



PLANNING COMMISSION MINUTES

CITY OF NOVI
Regular Meeting

April 19, 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, Member Dismondy, Member Lynch, Chair Pehrson, Member Roney

Absent Excused: Member Verma

Staff: Barbara McBeth, City Planner, Thomas Schultz, City Attorney; Christian Carroll, Planner; James Hill, Planner, Rick Meader, Landscape Architect

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Motion made by Member Lynch and seconded by Member Roney to approve the agenda.

ROLL CALL VOTE ON MOTION TO APPROVE THE APRIL 19, 2023 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 6-0.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward.

Michael Duchesneau, 125 Henning Drive, relayed that Scenic Pines one year extension on the agenda tonight should be approved. Too often developers clear cut the land and let it sit idle for years, then come back with a different proposal. Mr. Duchesneau stated his preference that the city and the petitioner get together to discuss other options for this land. The City Council recently approved a petitioner's request to swap woodlands for wetlands.

Mr. Duchesneau asked the Planning Commission to consider these facts regarding the Scenic Pines development: it is 9.44 acres, the parcel is contiguous with the city parkland and other city owned properties, and it contains 1.7 acres of regulated wetlands. Novi does not own any wetlands that are available for land swap per the city wetland ordinances. It would be nice if there was a mechanism for available land for wetlands to be swapped within the city. The parcel also contains 7.45 acres of regulated woodlands. It has 481 trees tagged as over 8" in diameter at 6' breast height. That is over 50 trees per acre.

Chair Pehrson closed the first public participation.

CORRESPONDENCE

There was not any correspondence.

COMMITTEE REPORTS

There were not any committee reports.

CITY PLANNER REPORT

There was no City Planner report.

CONSENT AGENDA - REMOVALS AND APPROVALS

1. JSP20-17 NOVI PROFESSIONAL VILLAGE BUILDINGS D&E

Approval of the request of Andrew Marougy for the first one-year extension of the Preliminary Site Plan approval. The subject property is located in Section 27, south of Ten Mile Road and west of Novi Road, in the Office Service (OS-1) and One-Family Residential (R-4) zoning district. The applicant is proposing to construct two 6,175 square foot professional office buildings, directly behind the three existing buildings on the property that were constructed in 1991. Approval of the Preliminary Site Plan was granted on May 12, 2021.

Motion to approve the one-year extension of JSP20-17 Novi Professional Village Buildings D & E made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE ON MOTION TO APPROVE THE ONE-YEAR EXTENSION OF JSP20-17 NOVI PROFESSIONAL VILLAGE BUILDINGS D & E MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

Motion carried 6-0.

2. JSP18-76 SCENIC PINES

Approval of the request of Singh Development LLC for a one-year extension of the Final Site Plan (2nd request). The subject property is located south of South Lake Drive and east of West Park Drive in the R-4, One-Family Residential Zoning District and Section 3 of the city. The site plan proposes a 25-unit residential site condominium utilizing the One-Family Cluster Option. Final Site Plan approval was granted May 20, 2020; the first one-year extension was granted April 27, 2022.

Motion to approve the one-year extension of JSP18-76 Scenic Pines made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE ON MOTION TO APPROVE THE SECOND REQUEST FOR ONE-YEAR EXTENSION OF JSP18-76 SCENIC PINES MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

Motion carried 6-0.

PUBLIC HEARINGS

1. AMENDMENT TO 2016 MASTER PLAN FOR LAND USE

Public hearing for Planning Commission's adoption of the amendment to the 2016 Master Plan for Land Use, including the changes to the Future Land Use Map and Residential Density Map, in order to fulfill the requirements of the Michigan Planning Enabling Act and reclassify land as part of the land swap between the City and Novi Community School District.

Planner James Hill introduced the suggested resolution to adopt the proposed amendment to the 2016 Master Plan for Land Use, including changes to the Future Land Use Map and Residential Density Map. As a reminder, the Master Plan amendment is a part of an ongoing effort by the City and Novi Community Schools to complete an exchange of land that is meant to mutually benefit both parties.

This matter was brought to Planning Commission on February 8, 2023, where the Commission passed a resolution to open the Master Plan review process and recommend approval of distributing the proposed

amendments to the entities required by the Michigan Planning Enabling Act.

On February 27, 2023, the City Council approved a resolution to distribute the amendment to the required entities, in addition to not asserting its right to approve or reject the amendment after the public hearing being held today. That means this is the final step for the amendment to be adopted.

