



PLANNING COMMISSION

MINUTES

CITY OF NOVI

Regular Meeting

May 20th, 2020 7:00 PM

Remote Meeting

45175 W. Ten Mile (248) 347-0475

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

CALL TO ORDER

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

ROLL CALL

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

Absent: Member Gronachan (excused)

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Avdoulos and seconded by Member Ferrell.

VOICE VOTE TO APPROVE THE MAY 20, 2020 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.

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

AUDIENCE PARTICIPATION

Dorothy Duchesneau, 125 Henning, said this is a comment with regards to the Scenic Pines project which is before you tonight. It doesn't seem as if there were any water level piezometer readings done in 2020. Considering all the rain we've had this last weekend and the subsequent flooding in our backyards off of Henning Street, many neighbors feel this is the perfect time to take an additional reading or two and compare those results with the ones taken in the dry months of the 2019 results. I would appreciate your consideration of that.

Michelle Werner, 135 Henning, said I wanted to echo what Dorothy said about making sure the

ground water levels on the site are checked at this time of year. The plans that we saw in the fall showed that some of these basements are very close to what we know to be the ground water level at this time of year. I was really hoping that the Planning Commission would take a look at those readings before they authorize putting basements in with sump pumps. We live in a house that has a similar basement and our sump pump runs for 24 hours a day for about four weeks this time of year and I don't want to see other residents get stuck with the problems we have.

Chair Pehrson asked if anyone else wished to speak. Seeing none, he asked if the City staff could read the correspondence that had been received.

CORRESPONDENCE

Planning Assistant Kopko said I've gotten a bit of correspondence in regard to the Scenic Pines project. The first letter is from Mike Duchesneau, 1191 South Lake Drive, he believes more site plan details need to be provided before approval is granted. Items such as rear and side elevations of buildings, the high voltage overhead electrical lines have been rerouted which interferes on a private property, he's concerned about permits not being approved from EGLE and at the county level, there are concerns about the walkouts from the buildings, concerns about piezometer readings not being updated, concerns about the underground detention basin and flooding which would cause some issues to the residents living on Henning Street, and he would like to know the number of cubic yards of fill dirt, gravel, and sand that will be brought on to the site.

The second letter is from Barbara Drouillard, 130 Henning, she has some concerns about the streets already being bad with the potholes and mud and what the construction trucks will do to that. There were also concerns about tapping into the sewer system because it is older, concerns about water on the property, and concerns about the development being too large for the area.

The last letter is from Annie Smith, 226 Henning, she mentioned she had some medical issues she feels that the construction will interfere with some of those issues. She also had some concerns with COVID going on at the same time as construction and she won't be able to enjoy her backyard or leave her house.

COMMITTEE REPORTS

There were no committee reports.

CITY PLANNER REPORT

There was no City Planner report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There was nothing on the consent agenda.

PUBLIC HEARINGS

There were no public hearings.

MATTERS FOR CONSIDERATION

1. SCENIC PINES ESTATES JSP 18-76

Consideration at the request of Singh Development for Final Site Plan approval. The subject properties are approximately 9.44 acres and are located south of South Lake Drive, on the south side of Pembine Drive (Section 3). The applicant is proposing to utilize the One-family Cluster Option to develop a site condominium with 25 single family detached homes.

Planner Bell said a public hearing was held on this project for the Preliminary Site Plan, Wetland and

Woodland permits on September 25, 2019. Although the Planning Commission approved it at that time, the motion included a condition that the Final Site Plan be brought back for additional consideration. The subject property is zoned R-4, One-Family Residential, and surrounded by R-4 on all sides with RA, Residential Acreage, to the south. The Future Land Use Map identifies this property and the surrounding properties for single family development and a public park to the south for the area shown in green on the map. The properties to the West are developed with single family homes and there are some vacant parcels of land to the West. To the North are also single family homes that are within the Lakewood Subdivision. To the Northwest is the Lilley Pond Subdivision. To the East are the South Pointe Condominiums. To the South is the City's Lakeshore Park.

The site frontage spans the entire length of Pembine Street. The existing single family homes to the North are all legal non-conforming with smaller lot frontages and setbacks. Buffington Drive, Henning Drive, and Pembine Street are public roads with a width of eighteen to twenty-one feet with a fifty-foot wide right-of-way. They are paved with chip seal pavement and are not planned for asphalt. The site is surrounded by and contains a significant amount of regulated wetlands and woodlands. Our Zoning Ordinance provides a one-family clustering option, with the intent of allowing flexibility in single family developments where conventional developments would destroy the unique environmental significance of the site. To be able to use this option, the applicant has to preserve a minimum of 50% natural features to qualify. This plan proposes to preserve about 53%. The project consists of 25 single-family lots.

Soil borings were a big topic at the public hearing in the fall. The applicant found that the soil type mostly includes clay with layers of sand. Storm water is proposed to be detained on site with an above ground storm water pond in the North West corner and an underground retention pond south of Pristine Lane. Engineering has continued to look at the groundwater reports and piezometer readings. Kate Richardson, our staff engineer, and Mike Noles, the applicant's engineer, are available to talk more about that if you have questions.

Planner Bell continued to say all reviewers are currently recommending approval of the Final Site Plan, with a few comments that will need to be addressed in the Stamping Set submittal. This is typical of projects at this stage; we don't consider the Final Site Plan permit approved until the Final Stamping Set is signed by all the reviewers. Certain things the staff and consultants will ensure are completed before approving the Stamping set are submittal of the draft legal documents such as the Master Deed and Conservation Easements, and utility easements, as well as approvals by other agencies, such as EGLE and Oakland County.

