



# PLANNING COMMISSION MINUTES

CITY OF NOVI  
Regular Meeting  
**September 16<sup>th</sup>, 2020 7:00 PM**  
Remote Meeting  
45175 W. Ten Mile (248) 347-0475

In accordance with Executive Order 2020-154, this meeting was held remotely.

## CALL TO ORDER

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

## ROLL CALL

Present: Member Avdoulos, Member Dismondy, Member Gronachan, Chair Pehrson

Absent: Member Ferrell, Member Lynch, Member Maday

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Madeleine Kopko, Planning Assistant; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Victor Boron, Staff Engineer; Thomas Schultz, City Attorney; Pete Hill, City Environmental Consultant; Doug Necci, Façade Consultant

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Gronachan.

**VOICE VOTE TO APPROVE THE SEPTEMBER 16, 2020 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

**Motion to approve the September 16, 2020 Planning Commission Agenda. *Motion carried 4-0.***

## AUDIENCE PARTICIPATION

No one in the audience wished to speak.

## CORRESPONDENCE

There was no correspondence.

## COMMITTEE REPORTS

There were no Committee Reports.

## CITY PLANNER REPORT

There was no City Planner Report.

## CONSENT AGENDA - REMOVALS AND APPROVALS

### 1. SRI VENKATESWARA TEMPLE AND CULTURAL CENTER, JSP18-32

Approval of the request of Sri Venkateswara Temple and Cultural Center for a one-year Preliminary Site Plan extension. The subject property is located at 26233 Taft Road, on the west side of Taft Road, south of Grand River Avenue in Section 16 of the City. The site plan proposes phase 2 of the project: a 24,136 square foot, 2-story Cultural Center on the eastern portion of the site.

Motion made by Member Avdoulos and seconded by Member Gronachan.

**Motion to approve the request for JSP18-32 Sri Venkateswara Temple and Cultural Center for a one-year extension for the Preliminary Site Plan. *Motion carried 4-0.***

**ROLL CALL VOTE TO APPROVE THE ONE-YEAR EXTENSION OF THE PRELIMINARY SITE PLAN FOR JSP 18-32 SRI VENKATESWARA TEMPLE AND CULTURAL CENTER MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

## PUBLIC HEARINGS

### 1. LIVING & LEARNING ENRICHMENT CENTER JSP 19-08

Public hearing at the request of Living & Learning Enrichment Center for Special Land Use, Preliminary Site Plan and Storm Water Management plan approval. The subject property contains 14.79 acres and is located in Section 35, on the south and west side of Eight Mile Road, north of Griswold. The site is known as the former Massey Estate. The applicant is proposing to repurpose the existing buildings and grounds for use by the non-profit organization, which serves teenagers and young adults with autism and related challenges.

Planner Bell said the 14.6-acre site is bisected by Old Baseline Road, which connects Old Novi Road with Griswold. This is the only property in the City of Novi that lies south of Eight Mile Road. It is zoned RA, Residential Acreage and abuts the City of Northville on the west, with a townhouse neighborhood zoned PUD (Planned Unit Development) and multiple-family apartments to the south in Northville Township. The zoning of the adjacent parcels in Northville Township are I-1, Light Industrial, RM-1 Multiple Family, and R-3 Single Family. In Novi, to the north and east across Eight Mile Road, are areas zoned R-4 and developed with single family homes.

Some of you may recall in early 2019 the Planning Commission considered an unlisted use determination to allow a Non-Profit Educational and Vocational Center as a Special Land Use within the Residential Acreage district in the City of Novi. That request was recommended for approval to the City Council, who went on to grant approval of the request. The non-profit Living & Learning Center has since purchased the former Massey Estate on Griswold Street and now seeks approval of the Special Land Use request and site plan modifications to make the property suitable for their intended use as an educational and enrichment center.

The Living and Learning Enrichment Center serves teenagers and adults with autism and related challenges. The overall vision for the Center is to create individualized programs that will allow people to work and live independently within the community. The applicant intends to repurpose the existing buildings to expand their services and programming. Programs to be offered include art and music therapy, animal therapy, social skills groups, caregiver support groups, independent living programs, life skills classes, and microbusinesses. These microbusinesses would include a dog daycare, wooden

pallet upcycling, returnable bottle and can sorting and storing, growing lavender and microgreens, and alpaca farming for yarn production and animal therapy. The micro-businesses would provide gainful employment to the Center's clients, as well as a supply of goods for local businesses.

Planner Bell continued to say the proposed changes to the site include adding parking, widening drive aisles to comply with emergency access and other ordinance requirements, and improving barrier-free access. There are no significant changes proposed to the existing buildings, although a new alpaca shed is proposed to be added to the site. Due to the existing conditions on the site and the desire to maintain a more residential look, there are several variances that will need to be approved by either the Zoning Board of Appeals or City Council, and the Planning Commission is asked to approve a few landscaping waivers and waivers to the layout and access requirements of the bicycle parking.