The amendment is required since the land being conveyed to the School District needs to be reclassified from Public Park to Educational Facility on the Master Plan's Future Land Use Map. This is because the Home Rule Cities Act of 1909 prohibits cities from selling a park, except where the park is not required under an official master plan of the city. Although the City is not actually selling the land to the School District, staff and the City Attorney believed it would be best to be in full compliance with the Home Rule Cities Act.

On March 6, 2023, staff distributed a letter to the required entities, sharing the proposed amendment. The City received one response, and it was from Oakland County. The Oakland County Coordinating Zoning Committee met with staff on April 12, 2023 and endorsed the amendment in a letter provided in your packet, claiming that the amendment was not inconsistent with the surrounding master plans.

The amendment in the Planning Commission packet amends the Future Land Use map in the 2016 Master Plan. Planner Hill displayed a slide presentation showing what the current Future Land Use map and the proposed amended Future Land Use map look like.

The land exchange, and likewise the reclassification, would take place at three separate locations in the City. Those locations are the area of Ella Mae Power Park at Ten Mile Road and Taft Road, Wildlife Woods Park at Eleven Mile Road and Wixom Road, and Bosco Fields at Eleven Mile Road and Beck Road.

Firstly, the south portion of Ella Mae Power Park, approximately 45.91 acres, would be conveyed to the School District. A portion of land directly south of Fuerst Park, approximately 1.74 acres, would be conveyed to the City. The portion of Ella Mae Power Park being conveyed to the School District would be reclassified as Educational Facility. The portion of Fuerst Park being conveyed to the City is already designated as Public Park.

Secondly, a portion of Wildlife Woods Park, approximately 23.59 acres, would be conveyed to the School District. This land would also be reclassified as Educational Facility.

Finally, the School District would convey to the City the Bosco Fields property, approximately 73.87 acres. The amendment would reclassify this land from Educational Facility to Public Park.

The amendment in the packet also amends the Residential Density Map to allow for a density of 2.7 dwelling units per acre around Ella Mae Power Park and the Civic Center and Novi High School campuses. This is to provide consistency with the surrounding residential uses. Every area with residential zoning in the City has a residential density assigned to it, even where schools are currently located. Providing this area with a density of 2.7 dwelling units per acre is a correction to the Residential Density Map that is needed on the basis of consistency.

The Planning Commission is asked to hold the public hearing, then consider the resolution in the packet for approval, as recommended by Staff. The resolution approves the adoption of the amendment to the 2016 Master Plan for Land Use, including the changes to the Future Land Use Map and Residential Density Map as presented.

Staff is available to answer any questions the Commission may have.

Chair Pehrson opened the public hearing and invited members of the audience who wished to participate in the public hearing to approach the podium.

Mark Megge, Kirkway Place resident, relayed he has lived in his subdivision for 16 years. It has been quiet and peaceful until the soccer fields went in. Now that the soccer season has started traffic is unbelievable, the dust is unbelievable, the security at night is terrible since cars are coming in late at night. Mr. Megge

has requested the City to lock the gates at night, which were locked all winter, but now that soccer season has started the gates are open. There is a light at the far end of field, and a light at Beck, the rest is dark so who knows what could go on in the area. Mr. Megge requested speed bumps and speed limits to be enforced. The speed limit in the subdivision is 15 mph, cars are driving 30-40 mph to exit after games. Mr. Megge is the farthest north home adjacent to the access road to the fields. Although there is a large parking lot, cars are parking along the road near his home. Mr. Megge spoke with Jeff Muck, Director of Parks and Recreation, who said no security could be provided. There is the potential something could happen in the park at night. The water park going in will create more traffic down the line.

Member Lynch summarized correspondence related to the land swap.

- David Nowak, Sutton Court, is in support and thinks it's a nice addition to the city.
- Abir Chatterjee, Isabella Way, supports and would like to see the wetlands and woodlands preserved.
- Elizabeth Harper, Cottisford Street, objects and feels this is a missed opportunity for formal protection on the wooded acreage of Ella Mae Power Park in perpetuity.
- Anna-Monika Jackson, High Meadow Drive, objects and states she paid premium for her lot when purchased over 40 years ago as it backs up to woodlands. She is concerned the school district could sell to a developer who could develop 2.7 homes per acre. She would no longer be able to enjoy the beautiful woods and wildlife and the value of her property would be decreased.
- Jan and Alan Lach, Roundview Drive, support based on letter from Interim City Manager Victor Cardenas which addressed their concerns. The letter refers to added language into the property exchange agreement allowing the City the right of first refusal to purchase the land should the Novi School district elect to sell it in the future.
- Thomas Marchioni, High Meadow Drive, objects and would like to maintain woodlands in the area.
- Jose Ortiz, Winthrop Drive, objects to the land exchange proposed after carefully reading the information provided.
- Ronald Sobczak, Hickory Grove Lane, objects and doesn't support giving parkland to school. There is no future plan which gives too much discretion.
- Basim Ayoub and Amal Ayoub, Rockview Road, object based on safety and traffic concerns, it will negatively impact wildlife in the area, and it will negatively impact the Villas of Stonebrook community.

Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission for consideration.

Member Lynch relayed he believes people are concerned that the land swap means apartments will go in, however the proposed zoning is the same zoning as the parcels around it. Member Lynch thinks it's a good idea for the city to swap the parcels. Regarding the gentleman who just spoke, if he feels in danger, he should contact the police. Member Lynch thinks the exchange is the right thing to do and likes the idea of the added language that should ease the minds of adjacent residents, he is in support.

Member Becker reiterated remarks made by the Superintendent that the property south of Ella Power Park will be maintained as is for Cross Country trails and the trails are open to residents. Bosco Fields provides a huge piece of property for parkland which is a nice addition to the City. If we didn't arrange the swap, this property could have been sold to a developer as the school district didn't need it any longer. Member Becker believes it is a good compromise and especially likes Interim City Manager Cardenas' letter where he tightens up the agreement so that a future Board of Education won't sell to a developer down the road.

Member Dismondy relayed he believes on February 8th the Planning Commission considered concerns brought forward and Superintendent Mainka was helpful and reassured that the district is not looking to change the current use. The amended residential density scared some people, but that was addressed and it just maintaining consistency with surrounding areas. Member Dismondy is in the same position as he was on the 8th and is in support.

Member Roney relayed he is in favor of the proposal, it's the right thing to do. This is consistent with how the land has been used for several years, not really changing the character. Member Roney likes the inclusion of the language as indicated in Interim City Manager Cardenas' letter and thinks it is a good thing for the City.

Member Avdoulos relayed in considering everything, he thinks it's an appropriate direction between the City and the school district.

Motion to approve the Amendment to the 2016 Master Plan for Land Use as detailed in the suggested resolution made by Member Avdoulos and seconded by Member Lynch.

In the matter of an Amendment to the 2016 Master Plan for Land Use, motion to approve the Amendment to the to the 2016 Master Plan for Land Use as detailed in the Suggested Resolution (as attached to the packet).

This motion is made for the reasons stated in the Planning Report, as well as the following:

- 1. The Home Rule Cities Act states that a City may not sell land that is a park except where the park is not required under an officially Master Plan of the City (MCL117.5(e)). Since the City land that is being exchanged is designated as "Public Park" on the Future Land Use Map, adopting the amendment is appropriate to ensure that the Home Rule City Act is complied with (even though the City land is note technically not being "sold").**
- 2. The identified properties designated as "Public Park" on the City's Future Land Use Map are not used in a significant way as parkland available to the City's residents but are instead being leased for use by the Novi Community School District and are no longer deemed necessary as "Public Parks."**
- 3. If the Amendment is adopted, the land that will be reclassified as "Public Park" on the Future Land Use Map encompasses approximately 75.61 acres, which is 6.11 acres more than the area that is proposed to be removed from the map.**
- 4. The land swap was designed to satisfy both the Novi Community School District and the City of Novi in meeting the overall needs of those entities and the community members they serve.**
- 5. All land designated for residential purposes generally has a maximum density provided on the Residential Density Map in the event that the property may someday be developed for residential purposes.**

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL OF AMENDMENT TO 2016 MASTER PLAN FOR LAND USE MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. 22585 MONTEBELLO COURT WOODLAND PERMIT

Public hearing at the request of Mark Sieckman for consideration of a Woodland Use Permit at 22585 Montebello Court. The property is located north of Nine Mile Road and west of Novi Road in Section 27 of the City. The applicant is requesting the removal of four regulated woodland trees in order to increase recreational space in the backyard. The Public Hearing was held on April 5th but the decision was postponed.

Planner Christian Carroll relayed the proposed woodland use permit as requested by the applicant, Mark Sieckman, is to remove 4 regulated woodland trees at 22585 Montebello Court to increase backyard space. The site is located north of Nine Mile Road and west of Novi Road, is zoned R3, and has a single-family future land use. There are no regulated wetlands on the site.