Although the applicant has provided sample home designs in their submittals, those are not reviewed in the site plan process for single family subdivisions. Individual plot plans will need to be submitted for each lot during the building permit process, which is when the architectural plans will be evaluated against Ordinance requirements and the waivers granted with the Preliminary Site Plan, along with grading and applicable building codes.

Tonight the Planning Commission is asked to approve the Final Site Plan. Representing the project is Todd Rankin from Singh Development with his engineer Mike Noles if you have any questions for them.

Mike Noles, Umlor Group, said this property has a long history. It was previously approved in 2003 and there have been significant improvements with this iteration of the plan, primarily greater preservation of the natural features. You can see the abundant natural features on the site. It is a wooded wetland and as Lindsay mentioned, we're preserving 53 percent which was an increase of 3 percent over the previously approved plan. Singh is doing a high-end community. As you can see, there are going to be some custom panels to be part of the entrance feature and they did a

wonderful job of creating custom architecture for this site. As you can see in the aerial image, it is surrounded by a 400 acre wooded wetland that's primarily City Park and City Waste Water Treatment Plant to the south. The site generally drains from the north to the south.

One of the things that was required at Planning Commission last time we were before you was a Zoning Board of Appeals variance. We did go before the ZBA and we were granted that variance. The variance was to eliminate the berm requirement along the property line because we would have had to clear woods and impact wetlands to build a berm, which would be a less effective screening than the existing woodlands. We are providing a landscape berm along the frontage to screen the new development from the existing development.

The drainage in the area has been talked about a lot. The residents have been in contact with me for about a year and a half. We've had two public meetings with the residents at the library. It was an invitation to anyone that wanted to come not inclusive to the Public Hearings that you've had here in the council chambers. We've had about 35 people the first time around and about 15-20 the second time around. The residents have been very respectful and they have made some suggestions we've been able to incorporate. We went over those in detail in the preliminary approval. I'm still in contact with several of the residents. I had a call today regarding the water line and if it was able to be tapped, which of course, it will be a public utility dedicated to the city, so that resident will be happy to hear when I get back with them tomorrow. As mentioned in Mr. Duchesneau's letter, there is an existing power line that runs down the property and feeds the power to the Waste Water Treatment Plant and we are routing it around the detention basin. There is one thing Mr. Duchesneau called out in his letter, there was a pole shown on a resident's property. I talked with that resident two days ago and she was very understanding. I assured her that the pole location will be on the corner instead of the location where it's shown on the plan.

Mike Noles continued to say there are a number of follow up items and a lot of the resident concerns have to do with those items. The final approval is somewhat of a misnomer. I've always had to explain that to developers who want to start the next day after getting Planning Commission approval. We still have the stamping plans to take care of, of course, we do have our EGLE wetland permit and there is a conservation easement associated with that for the wetlands. There is also The City of Novi's conservation easement that will protect that 53 percent of woodlands that we're preserving; those will be protected in perpetuity. As well as the permits that were mentioned, we will also obtain the EGLE Sanitary Part 41, the EGLE Water Act 399, and Oakland County does have jurisdiction over the sewer tap so there's a permit there as well. They've had an opportunity to work with us on the pump station plans. We had a grinder pump originally and as we were working with Oakland County, it became more of a substantial pump station similar to the ones you see around town. I've done a couple of them over at Island Lake of Novi. That application will go in following the final approval tonight if you choose to make that motion. So the soil erosion control, tree clearing, and right-of-way, those are all permits within the City of Novi that we will be applying for and acquiring following site plan approval.

Regarding the piezometers, we proposed putting the piezometers in and we've taken multiple readings: the initial one to show where the ground water table is, not the same as the surface water. We established that elevation so that we could set our basement heights and set our underground detention area to make sure there's enough cover between the ground water and the bottom of that detention area. The piezometers are still on site, there's about seven of them and we've been reading them periodically. The motion of approval in the preliminary phase did require us to submit one more piezometer reading with the final engineering set and we did that. So we have on record with the City a couple months' worth of readings and were happy to keep taking a look at those readings throughout the final planning steps. With that I'll invite you to ask me any questions you may have.

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

Member Anthony said I think I was the one in the last meeting that probably asked a bunch of questions on depth and ground water versus the basements. I like your September/October readings. What were those readings and what was your highest ground water reading?

Mike Noles, Umlor Group, said out of the seven piezometers, the ones we were most concerned with were the ones right in the middle of the detention pond and the one right next to the bridge which is adjacent to the underground storage. Those were all running right about 3-feet below the bottom elevation of that detention basin. Some of them went down from our initial readings in July. We found a baseline from those piezometers and the next readings went down. We did have one that went up since then, but we think its perched ground water as mentioned. There is some clay and sand mix on this site, but everything has been below that initial level, so I think we're in good shape.

Member Anthony said I would consider the entire site a perch, which is why it's a wetland. So with the detention pond, you're saying the ground water is 3-feet below the bottom of your basin?

Mike Noles said yes, the bottom of this basin is called out at 932 and what we set as the ground water from the piezometer readings was 931 and the underground storage requires a 3-foot buffer between that, so the elevation would have been 934 for the bottom of the underground detention basin.

Member Anthony said so 934 being the bottom of your detention basin and the last time we talked your worst case scenario was a basement floor at 936.

Mike Noles said that sounds about right.

Member Anthony said and I'm curious about the house you used as the worst case scenario, where is that located within the subdivision?

