



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

March 27, 2019 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

Present: Member Anthony, Member Greco, Member Lynch, Member Maday, Chair Pehrson

Absent: Member Avdoulos, Member Hornung

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Kate Richardson, Staff Engineer; Thomas Schultz, City Attorney; Pete Hill, Environmental Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Greco.

VOICE VOTE TO APPROVE THE MARCH 27, 2019 AGENDA MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO.

Motion to approve the March 27, 2019 Planning Commission Agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

Nobody in the audience wished to speak.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

City Planner McBeth had nothing to report.

CONSENT AGENDA

There were no items on the consent agenda.

PUBLIC HEARINGS

1. LAKESHORE PARK COMMUNITY BUILDING JSP19-16

Public hearing at the request of NSA Architects, Engineers, Planners on behalf of City of Novi for Lakeshore Park Community Building JSP 19-16 For Preliminary Site Plan, Woodlands Permit, and Storm Water Management approval. The subject property is currently zoned R-4 (One-Family Residential). The subject property is located along South side of South Lake Drive and west of Old Novi Road in Section 3. The applicant is proposing to redevelop approximately 7.7 acres of a total 32.73-acre site in the entrance area to Lakeshore Park. The modifications include an addition of approximately 6,258 square foot community building and other park improvements. The entrance drive includes an addition of bike lane to connect to the mountain biking trails.

Planner Komaragiri said the subject property is located west of Old Novi Road on the south side of South Lake Drive in Section 3. It is the northern portion of Novi's Lakeshore Park. The subject property is currently zoned R-4. The properties to the west and east are zoned R-4, One Family Residential. To the north is Walled Lake. The Future Land Use map indicates Public Park for the subject property. The properties to the west and east are indicated as Single Family.

The site contains some regulated woodlands and wetlands.

The proposed project boundary is focused near the front entrance along South Lake Shore Drive. The applicant is proposing to redevelop approximately 7.7 acres of the total 32-acre site in the entrance area to Lakeshore Park. The modifications include an addition of approximately 6,258 square foot community building, a large pavilion, a couple of play areas, and a lending library kiosk, with 109 paved parking spaces. The entrance drive includes an addition of a bike lane to connect to the mountain biking trails. The bike lane is proposed to be paved with colored asphalt to differentiate from the drive.

Planner Komaragiri said back in 2016, the Planning Commission approved the Preliminary Site Plan for the subject property. There was a lot of public input gathered at that time due to close proximity to existing houses to the northeast and northwest sides. Following the meeting, many changes have been made to the plan since that time to reduce the development footprint and impacts to the surrounding properties:

The building square footage is decreased from 9,400 to 6,258 square feet (a 33% reduction); the parking is reduced from 129 to 109 spaces; the dumpster is moved away from the residential areas and now is located to the west; a lending library kiosk is added to services provided at this location; the building is moved away from South Lake Drive and complies with the 75-foot building setback from all sides; a bypass for the bike lane along South Lake Drive is proposed through the property; and the parking is relocated away from the residences to the east.

A lighting and photometric plan is typically required at the time of Preliminary Site Plan when a site abuts a residential district and related special conditions are applicable. The applicant has provided one prior to tonight's meeting. Based on Staff's preliminary review, the plan meets the Ordinance requirements for light levels. Pole lights along the drive, bollard lights along the sidewalks, and some decorative lights under the porch are

proposed. No lights on the building façade are proposed, except on the north façade. The Planning review recommends approval with additional items to be addressed at the time of Final Site Plan.

Stormwater would be collected on site through a combination of proposed rain garden, swales, and detention basins on site. The Engineering review had minor comments, which can be addressed with Final Site Plan.

The areas of regulated wetlands and woodlands are located near the east side of the proposed limits of work for the project. Impacts to the wetland buffer are proposed due to the grading and installation of the outfall pipes from the stormwater detention basins. The Plan does not appear to include any direct impacts to the existing wetland. Wetlands review recommends approval.

Staff and consultants met with the applicant to discuss the review letters after the initial review was done. At that meeting, Staff noted the impacts to the woodlands being proposed and additional information was required. The woodland review letter included in the packet has some uncertainty in the calculations due to incomplete information provided at that time. Our consultant completed a site visit and has been working with the applicant to identify the actual impacts. We concluded that the proposed plan proposes to remove a total of 114 trees. However, of those, only 47 trees are regulated and require approximately 70 woodland replacement trees.

Planner Komaragiri said the exhibit on the screen indicates the limits of tree clearing as red dashed lines. Orange circles indicate trees proposed to be removed, regulated and unregulated. A majority of regulated tree removal is due to proposed building location and the bike lane to the north. The applicant indicated that the building placement was placed away from the eastern property line to meet the setback requirement and to address resident concerns about close proximity to existing houses. The Woodlands review recommends approval. A woodland tree replacement plan will be required at the time of Final Site Plan. The applicant has indicated that all required replacements will be planted on site, with the intent to buffer the residential to the east and west.

The Traffic review did not identify any waivers required and only had minor comments, which can be addressed at Final Site Plan. A Traffic Study was not required by the Traffic consultant because the proposed development does not meet any of the thresholds that would warrant a study.

The Façade review identified the need for a Section 9 Façade waiver for the underage of brick and overage of standing seam metal, which is supported by the consultant. Our Façade consultant noted that the extensive use of stone is visually equivalent to the minimum requirement for brick. The building exhibits well-balanced proportions and composition of materials and the small overage of standing seam metal is not detrimental to the building's appearance. A Façade sample board is provided, in front of the podium.

The Fire review is the only reviewer that is not recommending approval at this time, as the location of fire hydrants and FDC's are not meeting the requirements. The applicant has noted these concerns and has agreed to conform at the time of Final Site Plan review.

Planner Komaragiri said the Planning Commission is asked tonight to hold the public

hearing and consider the applicant's request for approval of the Preliminary Site Plan, Woodland Permit, and Stormwater Management Plan. The applicant, Staff, and consultants are here to answer any questions you may have regarding the proposed project. Thank you.

Brandon Kritzman, with NSA Architects Engineers and Planners, said we have been working with the City and Staff on making the modifications to the Lakeshore Park site plan and we are here tonight to answer any additional questions that the Planning Commission may have.

Rob Petty, CIO for the City of Novi, said Sri did an outstanding job of introducing the project. I'd like to take this opportunity to share an update on the Landscaping plan. As we've moved through this process over the last two years, we've heard a lot from the citizens concerning the importance of screening both on the east and west sides of the park. From day one, we have communicated that we would be part of the solution in achieving the screening that's desired by the neighbors. For example, on the west side of the park, we want to protect the mature growth that's in place today and work with the neighbors to further enhance that part of the park. During the construction phase, we have actually blocked that off and are planning to address that with the trees that Sri mentioned earlier. Our plan is to partner with the City's Landscape Architect and the residents affected to pick the right species and location of the landscaping to achieve a reasonable screening level in both of those areas. The result of that collaboration will appear on the Final Site Plan.

