



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**February 13, 2013 7:00 PM**

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

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Greco, Member Lynch, Member Prince (arrived at 7:11), Member Gutman, Member Zuchlewski

**Absent:** Member Anthony, Chair Pehrson

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner; Mark Spencer, Planner; David Beschke, Landscape Architect; Adam Wayne, Engineer; Doug Necci, Façade Consultant; Rod Arroyo, Traffic 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, seconded by Member Zuchlewski:

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

**Motion to approve the February 13, 2013 Planning Commission Agenda. Motion carried 4-0.**

## AUDIENCE PARTICIPATION

No one from the audience wished to speak.

## CORRESPONDENCE

There was no Correspondence.

## COMMITTEE REPORTS

There were no Committee Reports.

## COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth said the City Council approved the text amendment related to lighting standards at residential subdivision entrances. Also the ordinance amendments related to cell tower provisions that were updated to reflect the new state law were both passed.

## CONSENT AGENDA - REMOVALS AND APPROVAL

### 1. OLIVE GARDEN FAÇADE UPDATE, JSP13-05

Approval of the request of Arcvision Inc, for the Preliminary Site Plan and Section 9 Façade Waiver. The subject property is located in Section 14 at 43300 Crescent Boulevard, north of Crescent Boulevard and east of Novi in the TC, Town Center District. The applicant is proposing to add a new entrance feature on the south façade of the existing Olive Garden Restaurant and perform minor maintenance work on the remaining facades.

## VOICE VOTE ON CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:

**Motion to approve the Consent Agenda. Motion carried 4-0.**

## **PUBLIC HEARINGS**

### **1. 2013-2019 CAPITAL IMPROVEMENTS PROGRAM**

Assistant City Manager Victor Cardenas provided a brief overview of the Capital Improvements Program. It is a six year program that is approved every year. It goes before the Planning Commission and then is included in the City's Annual budget. This includes road projects, water/sewer equipment, buildings and properties that are owned by the City, intersections, and signals. Generally anything that is over \$25,000 and can be capitalized and depreciate according to GFOA and financial standards is included in the document. It's very ambitious and not everything is going to be funded due to budgetary constraints.

Member Lynch said he attended the meeting with City Council and thought they did an exceptional job focusing on the neighborhood roads and the water issues. It's well thought out and continues to be a good plan. Member Lynch recommended the Planning Commission approve the plan.

Member Zuchlewski said he seconds the comments. It's a very thorough document.

### **ROLL CALL VOTE ON THE 2013-2019 CAPITAL IMPROVEMENT PROGRAM APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:**

**Motion to adopt the 2013-2019 Capital Improvements Program. *Motion carried 4-0.***

### **2. THE MEADOWS OF ISLAND LAKE OF NOVI, JSP12-65**

Public hearing at the request of Toll Brothers, Inc. for the recommendation to City Council for approval to include the subject property in the existing Island Lake of Novi Residential Unit Development (RUD) and modifications to the RUD concept plan. The subject property is 40.68 acres in Section 20 of the City of Novi and located near the northeast corner of Ten Mile Road and Wixom Road. The applicant is proposing a 74 unit development that would be Phase 7 of the existing Island Lake of Novi development. The applicant has also proposed to modify the number of units permitted in the RUD Agreement from 884 to 916 in order to allow for the potential future expansion of the development.

Members Lynch and Prince disclosed that they are residents of Island Lake of Novi but that this will not interfere in their judgment regarding the public hearing.

Planner Kapelanski said the applicant is proposing to add a 40.68 acre parcel to the existing Island Lake of Novi Residential Unit Development or RUD. The subject property is located near the northeast corner of Wixom Road and Ten Mile Road, bordering Dinser Drive and is currently zoned RA, Residential Acreage. The subject property is zoned RA, Residential Acreage and surrounded by RA zoning. The Future Land Use map indicates single-family uses for the subject property with single-family and park uses planned for the surrounding properties. There are regulated woodlands on the western side of the property and several high quality trees along Dinser Drive that are not called out on the natural features map. Those high quality trees will be preserved. There are also regulated wetlands on the property, although those are not identified on the natural features map. These two small wetland areas are located near the center of the property and near the center of the Ten Mile Road frontage.

The proposal has been revised since the previous public hearing, held at the December 12<sup>th</sup> Planning Commission meeting. The proposed development area would connect into the existing Vineyards pod of Island Lake to the north and would line up with the existing development entrance off of Wixom Road. The applicant has revised the proposal now showing 74 lots instead of the previously proposed 75 lots.