Mike Noles pulled up a map of the development. Mike Noles said we have the finished grades of the homes which are about 2-feet below the finish floor so were right about 40-45 finished grades. The high ones in the back are all running at finished grade at the front of the house at 44 and that puts the finished floor of the house at 46 which puts the basement elevation at about 36. The lowest one would be at 38 and puts the finished floor of the house at 40 which puts the basement floor at 31. Lot 1 is the lowest house and the basement floor is at an approximate elevation of 931.

Member Anthony said and the surface water of the lake is 932?

Mike Noles said yes.

Member Anthony said it looks like that lot might be at risk. So the bottom of the detention basin is at what number?

Mike Noles said 932. All of the homes have sump-pump systems and they're all tied into the storm system as well. For this home, it would be easy to bump it up a foot if we wanted to give it additional cover. The finished grade would be easy to bump up a foot because you can see right next to it we have a landscape berm that goes all the way from 37 up to 41 and the home next to it is already a foot higher. We could easily bump up unit number 1 an additional foot without any problem.

Member Anthony said alright, that's something I would say to work out with the City Engineer, but that does sound reasonable, especially with it being a foot below the surface of the lake. Describe to me your pumping station.

Mike Noles said the sanitary sewer is gravity all the way to the pump station and it has a wet well and a valve vault, it has a short force main that pumps it to the existing sanitary system and it goes gravity from there. So it's almost a lift station if it weren't for the short piece of force main, but it's a very short amount of force main.

Member Anthony said in both the storm water piping and sanitary piping with such a shallow ground water out there, are you putting out gaskets to try to reduce infiltration into the piping?

Mike Noles said that is a great question and I think the Novi standard is trust by gasket. I would have to double check the detail on that or ask Kate to chime in there. The interesting thing is that the only reason we ended up needing the pump station was to get underneath the bridge footing because we ended up being too low using our minimum pitches.

Member Anthony said so it's clear as a Commissioner, it's outside our authority or out of our view to say to bump up that home another foot in elevation or to ensure that you're looking at gaskets for both sanitary and storm simply because at such a high water table by minimizing infiltration you don't lose the capacity of the ability of the pipes to fill with water. So I like what I see here and thank you for the work you did on looking at the groundwater. Though, outside of our authority as Commissioners, I would recommend or suggest to the City Engineer that both the idea of gaskets and raising the elevation of lot number 1 be considered. Chair Pehrson, can I add that as a note, even though it's not a part of my approval?

Chair Pehrson said yes I think the applicant would take that advice.

Staff Engineer Richardson said I will mention that the plot plans and finish grades will be reviewed with the building department so I will definitely make sure it's changed on the stamping set, but it will also have to go through another set of reviews with the building department. They will look into the building code so it will be triple checked with them as well.

Member Anthony said and this is a unique situation. Sometimes building codes doesn't necessarily get these high water table sites, but what Singh has done here is a very good job in, I would say, a difficult development location which is why the homes and the neighborhood will look so good.

Member Avdoulos said I'm very appreciative that we have someone like Member Anthony that can help put his experience and a good second set of eyes on a project like this. We have a variety of talents and this is where I understand what the scope is. Looking from preliminary to final plans as it was indicated, there was a lot of details that were fleshed out and then when you go from this final into stamping set and then into permitting, there's more reviews that people look at. I appreciate that and I appreciate the fact that there's continual communication with the residents and that they're being involved and that this is something that is just not being placed in an area without at least good communication. Looking at this back in the fall and seeing where it is now it's gone obviously in a positive direction. All the groups are in favor of this so I'm going to make a motion.

Motion made by Member Avdoulos and seconded by Member Maday.

In the matter of Scenic Pines Estates, JSP 18-76, motion to approve the Final Site Plan with One-family clustering option and the Site Condominium based on and subject to the following:

1. The previous conditions of the Planning Commission approval for the Preliminary Site Plan;
2. The bridge design shall receive approval by AECOM prior to the approval of the Final Stamping Set;
3. The utility enclosure and landscape screening details for the necessary grinder pump and generator located south of Pembine Drive shall be included on the plans prior to approval of the Final Stamping Set;
4. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters, with these items being addressed prior to Final Stamping Set approval; and
5. The applicant shall work with City on the review of the finished grades of the proposed homes, and on the requirements identified by the City's Engineers on the remaining issues associated with the engineering review.

Member Ferrell said I agree with everything said so far and I just want to thank the petitioner for answering the questions the people had comments about and I think you did a good job. I definitely support this project.

Member Lynch said my big concern with this project is the drainage and water. It was nice that Member Anthony has the expertise in this area to explore it with Mr. Noles. I like the technical detail behind it being an engineer and I'm satisfied that the development will be what we're looking for. We're not going to make a bad situation worse, so I'm in favor of this.

Member Maday said basically what I said last time still stands. People were concerned about the woodlands and the clustering takes care of that. It's going preserve 53 percent of land which is amazing. As for the water issue, I have a little bit of experience with that, but nothing like Member Anthony so I appreciate all his expertise and I'm trusting between the engineers and everyone else involved that we're doing what's right for the City. I'm very confident with this.

Chair Pehrson said I appreciate the applicant's willingness to come back in front of us to do the due diligence that we've asked for. I think you've addressed our concerns and that of the citizens so I think this has been a very good project.

ROLL CALL VOTE TO APPROVE THE FINAL SITE PLAN OF PROJECT JSP18-76 SCENIC PINES MADE MY MEMBER AVDOULOS AND SECONDED BY MEMBER MADAY.