Additionally, every spring and fall we do plantings in all of our parks and we look to that to also be a source to further tighten those up after we see some growth from the original plantings. With that, Brandon already introduced himself but I'd also like to introduce Jeff Muck, our Parks Director, and Brandon McCullough, our Facilities Manager. We're all standing by for any questions.

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

John Thomopoulos, 425 South Lake Drive, said I live just east of the development so I would be the house that's most impacted by what's planned to go up now. I've got a couple slides here. So I've been involved in this process for the last couple years and I do appreciate the improvements that have been made, but there are a couple of things that I bring up every time. And everybody always nods their heads and says yes we're going to take care of it, and then the drawings come out and it's not taken care of. So for that reason, I'm asking you not to give the agreement tonight.

At the last City Council meeting, we had violent approval from everybody that we need to have mass screening, we need to make sure that the residents are not looking at this building and all the traffic that's going on, all the car traffic. Everybody agreed, everybody said we're going to take care of it. If you look at the current drawing, it's not taken care of. And it's the same 'we'll take care of you later' comments. And I'd love to believe it, but once again for two years, I keep asking for the same thing. It's not unreasonable, just put some decent trees in and block the view of the new building. So this is from the minutes from the October City Council meeting, you'll see that everybody is in violent agreement for screening.

Here's a view from the spot where the building is going to go up, and that's my house there. I enjoy having the loud volleyball court next to my house – I'm being sarcastic about that, but it's a park, it's fine. We just want to some trees to block the view. It shouldn't be unreasonable to put them in the drawing now, as opposed to hoping that somebody is going to take care of it later when the building is put up.

Mr. Thomopoulos said the other concern is going to be the stormwater management. We're going to be replacing a lot of earth with surfaces where the water does not go into the ground. The majority of trees in that property are going to be cut. I understand they need to change the leveling of the ground but the reality is, trees absorb a lot of water and they're all going to be done. All that water is going to roll back and get into the canal behind my house and my neighbor's homes. I just want to make sure that people have truly, deeply looked into it. Once again, it's not a 'we think we're going to take care of it later' and a 'we don't think there's going to be an issue,' because we're going to have flooding.

So with these concerns, there are a couple of remedies that have been proposed that should be in your packet. Remedy A – also at the last City Council meeting, they asked that the deck not be facing the neighbors. In this case, it's impacting my neighbors and not so much myself, that would be Item A. You're going to have people hanging out here, basically staring at the houses because there are no trees here. Do you really need to have the deck over here facing the houses when you could use the area on the other side? There's a new retaining wall that's going in that's tapering down basically to the ground level. Why not leave it at the high mark, so that it provides both some sound mitigation and also some visual cover? And then you could put shrubs along the top of it to also prevent the volleyball from these courts from going over and dropping over. And then here, you could plant trees. Basically, just put in a line of trees. They could be evergreens; they could be trees that drop their leaves. It's not a huge ask. There are a couple of large trees at the front that are actually being taken down. So right now, when I look at the existing plan that's on page C-2, it just looks bad. It doesn't resolve an issue that I've been told repeatedly would be taken care of. I do appreciate the time, and once again I don't want to be unreasonable, but I appreciate the City working with me as they've made changes to the building over the last two years. But I want to see something concrete; I don't want to hear that they're going to take care of me later. Thank you.

Gary Zack, 359 South Lake Drive, said I live right next door to John so I'm 80 feet away from the lot line. If I can bring up the pictures that I sent to you earlier, there is one that says "Our Backyard." This is the first picture and unfortunately it doesn't all show here, but you can see that tree right there. That's a very large tree, that one with four trunks – it's probably 80 to 100 feet high. That's right where the building is going to go, and this is right from my backyard. So there are a couple of things I want to make a point of while this picture is up because I want you to take a look at that tree, the one right there with four trunks.

Some of my concerns regarding this are the stormwater management, and John already mentioned the large area of pavement which is going to stop a lot of the ground from absorbing the water. That paved area is now going to run off and not be absorbed in. But I'd also like to point out that with the removal of 28 mature trees – I mean out of 144, there

are 28 that are mature, some exceeding 20-30 inches in diameter – these trees have a great capability of absorbing water. According to the USDA, a single healthy 100-foot tall tree like that one can take 11,000 gallons of water from the soil and disperse it in the air every year. Even an average sized tree can absorb 1,700 gallons of water and release it back into the air. We could be sending 75,000 gallons of additional water per year into Shawood Canal because of removing all of these trees and covering this ground. Even the removal of the three largest trees in this project would be responsible for 33,000 additional gallons of water going into the Shawood Canal. This is a concern to me. Even though it's being managed, it's additional water that used to be evaporated off into the air and is not going to be.

Now on the east side, the deck that John spoke about – this is the view from that deck towards our houses. You can see my garage and you can see our neighbor's house, and you can see how close it is. It's 75 feet from the lot line. You can also see that there's no berm or no screening there substantially right now that blocks anything. And that was what John was addressing. So that is a concern, as well. And then I'd like to point out on this plan here a few things. One thing that I see is the deck is inordinately large. It's about 2,500 square feet according to my calculations, on a 6,200 square foot building. Because of this, the footprint of the building is much larger than it needs to be, destroying trees and disturbing the protected wetland. That big tree is probably right in this area here. The plan encroaches into the woodland area at the south, as was said earlier. Placing a bike path on the north up here is costing a lot of trees, as was said earlier. I think it should try to be put on the outside and still separated from the road and made wider, but because we're losing so many trees in here and picnic area, I'd like to see that changed. I know it looks nice on here, but I don't know about that.

Mr. Zack said the bollard lights on the bike path are unnecessary and I think they present a safety hazard to bicyclists who may fall or hit them and hurt themselves. I don't think we need bollard lights on all of this, this is a park. Why do we need all of this lighting along all of these paths? The retaining wall that John spoke of, I don't know how tall it is but I think it's going to be 6-8 feet tall and probably needs to be addressed, not only so volleyballs don't go over it but so people don't go over it. We may also be in violation of deed restrictions on the donated parkland. The two deeds are included in your packet and there were several restrictions that this should always remain parkland, but now we're turning it into parking lots.