The Planning Commission is asked to hold the public hearing and approve or deny the applicant's request. Living and Learning's founder, Rachelle Vartanian and COO Denise Stein are present tonight to tell you more about their mission and plans, and engineer Bob Emerine and architect Robert Miller are also available to answer any questions you may have.

Rachelle Vartanian, Living and Learning Founder, said I started Living and Learning about fifteen years ago in a storefront in Downtown Northville and it just kept growing. It was a lot of word of mouth and we provided services that were not being offered anywhere, that's why it grew. From there we started doing job skill programs and microbusinesses. We worked with parents, support groups, schools, and doctors.

Currently we offer over twenty-five programs for teens and adults with autism and related challenges. We have a lot of programs for people that have down syndrome or cognitive impairments not just autism. We see about 150 clients per week and we have served over six-hundred families in the last five years. Our mission is to help teens and adults with autism and or related challenges reach their full potential with work relationships and in the community. Our vision is to be the nation's model. Nothing exists like this and when we started this, there was no model to follow so were trying to create that model for other places. We are helping people in other states that want to do something similar. We're meeting and talking with them about how we did this and what our plans are for the future.

We offer twenty-five different programs right now, one of them is an IT Academy where we partnered with Sysco Networking and we just finished our first cohort and had eleven graduates. These are going to be jobs in cyber security that these young adults will now have. We also have an artisan market located in Downtown Northville where fifty percent of the art in store are made by people with special needs and when any of their products sell they get fifty percent of the profits so this is income for them.

The other thing we do is we have schools come in every day who have special needs children so that they can get on the job training. Novi Schools is one of those schools. We have summer camps and we have many clubs that focus on socialization and help people have friends. One of our biggest programs is our Friday and Saturday night hangout. We have arts, music therapy, and professional skill development, and we have parent support groups. Last year we rented a room out of Madonna University and that's where we held our cyber security program and this year it's at Washtenaw Community College.

Rachelle Vartanian continued to say Mod Market is the name of our artisan market located in Downtown Northville and this is actually where I first started when I started doing my programs. I started in this little storefront and we converted it into this artisan market so when we talk tonight about the microbusinesses we'll have here at our campus, the products that we make will be sold

here. We closed on our property the second week in January and then the coronavirus happened, but were working hard.

As you were saying, we are going to be having many microbusinesses here. I didn't want to have a facility where I just had a laundry mat and people with special needs could work there, I want multiple different options so that they're having meaningful lives. During COVID we planted 2,000 lavender plants, we had less than a 6% loss and they are coming in beautifully. We have a bee farm. Eventually we will be having a pet day care to offer more jobs for people as well.

The pressure I'm always feeling is from my families because as I said nothing exists like this so they're just waiting for this to happen so we can start servicing their children. One of the biggest reasons why I wanted the property was because it was within walking distance of apartments south of us and north of us. Novi has apartments and condos across from Eight Mile Road and I thought this is how I will be able to help people live independently. I, too, have a son with autism so it's one of those things that keeps you up at night as what's going to happen to this young adult when I pass on? So this was kind of the holy grail. It was how I could see my son would be safe without me it's in a safe environment, its walking distance from Downtown Northville and its very close to I-275 and the property alone offered everything we were looking for.

Denise Stein, Living and Learning Center COO, said we just want to thank you for your time tonight and for including us in your agenda and as you can imagine we are very excited and have been waiting a long time for this day to come. We do have our Civil Engineer, Bob Emrine, and our architect, Rob Miller, with us in case you have any additional questions. We just thank you for your consideration and are really excited to get this venture launched.

Chair Pehrson said this is a public hearing if there is anyone on the Zoom call that would like to address the Planning Commission at this time please raise your hand.

Seeing no one in the audience wished to speak, Chair Pehrson turned it over to the Planning Commission for consideration.

Member Avdoulos said I thank you for bringing this project forward. When you first appeared at the Planning Commission and later on at City Council, I think all of us were really pleased at what we were going to see in the transformation of this site into something really special. I had approached Rachelle right after the meeting and I got to visit the site and go through all the buildings. When you look at what this project brings to the community and you are looking at the special land use requirements and all the considerations involved in it, it hits all the points. What I especially like is that the proposed use will leave the site how it is today. The applicant is not proposing to change much, they are going to be adjusting things to be able to accommodate all the uses. My office is right down the street and it's not hindering anything, its adding to the community and I know this has a slew of variances and waivers, but I think that's appropriate in order to maintain and enhance the property, so I'm in support for this and I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Dismondy.

