



PLANNING COMMISSION

MINUTES

CITY OF NOVI

Regular Meeting

June 9th, 2021 7:00 PM

Remote Meeting

(248) 347-0475

As authorized under the open meetings act, MCL 15.261, ET SEQ., this meeting was held remotely.

CALL TO ORDER

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

ROLL CALL - Pursuant to the State of Michigan Open Meetings Act, all members shall identify their physical location by stating the county, city, and state from which he or she is attending the meeting remotely.

Present: Member Avdoulos- City of Novi, Oakland County, MI; Member Dismondy- City of Novi, Oakland County, MI; Member Lynch- City of Novi, Oakland County, MI; Chair Pehrson- City of Novi, Oakland County, MI; Member Roney- City of Novi, Oakland County, MI; Member Verma- City of Novi, Oakland County, MI

Absent: Member Becker (excused)

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Christian Carroll, Planner; Kate Richardson, Plan Review Engineer; Rick Meader, Landscape Architect; Madeleine Daniels, Planning Assistant; Beth Saarela, City Attorney

PLEDGE OF ALLEGIANCE

Chair Pehrson led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Chair Pehrson and seconded by Member Avdoulos.

VOICE VOTE TO APPROVE THE JUNE 9, 2021 PLANNING COMMISSION AGENDA WITH THE MODIFICATION TO BRING THE MATTERS OF CONSIDERATION FIRST MADE BY CHAIR PEHRSON AND SECONDED BY MEMBER AVDOULOS.

Motion to approve the June 9, 2021 agenda with the modification to bring forward the Matters for Consideration first, before the public hearings. Motion carried 6-0.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

CORRESPONDENCE

There was no Correspondence.

COMMITTEE REPORTS

There were no Committee Reports.

CITY PLANNER REPORT

There was no City Planner Report.

MATTERS FOR CONSIDERATION

1. RAGING CYCLES PARKING STUDY JSP21-11

Consideration of the request of Raging Cycles for Shared Parking Study approval. The subject property is located in Section 16, at 46035 Grand River Avenue, east of Beck Road in the I-1, Light Industrial District. The subject property is approximately 6.4 acres. The applicant is proposing to occupy a 13,000 square foot space as an online motorcycle parts retailer.

Planner Bell said the subject parcel is in the I-1 District with light industrial zoning to the east and west and the Suburban Showplace across Grand River to the north, which is zoned OST, Office Service Technology, with the EXO overlay. To the south is zoned RA, Residential Acreage, and catty-corner from that is other OST zoned property. The property is planned for industrial uses as are areas to the east and west. North of Grand River is planned with City West with single family uses to the south. There are woodland and wetland areas on the southern part of the property and there is some woodland on the east and west edges of the site.

The existing site has three buildings. The applicant is proposing to occupy approximately 13,000 square feet of the northwest side of the property. The new tenant would be Raging Cycles, an online motorcycle parts store that already occupies a space elsewhere in Novi. There is an existing agreement on the site stating that no tenants may occupy any portion of the vacant building space unless additional parking spaces were provided or an updated parking study to show capacity. The applicant has submitted the updated parking study in order to demonstrate that there is sufficient parking for all these uses proposed on the site. Because they are an online retailer, they currently have three employees and no customers visiting the site. The study assumes that the new tenant would need a maximum of seven parking spaces and some loading and unloading space. The study also assumes the business would operate between 8 AM and 3 PM on weekdays.

The schedule, as you can see in the tables in the study, is entirely outside of the operating hours of the largest tenant on the site which is Total Sports of Novi. They have the greatest parking demand, but on weekdays they don't open until after 4 PM and their highest intense use is on the weekends when Raging Cycles would not be open. As this parking study provides, it shows the proposed tenant primarily operate outside those peak hours. They're well within capacity as you can see in this table shaded in green shows that open spaces at the times when Raging Cycles would be open. Tonight, the Planning Commission is asked to consider the applicant's request for approval of the shared Parking Study so they may occupy the property as described.

Alex Iskandar, Applicant, said I have nothing else to add. Lindsay explained the project really well.

Chair Pehrson turned it over to Planning Commission for their consideration.

Member Dismondy said the study supports what they're trying to accomplish, correct? You need seven spots, and it allows for eighty-three?

Chair Pehrson said that is correct.

Member Dismondy said I approve.

Member Avdoulos said I have no comments, I appreciate the applicant working with the city and vice versa and I'm glad to see vacant spaces being occupied so I appreciate that. I'll make a motion.

Motion made by Member Avdoulos and seconded by Member Verma.

ROLL CALL VOTE TO APPROVE JSP21-11 RAGING CYCLES SHARED PARKING STUDY MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

In the matter of Raging Cycles, JSP21-11, motion to approve the Shared Parking Study, based on and subject to the following:

- a. Prior to receiving a Certificate of Occupancy, Staff will update and the applicant shall sign a revised agreement indicating no new tenants may occupy any portion of the site until additional parking is provided or an updated parking study approved that demonstrates sufficient parking is available to accommodate all tenants on the site;**
- b. The recommendations of the study preparer for restriping of parking spaces and designating the two spaces currently signed for no parking as a loading/unloading zone shall be completed on site prior to occupancy of the building;**
- c. Outdoor storage is not permitted, and would only be permitted if a site plan and Special Land Use permit were reviewed and approved by the Planning Commission;**
- d. In-person retail sales shall be prohibited.**

This motion is made because the plan is otherwise in compliance with Article 19, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 6-0.

2. APPROVAL OF THE MAY 12, 2021 PLANNING COMMISSION MINUTES

Motion made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE TO APPROVE THE MAY 12, 2021 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

Motion to approve the May 12, 2021 Planning Commission Meeting Minutes. Motion carried 6-0.

PUBLIC HEARINGS

1. FOUNTAIN VIEW PROFESSIONAL CENTER JSP19-22

Public Hearing at the request of Acqaira Reality Holdings for approval of the Preliminary Site Plan, Woodland Use Permit, and Stormwater Management Plan. The subject property contains 5.45 acres and is located in Section 10, on the east side of Dixon Road, north of Twelve Mile Road. The applicant is proposing to construct three medical office buildings. Building A is proposed to be a total of 13,300 square feet and one-story in height. Building B is proposed to be a total of 27,940 square feet and two stores in height. Building C is proposed to be a total of 8, 725 square feet and one-story in height.

Planner Carroll said the site is located east of Dixon Road and north of Twelve Mile Road across from Fountain Walk. It is zoned OS-1, Office Service District. The Future Land Use map indicates Community Office for the entirety of the two properties. The surrounding area consists of office, business, and residential uses with the majority of the residential being to the north and west and commercial/office to the south and east. The subject property does not contain any regulated wetlands or woodlands, but it does contain a minor wetland along the northwestern portion of the easterly property and does require a Woodland Permit approval for the removal of one tree that's over 36 inches in width.

As indicated on the site plan, this applicant is proposing to construct three medical office buildings ranging in size from 8,500 square feet to 28,000 square feet with Buildings A & C being one story and Building B being two stories. The northern portion of the site is intended to be preserved to minimize wetland impact. Now, the applicant is seeking a number of waivers, the first being a variance from the Zoning Board of Appeals for two dumpsters located in the side yard. Staff does support those because the proposed location does not conflict with the adjacent site and will be properly screened.

The applicant is seeking two traffic waivers on driveway spacing. The first being on Dixon Road and the second being on Twelve Mile Road. The site is really narrow as it is and there's quite a few driveways off of Twelve Mile in particular. They don't really have the distance to work with to meet that requirement so staff is supporting both of those as well.

Planner Carroll continued to say in regard to façade, the applicant is seeking two Section 9 Façade Waivers for all three buildings. Our façade consultant reviewed the request and is in support as it meets the intent of the Ordinance requirements for a minimum of thirty percent brick. In particular, Building A has an overage of EIFS and Buildings B and C have an underage of brick and overage of stone. Any other items identified in the review letters are to be addressed with the next submittal if this plan were to be approved tonight by the Planning Commission.

With that being said, the Planning Commission is asked tonight to hold the public hearing and approve or deny the Preliminary Site Plan, Woodland Use Permit, and Stormwater Management Plan. Representing the project tonight are Joe Schimizzi, Owner/Developer and Ron Jona, Architect.

Joe Schimizzi, Owner and Developer Fountain View Professional Center, said I appreciate the opportunity to speak about the project and I'm going to refer to my design team tonight for any questions the Planning Commission may have.

Ron Jona, Architect, said just for reference Joe had developed and bought the office buildings to the east, Stone Ridge, and finished that project and it turned out to be two pieces of property. We had a previous site plan approved and are working very closely with Novi on making sure we are in compliance as much as possible. The only issue with this site was the drive situation. We did need a separate drive to this project which is just west of the Stone Ridge I referenced to the east. Traffic ingress and egress onto what amounts to west bound Twelve Mile Road can fill those driveways so after all the necessary parties looked at it, I think we can all agree that adding this driveway for this project is needed. We worked hard to create a natural retention pond by putting a natural well in to keep that wet pond as a feature. We also have all natural materials on the buildings. Having said that, the rest of the site flows and we also obviously respected the wetland which is to the north of the site and just left that in a buffered area so we're not disturbing it.