Some of the suggestions I have for addressing these and other issues. I think we can eliminate the large decks on the east and west and put the building area out into that, and keep the same interior space and still have a very large deck on the south and then pull this in. Because we'd be gaining this space and this space, we could pull this back five to ten feet, perhaps save that tree I showed you at the beginning, and get away from the wetlands. The deck would still be, even if we did that and took away these two parts, it would still be 1,600 square feet which is a very large deck. I'm not sure why we need such a large deck. I think we need to provide a berm on the east side with landscaping to shelter, as John was talking about. Bollard lights should probably be eliminated entirely from this plan or kept to a minimum, perhaps just near the building and the vending kiosk. I don't see the need for them all throughout the park. The bike path should stay on the north side of the park fence and be separated from the road, which would be better than the way it is now. And there's plenty of room there, we may need to move the fence a little bit, but that would save a lot of trees and a lot of picnic space in the park.

In general, I think this plan should be reevaluated with an emphasis on preserving mature trees and minimizing the unnecessary use of parkland and woodland for pavement and buildings. For example, the smaller deck, the front bike path outside of the park fence, and elimination of unnecessary pavement. Maybe we could even use soft paths. And I think we need to review the restrictions on the attached deeds to make sure that we're not in violation. Thank you.

John Duneske, 357 South Lake Drive, said I'm one of the three neighbors immediately east of the park. Inside your packets tonight, you'll have my comments and there are some drawings included too. I won't be too redundant here, but there are a couple of things I wanted to address. This area here, that is my house right here. And that's the existing garage right now, and that's the existing community building you use right now for the children's camps. You can see that the new building is going to be moved about 100 feet closer to our houses over here. And originally, on the last plan, this deck wasn't even here. There was a little patio here at the top on the north side and it was asked to the Commissioners to have it moved on the north side. So even though it may not be impacting the neighbors a little farther north, it's going to be having a direct impact on my house having the deck here on the south side and on the east side. So if they were going to do it like originally suggested by the Commissioners to have the deck on the west side, that would be fine too.

I have a couple of quick pictures. Again, this is looking west of Lakeshore Park from my house. The garage is there, it's about 200 feet away. Here's the Shawood Lake Channel and the retention basin is going to be here. This is part of the 100-year floodplain right here, which is going to have an impact because that's where the retention basin is going to be right there, so you can see the fence line and the garage moving 100 feet closer is going to be right next to our homes.

Another picture just a little further north, here are the big trees that Gary was talking about and the garage. But here, that's the top of the existing community building right now – you can hardly see it because it's down below the grade of the hill that's there. And my concern about this is with the elevation, and you didn't see the east elevation this evening during the presentation. There was no east elevation shown, only north, west, and south. So I don't know what the east elevation is going to look like, but it's supposed to be 35 feet tall. And with the removal of what looks to be 129 trees and they're going to replace 38 deciduous trees and maybe 8 evergreens at 8 feet tall, and most of those trees are going to be around the detention basin and the playground area, we're going to be a little shy on the trees section.

Mr. Duneske said and the wooden deck, we need to reduce that and just put it on the west side where it was originally proposed at. We weren't even supposed to have a deck at the last meeting, this was just slid in since the last meeting we had. Why did that happen? Who knows?

The concern I have with the trees – this is looking south at Lakeshore Park from the fence line. So the fence line is right here, you can see right here that this is a big culvert down. All the trees and there's the volleyball court, everything is going to be sitting on top of the mound right there. And the current shelter is way over here, way behind and down below so you can't even see it at all. The concern I have is that they're going to put some trees

here and Councilman Mutch was here before and took a look at it, you can't put any trees down here. You'd have to have 50-foot trees to block and screen the homes. So they need to be moved about 25 feet from the fence line. So to give you an example, and this is in your packet, I went over to one of the subdivisions being built. Looking east at Oak Ridge subdivision, it's a new one being built at Ten Mile in Lyon Township, their homes are right over here. There's the berm, and there's the 18-20 foot evergreens. Sufficient screening from the homes, from the other side of those trees, and you can barely just see the top of the trees there because it's on a berm and there are 18-20 foot trees there. Those trees are about 7 trees for every 100 feet. In your packet, my suggestion is that if you're going to have 400 feet from the volleyball courts all the way down to the detention basin, you have 28 trees there on a berm that is 8-10 feet tall, trees that are 18-20 feet tall, that should be sufficient screening for the neighbors. This is an invasion of our privacy, and we've discussed this numerous times. I don't want to be redundant. I appreciate all of the help you can give us, thank you very much.

Becky Staab, 41887 Cherry Hill Road, said I don't live anywhere near the park, I use the park. There seems to be a difference. I have lived here for over 30 years with my husband, we have raised three children who played in that park. I'm very familiar with the pavilion that's there, the community building that's there right now. My children worked there 15 years ago when it was gross and disgusting and needed to be replaced. I have now gotten into the part of my life where I'm in the park again with my grandchildren, so I'm very familiar with the park part of it. And I've been at the meetings, I've listened, I've looked at all the plans, I've voiced my opinion. I don't live in the quadrant where the park is, I admit to that, but I use the park.

Now, as I look at the plan, the building is in a great place. I like the new parking lot, it's such an improvement over the parking lot that is there now. As I look back at where the tot lot and the play structure is going to be, the parking along there is great for those of us who have to get strollers and things out of our car when we have little kids. So I think that's really nice. My kids attended the camp there, so I see the deck as being a really great place for the campers to move out on a nice day and do their projects – their art projects, looking at nature, whatever it is that the park decides is a good thing for the kids to do that day. So I don't see that it needs to be changed in really any way, shape, or form.

And I really want to say thank you to all of the people at Parks and Rec who have worked on this, who have listened to those of us that live in the City of Novi and are going to use the park. They have redone the plans and redone the plans and now it's time – my taxes are paid, the park should be redone, the building should be redone, and it should be now. The shovels need to get into the ground so that we who live in Novi can use the new community building, use the new play structures, use the new pavilion. It has been way too many years in the planning, and as shown tonight the people who even look at it don't agree where the deck should be, where the trees should be. It's going to block one person's view but another person is going to be happy with it. You can't please all of the people, but there are a lot of us who live in Novi that are going to use that park that have been waiting a very long time for the approval of the park and the shovels to get in the ground. And now is the time so that a year from now, when our kids can actually go out in the park again, we can actually go to Lakeshore and use Lakeshore Park the way it's meant to be used. Thank you for your time.

Shelley Thomopoulos, 425 South Lake Drive, said my husband did the first presentation. I just want to correct something that I think the last speaker misunderstood, maybe we weren't clear. The neighbors who spoke about needing trees and moving the deck are all in violent agreement and in fact, we agree with every Council member who was quoted in the presentation that my husband gave. The issue is that every other park in this City, the residents adjoining the park are being given privacy. If you think about right here, the ball field is 200 feet from the nearest neighbor. And that ball field is separated with a 15-foot high berm and hundreds of trees. That's the kind of accommodation that neighbors of other parks are getting. So I want the new camp building, I want the new park, I want all that stuff too, but not at the sacrifice of my right to enjoy my property.

