project built, you'll really be able to see something that is very unique because we really worked hard at trying to protect the site's natural features. Here, we saved a lot of trees – a lot more than any other type of development that would've cut significantly more trees – we tried to get this to blend in with nature, that's the type of feel you will have in here when this is complete.

The entryway is going to be special, we've made it very tight trying to protect the trees in that area. So you've got an entryway that goes from Nine Mile Road to the first house that's about 500 feet, so that's almost two football fields before you get to the first house. So it's going to have a nice, wooded, charming type feel as you drive into this development before you get to the first unit itself.

Most of these will be ranch homes, some people might do story and a half. There are quite a few walk-outs available, day lights as well. We're still working on trying to save even more trees as we pursue the final engineering drawings, we're trying to find that right balance and we might be able to do even better than we're doing right now. We are happy to answer any questions that the Planning Commission might have.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project.

Karl Migrin, 49450 W Nine Mile Road, said my house is located just next to the development. I have a few questions here, I looked over the plans pretty well. One thing I noticed, and I'm not familiar with how the rules work as far as when you have to purchase the property, but I noticed that Hank Lamp's property was just closed on last week on Friday and the vacant property next to me was just closed on last Friday – that was Alex's house. And the property on the other side of Lamp's house, that was closed on about a month ago. The property behind me, where the bulk of the subdivision is, is still being shown as owned by someone else – I don't know what the requirement is for when the property needs to switch to Cambridge, before you approve the plans or if it is all contingent, I'm not familiar with that. But I don't know if it makes a difference at what point you approve it or not.

A couple of things in the PRO Agreement – there was supposed to be a dedication of the Right-of-Way that shall be completed before November 10<sup>th</sup> of 2018. That's the Right-of-Way along in front of the ITC Trail that is going to be running on the north side of Nine Mile between my property and over to where it connects to the ITC Trail itself there. Has the dedicated Right-of-Way been dedicated by November 10<sup>th</sup>? And there was also supposed to be \$43,834 paid into the ITC Trail Fund, I don't know if that's been paid or not.

A couple things – there's an unlicensed business that's been operating out of Hank Lamp's property for several years now. I'm just curious when that unlicensed business will stop working. I hear the trucks start up every morning over there.

Mr. Migrin said when will the rezoning signs be taken down? It's been approved a couple months ago and your manual says they should be coming down within a couple weeks after that. Hank Lamp had a "For Sale" property sign that's been up on his property for at least ten years, I don't know when that will come down.

Has the DEQ issued a permit to run the ITC Trail on the north side of Nine Mile Road? I don't know the status of that. And when you do vacate Mr. Lamp's property, his younger brother lives in there and if he could maybe get a 60 day notice of when he needs to move out, just so he has a place to go. Those are my questions.

Chair Pehrson asked if there was anyone else that wished to address the Planning Commission regarding this project. Seeing no one, he said Planner Komaragiri already discussed the correspondence.

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

Member Lynch said just briefly, I appreciate everything you've done. I know where we started and how it has shrunk down, and I personally think this is going to be a great sub. It's a niche market that you're dealing with and there's really nothing to compete with you, so my best of luck to you.

Member Avdoulos said just a couple of questions. Sri, we're on the Walkable Novi Committee and we've got sidewalk that goes just past the entrance and then there's a gap, and then there's sidewalk that continues on where it says "Preserved Woodlands." Is there a way to be able to continue these? Or how do we do that? The reason I ask is because farther to the east, there is a house that was built and they put a sidewalk, and then there's a big gap before Vasilius Court, where there's a sidewalk in front of their brick wall and then it leads in to their subdivision. It would be kind of nice now, with the ITC path coming, if there was some connectivity to maybe allow a little bit more pedestrian usage on the road. As of late, and I think it may be because of that trail, but a lot more people have been walking on Nine Mile and walking on the road which can get kind of dangerous. I'm wondering if there's anything we can do to advance some of that.