The eliminated unit has been converted to open space and parkland and the applicant has also offered to contribute \$25,000 to the existing homeowner's association in order to expand the existing pool deck. The applicant has also included features to aid pedestrians including a sidewalk connection to the proposed Dinsler Drive sidewalk, a crosswalk on Wixom Road and the construction of a missing link of sidewalk along Wixom Road. The required application materials that were previously omitted have now been submitted and are satisfactory.

Planner Kapelanski continued noting the planning review recommends approval of the proposed RUD plan and amendment to allow development of the subject property but does not recommend an increase in the overall number of allowable units for the entire development as requested by the applicant. The Planning Commission should consider the various standards from Section 2402 outlined and listed in the planning review letter. The applicant has requested a City Council modification of lot size and width and a reduction in the required building setback as well. All other reviews recommend approval of the proposed plan. There are two landscape waivers required for the discontinuation of the berms in the location of existing vegetation and the lack of a berm along the proposed storm basins. Both are supported by the staff. Any substantial amendments to an existing RUD must follow the same process as a new RUD plan which requires the approval of the City Council after review and recommendation from the Planning Commission.

Mike Noles, the Land Development Vice-President for Toll Brothers said he's pleased to be back before the Commission with a unanimous recommendation for support from all of the reviewers. As Ms. Kapelanski mentioned, the recommendation came with a caveat that we do not increase the total number of units allowed within the Island Lake of Novi RUD. We have formally agreed to that condition and waved the increase. We believe that the plan that is before you today is superior to the one that we had in December. A park was added next to lot number seven that was at the request of some of the existing residents to the Vineyards pod to the north. We've met with several folks from both the main property of Island Lake and the property to the north and have made improvements to the plan to try to accommodate their concerns.

Chair Gutman opened the public hearing.

Tom Farley, a resident of Pebble Ridge Estates Homeowners Association, came forward. His main concern is the lot size of this proposed development. When he and his wife purchased our property in 1991, RA stood for Residential Acreage. The intent was that this property would be larger estate size lots which are consistent with the Master Plan. West of Beck Road was decided to be larger lots and the proposed development has a very high percentage of lots that will come in barely over a quarter acre. How can the City and the Planning Commission approve such a drastic reduction that will have such a negative effect on long-term residents that have bought into the City and been supportive of the City over the years? Also, the deal that Toll Brothers did when they originally developed Island Lake was negotiated at the time. I don't see how anybody would expect the city to now re-modify that original agreement from years ago to now incorporate and justify smaller lot sizes in this development. Even though it's connecting to the existing Island Lake properties, it truly is a stand-alone development that's being done today years after the other build out that was originally proposed. Other potential developers probably passed on this property thinking that they were going to be held to half acre lot sizes. This is preferential treatment to Toll Brothers that will negatively impact the City and the long-term residents.

Tim Lesowski of Island Lake said he was here at the previous public hearing and feels a little bit patronized by the modifications that they've made. They dropped one lot from the original 75 to 74 to create a park that will be the furthest point away from the majority of the residents of the area. I feel patronized because we all came in and talked about lack of green space and small lot sizes and other things. They did nothing about the lot sizes. If you take a look at the presentation that is on the City's

website, you will see the range of the different lot sizes of the entire development. If you take a look at the overall picture that they have of Island Lake, you'll notice a couple smatterings here and there of smaller lot sizes depending on the way the streets are laid out and everything, but just a very small amount. But if you take a look at the homes that they're now adding on in the new area, every single one of them falls under 12,000 square feet. Nobody seems to want to look at this for what it is as opposed to just a way to get a lot more money out by making minimal changes to the plans. I love the neighborhood I live in. I truly love the house that they built. Jason was an amazing person to work with to get it done and build it just the way we wanted it to. But I'm really ashamed at Toll for coming in and putting this in and now making me second guess the decision that I made.

Betty-Jane Blossfeld, resident of Pebble Ridge Estates said she agrees with the people who spoke already. The main point I wanted to convey is that we need to stop looking at this as an Island Lake development and look at it first for what it is, the Dinser property. We bought here 22 years ago with the intention that if Dinser's ever chose to sell; we knew it was going to be a development with country style lots. There are so many places in Novi that we could have chosen. It's not like the other smaller lot sizes didn't exist. We could have chosen those but we did not. We didn't choose to go to Island Lake when they opened. We chose to stay in a country style sub. I think we need to stop looking at this as an Island Lake development to be consistent with Vineyards and starting looking at it being consistent with the area with which it was planned all along.

No one else wished to speak and Member Greco read the correspondence into the record.

The first response is from L Steve Wiener of Lestlyde Limited Partnership in Detroit saying he supports the amendment fully.

