



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

February 22, 2023 7:00 PM

Council Chambers | Novi Civic Center
45175 W. Ten Mile, Novi, MI 48375 (248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Avdoulos, Member Becker, Chair Pehrson, Member Roney
Absent Excused: Member Dismody, Member Lynch, Member Verma
Staff: Barbara McBeth, City Planner; Tom Schultz, City Attorney; Lindsay Bell, Senior Planner; Ben Peacock, Planner

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion made by Member Avdoulos and seconded by Member Becker to approve the agenda.

VOICE VOTE TO APPROVE THE FEBRUARY 22, 2023 PLANNING COMMISSION AGENDA MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER.

Motion to approve the February 22, 2023 Planning Commission Agenda. Motion carried 4-0.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing that nobody wished to participate, Chair Pehrson closed the first public participation.

CORRESPONDENCE

There was not any correspondence.

COMMITTEE REPORTS

City Planner McBeth relayed the next Master Plan Steering Committee meeting will be on Wednesday, March 1 at 6:00 PM.

Also coming up are the two Open Houses for the Master Plan Land Use and Active Mobility Plan, which is the new name for the Non-Motorized Mobility Plan. The Open Houses are a drop-in style event held in the Civic Center to speak with Planners and Consultants, the first will be on Saturday, February 25th from 10:00 AM to 12:00 PM and the second will be Thursday, March 2nd from 4:00 PM to 6:00 PM.

CITY PLANNER REPORT

City Planner McBeth had nothing to report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There were not any consent agenda items.

PUBLIC HEARINGS

1. 2023-2029 CAPITAL IMPROVEMENT PROGRAM

Victor Cardenas, Interim City Manager, presented the annual Capital Improvement Plan (CIP). The CIP is a planning document that serves as a guidepost for major capital expenses for 2023-2029. Anything over \$25,000 is capitalized, such as big pieces of machinery, land, road, and drains. Interim City Manager Cardenas introduced Carl Johnson, Finance Director, and Jessica Dorey, Senior Budget Analyst, who were also present to answer any questions.

A PowerPoint presentation was shown. In reviewing the budget, three main program cost categories were highlighted - roads, water and sewer, and Parks, Recreation and Cultural Services with 143 total projects planned. Almost half of the budget is dedicated to major, local, and municipal road improvements.

Three significant projects were highlighted – Wixom Road Rehabilitation, from north city limits to Ten Mile Road, to occur in fiscal year 2023-24; adding a play structure, pathways, and parking lot in Northwest Park, located east of Napier off Twelve Mile, to occur in fiscal year 2023-24; and purchasing new fire engines in fiscal year 2023-24 and 2027-28. Other notable road projects include Taft from the new traffic circle to Ten Mile, the Road Commission for Oakland County (RCOC) will be working on Novi Road from Nine Mile to Ten Mile, and Ten Mile east of Meadowbrook Road.

The City of Novi 2024-26 fiscal year budget overview by fund, estimated as of February 16, 2023, was shown.

Interim City Manager Cardenas expressed his appreciation for the work of the CIP Committee members including Member Becker and Member Lynch, Council Member Casey, Council Member Fischer and Council Member Crawford. The CIP Committee met last month to prepare the plan for consideration and approval from the Planning Commission, to then be included in the City's proposed budget to City Council in April.

Chair Pehrson opened the public hearing and asked if anyone in the audience wished to speak about this topic. Seeing none, he confirmed there was not correspondence, closed the public hearing and turned the matter over to the Planning Commission for consideration.

Member Roney relayed the plan looks fantastic, with so many projects the City is planning over the next six years. One thing that stood out however is the tree fund, as there is nothing planned for new expenditures. Many residents have concerns regarding trees removed from properties being developed, we have a healthy tree fund, what can be done to use the fund towards planting more trees.

