



## PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**FEBRUARY 25, 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 or about 7:00 PM.

### ROLL CALL

**Present:** Member Baratta, Member Giacometti, Member Greco, Chair Pehrson, Member Zuchlewski

**Absent:** Member Anthony (excused), Member Lynch (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Jeremy Miller, Engineer; Brian Coburn, Engineering Manager; Rick Meader, Landscape Architect; Gary Dovre, City Attorney.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

Moved by Member Giacometti and seconded by Member Greco:

### VOICE VOTE TO THE AMEND AGENDA APPROVAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER GRECO:

**Motion to amend the February 25, 2015 Planning Commission agenda to include item #2 and #3 (Neptune Center JSP14-10 and Text Amendment 18.274) under Matters for Consideration on the Consent Agenda and approval of the Amended Agenda. *Motion carried 5-0.***

### AUDIENCE PARTICIPATION

George from the Edinborough Subdivision stood before the board. He stated that a group of residents from multiple subdivisions were present and wanted to present their concerns. They are looking for a solution for the proposed zoning change for Valencia South. One of their concerns is that the developer claims there is no visual difference between an R-1 and R-3 plan although there are 40% more homes in an R-3 zoning district. They are also concerned about the density calculation used by the developers since there will be similar sized homes on significantly smaller lots. The residents think the proposal will benefit the future homeowners more than the existing residents and would like to know what will happen with the value of the existing homes around the proposed subdivision. Another concern is the water table and the residents existing wells.

Michelle Brower, 47992 Andover Drive, owns the home directly bordering the proposed development to the south. Even though the developer states that there will be no visual difference and the residents will not feel a difference, the residents seem to disagree. They thought it would be better if they used some photos to help illustrate their point. They drove around some other subdivisions in Novi built by Pinnacle that were zoned R-3. The first group of

pictures is of Andelina Ridge. The homes are tightly spaced together in the front, back and sides and there are few trees and greenery. Next they went to Valencia North which they have been told would be similar to the proposed Valencia South. It seems to look similar to Andelina Ridge with homes built close together and few trees. The photos the developer brought to the previous meeting of the proposed Valencia South were lush with greenery, but in reality, this is not what is seen. In regards to the Similar-Dissimilar ordinance, if the zoning is changed, the residents feel it will introduce dissimilar homes and land use to their existing homes. The area will be more crowded which is not what they anticipated when they originally purchased their home and the new subdivision will reduce the marketability and value of the existing homes as opposed to if an R-1 zoned subdivision was built.

Greg Struble, 49470 Edinborough Lane, is a new resident. He was looking at a photo slide showing Michelle Brower's lot and the three proposed lots bordering it in Valencia South. He is in support of the development but wants to see it built as R-1 zoning. He believes the zoning change is to support the developer to make more money by allowing him to build more homes at the expense of the existing homeowners in the surrounding area. He pointed out the side yard setbacks of Andover Pointe and Echo Valley showing the distance between the homes. The residents enjoy the wildlife that take advantage of the space and walk through their properties and they are concerned this will no longer be the case if homes are built closer together. Looking at the overlay proposed by the developer, in Valencia North there are 38 homes proposed to be built and in Valencia South there are 40 counted. The easement on the west and south borders are only 15 feet and there is not enough room to build a tree cover or conservation easement. Initially, the new subdivision will be completely dissimilar from what is existing and will provide a different feel and reduced home values for the surrounding residents. The benefit will be to the new homeowners and the builder.

Hemesh Shah, 48132 Andover Drive, stated that he purchased his home due to the large backyard and look of the neighborhood and he feels the proposed development will take that away. The homes look like they will be much smaller than those of the surrounding area and he is concerned it will lower property values of the surrounding homes. He is concerned about the water table changes and how it will affect his septic system. He is opposed to the zoning change.

Kristen Pietraz, 48380 Burntwood Court, is opposed to the zoning change and is concerned about the negative effect the noise and pollution from building a new subdivision would have on her family. She is concerned about air quality, added traffic and the large trees that will be removed.

Janice Krupic, 48076 Andover Drive, is concerned about the wells. Most of the homes in the Echo Valley, Edinborough and Andover Pointe are on well and septic. A lot of the wells are over 50 years old and some have needed to be re-drilled over the years. Earth and tree removal can cause damage to the wells or cause them to go dry and he discussed examples of where this has happened. Water studies and water samples need to be done to avoid further issues.

Paul Victor was present to read a testimonial from a resident (Kathy Teranicha) that was not able to attend the meeting regarding issues that were faced during the construction of Island Lake. They dealt with issues pertaining to their wells becoming dry during the construction due to the contractor de-watering or draining the water table to lay sewer and water pipes. They had to deal with loud noises and shaking of their home during the construction as well. The end result was them having to drill another well which led to some landscape replacement which was very costly and inconvenient. Several other homeowners had to re-drill their wells and others had

issues with poor water quality.

Damon Pietraz, 48380 Burntwood Court, is opposed to the zoning change. He is highly concerned about water runoff from the new development. He has witnessed first-hand the force of water. Hydro-excavation of driveway, trees, streets, basements and home foundations are a major threat with any development on the parcel including a denser R-3 proposal. Extending setbacks is critical to allowing the natural geography to deal with the water runoff. Topography changes from developing land parcels threaten local residents existing septic fields and well systems. The developer has no proof that the ground water table from the surrounding subdivisions will not be affected.