The next comment is from Susan Hall an Island Lake resident saying the current boathouse facility cannot accommodate additional homes and traffic congestion on 10 Mile, Wixom and Beck Roads are her concerns.

The next response form is an objection from Nicole Heur of Island Lake that says we at Island Lake do not wish for this development to be part of our neighborhood, as our amenities are already reaching capacity and adding additional homes will increase the frequency of amenities reaching capacity. If the development is built as a separate neighborhood that does not share the same amenities, then I do not object to the development. As the proposal reads, I do object for the Island Lake of Novi RUD to be altered in order to add this development.

The next objection is from Armen Korbodian stating he is opposed to Toll Brothers adding more homes to the Island Lake of Novi development because the pool and the boathouse is already crowded in the summer and additional residents will add to over-crowding. He is also concerned that if Toll Brothers continues to use the existing model home it will continue to add traffic to the subdivision. The original plan for Island Lake of Novi is complete and it is time for Toll Brothers Construction to cease development at this site.

Sean Stevenson of Island Lake also objects saying he objects until Toll Brothers confirms the pool and pool deck area of the boathouse will be expanded to accommodate an already over-crowded space.

The next objection comes from Dan Heur of Island Lake stating he objects because adding more homes to this neighborhood without also adding amenities such as the community pool will over-crowd these amenities and make it difficult to be accessible to all residents.

The next objection is the letter from Betty Jane and Dan Blossfeld on February 7<sup>th</sup>, 2013 stating that this plan could be acceptable given some conditions and modifications.

Paulette Alia objects and is requesting cost comparisons of the ongoing maintenance of the Dinser Drive road surface.

The final letter is from Raymond and Karen Bunio from February 10<sup>th</sup>, 2013 stating an objection to this current plan which needs some conditions and modifications.

There was no additional correspondence. Chair Gutman closed the public hearing.

Member Greco said last time this plans was here there were a lot of comments from many of the residents, mostly Island Lake residents, regarding the amenities just like the response forms provided regarding mostly the pool and the concerns regarding the additional residents to Island Lake. At the time, those concerns seemed like more of a consideration between the Island Lake residents and Toll Brothers that still seems to be the case regarding those specific concerns. However, there are other concerns regarding the density of the plan that is there. The characterization by some of the residents tonight is correct that this is not really part of the original plan but an add on. I do have concerns with regard to the density and with individuals both part of Island Lake and the other individuals residents to the east. Their concerns in purchasing in an area where they expect larger lot sizes is something that I think is legitimate. It doesn't seem like the large number of lots proposed fits with the area.

Member Lynch confirmed 884 homes were already approved in this area for the RUD and right now there are about 773 and Toll Brothers is requesting is additional 74 which would come out to 847 so it's still technically under the allowable number of units in the original RUD. There has been so much discussion about amenities. The last packet gave an amenities breakdown from the original RUD. I'm just curious as to which ones have been developed and which ones haven't because when I look at the original amenity matrix it looks like you still have another park or something to put in there and that might alleviate some of the concerns.

Deputy Director Barb McBeth stated staff provided that amenity matrix again on the table per the request of Member Lynch.

Member Lynch said there seems like there's a lot of consternation with people worried about getting to the pool and having enough parks.

Mike Noles said we have built all of the amenities that were required by the original RUD plus the boat launch, the clubhouse and the swimming pool. Some of the parks that were constructed are passive and some are active. All of the park areas have been constructed and all of the park amenities have been met. The total number of units was very important as the development is still underneath the total number of units that were originally approved even though the level of amenities and the amount of property has been increased. This is the third time this project has been before the Planning Commission and City Council where additional property was added but the number of units was not increased. So the same rationale that allowed the approval of the original RUD back still holds except for one basic difference in that there is more overall property and acreage than the original proposal. The number of units hasn't changed and the amenities only keep getting better.

Member Lynch said the design of the development flows well and a person would never guess there were so many homes in the area. The intent of the RUD is to keep a rural feel in the area. Will there be small parks and open space throughout the new development area like the current Island Lake development?

Mike Noles responded that yes it will be very similar. The residents in the vineyards to the north specifically requested some area for the children to play because they're playing in the streets. It's difficult for them

to access some of the existing parks so the new park area will have a play structure and some open space where the kids can play. As a parent, if you're going to let your kids go to the pool or go to some of the other parks, it's a nice benefit to know that they can go on sidewalks all the way to the traffic light and cross down at the traffic light in addition to the crosswalk that's available across the street.

Member Lynch said you can spend your whole life in Island Lake. As you age, you can buy another home within the community. Does the new development fill the gap that is in that progression? If you look at the progression from when a person first gets married until they retire, there's a hole there in the price ranges that's missing.

