



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**September 9, 2015 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 Giacobetti, Member Zuchlewski

**Absent:** Member Baratta (excused), Member Lynch (excused), Chair Pehrson (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner; Rick Meader, Landscape Architect; Jeremy Miller, Engineer; Pete Hill, Environmental Consultant; Matt Klawon, Traffic Engineering Consultant; Rod Arroyo, Planning Consultant; Gary Dovre, City Attorney

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Zuchlewski and seconded by Member Anthony

## ROLL CALL TO APPROVE THE SEPTEMBER 9, 2015 AGENDA MOTION MADE BY MEMBER ZUCHLEWSKI AND SECONDED BY MEMBER ANTHONY

**Motion to approve the September 9, 2015 Planning Commission Agenda. *Motion carried 4-0***

## AUDIENCE PARTICIPATION

Kay Welch 41447 Thoreau Ridge, Tollgate Ravines requested that someone explain the rezoning for Beacon Hill.

Member Greco stated that it would be explained during the Public Hearing and closed the audience participation.

## CORRESPONDENCE

The correspondence will be read at the Beacon Hill Public Hearing

## COMMITTEE REPORTS

There were no Committee Reports

## COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth informed the Commission that the Master Plan for Land Use that is currently underway. A Master Plan and Zoning Committee Meeting was held at the end of August for an initial review. There are several Master Plan related items on the City of Novi web page under the Community Development Department. There are two surveys that everyone is encouraged to participate in. The first survey is a resident survey and will close September 13, 2015. It has been open for about a month. A business survey is coming soon. There is a new community engagement tool referred to as "My Sidewalk". There are opportunities to answer questions and provide comments about the Master Plan.

## PUBLIC HEARING

### 1. BEACON HILL JSP15-08 with Rezoning 18.710

Public hearing at the request of The Ivanhoe Companies for Planning Commission's recommendation to the City Council for rezoning of property in Section 12, located on the northeast corner of Twelve Mile Road and Meadowbrook Road from RA (Residential Acreage) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) and B-3 (General Business), or any appropriate zoning district, with a Planned Rezoning Overlay (PRO). The subject property is approximately 21.13 acres and the applicant is proposing a 42 unit single family residential development with frontage on and access to Meadowbrook Road, up to 22,000 square feet of commercial space with frontage and two access drives on Twelve Mile Road, and an open space/park area at the corner of the intersection.

Deputy Director McBeth presented a brief overview of the project. Staff has been meeting with the applicant on this property for about 18 months or so. The property is current zoned RA – Residential Acreage and the planned residential density is 0.8 units per acre. The applicant stated that he will be seeking an alternative to the Master Plan. Over the 18 months multiple plans were discussed. A multiple family development with approximately 200 units was shown initially. Later plans showed detached single family homes and various iterations with commercial uses along the Twelve Mile Road frontage. Each time the staff met with Mr. Shapiro we received additional detail from the applicant and then provided additional responses to the applicant.

Deputy Director McBeth said there is a creek that runs through the property and the natural features that exist on the property. Our environmental consultant has walked the site with the applicant's consultants and taken a look at the habitat features that are there. Staff recommended that the plan be presented to the Master Plan and Zoning Committee. The Committee reviewed the plan that was submitted at that time and provided comments. Staff also recommended earlier this year that a Land Use study be prepared for this property as well as two other properties in the city, for review of rezoning requests that are not consent with the Master Plan. We presented this request to the City Council for assistance from an outside consultant, but the request was declined at that point. We have been proceeding with reviews that we would typically provide for the Planning Commission's consideration. Due to the workload and amount of projects coming in, we asked Rod Arroyo from Clearzoning to prepare a Planning review on this project. Since this plan is a Concept Plan associated with the rezoning request we do not see all the details that we would typically see with a Preliminary Site Plan. A lot of this information was highlighted in the review letters that are included in the Planning Commission packet. As you hear the presentations from Mr. Arroyo and Planner Komaragiri you will hear that there is some additional information that staff and consultants suggest could be provided before the project moves forward with the Planning Commission's recommendation to the City Council.