And Rob said 'hey, we're going to come in and we're going to put in these trees,' well guess what, they already paid for a Landscape Architect and he already put together a landscape plan. He put lots of pretty trees in the front, on the west side, and neglected to put a single – a single – tree along the east side between the building, between the volleyball court. And I don't want to hear that it's going to come up in the spring planting or the fall planting because I will give you emails going back to 2014 where I have asked – give me some screening for the trees that are dead or removed or that you've trimmed up 12 feet into the air so that they're no longer screening. And they have said we're waiting for this, we're waiting for that, we're waiting for this.

So the plan as it is right now does not comply with the Council's approval. It was stated right in there that it had to provide screening and it doesn't provide screening. And I appreciate that you got an update on the woodland assessment today, but the drawing that was added that I didn't get to see on Monday when I came to look at it from the fire station that has a 25-foot protected woodland from the wetlands line does not agree with the line on the drawing that I did see, which showed where the land cannot be disturbed. The line that says the land cannot be disturbed is inward of the 25-foot protected woodland, so I think that needs to be relooked at. I think the storm management does not satisfy the requirements and I think the screening does not satisfy the requirements and I think you should say, go back. Two more weeks, get it done right. And then we can approve it and keep the timing that the lovely people of Novi want for having this park done. Thank you.

Chair Pehrson asked if there was anyone else that wished to address the Planning Commission regarding this project. Seeing no one, he said I think we have some correspondence.

Member Lynch said yes we do have some. Gary Zack, 359 South Lake Drive, objects and references stormwater management issues, the deck, and screening, along with the deed attached. The next is from Shelley Thomopoulos, 425 South Lake Drive, I believe she and her husband just presented the same slides that are in the packet. John Duneske, 357 South Lake Drive, and there are some additional details than what he went through in his presentation but fundamentally the same concerns of screening, deck size, height. Wayne Wang, 1155 South Lake Drive, objects. And Howard Katz, 1155 South Lake Drive, objects with reference to traffic, noise from people and events, and congestion.

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

Member Anthony said I'm going to try to take a look at stormwater and screening. But before I get there, one of the things that really a good healthy community has is great amenities. And among those amenities are its parks, and this happens to be a really good park for the City. The mountain biking trails are good. So you can see that it is used and the City really does take care of that.

With that, I first want to move into stormwater because I think this might be the easiest. So when you look at stormwater runoff and stormwater flow, you generally look at rainfall events. So it's a volume of water per time over an area, and based on that, it gives you a flow. How do you manage that flow? The issue of the trees on the uptake of water, that is very important but it's not necessarily something that really helps out in a storm event because it just doesn't happen quick enough, the evapotranspiration and the uptake. It does help with reduction of erosion. So generally what you do is you look at your volume of water over a certain amount of time, and then you come into a basin, and they call it first flush. So you could drop out the sediments or anything from runoff, in other words the pollutants, and then from there it discharges. So with that, what I look for with Staff, let's talk about stormwater and prevention of erosion, let's look at volume of water and 20-year event, and where first flush is captured and then where that water eventually goes to.

Staff Engineer Richardson said so right now the two detention ponds that are on site are going to be sized for a 100-year storm. So it's very rare that we're going to have one of those, so they're pretty large ponds. There's also going to be an extensive storm sewer network that is going to be sized for a 10-year storm, so that will direct the water down to the new detention ponds. And then from there, there will be an outlet to Shawood Lake. So I looked at the contours on the map because I heard there were concerns about the drainage and from what I can tell, it looks like all the water will stay in Shawood Lake. Not in the canals, it's not going to head up towards Walled Lake or towards those homes. They do have low contours but it all will stay in that lake, based on our maps.

Member Anthony said so with the volume of water that you looked at, you looked at the paved surfaces and then from that paved surface, you then looked at calculating the volume of your basins.

Staff Engineer Richardson said right, I didn't do the calculations but I did review those and yes, that's what they did.

Member Anthony said the parameters that we put on the outside engineers are to do that, right?

Staff Engineer Richardson said yes.

Member Anthony said even though we have wetlands so depression storage can't really be accounted for, and with the trees they don't really have an effect on a storm event, I look at grass, depression storage, you've really accounted for that 100-year rain event. No one does that.

Staff Engineer Richardson said right, it's a large amount of water.

Member Anthony said and because that basin is so big, it really does drop the flow rate –

the velocity of the water – and your pollutants drop there. And that really will help keep the lake clean and help protect the wetlands, and their job is to do the filtering. So I think in this case that with stormwater you've done a really good job, when you look back at how it was designed and where you end up. So I thought that was the easier one, so I wanted you to understand how they look at stormwater and how they arrive at what those designs are. And how in this particular case, it is very conservative and over-designed for capturing water.

Now I want to move on to screening, and I look at screening and it's a good point. Often our screening doesn't work for four seasons. Sri, what can you tell me about what's not in the plan, what will be in the plan, what we can do to help with a greater visual screening? Because throughout our City, there are several areas we've done berms and tall trees. I can take you neighborhood after neighborhood and show where we've done that, other than the Ten Mile and South Lyon one. So what do we have here?

Planner Komaragiri said I'm going to try to channel Rick. I'm going to pull up an exhibit. So the property is zoned Residential and the use is not considered non-Residential, so our Ordinance doesn't require a berm screening to the east or west. A berm was required along South Lake Drive. So that's the reason why the four-seasons screening is not an Ordinance requirement, but it is a requirement that we've been trying to work with the applicant to provide to address the residents' concerns. So there is a mix of evergreen and deciduous trees along the eastern boundaries and the western boundaries, and the applicant said he would look into putting a few of the 70 woodland replacement trees that are required along the eastern and the western boundaries. And as he indicated in his presentation, they are planning to provide that plan as part of the Final Site Plan approval. It is not part of the Preliminary packet, but they agreed to provide it as part of the Final Site Plan approval.

Member Anthony said ok good, so let me go from there. You know, our Ordinance is one thing, this is a City park. And we want to look out for all our neighbors here. And so the plan is, as we saw in those earlier slides, that there will be evergreens that are four-seasons so that we create that visual barrier.

Planner Komaragiri said we haven't agreed on the type of screening yet. That is something that we have to work with Rick, the applicant, and the residents to come up with a solution. We didn't agree that it would be a row of evergreens. Because the woodland replacements, the way it would work and Pete is here to correct me if I'm wrong, that the replacement should be in the same proportion of the trees that have been removed.

