



PLANNING COMMISSION

AGENDA

CITY OF NOVI

Regular Meeting

March 10th, 2021 7:00 PM

Remote Meeting

(248) 347-0475

In accordance with Open Meetings Act, MCL 15.261, ET SEQ., as amended, this meeting was held remotely.

CALL TO ORDER

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

ROLL CALL - Pursuant to the State of Michigan Open Meetings Act, all members shall identify their physical location by stating the county, city, and state from which he or she is attending the meeting remotely.

Present: Member Avdoulos- *City of Novi, Oakland County, MI*; Member Becker- *City of Novi, Oakland County, MI*; Member Lynch- *City of Novi, Oakland County, MI*; Member Dismondy- *City of Novi, Oakland County, MI*; Chair Pehrson- *City of Novi, Oakland County, MI*; Member Roney- *City of Novi, Oakland County, MI*; Member Verma- *City of Novi, Oakland County, MI*

Absent: None

Staff: Lindsay Bell, Senior Planner; Rick Meader, Landscape Architect; Madeleine Daniels, Planning Assistant; Beth Saarela, City Attorney; Kerry Gray, Environmental 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 Verma.

VOICE VOTE TO APPROVE THE MARCH 10, 2021 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

Motion to approve the March 10, 2021 Planning Commission Agenda. Motion carried 7-0.

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

There was nothing on the Consent Agenda.

PUBLIC HEARINGS

1. TERRA JSP17-52

Public hearing at the request of Cambridge Homes, Inc for Planning Commission approval of a Woodlands Permit for Phase 1A. The subject property is currently zoned R-1 (One-Family Residential) with a Planned Rezoning Overlay Agreement. The subject property is approximately 30-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The applicant previously received approval of a 41-unit single-family housing development. The previous Woodland Permit granted in 2018 has expired.

Planner Bell said this will look familiar to some of you. It came before the Planning Commission as a PRO Concept Plan and then as a Preliminary Site Plan in 2017 and 2018 and was recommended for approval to the City Council. City Council approved the rezoning request subject to the conditions of the PRO Agreement in September of 2018. The site plan returned to the Planning Commission for review and received approval in late 2018. The approved development was for 41 single-family units, to be built in two Phases. Phase 1 is currently under construction.

The current plan being considered tonight adds a Phase 1A, which overlays a portion of Phase 2 on the eastern portion of the site. The scope of work within Phase 1A is the removal of fifty-seven trees, forty of which are considered regulated woodland trees by the City and requires a woodland permit to be approved. The woodland permit approval previously granted by the Planning Commission included these tree removals; however, this administrative approval of the permit has since expired.

The applicant has proposed a Phase 1A specific to the tree clearing in this area in order to expedite the removal of the trees, as there are still several steps necessary to receive final approval for Phase 2. The urgency to cut the trees down at this time appears to be the possible return of endangered Northern Long-Eared Bats in the spring. To limit impacts to the bats, tree-cutting activities are recommended by the U.S. Fish & Wildlife service to be conducted before April 1 or after October 1.

Planner Bell continued to say the applicant has provided a response letter, included in your packet, that indicates they are preparing to begin construction of Phase 2 this summer, which is the reason the trees need to be cut now before the bats return and make their nests in these trees. This means we would expect them to begin submitting the necessary Final Site Plan documents to receive administrative approval of Phase 2 in the next few months.

All reviews are recommending approval with additional comments to be addressed with the Final Stamping Set, and the Phase 2 final site plan review. We would also recommend approval be conditioned on the applicant planting the remaining replacement trees from the Phase 1 Woodland Permit no later than May 31, except for those areas that are being utilized by the City for the sanitary main construction.

The Planning Commission is asked tonight to hold the public hearing to consider the Woodland Permit for Phase 1A. The applicant Mark Guidobono is here tonight if you have any questions for him. Our woodland consultant is also available for questions.

Mark Guidobono, Cambridge Homes, said what the City Planner stated is accurate. We don't know that there are bats in this woodland area but there could be and they're a migratory type bat so if they do come in, they nest in the summer. We don't know if this particular species comes into this woodland, but to play it safe we don't want to interfere with an endangered species. We would like to take these fifty trees down before April 1 which will allow us to develop Phase 2 this year. So, we're asking that we're able to proceed with that.

Chair Pehrson said if anyone in the audience wishes to address the Planning Commission, you may do so now and seeing none, Chair Pehrson asked for the written correspondence in which there was also none. Chair Pehrson closed the public hearing and turned it over to the Planning Commission for their consideration.

Member Avdoulos said this is pretty cut and dry to be honest with you. I live about a half mile away so there's times where I've walked to the site. Mr. Guidobono, you guys are doing a very nice job, so I appreciate the work that's being done there. It's turning out to be something nice that the city can be proud of. With that I would like to make a motion.

Motion made by Member Avdoulos and seconded by Member Lynch.