Rod Arroyo provided highlights from his review letter regarding the PRO Overlay and Concept Plan request. The zoning to the north, east and west as well as the subject property is Residential Acreage. The area on the north side of Twelve Mile Road on both sides of Meadowbrook is Master Planned for 0.8 dwelling units per acre in terms of residential density. Property on the south side of Twelve Mile Road is Master Planned and zoned for Office Service Technology. To the east, the property is zoned RA, Residential Acreage to M-5.

The gross size of this site is just over 21 acres. The applicant is asking to rezone the property to two zoning classifications with the Twelve Mile Road frontage being rezoned to B-3 and the remainder of the parcel being rezoned to RM-1, low density multiple family. The intent on the residential portion is to build single family detached units in a cluster format. This is the seen in the concept plan. The proposal is for commercial development along Twelve Mile Road. At the northeast corner of the intersection, the applicant is proposing to dedicate land and also partially construct improvements for a trail head as well as an expanded park area. The balance of the property is residential with 42 units that are proposed as part of this development.

Mr. Arroyo explained the PRO process. Essentially a Concept Plan is submitted with an application for rezoning. The applicant is requesting a change in zoning but at the same time there is a Concept Plan that would be approved along with the rezoning. With that there is a specific Development Agreement where the applicant will offer certain community benefits and if ultimately the City Council finds that it is consistent

with the ordinance standards, and that the proposal is meeting the objectives of the PRO, and Zoning Ordinance as a whole the City Council can potentially approve the rezoning. What is attached to it is the concept plan and the limitations that go along with it. In this particular instance if they are asking for RM-1 which is multiple family development they can't build traditional multiple family units, because the concept plan shows detached single family homes, showing the maximum number of units in the general layout. The process is that it comes here first for a Public Hearing, the Planning Commission makes a recommendation, and the City Council makes the ultimate decision on the concept plan and the rezoning. The PRO Agreement would go through final Approval. The Planning Commission would then have site plans submitted for approval.

This property is currently zoned RA-Residential Acreage, allowing 0.8 units per acre. The net site area for residential is just over 16 acres, allowing for 13 single family homes on this property. The portion that the applicant is looking at for residential zoning is about 14.5 acres. This would result in about 11 homes under the current zoning. The applicant is looking for 2.9 dwelling units per acre vs 0.8 units per acre currently allowed. This is a significant departure from the Master Plan. This type of process is important to get public input and evaluate in terms of neighborhood compatibility. There are lots in the area that are 1 acre or larger in size. There is another development that is located to the north in to a much more dense area. The proposed density is closely tied with the R-4 zoning district. They are asking for RM-1. The R-4 zoning district allows for 3.3 dwelling units per acre. The density as proposed is 2.9 dwellings per acre. The point is that if the R-4 was granted with the PRO plan, the same density could be achieved as long as the relief was granted for the lot size, lot width and setbacks.

Mr. Arroyo said, the applicant is requesting B-3, General Business zoning, but this is not an area planned for commercial. On the Concept Plan, there is a potential for two drive-through facilities. There are some ordinance deviations that are being requested as part of the PRO process which allows the applicant to request deviations. The applicants are looking to reduce the lot size and lot width. The ordinance reads that if you have RM-1 zoning and you want single family you have to use the R-4 standards. With R-4 you would have to have 10,000 square feet as a minimum lot size and 80 feet for the minimum lot width. The proposed calls for 6000 square foot lot size and a 50 foot lot width. R-4 setbacks are 30 feet for the front yard setback. Side yards are 10 feet setback with 20 feet aggregate. The applicant's proposal calls for a 20 front yard setback and a 15 side yard setback.

Mr. Arroyo recommended that the Planning Commission's action should be postponed at this time allowing time for more information to be submitted.