Chair Pehrson said this is a public hearing if anyone in the audience wishes to address the Planning Commission on this particular matter you may do so now.

Paavai Sampath, 28074 Dixon Road, said our residential property directly borders the site. I had a question on whether there would be installation of any barrier or wall to divide the residential and commercial properties? The second concern is on the Dixon Road side we have, especially in the summer, quite a bit of pedestrian traffic due to the trail at the end of the road. We also have quite a bit of motor vehicles already coming through so if possible, I think the Dixon Road entrance should just be for emergency access.

Rajkumar Ramdoss, 28090 Dixon Rd, my property is adjacent to the new proposed building. The

question I have is regarding traffic on Dixon Road. In previous plans the latest building there was a separate lot and we were not expecting more than ten to twenty cars. Now it's a part of a bigger project and bigger plan and putting an entrance on Dixon Road gives access to those cars. That area is really nice for walking and enjoying nature, especially being connected to Twelve Mile Road concerns me that the natural beauty will be taken away. The entrance onto Dixon Road is going to be a factor that's going to affect that. I would like to see it used as an emergency exit.

Chair Pehrson asked for the written correspondence.

Planning Assistant Daniels said there were several letters received.

Chair Pehrson said please state the resident's name and if they object or support.

Planning Assistant Daniels said E. Reisin, 44050 W 12 Mile, objects. Kavitha Sampath-Kumar objects. Wei Lin, 44619 Ellery Lane, objects. Rashmi Arasu, 28095 Dixon Road, objects. Stelian Birou, 28160 Dixon, objects. There's an objection from 8 residents on Dixon Road. Meenakshi Muthuswamy, 28075 Dixon Rd, objects. Rajkumar Ramdoss, 28090 Dixon Road, objects. The last letter is from Violette Tuck, 28300 Dixon Rd, who objects.

Chair Pehrson said just so everyone knows that correspondence will be part of the permanent record as well. Do we have the one audience member still trying to fix their audio issue?

Jayaraman Rathinam, Star Associates 28060 Dixon Road, said my parcel is adjacent to the proposed development. I have two concerns. I'm concerned the water runoff will flow onto my lot which is because of the height difference. The second concern is that I need a separation between the new development and my lot with a wall or something similar, so I am not affected by the new development.

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

Member Verma said when I was looking at the plan there were so many trees were shown and wondered if that is part of the landscaping for the development.

Landscape Architect Meader said there are actually more trees proposed than what you're looking at. It's a heavily landscaped site. Our Ordinance requires a lot of landscaping.

Member Roney said when I visited the property, I did consider the residential impact to north, but I'm pleased to see the respect for the wetlands. I think that's going to provide a nice buffer for the residents. I hope that forms a nice natural wall for them.

Member Lynch said I also considered the same thing. So, were protecting the wetlands, that's the reason were not putting a berm between the residential and commercial properties?

Landscape Architect Meader said that's correct.

Member Lynch said I understand that and it makes sense. Also, there was a statement made that we don't have enough trees, I guess in the parking lot maybe interior according to the Ordinance, but Planning Staff seems to think that we could do that and I thought the whole goal of the City was to somehow stop these heat islands by putting these trees in certain locations within the parking lots. Where do we stand on that? I think in the motion sheet were going to make a decision on whether were going to go with or without the trees in the parking lot like we do with every other parking lot.

Landscape Architect Meader said originally, they did have a lot of trees that weren't being provided because the utilities went through the islands, but we objected to that, and they have revised the layout of the utilities so that the interior trees could then be provided. I did allow for a couple on the right side to be put to the back of the interior island that's projected into the parking lot just to help out with fire hydrants but they're still providing shading for the parking lot.

Member Lynch said is it can be or will be provided? Is there an agreement with the developer? Have we decided what we're going to do?

Landscape Architect Meader said they will be provided.

Member Lynch said okay, great. The next concern is traffic. My understanding is there's going to be a traffic study completed before Final Site Plan approval?

Planner Carroll said the traffic study was already completed. It was done with the Preliminary Site Plan and should be in the review package.

Member Lynch said they didn't flag any issues with Dixon Road for this particular use. Is that a fair assessment?

Planner Carroll said that would be correct.

Member Lynch said okay. I'm wondering if the engineers here can address the drainage that was brought up by the residents and how the water is going to flow off this property into a storm sewer.

Staff Engineer Richardson said no drainage has been identified thus far running off this site onto adjacent sites. I can certainly look closer into that next time, but nothing has been identified at this point and all the storm sewer is intended to comply to drain from this site to discharge to the detention basin so all the runoff from this property should be collected and detained on this site.

Member Lynch said agreed and that's what I saw on the plans. I don't have an issue with this project.

Member Dismondy said judging on what the owners done next store and based on the traffic study I have no objections.

Member Avdoulos said I know there was another concern related to the cut onto Dixon from the property to see if that could be changed into an emergency access or egress. Just looking at the way its configured and where that building is, I don't know if that's possible especially for turning radius and maneuverability for service and emergency vehicles. Kate is that something that can be looked at or do we need these in order to get around?

Staff Engineer Richardson said I don't think we can require the applicant to get rid of this curb cut entrance off Dixon Road, we can certainly ask if they would like to look into that, but since the traffic study didn't highlight any issues connecting to Dixon, I don't think there's anything we could request.

Member Avdoulos said I guess the fire department would have to take another look at it too. Maybe that could be something that's touched on just to see if there's an opportunity and if it works. If it's not going to be something that's safe for access to the site then let's take that into account too. I think the other Commissioners addressed the same concerns that I had so with that I would like to make a motion.

Motion made by Member Avdoulos seconded by Member Dismondy.

In the matter of Fountain View Professional Center, JSP19-22, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. **Zoning Board of Appeals variance to allow the placement of two dumpsters in the interior side yard because the proposed location is not in conflict with the adjacent site and will be screened, which is hereby granted;**
- b. **Landscape waiver for a lack of a screening berm between residential and commercial because it will allow for less impact on the wetland area, which is hereby granted;**
- c. **Landscape waiver for a lack of canopy trees on the south side of the detention basin and not located 10 feet from permanent water levels because it will help avoid overcrowding the area with trees, which is hereby granted;**
- d. **Same side driveway spacing waiver of 91 feet (230 feet required, 139 feet proposed) for the entrance driveway off Twelve Mile Road because the required driveway spacing is unattainable due to the existing driveways in the area, which is hereby granted;**
- e. **Same side driveway spacing waiver of 45 feet (125 feet required, 80 feet proposed) for the entrance driveway off Dixon Road because the required driveway spacing is unattainable due to the existing driveways in the area, which is hereby granted;**
- f. **Section 9 Façade Waiver for an overage of EIFS on Building A because brick has since been added to all facades to comply more closely with the ordinance requirement for a minimum of 30% brick, which is hereby granted;**
- g. **Section 9 Façade Waiver for an underage of brick and overage of stone on Building B and Building C because it meets the intent of the ordinance requirement for 30% brick, which is hereby granted; and**
- h. **The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those 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.

Chair Pehrson said the only other comment that I had was that there was one gentleman that came in with a property adjacent to the subject parcel, have you reached out to that person relative to any kind of buffering, screening, or anything that might be needed?

Ron Jona, Architect, said I have not had any correspondence, I would be more than happy to discuss this on site with the neighbors that I've heard from tonight. I think that it's important that they see the landscape plan. We abut office to the east, Twelve Mile Road to the south, Dixon and the Bank to the west and south and the whole north edge is wetland and we believe that planting that edge per the landscape plan and maintaining that wetland is going to create the best buffer we can, but I certainly have no problem discussing that and showing that to the neighbors.

Chair Pehrson said agreed and said we will ask of you to do that. That is my only comment.

Motion made by Member Avdoulos seconded by Member Dismondy.

ROLL CALL VOTE TO APPROVE JSP19-22 FOUNTAIN VIEW PROFESSIONAL CENTER PRELIMINARY SITE PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.

In the matter of Fountain View Professional Center, JSP19-22, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. Zoning Board of Appeals variance to allow the placement of two dumpsters in the interior side yard because the proposed location is not in conflict with the adjacent site and will be screened, which is hereby granted;
- b. Landscape waiver for a lack of a screening berm between residential and commercial because it will allow for less impact on the wetland area, which is hereby granted;
- c. Landscape waiver for a lack of canopy trees on the south side of the detention basin and not located 10 feet from permanent water levels because it will help avoid overcrowding the area with trees, which is hereby granted;
- d. Same side driveway spacing waiver of 91 feet (230 feet required, 139 feet proposed) for the entrance driveway off Twelve Mile Road because the required driveway spacing is unattainable due to the existing driveways in the area, which is hereby granted;
- e. Same side driveway spacing waiver of 45 feet (125 feet required, 80 feet proposed) for the entrance driveway off Dixon Road because the required driveway spacing is unattainable due to the existing driveways in the area, which is hereby granted;
- f. Section 9 Façade Waiver for an overage of EIFS on Building A because brick has since been added to all facades to comply more closely with the ordinance requirement for a minimum of 30% brick, which is hereby granted;
- g. Section 9 Façade Waiver for an underage of brick and overage of stone on Building B and Building C because it meets the intent of the ordinance requirement for 30% brick, which is hereby granted; and
- h. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those 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. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Roney.