In the matter of Terra JSP17-52, motion to approve the Woodland Permit for Phase 1A of the project based on and subject to the following:

- a. The remaining plantings of the Phase 1 Woodland Permit shall be planted to the greatest extent possible, excluding that area being utilized for the construction of the sanitary main, no later than May 31, 2021.**
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Member Becker said my first question is for anyone from the city or on the Commission. In reading tonight's plan review, it says under the PRO option, if the development is not done within two years the rezoning and PRO Concept Plan expire and the agreement becomes void. In the project review history, it says that September 24, 2018 City Council approved the PRO Concept Plan and the PRO Agreement. That was more than two years ago. This may just be a learning experience for me, but I'd appreciate knowing the definition of the phrase development has not begun because otherwise it looks as if the PRO has expired.

Planner Bell said the development has begun. They have completed the roads, utilities, and have about eight homes under construction currently on the Phase 1 side. Generally, if the project is phased, whenever they want to begin that second phase is kind of grandfathered into with that original approval. The Planning Commission approved Phase 2 as part of the overall site plan, it's just the administrative approval of the Final Site Plan that's needed to begin Phase 2.

Member Becker said originally, the ITC Trail and comfort station was to be constructed within six months of the substantial completion of the ITC Trail, which is noted completed in September 2019. When I did go out to the site, I'm guessing that maybe that was not possible because of the Nine Mile Sanitary Sewer project. Is that still going to be built?

Mark Guidobono said that is correct. We expect the sewer to be done in a couple of months and the contractor will move out once he's done, he has a construction trailer on site at the location for the comfort station, but there's no reason why we can't get that done this year.

Member Becker said the other thing I noticed was there were three white pine trees that were originally going to be removed and kept and then replanted, but now it says they've been removed and replaced. Does that mean that they're going to be new white pine trees planted on the site and not use the tree credits or something else?

Mark Guidobono said the definitely can be replaced as white pines. That's not an issue, we definitely have to replace the trees and we have no issue putting in the white pine.

Member Becker said originally it said they were going to be repositioned and it sounds as if they were removed and not kept so I just wanted to clarify that. My last question is that it was mentioned in the applicant's March 4 response that the construction of the homes sites in Phase 2 is anticipated for this summer which would seem it would really be dependent on the completion of the Nine Mile Road Sanitary Sewer project, are we as hopeful as the applicant is that all that pipe is finally going to be buried and it will be in fact permissible for him to start this summer?

Planner Bell said like the applicant said, my understanding is that project is supposed to be wrapping up in approximately three months or so. They probably wouldn't be able to get building permits for actual homes until after the roads and utilities are completed. Then, after all of those things are in, they could begin applying for building permits for the actual home sites.

Member Becker said I appreciate the applicant's donation of twenty acres of land for the city's park system and their contribution of the portion of the ITC Trail and comfort station. I think its going to be a great addition I have absolutely no reservation in supporting this motion.

Member Dismondy said I have no comments at this time. This is very nicely done.

Member Lynch said it looks good. I'm looking forward to seeing this and I'm actually very excited about this project.

Member Roney said I have no comments, Gary covered it all very nicely. I was curious about the phasing as well as the comfort station and that's been covered.

Member Verma said I just want to know if this application is for Phase 1 or Phase 2 as well.

Planner Bell said the Phase 1A is specific to the tree removals on the Phase 2 portion of the property. This will not give them approval to construct Phase 2. They previously got the Phase 2 Site Plan approved from the Planning Commission however, they just need to get the landscape plan and a couple of other things reviewed for Phase 2 and then staff will grant the final stamping set approval when they complete those steps.

Member Verma said the other question is about the Warranty Deed. That is something that came up in page number 7, has he provided the Warranty Deed?

Planner Bell said yes, that has been completed and the City has accepted that Warranty Deed and we do now own that dedicated space.

Member Verma said the soil erosion permit is in as well?

Planner Bell said they still need to submit that before we will grant the stamping set approval for Phase 1A.

Member Verma said so they cannot start any construction until they submit that?

Planner Bell said yes, that's right.

Chair Pehrson said I have no comments. I look forward to seeing to move forward.

Motion made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE TO APPROVE TERRA JSP17-52 WOODLAND PERMIT FOR PHASE 1A MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

In the matter of Terra JSP17-52, motion to approve the Woodland Permit for Phase 1A of the project based on and subject to the following:

- a. The remaining plantings of the Phase 1 Woodland Permit shall be planted to the greatest extent possible, excluding that area being utilized for the construction of the sanitary main, no later than May 31, 2021.**
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

MATTERS FOR CONSIDERATION

There were no matters for consideration.

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Motion to adjourn made by Member Lynch and seconded by Member Verma.

Motion to adjourn the March 10th Planning Commission meeting. Motion carried 7-0.

The meeting was adjourned at 7:21 pm.