Planner Komaragiri stated that this property includes a total of seven individual wetland areas, including an open water/emergent wetland and a headwater stream which is tributary to the Walled Lake Branch of the Rouge River. The site contains City-regulated Woodland mapped across approximately the northern half of the project site. As mentioned, the applicant is using the PRO option to develop the subject property with both residential and commercial components.

Engineering was unable to recommend approval due to key information missing from the submittal. The applicant is requested to provide additional information on stormwater runoff calculations, provide one stub street every 1300 feet. The current plan does not propose one and would require a DCS variance. The reasons provided by the applicant in his response letter do not meet the requirements to support a DCS variance at this time. The current plan proposes pathways along Twelve Mile and Meadowbrook Road ROW. Engineering also requested internal pathways connections between subject property and surrounding properties.

Landscape identified a City Council waiver for the lack of the required separation between residential and non-residential uses. Landscaping is willing to support a waiver if the applicant establishes a proper alternative screening for the required berm or separation. Proposed landscaping should provide significant opacity between the uses. The applicant can demonstrate that using some illustrative renderings. Landscape recommends approval with additional comments to be addressed during the next submittal.

Planner Komaragiri said, of the seven individual wetland areas located on the site, only two of these wetland areas will be preserved as part of this proposed Plan. The other wetlands will be filled for the purpose of construction, or impacted as part of the stream channel relocation/abandonment, etc. The Plan appears to

propose encroachment into several of these setback areas. This would require a City of Novi Non-Minor Wetland Use Permit and a City of Novi Authorization to encroach the 25-Foot Natural Features Setback. A plan to replace or mitigate for any permanent impacts to existing wetland buffers should be provided by the Applicant. Due to deficiencies in the Plan with regard to proposed wetland impacts, the Wetlands consultant currently does not recommend approval of the Concept Plan.

It appears as if the proposed site development will involve a significant amount of impact to the regulated woodlands and will include a significant number of tree removals. The applicant intends to provide a tree survey with the next submittal. ECT was unable to determine how many trees are being preserved, removed and replaced. Wetlands and Woodlands currently do not recommend approval of the Concept/PRO Plan.

Planner Komaragiri said the applicant requested a waiver for the required Traffic Impact Study prior to the Concept Plan approval and provided preliminary traffic information, but there was insufficient information to complete the review. The City's Traffic Engineering consultant did not support the waiver and requested additional information along with the Traffic Impact Study to be provided during the next submittal.

Façade drawings were not provided with this submittal. Fire recommends approval noting that the secondary emergency access shall meet the Fire code requirements. The Planning Commission is asked tonight to hold a public hearing and postpone making a recommendation on the proposed PRO and Concept Plan to allow the applicant time to address concerns and consider making further modifications to the Concept Plan. The applicant Gary Shapiro from The Ivanhoe Companies is here with his design team.

Gary Shapiro from The Ivanhoe Companies along with Brad Strader, Andy Wozniak and Greg Obloy. Mr. Shapiro shared his history regarding the property and the history of the zoning. He states that this project is perfect for the future master plan of the area. Mr. Shapiro referenced the Commercial part of the project. He stated that it is needed in this area. There is a mile stretch between M-5 connector and Novi Road. This location can intercept people that are already on the road traveling to their destination. The current plan is for 22,000 square feet of boutique commercial. This would include two drive-through facilities which would yield only 12,500 square feet. For this location there is a tremendous amount of demand. The options would be either a bank or 1 or 2 restaurants.

Mr. Shapiro reviewed the changes in the marketplace since 2008. There is a certain amount demand for locations for boutique restaurants that look for drive throughs and outside seating. An example is Panera Bread. The template now is a drive through with outside seating. Andiamos and Noodles are opening up those types of facilities. Their vision for this corner is to donate 2.46 acres to the city. The balance of the two ponds and redoing all the wetland and the creek. So from the corner to Novi you would look at a pond, a creek a waterfall. It will be a five acre park and it is right at the apex where your bike paths intersect.