Member Anthony said but I will tell you, I do think it's reasonable for the neighbor to be able to see that this is the screening they're going to get in the plan before we finalize it. But we still have one more iteration that will come before us?

Planner Komaragiri said so if you approve the Preliminary Site Plan tonight, the approval of the landscape plan would be administrative by Staff.

Member Anthony said does this still go in front of City Council?

Planner Komaragiri said not for the site plan approval.

City Planner McBeth said I just have a slight correction. It will go in front of the City Council and they will have consideration when it's going to go out for bid, so they'll have a chance to look at it.

Member Anthony said and that package, will that include the final landscape?

Planner Komaragiri said yes it would. I see Rob nodding.

Mr. Petty said one of the concerns we had in that area is the existing trees. We could come in and create a berm, at the expense I believe of a lot of the trees that are there. And we could put evergreens on top of that berm, and we're willing to do that. But I don't think that will solve the problem immediately, it would take some growth. What we're hoping to do is to sit down with the neighbors and Rick and come up with a solution that marries the existing coverage with additional coverage. We have sources with the tree fund that helps us overcome the last statement of the right species, so that's something that I believe that we can do meeting here at City Hall and having that information on the final plan.

Member Anthony said and I'll tell you, it is one of the difficult things that it's difficult to please everybody, but I do think the screening that works four seasons is reasonable to have that. And it's reasonable that they see what that it is and that it's incorporated in what goes out to bid. I like that you're going to sit down the neighbors and work through it, usually you end up with a better result doing that. I could say, but it's not my expertise, to throw a bunch of evergreens in there. But I would like when we do an approval that we somehow incorporate this in there. Tom, what could we add or do? It sounds like we're going to do it anyways, we're on the right path. But just to give the neighbors some assurance in our approval.

City Attorney Schultz said it's actually something that the Commission does on a regular basis with other private developments, to include as part of your motion a statement that the applicant – in this case, the City – will work with City Staff and consultants to increase the screening to a point acceptable by City Staff. And I guess to emphasize Ms. McBeth's point – the thing that goes to City Council isn't necessarily approval of the plan, but they are the entity that is going to put it out to bid. So if they're not happy with it or if they want more screening, then that will be part of their decision.

Member Anthony said we have put that in where the City will work with City Staff, can we say neighborhood outreach too?

City Attorney Schultz said yes, you can say meet with the residents, sure. As part of Final Site Plan approval.

Member Anthony said ok. So I would recommend that we incorporate that for some level of comfort. I think good screening also helps some of the issues with retaining wall and deck issues that are there. So with putting a condition in there like that, I certainly will support it.

Member Maday said I'll just add to that, before he spoke, that was kind of my feeling that it seems like it's a pretty simple fix to please with the screening to add the evergreens and

make it good for the neighbors. It isn't in the zoning, but I do think it's reasonable. I mean, this is something for everyone that lives in the City and we certainly don't want to put that undue issue on the neighbors. So I would absolutely want to put something in there with a condition.

Member Greco said given the comments and the work that the Staff has done with the City and the neighbors getting to this point, decreasing the footprint of the building and working to move forward with these things, and given the discussion that we've had, I'm comfortable making a motion.

Motion made by Member Greco and seconded by Member Anthony.

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

In the matter of Lakeshore Park Community Building JSP 19-16, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. The plan does not meet the Ordinance requirements for the following items:
 - i. The proposed dumpster is proposed in the interior side yard to locate it away from the adjacent residential properties (rear yard is required);
 - ii. The proposed transformer is proposed in the interior side yard due to proximity to mechanical/electrical room (rear yard is required);
 - iii. The percentage of Brick does not meet the minimum required for the Community building to attain qualities of cottage/lakeside vernacular architecture (30 percent minimum required, 0 percent provided on all facades);
 - iv. The percentage of Standing Seam Metal Roof exceeds the maximum amount allowed to attain qualities of cottage/lakeside vernacular architecture (25 percent maximum allowed, Proposed 58 percent on north, 35 percent on east, 31 percent on west);
 - i. The plan does not propose a landscape berm and street trees along South Lake Drive due to the existing topography and preservation of existing trees;
 - ii. Some foundation landscaping area is located away from the building due to the building layout;
- b. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan;
- c. Per the Commission's discussion, the applicant, the City, will work with Staff and the residents to provide increased screening where necessary for the neighbors, including four-seasons screening.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

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

In the matter of Lakeshore Park Community Building JSP 19-16, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance

standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

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

In the matter of Lakeshore Park Community Building JSP 19-16, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

2. GOLLING MASERATI & ALFA ROMEO JZ19-02 WITH Rezoning 18.728

Public hearing at the request of Dorchen/Martin Associates for Planning Commission's recommendation to City Council for rezoning of property in Section 24, located on the south side of Grand River Avenue, west of Joseph Drive from NCC (Non-Center Commercial) to B-3 (General Business). The subject property is approximately 5.25 acres.

Chair Pehrson said our next public hearing has an asterisk attached to it. We were notified and found out that the proposed zoning amendment signs had either blown down, fallen down, come down, gravity did its job, etc. So it was not truly advertised as it should have been for the period of time that it should have been. Therefore given that that's the case, we'll go through the public hearing on the Golling Maserati and Alfa Romeo, but it will be postponed and we will hold a public hearing at that time, as well.

Planner Bell said the petitioner is requesting a Zoning Map amendment for two parcels located southwest of the Grand River Avenue and Joseph Drive intersection (Section 24) from NCC, Non-Center Commercial, to B-3, General Business. The site has been the location of Glenda's Garden Center for many years, which is a non-conforming use in the NCC District. The site would be redeveloped if the rezoning request is approved.

The applicant states that the rezoning request is necessary to utilize the property for a vehicle dealership, specifically for the Maserati & Alfa Romeo brands.

Since this is not a PRO, they are not bound to a use or a site plan at this time, although a conceptual layout was included in the traffic study. Once zoned B-3, the property could be developed now or in the future for other uses permitted within the General Business district. A list of those uses is provided in your packet.

The property is currently zoned NCC, Non-Center Commercial, which allows uses such as retail businesses and service uses, professional and medical offices, financial institutions, sit-down restaurants, and instructional centers. Special Land Use permits could also allow low-density multi-family or single-family dwellings, day care centers, places of worship, public utility buildings, and veterinary hospitals or clinics. Similar non-residential uses are allowed in the B-3 District, as well as fueling stations, auto washes, vehicle sales, microbreweries or brewpubs as permitted uses, including others.

Current zoning of the surrounding area is I-1 Light Industrial to the north, OS-1 Office Service to the west, NCC Non-Center Commercial to the east, and R-4 One-Family Residential to the south.