Planner Komaragiri said when we first started talking about the project, that was one of Staff's recommendations, and the applicant approached the neighboring owners to see if he could build the sidewalk in the Right-of-Way. I believe the discussions did not make much progress. But it was discussed as part of the project and part of the public benefits to make a continuous connection.

Member Avdoulos said do we have to have permission from the homeowners if it's within the Right-of-Way?

Planner Komaragiri said we don't have dedicated Right-of-Way in that stretch, so we would need permission from homeowners to dedicate part of the land for Right-of-Way so that we can build a sidewalk. So that was the hurdle in this case.

Member Avdoulos said ok. Because I don't know if they're complete with the ITC pathway along there, I've been listening to them build it, but I'm assuming that some of this would have highlighted that it was connecting to ITC as something that both parties would be working toward.

Planner Komaragiri said so the City's ITC Trail runs on the east side of Garfield Road and then it crosses Nine Mile over there, and then it connects back to the ITC Corridor over there. So the City has put the bid out, and we will be building the whole stretch. The

applicant is contributing for the portion that falls in front of his frontage. He's required to build a five foot sidewalk, but then he's contributing to the ten foot wide path.

Member Avdoulos said ok. I think that this project will actually be a nice asset to the area, I thank the applicant for working with us. Because of its layout, I think it is going to have an openness that that area currently has, and I think that will be maintained. So I really have no issues and I think the City has done a good job in helping to pull the PRO together.

Member Greco said I'd like to make a motion.

Motion made by Member Greco and seconded by Member Lynch.

**ROLL CALL VOTE TO APPROVE PRELIMINARY SITE PLAN AND PHASING PLAN MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.**

**In the matter of Villa D' Este JSP17-52, motion to approve the Preliminary Site Plan and Phasing 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, as well as all of the terms and conditions of the PRO Agreement as approved, with these items being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.***

**ROLL CALL VOTE TO APPROVE WETLAND PERMIT MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.**

**In the matter of Villa D' Este JSP17-52, motion to approve the Wetland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.***

**ROLL CALL VOTE TO APPROVE WOODLAND PERMIT MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.**

**In the matter of Villa D' Este JSP17-52, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.***

**ROLL CALL VOTE TO APPROVE STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.**

**In the matter of Villa D'Este JSP17-52, motion to approve the Stormwater Management Plan, based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because it otherwise in**

**compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 6-0.**

## **MATTERS FOR CONSIDERATION**

### **1. NOVI CORPORATE CAMPUS PARCEL 1 JSP18-43**

Consideration of the request of Dembs Development for Preliminary Site Plan and Storm Water Management Plan approval for a new 93,320 square foot Research/Development/Office building. The subject property contains 6.6 acres and is located in Section 9, north of Twelve Mile Road and east of West Park Drive, in the I-1, Light Industrial District.

Planner Bell said the subject property is in Section 9 on the north side of Twelve Mile Road, east of West Park Drive. The parcel is 6.6 acres. It is zoned I-1, Light Industrial, with I-2, General Industrial, to the east and west. North and south of the property is zoned OST, Office Service Technology.

The Future Land Use Map indicates Office, Research Development, and Technology for this property and surrounding properties to the north, west, and south. The area to the east is planned for Industrial, Research Development, and Technology uses. There are no wetland or woodland areas present on the site. The applicant is proposing a new 93,320 square foot Research/Development/Office building. A tenant has not been identified at this time. The site would have two access points to an existing shared driveway off of Twelve Mile Road. No external site modifications are proposed. The site plan as proposed would require a total of 223 parking spaces. The applicant has proposed 243 spaces. Bicycle parking is also proposed in accord with the Ordinance.

Planner Bell said the applicant has provided a Traffic Impact Study, which has been reviewed by our Traffic consultant. There were several deficiencies identified in the study which resulted in a recommendation for denial of the study until they are corrected. These deficiencies would not impact the results of the TIS however, so AECOM does recommend approval of the Preliminary Site Plan at this time. The applicant has submitted a revised Traffic Impact Study as of yesterday for review.