Bonnie Jones, 47991 Andover Drive, is strongly opposed to the rezoning. The green space will be lost and there are multiple benefits to keeping it, including an increase in property values, recreational use, screening, privacy and noise reduction to name a few. The fifteen foot conservation easement is the minimum needed for any substantial sized tree to survive the impact of the construction and the damage of the root zone. Leaving the tree line along Ten Mile Road and pushing the homes back into the subdivision does not seem to be the best solution.

Steve Barnes, 48300 Burntwood Court, has similar concerns to the other residents. He feels the developer should be able to maintain a tree buffer to allow for filtration and noise between the developments as they have in other areas of the city. Rezoning is not necessary because the cost would result in removing almost the entire woodland area. In the last five years, there has been in excess of 100 million dollars in real estate purchased in the R-1 zoned areas. When surrounding subdivisions were built, they were able to leave the existing woodlands alone and install septic fields, utilities and wells for each property. The large size of the lots allows the subdivision to maintain the integrity of the zoning.

Dan Patterson, resident of Andover Pointe, stated that only ten letters were received by the city in support of the zoning change and eight of them were from sellers who would profit from the development. There were 31 letters received by the city in opposition of the rezoning. He is concerned that not all of the residents were properly notified since one of the residents living right next to the development did not receive notice. He questioned what the public benefit from the rezoning would be. He is also concerned about the existing residents' sewers and wells, along with the look and style of the garages that have been re-positioned and would like to see a larger green space be required.

Bruce Flaherty, 48048 Andover Drive, has reviewed the zoning standards and would like the zoning to remain the same. To comply with the existing law, the developer would have to remove lots 1, 31 and 66 and move the entire layout east, as well as remove lots 14 and 19 and move the entire layout north. This would change the amount of homes to be built from 66 to 61 and the square footage of each lot would increase and meet the current requirements. He created a layout of what this would look like and presented a drawing for the board. It created a buffer to the surrounding homes providing 90 feet of wooded land. The builder would not have to change the garage layout and the residents in the surrounding area would be much happier.

Colleen McClorey, 48188 Andover Drive, is concerned about the rezoning. She is concerned about the residents having to hook up to city water which she does not believe is financially an option. She and other residents are not interested in the change and want to keep their wells. The benefit is only to the developer and not to the residents. She would like to see some bond and financial requirements placed on the developer to pay for their potential loss.

Stacey Rose, 23940 Forest Park Drive, is speaking as a member and on behalf of the Echo Valley Board of Directors. The fifteen foot conservation easement is not enough of a barrier between the existing and proposed subdivisions. Tall houses on concentrated smaller lots would look down over their smaller homes and decrease property values. Residents of the Echo Valley subdivision enjoy the large open backyards and the new development would take that away from them. He believes the developer should remove some of the proposed lots and alter the layout so a larger screen area can be installed. Wells and septic fields are also a concern and he would like to see them protected during and after construction.

Barry Buha, 48035 Andover Drive, is opposed to the zoning change and has concerns similar to the other residents. His biggest concern is the well, septic and maintaining quality water. He believes the city needs to financially require that the existing resident's wells be protected in the case that something happens to them.

Linda Struble, 47490 Edinborough Lane, paid a premium when she purchased her home for the additional space between her home and the neighbors including the wooded area. She does not believe that having green space is enough and wants to see something greater. The developer is the only one that will benefit and rezoning is not necessary. Many existing residents will be affected in a negative way.

Marti Anderson, 48360 Burntwood Court, has spoken with every homeowner in her subdivision and each one of them is opposed to the rezoning. Most of them feel that the city does not care about the existing homeowners. The developer claims that their wells will not be affected, but history has not shown this to be true. The proposal brings more negatives to the table than positives.

Chris Brower, 47992 Andover Drive, feels that his home would be the most dramatically impacted since there will be three homes built adjacent to his lot. He also did not receive notification from the city regarding the rezoning. There will be a visual difference to the proposed lots compared to what currently exists.

Reverend James McGuire, 48028 Andover Drive, is opposed to the rezoning. Existing property values will be harmed and the plan should be denied. All the surrounding subdivisions are on wells and septic fields and as seen in the Island Lake development, many were affected. The developer should have to post a bond in case their wells dry up. If the developer is positive their wells will not be affected, they should not have a problem posting one. The plan does not serve the highest good of all involved and does more harm than positive. The wooded buffer is a home to much wildlife and there is a lot of value to that area.

Laray Anderson, 48360 Burntwood Court, thinks the developer should have to post a bond pertaining to the wells.

No one else wished to speak and Chair Pehrson closed the audience participation.

#### **CORRESPONDENCE**

Member Greco stated that he had some correspondence for Huntley Manor and additional correspondence for Valencia South. The response forms for Valencia South were from Jerome Ostalecki and Sharon Ostalecki, both opposing the development.

#### **COMMITTEE REPORTS**

There were no Committee Reports.

### **COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT**

The Community Development Deputy Director Barbara McBeth introduced the new Landscape Architect, Rick Meader, in the Community Development Department. He was recently hired and started this past Monday. He has a Bachelor's Degree from the University of Michigan in Biology, a Master's Degree from the University of Michigan in Landscape Architecture and a Masters of Business Administration from the University of North Carolina at Chapel Hill. He has over 13 years of experience with private consulting firms and we are happy to have him on board with us.