In the matter of Scenic Pines Estates, JSP 18-76, motion to approve the Final Site Plan with One-family clustering option and the Site Condominium based on and subject to the following:

1. The previous conditions of the Planning Commission approval for the Preliminary Site Plan;
2. The bridge design shall receive approval by AECOM prior to the approval of the Final Stamping Set;
3. The utility enclosure and landscape screening details for the necessary grinder pump and generator located south of Pembine Drive shall be included on the plans prior to approval of the Final Stamping Set;
4. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters, with these items being addressed prior to Final Stamping Set approval; and

5. **The applicant shall work with City on the review of the finished grades of the proposed homes, and on the requirements identified by the City's Engineers on the remaining issues associated with the engineering review. Motion carried 6-0.**

2. NOVAPLEX JZ19-37 WITH REZONING 18.733

Consideration at the request of BC Novaplex, LLC for Planning Commission's recommendation to City Council for a Zoning Map amendment from Office Service Technology (OST) to High-Density Multiple Family (RM-2) with a Planned Rezoning Overlay. The subject property is approximately 22 acres and is located on the west side of Haggerty Road, north of Twelve Mile Road (Section 12). The applicant is proposing to develop a 270 unit multiple-family residential development. The development consists of two attached town style buildings and eight apartment style building. The development is a private street network with two entrances off of Haggerty Road.

Planner Bell said the Planning Commission held a public hearing on this item on March 25, 2020 and after discussion decided to postpone making a recommendation in order to allow the applicant and staff to provide and review new information, continue to work on the number of deviations requested, and further consider the public benefits of the development. The applicant did revise the plans to address many of our previous concerns. The number of deviations needed has gone from about 20 to 15, and staff is now able to support almost all of those. Traffic and Wetland reviews were still not recommending approval. At the time of our review, however, some additional information has been provided where we are becoming more comfortable.

For traffic, we believe that with the adjustment to the plan that was included with the applicant's response letter last week, this will remove some of the parking in the southwest corner and make that a tighter corner, which will encourage slower traffic speeds and a safer configuration and will address some of those previous concerns. We think that we can work with the applicant to address remaining traffic calming measures on that outer loop during the site plan review process, they have proposed more stop signs and cross walks. One area could still use something in our traffic consultant's view in the western north-south drive where the garages are, but that could be worked out at time of final site plan approval.

As for the Wetland issues, some of those remaining concerns seem to be addressed with updated wetland impact information also provided last week, such as buffer impacts and volumes. The outstanding issue is the wetland mitigation. The applicant has stated that disturbance of the wetlands will be minimized and on-site mitigation maximized during the detailed site design process. They will also make an effort to identify off-site wetland mitigation areas within the same watershed or within the city, as permitted by the Wetland and Watercourse Protection Ordinance. However, if they are unsuccessful, they will require a deviation. It is unclear if the applicant would choose to request the deviation now or would pursue an amendment to the PRO Agreement if they are unable to meet the requirements. Currently there is no deviation included in the draft motion as we were unclear if the developer wanted to pursue that.

Planner Bell continued to say the applicant has also revised their list of community benefits. Last time we mentioned the proposed completion of two off-site sidewalk gaps totaling 600 linear feet. They now also offer to increase the brick or stone material on the building façades to no less than 40percent, which is a 10 percent increase over the 30 percent minimum required by the ordinance. While this does exceed the ordinance standard, our consultant would encourage a somewhat higher percentage and updating the color renderings of the revised design would demonstrate more clearly the aesthetic enhancements. The other new benefit offered is to design the project to achieve the LEED Certified standard of green building practice. This would be the lowest tier of the LEED certification system, but it would represent an enhancement over our standard requirements.

Tonight the Planning Commission is asked to discuss the proposal and make a recommendation to

City Council. In particular, the Commissioners should consider whether the PRO benefits offered by the applicant are sufficient to meet the intent of the PRO Ordinance, and whether the wetland mitigation deviation would be supported. Staff, as well as our façade, traffic and woodland/wetland consultants are available to answer any questions you may have. Representing the project tonight are David Landry, Mark Highlen, and Zack Weiss, and other members of their team to tell you more about their proposal to respond to your questions as well.

David Landry, attorney for the applicant, said we are back before you after being here on March 25, 2020 and we had a very good discussion and it was decided to postpone to allow additional time to address the staff's and Commission's comments. We are asking for a rezoning from OST to RM-2 with a PRO. I believe the Commission is familiar with this project. This applicant has been trying to develop this property for over 20 years. They cannot develop it OST, it's narrow, it has limited frontage visibility, and the topography creates a problem developing it as OST. We've been working on alternatives since 2017 and we've been working with staff since 2018 on this particular RM-2 PRO project. There have been a number of submissions, we've received comments, we made changes, we've been through the entire process from Pre-Application, to concept submittals, to Master Plan and Zoning Committee, we've revised plans, and we've been before you. We decreased density, we've stayed out of the woodlands, we've enhanced the architecture, we conform to the Novi School District, there's no increase in traffic, we've provided a secondary access, screening, and we've conformed to the sanitary capacity.

When we were here before you on March 25, I discussed the two aspects, as I see it, on this project: one, the conceptual aspect of residential adjacent to OST and two, the technical/dimensional ordinance requirements. Conceptually, we discussed the fact that while at first glance this may look like residential surrounded by OST, if you consider the extensive residential to the east in Farmington Hills, I think it's important to recognize two things from a conceptual standpoint: it's a classic single family multi-family nonresidential, it's also important from the standpoint of the viability of this project. Where will these residents obtain goods and services? The same place all the residents across Haggerty Road do.