Mike Noles said this lot size is smack dab in the middle of the diverse lot sizes that are offered. There are two different sized attached products. There's a 28 foot wide townhome and then there's a 32 foot wide townhome for an attached, very dense product. Then this is the smaller of the detached individual lots. There are two lot sizes that are larger. So you've got two smaller and two larger, so this is right in the middle. The bulk of the lots, I think there's around 265, have similar lot sizes. It's not that we're introducing a new lot size. This is similar to what is there. But yes it is smack-dab in the middle of the offerings.

Member Lynch said just having the ability to stay in one school system and be able to grow right in that neighborhood is a nice option for residents. What is the issue with pool capacity?

Mike Noles said the issue after talking to the residents and looking at the data this past summer is not the pool itself, it's actually the pool deck because everybody wants to have big lawn chairs and position themselves so they're in the sun. So expanding the pool deck is what is proposed. We've actually been working with the committee to come up with different plans on how exactly to expand that and include some grass area and expand the fence basically. Once you're inside the pool deck, that's been the capacity issue, it's never actually about the pool itself.

Member Lynch said that seems to address the issue of the pool. The lot size is hard for me to comment on. I'm more concerned about the intent of the RUD and trying to have a large area of the City that's still low density, upscale and somewhat rural area. I like the idea of a family being able to grow in the same place and in the same subdivision. I'm not as concerned about the number of lots as long as it fits into the community and is not a detriment. The roads seem to be adequate. I read the traffic consultant's report, and traffic seems to be adequate. I do know that there is a concern with the traffic on Napier and Ten Mile which will be addressed with the traffic light pretty soon. From an infrastructure standpoint, it looks like it meets all the standards. As far as the 74 lots, I do appreciate taking out one of the lots and putting a play scape in there.

Member Lynch said I'm struggling with the lot size. I reside in the community so I understand some of the concerns that the community has expressed in terms of the density. Is there any reason why you have smaller lot sizes even though you have more acreage?

Mike Noles said the lot sizes aren't smaller than the Island Lake of Novi lot sizes. The original RUD approved a variety of lot sizes including the attached product all the way up to the signature product on the lake which were 150 foot wide lots. So it approved a matrix of lot sizes and this is one of the same lot sizes. A similar product was constructed in Phase 5C. In that particular case, that was a 10 acre parcel that we brought in and put 22 - 90 foot lots on it. The 90 foot lot is one of the approved lot sizes within the existing Island Lake RUD. The underlying acreage is approximately .8 units per acre overall. The Planning staff has requested that we do not increase the total number of units and stay within the original approval. So essentially it's the same development with 40 more acres. That's the difference between the last phase and this phase. That's why I say we're really diluting the acreage but not the total count so our density is going to be less.

This project, for this number of units, was approved given the level of amenities that we have already built and exceeded. It's appropriate for it to be part of the original RUD because we're within the original parameters and these new residents will now have the benefit of a 170 acre lake and 20 miles of pathways and the ability to go to all of the five parks. I really think we need to look at this as a whole and not just a separate, standalone piece of property.

Member Prince said he can appreciate some of the concerns that have been expressed by the community as it relates to the smaller lot size. You're literally building in my backyard and for the number of years that I've been there I've always had all this expansive open space and now I'm watching these houses go up with the smaller lot sizes and the large space has gone away. On a daily basis, it's disappearing. So what I'm used to is no longer there. It does have an effect on your enjoyment of your house and your appreciation of what you bought before and what you thought you were going to have for a long period of time. That does have an appreciable effect on what you've invested in and on what you thought you had. So I could understand why there is a lot of concern in the community about these smaller lot sizes and how it's going to affect their property. That's where my concern is because I'm experiencing it myself on a daily basis.

Mike Noles said he recently re-read the minutes of the meeting back when the original project was approved and there were the same objections raised at that time. There was some extensive conversation at the City Council meeting about that and the overriding, guiding principal that they used when they approved it was that the lots that are immediately adjacent don't have to be the exact same kind of lots and that you have to look at it as a whole and a variety of lot sizes is a better planned development than one that is homogeneous where all of the lots are the same size. With respect to the Terra Del Mar and the Langley Court lots, not to diminish your point, because I appreciate what you're saying. There used to be an open field there and it does change the feel of it when there are homes there but in terms of the size of the lots themselves, they both the executive line that are between 90 and 96 foot wide frontages. So they're the same size lots on both of those particular streets. I agree with the person who spoke before about the reduction of one lot from 75 to 74 is little change but the point to that was to make room to be able to add the park and green space and be able to change the basin configuration a little so that the lots that are there existing have some of the things that they requested at the public hearing.