**In the matter of Living & Learning Enrichment Center JSP19-08, motion to approve the Special Land Use permit based on the following findings:**

**a. Relative to other feasible uses of the site:**

- i. The proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street**

loading/unloading, travel times and thoroughfare level of service. *Although there may be additional traffic relative to the single-family residential use, the proposed use is not anticipated to generate large volumes of traffic. The site plan shows additional parking areas are to be constructed to accommodate parking needs, and driveways are being widened to meet circulation standards.*

- ii. *The proposed use 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 service existing and planned uses in the area, because the Center will continue to use on-site well and septic systems. There is adequate space on-site to manage the small amount of additional impervious surface created by additional pavement for the driveways and parking.*
- iii. *The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats because the applicant is not proposing to remove any regulated trees or impact wetland areas. The natural features and characteristics of the land will be maintained largely in its current condition, whereas redevelopment of the property would remove the existing natural character.*
- iv. *The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, because the proposed use will appear much the same as it does today while enriching the community.*
- v. *The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, because it complies with the goal that recommends supporting growth of existing businesses.*
- vi. *The proposed use will promote the use of land in a socially and economically desirable manner, because the LLEC is a successful local non-profit that will be able to expand its service offerings and help an even greater number of clients. Further, repurposing the historic estate will allow many more people to enjoy the beautiful property.*
- vii. *The proposed use was previously determined by the Planning Commission and City Council to be eligible for Special Land Use approval in the RA Residential Acreage District. Certain variances will be required in order to accommodate the non-residential parking requirements while maintaining the existing character and layout of the property.*

**This motion is made because the plan is otherwise in compliance with Article 3.1.5, Article 4, Article 5 and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.**

Member Dismondy said I think it's great. I think we are lucky to have you in the community. Thanks for all your great work.

Member Gronachan said congratulations on your vision, I really feel the excitement. What a nice touch to Northville and to Novi and the fact that you wanted to keep it in its natural looking surroundings is another kudos to you. I would like to comment in regard to Member Avdoulos' comment about the variances. I think that each case is looked at individually and I think that special consideration for such an unusual plan needs to be given to this case so I don't think the requests that are out there are in excess. Having said that, I do want to clarify about the accessory buildings. Are you building more buildings or are there already seven buildings on the property?

Denise Stein said the only additional building is the shed for the alpacas, the others are all existing structures.

Member Gronachan said okay so there's going to be seven or eight buildings when you get done?

Planner Bell said the alpaca shed is the seventh building.

Member Gronachan said I also noticed that there is no negative impact as far as we know yet from Oakland County on the City Services. There does not seem to be anything outstanding so I will be in support and excited to see you fulfill your vision.

Chair Pehrson said I also support the motion. The variances we typically look at for every applicant that comes in front of us are relative to the variance and how it fits and what impact it has to the overall community. This is such a unique book that hopefully has many chapters in it, each one of these variances can be addressed and warranted over. With that can we receive the correspondence.

Planning Assistant Kopko said there were three letters received. One from Patti Mullen at 629 River Park Village, she supports the project and thinks it will be a wonderful addition to the community. Another letter from Carol Graham at 691 River Park Village, she says this project is the best thing to happen to this community. The last letter is from Griffin Noble at 43089 Ashbury Drive who requests the sidewalk along Brickscape Drive, which is directly north of 8 Mile Road, be removed or relocated to the south side of Brickscape Drive. The sidewalk is very close to and visible from the residence's backyards and if any increase in foot traffic occurs it would be undesirable. He also notes the waiver for payment for sidewalk construction should be denied and extent payment be used to remove the existing sidewalk on Brickscape Drive and if putting a replacement sidewalk or pathway on the north side of Brickscape Drive to industrial area is deemed unnecessary, applicant should be granted waiver of payment into sidewalk fund for this purpose.

**ROLL CALL VOTE TO APPROVE THE SPECIAL LAND USE PERMIT FOR PROJECT JSP19-08 LIVING AND LEARNING ENRICHMENT CENTER MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.**

**In the matter of Living & Learning Enrichment Center JSP19-08, motion to approve the Special Land Use permit based on the following findings:**

**a. Relative to other feasible uses of the site:**

- i. The proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service. *Although there may be additional traffic relative to the single-family residential use, the proposed use is not anticipated to generate large volumes of traffic. The site plan shows additional parking areas are to be constructed to accommodate parking needs, and driveways are being widened to meet circulation standards.***
- ii. The proposed use 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 service existing and planned uses in the area, *because the Center will continue to use on-site well and septic systems. There is adequate space on-site to manage the small amount of additional impervious surface created by additional pavement for the driveways and parking.***
- iii. The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats *because the applicant is not proposing to remove any regulated trees***

*or impact wetland areas. The natural features and characteristics of the land will be maintained largely in its current condition, whereas redevelopment of the property would remove the existing natural character.*

- iv. The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, *because the proposed use will appear much the same as it does today while enriching the community.*
- v. The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use, *because it complies with the goal that recommends supporting growth of existing businesses.*
- vi. The proposed use will promote the use of land in a socially and economically desirable manner, *because the LLEC is a successful local non-profit that will be able to expand its service offerings and help an even greater number of clients. Further, repurposing the historic estate will allow many more people to enjoy the beautiful property.*
- vii. The proposed use was previously determined by the Planning Commission and City Council to be eligible for Special Land Use approval in the RA Residential Acreage District. Certain variances will be required in order to accommodate the non-residential parking requirements while maintaining the existing character and layout of the property.