ROLL CALL VOTE TO APPROVE JSP19-22 FOUNTAIN VIEW PROFESSIONAL CENTER WOODLAND USE PERMIT MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

In the matter of Fountain View Professional Center, JSP19-22, motion to approve the Woodland Use Permit subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Verma.

ROLL CALL VOTE TO APPROVE JSP19-22 FOUNTAIN VIEW PROFESSIONAL CENTER STORMWATER MANAGEMENT PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER VERMA.

In the matter of Fountain View Professional Center, JSP19-22, motion to approve the approve the Stormwater Management Plan subject to the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

2. IXL LEARNING CENTER OF NOVI JSP21-03

Public Hearing at the request of IXL Learning Center for a request to amend the Planned Unit Development (PUD) Agreement & Area Plan for the Maples of Novi. The subject property contains 30.32 acres and is located in Section 2, on the south side of Fourteen Mile Road, east of Novi Road. The applicant is proposing to repurpose the entire clubhouse into an education center for children and will, at a minimum, maintain the existing golf course as open space.

Chair Pehrson said before we get into the Public Hearing, for those that are a part of the Zoom audience, we have received upwards of 160 correspondence of some sort or another. We will not be reading all the correspondence, it's not that your voice does not warrant to be heard, it is important, and it will be part of the permanent record going forward. Also, the applicant may propose some type of postponement until a future date. That's on the table if the Planning Commission chooses to do so at this point in time, we will still hold the Public Hearing. There will be a second Public Hearing should this come back to us as is the requisite of any meeting held by the Planning Commission.

This meeting is a little bit different being on Zoom, but we will go through the same painstaking efforts that we can to bring anyone that wants to speak to the Planning Commission. If you would like to speak, you will need to raise your hand, unmute your microphone, and state your name and address. When you are done, please go back on mute. At a maximum, you'll be given three minutes to address the Planning Commission, if at that time I deem that your time has run out, I will simply ask you to summarize, and I would ask that you respect that time limit based upon the number of people that may want to speak to us tonight. We like to hear everybody. We will also hear not only from the applicant on this particular matter and the City, but I've also asked our City Attorney to provide a bit of an outline relative to the PUD that is in place right now. This is about as unique as an opportunity that's come in front of the Planning Commission at this point in time, maybe, as we will ever have. There are many opinions both pro and con that we have received, and we will do our due diligence as best as we can to take all of this input into account. With that being the ground rules, I will turn it over to Christian.

Planner Carroll said before you tonight, we have IXL Learning Center of Novi. The site is located south of Fourteen Mile Road and east of Novi Road. It is zoned RA, Residential Acreage, with a Planned Unit Development (PUD). The subject of this request is the Clubhouse located at the southwest corner of 14 Mile and Wakefield Drive, and the golf course that winds through the Maples of Novi development. The current access to and through the development is provided at two locations on Centennial Drive and Wakefield Drive off Fourteen Mile Road, and Waverly Drive off Novi Road. Commerce Township is directly to the north across Fourteen Mile Road with mostly residential neighborhoods on the north side of the road.

Just to provide a little context, the map on the screen identifies the four homeowner associations that exist within the Maples of Novi. You have the Maple Greens, which is shown in green, there's the Maple Pointe shown in purple, Maple Hills is shown in orange, and Maple Heights is shown in blue. The subject property including the golf course is outlined in yellow. If you are a resident of this community this kind of provides you with a little bit of background where you're located in context with the proposal.

Now, looking at the site, the future land use indicates Single-Family with a PUD for the entirety of the property. The surrounding area consists of mostly of residential with commercial at the corner of Novi Road and Fourteen Mile Road. The subject property does contain regulated wetlands and woodlands, but the proposed project is not proposing any impact to the existing natural features. The applicant is before you this evening seeking to amend the PUD Agreement & Area Plan to allow for

the use of a daycare center on this site.

Planner Carroll continued to say as indicated on the site plan, the applicant is proposing to repurpose the existing clubhouse fronting on Fourteen Mile Road at Wakefield Drive into a learning center for young children. In the application to the City, the applicant indicated that the building is intended to serve sixty-seven children on a daily basis with capacity for up to 200 children. In addition, the applicant is proposing improvements to the parking lot, landscaping, and is proposing to fill in the existing pool to create a fenced-in play area for the children. The remainder of the site, which is currently a golf course, is proposed to be maintained as open space at this time. The applicant may be able to expand on their request after this report. Ultimately, the applicant is seeking to amend the PUD Agreement & Area Plan and staff is of the opinion that there are a number of items still to be clarified and or addressed before the matter moves forward. There may be additional items that the applicant would like to address separately with the homeowner's associations.

Although the PUD Ordinance was retracted many years ago, the ordinance remains in place for Novi's existing PUDs, and provides a process for requesting changes to the existing developments, which - from the City's standpoint - includes review by the Planning Commission with a public hearing. That is what is scheduled for this evening.

As required by the City's Zoning Ordinance and by State Statute, notice of this public hearing was sent out to properties located within 300 feet of the site as shown on the buffer map on the screen. A total of 579 notices were mailed. The map shows that homes surrounding the golf course, and those surrounding the north clubhouse are included in mailing of the notice.

With that, the staff report does indicate the following: the request should be considered a major change to the PUD Agreement and Area Plan as the project proposes a change in use, character, and concept of the development; the response letter provided by the applicant did not provide the requested additional information regarding how the open space will be used and maintained, it did not contain draft PUD Amendment language which would clarify the intent of the proposed changes, and had not provided any representations or documentation showing any agreements with the Homeowner Associations on the use and maintenance of the golf course and clubhouse property. Therefore, staff is of the opinion that the item be postponed to allow the applicant the opportunity to clarify a number of outstanding items as identified in the review.

Planner Carroll continued to say the Planning Commission is asked tonight to hold the public hearing on this matter and consider making one of the three suggested motions as provided in the packet. There are a number of people representing the project tonight, including Jennifer Moss, Owner of IXL Learning Center, Scott Seltzer, Project Manager, David Landry, Matt Niles, Senior Project Designer, and Peter Noonan. The City Attorney also has a brief statement about the PUD Ordinance that she would like to make at this time.

Beth Saarela, City Attorney, said the Zoning Ordinance was amended some years ago to take the PUD Ordinance out and replace it with other types of discretionary development options. What a PUD is, is a discretionary development option similar to what we have now in the Zoning Ordinance as a Planned Zoning Overlay, PRO. It generally is a proposal to develop a parcel or various parcels together in a way that deviates from the strict requirements of the Zoning Ordinance. It's a specialized development that will require Planning Commission and City Council to consider allowing it despite the fact that it doesn't meet all other requirements of the Zoning Ordinance for that location. Requirements could range from setbacks, density, type of use, various different types of deviations from the Zoning Ordinance would be considered under a PUD. In this case, the PUD was put in place and there is a PUD agreement of record. The PUD Agreement adopts the approved PUD Plan for the project and the PUD agreement and plan get recorded with Oakland County Records.

This would be similar to the way we currently do a Planned Rezoning Overlay, which is the current type of discretionary development that Planning Commission and City Council may consider. In this case, in respect to any other PUD's that are out there in the City, a developer or successor to the developer comes in to propose a change, or amendment to the PUD Site Plan or overall PUD, they have to go through the process that that PUD Ordinance put in place at the time to amend the PUD so our current Zoning Ordinance did retain the ability to refer back to the repeal provisions of the PUD Ordinance in cases such as this where we're looking at a proposal to amend a PUD Site Plan, which is part of a PUD Agreement which would also have to be amended if City Council and Planning Commission decide that the Amendment makes sense.

Chair Pehrson said would the applicant like to address the Planning Commission at this time?

David Landry, Applicant's Representative, said the applicant has been dealing with the City Administration on this proposal since February. We've gone through the normal pre-application process submissions, review letters and responses and it's been a very positive experience and in fact, as of May 7, we received positive recommendations from every single division of the City: engineering, planning, traffic. Then, of course, the next step is the public hearing in front of the Planning Commission. The City sent out the requisite notices and made its obligation to notify the people according to the state statute. Just last Monday, I checked on the city's website to look at the agenda and in the packet I saw all of the objections and letters that were submitted to the city. I think there's a lot of misunderstanding about this project. I think there's some misinformation and we want to clear that up. We want to be a member of this community. In looking at the objections, I think most of them center around two things: the golf course and concerns about traffic. With the golf course, we've said we'll keep it as open space were going to maintain it and cut the grass. People want to know what that means and that's natural, I can understand that. With traffic, will it increase? Will we contribute to maintain the roads? They're private roads, so yes, of course, we have to do that under the Master Deeds. We have an obligation and that's spelled out, but we certainly want an opportunity to present more information to the people that are concerned.