Planner Bell said the Future Land Use Map identifies this property and the parcel to the east as Community Commercial. The parcels to the west along Grand River are planned for Community Office. To the north of Grand River is planned for Industrial, Research Development and Technology. To the south is planned for Single-Family Residential uses.

In this area of Grand River, there are professional offices, small strip retail centers, sit-down restaurants, and an office complex. Single-family residential homes are located to the south of the property.

There are no designated woodlands or wetlands on the site.

Engineering review found that there are adequate public utilities to serve the parcel, and that the impacts from B-3 uses are expected to be the same as potential NCC uses.

Our Traffic consultants have reviewed the anticipated traffic generation from the proposed rezoning and found the impacts are not expected to degrade the surrounding roadway network beyond the acceptable levels compared to what could be developed under the existing zoning.

Staff recommends approval of the rezoning request because the B-3 District is consistent with the Master Plan designation for Community Commercial and because the potential uses are not anticipated to have a negative impact on the public roads and utilities. Buffering the proposed use from adjacent residential, as well as review of lighting and other impacts would be reviewed in the site plan review process.

Planner Bell said the Planning Commission is asked tonight to hold the public hearing and postpone a recommendation pending another public hearing due to a lack of visibility of the posted signs for an unknown length of time. Representing the project tonight are architect Frank Martin and dealership owner Bill Golling to tell you more about their request.

Bill Golling, the owner of the dealership, said if we're going to be back in about six weeks, we will catch you at that time.

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

Andrew Phillips, 24710 Bethany Way, said we are the property with the largest line backing up to the proposed dealership, just so you're aware. I know this will be back in six weeks, but I figure I'd take a chance to speak. The way that it is right now, I do object to the current plan as it's laid out, not necessarily the thought or the idea of a dealership going in back there. Some of my primary concerns are the immediate and abrupt change from B-3 to R-4 without the sufficient buffering. Most notably, you can see the back of our home is probably 35 feet from the property line and then about another 20-25 feet where the parking lot would likely start on the other side of the berm. So that's about 55 feet

between the back of our home and where the dealership is going to begin and cars would be parked. So with that being said, most notably I look at what can we do to make not only progress happen with the dealership, but also ensure that, like my daughter has to be in bed at a particular time before she goes to school, and limiting sight, sound, and the norm that you would figure would happen at a dealership being so close to the property.

So a few of the asks, and Golling was nice enough to meet with us individually, the berm as it stands right now, there are some dead trees that I would like to see pulled out and four-season screening put in there. It was mentioned in the previous public hearing to ensure that obviously while we're in our backyard, we can enjoy our backyard and are not staring at the top of the cars. It makes sense. An additional measure that I would like, simply because of the sound and traffic in the site, would be a 12-foot textured wall that again would continue to buffer sound and also the visual appearance of the vehicles on a daily reoccurring basis, if that makes sense.

Outside of that, in reviewing the plans I noticed that they did put islands in the dealership parking lot which is great. I want to make sure that they're fully landscaped, which does comply with the public ordinance. Obviously another appearance factor when you're looking through, even from the top windows of our home, obviously fully screened berm, 12-foot wall isn't going to protect everything. So obviously it's just an appealing feature.

Mr. Phillips said the lighting is another concern. Obviously when you drive down any road and you're looking at a dealership, the lighting in the evening time – they've got to protect their assets, I fully agree with that. But pay particular attention to the color of lighting that's used and how it's used away from the properties to keep their assets and their vehicles under cover. What I'd propose is I know they're going to be using some very directed LED lighting, ensure that it's not the very bright white blue lighting, but something more of a toned-down yellow, possibly a brownish color, something like that. I know there's a lot of different colors out there. It seems to make a ton of sense. Because again, I don't oppose the idea of a dealership, just making sure that it's done the proper way for the citizens that it's going to affect most.

Hours of operations are another concern. As I referenced, I have a daughter in middle school. She needs to be in bed by 8 o'clock at night. I know auto dealerships are typically open a couple nights a week for longer than that, so the continued noise while our daughter is trying to rest at night – that's another concern I have of a more personal nature, being that close to the property itself. Outside of that, my only other concern is what is going to happen then their lease with LCA is up and if the dealership ceases to exist in that area. Going from NCC to B-3, as you mentioned before, opens it up to brewpubs, restaurants, car washes, things that we're not going to have nearly as much control over hours of operation and noise. Those are my primary concerns. I don't know if anything can be done, as far as any overlays to the zoning or future restricted uses, but when I think to the future and what the future can look like, something outside of the dealership is a grave concern of mine.

Ramaswamy Raju, 24730 Bethany Way, said I am one of the neighbors directly impacted by this rezoning. In fact, my house is left to my neighbor Andrew Phillips on the map. My objection basically is on the same list of concerns that Andrew talked about, so pretty much all of those reasons he mentioned would have the same impact on my home. The

distance is about 50-55 feet to the parking lot of the proposed dealership. And then I have the same concern with the regard to the lighting. And above all, the sound and the noise coming from a potential service shop from the dealership in the near future, if it's approved.

One other concern I have is in terms of how do we prevent that from being used for any other type of business in the case that this dealership is not in business a few years from now? I am directing to the Jaguar building on Ten Mile and Haggerty, which now is not occupied at all. So those are the concerns I have, and more importantly I should say that buffering should be given some attention by the dealership. I would really appreciate that, because we are having an abrupt change from NCC-zoned area to a B-3 facing our property, so as my neighbor mentioned earlier, four-season coverage is what my request would be to the Commission to consider and hopefully it'll have enough screening effect both for line of sight and for the sound. Secondly, the wall is going to make a huge difference on the dealer side of the parking lot. Thank you and I appreciate your time.

Shyam Valloornatt said I represent the Willowbrook Farm Homeowners Association Board as the President. I wanted to start this statement saying we do object; however, we understand the limitations how much we can enforce our objection. At least, we wanted to be vocal and share the same concerns my neighbors and my board members have shared. Three new properties that are going to be coming up. The one is abandoned on Ten Mile and Haggerty, so one of the points that we have been discussing is what control mechanism the City board can exercise when people abandon their business and move away.

The major concern that we have – all these new properties are coming so close to the existing homeowners, how much of our request will be considered and executed, as well, in terms of the height of the wall, the texture of the wall, lighting, increasing the berm and also preventing noise, limiting work hours. Not quite sure, but we definitely wanted to share our concern with the City Planning Commission so that they can take these factors into account. Should they fail not letting these properties or business to come in, at least make sure the homeowner's interests are protected to a large extent. Enforcing these would help and they can thrive and we can thrive as well in a certain level of comfort. That's our major request, and we will be back when the sessions reconvene six weeks from now. But at least we wanted to take this opportunity to raise our concern. Thank you so much.