This motion is made because the plan is otherwise in compliance with Article 3.1.5, Article 4, Article 5 and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

Motion made by member Avdoulos seconded by Gronachan.

**ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN FOR PROJECT JSP19-08 LIVING AND LEARNING CENTER ENRICHMENT CENTER MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

In the matter of Living & Learning Enrichment Center JSP19-08 motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Planning waiver from Section 5.16.5.C & D to allow the driveway to serve as the access to the bicycle parking (*as there is not an existing sidewalk to connect to*) and for the bicycle parking to not be separated from the drive aisle by a raised curb, *which is hereby granted;*
- b. Landscape waiver from Section 5.5.3.B.ii for lack of 4 foot greenbelt berm, *as the existing tree and vegetation will be maintained, which is hereby granted;*
- c. Landscape waiver from Section 5.5.3.B.iii for deficiency in subcanopy trees provided in greenbelt, *due to the abundance of existing large trees and other vegetation, which is hereby granted;*
- d. Landscape waiver from Section 5.5.3.C. for lack of parking lot curbs, *as the applicant will provide bumper blocks to prevent cars from leaving the parking area, which is hereby granted;*
- e. Landscape waiver from Section 5.5.3.C. for deficiency in trees along interior access way from the north to south, *as it will maintain the character of the site, which is hereby granted;*
- f. This approval is subject to Zoning Board of Appeals approval for the following dimensional variances from the Zoning Ordinance:
  - i. From Section 3.6.2.B, a variance to allow the front yard parking setback to be less than the 75 feet required, 16 feet proposed, *as the area is screened, and*

- due to site topography and existing site layout, there is not a location better suited to accommodate the required parking.*
- ii. From section 4.19.1 for exceeding the 1,500 square foot area of accessory buildings, *as the former estate property has many existing accessory structures and only a small alpaca shed (196 sf) is proposed to be added.*
  - iii. From section 4.19.1 for exceeding the number of accessory buildings permitted, *as the former estate property has six existing accessory structures and the small alpaca shed is needed to house a component of center's enrichment program.*
- g. This approval is also subject to City Council approval for the following Variances:
- i. Absence of sidewalks along Griswold and Eight Mile as shown in the Non-Motorized Plan, with a waiver of the requirement to contribute into the City's Sidewalk Fund;
  - ii. Width of the western driveway on Baseline Road to remain as existing (16 feet), as this will be an employee only parking area;
  - iii. Use of gravel in the parking area rather than the required pavement; and
  - iv. Lack of curbs in parking areas (with bumper blocks to be used instead), end islands and drive aisles.
- h. 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 4-0.*

Motion made by Member Avdoulos seconded by Gronachan.

**ROLL CALL VOTE TO APPROVE THE STORM WATER MANAGEMENT PLAN FOR PROJECT JSP19-08 LIVING AND LEARNING ENRICHMENT CENTER MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

In the matter of Living & Learning Enrichment Center JSP19-08, 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 4-0.*

**2. TEXT AMENDMENT 18.294 – FACILITIES FOR HUMAN CARE**

Public Hearing for Text Amendment 18.294, at the request of Bowers and Associates Inc., to amend the City of Novi Zoning Ordinance at the following location: Article 4.0, "Use Standards," Section 4.64, "Facilities for Human Care," in order to reduce the minimum lot size requirement from five acres to four and half acres.

Planner Carroll said in your packet you will find a proposed text amendment to the City of Novi Zoning Ordinance as requested by the applicant, Bowers & Associates, Inc. The applicant currently owns the TRU Hotel site, which is located south of Thirteen Mile Road and East of M-5. The site is zoned OST and the newly proposed use of the site, assisted living facility, is a principal permitted use of the site.

As you may recall, the applicant is proposing this ordinance amendment to accommodate for a change in use of the TRU Hotel Site to an assisted living facility. The change proposed is to amend Section 4.64 – Facilities for Human Care, to lower the minimum lot size requirement from five acres to four and a half acres. It should be noted that reducing the minimum lot size requirement from five



acres to four and a half acres would allow for an additional sixteen parcels, or about 5% of the parcels in the OST District, to meet the minimum lot size requirements for facilities for human care.

When this item was introduced to the Planning Commission on August 12, there were some additional questions regarding the site. Staff looked into the questions and found that water service would not be a concern for the development as there is adequate water service in the area. Also, sanitary sewer usage would be comparable to sanitary sewer usage for a hotel use. Staff finds that a reduction of this ordinance requirement from five acres to four and half acres would not lead to a significant change in developable sites, but would allow for the applicant to adapt the TRU Hotel site to a new use. Therefore, staff recommends that the Planning Commission hold the public hearing to discuss any issues that are relevant and postpone making a recommendation on the item until property boundary issues regarding the subject property are resolved. If there are questions or comments I am here as well as the applicants, Basil Bacall of Elite Hospitality Group, and Scott Bowers of Bowers & Associates.