Our request tonight is that the Planning Commission table this matter, allow us to meet with the residents of the Maples. We would be happy to set up one or more meetings with different folks or everyone at once. Apparently, some attorneys have been retained and we're happy to meet with the attorneys and provide some additional information and perhaps some changes can be made. Perhaps some of these concerns can be assuaged. We're not asking to cancel the public hearing, we're here and we're happy to listen to the comments, but in fairness to everybody, I think that an opportunity to meet, discuss the concerns, see if we can make some changes that will satisfy those would be in everybody's best interest. Some people may think that their legal rights are violated. Maybe they're correct, maybe they're not. That's certainly not going to get resolved tonight. Before anybody goes down that kind of road, we really should have an opportunity to sit down and meet and see if we can make some changes, tweak this plan, do this or that because there may be a solution that everybody's satisfied with. So tonight, we're asking the Planning Commission to hold the public hearing, table the matter, let us meet with these folks, let us make a resubmission, tweak it, make some changes, come back again, there could be another public hearing and consider it at a later time. The only other thing is the current owner of the golf course, Mr. Corey Byron, is here tonight and he would like to make just a very brief statement if possible, regarding the golf course.

Corey Byron, Golf Course Owner, said I just want to read a quick email that I sent Barb to forward to the Commission regarding the golf course for next year: "Barb, thank you for the note and sorry for the delayed response. As of right now, the course is open, but next year will be different. The buyers of our property are aware of our intentions for next year so I feel the building commission should be aware of them as well. Our current thought is to not open the course going forward. We have twenty-one members from within the Maples community. We have less than a 5% participation rate from

within the community, yet most residents want to use the course as a dog park, walking path, or kids play area. The property is a standalone golf facility is not viable. As you are aware of the contract with Maple Greens complex has been discontinued for many years and from that moment on each owner has struggled to make it profitable. I will gladly hop on a quick call and discuss privately before the building commission meets. Please let me know if you have any questions for me and thank you for your time."

Chair Pehrson said I wanted to make it clear that for those that aren't surrounding the Maples you are a private entity that owns this, not associated with The Maples anymore. So, you are a business owner trying to run a business?

Corey Byron said yes.

Chair Pehrson said some just to be very clear, as per the requirement for those that received the notice, it's my understanding that per the Ordinance, those that live within 300 feet from the property, as indicated that Christian had shown, had been mailed the documentation about this particular hearing. Whether or not everybody responded or threw it away immediately that could be the case, but just to be clear the City followed a process that is part of the practice to insure that everybody is notified within that limit. We've discussed that should this be postponed and we go forward with this, there will be another attempt to further and maybe expand the notification process for those that are in that particular area because we do also have to notify those in neighboring cities when were on a boundary area like this. To Mr. Landry's point about meeting with the community, those that live in the area, I think is welcome news. Let's just call it what it is, a pretty emotional issue, for those that have lived in that area and have bought into that particular association thinking that there would be this golf course here forever probably is not the case. I would beg that those that are online, those that have written to the City or to the Planning Commission take heed in what was just said by the developer that they are willing to sit down at any point in time and with any number of groups have the discussion, talk about the issues. I will go on record and say that you're dealing with one of the finest people that has lived with inside the City of Novi and if you can't find common ground with Mr. Landry, I dare say there might be something wrong, and not with Mr. Landry. There is nothing that in this proposal, that can't be found a solution for, but we need to pay attention to what's being asked of, what's being requested of and try to take the emotion out of the fact that what you just heard the business owners say is there's likely not to be a golf course next year, the chances are pretty high, if not a hundred percent, ninety-nine percent. If this development doesn't go through and I'm not advocating for this development or the next development, we can pretty much be assured that there won't be a golf course in this particular area next year. That's the business owner's decision. There's much, much work to be done relative to as Beth pointed out, going through the PUD and having to restructure that and re-look at that. It's not a simple process that is going to be undertaken by anyone. Nor are there any shortcuts going to be taken. So, with that being the case, I will turn this over to the public now.

Chair Pehrson said if anyone in the audience wishes to address the Planning Commission on this particular matter you may do so now.

Mary Kay Kramer, 30919 Savannah Court, said in all do regards to Mr. Landry's statement, I find it interesting that until they've had a lot of pushback from residents that they haven't tried to talk to us prior to this. To me, that's weak, that they're just waiting until they see they have a lot of problems with residents upset about this. We just bought our condo a few months ago on the golf course and we are very upset about this. I think that the golf course regardless if it remains a golf course or not, that something relevant to the majority of the residents that live here should be put there, not a daycare. I think most of the residents, I don't know if its factual are beyond daycare use. It may be the equivalent of putting an assisted living facility inside a starter home complex. Something that is

more relevant to the residents that live here, even if it's at cost is something that makes more sense and to speed it up, I'm very concerned about their plans on the open space. What is their financial motivation to maintain that? It has nothing to do with their school. So, will they maintain it? That I would really like to know. How are they going to maintain it and if they do not maintain it then what are the consequences? I hope the City of Novi is going to look out for the resident's interest here.

Kathy Thompson, 41366 Cornell Drive, said one of my concerns is that you mentioned the notification letters that went out are in a 300-foot radius of the clubhouse. I'm probably not within 300-feet, but I am still impacted with what will be going on there because we all use the same common entrance and we will all try to come in off of Fourteen Mile Road. I don't know what went into that decision to say were only going to send notification to people within 300 feet, but I think it really needs to be sent to everyone within the community because, again, we are all impacted. My other point is I understand there's a new daycare currently being built as we speak on Thirteen Mile and M-5 so, the business case for putting one in a residential community, I think, needs to be elaborated on a little more. One of the other things that was mentioned was the private road that we do pay for. The builder said they will help pay for that, but it's not just a private road, because there are three entrances we may have increased traffic from all three entrances with parents coming to pick up their children depending on what entrance they're the closest to and drive through our property to get to the daycare. There could be safety concerns, we have people that walk dogs on the street and kids that ride their bikes and we have a lot of walkers so there's a lot of foot traffic within the community and if you add an abundance of cars trying to get to this one location, there could be safety concerns. There will be concerns about noise. If you have a playground then you're going to have kids that are making noise. Also, it's not just the road, it's the traffic coming in from Fourteen Mile Road. It's a one lane going each way and the elementary school is on Novi Road and sometimes coming home when elementary school is let out there's a bit of congestion even there so if were talking about people coming in to pick up their children at that entrance then again, the increased traffic, the noise, the property values of where we live. Again, it's advertised and has been advertised as a golf community and so I'm sure the people that actually live on the course paid a premium to have that view and because that's being taken away, I think the impact is a lot larger than what is being led to believe. Like the woman who previously spoke, we're not a young family, child care type community and so people from outside the community will be dropping their kids off and that's my personal opinion, but when you factor in everything that went into this and the fact that we were never notified- I found out last week and so we were scrambling trying to get information and trying to look at plans and trying to get our voices heard and we need our voices heard so, if anything, I agree and understand to postpone this matter, but you must extend that 300-foot radius of when the next public hearing is.

Brooke Jordan, Maple Greens Attorney, said this association is a member of the Maples of Novi Community Association, who is a party to the PUD that was executed in 1989 with the city. At this time, the Association objects to the request to amend the PUD. It's current use, the golf course, was thoughtfully and strategically designed to wind around the wetlands and wooded area of this beautiful community. The clubhouse and pool still serve the goals that were sought to be achieved by the city in 1989 with this PUD. Mainly providing housing for an elderly population and preserving that natural environment. There's an additional goal of providing a visual amenity to the residents of the Maples of Novi Community Association and as a member of the Maples of Novi Community Association, the applicant and on his behalf Mr. Landry should have presented this plan to the Maples of Novi Community Association before presenting it to the City. It should have given this community to support or oppose it before this was even presented to the City. The proposed use of the childcare center does not serve the goals of the PUD. It quite possibly adversely impacts the value of the homes in this golf course community, which the previous commenters have said. These people have paid a premium to live there and have these amenities and additionally it does increase traffic and noise so at this time we object and do wish that Mr. Landry would have presented an opportunity for the

community itself to discuss this before it was presented in this formal manner before the Planning Commission.

Fred Lebowitz, 41813 Primrose, said I would like more details on what a learning center is. Is it a preschool? Is that a charter school? What is the staffing ratio is going to be? What the hours of operation are? It's a very nebulous concept, a learning center. I would like the developer to present a lot more details about what a learning center is.