This particular project melds perfectly with the adjacent OST uses and we have support from the OST neighbors. Usually when you propose a residential use adjacent to a nonresidential use, the neighbors come in and complain. Our neighbors are asking to approve this. The OST developments want walkable, bike-able residential. They want to attract young engineers and this is exactly the kind of housing that they want so this is a symbiotic relationship between our proposed development and the adjacent OST. You have a very experienced builder in Beztak. They have a proven track record in Novi. With respect to the public benefit, we looked at the public benefit aspect and it has to be consistent with the intent of this project. So obviously if it's walkable and bike-able we have to fill the sidewalk in, so that's the initial public benefit we offered. We looked at it again to make it consistent, we offered LEED Certification. Yes, it's the basic certification, but it is LEED and it's not technically required. We think that's consistent with what the City is looking for in development, were also adding brick to 40 percent instead of 30 percent. Again, that's consistent with what we believe the City would like to see in the projects, we're offering something more that would be required by the Ordinances.

David Landry continued to say from the technical aspect, I think the Planning Commission understands that this is a challenging site. Beztak has worked extensively with the administration. Even since the last Planning Commission meeting we've decreased the amount of deviations by five. We still have a number of deviations, which are necessary, but I think the best evidence is the fact that they are necessary and that the staff is supporting virtually all of them.

We're now down to two areas: wetland mitigation and some minor traffic issues, which the staff

believes we can address. We've already offered traffic calming measures in response to the staff's request and I think we're hearing we can address those in the site plan. We have representatives from Beztak here to address the wetland issue and I'll turn it over to them and let them do that. One more thing, we've been at this for 20-years, we are at bare bones with this project and neither the City nor the applicants want a development there that won't succeed. We all want it to succeed, but tonight we need a decision. We're requesting the Planning Commission recommend approval to the City Council.

Mark Highland, Beztak, said we did make a number of revisions to the plan based on comments since our previous review, so we agree that we can add or adjust any of our traffic calming measures realistically from the base standpoint. It's fairly simple to move signs 100-feet one way or another or add a few more signs or cross walks. So we are definitely willing to do whatever it takes in the aspect. We've got a number of deviations that are all supported by staff and we appreciate them taking the time and effort in helping us go through that. David said we've been at this for quite a while with the staff and they've shown a tremendous amount of patience and some creativity and suggestions of how we can adjust some of our plans.

Regarding the wetlands, we have attempted to create one large body of wetland out of a number of small ones, which in it of itself; it's probably a better situation. Many of those small ones have virtually no volume to them for storm water storage and have virtually no depth to them for any kind of habitat for animals or plants. So we're thinking that that actually is one of the improvements in mitigating those into one larger wetland that's manufactured to actually function well as an entity. What we are willing to do though is we are willing to look into further areas where we can help. One of the things we've suggested and obviously the staff can't say they approve it or not, but we've even suggested contributing towards the city's maintenance and upkeep of all the existing storm water storage and wetlands areas in the City as part of the mitigation, so were willing to work with the City on determining an equitable and beneficial answer to this. Some of this is going to have to go with our discussion to City Council, but we are asking that you at least recognize that we are making the efforts and that we will reach an agreement with City Council on the wetland issue because that's really the only remaining issue. With that I'll step back and be willing to answer any questions you may have.

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

Member Anthony said so I have a question for Pete Hill about the wetlands. Member Anthony pointed to a map and said when we're looking at this light blue area, that's EGLE state regulated wetlands and the green areas are regulated by the City?

Environmental Consultant Pete Hill said that's correct. Those blue shaded areas are regulated due to proximity to a drainage feature that is south and west of the project.

Member Anthony said generally the city picks up smaller wetlands that wouldn't fit the state regulation, but we do it as a community because it enhances our greenbelt areas, which when we step back and look, our greenbelt area is this very long linear north-south feature that we talked about with the developer earlier so we can see a portion of this state regulated wetland dip underneath the parking lot. With the proposed revision to the curb, does that bring about any additional wetland?

Planner Bell said I don't believe so. It would be a very small amount if it was.

Member Anthony said and that's okay, when I first went through this project I didn't even consider that additional area here so it won't make too much difference. Generally what we try to do is

create a 20 to 25-foot buffer around the wetland and that's to pick up any particulate or any other type of runoff or pollutants before they get into the wetland area. We have out here proposed the 20-foot buffer, but I see it's reduced down to a 10-foot buffer up against the pavement. I presume there's a curb here that's going to catch the runoff so any runoff that's on this surface area is going to be captured by the storm water system. So the reason why I say that is, in a sense that can help reduce the buffer if it is simply to reduce the amount of runoff and particulate that gets onto the wetland, this helps serve that purpose as well. So now I look at this as what is proposed for the mitigation and we can see the increase in size of the wetland. So Pete have you looked at what the size of this proposed wetland is versus it compared to the state regulated wetland and then the totality of the wetland? This is as large as or larger than the state regulated wetland, but we are losing some on city wetland, which is what is triggering the request for mitigations somewhere.

Environmental Consultant Pete Hill said the wetland mitigation area that you are pointing out is 0.67 acres so they're providing 0.67 acres of on-site mitigation connecting those lobes of city and EGLE regulated wetland. The total wetland impact area is 0.84 acres. Mitigation requires one and a half times that. So 0.84 acre impact for emergent wetlands requires 1.26 acres of mitigation. So the mitigation area is 0.67 acres which is 53 percent of the required mitigation that will be provided on the project site. So 0.67 acres will be constructed on site and 0.59 acres are still required and that's the big point of our latest review. We always ask that people look to minimize those impacts and for impacts that are essentially necessary to provide the mitigation on site. The applicant is doing a commendable job of providing over half the mitigation on site, but we're asking them to provide more information about the plans for the rest of the required mitigation.