The City's Woodland Consultant reviewed the request and prepared a review letter dated 2/27/23. The review letter states that the applicant is proposing to remove 4 regulated woodland trees, all of which are regulated woodland trees, from a section of City Regulated Woodland ranging in size from 8 to 18 inches DBH. These removals require 5 Woodland Replacement Credits. The Woodland Consultant's review letter provides a detailed count and explanation of the required replacements. The proposed removals

are not located within any recorded conservation or preservation easements that abut or encroach onto the property. The applicant has indicated that they may plant trees in place of the removals.

The Planning Commission is asked tonight to hold the public hearing and approve or deny the Woodland Use Permit. Staff suggests that the Planning Commission approve the Woodland Use Permit. A suggested motion is provided in the memo. Mark Sieckman, the homeowner, is here to tonight and is available to answer any questions. Staff is available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission. The applicant had nothing to add to Planner Carroll's summary.

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

Member Lynch had no issue.

Member Becker had no issue.

Member Dismondy had no issue.

Member Roney had no issue.

Member Avdoulos had no issue.

Motion to approve Woodland Use Permit for 22585 Montebello Court made by Member Avdoulos and seconded by Member Lynch.

In the matter of Woodland Use Permit, PBR22-0464, motion to approve the removal of four regulated woodland trees within an area mapped as City Regulated Woodland at 22585 Montebello Court for additional recreational space in the backyard. The approval is subject to on-site tree replacements of all five required woodland replacement credits. If necessary, any outstanding credits may be paid into the City's Tree Fund. In addition, any other conditions as listed in the Woodland Consultant's review letter shall be addressed.

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL OF WOODLAND USE PERMIT PBR22-0464 MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion carried 6-0.

2. JSP22-54 29580 HUDSON DRIVE

Consideration of 29580 Hudson Drive for Preliminary Site Plan approval. The subject property contains 1.09 acres and is located in Section 4 of the City (Unit 5 of Beck North). The applicant is proposing to construct an 8,400 square foot, two story warehouse and showroom for kitchenware and restaurant equipment. The site contains a significant presence of easements along the frontage of Hudson Drive.

Planner Carroll relayed the 1.09 acre site is located at 29580 Hudson Drive, which is east of Hudson Drive and south of DeSoto Court. The site is currently vacant and is Unit 5 of the Beck North Corporate Campus. It is zoned I-1 (Light Industrial) as is the surrounding area. The Future Land Use map indicates Industrial Research Development Technology for the site and the surrounding area. The surrounding existing uses in the area include DeSoto Investments, Design Research Engineering, Metalsa, and American Interiors. The subject property does not contain any regulated wetlands or woodlands.

As indicated on the site plan, the applicant is proposing to construct an 8,400 square foot, two-story warehouse and showroom for kitchenware and restaurant equipment. The site is constrained by a significant presence of easements along DeSoto Drive. The site has 22 parking spaces and 2 loading docks located on the north side of the site, which will require a variance from the Zoning Board of Appeals.

For this project, the applicant is seeking one landscape waiver for the deficiency of one perimeter tree along the south access drive due to utility conflicts, which is supported by staff.

The façade is in full compliance.

The Stormwater Management Plan does not need to be approved by the Planning Commission as the stormwater will be detained to a regional basin as part of the Beck North Corporate Campus development. All 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.

The Planning Commission is asked tonight to consider this matter and approve or deny the Preliminary Site Plan. Representing the project tonight are Matthew Hall and Paul Taulingkas from CopperRock Construction and Nowak & Fraus. Staff is available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Matthew Hall showed a scored CMU material that will be on the lower half of the building, the upper half will be an IMP metal panel material in charcoal grey along with glass material.

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

Member Lynch expressed his thanks for working with the staff on this and relayed that this fits nicely into the area. He recognizes the one landscaping tree with the utility conflict, no issue with that, and the applicant did their best with the loading docks. Member Lynch approves.

Member Becker clarified his understanding that the entrance to the building is on the southwest corner, and back of the building where the truck dock doors are is the north side.

Member Dismondy inquired as to the prior reference to a significant presence of easements. Planner Carroll relayed on the west side of the property where the trees are located, basically the front of the building, there are easements up and down the property.

Member Roney clarified that the referenced easements are utility easements. Planner Carroll responded yes.

Member Avdoulos appreciates the siting of the building, keeping the corner open, and location of the parking being adjacent to the neighboring parking.

Motion to approve the Preliminary Site Plan for 29580 Hudson Drive made by Member Avdoulos and seconded by Member Dismondy.