Member Zuchlewski said he heard what everybody was saying and there's a lot of sensitivity in this project. It seems to me that the developer has done an excellent job. By that, I mean not only on the original development but in trying to reach a compromise on this development. The lots are not huge but there's a need for development in the City. I look at how jobs are going to be created and parks are going to be developed. We've been trying to do all these things for Novi to keep the City viable and lively. We're growing. This development will help the tax base. It's very well thought out.

Chair Gutman said when you hear some of the people speaking and read some of the letters it's tough not to be immune to the emotion that it associated with this. In looking at it objectively, at some point in time, the community approved an RUD. If Toll came and said we want to do the same plan that was presented previously, I would be adamantly opposed. But what we as Planning Commission members focus on is does it fall within what's approved and if not, are those exceptions reasonable and fair. So looking at the exceptions that are out there, the density is going from an allowed .97 units per acre to .96. So I look at that as a deviation that you can't easily dismiss but it seems like a modest variation. There are a couple other waivers that are being requested like discontinuations of berms and locations of existing vegetation and the lack of berm adjacent to proposed storm basins. As I went through the exceptions that are out there, I couldn't find a reason that those are not acceptable. As much as I understand the discomfort that may be caused by not having absolutely everything in the way that people would like it, I do think there is a very good compromise here. A lot of work went into this by Toll Brothers which we all appreciate.

City Attorney Dovre said the lot size and the density are two separate issues although they are being talked about as if they're the same. The RUD agreement established a maximum density for whatever property was in Island Lake. I think that number is at 884. If property is added into the RUD, as the proposal is for, that allows the property being added in to be considered for a reduction in lot size. As I understand it, this property is zoned RA, one acre minimum lot size. If it's added into the RUD, the applicant can ask the City Council to reduce that lot size. That is a separate issue from the overall density for the project. It's not as if because allowing these 74 lots is still under the 884 that the City Council has to approve it or that the City Council even has to consider that fact in making this decision. Just because this proposal won't go over the allowed 884 for the development, that doesn't dictate or tie any ones hands when it comes to whether you take the minimum lot size for this RA property from an acre down to 12,000 square feet on some of the lots. They are different considerations.

Member Lynch confirmed the lot size and the density are two completely separate issues.

City Attorney Dovre said they are independent considerations. The first thing that has to happen is a discretionary decision to allow the property into the RUD. That's a City Council call and they're looking for a recommendation from the Planning Commission on that. The second call that City Council has to make is if they want to wave the underlying minimum lot size. While I'm sure the developer would submit as they have to you that the City Council should do that because they're adding 40 acres and staying under the 884, I don't read the ordinance as that density argument mandating a decision on the lot size wavier. They're independent considerations.

Deputy Director Barb McBeth said there are a lot of provisions in the ordinance. One of the items related to the lot size is that the City Council may modify the lot area requirements where the modification results in the preservation of open space for the purposes set forth in the ordinance and when a genuine variety of lot sizes are provided. That's one of the reasons we asked the applicant to provide that map that shows the variety of lot sizes.

Moved by Member Lynch and seconded by Member Zuchlewski:

**ROLL CALL VOTE ON THE RUD AMENDMENT APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:**

**In the matter of The Meadows of Island Lake of Novi, JSP12-65, motion to recommend approval of the Amended Residential Unit Development with the total number of units permitted in the RUD Agreement not to exceed the currently permitted 884 units and subject to and based on the following findings:**

- a. **The site is appropriate for the proposed use;**
- b. **The development will not have detrimental effects on adjacent properties and the community;**
- c. **The applicant has clearly demonstrated a need for the proposed use;**
- d. **Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;**
- e. **The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the Amended RUD;**
- f. **Relative to other feasible uses of the site:**
  - a. **All applicable provisions of Section 2402 of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;**
  - b. **Adequate areas have been set aside for all schools, walkways, playgrounds, parks, recreation areas, parking areas, and other open spaces and areas to be used by residents of the development;**

- c. Traffic circulation features within the site and the location of parking areas have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  - d. The proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfares level of service;
  - e. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
  - f. The Amended RUD will provide for the preservation and creation of open space and result in minimal impacts to provide open space and natural features;
  - g. The Amended RUD will be compatible with adjacent and neighboring land uses;
  - h. The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the Amended RUD;
  - i. Any detrimental impact from the Amended RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the Amended RUD;
  - j. The proposed reductions in lot sizes and setback areas are the minimum necessary to preserve and create open space, to provide for park facilities, and to ensure compatibility with adjacent and neighboring land uses;
  - k. The Amended RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  - l. The applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements
  - m. The applicant has made satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  - n. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, and consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area;
- g. City Council modification of proposed lot sizes to a minimum of 12,000 square feet and modification of proposed lot widths to a minimum of 90 feet as the requested modification will result in the preservation of open space for those purposes noted in Section 2402.3.B of the Zoning Ordinance and the Amended RUD will provide a genuine variety of lot sizes; and
- h. City Council deviation to allow a reduced side yard building setback from 10 feet to seven feet in several instances with a finding that:
- a. If the deviation were not granted, it would prohibit an enhancement of the development that would be in greater public interest;
  - b. Approving the proposed deviation would be compatible with existing and planned uses in the surrounding area;
  - c. The proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;
  - d. The proposed deviation would not be injurious to the safety and convenience of vehicular or pedestrian traffic; and
  - e. The proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.