Mr. Strader recapped the project overview. There are 4 major components to this project. The city park and trailhead which has 5.46 acres overall. The park was selected because there is a natural barrier that separates what we are proposing as commercial and residential. The current plan is for 41% open space along with single family homes and neighborhood commercial. For this site they feel that the Master Plan does not fit with the development trends in the area.

For the residential plan, it has 50 foot wide lots, looking to appeal to millennials, young professionals and also independent seniors. Separating the commercial and residential is a connecting pathway. The buffer that is along Meadowbrook and to the east and especially the 100 foot buffer to the north. A park and trailhead has 5.46 acres total with some public and some private land. It would be 2.46 acres of high value land that would be dedicated to the city and it would be seeded and ready to develop. It would provide the trailhead connection that the city has been looking for. As identified in the Parks and Recreation Plan there is need for some additional trailhead amenities and parkland in this area. The developer feels that with this plan they will meet all the requirements in the PRO as regards to the benefits to the residents and to the public within the city.

Chairperson Greco opened the Public Hearing for this project.

Marie Jackson, 41528 Thoreau stated that she is opposed to the rezoning. She said that traffic is already congested. She disagrees that there is need for more commercial development.

Greg Bartanian a member of the St. Sarkis Board of Trustees and owner of the property to the east. They have no objection and feel that it will be great development for their community.

David Sass 28680 Summit Court said that his property directly abuts the proposal. He is not in favor of the rezoning. He stated that there is enough commercial.

Walter Everett, Tollgate Ravines stated that there is enough commercial development and does not see the need for this proposal.

Tom O'Neil, 28350 Meadowbrook said that his property is one property to the north of this proposed development. For 25 years he has watched the changes that have occurred on Meadowbrook. He is concerned about the traffic on Meadowbrook Road.

Dennis Fitzgerald, resident in the Tollgate Ravines stated that he would like to see the developer and the City make this proposal work. It will be good for the area.

Roy Prentiss 28115 Meadowbrook, Farm Manager of the Tollgate Education Center stated that is present as a resident of Novi. He has lived on the property since 1993. Mr. Prentiss stated that he feels that the area should be developed with the current zoning that is already in place. The character of the neighborhood is outlined in the Master Plan. He mentioned that with the additional home sites, the amount of traffic would increase on Meadowbrook Road.

David Shahrigan, a member of the St. Sarkis Church that owns the property next door and also a Novi resident for over 20 years. He has been involved with building various homes in the area as well as the Tollgate Woods Development. He stated that of what he has seen of Gary Shapiro's work in other communities it has always been top notch. He stated that this is a tough site to develop and is impressed that Mr. Shapiro has found a way to develop the site. Mr. Shahrigan feels that this is the best use of this site.

Gary Rentrop attorney representing American Foundation and MSU stated that he has been involved with this 160 acre property on the northwest corner of Twelve Mile and Novi Road since the 1970s. The goal has been to keep this as an agricultural farm and open space or everyone. It is an educational facility that is important to this community. Mr. Rentrop's first concern is with the wording of the public hearing notice. The ordinance is not permitted with the term "or any appropriate zoning district with a planned rezoning overlay (PRO)". The applicant is supposed to select the zoning classification and then work from there to identify what the benefits are. There seems to be some procedural defects.

Mr. Rentrop referenced the items that have already been discussed in regards to density, traffic, woodlands and wetlands. He would like to see Novi make the decision on whether this zoning is out of date rather than Mr. Shapiro makes that decision. The process is: first comes planning then comes zoning, not allowing zoning to drive planning. He requested that the Planning Commission move slow and research what they have before making the final decision.

Seeing no one else wishing to speak, Chair Greco asked if there was any correspondence

Member Anthony read the correspondence from Tom O'Neill, 23850 Meadowbrook, which stated that the traffic on Meadowbrook has increased significantly. Meadowbrook, as a "natural beauty road" will be degraded and Tollgate Farms deserves a better neighboring development to maintain its distinct character.

Chair Greco closed Public Hearing and referred the item to the Planning Commission.