Todd Skowronski, Maples Point Attorney, said this association objects to this proposal to amend the PUD. Obviously, we share the previously expressed sentiments about the changing character of the neighborhood, the manner in which his proposals brought to the city, and the lack of coordination, but more importantly, we have a legal objection. We've submitted a written objection that lays this out. The bottom line is IXL is assuming that they're the developer under the prior Zoning Ordinance and therefore they have the right to come and seek amendment of this PUD. That's not correct. The developer who formed this PUD initially was the Maple Group in 1989. At that time, the Maple Group owned all the property that eventually was subjected to the PUD. And thereafter that developer once a PUD was approved, established the separate condominium complexes as well as the golf course parcel and eventually sold those all off to new buyers and left the picture. The developer left in 2001 so there has not been a developer for twenty years. IXL is no different than any other property owner in this entire complex. They have no special rights to come in and change the PUD for their own benefit to the detriment of any other property owner. As the City's Attorney mentioned at the beginning, the PUD is a recorded Document. It expressively says it runs with the land and binds all the heirs, successors, and subsequent owners of the property. All the owners in this complex had vested property rights granted by this PUD that are akin to deed restrictions. They're enforceable in court. So, our objection is, even if the city grants IXL's proposal, it would be invalid because IXL has no right to amend the PUD and has no right to deprive all the other owners, landowners in this development of their vested property rights without their approval. Now, if IXL can get unanimous consent of all the parties to amend the PUD, then it would be viable, but again, IXL is just one of apparently five or six stakeholders, at least just going based on the condominium associations. Arguably, every individual owner is a successor to the developer with equal standing, as IXL would have to seek a lead from this PUD. So, again, our objection is that the Planning Commission, even if it granted this would be a fait accompli and it'd be objectionable and chargeable in court and it would likely fall because all the owners have a vested property interest that cannot be taken away without their mutual assent. Otherwise, I'll stand on our written submission. If the PUD cannot be amended, the City's already pointed out that the zoning in place currently would not allow this daycare center and therefore I think this project is a non-starter.

Karen Smith, 41779 Independence Drive, said I have several concerns. The packet I briefly looked at indicates that this would be a childcare facility with up to 210 children. The information that I see is that in order for this facility to be viable they would need the 210 children and that's unacceptable. I agree with one of the previous speakers that it would increase the traffic flow within the community and we do have a lot of people that walk, I'm one of them. The roads are not wide enough and we have parking issues as well. When we originally purchased this property, which was back in 1992 when the complex was originally developed, there was a membership fee to the golf course of \$5,000 and that was a lifetime membership for the clubhouse and access to the golf course. That went by the wayside and \$5,000 lost and at this point I'm not happy about it. I'm concerned that the learning center would have no use for a golf course area and therefore have no interest in maintaining it. If this were to proceed, my objection would be that they do not use the entrance to the complex, a separate entrance onto Fourteen Mile Road should be required. We do not want anyone coming into our complex. We have no control of those children and if there's 210 there's no guarantees that there would be a limited number of children. They could be running around the complex. If you want to wall it off and build a brick wall around the facility to keep the children in one area, that

would be another item that I would require. It's just not conducive to this area, there are plenty of daycare centers in the immediate area and those should be utilized.

Frank Liegghio, 31049 Collingdale Dr, said my property is on a common roadway between two condo associations. One of concerns is that Tanglewood and Collingdale, which run all throughout the complex, would become a de facto throughway and grant access to parents and others who need to access this daycare facility. We already have a speed issue on this road that we have tried to address. This is one more hazard that would be introduced and liability issues as well as the fair number of walkers and other residents who use the roadway. The Wakefield entrance is one of the main entrances to the community and using that would be a disaster. I'm about 500-700 ft away from the property and 200 children occupying this center at any time would generate a noise hazard, let alone all the other issues my fellow community members shared. Myself and my wife are relatively new owners here in the community, we moved in a little more than a year ago, again, with the same understanding as I'm sure most everyone in this complex we were moving into a golf community. Instead, were notified about 10 days ago of a plan to overlay the PUD Agreement. We might as well bring Walled Lake Amusement Park back. It would essentially make as much sense as bringing a daycare. I have yet to hear positive feedback from any member of the community.

Darrell Fecho, 41685 Magnolia Ct, said I do live on the golf course. I am a retired municipal manager for 27 years, I was also a private planning consultant in numerous communities for eight more years and I want to address the fact that this is not a simple rezoning as the staff tried to point out, it involves the PUD agreement and a condominium backing that agreement in the beginning, there were two parties to it, the city and a developer. As was mentioned, the developer is now long gone. All of his ownership passed to his successors, which is each one of the individual condominium co-owners and basically, the agreements and also the master deed on file with Oakland County specifies a golf course by description as a major part of this action. So, at the time the city approved this there were two participants and now there's about 600 participants that are involved in this project. I would point out to the chairman who set the record and made a glowing recommendation on the applicant. However, it appears that the applicant is not an appropriate person to even make this application to the city because he is not an owner and because he is not a developer and has no right to do so. The agreement with the 600 participants is something that will have to be changed, but back in the days, in the late eighties, when this was developed and the golf course was specifically mentioned as a part of the PUD, I'm sure the Planning Commission at that time reviewed it and the City Council also looked through it along with Mayor Quinn and Clerk Step signed the agreement knowing that going forward, Planning Commissions and City Councils would hold the users of the property and the owners of the property to that agreement. I would hope that this Planning Commission and the City Council would do that and do it very strongly on behalf of the 600 Participants and owners in this PUD. The other thing I understand is that if the rezoning goes through there will never, under any circumstances except through Special action of the city, be a golf course located there again. And I would rather take the chance of having the golf course shut down for a year or two and be able to come back as a stated in the PUD as was originally approved. Also, on the staff report I would find fault with a couple of the recommendations. The staff reports deal with economic development, they don't talk about the devaluation of the individual properties and the traffic pattern is again, another problem, which cannot be solved for daycare.

Jane Taylor Liston, 41772 Independence Dr, said I'm new to the community as well. I'm on the golf course and I was aware that the golf course may not always be here, but I am concerned about property values. I think that the representative for the learning center talked about the road commission, but can we verify that the road commission has looked at the plans and think s that its ok to have all these cars on Fourteen Mile Road. The third concern we have is because we are on the golf course, it's going to be maintained as an open area, but I'd like more specifics on that.

Ross Barranco, 31247 Barrington Dr, said any action should be delayed until residents have a chance to digest the 469-page PDF just recently provided. When I requested information, all I received was a three plat PDF. There's no legal access for vehicles on to and off the property currently or in the proposal. Vehicles must trespass on privately owned roads, again, ingress and egress to the property. This issue demands immediate remedy. The current owner of the proposed property provides no support of private road required for ingress and egress to his property. Wakefield Drive is owned and totally maintained by Maples of Novi associations. The owner of the proposed property refuses to contribute to its maintenance, but he and his customers affect the wear and tear on the road while illegally trespassing onto the private road. Although, on page one of the 469-page document states that the golf course will not be affected but maintained as an open space. The photo of page one of the three plat PDF shows the nineteenth whole green and wetlands covered up and labeled future commercial development. Also, page 10 of the 469-page PDF states the practice green open space destroyed like the swimming pool and replaced by a huge playground more than twice the area required for the school. How is that keeping the golf course as an open area? The plan destroys two golf greens covering one with commercial development, drawing additional traffic and the other into a playground with an intrusive five-foot white plastic fence and also destroys the current wetland at the ninth hole when no wetlands or woods are to be affected. How can you not see the hypocrisy here? Pages twelve to eighteen of the 469-page PDF is signed by Mr. Christian Carroll. Page one of seven states there will be no impact on open space, which is categorically not true. Hole number nine, wetlands, the practice screens, and probably part of the whole nine fairway will be destroyed. Page two of seven states less intense use and hours. Less hours compacts the period everyone is trying to get in and out of the facility, which is more intense, not less intense. With forty-five caregivers and up to 210 parents trying to enter and exit at practically the same two times of the day both at rush hour, how can one claim as the traffic input claimed that the traffic will be no issue. That's a potential 255 vehicles joined by the facility, when has the golf course had 255 vehicles trying to get in and out at the same time? it's never happened. How can anyone say with a straight face that there will be less impact on the golf course? Page three of seven admits change of use or nature as a major deviation but overlooks change of concept. The concept for a golf club house to a multiple room school is quite far apart and the type of dwelling as well is significantly different. Who in their right mind would go to a school anticipating being able to play golf? The changes are far from being minor when you destroy two greens, part of a fairway, a wetland, and a swimming pool. If those changes aren't major, what is major? He mentioned that the access will be the three entries into the maples and those were all private roadways and private entrances.

Kevin Goulet, 31057 Collingdale Dr, said my concern is increased traffic of some 200 vehicles trying to access in the morning and evening during rush hour, which will still have backups on Fourteen Mile Road. My major concern is increased traffic throughout the subdivision from Novi Road and the other entrances off Fourteen Mile and will cause increased traffic on Collingdale and Tanglewood. We already have a severe speeding issue for pedestrian safety and the police department is well aware of and this is just going to add on to this issue. Filling in the swimming pool and adding a playground is not only a major noise concern for the homes that are adjacent to that but within ten to fifteen feet of that property but also for homes that are within a few blocks of that. Right now, it's a peaceful environment and were going to be hearing the children having fun on the playground throughout the whole day. It changes our environment. This is an adult community, a 55 and up community and the loss of the golf course and the pool and this is the only pool that is accessible for the Maples of Novi and the golf course is a public course used by the community. I assume that's where a majority of the clients that come from are outside if the Maples of Novi. So, this is an impact to the surrounding community for the use of the golf course and the pool. As we know, this is not only going to greatly decrease the value of the homes that are on the golf course, but for the whole community and therefore our home values and taxable rate. This is just not the proper location to place a daycare center in an adult community. With having 30 acres attached to. It is just the wrong property to use. There's plenty of available properties, as we all know, commercial properties, available in the city of

Novi in the surrounding areas and this is not just the right location for it. We rather, if we have to, if the course has to shut down, we prefer to wait for a proper owner that's going to develop the golf course and then develop the clubhouse. We'd rather do that than forever lose these assets and amenities in our community. So, we strongly oppose this rezoning request.