This motion is made because the plan is otherwise in compliance with Article 3, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 3-2.*

**3. GFS MARKETPLACE, JSP12-71**

Public hearing at the request of Sun Valley, Ltd. for a recommendation to City Council regarding the Preliminary Site Plan, Special Land Use and Stormwater Management Plan. The subject property is located in Section 15 south of Twelve Mile Road and west of Donelson Drive in the RC, Regional Center District. The subject property is 2.15 acres and the applicant is proposing an approximately 16,000 sq. ft. GFS Marketplace retail store.

Planner Kapelanski said the applicant is proposing to construct an approximately 16,000 sq. ft. GFS Marketplace retail store at the southwest corner of Twelve Mile Road and Donelson Drive, essentially as an 'outlot' of the existing Twelve Mile Crossing at Fountain Walk shopping center. The subject property is zoned RC, Regional Center and is bordered by RC zoning on all sides except to the north, which is zoned OS-1, Office Service. The Future Land Use map indicates Regional Commercial Uses for the subject property and most of the surrounding properties. The properties to the north are planned for Community Office uses. There are no natural features on the property. The applicant is proposing to split the subject property off of the existing Twelve Mile Crossing at Fountain Walk parcel and construct a GFS Marketplace retail store along with associated landscaping and parking.

The planning review recommends approval noting a Special Land Use Permit is required for stand-alone retail uses in the RC District. The Planning Commission should consider the factors listed in Section 2516.2.c of the Zoning Ordinance. The planning review also notes the applicant has elected to seek variances from the Zoning Board of Appeals for the deficient building setbacks and parking setbacks. The applicant is seeking a waiver of the required Traffic Study and Community Impact Statement. Both waivers are supported by the staff given the size of the proposed development in comparison to the larger shopping development and area in general, where the traffic and community impacts have been previously evaluated. The landscape review recommends approval of the plan. A waiver to allow more than fifteen contiguous parking spaces would be required. Staff does not support this waiver and the applicant has indicated they will comply with the ordinance requirements. A waiver would also be required to allow the foundation landscaping to be relocated to another area of the site. The applicant has provided staff with a revised landscape plan showing additional landscaping on the east portion of the site. Staff finds the proposed additional landscaping to be acceptable and supports the requested waiver.

Planner Kapelanski continued noting the façade review recommends approval of the plan stating a Section 9 façade waiver is required for the overage of C-brick and split-faced C.M.U. and the underage of brick. Staff supports this waiver. The review also notes the applicant should provide additional architectural articulation and detail on the east and west facades, given the prominence of the proposed building at the intersection. The applicant has provided a revised elevation showing some additional detail but staff feels additional articulation is needed. The City's façade consultant is here to address any façade concerns. The engineering, traffic and fire reviews all recommend approval of the plan. Stand-alone retail buildings in the RC District must receive the approval of the City Council following review and recommendation from the Planning Commission.

Ryan Stysma of GFS Marketplace said they are excited about getting into the City of Novi and providing services here. We're looking forward to contributing to the overall development of what Fountain Walk is currently doing and trying to increase business.

Moved by Member Lynch and seconded by Member Prince:

**ROLL CALL VOTE ON THE SPECIAL LAND USE PERMIT APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:**

**In the matter of GFS Marketplace, JSP12-71, motion to recommend approval of the Special Land Use**

permit, subject to the following:

- a. Planning Commission finding under Section 2516.2.c for the Special Land Use permit, that relative to other feasible uses of the site:
    - The proposed use will not cause any detrimental impact on existing thoroughfares, as noted in the traffic review letter;
    - The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, due to the fact that the proposed retail store will not generate a substantial amount of noise or adverse impacts;
    - The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
    - The proposed use will promote the use of land in a socially and economically desirable manner; and
    - The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff review letters; and
  - b. Compliance with all conditions and requirements listed in the staff and consultant review letters.
- This motion is made because the plan is otherwise in compliance with Article 17, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 5-0.*