Interim City Manager Cardenas relayed we use caution to avoid overplanting which can result in trees not surviving season to season. A portion of the tree fund is being used to prune and maintain existing trees as well as to fund a forester who was brought on to help plant and manage our canopy throughout the community. We do plant approximately 200 trees annually, which is an important feature of our community. We are not overly aggressive in planting as we want to keep what we have healthy, vibrant and sustainable for the future.

Member Becker inquired if his understanding is correct that the tree fund balance was approximately \$4,000,000. Interim City Manager Cardenas confirmed this is correct. Member Becker relayed he has some ideas on how to put more trees into Novi and will follow up separately with Interim City Manager Cardenas.

Member Becker inquired about the water and sewer fund as it is designated to be approximately \$24

million for this fiscal year then drops off to approximately \$4.5 million going forward. Interim City Manager Cardenas relayed that different water mains are being installed at various locations, with several larger projects being completed this year such as the Meadowbrook Lake project.

Member Avdoulos relayed he appreciates that the City Council and the Planning Commission are able to work with Staff to develop the Capital Improvement Plan, as well as appreciates the current format as he was formerly on the CIP Committee years ago when Excel spreadsheets were used.

Motion made by Member Avdoulos and seconded by Member Becker.

In the matter of the 2023-2029 Capital Improvement Plan, motion to adopt the 2023-2029 Capital Improvement Plan as presented.

ROLL CALL VOTE TO ADOPT THE SUGGESTED RESOLUTION MADE MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER.

Motion to adopt the suggested resolution. Motion carried 7-0.

2. PARADISE PARK PARTIAL REZONING JZ22-31 WITH REZONING 18.739

Public hearing at the request of Paradise Park for Planning Commission's recommendation to City Council for a Zoning Map Amendment from Office Service Technology (OST) to Light Industrial (I-1). The subject site is approximately 4.14 acres of an 8.03 acre site and is located at 45799 Grand River Avenue, which is on the south side of Grand River Avenue and west of Taft Road (Section 16). The applicant has indicated that the proposed rezoning is being requested to make the zoning consistent throughout the entirety of the property.

Planner Ben Peacock relayed that this matter was brought before the Planning Commission at their last meeting however due to the required rezoning sign not in place for the appropriate amount of time, it was postponed.

Planner Peacock said the applicant is proposing to rezone approximately 4.14 acres of the site from OST, Office Service Technology to I-1, Light Industrial. The site is located near Gatsby's restaurant and Andes Hills Condos to the east, vacant wetland to the west, SV Temple to the south, and Suburban Collection Showplace to the north. The front portion of the site is zoned I-1, Light Industrial, and the rear portion, which is under consideration tonight by the Planning Commission, is zoned OST, Office Service Technology. To the west and east, the nearby properties are zoned I-1, Light Industrial, RA, Residential Acreage, and R-2, One-Family Residential. To the north, they are zoned OST. To the south, the properties are zoned RA, Residential Acreage. The Future Land Use map indicates Industrial Research Development Technology (which corresponds to the I-1 Zoning District) for the property and the surrounding Future Land Use consists of single family to the south and portions of the east and west, City West to the north, and Industrial Research Development Technology to the east and west. The subject property contains regulated wetlands or woodlands toward the rear of the site.

The rear portion of the site was rezoned to OST in 1997 in part to provide buffering for a potential office development at the time. Prior to that, it was zoned RA, Residential Acreage.

Paradise Park was approved as a Special Land Use in 2004. A perimeter easement and berm area were approved in 2017. The perimeter easement does not allow for construction of any permanent structures within the easement area, but may with the City's approval as part of an approved site plan to construct surface improvements such as landscaping and utilities. Both documents have been provided as supplements to you all this evening.

The applicant is proposing to rezone the site so that the zoning of the site is consistent for its entirety. No changes are proposed to the site at this time.

When compared to the OST Zoning District, the I-1 Zoning District allows for some different uses such as manufacturing, warehousing, industrial offices and sales, trade schools, greenhouses, pet boarding facilities, and veterinary hospitals/clinics. Some uses that the OST district currently allows for are hotels, universities, and day care centers when compared to the I-1 district.