Basil Bacall said thank you for taking the time to review this text amendment. If you remember, before COVID we were full speed ahead in building our hotel. COVID has put such a negative impact on hotel occupancy and the average daily rate has dropped. It is anticipated that the hotel industry is not going to come back for at least five years and the bank has second thoughts so we thought we would do assisted living as were familiar with the business. The site is 4.61 acres and we currently need five acres, so we appreciate your consideration to allow us to do this. I am happy to answer any questions.

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

Seeing no one wished to speak and there being no written correspondence, Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission for their consideration.

Member Gronachan said the one question that I had was if the services had any impact of any kind.

Planner Carroll said there will not be any negative impacts on public services for the project.

Member Gronachan said okay, so nothing on the water or sewer lines?

Planner Carroll said sanitary sewer usage will be comparable to a hotel use and as far as water service there's adequate service in the area.

Member Dismondy said just to reiterate, we addressed this in the last meeting and we had a couple questions that were of concern that got addressed by staff?

City Attorney Schultz said I just want to make sure you know that the staff recommendation at the end of the memo essentially indicates that while a number of issues have been addressed there is one issue that I still think needs resolution and that's an issue in regards to the actual boundary of the property. So our recommendation is before we send this on at four and a half acres, we need to resolve that with the applicant and perhaps even the neighboring property so we'll be ready for the next meeting.

Member Dismondy said so we do not want to change the text forever if there is a boundary issue?

City Attorney Shultz said correct.

Member Avdoulos said I have no issues with what is being presented, thank you for the clarifications.

Motion made by Member Avdoulos and seconded by Member Gronachan.

**ROLL CALL VOTE TO POSTPONE MAKING A RECOMMENDATION TO CITY COUNCIL UNTIL A RESOLUTION IS REACHED REGARDING PROPERTY BOUNDARIES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

**In the matter of Text Amendment 18.294 Facilities for Human Care motion to postpone the recommendation to City Council until a resolution is reached regarding outstanding property boundary issues on the subject property. *Motion carried 4-0.***

**3. 25556 DANYAS WAY, PBR20-0326, WOODLAND USE PERMIT REQUEST**

Public hearing at the request of Compo Builders Inc. for consideration of a request for a Woodland Use Permit at 25556 Danyas Way. This property is also known as Parcel D, Heritage Woods Condominiums, which is located south of Eleven Mile Road, east of Taft Road in Section 22 of the City. The applicant is proposing to remove nineteen (19) regulated woodland trees in order to construct a single-family residential structure.

Planner Carroll said in your packet you will find a proposed woodland use permit as requested by the applicant, Compo Builders Inc., to remove nineteen regulated woodland trees from 25556 Danyas Way in order to provide space to construct a single-family residential structure. The applicant intends to preserve the remaining twenty-six regulated woodland trees on the site. The site is located near Taft Road and Eleven Mile, is zoned R-4, has a single-family future land use, and is heavily wooded.

The City's Environmental consultant reviewed the request and prepared a review letter dated 8/25/20 which can be found in your packet. The review letter confirms that the applicant is proposing to remove nineteen trees from a section of City Regulated Woodland and recommends approval of the woodland use permit.

In 2019, the Planning Commission reviewed plans for the Heritage Woods Condominium and granted a Woodland Use Permit. A good portion of woodlands were then removed for development of single-family homes. However, the two out-lots on Danyas Way were not included in the approved Woodland Use Permit. This lot in question also was not included as part of the Master Deed for the site condo.

As the Planning Commission may be aware, where a proposed activity does not otherwise require site plan or plat approval, the granting or denying of a woodland use permit shall be the responsibility of the Planning Commission. Therefore, the Planning Commission is asked to hold the public hearing and either approve or deny the requested woodland use permit. If the Planning Commission decides to grant approval of the permit, it shall be subject to payment for the twenty-seven required tree credits to be placed into the City's tree fund or subject to the planting of replacement trees on the property, or a combination of both plantings and contributions to the City's tree fund, and other conditions and items noted in the consultant's review letter. If there are questions or comments, staff is here to help and the applicant, David Compo, is also on this call.

David Compo said a large home is going to be built on this approximately three-and-a-half-acre lot. Whatever bonds will need to be paid based off the tree credits required will be paid and held in escrow with Novi. Then the owner, once were done with construction, will be planting landscape trees with a replacement plan. At this time there is no replacement plan in place so we know the money will be held in your accounts until that time where we issue a landscape plan, get the trees planted, and get our inspection. We tried to place the home in the middle of the lot so we weren't

getting into any boundaries whatsoever and we were staying away from the wetlands that are currently surrounding a portion of the property just to stay completely out of those buffer zones. If there are any other questions, I would be happy to answer.