Janet Thomas, 41541 Belden Circle, said I'm an original owner. I actually have the newspaper articles for when the PUD was approved. It was granted a greater housing density in exchange for community areas that included swimming pools golf courses and clubhouses. Many of those things are the things that made people move here. Turning the Novi Club, which they call that area, into a learning center does not protect the value and desirability of the properties. That's actually in the Master Deed showing that if this property was to be sold, it would need to be set forth with purpose of protecting the value and desirability of such and doing this would not do that. My other concern is the roads in this community. As it was talked before, we've had problems here. The owners of the clubhouse pay for maintaining, repairing, replacing, or plowing the roads and so that's been adapted by the other associations because we have to maintain the roads. This will cause a traffic issue, especially at peak hours. Again, I foresee people coming through the complex. For those people who were here years ago, the house across the street from me, had a car go through the sidewalk at the corner of Belden and Collingdale. The house on the other side had a car jump and end up down in the backyard. Another house had someone go through a garage door. We've had multiple speeding problems on our roads, but these roads are not policed because they're private roads so they can't help us with that. Also being private roads, they're narrower roads than the rest of the community. Just yesterday when I drove home there was a man in the middle of the street with his walker walking. Which is good, you know, just a stretch from the hospital that's what somebody wants to see their patients out walking, but we have elderly people out here walking and I've also seen people out walking their dogs. These roads are not set up for that, especially if we have people coming through them. I do not support this proposal, but if it was to come back, they need to add their own entrance off Fourteen Mile Road and close off access to Wakefield Drive or make it just an emergency access only.

Jaclyn Hendricks-Moore, 31092 Arlington Circle, said I just wanted to reiterate a couple of points already made. One, the traffic would definitely be an issue. We did just pay for an assessment earlier, I believe it was last year, to have the roads redone so, looking at the entrance, especially because I live on Arlington Circle, which would mean that the people coming in on Centennial Drive would be coming through Tanglewood Drive. It would definitely impact the quality of the roads. Again, I'm a dog walker along with some of the other people that I see in the community. This is a senior and retiree community. This is the reason why a lot of people moved to the area. There are some families, but not many families. The learning center would just not be something that would be good for our community. Not to mention that even reading the proposal, they talk about maintaining the golf course. They don't say what they're going to do. You can't let those go. You've got wildlife, not to mention rodents that we know live there so if you don't maintain them, this tall grass and things that would come with that will also increase different rodents that, again, would affect the property, not to mention that it will affect our property values. Again, we talk about the noise, you're going to have noise, not just from the traffic, but you're also going to think about the quality of life, think about the quality of air now that we're going to have with all of these vehicles driving through the subdivision and I agree, if they are going to do that they need to have their own interests off of Fourteen Mile Road, not private roads that we actually have in this community.

Tony Cipicchio, 31138 Seneca Lane, said I am the president of the Maple Greens Association. I speak for the other associations: The Maple Hills and The Maple Point and also the Waldon Pond Association across from Fourteen Mile, which will also be affected. We have 703 residents in these three associations plus 62 in Waldon. We strongly object to this. I would just like to make a few points. Mr. Landry stated that all the departments had approved their proposal yet no traffic study or noise study

was ever conducted to back up them being able to handle 200 people coming in and out plus the employees. Also, you insulted me quite frankly, and everyone else when you said, if we don't agree with Mr. Landry, we must be the problem. I don't think so. You don't have an open mind if you make statements of that matter. Traffic would seriously affect Waldon Pond, which is north of here. They basically are directly across from Wakefield. They have emergency vehicles coming in and out of there at all times. They have trouble getting out of there as it is. Commerce Township was unaware of this project, and they're impacted by that. Our property values will be significantly decreased. People that live on a golf course spent \$10,000 premium in 1989 and 1990 for the pressure of being on this golf course. Our golf course, which you may or may not be aware of, was shut down for five years. It then was sold, and a restaurant was put in. The gentleman that bought it now bought it as a warehouse and the golf course happened to come along with it and he chose no longer to do as the warehouse, so the golf course probably doesn't pay for itself. We'd rather have it shutdown than have a daycare there. We've had it shut down before, we'll get a new owner someday who wants a golf course and wants a restaurant. In their proposal, they talk about a healthy lifestyle. How can increased traffic and noise add to a healthy lifestyle? How would you, the members of the board, like to have this next to your home, the daycare with hundreds of young children and I expect they're going to make noise. We feel very strongly that the Planning Commission should reject this outright now. I don't think there needs to be additional conversations. This plan was made without any input from the residents of the Maples. As our lawyers have both pointed out, our PUD does not permit this to occur without us being a participant.

Denese Ennis, 41450 Cornell Dr, said I'd like to approach this a little different, Chairman. I was interested about your comment about there not being a golf course next year. I'm the director of member engagement and academics for a Michigan Association of CPA's and last fall, I had a conversation with an insurance manager, Plante Moran, which is a large accounting firm and he was talking about how golf courses had a stellar year. I was really surprised when the owner of the golf course was talking about the hardship and not enough people or members being there. Looking at the real estate market that is today, I can't help but wonder if he's selling to the highest bidder in hopes of a zoning change. I know a lot of the members are passionate about the golf course as I am myself. I just think that there's a better option and I'm so thankful for the Planning Committee here so that you look at all the different possibilities of where this is coming at, because I can't understand why this golf course didn't survive when other courses had stellar opportunities.

Laura Miller, 41940 Canterbury Dr, said I just heard about this last night and I did read the 469 pages. One concern is I work in special education, and I support preschool age students, which this facility would have. Then looking at the parking lot, if they're going to have forty staff members and they're going to have for instance, a hundred students there, there could be fifty to one hundred cars at the preschool. It doesn't look like that parking lot can support that kind of parking and then the entrance and egress, I'm concerned about also. I live at the corner of Canterbury and Centennial and people run that stop sign all the time. Almost every time I pull out of my driveway, I'm going to get hit because people drive so fast and that's without a school here. Maybe it's coming from the Walled Lake Elementary School, I'm not sure, but I'm supposed to report to work at nine, and I have a lot of trouble getting out at Waverly and Novi Road because at the left, the crossing guards stop the traffic for all the walkers there and then all the traffic coming out has the right of way with the right-hand turn. I can sit there for up to six lights. So now I do exit out through Fourteen Mile, but with all that construction, there's been times the road is only one way and you're sitting there in traffic too. I'm also concerned about all this road traffic on Fourteen Mile, and it was closed for a while, one way, and now they're going to probably have to repave the road. So, all those impact this and I wonder if the city considered owning the golf course and running it. I know Farmington Hills and Redford Township own a golf course. There are probably others, I don't even golf and I know that so there's probably other cities that own golf courses to make it a positive experience for the property owners here at the Maples.

Amy Frawley, 30836 Palmer Dr, said we are across the street from access to the golf course and we are in agreement with what's been said from our neighbors and fellow residents. I just want to say before I go into what's important to us, is that I agree with two other speakers, Mr. Chairman's personal comments about Mr. Landry felt inappropriate and showed a bias. This is a matter that's very close to a lot of our hearts and we should be able to rely on a board that has an unbiased view to do the right thing. What's important to us at our house is the traffic, the potential de-valuing of our home, the desirability of somebody to move into the community, you know, if there was a childcare center and the noise level. There's six IXL Centers in the Metro Detroit area that are not located in residential settings, and we can't figure out what is so desirable about a retirement type community for a daycare center. I liked what one of the other speakers said about putting an assisted living in a new development for young families. We feel that that matched how we, how we personally feel about this development. The other thing that appears frustrating to us is that this is the first forum for discussion. It shows a lack of respect and disregard for our residents in the community, by the developer not to come to our community to any one of the associations for an open forum. I believe I feel that it's a little too late to now start an open forum with the developer. It shouldn't have been this way. It should have been coming to a public hearing last, not first. We'd rather have the golf course close for a few years, rather than a childcare facility or any other business that does not complement our community.

Curtis Peck, 41626 Sleepy Hollow Dr, said I believe I'm the first one speaking for Maple Heights. I agree with everybody that's been speaking before, out of the four associations. I think the traffic is a significant impact. We've had a problem where cars have been trying to circumvent the stoplight at Fourteen Mile on Novi Road, where they come down Collingdale and zoom through the subdivision to try to beat the red light and not have to make a left-hand turn on to Novi Road. We ended up putting in speed bumps on our street years ago, that was trying to slow down some of the speeding that went through our subdivision so that's a huge issue for us. I also think the traffic is going to be significant peak hours where people are coming in through the Waverly entrance and the Independence entrance trying to get into the facility at peak hours with 200 cars. The person that spoke a few moments ago about the parking space issue is a significant issue for me. If you have 40 to 60 staff people with individual cars and 200 cars coming in to pick up and drop off children, I don't see how the subdivision or the parking spaces on the road surfaces can support that. Also, with a two-lane blacktop on Fourteen Mile Road coming in the east and westbound direction turning into the subdivision is going to be a blockage for both turning into east and westbound, trying to get into the facility. That's going to also disrupt the traffic patterns for all the other people traveling on Fourteen Mile Road. So, you're talking 200 cars at peak hours blocking entrances and exits into the subdivision for Waldon Pond across the street, as well as the Maples of Novi significantly. My other point is that I think there are other options to keep the golf course viable by reaching out to the individual associations to see if there's a way to support the club house as a community, as opposed to selling it and closing it down for a commercial building. I agree with the person who spoke a moment ago that a commercial childcare center in a retirement community is contradictory to what the original planned unit development was facilitated for.