Chair Pehrson welcomed Mr. Meader and asked him to share some information about himself.

Rick Meader stated that he has 12-13 years of experience in Landscape Architecture. Prior to that he was in Business Administration which he did not find as rewarding, so he went back to school for his Landscape Architecture Degree. He brings a lot of experience to the table from working with municipalities to developing site plans from the developer side of it. He has a good feel for his work and how to review plans.

Deputy Director McBeth stated she had two additional announcements. There is a joint study and learning session scheduled for the Planning Commission and Zoning Board of Appeals for Wednesday, March 18<sup>th</sup>. There is also a Master Plan and Zoning Committee Meeting for the study area planned for Thirteen Mile Road and Novi Road on March 11<sup>th</sup>.

### **CONSENT AGENDA - REMOVALS AND APPROVAL**

#### **1. Sunbelt Rental Building Addition JSP14-0068**

Consideration at the request of Ideal Contracting for the approval of the Preliminary Site Plan. The subject property is located in Section 17, south of Grand River Avenue, east of Wixom Road and west of Beck Road in the I-2, General Industrial District. The applicant is proposing to expand the existing 10,353 SF construction equipment rental space by adding 6,250 SF three (3) bay pre-manufactured metal building addition for equipment repair and related parking and landscape improvement. The applicant is not proposing any storm water improvements on site.

**In the matter of Sunbelt Building Rental Addition JSP14-68, motion to approve the Preliminary Site Plan based on and subject to the following:**

- a. **Planning Commission waiver to permit a painted island at the end of proposed parking bay on existing asphalt pavement (an end island with a raised curb is required per Sec. 5.3.12.), which is hereby granted;**
- b. **The plan is generally consistent with the intent and purpose of Section 5.15 of the Zoning Ordinance;**
- c. **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 Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.**

#### **2. Neptune Center JSP14-0010**

Consideration of the request of Dorchen/Martin Associates, Inc. for Neptune Center for Preliminary Site Plan and Stormwater Management Plan approval. The subject property 3.9 acres located in Section 15 of the City of Novi at 44300 Grand River Avenue on the north side of Grand River Avenue, in the I-2, General Industrial District. The applicant is proposing a

20,000 square foot office and industrial facility.

**In the matter of the request of Dorchen/Martin Associates, Inc. for Neptune Center, JSP14-10, motion to approve the Preliminary Site Plan based on and subject to the following:**

- a. **Section 9 Waiver for underage of brick and overage of CMU on all façades provided the applicant works with the City's façade consultant to determine an appropriate color pigment for the proposed CMU product, which is hereby granted; and**
- 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.**

**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.**

**In the matter of the request of Dorchen/Martin Associates, Inc. for Neptune Center JSP14-10, 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.**

**3. Set the Public Hearing for Text Amendment 18.274 for March 25, 2015**

Moved by Member Baratta and seconded by Member Greco:

**VOICE VOTE ON THE CONSENT AGENDA APPROVAL, MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**Motion to approve the Consent Agenda. *Motion carried 5-0.***

**PUBLIC HEARINGS**

**1. ZONING ORDINANCE TEXT AMENDMENT 18.272 FOR MINOR AUTOMOBILE REPAIR SERVICES.**

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the city of Novi Zoning Ordinance at Article 4, use Standards, Section 4.29, Fueling Stations and Minor automobile Service Establishments; in order to permit fueling stations with accessory minor automobile services that pre-date the Ordinance to terminate fueling operations and continue minor automobile repair services.

City Planner, Kristen Kapelanski, stated that this is an applicant proposed amendment from Sovel Service Center which will permit minor automobile service stations in the B-3 District. Staff is generally in support of the proposed amendment but has made some revisions including the following: In the B-3 District an accessory minor automobile repair shop that predates the ordinance may terminate its fueling operations provided are structures related to the fueling use and not needed by the repair use are removed and the applicant either installs additional landscaping, eliminates a curb cut or installs pedestrian paths. A revised version of the ordinance from our City Attorney's office has been provided this evening slightly altering the proposed text. The Planning Commission is asked to hold the public hearing this evening and make a recommendation to the City Council.

Chair Pehrson asked the applicant to come forward and address the board.

Kevin Kohls, 41200 Coventry, stated that he is representing Sovel Service Company for the text amendment. The four Sovel Brothers are present for the hearing along with the architect for the site, Lee Mamola. They want to move forward with the site without selling gas. The business model has changed and the Sovel's would like to continue what they view their primary use of the site is, which is repairing automobiles. Both uses have been conducted on this site since the mid 1950's. They bought the property in 1983 and continued and expanded the use to the four bays that currently exist. They would like approval of the ordinance amendment so they can continue the use and continue to serve their customers.

Chair Pehrson opened the case to public hearing and asked anyone wishing to speak to address the board.

Walter Sobczak, 24248 Hampton Hill, stated that he moved to the city in 1970 and the only thing on the southwest corner of Novi Road and Meadowbrook Road was a gas station. It remained empty until the Sovel Brothers purchased it. Since then, they have turned it into a model business that is an asset to the community. He believes that many people in the city rely on this company because of their outstanding service. Mr. Sobczak stated that he is highly in favor of this text amendment so the Sovel Brothers can continue to provide excellent service to the community.

Alex Robertson, 44645 Kerri Court, stated that in the 20 years he has resided in Novi, he has only gone to Sovel to have his car serviced. They give great service and prices and they bend over backwards to accommodate their customers. He enjoys having their business in the community.

