



CITY of NOVI CITY COUNCIL

**Agenda Item E
May 18, 2015**

SUBJECT: Approval of a request from Pinnacle-Novu 12, LLC for a variance from Section 11-194(a)(8) of the Design and Construction Standards, which requires paved eyebrows at the 90-degree bends in the proposed road, to allow the applicant to maintain a 28-foot wide road in those locations as part of the Andelina Ridge Phase 3 project (located south of 12 Mile Road and east of Napier Road).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTC RJA*

CITY MANAGER APPROVAL: *WJA*

BACKGROUND INFORMATION:

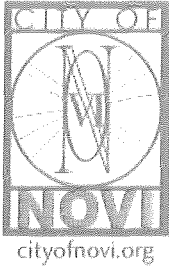
Pinnacle-Novu 12, LLC is the developer of Andelina Ridge Phase 3, a single-family residential development located east of Napier Road and south of 12 Mile Road. The site plan was approved by the Planning Commission on April 24, 2013 as a three phase project, subject to a City Council variance for the rounded expansion of street corners beyond the normal curb line (commonly referred to as eyebrows) in Phase 3 of the development. The developer is now seeking final site plan approval for Phase 3 and has formally requested the variance (see attached application).

The variance request is recommended for approval by staff as a means to reduce the amount of pavement in the vicinity of the 90-degree bends in these local streets. The reduction in paved area reduces the amount of storm water runoff, decreases the amount of pavement to maintain in the future, and reduces the time needed to remove snow in the winter. The developer is still able to meet minimum lot frontage requirements because the right-of-way line remains unchanged (i.e., it forms what would have been the eyebrow), and only the amount of pavement is affected. This new detail will be incorporated into the proposed revisions to the design standards that are currently under development.

RECOMMENDED ACTION: Approval of a request from Pinnacle-Novu 12, LLC for a variance from Section 11-194(a)(8) of the Design and Construction Standards, which requires paved eyebrows at the 90-degree bends in the proposed road, to allow the applicant to maintain a 28-foot wide road in those locations as part of the Andelina Ridge Phase 3 project (located south of 12 Mile Road and east of Napier Road).

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				



Request for Variance Design and Construction Standards

Applicant Information

Name: Pinnacle - Novi 12, LLC

Address: 1668 South Telegraph Road, Suite 200
Bloomfield Hills, Michigan 48302

Phone No: 248.221.5010

Engineer Information

Name: Seiber, Keast Engineering, LLC

Address: 100 MainCentre, Suite 10
Northville, Michigan 48167

Phone No: 248.308.3331

Applicant Status (please check one):

- Property Owner Developer Developer / Owner Representative
 Other _____

Project Name Andelina Ridge, Phase 3

Project Address/Location South side of 12 Mile Road, between Napier and Grand River

Variance Request Pavement reduction in eyebrow

Justification (attach additional pages if necessary)

Requested by city.

INTERNAL USE

Date Submitted: _____

Code Section from which variance is sought: 11-194(a)(8)

Submittal Checklist: One (1) copy of plan on 8.5 x 11 size paper
 \$100 Filing Fee (No fee for driveway width variance requests)

Request Status: APPROVED DENIED

Authorized By: BLL

Authorization Date: _____

TAX ID. 22-18-200-023
CATHOLIC CENTRAL HIGH SCHOOL
14200 BREAKFAST
REDFORD, MI. 48239

TAX ID. 22-18-100-005
SAINT CATHERINE OF SIENA
ACADEMY FOUNDATION
500 WOODWARD STE. 3500
DETROIT, MI. 48226

TAX ID. 22-18-100-004
MARK MORISSETT
36855 HEATHERTON
FARMINGTON, MI. 48335

MDEQ NON-REGULATED
WETLAND "E"
AREA = 0.07 AC
FILL AREA = 0.07 AC
FILL VOLUME = 113 C.Y.
ENVIRONMENTAL SETBACK
BUFFER AREA = 0.17 AC
DISTURBANCE = 0.16 AC
SETBACK FILL = 260 C.Y.