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

Jim Long, 25555 Sullivan, said I live just east of the property in question. I wanted to confirm that you weren't getting too close to the wetlands and Mr. Compo seemed to have indicated that. The other question I had was that I saw the diameter of the trees in question, but is there any indication as to the height of the trees because we do have some natural shade and blockage that protects us from the sun, so is there any information on the height of the trees in question and confirming that were not very close to the wetlands to preserve that setback?

Seeing no one else wished to speak, Chair Pehrson asked for the written correspondence.

Planning Assistant Kopko said there were two letters received. The first one is from Yang Feng at 44625 Williams Drive, the letter says we should leave places for wild animals. Recently there have been more animals in the road because they have nowhere to live; taking away more woodland will worsen this problem. The last letter is from Jennifer and Michael Borton at 25579 Sullivan Lane, they bought their house because it backed up to protected woodland, they liked that it gave them additional privacy. They believe the right thing to do is stand by the protected designation and preserve the small piece of nature. They don't want this project to open the door to allow protected lands to be torn down to harm the environment and lower property values.

Chair Pehrson closed the audience participation and turned it over the Planning Commission for their consideration.

Member Dismondy said looking at the eastern edge of the tree removal plan, are those being removed close to where you see the circle with the plus sign in it?

Pete Hill said they are not. The trees proposed for removal are within this limited disturbance silt fence, which is indicated by a line square pattern. So, you can see everything inside that line are the nineteen trees slated for removal. There are some right along the edge that are being preserved with an individual tree protection fence, so the nineteen are all within this line. I might add something with respect to the height of the trees, the height of the trees on the survey are not given, however, one other thing I'll point out is that these dimpled-dashed polygons represent wetland, to the west, north and east. It's hard to make out the twenty-five foot buffer, but it's this light dashed curvy line and as Mr. Compo said they're staying out of all wetland buffers so you can see the line here is twenty-five feet and then there's an expansive wetland before you get to the property boundary, so in my personal opinion the trees removed are within the limits of disturbance and that won't have an effect on shading on any adjacent parcel.

Member Avdoulos said I do not have any issues. I think that Mr. Compo presented it well and clarified at least what was going to happen here at the beginning, so I will make a motion.

Motion made by Member Avdoulos and seconded by Member Gronachan.

**In the matter of 25556 Danyas Way, PBR20-0326, motion to approve the Woodland Use Permit subject to payment for the 27 required tree credits to be placed into the City's Tree Fund.  
Motion carried 4-0.**

Member Gronachan said the only comment that I have is that I'm glad that we addressed the concerns to the people in the audience. I think when you look at the plans it's important to recognize that the builder and the homeowner it appears to have taken great caution to stay out of the protected areas. Novi is very strong about protecting the wetlands and woodlands and a lot of effort goes into that and I think that this project represents that. So, I'm comfortable with it and I'm comfortable with the map and the explanations that we've given this evening and that's why I'm supporting it.

**ROLL CALL VOTE TO GRANT APPROVAL OF 25556 DANYAS WAY, PBR20-0326, WOODLAND USE PERMIT SUBJECT TO PAYMENT FOR THE TWENTY-SEVEN REQUIRED TREE CREDITS TO BE PLACED INTO THE CITY'S TREE FUND.**

**In the matter of 25556 Danyas Way, PBR20-0326, motion to approve the Woodland Use Permit subject to payment for the 27 required tree credits to be placed into the City's Tree Fund. Motion carried 4-0.**

**MATTERS FOR CONSIDERATION**

**1. 21211 HAGGERTY ROAD FACADE JSP 20-22**

Consideration of the request of Joe Manuel for a Section 9 Façade Waiver. The subject property is located in Section 36, at the southwest corner of Haggerty Road and Orchard Hill Place. The subject property is approximately 1.36 acres located within the OSC, Office Service Commercial District. The applicant has painted the existing fascia of the building prior to seeking approval.

Planner Bell said the property is located south of Orchard Hill Place and west of Haggerty. It's in the OSC District, Office Service Commercial, and across the street from the City of Farmington Hills. This is an image of the building before the fascia was painted and then the façade review letter contained a couple images of what it looked like post-painting. The applicant did submit a façade alteration application after the fact, which was reviewed by our Façade Consultant and determined that it was not consistent with the purpose or the intent of the Façade Ordinance and could not recommend a Section 9 waiver administratively. The applicant is seeking approval of the Section 9 Waiver through the Planning Commission. The applicant, Mr. Manuel, is on the call tonight.

Joe Manuel said thank you for considering this item tonight, I appreciate it. I was not aware that there were laws regarding painting the exterior of any building. I was not aware that democracy needs any permission for painting. This is an expression of company color. We do have our main office in West Bloomfield where we have done the same thing and there was no objection. When the Ordinance Officer first came to our location and told us it was against the City By-laws, I was a little confused because there are many buildings in the City with different colors and so what I did was I went around the City to find a lot of buildings that are of different colors.