Robert Golota, 22013 Heatherbrae Way, is in full support of the proposed text amendment. Fuel can be dispersed at many different locations, although you cannot always find the quality service that they provide. It is a great business; they maintain the corner, have fixed up the building and he believes that it would be acceptable for them not to sell gas there anymore.

Chair Pehrson asked if there was any correspondence. There was none so he closed the public hearing and turned the discussion over to the board.

Moved by Member Baratta and seconded by Member Greco:

**In the matter of the Text Amendment 18.272 for Minor Automobile Repair Services, motion to recommend approval to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 4, use Standards, Section 4.29, Fueling Stations and Minor automobile Service Establishments; in order to permit fueling stations with accessory minor automobile services that pre-date the Ordinance to terminate fueling operations and continue minor automobile repair services; as revised by the City Attorney's Office, and as provided at the table this evening.**

Member Zuchlewski asked for clarification as to whether the tanks and canopy would be removed.

The applicant stated that the tanks and canopy will both be removed. It is part of the ordinance as the City Attorney's office has revised it that the entire gasoline sale related components must be removed to move forward with the automotive repair use. There will be other improvements to the site including landscaping, closing a curb cut and a light.

Chair Pehrson asked Planner Kapelanski if any vehicle sales are allowed on the property.

Planner Kapelanski stated that the use would not allow for any vehicle sales.

Chair Pehrson asked about an addition to the number of bays and whether they would have to go before the Planning Commission again.

Planner Kapelanski stated that the applicant would go through the regular site plan approval process.

Chair Pehrson asked about the storage of the repaired cars and whether they would be considered a parked car if they were repaired and sitting on the lot.

Planner Kapelanski responded that it would be considered a parked car.

**ROLL CALL VOTE ON THE MOTION TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.272 MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GRECO:**

**In the matter of the Text Amendment 18.272 for Minor Automobile Repair Services, motion to recommend approval to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 4, use Standards, Section 4.29, Fueling Stations and Minor automobile Service Establishments; in order to permit fueling stations with accessory minor automobile services that pre-date the Ordinance to terminate fueling operations and continue minor automobile repair services; as revised by the City Attorney's Office, and as provided at the table this evening.. *Motion carried 5-0.***

**2. Huntley Manor JSP14-0056**

Public Hearing at the request of GR Meadowbrook LLC for Planning Commission's recommendation to City Council for consideration of a Special Development Option Concept Plan. The subject property is 26.62 acres in Section 23 of the City of Novi and located on the south side of Grand River Avenue, west of Meadowbrook Road in the GE, Gateway East District. The applicant is proposing a 210 unit multiple-family gated community.

Planner Kapelanski stated that the applicant is proposing a 210 unit multiple-family gated community on the subject property. To the north of the property on the opposite side of Grand River Avenue there are existing commercial uses. To the east are the Fountain Park apartments. To the west is vacant land and to the south is the existing Meadowbrook Glens residential development. The subject property is currently zoned GE, Gateway East with B-3 and NCC zoning to the north, NCC and RM-1 zoning to the east, NCC and OS-1 zoning to the west and R-4 zoning to the south. TC Gateway uses are planned for the subject property and properties to the north and east with multiple-family uses planned for the west and single-family uses planned to the south. The site previously contained a significant number of regulated natural features that were removed as part of a previous development plan. A small amount of regulated woodlands still remains along the border of the property and there is a significant wetland area along the southern property line.

The applicant is proposing a mix of two and three bedroom rental units with a density of 7.89 units per acre in a gated community setting. Landscape amenities are proposed along with a clubhouse and pool. The site was previously cleared for development and a wetland mitigation area and stormwater detention basin have already been constructed. The previous approval and the current proposal both utilize the Special Development Option of the Gateway East District. This option is intended to allow greater flexibility in ordinance standards in order to meet



the objectives noted in the GE District. The applicant is seeking approval of a new Special Development Option concept plan which would supersede the previously approved plan and agreement. The planning review recommends approval of the plan noting ordinance deviations are required for the deficient loading area and to allow lighting fixtures that are not full cut-off. Staff supports these deviations which can be included in the SDO Agreement. The landscape review recommends approval noting waivers are required to allow a decorative fence in lieu of the required berm along Grand River Avenue, to allow evergreen trees in place of canopy trees and for the lack of large shrubs around the existing detention basin. Staff recommends all landscape waivers be included in the SDO Agreement. The façade review recommends approval of the required Section 9 waiver for the overage of asphalt shingles and underage of brick as the design meets the intent of the ordinance. The engineering, traffic, wetlands, woodlands and fire reviews all recommend approval with items to be addressed on the Preliminary Site Plan submittal. An Authorization to Encroach into the Natural Features Setback and a Woodland Permit would be considered as part of the Preliminary Site Plan review. The Planning Commission is asked to recommend approval of the Special Development Option Concept Plan this evening.

Mark Kassab, GR Meadowbrook LLC for Huntley Manor, was present to address the board. He has been working on this project with the city for the last year and is happy to answer any questions that the board or public may have.

Chair Pehrson opened the case to the public and asked anyone that wished to speak to address the board.