John Dwyer, 24599 Willowbrook, said Willowbrook connects to Brenda which connects to Joseph. I've lived there for 27 years. One of the concerns I have with the dealership that I saw take place when the office buildings went in across the street from Joseph is the increased traffic on our side street that you can cut through Joseph to Brenda to Willowbrook to go between Grand River and Meadowbrook. And there's I think 32 or 33 houses on our street, but when those additional offices went in, there was an increase in traffic of people cutting through the neighborhood. With the addition of the dealership there, I don't know what type of restrictions you can put for test vehicles coming down the street but there are obviously people coming to the dealership and wanting to cut through the neighborhood to get to the dealership. So that's one of the concerns that I have.

And also the noise factor from the dealership. We spend a lot of time in the yard, we have a pool in the yard. I know dealerships are open on Saturdays and other dealerships you can hear people paging people outside when they're in operation. Again, I don't know if there's anything that can be done to help limit that if they're going to be going into existence there, but those are a couple of the concerns I had that I would like to see addressed.

Nisha Curran, 24801 Joseph Drive, said I'm here with my husband Chris Curran, we live about three houses down from that property. Our concern is that we're a small street, small homes, there's like 13 homes on that street and we're very close-knit. We have families with disabled members in those homes. And we don't have side streets, we use the street to go walking around in the spring and summer time because we all like walking. Already we have increased traffic on the side roads that the gentleman prior just said. We have increased traffic of people cutting through from Grand River to Ten Mile between Willowbrook and Joseph, that's already an issue. And I've not seen the site plans or anything like that, but from what I've heard, there's possibly going to be an entrance to the dealership off of Joseph. That heavy traffic of trucks is a concern of kids playing in the streets, my daughter in a wheelchair that we go walking - cars already fly on that street already. We oppose the rezoning to B-3.

Chris Curran, 24801 Joseph Drive, said I won't keep you here too long but I have some notes. Thank you for allowing us to speak tonight. I hold absolutely nothing against this particular business, I'm a fan of Maserati's and Alfa Romeo's, but will never be able to afford one and that's ok. Again, nothing against this particular business, but it doesn't go with our small, quiet, Joseph Drive and its 13 houses. As my wife mentioned, we are a close-knit neighborhood where everyone knows each other, we have summer block parties on the street in our front yards, and we're very supportive of each other. We don't mind having businesses there on Grand River and Joseph Drive that are zoned as Community Commercial, like Glenda's, the doctor's office, and the accounting firm that is already there. But we don't want a large car dealership that brings along with it the bright lights on at all hours of the night, and large transport truck car haulers that come along with it. I can't imagine this helping my or our property values either. Who wants to buy a house so close behind a busy car dealership?

There are certainly other options like the car dealership that the other gentleman mentioned, the Jaguar dealership that sits empty at Ten Mile and Haggerty. That property could be used for this possibly. If you, the Novi Planning Commission, have offered us the opportunity to share our thoughts and opinions, I hope you will please take them into serious consideration. The businesses already there don't contribute much to the noise and traffic of Grand River, and that's why we'd like for it to stay zoned the way it is as Community Commercial. Thank you so much for the opportunity to speak with you.

Chair Pehrson asked if there was anyone else that wished to address the Planning Commission regarding this project. Seeing no one, he said I think we have some correspondence.

Member Lynch said we do. The first is from Michele Nance, 24749 Joseph Drive, objecting due to bus route, noise, rain and runoff. The next is Marilyn Thibodeau, 24799 Willowbrook Drive, objects due to increased traffic and noise. The next is Richard Reising, 24750 Joseph Drive, objecting and references the Jaguar dealership on Ten Mile and concerns about B-

3 allowing more uses to be put there than current zoning, as well as traffic on Joseph Drive. John Waack, 24841 Joseph Drive, objects due to noise, lighting, hours of operation. Anthony Geers, 24806 Joseph Drive, is opposed. The next is Dave Stanley, 24710 Joseph Drive, objects and is concerned about the rezoning from NCC to B-3 and additional uses that are not currently contained in NCC zoning and also concerned about delivery trucks on Joseph Drive. The next is an objection from Jean Reising, 24750 Joseph Drive, concerned about the rezoning and changing a quiet street to having trucks up and down the street. The next is an objection from Helen Lear, 24730 Joseph Drive, with concerns about Joseph Drive. Kristie Block, 41252 Clermont Ave, objects and is concerned about noise, traffic, car exhaust, and lights. The next objection is from Roger Alan Bowman, 40620 Brenda Lane, he doesn't object to the specific dealership but concerned about additional uses, gas station, car wash etc. The next is an objection from Rita Batwo, 41082 Clermont, worried about the noise and service shop and impact on home values. The next is Andrew and Tracy Phillips, 24710 Bethany Way, objecting that the zoning is too extreme and that B-3 shouldn't be right next to single-family due to sound, light, and visual. Venu Talluri, 41074 Scarborough Lane, objects and does not want commercial in the neighborhood. The next objection is from Aaron Conner, 41166 Clermont Ave, who is concerned about bright lights and noise. The next objection is from Rajesh Verma, 24607 Bethany Way, who is not in favor of the dealership with worries about noise pollution and value of the homes. The next objection is Sunil Kesavan, 41267 Scarborough Lane, worried about traffic and noise and home values. The next is from Mahantesh Parashetti, 24690 Bethany Way, an objection concerned about commercial business being located there in a peaceful and safe neighborhood. The next is objection from Scott and Ellen Hulverson, 24829 Willowbrook, worried about noise, traffic, lighting, and negative impact on property values. The next objection is from Jacob Lee, 41033 Scarborough Lane, worried about noise, honking, engine revving, truck loading and unloading.

The next is a support from Jonathon Bratemen and Dr. Robert Bratemen, voicing their support. There is another response in support from Michael Nanry, 40400-40500 Grand River, in support. Another support from Rino Soave, 24900 Joseph Drive, that says they'd like to see the street paved with the redevelopment. And finally a support from Lee Byrum, 40750 Grand River, with no comment.

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

Frank Martin, with Dorchen Martin Associates, asked to speak. He said I'm the applicant working with Bill Golling. I just wanted to let you know that during this process, we reached out to the neighbors that are adjacent to us along the rear property line and we set up a meeting with them. Fortunately, two of the neighbors attended. That was last week. We had a meeting at a local restaurant and we discussed their concerns about noise, lights, privacy, and we suggested to them that during the site plan approval process – should we be successful with rezoning – we would be meeting with them again to try to address those issues which we think we can do. But we did not hear from three of the neighbors. We tried two or three times to get ahold of them but they did not respond. So we wanted to let you know and share that we attempted to deal with them and we kind of hope that if – the homeowners association president being here, they would have been more than invited, we just did not know who to contact but we thought that the adjacent ones would be the best to start with.