Given the location of this site, if it were to be rezoned to I-1 Light Industrial, no special land uses as currently listed in the zoning ordinance would be permitted because the site abuts residentially zoned land. In addition, any use subject to Section 4.45 would be considered a Special Land Use when adjacent to residentially zoned land. For this site, there would be several limitations on building height, uses, setbacks, and screening. The minimum building and parking setbacks from any residentially zoned land would be 100 feet, and the building height would be restricted to a maximum of 25 feet.

The applicant is requesting a change of districts from the existing OST Office Service Technology to I-1 Light Industrial. The types of uses allowed in these districts have some overlap, although they also differ in important ways. The proposed I-1 district allows a maximum building height of up to 40 feet (when not abutting residential) compared to 46 feet in OST district. The building setbacks in the I-1 district are 10 feet shorter in the front yard, and 30 feet shorter (when not abutting residential) in the side and rear yard when compared to the OST district. The parking setbacks in the I-1 district are subject to specific standards in the front yard (Section 3.6.2.E) and are 10 feet shorter in the side and rear yard (when not abutting residential) when compared to the OST district.

The proposed rezoning from OST to I-1 meets the intent of the 2016 Master Plan for Land Use as the site is identified as Industrial Research Development Technology on the future land use map, which is consistent with the I-1 zoning district.

The proposed rezoning would meet the Master Plan for Land Use objectives to support existing businesses and maintain quality design because it would promote the continued success of a popular Novi business.

The proposed rezoning would have no negative impact on public utilities.

The Planning Commission is asked tonight to hold the public hearing and to make a recommendation to City Council. Representing the project tonight is Jeffrey Wainwright and Attorney David Landry. Staff is available to answer any questions.

Chair Pehrson invited the applicant from Paradise Park to address the Planning Commission.

Nancy Dembinski, Attorney and law partner of David Landry, introduced herself and stated she is representing Mr. Wainwright on behalf of Paradise Park. The applicant is looking to maintain consistent zoning throughout the two parcels and is working with the City Assessor to combine the two parcels into one parcel. As indicated there is no intention to change use of the property at this time. Ms. Dembinski or Mr. Wainwright would be happy to answer any questions.

Chair Pehrson opened the public hearing and invited members of the audience who wished to participate in the public hearing to approach the podium. As there were none, Member Becker read the written correspondence in support of the rezoning. Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission for consideration.

Member Becker inquired as to the number of parcels in question. City Planner McBeth relayed it was just recently combined legally into one parcel.

Member Becker inquired as to what now is designated as the front yard. City Planner McBeth relayed the front yard is established by the combined parcels and is considered the building that is closest to the right of way.

Member Roney relayed that seeing this is within the Master Plan, he agrees with having one parcel

designated as one zone.

Motion made by Member Avdoulos and seconded by Member Roney.

In the matter of Paradise Park Partial Rezoning, JZ22-31, with Zoning Map Amendment 18.739 motion to recommend approval to City Council to rezone the subject property from Office Service Technology (OST) to Light Industrial (I-1) for the following reasons:

- 1. The proposed Light Industrial (I-1) Zoning District meets the intent of the 2016 Master Plan for the Industrial Research Development Technology future land use;**
- 2. The Master Plan for Land Use objective to support and strengthen existing businesses is fulfilled as the proposed rezoning promotes the continued success of an existing business;**
- 3. The Master Plan for Land Use objective to maintain quality architecture and design throughout the City is fulfilled because Paradise Park is an attraction that is unique to the region;**
- 4. There will be no negative impact on public utilities as a result of the rezoning request as stated in the Engineering memo, and no anticipated changes to the traffic patterns as a result of the rezoning request;**
- 5. The Rezoning Traffic Impact Study has demonstrated that the proposed rezoning will not degrade the level of service of the local road network below acceptable levels.**

ROLL CALL VOTE TO RECOMMEND APPROVAL OF REZONING 18.739 FOR JZ22-31 PARADISE PARK TO CITY COUNCIL MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