FILL VOLUME = 120 C.Y.
ENVIRONMENTAL SETBACK
BUFFER AREA = 0.18 AC
DISTURBANCE = 0.18 AC
SETBACK FILL = 310 C.Y.

TAX ID. 22-18-200-024
CATHOLIC CENTRAL HIGH SCHOOL
14200 BREAKFAST
REDFORD, MI. 48239

Example of
reduced pavement
area

NORTH AND SOUTH 1/4
LINE OF SECTION 18

SEVILLA PARK

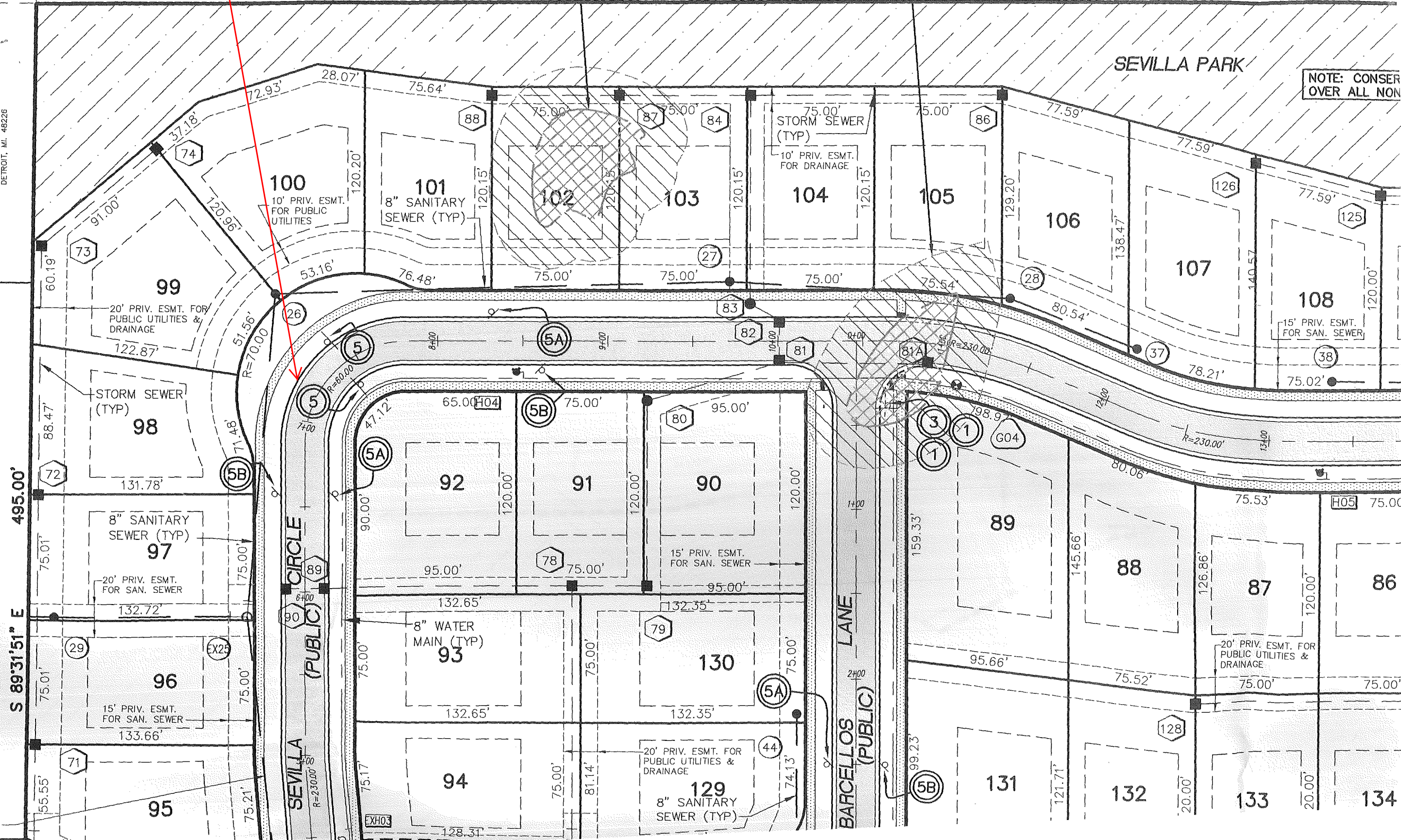
NOTE: CONSERVE
OVER ALL NON

8" SANITARY SEWER
UNDER CONSTRUCTION
PER MDEQ PERMIT
NO. 1007957

S 89°31'51" E 495.00'