Moved by Member Lynch and seconded by Member Prince:

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

In the matter of GFS Marketplace, JSP12-71, motion to recommend approval of the Preliminary Site Plan subject to the following:

- a. Applicant receiving variances from the Zoning Board of Appeals for the deficient building setbacks (100' required, 65' provided in eastern yard and 28' provided in southern yard);
- b. Applicant receiving variances from the Zoning Board of Appeals for the deficient parking setbacks (10' required, 4' provided in western yard and 3' provided in southern yard);
- c. City Council waiver of the required Traffic Study as the existing level of service along roadways will not be significantly impacted by the proposed development;
- d. Applicant providing an additional landscape island so that no more than 15 contiguous parking spaces are provided;
- e. Applicant providing additional foundation landscaping as indicated in the supplementary landscape plan;
- f. Section 9 façade waiver for the overage of C-brick and split-faced C.M.U. and underage of brick, provided the applicant shows additional articulation on the east and west facades; and
- g. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 17, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Moved by Member Lynch and seconded by Member Prince:

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

In the matter of GFS Marketplace, JSP12-71, motion to recommend approval of the Stormwater Management Plan, subject to the conditions and items listed in the staff and consultant review letters

**being addressed on the Final Site Plan. This motion is made because it is other in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. Motion carried 5-0.**

**4. ZONING ORDINANCE TEXT AMENDMENT 18.262 TO PROVIDE BICYCLE PARKING LAYOUT STANDARDS**

Public hearing for Planning Commission's recommendation to the City Council for an Ordinance to Amend the City of Novi Zoning Ordinance, Article 25, General Provisions, Section 2505, to provide Bicycle Parking Requirements and to clarify Automobile Parking Requirements; and Section 2506, to provide Bicycle Parking layout standards.

Planner Spencer said for many years the City of Novi has promoted bicycling as a healthy and environmentally friendly method of transportation and the City has built miles of bicycle infrastructure to connect people to destinations. Now that people can bicycle to these many destinations, they often don't find a good place to park their bike. Studies have shown that the lack of secure and convenient bicycle parking often keeps people from biking to their destination. The City has an adopted set of bicycle parking policies both in the Master Plan for Land Use and in the Non-motorized Master Plan. Both documents recommend adopting ordinance amendments to include bicycle parking requirements and design standards in City Ordinances. In order to act on these policies, the planning staff reviewed recommendations from the Association of Pedestrian and Bicycle Professionals and several bicycle parking ordinances from other communities. Based on this review, staff prepared a proposed Zoning Ordinance amendment that includes bicycle parking requirements and standards.

The proposed amendment will require almost all uses to provide bicycle parking spaces that can be used for short-term and long-term bicycle parking. Bicycle parking demand was developed using a base forecast of about 5% of all trips in the City will be non-motorized trips in the future. This is similar to the base used by the communities review. For each use, the number of spaces required was then adjusted after taking into account potential bicyclist to each type of use. As an example, shoppers, students, employees and recreational facility users have different habits of attending places potentially on bicycles. Uses with a higher potential of having bicycles visiting a site are required to provide a greater number of bicycle spaces in this proposed amendment. The proposed amendment would also require bicycle parking to be located along the primary entrance route to the site, be easily spotted, and be visible from the entrance and illuminated to increase safety.

Planner Spencer stated the proposed amendment will set standards for bike racks to permit bikes to be securely fastened to a rack without falling down and it would also establish bicycle parking space layout standards to provide adequate bicycle maneuvering room. The proposed amendment also requires bicycle parking and automobile parking to be separated to prevent motor vehicles from damaging parked bicycles and to make it harder for thieves to just drive up and take bicycles. The proposed amendment would require larger developments to provide 50% of the required bicycle parking spaces as covered bicycle parking spaces to attract more bicycle users. Requiring enclosed secure bicycle parking as was mentioned in the Non-Motorized Master Plan was not included in this proposal at this time because it would only apply to a few situations. Developments that provide extra bicycle parking spaces could reduce the number of required automobile parking spaces when they provide ten or more bicycle parking spaces according to this proposal.

Planner Spencer concluded noting in order to provide more flexibility, staff is proposing two additional subsections to the draft that was included in the Planning Commission packets and those are subsections 2505.19 and 2506.16. A copy of the proposed language was distributed. This language would give the approving body the authority to grant variances and waivers to reduce the required bicycle parking spaces and to permit alternative bicycle parking locations, designs and layouts with a recommendation from the Planning Director or staff designated by the Planning Director. Tonight, staff

would like to ask the Planning Commission to hold this public hearing on the proposed Zoning Ordinance amendment and make a positive recommendation to the City Council.