Arlene Johnson, 41378 Cornell, said I'll try to touch on things that may have not been touched on yet. I have, and maybe I have heard it wrong, but once the land is purchased and rezoned, they can do whatever they want. I have heard a commercial building is in future plans so that would require that they then fill in that pond that's over there. There's 10% of wetlands left in Oakland county. We see more and more of our open spaces being gobbled up by developments going in. That's why I can't tell you how many people I personally know who have left Novi because this isn't what they signed up for here. I do believe that there is nothing that we could be sure of with regard to maintaining any green spaces or the roads. It's just words that are said so they can do whatever they want once they get the property and so getting that property is what we are all speaking and trying to keep from

happening in the first place. I'd like to mention something else a neighbor said to me about golfing because she says that even though there aren't a lot of members, there are so many people playing that golf course and you have to pay to play and it's always busy. There's been times she couldn't even get on the golf course so I agree with, I believe it was Denise who said that de don't understand how the golf course wasn't viable unless of course there was no effort being put into making it viable. I also believe that we would all chip in to try to make it a viable, both for the clubhouse and the golf course. Just to keep that in our community because it is a huge positive to drive up and see golf course and restaurant too, which hasn't been there for a while, either and by the way, the owner has not taken very good care of that green space in the meantime, it's been just a mess. Fourteen Mile badly needs to be repaved as it is. I can't imagine putting more traffic on it without it being fixed. So preserving our wetlands, filling in the pond is, is a non-starter. I agree with a lot of the comments that were already stated. I just don't agree that the comments made were both pro and con sounds to me like the comments made and sent it to the city are basically con. I love the idea of the city possibly taking over and making it a public golf course.

Ameya Sontakke, 30820 Gordon Ridge, said most of the members have already spoken about most of the concerns, but just for the record I just want to say that I strongly object having that center here. One of the comments about traffic I support that they should have their own entrance, but that's that is not going to stop people from entering through the community. So maybe that business can pay for putting, putting in gates for all the other entrances. I also want to make sure the decision is going to be unbiased.

Joshua Keyes, 41500 Belden Circle, said I am not directly on the golf course. My wife and I have lived here for over 10 years. We actually rented from a family member for the first few years and fell in love with the quiet, nice area. We are probably the minority in all of these associations, we are in our early forties, and have young children that would probably benefit from this educational center, however, putting it in front of a multiple subdivisions is just radically preposterous. Everybody's already mentioned the road issues. The construction issues made it worse this year, so we could see how bad it was when things did happen on Fourteen Mile Road. I, again, agree with everybody else. I strongly object to this. I think there's better places in the city of Novi to find for this kind of center.

Salene Riggins, Parks Recreation and Cultural Services Commissioner, 31175 Livingston Drive, said I just want to say I strongly object to the request to amend the PUD agreement because a daycare center would be a major change and the PUD states only minor changes are recommended. Everything else has really been said already as far as the traffic, which would be a concern I definitely agree with and that our property values would be decreased.

Deanne Daugherty, 30996 Tanglewood, said in addition to the traffic, which everybody has mentioned, my concern is with the open space liability. Will there be continued insurance on those 30 acres throughout the facility? What if someone gets hurt or injured? The homeowner's not going to be responsible for those injuries. Is the developer prepared to insure that area? The traffic with the construction, I'm sure as everybody has heard, is overwhelming. There are people in this community that work and have to be to work in a timely fashion. We leave at peak hours and need that entrance and exit clear. Also, in evaluating the other facilities that IXL has they've always gone into the community saying we need X amount of spaces and within two years, they've bumped it up 50 to 60 more children. So, what is to prevent them to go over 200? I just feel that there was bias stated when we were told that if we don't agree with Mr. Landry that we we're the problem, which is unfair and is bias.

Shirly Kest, 31004 Tanglewood Dr, said I am directly on the fairway and I would gladly take a hit to my house from a golf ball then to have IXL become an unwelcomed neighbor. We don't need a marketing presentation from them to understand. I want to understand how their business plan can

support paying the taxes on open space and whether there's any plans to reduce those taxes with a sweetheart deal between the City of Novi and this applicant. The traffic is horrific on Fourteen Mile Road. When you currently go out Fourteen Mile Road during school hours, the police are there to give tickets to anyone who doesn't obey the reduced speeds so in addition to the increased volume of cars coming off a single lane and additional HOA's on each side of that road you're now going to have reduced speeds, which only complicate getting in and out of that entrance. And the proposed future land usage being unknown is such a red flag. Down the road five years from now we don't know who's going to move in there. I find this unacceptable and object vehemently.

Terri Pearce, 31097 Columbia Dr, said I've been a property owner in Novi since 1982 and an owner in the Maples of Novi for the last 25 years. A lot of things have already been said and a great amount of people from within the community have been discussing this. I just found out on Friday about this information. Living for here for as long as I have, I have received numerous notifications for different changes too property for expanding for the senior center at 13 Mile to the church that is at Thirteen Mile and M-5, but I didn't receive a notification for this. I was appalled and that's putting it very, very mildly. Anybody that did the research or should have, would have seen that everyone in this community had a right that was violated because they did not let everyone in the community know so that we could plan and have even more factual information of why this is so wrong for our community. The other part was when this community was originally developed it was for empty nesters, it was for retirees, and it actually was for first time home buyers all as well because it's a condo and not a home. I decided to stay in Novi because I appreciated the city and I also decided to move here out of any place else because of the community, the golf course, the club houses, and the pools and putting a daycare facility when the majority of the people who live here don't have children is absolutely insane. I am a business consultant and there is no way on earth that I would recommend to any client that they invest in and rebuild a clubhouse to put a daycare in a community that doesn't have children or the amount is so minimal that it's not even worth the investment. The other thing that pushed me right over the edge last Friday was reading the first page of the items that had been approved and they did a traffic study in the middle of COVID with the road shut down. Somebody please explain to me how that happened. There were so many things that were done wrong here if they were considering this property, they should have come to the community, they should have come to it at least each of the association board of directors. They did none of that. When you look at this type of thing, and nobody getting the notifications, but certain people, there's something wrong.

Nancy Morey, 30987 Tanglewood Dr, said I just want to be on record to say we strongly object to this. We bought here for the golf course and for the quiet community and we live on Tanglewood, which is one of the main roads and there are no sidewalks so people who walk like myself and everyone else in this neighborhood have to walk on the street with our dogs and it's unsafe and having more traffic is just not going to be a good thing. I think the City of Novi can plan this a lot better by keeping it a golf course community. Again, I just want to say we strongly object and we think that there's some sketchy stuff that has gone on with the City of Novi and this community and we're very hurt and upset by it and you work for us so I think you need to plan better and respect us as homeowners and as a community.

Corey Byron said thank you for giving me another a minute to catch up. I just wanted to put some additional information out there. I think a lot of people are obsessed with a restaurant called Bottles that was there and what no realizes is that the restaurant actually wasn't authorized, it's not zoned commercial. There was never supposed to have been a restaurant there. There will not be a restaurant there again and I think there's just some confusion on how it happened, and I think the one question I have is for all the people that are worried about walkers, why weren't they worried about walkers when a restaurant was serving alcohol? The last thing is, yes, golf courses did excel. They did really well last year. I own another one that's done very well. There are three facets to golf courses:

there's an 18-hole golf course facility, there's a 9-hole golf course facility, and there's an executive golf course facility. Maples of Novi is an executive golf course facility. It's 1,800 yards. A typical regulation golf course that excels is 6,500 yards. They're catching a premium; their revenue is roughly around \$700,000 a year. Maples of Novi did \$120,000. There isn't a municipality that wants a golf course that does \$120,000 and yes, we were extremely busy, but you are limited by restrictions of land, space, yardage, and access. It was great. It was as busy as it's ever been, and it was not busy enough. So, for someone to say, we didn't try, and we didn't care, I think you can hear it my voice that I care probably more than any owner has ever cared at the Maples before. I'm one of the founding board members of the First Tee, Detroit. I care more about running a game of golf and less about closing golf courses. Well, there's a time and a place to say we'll wait two years for another golf course owner to come in and develop it. No one in their right mind is going to develop a golf course at \$120,000 a year and I don't think the people that live there realize it's an executive golf course. I looked at my tee sheet tomorrow and besides the seniors that are playing in the morning, I have one tee time. I think I've heard about 72 people speak today about how they support the golf course. I think there's a great lack of communication going on and it's very transparent. I understand what they're saying, but at the same point they're not understanding what an executive golf course is and I just wanted the Commission to know that.