**Motion to recommend approval of rezoning 18.739 for JZ22-31 Paradise Park to City Council.
Motion carried 4-0.**

3. TOWNES OF MAIN STREET JSP20-35

Public hearing at the request of Singh Development for JSP20-35 Townes of Main Street for a revised Wetland Permit. The subject property is zoned TC-1 (Town Center One) and is approximately 17.7 acres. It is located north and south of Main Street, east of Novi Road, in Section 23. The applicant received City Council approval of their Preliminary Site Plan for a multifamily development with 192 townhouse-style apartments on May 23, 2022. On April 27, 2022 Planning Commission approved the wetland permit with the condition that wetland mitigation plans in compliance with the Code of Ordinances be provided at the time of Final Site Plan submittal. The applicant now proposes wetland mitigation through the purchase of bank credits outside the city.

Senior Planner Lindsay Bell relayed on May 23, 2022, the applicant received City Council approval of the Preliminary Site Plan to develop vacant parcels located north and south of Main Street in the TC-1 Town Center One zoning district. Thirty-two townhouse-style buildings are proposed with a total of 192 units.

At the time of Planning Commission and City Council consideration, the applicant was evaluating its options for providing the required wetland mitigation, and the wetland permit was approved with the condition that mitigation plans prepared in accordance with Chapter 12 of the Code would be provided at the time of Final Site Plan submittal.

The wetland delineation report provided by the applicant identifies seven wetland areas on the site, ranging from 0.01 to 1.9 acres in size, with a total wetland area of 2.29 acres. These wetlands have been determined to be regulated by the state as well as the City of Novi due to their proximity to a protected stream. The plan proposes permanent wetland impacts totaling 0.4 acre. The City's Wetland and Watercourse Ordinance requires mitigation of all impacts over 0.25 acre. The habitat quality is not high for the impacted areas, according to the City's wetland consultant, but they were determined to be regulated.

At this time, the applicant has proposed to purchase wetland mitigation credits in order to fulfill both the state and City requirements for mitigation. Chapter 12 of the Code of Ordinances requires mitigation be

provided within the City. The City does not currently have any wetland banks within its jurisdiction, so any credits purchased would be outside the city limits.

Tonight, the Planning Commission is asked to hold the public hearing for the wetland permit under the terms requested by the applicant. It is staff's recommendation that the permit be denied based on the items listed in the draft motion, including that the mitigation proposed does not meet the requirements of the Code of Ordinances, and therefore cannot be approved by Planning Commission. The applicant can appeal the decision to City Council if they choose.

Chair Pehrson invited the applicant to address the Planning Commission.

Todd Rankine, Singh Development Company, introduced himself along with Mike Noles with the Umlor Group. Mr. Rankine thanked Senior Planner Bell for presenting his case and as she relayed he is here to request a variance to the section of the ordinance that requires the City wetland mitigation as they are pursuing their final site plan. The Townes of Main Street was seen by the Planning Commission last year, this is the last piece to go in.

There are seven pieces of separate wetland areas. The largest on the northeast corner, which is 1.9 acres, is to remain. The other six pertain to the variance request. The City allows 0.25 acres to be disturbed without mitigation, and they are just over at 0.4 acres.

The history of the wetland areas near Trans-X indicates that sometime between 1967 and 1973 the area became developed and was believed to be the Novi DPS yard, with a building and storage yard on the property. Sometime around 1990 that was removed.

Mr. Rankine reviewed a summary from a wetlands consultant for Singh Development. The consultant determined in their report to EGLE that the wetlands being impacted are very low-quality areas and should not be mischaracterized as City essential wetlands or to be confused with wetland systems which characteristically exhibit any quality function or value which should be avoided or preserved. These impacts areas should be represented for what they are – remnants of previous man-made scars and conditions of their industrial past.

Mr. Noles added that a project like this is extremely difficult, they have been working on it for about two years. A year ago, when the Planning Commission made their motion for approval, there were 14 conditions on the motion. They were very excited about the project and still are, and were happy to get unanimous recommendation for approval from the Planning Commission and City Council.