Jay Brody, an owner of the Fountain Park Apartments, is in support with an objection on a minor basis. He is concerned about the traffic flow up and down Grand River Avenue. There is boulevard access between the planned development and the Marty Feldman Chevrolet Kia which is a narrow strip to access the community for ingress and egress. The residents complain on a regular basis that as you go through the entrance and exit, when you look to the east, there is a hill and it is a blind turn onto Grand River Avenue. Back in 2004 or 2006 it was recommended that a traffic light be placed at their entrance in order to address the safety concerns in respect to traffic flow into the community and along Grand River Avenue. The City of Novi approved the traffic light; however Oakland County Road Commission stated that if that was the case, the city would have to pay for the traffic light. He would like to request a traffic light be installed.

Brandy Morrow, a Meadowbrook Glens Resident, has a home that backs up against the proposed property. She has concerns about the traffic, especially during rush hour, and adding additional traffic to an already congested area. She is also concerned about encroachment on the wetlands and marsh areas and how far back they will want to come onto their land. She values the quietness of her property and would like to keep the trees as a barrier against the noise from construction and vehicles.

Chair Pehrson closed audience participation since there was no one else wanting to speak.

Member Greco stated that there was correspondence. Steven Davis, 42101 Fountain Park Drive North, is in objection to the project primarily due to the traffic. An increase of over 200 homes would result in an additional 700 vehicles in an already congested area. Daniel Magee, 41925 Cherry Hill Road, is opposed because the area is already congested. Adding homes will make it worse and approval should not be given. Richard William Antuna, 41728 Cherry Hill Road, does not believe there is not enough of a setback. The only house you can see from Grand River is his

home. He does not want to stop expansion but would like a better buffer zone. Melissa Cheladyn, 41956 Cherry Hill Road, is in objection because she does not want to see added traffic to the area. Betty and Gary Dinser, 41872 Cherry Hill Road, are in objection because there will be a decrease of privacy and there will be a decrease in their property values. Some residents do not have fenced in yards and there is already a lot of congestion in the area.

Chair Pehrson closed the public hearing and turned the discussion over to the board.

Member Greco stated that there are concerns related to traffic and added congestion to the area. The project does not look like one that does not fit into the area. The traffic consultant reviewed the project and recommends approval with some conditions. He asked the staff about the traffic light and for the status of a potential light being installed.

Brian Coburn, City Engineer, stated that a traffic light would have to be approved by the Road Commission since Grand River is under their jurisdiction. When looking for a location for a traffic light you have to look at the cross street traffic and how much volume you have versus the gaps that are available on Grand River Avenue. If the traffic warrants are not there, the Road Commission will not support installation of a road signal.

Member Greco asked Mr. Coburn if the entrances were shared, if he believes it would generate enough traffic to merit a light.

Mr. Coburn stated he could not say without knowing the numbers or having the Traffic Consultant review it. The increased side street traffic would be beneficial to their case.

Member Greco asked what the approximate cost of a traffic light would be.

Mr. Coburn stated it would probably be approximately \$250,000-\$300,000.

Member Greco asked if this is a cost that could be incurred by the developer.

Mr. Coburn stated that if the Road Commission approved a traffic signal, the developer could volunteer to fund it. He is not sure if we could require him to pay for it. He is also not aware of previous requests for a signal.

Member Greco asked if we should obtain an updated traffic study.

Mr. Coburn stated that if there is a problem, staff could do a review and see if there is a warrant for it, which could be brought before the Road Commission. They would also need a letter from the property owner requesting it. He went on to explain that a signal is not always a good thing. At Cherry Hill Road and Meadowbrook Road they had numerous requests for a light and there was a marginal warrant for a signal. Once it was installed they were constantly receiving complaints because it stops the cross street traffic from turning when they could have turned before without the signal. A lot of money was spent to install the traffic light and now it is left in blink mode and only operates two hours of the day during peak hours.

Member Greco thinks it is worth looking at and they should get an agreement stating so if one is needed.

Mr. Coburn commented that the traffic light at Meadowbrook Road and Grand River Avenue is in the process of being upgraded with a new signal. The Road Commission is funding the

project. It will be integrated with the rest of the system and hopefully the issues they were having will be resolved.

Member Greco asked if an adjustment on the timing of the lights would make a difference.

Mr. Coburn stated that some of it is the timing. It will be reviewed along with the flow of traffic and the city can do this review.

Member Greco stated that based upon the plan and the area, it looks approvable and acceptable. With respect to the motion, the board could add that the City Council considers whether or not a traffic light in the area should be installed.

The applicant stated that a traffic study was submitted as part of the submission and there has already been conversation with the Road Commission. As the engineer stated, they are proposing to upgrade the Grand River and Meadowbrook lighting. The challenge with the site is the Road Commission has required them to line up the boulevard they have with the boulevard across the street from Grand River. It is difficult because it has to be moved to the west or east so many feet to line up exactly. Tying into Fountain Park is not an option because they have a wetland and woodland conservation easement that they are protecting. They will not be removing a single tree from the property and the plan will far exceed the landscape plan requirements.

Member Baratta inquired about the buffer and asked what the distance is between the building to the south and the homes.

The applicant said he believes it is approximately 800 feet.

Member Baratta asked about the dark green area on the plan and whether that is what they would be planting.

The applicant confirmed that the blue to the west and south and the dark green to the south is the existing conservation easement. They will not be adding any landscaping. It will be left in its natural state.

Member Giacometti stated that the one thing he likes about the plan is that it adds high density residential options along the Grand River corridor which makes it consistent with the downtown development initiatives that the city has been undertaking. The development needs people in proximity to the downtown area. His concern with the decorative fence is that it minimizes the walkability in and out of the development causing a resident on one side to have to walk all the way around.