In the matter of 29580 Hudson Drive, JSP22-54, motion to approve the Preliminary Site Plan based on and subject to the following:

a. The Planning Commission finds the following conditions of Section 3.14.3 are met:

- i. The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts;**
- ii. The intended truck delivery service can be effectively handled without long term truck parking on site;**
- iii. The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of Article 5 and the performance standards of Section 5.14;**

- iv. The storage and/or use of any volatile, flammable or other materials shall be fully identified in application and shall comply with any city ordinances regarding toxic or hazardous materials.
- v. Compliance with the City's hazardous materials checklist is required;
- b. Zoning Board of Appeals Variance from Section 5.4.3 of the Zoning Ordinance for the placement of two truck docks in the exterior side yard as recommended by staff because *the proposed truck docks are proposed to be properly screened and minimize impact to on-site traffic flow to the extent possible*;
- c. Landscape waiver for deficiency of one perimeter tree provided along the south access drive as recommended by staff *due to utility conflicts*, which is hereby granted;
- d. 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;

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL OF THE PRELIMINARY SITE PLAN FOR 29580 HUDSON DRIVE MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.

Motion carried 6-0.

3. INTRODUCTION TO TEXT AMENDMENT – RESIDENTIAL TEXT AMENDMENT

Set public hearing for Text Amendment 18.302 to update Sections 3.1.1 through 3.1.5, RA Residential Acreage and R-1 through R-4 One-Family Residential Districts, and to Section 4.3, Schools, to update the standards for public schools, and other minor modifications.

City Planner Barb McBeth relayed staff is proposing ordinance modifications to the Single-Family Residential districts, specifically related to the standards for public and private elementary, intermediate or secondary school uses, and to clarify the standards and remove inconsistencies that have been noted. The impetus for the suggested changes is in connection with the school and park property exchange that is currently in discussion, and with the expectation that the Novi Community Schools likely intends, at some point in the future, to use a portion of the exchanged property for school uses.

The text changes are primarily to Section 4.3 of the ordinance. This Section provides use standards for schools and is referenced in the RA District, and the R-1 through R-4 Districts. Two clean-ups or clarifications to this section are proposed.

First, Section 4.3.1 is proposed to be updated to reflect more accurately that in the RA, Residential Acreage District, elementary schools are considered a Principal Permitted Use. The second clean-up is to Section 4.3.2 to note that most of the other school uses are considered a Special Land Use, except for elementary schools in the RA District which are considered a Principal Permitted Use.

Finally, a new section is added at the end of Section 4.3.2 stating that an existing public school use on the R-1 through R-4 zoned properties may expand, and shall be considered a Principal Permitted Use, provided that a public school has been approved and constructed on those properties under the standards of the Michigan School Code.

The Planning Commission is asked tonight to set the matter for a public hearing at an upcoming meeting. As always, additional modifications to the ordinance language may be made by staff or the City Attorney's office prior to the public hearing.

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

Member Lynch relayed it looks like it's just cleaning up language and it looks fine.

Member Becker relayed it looks good.

Member Dismondy relayed it looks very transparent.

Member Roney supports moving forward with the public hearing.

Member Avdoulos had no concerns.

Motion to set a public hearing for the Residential Text Amendment made by Member Avdoulos and seconded by Member Lynch.

ROLL CALL VOTE ON MOTION TO SET A PUBLIC HEARING FOR TEXT AMENDMENT 18.302 MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion carried 6-0

4. APPROVAL OF THE APRIL 5, 2023 PLANNING COMMISSION MINUTES

Motion made by Member Lynch and seconded by Member Dismondy to approve the April 5, 2023 Planning Commission Minutes.

ROLL CALL VOTE ON MOTION TO APPROVE THE APRIL 5, 2023 PLANNING COMMISSION MINUTES WAS MADE BY MEMBER LYNCH AND SECONDED BY MEMBER DISMONDY.

Motion carried 6-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

There were no supplemental issues/training updates.

Chair Pehrson acknowledged Mr. Duchesneau presented an interesting idea in his comments during the first audience participation and requested City Planner McBeth to research the idea to potentially bring forward to implementation. City Planner McBeth agreed to do so.

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 no one, Chair Pehrson closed the final audience participation.

ADJOURNMENT

Motion to adjourn the meeting made by Member Lynch and seconded by Member Avdoulos.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULUS.

Motion to adjourn the April 19, 2023 Planning Commission meeting. *Motion carried 6-0.*

Meeting adjourned at 7:38 PM.