Member Anthony questioned Mr. Shapiro regarding the targeting the young professional families to get that price point. In Novi we already have those areas to support that market. Some examples are in the Eight Mile and Meadowbrook area; Village Oaks, Turtle Creek, and Orchard Hills. The reasons those work is because they are integrated with parks, schools and the non-motorized master plan. The parks are integrated where you can really live as a family and take your kids to the parks, and to the elementary schools. This is vitally important to professional families with kids. The Novi schools attract families. He is concerned about the type of resident that this proposal will attract. It does not have all of the same features that the Meadowbrook

and Eight Mile areas have.

Member Anthony asked why the applicant would want to waive the required traffic study.

Mr. Strader responded to the question that they were deferring the traffic study until later in the approval process. Twelve Mile Road is what they believe to be Level Service B. They will do the traffic study but they would like to wait until they get further in the process.

Member Anthony was not certain if they had done wetlands study or was that left to the city and their consultants to take a look at? How would overlay with the timing of the development?

Mr. Shapiro responded that they did a wetlands study, and are proposing a very, very comprehensive enhancement and cleaning up problems found with the creek. The water goes in an easterly direction. Mr. Shapiro said that he is an environmentally-sensitive developer.

Member Anthony talked about the wetlands and woodlands all being interconnected through the city. He asked Mr. Shapiro if he would be willing to work with staff when it is time to finalize the plan so that it would be consistent with the goals of our community.

Mr. Shapiro responded that they would absolutely work with the staff to meet the goals of the community. He further mentioned that what they have planned is well beyond the enhancement that is required by your ordinance and your consultants.

Member Zuchlewski asked the price range of the homes.

Mr. Shapiro responded that the price range will be in the high \$390,000 to the mid \$400,000 range.

Member Zuchlewski questioned the amount of traffic coming off of Meadowbrook and the widening of Meadowbrook. Member Zuchlewski also asked about the type of tenants expected for the commercial center.

Mr. Shapiro responded that the tenants he is looking for are high quality restaurants that would have a drive through and a patio with outdoor seating. He reminded the citizens and the Commission that whatever comes in as commercial would go through the plan review process and the Commission would see the full architectural plans then. There will be over 130 feet of park in front of the boutique commercial center. There will be 1000 feet of frontage that will be a mass of landscaping. You will see through the landscaping to the boutique commercial wrapping around on Meadowbrook Road.

Member Giacometti questioned the City Attorney regarding whether the procedure of the Public Hearing Notice notification was adequate and whether the PRO wording is vague.

City Attorney Dove responded that the PRO by itself allows the applicant to change their proposal during the process. If this wasn't a concern regarding the PRO but rather just the rezoning. As long as the zoning ends up being approved as advertised then there is no problem. There was no mention about changing the zoning other than what was advertised. Attorney Dove doesn't see a problem with the procedure regarding the public hearing.

Member Giacometti asked Mr. Shapiro if his market analysis is contrary with some of the studies that other developers have shared recently. Other developers are telling the Commission that there is no place for commercial development. Member Giacometti wondered if Mr. Shapiro's study showed favorable for commercial because it is so close to M-5.

Mr. Shapiro responded that this area is different than the 13 Mile and Novi Road corridor. This area is much different. The proximity to M-5 with people traveling to Twelve Oaks or other destinations nearby indicates there is a demand for commercial here.

Member Giacometti asked Mr. Shapiro about his statement that this property has been zoned incorrectly for 75 years. Given the wetland migration concerns it is also not a very marketable site. That might be part of

the reason it hasn't been developed.

Mr. Shapiro stated that it has been zoned for big lots. That is not something that someone wants now that you have two major roads and M-5 nearby. Large lots no longer make sense in that location. Mr. Shapiro understands the PRO in Novi is like a contract that holds him accountable to do what it says he will to do. Bottom line here is he wants to zone it to put 2.9 units per acre for a total of 42 units. If the Planning Commission wants R-4 zoning, we will request R-4 zoning, and we will do what we say we will do under the PRO Agreement.