Member Anthony said so here's my logic: there's a part of me that was never a big fan of residential here -- just in complying with the Master Plan and the bussing of the kids to school and it's kind of an island for the school system -- but when we're looking at the wetland issue and everything we've had them do, this is the green land belt way that we really wanted to preserve and not bifurcate this area. One, because it gives us a waterway and it also gives a wildlife corridor, which is very helpful for the city. I'm looking at it in terms of how reasonable it is and I feel that this is a reasonable solution for the wetland and for that portion of additional mitigation that were looking for, I'm willing to support this plan as is and that the additional mitigation be done elsewhere within the drainage basin. It gave us the greenbelt green corridor requirement and municipal wetlands are not quite the same quantity as the state wetlands. We're preserving the bulk of the higher quality wetland so that's my logic on that. I know they are looking for a waiver so this is one of those cases where I would look at supporting what has been presented here. Again, to the rest of the Commission, what we lost are some lower-quality wetlands that are regulated by the city, but what we picked up is that we have a nice thick green belt way for this property. So in order to fix this within the drainage basin where they mitigate, they mitigate somewhere else within the drainage basin. So I would feel that that is reasonable.

Environmental Consultant Pete Hill said I don't disagree with your logic there. One thing we didn't point out is the EGLE required amount is 0.35 acres. Initially the impact to state regulated wetlands appears to be just under a quarter acre, 0.23 acres, and multiply that by one and a half, it is 0.35 acres of EGLE mitigation required. The current plan I believe shows that 0.35 acres required by EGLE would be taken care of on-site. Something ECT noted in our letter in the last review is EGLE actually prefers off-site mitigation at an approved mitigation bank.

Member Anthony said so you know, I would normally be an advocate of having it on site or within our city, but I'm just looking at this site and I've tried to solve the puzzle with this site and I couldn't, so I just stepped back and thought, what did we gain -- we got this nice green corridor. The other thing I wanted to ask, there was a comment that was made by Mr. Landry, so for instance, one of my concerns was the capacity of the sanitary line. When we look at this site itself according to this,

it will take up to 50 percent of the sewer's capacity which meant the existing buildings took up 22 percent. That's 72 percent in total which means were only left with 28 percent of the sewer line capacity.

Staff Engineer Victor Boron said I would say that the 22 percent consumed by all other uses is tributary to the sewer that I calculated from the plan sheet that was added by PEA. It did include the one vacant property and the other property that is existing residential or could be redeveloped as OST.

Member Anthony said you did or did not include those?

Staff Engineer Boron said I did include those.

Member Anthony said that's exactly where I was going with that. When you look at the aerial photo there are a couple other vacant lots that could be developed and we don't want to tell them you're not going to be able to develop it until you put in a larger sanitary line down that street.

Staff Engineer Boron said I did also want to add that in the sheet that was provided by PEA, the property at the southeast corner of that tributary area may appear to be tributary to that sewer but it is not. Both they and I were able to find out that it is not tributary to the sewer before its enlarged. As a point of interest, where that property is discharging to currently is down the street of where the sewer becomes larger.

Member Anthony said my last comment was if a school bus does have to show up, should there be a location for it? That may be a conversation to have with the school system because its two and a half miles that children need to be bussed to get to Orchard Hills.

Member Avdoulos said I guess the wetlands were probably the stickiest issue and so with that, Member Anthony, if we look at the motion under Part 2, item number 7, does that say that or do we need to adjust that? It indicates that the applicant shall provide on-site wetland mitigation to the extent feasible as determined by the city.

Member Anthony said it can stand as is as long as the city feels that my explanation and approach is reasonable and I think Pete was leaning that way. So if city staff feels the same way, it can just stay that way.

Member Avdoulos said okay good. I do appreciate the work that was done with the city. I know that when the project first came and we saw it under the Master Plan and Zoning Committee and then we reviewed this is March, there were concerns that the staff wasn't fully comfortable with. Working with the City to limit the number of deviations and to also have the staff's support on some of the deviations is important and I appreciate that and understanding that it's a tough site. Looking at some of the benefits that Mr. Landry presented it's tough to see what you can do on a tight site like this, but I think that the sidewalk connectivity is something that Novi has always wanted to complete and enhance throughout the city. I also think achieving the LEED certification shows a commitment to sustainability and at least it could be an example for others to follow. That goes hand in hand with what Member Anthony was pointing out in relationship to the wetland and what is the plus that the site gets and how does the city benefit so you end up having that green way that allows nature and allows animals to have an area as a habitat. We're looking at a more positive direction and we're going through the typical site plan reviews and the final documentation so I think all of this helps get it down to a point where at least I'm much more comfortable than where I was a couple months ago.

Member Ferrell said I reiterate what the other commissioners have said. I was concerned with the wetlands and after discussing it tonight, I definitely feel more comfortable supporting that. The petitioner obviously has agreed to try to work with the city to mitigate due to the location or offer something with the city to work with them. As far as the traffic, I don't believe I know enough about that so I was going to see if anyone else wanted to talk about that. To Mr. Landry, yes it does appear it's been a long road.

Member Maday said with the majority of the wetlands being mitigated, I'm just pleased that we're putting all the impacted wetlands in one good area because a lot of the small wetlands that are not worth anything are not as important as one big green belt. So yes, Member Anthony, I couldn't agree with you more, but you just say it so eloquently. As far as it being residential in the middle of an office district, I'm okay with that I think. It's a great buffer zone. It bothered me in the beginning, but as you spent the last month or two thinking about it, it really doesn't bother me. We live in the suburbs and the reality is we're not all walking from place to place. We want to, but the reality is we drive places and that's okay. As far as the sidewalks, I'm thrilled with that, being I sit on the sidewalk committee, so I love the connectivity. As far as the traffic goes it sounds to me you are working on things to slow the traffic down within the community, is that correct?