As you go through the process and start to do the final engineering, sometimes what was thought could be done doesn't quite pan out. A waiver was previously received to do mitigation off-site in Novi and they had every intention to do that. Upon surveying the property that was targeted to do mitigation near Twelve Oaks that the applicant owns, they realized they would be cutting down trees to create a wetland, essentially taking out one natural feature to create another, which didn't make sense. Instead they proposed to donate to the City the 5 acres of woodlands, to preserve the natural features under a conservation easement, in exchange for ½ acre of wetland mitigation. However, there is not a rule that allows that swap.

As all wetlands concerned are regulated on the site, they would be purchasing EGLE credits anyway. EGLE has been moving away from allowing applicants to build a small pockets of wetlands and are instead engaging wetland scientists like King & MacGregor and others to build large scale wetlands where credits can be purchased where there is reliable habitat.

As they are going to be buying into the wetland bank anyway, they are appealing again as they realized they asked for the wrong waiver. Instead of requesting to build off-site, they should have requested to waive it. They are conscious of the need to be careful about setting precedent, however what makes this case different is these are non-essential, low quality wetlands, small in nature, the public benefit of this development greatly outweighs the wetland mitigation for a 0.5 acre within the city particularly in light of

the fact they are already mitigating through EGLE. This does have precedent, however not in zoning districts like this. The cases where mitigation was waived in the past were areas with RUDs or PROs, more of the negotiated zonings, where a waiver is requested but it provides a public benefit.

In summary, Singh can comply as they have other properties where they could create wetlands, however they would like to get started as soon as possible so would like to clear the final hurdles. This is one of two final hurdles. They are very close to resolving shared parking agreements and easements and will appear again on that regard once that is resolved. Mr. Noles stated that he recognizes it is a difficult decision and appreciates the Planning Commission taking the time to consider it.

Chair Pehrson opened the public hearing and invited members of the audience who wished to participate in the public hearing to approach the podium. As there were none, and no written correspondence on the matter, Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission for consideration.

Member Becker stated that what first jumped out is that some of the seven sites are as small as a 1/100 of an acre, or about 435 square feet. Member Becker inquired as to what is considered to be a wetland size wise. City Planner McBeth responded that she is not aware of size qualifications, but these wetlands are unique in that they are in close proximity to the stream. The consultant who reviewed concluded that these would all be regulated by the state and recommended state's permit procedure is followed.

Member Becker likes the idea of trading but recognizes that is not allowed. Regarding setting a precedent, Member Becker recognizes that is a concern and this is complicated, but thinks care needs to be taken into account.

Member Roney relayed the applicant is correct in that he is really excited about the project, and it will be a really good benefit to the Main Street area, however Member Roney recently took training on this and the training was very clear that the ordinance standards must be followed.

Member Avdoulos stated that he does not think this something that Planning Commission can grant a deviation on. Unfortunately Member Avdoulos was out of town and not at the meeting when this was presented last year, but did review the packet at that time and can appreciate the project.

Chair Pehrson relayed he agrees there is excitement for the project but does not think the Planning Commission can approve it, however this allows the applicant to go to City Council to appeal the decision. City Attorney Schultz added that City Council has a different set of options to approve the matter.

Motion made by Member Avdoulos and seconded by Member Becker.

In the matter of Townes at Main Street JSP20-35, motion to deny the Wetland Permit for the following reasons:

- a. The plan is not in compliance with Chapter 12 of the Code of Ordinances.**
- b. The applicant has offered alternatives that would comply with the ordinance standards.**
- c. Allowing developers to purchase wetland mitigation credits outside the City, if permitted with increased regularity, would not allow the City to enjoy for the benefits that wetlands provide, including floodwater management, plant and wildlife habitat, open space, passive recreation and filtering of runoff pollutants.**

ROLL CALL VOTE TO DENY APPROVAL OF THE WETLAND PERMIT FOR JSP20-35 TOWNES OF MAIN STREET MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER RONEY.