Stormwater would be collected by a single storm sewer collection system and discharge to the existing storm water basin within the corporate park. The applicant requests a waiver in Landscaping to not provide eight perimeter trees along the western island due to a conflict with an existing water main, which is supported by staff. The façade design is in full conformance with the Ordinance. All reviewers are recommending approval with additional comments to be addressed in the Final Site Plan.

Planner Bell said the Planning Commission is asked tonight to approve or deny the Preliminary Site Plan and the Stormwater Management Plan. Representing the project tonight is Glenn Jones from Dembs Development.

Glenn Jones, with Dembs Development, said good evening, I am here to present on our latest Novi development. We have since leased out the adjacent parcel, which was Parcel 2 that was approved by you guys back in 2016. We were able to retain Nachi Robotics to stay within the City of Novi, and we're presently building out the building for

Nachi Robotics. With that said, we decided with Parcel 2 being leased out, to bring for you today for approval the Parcel 1 project, which you see on the screen. I think it's a good compliment to the adjacent building. I'm here to answer any questions you might have.

Chair Pehrson turned it over to the Planning Commission for their consideration.

Member Anthony said I like this development. I was going through the paperwork though, and I saw that it looks like there's a small industrial park in that area and this is the only one that opens up to Twelve Mile, which to me is probably why the Traffic Impact Study needed to be redone. My question is, can you give me a little more information on what were the problems with the original traffic study and what do you see as solutions to fix those issues, given that the entrance to that building is right on Twelve Mile which is a really busy two-lane road?

Planner Bell said I believe that some of the turning movements were different than what is currently built at some of the intersections, like at West Park and Twelve Mile. Glenn, I don't know if you remember some of the other issues that you were asked to address.

Mr. Jones said I'd like to make mention of the previous development, which was the adjacent Parcel 2. We did a sizable road improvement to Twelve Mile Road. We put probably a half of a million dollars into widening Twelve Mile Road per requirements of Oakland County Road Commission for that original project, which was to take into account the development of this parcel in the future.

City Planner McBeth said it seems like there were some issues with what was submitted. There was not a good description of the surrounding land uses in the area, and the aerial photo wasn't updated, which are relatively easy to fix with a revised submittal. The Traffic Impact Study did not address the sight distances of the site driveway, but as Mr. Jones just mentioned the driveway was improved a couple years ago with better sight distances. The aerial imagery was not dated and there were concerns about the adjacent building and the shared driveway and included trips, that was not included in the analysis. And the remainder of the memo just provided section-by-section concerns with the study.

Member Anthony so I'll go a little further. Novi is still building out, we still have areas that are old remnants, and that happens to be one road that probably fits the old remnant category. But what I would imagine is that at some point in the future, that road is going to be widened or improved like the rest of Twelve Mile. So are those future improvements considered in the current site plan so that when it is adjusted it doesn't create an adverse impact?

City Planner McBeth said yes, and in fact, we may have discussed this before because the Road Commission of Oakland County controls that section of Twelve Mile Road. And for the last several years, the Road Commission has been considering improvements to that section and inviting the City Engineering Division and Traffic Engineers and Planning staff to attend and provide comments on what we're expecting to see in terms of development. So we're seeing a number of new developments on that portion of Twelve Mile, and we've shared that all with the Road Commission of Oakland County. They're still in the early stages, but we're hopeful that they're picking up on the improvements that are coming in terms of development on either side and will take those developments into



consideration for their long-range plans for improvements to Twelve Mile Road.

Member Anthony said ok, good. And I'll tell you, being a non-expert in Traffic but have seen watching these over the last few years, it struck me as being the only building with entrance and exit on Twelve Mile. And at some point, Oakland County will improve that road and widen it, and that the building itself and the entrance might need an extra lane so that cars pulling in can pull off from traffic. So is that something that, with what we're looking at with the site plan, if something like that were to be the final state a few years from now, we're not going to adversely affect what our developer is presenting?