The applicant stated that this has already been brought to their attention and there are sidewalk connections that will tie into the Grand River sidewalk on the far west portion of the property and boulevard to the east portion of the property. They want to avoid people walking between buildings so they strategically placed the sidewalk connections. It is a decorative fence and the rents in this community will probably start at \$2,000 per unit. They are not looking to build a barrier around the property. It will be highly landscaped along the frontage with a gated entranceway and sidewalk connections along Grand River and three spots along the frontage.

Member Giacometti asked if there was a pathway to the southern connection of the sub.

The applicant stated that the city wanted them to connect to the subdivision to the south through the right-of-way to the subdivision. There is no connection to the subdivision to the west due to the conservation easement.

Moved by Member Baratta and seconded by Member Greco:

**ROLL CALL VOTE ON THE MOTION TO RECOMMEND APPROVAL OF THE CONCEPT PLAN MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

In the matter of the request of GR Meadowbrook LLC for Huntley Manor JSP14-56 motion to recommend approval to the City Council of the Special Development Option Concept Plan. The recommendation shall include the following ordinance deviations:

- a. Deviation for the deficient loading area (940 sq. ft. required, 480 sq. ft. provided);
- b. Waiver to permit a decorative fence in lieu of the required berm along Grand River Avenue;
- c. Waiver to permit the use of evergreen trees in lieu of the required canopy trees as required building foundation landscaping;
- d. Waiver for the installation of large shrubs around the existing detention basin;
- e. Section 9 façade waiver for the overage of Asphalt shingles and underage of brick; and
- f. The City Council consider the need for a traffic light on Grand River Avenue near the existing Fountain Park Apartments and the timing of the existing signals at Grand River Avenue and Meadowbrook Road.

If the City Council approves the request, the Planning Commission recommends the Applicant be required to comply with the conditions and items listed in the staff and consultant review letters as a requirement noted in the Special Development Option Agreement. It is also requested that the City Council consider the installation of a traffic light and consider the timing of the traffic light on Grand River Avenue.

This motion is made based on the following findings:

- a. The project results in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development;
- b. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.B the proposed type and density of development does not result in an unreasonable increase in the use of public services, facilities and utilities, and does not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment;
- c. Based upon proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the Special Development Option project will result in a material enhancement to the area of the City in which it is situated;
- d. The proposed development does not have a materially adverse impact upon the Master Plan for Land Use of the City, and is consistent with the intent and spirit of this Section;
- e. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.B, the proposed development does not result in an unreasonable negative economic impact upon surrounding properties;
- f. The proposed development contains at least as much useable open space as would

- be required in this Ordinance in relation to the most dominant use in the development;
- g. Each particular proposed use in the development, as well as the size and location of such use, results in and contributes to a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City;
  - h. The proposed development is under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance;
  - i. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service;
  - j. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area;
  - k. Relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourse and wildlife habitats;
  - l. Relative to other feasible uses of the site, 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;
  - m. Relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
  - n. Relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner; and
  - o. Relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

*Motion carried 5-0.*

## MATTERS FOR CONSIDERATION

### 1. Valencia South JSP13-0075 with Rezoning 18.706

Consideration of the request of Beck South LLC for Planning Commission's recommendation to City Council for rezoning of property in Section 29, on the southwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The subject property is approximately 41.31 acres and the applicant is proposing a 66 unit single-family development.

Planner Kapelanski stated that the applicant is proposing a rezoning with PRO to develop 66 single-family homes on a 41 acre site at the southwest corner of Beck Road and Ten Mile Road. The parcels are currently made up of single-family homes and vacant land. Land to the north of the proposed project across Ten Mile Road is under construction for the development of single-family homes very similar to this proposal. Existing single-family developments can be found to the south and west and vacant land, single-family homes and a church are located to the east. The subject property is zoned R-1, One-Family Residential with R-1 zoning surrounding the site with the exception of the property to the north, which is zoned R-3 with a Planned Rezoning Overlay.

The future land use map indicates single-family uses for the subject property and the surrounding properties along with a private park designation to the east. There are significant amounts of natural features on the site. Impacts to natural features have been minimized to the extent practical. Permits for wetland and woodland impacts would be required at the time of site plan review and approval. The City's environmental consultant, Pete Hill of ECT, is here this evening to address any natural features concerns.

The applicant is proposing 66 single-family homes with a density of 1.65 units per acre, consistent with the R-1 zoning district provisions. Proposed lot sizes and widths are consistent with the standards provided in the R-3 district, hence the proposed rezoning. This matter was previously considered by the Planning Commission and a public hearing was held on February 11<sup>th</sup>. The applicant has revised their plan in response to the comments made by the Planning Commission. Specifically, the applicant has shifted the proposed development to allow for a fifteen foot conservation easement along the west and south property lines bordering the existing residential uses. They have also provided additional information on the proposed drainage patterns and impacts on adjacent septic's and wells. Sanitary sewer and water main stubs extended to the south property line for future connection have also been highlighted. Planning staff continues to recommend approval of the proposed rezoning to R-3 with a PRO as the plan meets the intended master plan density and the objective to maintain low density development and natural features preservation patterns in this area of the City. The engineering staff has reviewed the additional information and concurs with the applicant's response regarding drainage and impacts on adjacent properties. Staff has since changed their stance on the required ordinance deviation for the missing pathway construction to Andover Pointe and supports the deviation with the applicant providing an easement. Staff continues to recommend the increased rear yard setback as shown in the applicant's sketch of an altered building footprint that would increase the rear yard setback but require a five foot deviation for the front yard setback and the aggregate setback of the two side yards. This would only apply to those lots bordering the existing residential developments. The Planning Commission is asked to make a recommendation on the proposed rezoning with PRO this evening.