1340.38'

S 00°15'03" E





PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

April 24, 2013 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

Present: Member Greco, Member Lynch, Chair Pehrson, Member Prince, Member Zuchlewski

Absent: Member Gutman, Member Anthony

Also Present: Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner; Adam Wayne, Engineer; David Beschke, Landscape Architect.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Greco:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:

Motion to approve the April 24, 2013 Planning Commission Agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

CORRESPONDENCE

There was no Correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth had nothing to report.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no items on the Consent Agenda.

PUBLIC HEARINGS

1. ANDELINA RIDGE, JSP13-12

Public hearing at the request of Pinnacle- Novi 12 LLC for Preliminary Site Plan utilizing the Open Space Preservation Option, Phasing Plan, Woodland Permit, Wetland Permit and Stormwater Management Plan approval. The subject property is 64.0 acres in Section 18 of the City of Novi and located south of Twelve Mile Road and east of Napier Road in the R-4, One-Family Residential District. The applicant is proposing a 146 unit development using the Open Space Preservation Option.

Planner Kapelanski said the applicant is proposing a 146 unit single-family residential development using the open space preservation option. To the north of the property in the City of Wixom is multiple-family housing, to the east is vacant land and Catholic Central High School, to the west is Knightsbridge Gate residential development and to the south is a mobile home park. The subject property is currently zoned R-4, One-Family Residential. The site is bordered by RM-1, Multiple-Family Residential zoning to the north in

the City of Wixom, R-1 and RA zoning to the east, R-4 zoning to the west and MH, Mobile Home zoning to the south. The Future Land Use map indicates single family uses for the subject property and the property to the west with mobile home uses planned to the south and educational uses planned to the east. The natural features map does show a significant amount of woodlands and wetlands on the site. The applicant is proposing 146 single-family lots.

Planner Kapelanski continued noting the open space preservation option which the applicant is utilizing is intended to encourage the preservation of open space and natural features. The applicant has designed the site with the preservation of the existing wetlands and woodlands in mind. The wooded areas bordering the south and east sides of the property have been preserved and the wooded area near the center of the property has also been preserved. The applicant has also proposed phasing the development of the site with a three-phase plan beginning at the north end of the site. The applicant has provided areas identified on the plan for potential sidewalk connections to the adjacent properties but has not elected to install the connections as part of this plan.

The planning review recommends approval of the plan noting additional items that should be addressed in the final site plan submittal. The engineering review also recommends approval. A City Council waiver to allow unpaved eyebrows is required and supported by staff. The landscape review recommends approval of the plan and supports the requested landscape waivers for the lack of berm along the south property line and along the Twelve Mile Road frontage in order to preserve the existing vegetation. The woodland review letter recommends approval of the plan and the required woodland permit. The applicant is requesting Planning Commission approval to allow greater replacement credits for upsized woodland replacement plantings. A wetland permit would be required for the proposed impacts. The wetland review recommends approval of the plan and the required permit. The traffic and fire reviews both recommend approval with items to be addressed on the final site plan.

Howard Fingerroot of Pinnacle Homes said he was here about a year ago on a few different matters. The first one was for the rezoning of this property and the second was a PRO on Ten Mile and Beck. Pinnacle Homes is doing two developments right now in the City of Novi. The first is a site they took over about five years ago that was called Provincial Glades; it's now called Bella Terra. They are just finishing up about 67 houses at that development on Nine Mile and Napier there. Last year, 440 trees were planted relating to that site. It's going along very nicely. Second, Pinnacle Homes took a site that was distressed about two years ago called Normandy Hills. The last six homes are finishing up right now. Mr. Fingerroot said we've been working well with the City's staff in our current developments and we look forward to continuing that.