City Planner McBeth said I think that's the case, and our Traffic consultant said in the letter that the study should further quantify the long vehicle queues and provide a discussion of how those queues might impact the intersections that are upstream and downstream from this location. So I think with a little bit of additional work on that study, then our Traffic consultants will be able to make some determinations about some of those improvements.

Mr. Jones said our Traffic engineer also made some recommendations about how to help alleviate those situations by making some changes on West Park as it enters onto Twelve Mile there. So maybe AECOM can take that into consideration with the City and the Road Commission and can do something with that.

Member Anthony said I appreciate you working with the City, since this is an area that is likely to be updated sometime after the building is finished.

Mr. Jones said it was my understanding years ago that the boulevard down by the mall was supposed to continue all the way down to Beck Road. With the crash of 2007, that all went away but maybe can be fixed now.

Member Anthony said ok, that's it for my questions.

Member Greco said I'd like to make a motion.

Motion made by Member Greco and seconded by Member Avdoulos.

**ROLL CALL VOTE TO APPROVE PRELIMINARY SITE PLAN MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER AVDOULOS.**

**In the matter of Novi Corporate Campus Parcel 1 JSP18-43, motion to approve the Preliminary Site Plan based on and subject to the following:**

- a. Waiver from Section 5.5.3.C.(3) of the Zoning Ordinance for not providing 8 perimeter trees along the western island due to a conflict with an existing water main, which is hereby granted;**
- b. Revised submittal of the Traffic Impact Study to adequately address the comments in the traffic consultant's review letter at the time of Final Site Plan;**
- c. 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 Final Site Plan.**

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

**Ordinance. Motion carried 6-0.**

**ROLL CALL VOTE TO APPROVE STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER AVDOULOS.**

**In the matter of Novi Corporate Campus Parcel 1 JSP18-43, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 6-0.**

**2. APPROVAL OF THE OCTOBER 24, 2018 PLANNING COMMISSION MINUTES**

Motion made by Member Lynch and seconded by Member Avdoulos.

**ROLL CALL VOTE TO APPROVE THE OCTOBER 24, 2018 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.**

**Motion to approve the October 24, 2018 Planning Commission Meeting Minutes. Motion carried 6-0.**

**SUPPLEMENTAL ISSUES**

Chair Pehrson said Ms. McBeth, in comments we have heard there has often been discussion about how far we reach out to notify the public, is there any particular reason why we couldn't make it a little more wide-ranging?

City Planner McBeth said I don't think there's a reason why we wouldn't. This was also mentioned at the City Council meeting last night, where there was concern that somebody just out of the range of notifications felt that they should be notified but were not notified. We're always going to have that problem, somebody just out of range that would've wanted to know. I think we're going to have some internal discussions and do some of the math in terms of additional mailing costs and things like that if we were to expand the range.

Member Lynch said one more supplemental issue. What's the protocol when a Commissioner is contacted by a homeowner based on one of these discussions? What's the protocol? Do we go immediately to the Police, or do we contact you?

City Planner McBeth said I think you could send them to our department. If they had questions or comments about a plan, you could send them to our Community Development Department.

Member Lynch said I'm talking about threats and objections, or whatever you may want to consider it.

City Planner McBeth said I think we'd have to leave that to you to determine the level of the threat that you felt. If there is something that you wanted to report directly, certainly do that if you feel threatened.

**AUDIENCE PARTICIPATION**

Nobody in the audience wished to speak.

**ADJOURNMENT**

Moved by Member Lynch and seconded by Member Avdoulos.

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

***Motion to adjourn the November 14, 2018 Planning Commission meeting. Motion carried 6-0.***

The meeting was adjourned at 7:38 PM.