Chair Pehrson asked the applicant to step forward and address the board.

Howard Fingerroot, managing partner of Pinnacle Homes, stated he is present to answer any questions that anyone may have. At the previous meeting the board requested them to consider pushing the development to the east and the north. They did in both cases and studied the concerns of the neighbors regarding the well and septic. Island Lakes of Novi was a different issue since they were by a lake and there were ground water issues. The soil borings which go down 25 feet show no water that would need to be de-watered. He believes the soils makeup at the proposed location is different than that of Island Lake.

Chair Pehrson turned the matter over to the Planning Commission for discussion.

Member Baratta told the applicant that he saw the engineering study regarding the drainage sewer hookups and his efforts on the buffer. The current zoning is R-1 and the applicant wants to have it changed to R-3 but there needs to be a public benefit. You can build the same numbers of houses on an R-1 as in R-3 zoning and would like to know more reasoning for the change.

The applicant stated that they are requesting the R-3 PRO because he believes it will make them better stewards of the land. They will be preserving close to 30% open space and their density will be lower than Echo Valley to the west of them. They have 12 homes along the western property line which is the same number of homes Echo Valley has on the east property line. In

the south they have six houses that back up to the property line and Andover Pointe, and seven homes backed up to the property line. It is consistent with the surrounding zonings. Technically it is not an R-3, but an R-3 PRO which will allow them to preserve more of the natural features and keep the density to R-1 zoning.

Member Baratta asked the applicant about the 15' buffer to the west and south that was discussed at the last meeting. This buffer seems limited and he is not sure it will provide the existing residents the look, feel and screening they want for their backyards. He would like to know if there is any more room to add depth to the conservation easement.

The applicant stated that when they had met with the neighbors, they asked for the proposed homes to be pushed further away from them. They have figured out a way to give them a 50 foot setback instead of the required 35 foot setback by changing the architecture. Based on the Chairman's request to push the subdivision to the east, they have created more space providing 65 feet from the property line to the back of the proposed homes. Typically there is not a buffer between subdivisions; it is mostly seen in Industrial zoning, so he feels it is generous of them to be providing a buffer at all.

Member Giacometti stated there had previously been discussion about a bond being required to be posted for the project to protect the sewer and septic fields. He asked the applicant if he has any objections to posting the bond for a period of time.

The applicant stated that the city requires financial guarantees that they have to post with any development. They had to post over two million dollars for each of the other subdivisions they developed; it is also part of the subdivision ordinance. If there was an indication that there was going to be some de-watering necessary like in Island Lake, he thinks it could be a request. Looking at the soil boring logs and analysis, the engineers agreed that it does not look like it will be an issue. He strongly prefers not to have to post the bond because he does not feel it makes any sense since there are no engineering facts behind the request, only the concerns of the neighbors.

Member Giacometti stated that he would make a recommendation that there would be a bond considered. He also listened to the concerns of the neighbors and read a number of the letters against the proposal. He is not convinced that changing the zoning from R-1 to R-3 is necessary since the same number of properties can fit under the R-1 zoning.

Member Greco commented that when growing up in a rural area, you will always want the wooded areas to stay, but with development and private land this cannot happen. He understands the concerns of the neighbors and what they presented to the board, but many of the concerns are the same exact concerns that would be present if an R-1 development was proposed. The reason for the PRO overlay is to give the city more control on what the city wants and to respond to issues with respect to the neighbors. The Planning Commission has dealt with this intersection on the west side on the north and the south for at least ten years, and the Planning Commission and the city have denied zoning requests every single year. When Valencia North and South were proposed, they were able to provide a plan and it was very apparent that the developer was trying to make as much money as possible. With respect to the number of homes being built and the number of homes in the development versus what else could be developed, (including larger homes with an increased buffer, moving it to the northwest and creating a conservation easement,) these are all requests made by the city. If it were an R-1 development being proposed, all these requests could not be justified. The development looks to be viable and is acceptable to the area. Looking at the aerial view, the

area is going to increase and grow. With respect to the alternative as to what could potentially be developed in this area, this proposal seems to be a good plan. It provides an additional buffer for the existing neighbors and the Planning Commission can request the City Council add a bond with respect to potential areas regarding septic; this is giving the residents more than they would get under an R-1 development.

Chair Pehrson stated that he is in complete agreement with Member Greco. They have turned down many proposals for the area over the years because it did not fit the community. The argument of Dissimilar-Similar is something that was picked up and carried forward but has no real meaning in this particular situation. You will not find the same kind of architecture that existed twenty years or so ago to meet today's modern standards and what the people in the community want. They have allowed and provided for an ordinance change with this kind of PRO so the board can hold the developer to a higher standard and put constraints around the development. If this were a conventional R-1 development, there could potentially be lot lines and easements/buffers that will be much less. They are not doing the city any good by turning down this particular rezoning request. He feels this is the right application and is appreciative of the changes the developer has been willing to make.