In 2010 Pinnacle was awarded builder of the year. In 2011, they were largest single family builder in Oakland County. In 2012, they were awarded the developer of the year because of three or four of the sites that we developed in neighboring communities in Novi.

Mr. Fingerroot said he's excited about Andelina Ridge. Novi is a great place and people love living here. He chose to use the preservation ordinance. There are nice stands of woods as was pointed out in the east and south sides, but there's a really nice stand of woods along the west side that the plan keeps. There is a single-loaded road along the wooded area, so the woods won't be just in the backyards for the few to enjoy but pretty much the whole community will get a view driving south through the community.

Mr. Fingerroot said a park is proposed at the entryway with benches, hardscape and landscape. They are trying to give it a nice punch as you enter the community. With regard to Twelve Mile Road, the north border of the site is not paved. A traffic study was completed and they will have to pave that section of Twelve Mile in front of their site.

Chair Pehrson opened the public hearing.

Alex Ages, resident on Sloan Street, said he's not really opposed or for this project. He knew when he moved in that there was going to be construction there. He's curious about what's going to take place with the wetland area near the woods because his backyard already takes a long time after a long rain to drain. What affect is that going to have by bringing in all the houses, and how is that going to change the landscape there?

No one else wished to speak.

Member Greco read the correspondence.

Stephan and Silvia Schwarzkopf of Sloan Street object to this site plan because of the loss of woodland and the higher density proposed in this plan that will impact the value of their house. They urge the Commission to consider the plan presented by Pinnacle in February 2012 which included the construction of 125 homes, the preservation of woodland, reasonable water basins and the privacy they all had in mind when they purchased premium lots some years ago. They believe the plan showed to them when the site we rezoned was a good compromise for all the parties.

Darren Bulinda of Maxwell Court objects. One of the main reasons he bought his house is because it is backed up to the fields/woods of the said site plan. There are no more wooded natural habitats left in Novi.

Jennifer Siev of Maxwell Court approves of the project. She thinks that having wetland/woodland areas will maintain the beauty and value of the neighborhoods and the area to preserve land for wildlife.

There was no additional correspondence and Chair Pehrson closed the public hearing.

Member Lynch said he's assuming that's a stormwater retention pond that the gentleman was just referring to. He believes, on the west side of the site, the pond is a detention basin.

Mr. Fingerroot said that's the basin that we worked with on with engineering. The location of the basin is determined by the grades of the site. That's where the water flows naturally. He does not believe there is a standing water table. The basin will detain the water after it rains, then it's discharged out. There's no standing water table.

Member Lynch said the drainage is one thing he wanted to clarify. This development will actually help some of the drainage issues of some of the surrounding properties because now you'll have the ability since you're developing this land to get the water to flow where you want it to.

Mr. Fingerroot said typically that's what happens.

Member Lynch said he looked at the submitted plan and remembers the concept plan from a while ago. This plan looks better than the concept plan. Member Lynch likes the idea of the park in a somewhat central location; it looks like there are two parks. Member Lynch remembers the discussion about changing the plan because of the adjoining neighbors to the west to make sure there is a natural buffer. He believes this is a good win-win situation for everybody involved.

Member Greco said upon reviewing the materials here, looking at the drawings and knowing a little bit of the history of this property, this looks like a good project. The density looks appropriate for the area.

Deputy Director McBeth said we noted that there pedestrian improvements with this plan. There's a

sidewalk shown on Twelve Mile Road and both sides of the proposed streets. There's a pathway off to the southeast that is consistent with the City's Non-Motorized Master Plan recommendations for neighborhood connectors. At the pre-application meeting, there were a number of discussions about how to connect from Knightsbridge Gate through this subdivision over toward Catholic Central and possibly toward the Island Lake development. Toward the southeast there's a short pathway segment shown as a future pathway onto the Knightsbridge Gate site. It's not proposed with this development because it's an offsite improvement. But just keeping in mind a Non-Motorized Master Plan concept is to connect the neighborhoods and this applicant has been willing to work with the staff on that.