Based on your By-laws that vivid colors are prohibited, there were a lot of vivid colors on buildings throughout the city. For example, the building located at 29293 Haggerty Road, that is a large commercial building with a lime green façade. The second building I want to point out is McDonald's, they have the same yellow and it's across the street from our building, it has awnings that have the yellow color on them, so I would consider that vivid. The third building I want to highlight is Best Buy on Haggerty Road, it has a large blue façade and a yellow sign. Benihana on Haggerty Road is also blue. The fifth building is almost adjacent to my building is located at 39500 Orchard Hill Place, they just redid the façade with aluminum, it's quite unique. The International Oriental Rug Building on 41370 West Ten Mile Road has a completely red façade. Another building, the Citizen's Bank, 47650 Grand River Avenue has a completely vivid green façade. The list goes on and on. The Buffalo Wild

Wings in Twelve Mile Crossings has a red and yellow vivid color and also the Cold Stone Creamery has vivid colors. There are a lot of buildings out there with vivid colors. I'm not sure why I was singled out. Maybe because I was not aware, but it's interesting because a lot of these buildings are unique, and they are not the same color so I ask for approval so I can continue with my business.

Chair Pehrson said I don't think we are trying to diminish anything relative to democracy. In my opinion, this case is relative to that particular section of the Zoning Ordinance and whether a particular color variation can be approved or whether approval was made prior to the change of the coloration, would that be fair?

Façade Consultant Doug Necci said yes, the key word in the Ordinance is intensity, it prohibits intense colors that are intended to stand out and bring attention to a building beyond what a façade color would normally do. So this building was flagged by an Ordinance Officer having already been painted and we did a façade inspection and based on my experience with other applicants this was deemed to be an intense color or a color that wouldn't otherwise be on a building because it not for a purpose of drawing attention to the building and there was the use of intense color to make the building stand out more than the buildings around it. We don't prohibit corporate colors per se, but they need to be colors that are consistent with architectural materials and not an intense color that brings attention to itself.

Chair Pehrson said would it be fair to say that the other buildings that were just sited went through some kind of review, planning, and approval process before they got to where they are today?

Façade Consultant Doug Necci said yes, I believe all of them would have submitted a sample board and colors would have been approved as part of the process. They would have demonstrated that the colors match other façade materials. For example, the building that is adjacent to this one is a burgundy color, it proved it went with other façade materials on the building in the matter of matching the other façade materials on the same building and buildings adjacent to it. That's the criteria. I checked the review letter for McDonald's and they actually got a waiver for the use of yellow and in that case, it was considered an iconic element. A special feature that was deemed a value beyond the façade so that was granted based on it being valuable. I was not able to check all the examples provided, but in general they all received approval based on a sample board.

Member Avdoulos said this is a tough one. To Mr. Manuel, your indicating that these are corporate colors. Is this the actual color or is it close to the corporate color? Because a lot of the companies have a certain brand and they do have a certain color that is specific to the use, is this what the company indicates would be their company colors?

Joe Manuel said yes. You can google 'Wiechert.com.'

Member Avdoulos said Doug, if we got some kind of correspondence that indicated that this was a corporate color that they want to utilize- the reason I say this is because I get involved in this all the time with large corporations having their branding that they want to continue and apply to all their buildings, but we usually have to do what you just said, put together a color board to present in order to understand what that direction is. If something like that was made available to us would that help our case out? I understand where they're coming from, I personally don't see an issue with it, but I also want to make sure we're working together and making sure we're following our process and I'm also just thinking if the applicant came before he painted and presented this as what he wanted to do, would this be a different story?

Doug Necci said that's a great question. I don't think it would have mattered. One of the buildings that the applicant referenced was in the Fountain Walk Development. The Floor & Décor Building

has a red metal roof and their original application had a very bright red listed so we simply asked them to tone it down a little bit. They went back to the color palette and took it down a couple notches and it became a bonafide façade color rather than something that stands out. That's what I would have looked for here, is just to tone it down. There's several buildings I can think of, one on Grand River Avenue, that has yellow. Again, it's not the color yellow, it's the intensity of it. In fact, you can't miss this as you drive by, it's a real attention grabber which seems intentional. That's exactly what the Façade Ordinance prohibits. It would be a good direction to maybe tone it down. Its just a thought.

Member Gronachan said I think this case needs to be postponed and I think that the petitioner needs to bring us his company information and his company colors. I think this is tough and unusual, but I also understand the purpose of the Ordinance. I think we need to work together to resolve this. I don't really want to tell the petitioner he has to change this, but I think there might be some solution if that's within our purview to help out the petitioner.

Member Dismondy said I'm pro-business and I'm pro-branding too, but I understand the Ordinance and I don't believe this is a punitive thing like a punishment for you unknowingly painted your building a bright color, its more of an if you knew you would of filled out the application and we would have suggested a palette and then we would have had a compromise. Is that available to us still or is that off the table?