Mark Highlen, Beztak, said yes.

Member Maday said so I would say continue working with the City and trying to work on a plan to make everybody happy. I know you are trying to do that.

Mark Highlen said yes the good part is that none of the stuff we're going to need to do involve anything with additional pavement or additional grading, it's all basically painting and signage.

Member Maday said that seems pretty easy and I don't think anybody is going to complain about that. I'm in support of this at this point.

Chair Pehrson said I think when this came before us in the Master Plan and Zoning Committee we had some reservations, we were looking at it in a different way and in a different light than how it actually turned out so I applaud what the developer has done with this. Twenty years does seem like a long time but hopefully it's going to pay off with everything that has been done here. I appreciate the fact that we have reduced the number of deviations that have been requested. We get to the point where we might push some of these deviations down the road, but they're a requirement of some of the last remaining parcels that we deal with. So I think what's been done and what's been moved forward I can be in support of this.

Member Lynch said I think I mentioned this last time that this won't be the last project like this that we see go from OST to some sort of residential. To be honest, I don't really have an issue with what you have done with this piece of property. I understand it's a difficult piece of property, you've tried your best with other solutions. I think City Council will certainly consider the public benefit. We know that OST requires virtually no fire and no police and very little demand compared to high density residential. So when we look at the public benefit, I think what the applicant may have to do in front of City Council is make a compelling case that by putting this project in you're going to offset the additional demand that's going to be put on some fairly high priced city resources. Since we're setting precedent with this, I just want to make sure we go in looking at this with open eyes. Is this going to be a benefit for the City and the rest of the tax payers or is it going to be a burden to the city from a financial standpoint? I think Mr. Landry can make a compelling case. He knows more about this than I do, but I think when it gets presented to City Council, I suspect that they're going to ask that question. I don't have a solution for you and that's why I'm not going to stand in

the way of this. I just don't know how we make that argument. Whatever we do in this case is going to be used in future cases where there won't be as high as a demand on this OST property as there was 10-20 years ago. This is probably something that I think City Council would appreciate and I think would be a good exercise for the applicant when it finally does go to City Council to at least make a reasonable argument that this is a public benefit. I'm in support of this project.

Motion made by Member Avdoulos and seconded by Member Ferrell.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF PROJECT JZ19-37 NOVAPLEX WITH ZONING MAP AMENDMENT 18.733 TO CITY COUNCIL TO REZONE THE SUBJECT PROPERTY FROM OFFICE SERVICE TECHNOLOGY TO HIGH DENSITY MULTIPLE FAMILY WITH A PLANNED REZONING OVERLAY CONCEPT PLAN MADE BY MEMBER AVODOULOS AND SECONDED BY MEMBER FERRELL.

In the matter of Novaplex, JZ19-37, with Zoning Map Amendment 18.733, motion to recommend approval to City Council to rezone the subject property from Office Service Technology (OST) to High-Density Multiple Family (RM-2) with a Planned Rezoning Overlay Concept Plan.

PART 1: The recommendation includes the following ordinance deviations for consideration by the City Council:

1. Planning deviation from section 3.8.2.C. for exceeding the maximum allowable length of buildings (180 feet, maximum allowed, a range of 185 feet to 295 feet proposed) as *the buildings meet the qualifying criteria for City Council's approval for this deviation per section 3.8.2.C.*
2. Planning Deviation from section 3.8.2.D for not meeting the minimum orientation for all buildings along an outer perimeter property line (45 degrees required, 0 degrees proposed), *as all buildings are abutting non-residential districts and orientation is compatible to existing office development.*
3. Planning Deviation from section 5.16. for not meeting the minimum width requirements for the access path to bike parking (six feet required, 5 feet proposed), *as the plan maintains a consistent five foot width for all internal sidewalks and because it is a residential development.*
4. Landscape deviation from Sec. 5.5.3.B.ii and iii for lack of berms between the site and the properties on the north, south and west, *as the existing woodlands and proposed landscaping provides sufficient screening.*
5. Landscape deviation from 5.5.3.F.ii 5.5.3.B.ii and iii for lack of required street trees along Haggerty Road, *due to conflict with the existing overhead electrical lines and an underground gas line along Haggerty Road which make planting street trees impossible.*
6. Landscape deviation from 5.5.3.F.ii to allow the usage of sub-canopy trees for up to 25% of the required multifamily unit trees, *as the mix of trees proposed is acceptable.*
7. Planning deviation from Section 5.2.12.A & B for a 30 percent reduction in the minimum requirements for parking. A minimum of 619 spaces required, 433 proposed. The current plan proposes a total of 433 spread across the site, including attached/detached garages and surface parking. Following comments are provided in this regard:
 - a. An additional 120 apron spaces in front of attached garages will be provided to count towards the minimum required. Apron spaces may provide additional guest parking for certain units with access to garage parking, but not necessarily required parking for others. The apron spaces are reserved for people renting the garage, as will be stated in the lease agreement. The