Member Zuchiewski questioned what control the PRO gives them over a project that they do not have in a normal development of this nature.

Attorney Dove stated that with a PRO, it is controlled by a PRO agreement which is a binding contract that runs with the land and is the document stating the commitments of the developer. In traditional zoning with an R-1 proposal, if the lot sizes and density are conforming, there is no option but to approve it and there are not any negotiations.

Moved by Member Greco and seconded by Member Baratta:

**In the matter of the request of Beck South LLC for Valencia South JSP13-75 with Zoning Map Amendment 18.706 motion to recommend approval to the City Council to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay subject to environmental consultant review of the updated site layout prior to the matter proceeding to the City Council. The recommendation shall include the following ordinance deviations:**

- a. Reduction in the required front yard building setback for Lots 19-30 and 43-46 (30 ft. required, 25 ft. provided) to allow for an increased rear yard setback;
- b. Reduction in the required aggregate of the two side yard setbacks for Lots 19-30 and 43-46 (30 ft. required, 25 ft. provided) to allow for an increased rear yard setback;
- c. Waiver of the required berm between the project property and the existing church in order to preserve existing mature vegetation;
- d. Administrative waiver to omit the required stub street connection at 1,300 ft. intervals;
- e. Design and Construction Standards waiver for the lack of paved eyebrows;
- f. Design and Construction Standards variance for the installation of the required pathway to the adjacent Andover Pointe No. 2 development with the condition that an easement is provided.

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the Planned Rezoning Overlay Agreement:

- a. Applicant must provide an increased rear yard setback of 50 ft. for Lots 19-30 and 43-46 consistent with the provided sketch;



- b. Applicant must provide a pathway connection to Ten Mile Road from the internal loop street as noted under Comment 1 of the engineering memo dated January 7, 2015;
- c. Applicant complying with the conditions listed in the staff and consultant review letters; and
- d. The City Council should consider a bond requirement with regard to the well and septic issues brought forward by the residents.

This motion is made because:

- a. The proposed development meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments;
- b. The proposed density of 1.65 units per acre matches the master planned density for the site; and
- c. The proposed development is consistent with a listed objective for the southwest quadrant of the City, "Maintain the existing low density residential development and natural features preservation patterns;"

Member Giacometti stated that he agrees with most of what Member Greco has said and it is the responsibility of the Planning Commission to do what they feel is best for the city. He agrees that the new development will be more tax revenue for the city which needs to be considered. There are some aesthetic benefits including the tree line along Ten Mile Road and Beck Road. He understands that the developer can come back with something that is less attractive but is uncertain if this is what is in the best interest of the city as a whole. He is not in support of this motion.

**ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

In the matter of the request of Beck South LLC for Valencia South JSP13-75 with Zoning Map Amendment 18.706 motion to recommend approval to the City Council to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay subject to environmental consultant review of the updated site layout prior to the matter proceeding to the City Council. The recommendation shall include the following ordinance deviations:

- g. Reduction in the required front yard building setback for Lots 19-30 and 43-46 (30 ft. required, 25 ft. provided) to allow for an increased rear yard setback;
- h. Reduction in the required aggregate of the two side yard setbacks for Lots 19-30 and 43-46 (30 ft. required, 25 ft. provided) to allow for an increased rear yard setback;
- i. Waiver of the required berm between the project property and the existing church in order to preserve existing mature vegetation;
- j. Administrative waiver to omit the required stub street connection at 1,300 ft. intervals;
- k. Design and Construction Standards waiver for the lack of paved eyebrows;
- l. Design and Construction Standards variance for the installation of the required pathway to the adjacent Andover Pointe No. 2 development with the condition that an easement is provided.

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the Planned Rezoning Overlay Agreement:

- e. Applicant must provide an increased rear yard setback of 50 ft. for Lots 19-30 and 43-46 consistent with the provided sketch;

- f. Applicant must provide a pathway connection to Ten Mile Road from the internal loop street as noted under Comment 1 of the engineering memo dated January 7, 2015;
- g. Applicant complying with the conditions listed in the staff and consultant review letters; and
- h. The City Council should consider a bond requirement with regard to the well and septic issues brought forward by the residents.

This motion is made because:

- d. The proposed development meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments;
- e. The proposed density of 1.65 units per acre matches the master planned density for the site; and
- f. The proposed development is consistent with a listed objective for the southwest quadrant of the City, "Maintain the existing low density residential development and natural features preservation patterns;"

*Motion carried 4-1.*

## **2. APPROVAL OF THE FEBRUARY 11, 2015 PLANNING COMMISSION MINUTES**

Moved by Member Greco and seconded by Member Baratta:

**VOICE VOTE ON THE FEBRUARY 11, 2015 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**Motion to approve the February 11, 2015 Planning Commission Minutes. *Motion carried 5-0.***

### **SUPPLEMENTAL ISSUES**

There were no Supplemental Issues.

### **AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

### **ADJOURNMENT**

Moved by Member Greco and seconded by Member Baratta:

**VOICE VOTE ON MOTION TO ADJOURN MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**Motion to adjourn the February 25, 2015 Planning Commission meeting. *Motion carried 5-0.***

The meeting was adjourned at 9:20 PM.

Transcribed by Stephanie Ramsay  
February 27, 2015  
Date Approved: March 25, 2015

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Richelle Leskun, Planning Assistant  
Signature on File