Member Giacometti stated in terms of the PRO, limits can be structured on the use of the B-3 development. We could strike some of the special uses. The drive-through concept is contrary to the recommended land use. Member Giacometti asked the applicant, if the drive-through were off the table would you still be interested in this concept?

Mr. Shapiro stated that they can better define the use, although he thinks that it would be a mistake to preclude the high-end restaurants that would augment their success, as an exceptional drive-through.

Member Giacometti questioned that, should the City not want to maintain the donated land had Mr. Shapiro considered donating the land to MSU as opposed to the City.

Mr. Shapiro said that had not been a consideration thus far.

Member Anthony asked Planner Komaragiri if she felt comfortable with the information that has been provided.

Planner Sri Komaragiri stated that she believes that the applicant has provided comprehensive information with regard to planning and density. As approving a concept plan, additional information in regard to landscape and traffic is being requested so that any deviation can be identified and included in the PRO agreement. We would rather identify the deviations before the Concept plan has been recommended and/or approved and before proceeding with further reviews.

Chair Greco commented on why the process has taken 18 months is because the concept that has been requested is a drastic change. He stated that while he feels that the plan is unbelievably attractive it is too drastic of a change.

Member Anthony made the motion, seconded by Member Zuchlewski:

**ROLL CALL VOTE TO POSTPONE MAKING A RECOMMENDATION ON THE PROPOSED PRO AND CONCEPT PLAN, BEACON HILL JSP15-08 WITH REZONING 18.710 BY MEMBER ANTHONY AND SECONDED BYMEMBER ZUCHLEWSKI**

**In the matter of the request of The Ivanhoe Companies for Beacon Hill JSP 15-08 with Zoning Map Amendment 18.710 motion to postpone making a recommendation on the proposed PRO and Concept Plan to allow the applicant time to address concerns and consider making further modifications to the Concept Plan and that if that process results in the applicant changing the requested rezoning to a district other than RM-1 or B-3, that the recommendation be after a Public Hearing with notice of the requested districts as changed. This recommendation is made for the following reasons:**

- a. **Additional discussion is needed regarding the proposed development density, offered public benefits and conditions of approval, and the neighborhood compatibility issues raised in the staff and consultant review letters.**
- b. **Applicant should address the following concerns highlighted in the Engineering Review letter on a subsequent submittal:**
  - Provide stub streets to the subdivision boundary at intervals not to exceed 1300 feet, or seek a DCS variance/deviation from the ordinance standards for this requirement;**
  - Provide a pathway connection to the parcel to the east and the parcel to the north outside of the public right of way; and**

- Provide additional information regarding water main and sanitary sewer stubs, storm water runoff and detention volume calculations, and additional details regarding secondary emergency access.
- c. Applicant has requested a waiver of the required Traffic Impact Study, but the City's Traffic Engineering Consultant is not in favor of the requested waiver at this time. Additional information is needed for review before the next submittal.
- d. Further information is needed to quantify and gauge potential woodland and wetland impacts, and presentation of alternative plans to reduce impacts.

*Motion carried 3-1(Greco)*

## **MATTERS FOR CONSIDERATION**

### **1. APPROVAL OF THE AUGUST 12, 2015 PLANNING COMMISSION MINUTES**

Motion by Member Giacometti and seconded by Member Anthony

### **ROLL CALL VOTE ON THE AUGUST 12, 2015 PLANING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER ANTHONY**

**Motion to approve the August 12, 2015 Planning Commission minutes. Motion carried 4-0**

## **MATTERS FOR DISCUSSION**

There were no matters for discussion.

## **SUPPLEMENTAL ISSUES**

There were no Supplemental Issues.

## **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

## **ADJOURNMENT**

Motion to adjourn by Member Zuchlewski and seconded by Member Anthony:

**Motion to adjourn the September 9, 2015 Planning Commission meeting. *Motion carried 4-0.***

The meeting was adjourned at 8:54 PM.

Transcribed by Richelle Leskun

Date Approved:

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Richelle Leskun, Planning Assistant  
Signature on File