- applicant indicates this will be enforced by towing vehicles that are parked illegally and/or in someone's assigned spaces.
- b. The applicant has provided a parking study of existing parking demand calculations from similar development in similar cities, which show other developments have found a lesser number of parking spaces to be sufficient.
 - c. The required parking calculation includes 68 spaces for the clubhouse/pool as a "private club." As this amenity is internal to the development for the residents, it is anticipated most residents would walk from their unit to the pool/clubhouse and not require separate parking spaces.
8. Traffic deviation from section 5.10 for not meeting the minimum width requirements for a major road (minimum of 28 feet required, 24 feet proposed), *as stop signs and pedestrian crossings will be provided at key points in the major drive loops to encourage slower speeds. The applicant shall work with the City to ensure traffic calming measures are adequate during Site Plan review.*
 9. Traffic deviation from section 5.10 for allowing angled and perpendicular parking on a major drive, *as stop signs and pedestrian crossings will be provided at key points in the major drive loops to encourage slower speeds. The applicant shall work with the City to ensure traffic calming measures are adequate during Site Plan review.*
 10. Traffic deviation from section 5.10 for not meeting the minimum requirements for major drive centerline radius, *as stop signs and pedestrian crossings will be provided at key points in the major drive loops to encourage slower speeds. The applicant shall work with the City to ensure traffic calming measures are adequate during Site Plan review.*
 11. Planning deviation from section 4.19.1.J for exceeding the maximum number of accessory buildings for properties more than 21,780 square feet *(a maximum of two are permitted; six garages and 20 carports are proposed).*
 12. A section 9 waiver for not meeting the minimum requirement of 30 percent brick for the carports on the long side, *as the proposed design will include brick on the end walls as has been supported for other projects in the City.*
 13. Planning deviation from section 3.8.1.A.ii.b for exceeding the maximum percentage of one bedroom units (maximum of 20% is allowed, 36% is proposed), *as the mix of units fits the target renters who would be young professionals, as shown in the market study provided by the applicant.*
 14. Planning deviation from section 3.8.1.B for exceeding the maximum allowable number of rooms for this development (maximum of 458 rooms is allowed, 734 rooms are proposed) *because the overall room count is still below the total number permitted in the RM-2 District.*

PART 2: If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement, as suggested by staff based on the PRO Concept Plan and applicant submittal:

1. The applicant shall provide an easement at the southeast corner of the Property in order to facilitate the extension of Heatherbrook Drive, resulting in the orderly entry into both the Property and the Infinity Medical Building.
2. The applicant shall be responsible for the design and construction of two off-site sidewalk gaps, totaling approximately 600 feet, as a benefit to the public, up to a cost of \$60,000. This will complete sidewalk coverage between 13 Mile Road, Cabot Drive Twelve Mile Road and Haggerty Road.
3. The applicant shall increase the amount of brick or stone on the building exterior to a total of no less than 40% of the building façades, per the applicable definitions provided for in the Novi Zoning Ordinance.

4. The applicant shall design the Project in such a way so that the project can achieve the level of LEED Certified following the construction process. Prior to the issuance of Building Permits, Applicant will provide a review from a 3rd party consultant indicating that the Project, as designed, has a preliminary rating that would allow the Project to achieve LEED Certified status.
5. The applicant shall meet or exceed the Open Space requirement for the RM-2 District per the Exhibits provided in the applicant's submission. A minimum of 54,400 square feet of open space is required.
6. The number of parking spaces provided shall be no less than 570 (as shown on the PRO Concept Plan). This includes surface parking (covered and uncovered), garage parking (attached and detached) and driveway apron parking.
7. The applicant shall provide on-site wetland mitigation to the extent feasible as determined by the City, with any remaining mitigation areas will be provided offsite in the form of a wetland bank contribution as determined by the City; the applicant shall also provide a wetland conservation easement over any areas of on-site wetland mitigation.
8. The applicant will provide a woodland conservation easement over any existing regulated woodlands and any replacement trees that result from disturbing existing regulated woodlands.
9. The carport design shall provide for side paneling that shall include a brick surface, consistent with the examples provided as exhibits to the Planning Commission.
10. The height of the buildings shall not exceed four stories, as shown in the PRO Concept Plan submittal.
11. The architectural design of the buildings, including material selections, shall be as shown in the PRO Concept Plan submittal.
12. The overall density of the development shall not exceed 12.40 dwelling units per gross acre (13.95 dwelling units per net acre).
13. The number of dwelling units shall not exceed 272 units.

PART 3: This motion is made because the proposed High-Density Residential (RM-2) zoning district is a reasonable alternative to the Master Plan for Land Use, and because, as stated by the applicant:

1. Designing the new residential use next to existing OST uses allows for a unified appearance and implementation of proper safeguards between the neighboring uses:
 - a. Building styles will be compatible.
 - b. Apartment residents will move in with the full knowledge of the neighboring Use.
 - c. The residential site is higher than much of the surrounding area.
 - d. Wooded areas on this site and adjacent sites provide a great buffer.
 - e. Setback plus proposed landscaping will be used to enhance buffering.
2. The project is consistent with the Master Plan goal to enhance Novi's reputation as an attractive community in which to live;
3. The project is consistent with the Master Plan goal to protect Novi's remaining woodlands and wetlands;
4. The project is consistent with the Master Plan goal to maintain adequate infrastructure in an environment of limited federal and state funding;
5. The project is consistent with the Master Plan goal to promote interconnectivity between neighborhoods to reduce vehicle trips on main roads;
6. The project is consistent with the Master Plan goal to promote active living and healthy lifestyles in the City of Novi; and

7. The project is consistent with the Master Plan goal to ensure that Novi continues to be a desirable place for business investment.
Motion carried 6-0.

3. APPROVAL OF THE MAY 6, 2020 PLANNING COMMISSION MINUTES.

Motion made by Member Lynch and seconded by Member Ferrell.

ROLL CALL VOTE TO APPROVE THE MAY 6, 2020 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER FERRELL.

Motion to approve the May 6, 2020 Planning Commission Minutes. *Motion carried 6-0.*

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

There was no audience participation.

ADJOURNMENT

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

Motion to adjourn the May 20, 2020 Planning Commission meeting.

The meeting was adjourned at 8:24 PM.