Susan Silversides, 31239 Barrington Dr, said my home is directly behind at the proposed playground. I appreciate everything that our community has said tonight. I am totally opposed to this Amendment. I'm not going to comment on everything that was already mentioned but I do want to bring up a couple points. One of our homeowners mentioned that if this facility does move forward, that they build a wall around it again, I am directly within 25 feet of this playground and I'm not the only one. First of all, our property values are going to be significantly impacted by this change if this occurs. I have been in the mortgage industry for 30 years. The largest detriment to property value is noise, traffic, congestion, and commercial usage so I just want to also go on the record that I am totally opposed to this amendment and I support the same feelings of our residents, as far as the traffic, the danger, the use of our private roads, and the abuse of our quiet, peaceful, community and the disruption of any wetlands or open spaces that will occur.

Erin Suminski, 41482 Cornell Dr, I've been a resident of this neighborhood for the past almost seven years. I moved here from an area called White Lake. I'm not sure if anyone is familiar with that area, but it's quiet, has lots of land and that's what drew me to this subdivision: the quietness, the kindness of the residents, the golf course, even though I don't personally live on the golf course. I used to love when Bottles was there. It was family oriented. I have two children and I'm nearing 40 so, again, a minority and this is really disheartening. Besides what everybody else has mentioned, I find the comment of no one in their right mind would acquire a course like this and invest in it, that's not being respected on the resident side. If it is shutdown, I would much rather see the associations absorb the golf course land and perhaps put in walking trails or preserve the wildlife and the wetlands and make it still valuable to our community.

Diana Pintar, 31040 Eagle Dr, said when he purchased it, he knew it was an executive golf course and so just personally, I'm sorry that it wasn't financially a success for him, but it is an executive golf course and we've been here since 1992 and there was a time when it was a membership, and it did have in the beginning a liquor license and a very successful restaurant that the whole community enjoyed. Again, sorry for your financial loss, it doesn't need to be our problem as a community. I really appreciated Erin's comment about turning it into walking trails and those kinds of things and waiting for someone who is willing to in the future, purchase it as a golf course, but in the meantime, just let it sit there and let us use it as a community.

Chair Pehrson asked for the written correspondence.

Planning Assistant Daniels said approximately 288 comments have been received and 273 of those comments were objections all of which show concern that we have addressed already tonight. There were 10 letters received in support all of which mention the change of use would be good for an underused building. Some of the comments that have not been part of the record yet are: Brenda Anderson, 30680 Vine Court, supports. James Garrigan, 31187 Livingston, objects. Gretchen Goulet, 31057 Collingdale, objects. Miriam Hill, 30796 Golden Ridge, objects. Joseph and Teresa Horenkamp, 30843 Centennial, objects. Bob and Maragret Kime, 41654 Kenilworth, objects. Marlene Lukas, 30850 Centennial, objects. Nancy Preble, 41697 Kirkwood, objects. Laura Miller, 41940 Canterbury, objects. Darren & Amy Murray, 41370 Cornell, objects. Veronica Jones, 30808 Centennial, objects.

Chair Pehrson said we will close the public hearing on this particular matter at this time and turn it over to Planning Commission for their consideration.

Member Avdoulos said I want to thank the residents that participated and expressed their concerns. This is the forum for the public to speak and as one of the residents indicated they felt kind of late to do so, but to be honest with you, the Planning Commission just received this package on Friday so this is the first time we're looking at this and reviewing it. We are required to review these projects. We don't make them up. They come to us. The developer has a due right to bring forward a project and we go through the process to one, see if it makes sense and two, see if it meets the ordinance. This project in particular, being a PUD, is obviously different and a little bit complicated. There are so many open issues that have been brought forward by the residents, I think that there are major concerns with traffic and that particular amenity that everybody bought into, and how is it going to be maintained? Is that going to be a hardship to the surrounding community? There's just a lot of questions that are unanswered and I do think that it would have been much easier if this was presented to the community or at least to the heads of each one of the communities so that it wouldn't be so surprising. Therefore, because there are so many open issues, I think that this project does require a tabling or postponing. So, I'm going to make a motion and then we could discuss a little further.

Motion made by Member Avdoulos and seconded by Member Dismondy.

In the matter of IXL Learning Center of Novi, JSP21-03, motion to postpone the request to amend the Maples of Novi Planned Unit Development Agreement and Area Plan to allow the applicant the opportunity to address the comments and concerns received at the Planning Commission's public hearing, and the remaining items that staff had requested.

Member Dismondy said this is the open forum segment. We are seeing this for the first time, over the last few days as well and we are volunteers working on this Commission for the City. I think there's a lot of misinformation out there and it sounds like everyone is on board to clear that up. I think that was the outcome and purpose of this.

Member Lynch said I agree with the postponement. It sounds like there's some legal issues, but I'm not an attorney. Who has the right to do what and who owns what, I think that needs to be wrapped up. I think it would be best that we at least give the parties a chance to discuss it and if they can't come to some agreement or some arrangement, then bring it back to the Planning Commission. We'll review the project as this, but my hope is that the developer and the homeowners both succeed in whatever they agree on, but I think it would be prudent to resolve the conflict before coming back to the Planning Commission, so I support the postponement.

Member Roney said I agree with the postponement as well. I appreciate everybody in the audience giving us their feedback. Obviously, there's a lot of concern about this and if I lived there, I'd be concerned as well. I think the postponement and the opportunity to communicate more about

what's being planned and what the circumstances are is reasonable and I'm in favor of that.

Member Verma said I agree with the owner's representative. Mr. Landry said that the homeowner's association would like to meet with them, and I think they should go. Today, we found out there were so many objections made. Let them talk to each other first and resolve the issues. I agree at this time we should table the motion.

Motion made by Member Avdoulos and seconded by Member Dismondy.

ROLL CALL VOTE TO POSTPONE PROJECT JSP21-03 IXL LEARNING CENTER OF NOVI TO AMEND THE MAPLES OF NOVI PLANNED UNIT DEVELOPMENT AGREEMENT AND AREA PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.

In the matter of IXL Learning Center of Novi, JSP21-03, motion to postpone the request to amend the Maples of Novi Planned Unit Development Agreement and Area Plan to allow the applicant the opportunity to address the comments and concerns received at the Planning Commission's public hearing, and the remaining items that staff had requested. Motion carried 6-0.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

Chair Pehrson said I would like to congratulate Member Lynch and Member Verma for being reappointed to the Planning Commission.

AUDIENCE PARTICIPATION

Ross Barranco, 31247 Barrington Dr, said again, the development is right in my backyard also like Susan, and I noticed in the 469-page packet it says that the developer contacted the residents and the associations, and that is not true. I'm as close as you can get to the clubhouse and I was never contacted until just about a week or two ago and not by the developer. They never sought any input from the residents or the associations. That statement in the packet is incorrect.

Karen Smith, said when you say table this process, how does that work and what happens next? Because them meeting with us, you know, they can say whatever they want and not consider our input and just go forward with you and I want to know if there will be another hearing. What is the next step? I also would like to make a comment that this is an issue of our property values and the City of Novi will experience an on slot of property assessment appeals. So, I just want to make you aware of that.

Chair Pehrson said there will be a next step. This will most likely, if it goes forward, come back to the Planning Commission depending upon what it comes back on and there will be additional public hearings at that time as well.

Jennifer Moss, IXL Learning Center, said I actually did speak to two of the presidents of the associations and they were supportive so, when I keep hearing that I reached out to nobody, I felt like I needed to respond. It's unfortunate that they didn't come forward and say that I did speak to them months ago, but I would like to say that out loud and I won't call anyone's name out because I don't want to throw them under the bus, but I did reach out to a couple of presidents of the board.

Derell Fecho said I have a request to the Planning Commission and of yourself. Would you ask the supposed applicant if they are willing to withdraw at this time?

Chair Pehrson said that's not an option that we have the ability to entertain at this time.

Ross Barranco said Ms. Moss said that she contacted the association presidents, but the document says and residents. My residence is the closest one to the clubhouse and I was not contacted. How does that work?

Susan Silversides said I already spoke a few minutes ago. Ross, who just spoke is my next-door neighbor, the two of us are the most effected and I do also want to just comment that I received no notification from this developer in regard to this amendment.

Shirley Kest said I'm very concerned about the disrespect that I'm hearing from both the applicant and the Chair and quite frankly, first impressions, you never have another chance to do those again. Why was the question dismissed when Darrell asked, "Can the applicant be asked to withdraw" and then he asked, "why not," and you just dismissed that. I don't think we heard a viable explanation and I think we're entitled to one as late as it is.

Chair Pehrson said we had already voted on the motion on the table and that's the only motion that's been proposed, that's the only motion that we have right now.

ADJOURNMENT

Moved to adjourn made by Member Lynch seconded by Member Verma.

Motion to adjourn the June 9, 2021 Planning Commission Meeting. Motion carried 6-0.

The meeting was adjourned at 9:57 PM.