Member Lynch said staff has done a marvelous job and his recommendation is to move forward with Planner Spencer's recommendations.

City Attorney Dove made a suggestion for the amendment to Section 2506.16. There's a missing sentence at the end of that section. That should also have language that says any such waiver or modification shall be valid for a period of three years; the same language as the language that appears above. So there's a limitation when relief is given in the event that situations change. Any time I see a proposal like this, which is a new concept and pretty exciting, I never know what the reaction is going to be, from the public or the Planning Commission. If there is time to check on the exact language before it goes to City Council. I would ask for the Planning Commission to take a look at it at their next meeting.

Deputy Director Barb McBeth said this has been under discussion for quite some time and various drafts have been shared around. In this case, staff didn't bring this forward first to set the public hearing, it was just brought forward for the public hearing. There's been some discussion behind the scenes back and forth with the exact language that may go forward. The City Attorney is suggesting that maybe we'd make a few more modifications to the language and bring it back to the Planning Commission just to have those reviewed again and endorsed before it's sent on to the City Council. That would not be a separate public hearing.

City Attorney Dove said he is not talking about any substantive changes, just making sure the procedural concerns and issues are addressed and making sure that this language is appropriate in terms of opportunities to ask for relief from the ordinance.

Member Gutman confirmed staff is asking that the Planning Commission bring this back under the Matters for Consideration on a subsequent agenda.

Member Prince said I think City Attorney Dove's recommendation to the Planning Commission is well placed given that this is a new concept. We do want to be careful and look at the language so it can be well understood by developers that don't encounter this in other communities.

Moved by Member Lynch and seconded by Member Greco:

**ROLL CALL VOTE TO TEXT AMENDMENT POSTPONEMENT MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:**

**Motion to postpone consideration of Text Amendment 18.262 to a future Planning Commission meeting to allow for refinement of and thorough review of the proposed language. *Motion carried 5-0.***

**MATTERS FOR CONSIDERATION**

**1. PLANNING COMMISSION BUDGET**

Deputy Director McBeth said last month the Planning Commission Budget and Planning Studies Committee met to review the Planning Commission budget for the upcoming fiscal year. There was general consensus around recommendation for one larger budget item to suggest to administration to possibly include in the budget a concept called Clear Zoning, or something comparable to it, which is really a reformatting of and an improvement to the Zoning Ordinance. A number of neighboring communities in Oakland County have already undertaken a similar process. So the committee and staff would be recommending to administration to go ahead with considering Clearing Zoning for the

upcoming fiscal year.

Also, the Planning Commission always has a small range of budget items; those are included in the packet. A number of the items for publishing and updating of maps have been reduced because we haven't found as much of a need for that with a lot of good electronic maps from our GIS Department being available. So there's a small budget this year that's being recommended for the Planning Commission. Next year the Planning Division and Planning Commission budgets will be merged together into one budget category so this may be the last opportunity for the Planning Commission to review their own budget lines.

Moved by Member Lynch and seconded by Member Zuchlewski:

**ROLL CALL VOTE ON PLANNING COMMISSION BUDGET APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ZUCHLEWSKI:**

**Motion to approve the Planning Commission Budget. *Motion carried 5-0.***

**2. PLANNING COMMISSION 2012 ANNUAL REPORT**

Deputy Director McBeth said the Annual Report was provided this year to highlight the main activities of the Planning Commission for 2012. This is in place of the Planning Commission narrative that had accompanied the Planning Commission Budget. Since the budget might be phased out, staff still would want to keep up with the Annual Report just as an overview of the activities that the Planning Commission had done in the past year.

**3. APPROVAL OF THE JANUARY 23, 2013 PLANNING COMMISSION MINUTES**

Moved by Member Lynch and seconded by Member Prince:

**ROLL CALL VOTE ON PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:**

**Motion to approve the January 23, 2013 Planning Commission minutes. *Motion carried 5-0.***

**CONSENT AGENDA REMOVALS FOR COMMISSION ACTION**

There were no Consent Agenda Removals.

**MATTERS FOR DISCUSSION**

There were no Matter of Discussion.

**SUPPLEMENTAL ISSUES**

There were no Supplemental Issues.

**AUDIENCE PARTICIPATION**

No one from the audience wished to speak.

**ADJOURNMENT**

Moved by Member Lynch and seconded by Member Prince:

**VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:**

**Motion to adjourn the February 13, 2013 Planning Commission meeting. *Motion carried 5-0.***

The meeting was adjourned at 8:49 PM.

Transcribed by Valentina Nuculaj  
February, 2012  
Date Approved: March 13, 2013

Signature on File

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Richelle Leskun, Planning Assistant