Moved by Member Lynch and seconded by Member Greco:

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:

In the matter of Andelina Ridge, JSP13-12, motion to approve the Preliminary Site Plan with Open Space Preservation Option based on and subject to the following:

- a. City Council waiver to allow unpaved eyebrows;**
- b. Planning Commission waiver for the lack of berm along the south property line;**
- c. Planning Commission waiver for the lack of berm along the Twelve Mile Road frontage;**
- d. Planning Commission waiver to allow greater credit for upsized woodland replacement plantings; and**
- e. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Article 4, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the ordinance. Motion carried 5-0.

Moved by Member Lynch and seconded by Member Greco:

ROLL CALL VOTE ON THE PHASING PLAN APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:

In the matter of Andelina Ridge, JSP13-12, motion to approve the Phasing Plan based on and subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Article 4, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 5-0.

Moved by Member Lynch and seconded by Member Greco:

ROLL CALL VOTE ON THE WETLAND PERMIT APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:

In the matter of Andelina Ridge, JSP13-12, motion to approve the Wetland Permit based on and subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinance and all other applicable provisions of the Ordinance. Motion carried 5-0.

Moved by Member Lynch and seconded by Member Prince:

ROLL CALL VOTE ON THE WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:

In the matter of Andelina Ridge, JSP13-12, motion to approve the Woodland Permit, based on and subject to a Planning Commission waiver to allow greater credit for upsized woodland replacement plantings and subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because it is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

Moved by Member Lynch and seconded by Member Greco:

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:

In the matter of Andelina Ridge, JSP13-12, motion to approve the Stormwater Management Plan, based on and subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.

2. ZONING ORDINANCE TEXT AMENDMENT 18.266 LIQUOR LICENSE REQUIREMENTS

An ordinance to amend ordinance no. 97-18 as amended, the City of Novi Zoning Ordinance, Article 25, "General Provisions," to add Section 2525, "Service of alcoholic beverages; special use approval required," to require special use approval for the sale of alcohol for consumption on premises.

Deputy Director McBeth said currently the City regulates licensed establishments like bars and restaurants selling beer, wine, and liquor for on-premises consumption mostly through Chapter 3 of the City Code. There is a licensing process, with full reviews by the Public Safety and Community Development Departments and the Clerk's office. The City Council reviews the applications and either approves or denies the license. This process is followed whether the license being applied for is a "quota" or new license. Since the 1930's, the State's Liquor Code was read to require local legislative approval for either a quota license or a transfer license. If the local body did not approve the license, the State's Liquor Control Commission, which actually issues the liquor license, would not issue it. But last year, the Liquor Control Commission issued a bulletin that said, essentially, it had re-read the Code and no longer believes that it actually requires local approval for a transfer license. Most groups representing local governments believe that the Commission is wrong in its interpretation of the Code. We're still awaiting an opinion from the Attorney General's office. In the meantime, we are faced with the possibility of the Liquor Control Commission granting a transfer license over the objections of the City – a new situation that must be dealt with. Separately from what's being considered here tonight, the City Council may be looking at changes to Chapter 3 of the City Code to try and beef up its current requirements. But there is the chance that some future applicant who is denied a transfer might argue that the State license was all that was needed, even if it was issued over the City's objection.

So, the City Council, at the March 11th meeting, asked the Planning Commission to study the idea of another layer of review authority – the special land use requirement. Right now, in the City of Novi the only zoning requirement for a licensed establishment is that a bar or restaurant be permitted in the zoning district. In other communities such as Birmingham, Royal Oak, Livonia, and Grand Rapids, license users are also required to get a special land use approval. The Council asked the Administration to prepare possible changes to the ordinance that would add a special land use requirement for licensed establishments. Two versions were presented: Version 1 used all of the provisions of Section 2516.2.c – the full review criteria for all special land uses in the City, plus additional standards related to economic development, other uses in the area, etc. It is the more "regulatory" of the two, because it requires the applicant to address more criteria. Version 2 is scaled back. It does not require all of the same findings as