City Attorney Schultz said it is certainly available.

Chair Pehrson said so this Planning Commission tries to compromise solutions to problems. On one hand, I think the applicant must understand there are regulations and Ordinances we live by that dictate how things occur inside the City. The Ordinance Enforcement Officer did their job and if this were a court of law, I would think that the judge would say negligence is not a something you can stand on. As I look at the picture and as I look at the internet, there's a vast difference in the coloration and the tone of what I'm seeing in the picture right now and what's on the website, so I think there's room to find a color palette/hue. I like Member Gronachan's suggestion that we postpone this. Let's allow the City and the petitioner to find some common ground because I don't know what else is going to go up on the building on those three or four panels on the front and side panels that's either already signage or going to be, so I would be more likely to say to postpone this and try to work it out.

Member Avdoulos said I'm doing the same thing, I'm looking at the website and then looking at the image that was provided. The short façades could be painted another color because I see the company also uses black and grays. To Mr. Manuel, was there going to be any signage put on any of the façades?

Joe Manuel said there will be a sign on the building over the front door. Approximately eighteen to twenty feet by four feet wide based on what we are allowed. I'm just a little shocked here. This is not my first rodeo here in business. I've been in business for over forty years and this is the first time it comes to my attention in any city and I've worked in cities like Toledo, Ohio to London, Toronto, Redford, Michigan to West Bloomfield, Michigan and I've never had anyone question the color scheme that we put in place. This is a unique situation and I'm surprised. I thought first amendment guarantees freedom concerning religion and expression. This is just creating a color scheme for a business that's been around for years.

Chair Pehrson said then let me ask you this, Mr. Manuel, are you willing to work with the City on working to find a compromise?

Joe Manuel said I am within reason.

Chair Pehrson said I'm not making any statements other than what I think is factual, but if you put buildings together in all those cities I'm sure there were plans that were put in place in front of a governmental board or regulatory committee that made a determination about colors, scheme, brick, landscape, and size that had to have happened in your career I'm sure. I don't think this points a finger at Novi as being so unique. We have Ordinances for this very reason so that if somebody wanted to come in tomorrow and paint that building fluorescent pink it would not be allowed because I don't think the community would really like that, so there are reasons for those Ordinances and why they exist and if you're willing to work with the City to find a compromise I think this Planning Commission is ready to extend the olive branch and find that resolution.

Joe Manuel said that is fine, of course we are going to find a compromise. This is not an environmental issue or endangering anyone. This is just a company color scheme, but I will try to find a compromise.

Member Avdoulos said I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Gronachan.

**ROLL CALL VOTE TO POSTPONE ITEM JSP 20-22 21211 HAGGERTY ROAD FAÇADE SO THE APPLICANT CAN CONTINUE TO WORK WITH THE CITY STAFF AND FAÇADE CONSULTANT ON AN ACCEPTABLE FAÇADE CHANGE MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

**In the matter of 21211 Haggerty Road Façade, JSP20-22, motion to postpone making a recommendation so the applicant can continue to work with City Staff and Consultants on the façade change. *Motion carried 4-0.***

## **2. PLANNING COMMISSION MEETING CALENDAR FOR 2021**

City Planner McBeth said every year about this time our Community Relations Department asks us you to put together a schedule for various boards and commission meetings. So, we have presented a Planning Commission schedule for you for 2021, primarily the second and fourth Wednesday of each month with a few exceptions for holidays and other considerations. We have noted the City Council meetings as well for your convenience. We are suggesting one meeting in April, one in September, and one in December. Alternatively, we could have two per month and then cancel the meetings that are not needed, but we feel pretty comfortable with what is being presented on this item.

**ROLL CALL VOTE TO APPROVE THE PRESENTED 2021 PLANNING COMMISSION CALENDAR MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

**Motion to approve the presented Planning Commission public meeting schedule for 2021. *Motion carried 4-0.***

## **3. APPROVAL OF THE August 12, 2020 PLANNING COMMISSION MINUTES.**

Motion made by Member Gronachan and seconded by Member Avdoulos.

**ROLL CALL VOTE TO APPROVE THE AUGUST 12, 2020 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER GRONACHAN AND SECONDED BY MEMBER AVDOULOS.**

**Motion to approve the August 12, 2020 Planning Commission Meeting minutes. *Motion carried 4-0.***

**SUPPLEMENTAL ISSUES**

Chair Pehrson said is there the opportunity on the next meeting for us internally to do some training on our Ordinance Enforcement?

Barb McBeth said yes, in fact, we have been talking with the City Attorney and were trying to target the meeting that would be scheduled for two weeks from tonight to be a specific training session so it wouldn't be broadcasted.

#### **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

#### **ADJOURNMENT**

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

**Motion to adjourn the September 16, 2020 Planning Commission meeting. *Motion carried 4-0.***

The meeting was adjourned at 8:18 PM.