Member Lynch said ok, so this is a rezoning and I know that they're talking about putting a Maserati or Alfa Romeo dealership in. My understanding, and correct me if I'm wrong, but right now as far as the lighting and the noise and parking lots and stuff, right now they can put in retail, office buildings, restaurants, medical office buildings and things like that right now in its current zoning. My concern is, and I don't have a problem with the dealership, but my concern is going to a B-3 zoning which not only allows what currently is zoned, but now you have the ability to add fueling stations, auto wash, bus station, tattoo parlor, microbrewery, brewpubs, health clubs.

Chair Pehrson said so your question is what can we do to restrict that?

Member Lynch said yes, what can we do to put in that restriction?

City Attorney Schultz said to the extent the application is simply asking for a rezoning, there's really not that much you can do. You're basically considering the rezoning will all of those potential uses. I think the dealership might actually be a Special Land Use so there might be some discretion there. I think Staff might have mentioned the possibility of a Planned Rezoning Overlay which obviously would give you a chance to put in some of those restrictions you're talking about, but that's not the proposal today.

Member Lynch said ok. This is my concern. Right now, I think they'll work through the berming and work with the neighbors – I think that's all fine and that can be worked through. Based on what can currently be put there and the dealership, in my opinion it might be less intrusive. My concern, though, is if we go straight B-3, some of the other things that if the dealership fails – and I hope it succeeds – but if it fails and we have to do something else with the property, that's my concern. Limiting some of those uses, I could go for, but I'm a little nervous about the strict going to B-3 without some sort of caveat that we won't have a higher intensity use or a less desirable use than what is currently allowed in NCC.

Member Anthony said I'll pick up where you started. How they're asking for the zoning changes is also my concern, in that if we agree that it's B-3 and from that point forward, if this doesn't go through, it's now laid out that it's B-3 without the ability to discuss what type of buffer would be between B-3 and Single-Family Residential. We've already seen in that area that Land Rover failed, Jaguar failed, the Hummer dealership failed, so we've seen these turn over just within the last six or seven years and right in this general area. So I do think we have to consider that.

The part about how this is asked for about going to B-3 and not being able to really discuss that buffer and have that negotiated – if you look at our buffering Ordinance for B-3, it's a 25-foot buffer with only a 3-foot berm. That would be fine if it wasn't B-3 to Single-Family Residential. I think there was a suggestion thrown out of a textured wall and immediately I started having a visual of the highways MDOT does, specifically for taking down sound. And that type of thing might be able to create a strong enough buffer that as the use changes, if it's maintained, it can continue with buffering that neighborhood. The problem is, with how it is requested, we can't come to that agreement and actually enforce it before the change is done. And Tom, I think it was maybe 10 or 15 years ago that the State of Michigan allowed municipalities to do conditional zoning and that's not what they're asking for here, where you could put conditions. So what's being asked now, we're not able to do that. An overlay district I think may be a way to do that. It's not my

field, but tell me about other mechanisms we can work with so that we can gain confidence that we can get that buffer in and not lose full control.

City Attorney Schultz said so your mechanism is the Planned Rezoning Overlay, that's essentially a PUD that is permitted under the Zoning Enabling Act. Novi has never done a conditional rezoning. When that was added to the Zoning Enabling Act, we had conversations with developers attorneys about why the language was written for them by the legislation, essentially, the way it was and the problem with conditional rezoning the way it's written, it's essentially a one-off one-sided negotiation. So a developer can come in and say we want a rezoning to whatever district, these are our three conditions. You cannot negotiate those conditions – it's a yes or no, take it or leave it. It is the opposite of the PRO, PUD process where you essentially come to a contract and you negotiate those terms and you can say to the developer that a 3-foot berm isn't enough and that you want a 6-foot berm. You cannot have those conversations with a developer under the conditional rezoning process the way it's written. So you take the offer, and you either say yes or no, you can't have those conversations.

Member Anthony said so an overlay ends up being our best bet.

City Attorney Schultz said yes.

Member Anthony said so the way that it's asked, if we didn't have to go to postponement today, I would end up saying I couldn't support it just because of in the manner in which it's prepared and that there isn't an agreement in what that buffer would look like and what part the developer would participate in. And an example of where we kind of lost that control is over on Meadowbrook and Grand River when we rezoned OS-1 that was on Cherry Hill and Meadowbrook for another dealership. And at that time, I remember the first time they came before us, both myself and another Commissioner had said that the one thing we were looking for in giving the rezoning is that we want adequate buffering for that part up against single-family residential. Rick did a good job of getting us close but we didn't get another good look at it and at the protection. And this is even closer than that. So I realize we're doing a postponement due to a technicality, but hopefully within that postponement period some of these other issues can be addressed.

Member Maday said I'll just say that all my concerns were addressed by the other Commissioners.

Chair Pehrson said so I think I'd echo and suggest that if this comes back to us, it has some kind of PRO established so that we can have some discussion on protection for the development itself. Something to think about when it comes back.

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

Motion made by Member Greco and seconded by Member Anthony.

ROLL CALL VOTE TO POSTPONE A RECOMMENDATION MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY.

In the matter of the request of Golling Maserati & Alfa Romeo, JZ19-02, with Zoning Map Amendment 18.728, motion to postpone making a recommendation on the proposed

rezoning of the subject property from NCC (Non-Center Commercial) to B-3 (General Business) to the meeting on May 8, 2019. This motion is made to allow staff and the applicant time to advertise for another public hearing due to the failure of the posted rezoning signs to remain standing for the necessary length of time. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. **APPROVAL OF THE MARCH 13, 2019 PLANNING COMMISSION MINUTES**

Motion made by Member Lynch and seconded by Member Greco.

ROLL CALL VOTE TO APPROVE THE MARCH 13, 2019 PLANNING COMMISSION MEETING MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO.

Motion to approve the March 13, 2019 Planning Commission Meeting Minutes. *Motion carried 5-0.*

SUPPLEMENTAL ISSUES

There were no supplemental issues.

AUDIENCE PARTICIPATION

Jean Reising, 24750 Joseph Drive, said I would just like to say that all that my neighbors had said, I concur with. And just one thing I wanted to add that was on my paper that I turned it, I wrote please show your concern for the people that live on Joseph Drive. Thank you.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Anthony.

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

Motion to adjourn the March 27, 2019 Planning Commission meeting. *Motion carried 5-0.*

The meeting was adjourned at 8:32 PM.