Motion to deny approval of the Wetland Permit for JSP20-35 Townes of Main Street. Motion carried 4-0.

MATTERS FOR CONSIDERATION

1. INTRODUCTION TO TEXT AMENDMENT – 2023 SITE PLAN AND DEVELOPMENT MANUAL

Set public hearing for Text Amendment 18.300 to update Section 6.1, Site Plan Review (All Districts), to reference the updated Novi Site Plan and Development Manual, dated 2023. The manual has been updated to reflect current processes and practices, and in particular the new Planned Rezoning Overlay ordinance adopted in 2021.

Senior Planner Bell relayed that the City of Novi's Site and Development Manual has served as an important resource for planners, developers, landowners and residents in the City since it was first adopted in 1999. It is intended to provide a general overview of the City's various development processes and review standards and steps the readers through the complexity of the site plan, rezoning, special land use, woodland and wetland permitting, and preconstruction processes and submittal requirements. The site plan and development manual also answers frequently asked questions.

The last update to the manual was adopted in 2011 and staff is proposing the current draft update to replace that version. As mentioned, the most important update to the document is the section on the planned zoning overlay process, chapter 3, section 3.2. Since ordinance 18.297 amending the PRO was adopted in August of 2021, the description of that process has been out of date in the manual. That amendment changed several aspects of the PRO including an initial submittal with review by the Planning Commission and City Council regarding eligibility to use the PRO option and the new text also clarifies what is to be provided by the applicant at the time of submittal and what types of conditions can be included. Other minor updates to the manual have also been made including changing references to the Community Development Department, to the Plan Review Center, an explanation of phasing plans on page seven and updating ITE rates as they relate to more current numbers for traffic studies. Clarifications have also been made in Chapter 6 for the preconstruction process and soil erosion permitting.

The Implementation Committee reviewed the draft document on February 8th and members of the committee made some suggestions for improvement and recommended the document be presented to the full Planning Commission.

Tonight we are asking the Planning Commission any additional feedback and to consider setting a public hearing for a future meeting.

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

Member Roney stated that one of the questions he asked during the Implementation Committee meetings is does this update to current procedures, which is important.

Member Becker stated that it (the flow chart) looks like how he has to try to get in and out of his subdivision. It looks great, as always all the work that comes from staff looks so clean. Descriptive and easy to understand.

Member Avdoulos stated as a professional that works on many projects in many cities which don't have a manual, this is a great document. The fact that we had an original document and are regularly updating it is fantastic, it makes the process easy to understand and consistent.

Motion made by Member Avdoulos and seconded by Member Becker.

In the matter of Introduction to Text Amendment – 2023 Site Plan and Development Manual, motion to set a public hearing pending availability on the agenda. Motion carried 4-0.

ROLL CALL VOTE TO APPROVE THE INTRODUCTION TO TEXT AMENDMENT WAS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER.

Motion to approve the Introduction to Text Amendment. Motion carried 4-0.

2. APPROVAL OF THE FEBRUARY 8, 2023 PLANNING COMMISSION MINUTES

Motion made by Member Avdoulos and seconded by Member Becker.

ROLL CALL VOTE TO APPROVE THE FEBRUARY 8, 2023 PLANNING COMMISSION MINUTES WAS MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER BECKER.

Motion to approve the February 8, 2023 Planning Commission Minutes. Motion carried 4-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth relayed there was a document in front of the Planning Commissioners from the Michigan Association of Planning. All of the trainings offered are applicable, some are offered virtual and some in person.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the final audience participation to come forward. Seeing that nobody wished to participate, Chair Pehrson closed the final audience participation.

ADJOURNMENT

Motion to adjourn the meeting made by Member Avdoulos.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER AVDOULOS.

Motion to adjourn the February 22, 2023 Planning Commission meeting. Motion carried 4-0.

The meeting adjourned at 7:52 PM.