

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 1
March 9, 2009

SUBJECT: Consideration of Zoning Map Amendments 18.683, 18.684, 18.685 and 18.686 in conjunction with a Planned Rezoning Overlay (PRO) and Residential Unit Development (RUD), SP08-30 and SP08-31 from the applicant, Singh Development LLC, to rezone property located on the south side of Ten Mile Road between Napier Road and Wixom Road from R-1, One-Family Residential and RA, Residential Acreage to RM-1, Low Density, Low-Rise Multiple-Family Residential and B-2, Community Commercial and consideration of the PRO Concept Plan and RUD with amended Development Agreement. The subject property is 329.5 acres and the applicant is proposing the rezoning and amended RUD to facilitate the construction of an active adult community and senior housing facility.

SUBMITTING DEPARTMENT: Community Development Department - Planning *Burb*

CITY MANAGER APPROVAL *[Signature]*

BACKGROUND INFORMATION:

The petitioner is requesting consideration of a Residential Unit Development (RUD) with an amended Development Agreement and a Planned Rezoning Overlay (PRO), in conjunction with rezoning requests 18.683, 18.684, 18.685, and 18.686. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As part of the PRO, the underlying zoning is changed, in this case to RM-1 and B-2 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and the applicant agree to any deviations to the applicable ordinances and tentative approval of a conceptual plan for development for the site. The RUD does not change the underlying zoning of the property, but puts a concept plan in place for the development of the property that can include deviations to applicable ordinances.

An RUD was previously approved for the subject property and the applicant is seeking modification of that RUD and the corresponding Development Agreement. Minutes from discussions and approvals of the previous RUD are attached for reference. After final approval of the PRO plan and agreement and the RUD plan and modified Development Agreement, the applicant will submit for Preliminary and Final Site Plan under the typical review procedures. The PRO and RUD run with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the PRO concept plan expires, the zoning reverts back and the agreement becomes void.

The parcels in question are located on the south side of Ten Mile Road, between Wixom Road and Napier Road in Section 30 of the City of Novi. The property totals 329.5 acres. The current zoning of the majority of the property is R-1, One-Family Residential with a small portion zoned RA, Residential Acreage. The applicant is proposing the rezoning of portions of eight parcels to RM-1 and B-2 with a majority of the subject property to remain zoned R-1 as part of the amended RUD.

The applicant has indicated that the rezoning is being proposed to facilitate the construction of an "Active Adult Community" described by the applicant in the included informational binder. As part of this concept, the applicant is proposing a 320-unit detached single-family residential development (the RUD portion of the development) along with a 220-unit attached residential development, a 154-unit senior housing complex to include congregate care and assisted living facilities, an 8,600 square foot daycare center, and a 105,820 square foot retail development to include a bank, a restaurant, and retail shops. Please see the binder included by the applicant showing the various rezonings, PROs and the adjacent proposed RUD. Currently, the subject property is zoned R-1. While this district does permit the proposed single-family residential development with an RUD and the proposed

daycare, it does not permit the proposed attached residential, the senior center or the retail development.

As part of the application materials, the applicant has indicated that an approximately 2.5 acre portion of City-owned land is proposed to be included as part of the retail development. The applicant has acknowledged and agreed that, at the date of the application, the City has not agreed to transfer this property to Singh Development.

As part of the PRO, the applicant is required to provide a public benefit that would demonstrate more than just the usual benefits associated with standard rezoning and development of the property. The developer has agreed to donate a portion of parkland on the eastern side of the development and construct a trail through the aforementioned parkland. Please see the binder included by the applicant for additional details. For additional items listed as public benefits and for the PRO conditions and RUD conditions, please see the attached information provided by the applicant and the Plan Review Center reports.

This matter was brought before the Planning Commission for a public hearing and recommendation on January 14th, 2009. At that time, the Planning Commission made negative recommendations for the rezonings with PRO and the RUD with amended Development Agreement.

If the City Council determines that it might go forward with **approval** of the proposed rezonings with PRO agreements and amended RUD and Development Agreement, the matter would come back before City Council at a subsequent meeting for final approval of the draft agreements and zoning. Section 3402.E.5 provides that, after deliberating on the request, "If the City Council determines that it may approve the Rezoning with Planned Rezoning Overlay, the City Council shall specify tentative conditions under MCL 125.584c, and direct the City Attorney to work with the applicant in the development of a proposed PRO Agreement." Section 3402.E.6 then states that "Upon completion of the PRO Agreement, the City Council shall make a final determination to approve, approve with conditions, or deny the Rezoning with Planned Rezoning Overlay." Staff's suggestion is that, if the Council decides that it could move forward on the PRO approval, it should direct the City Attorney to work on both the PRO Agreement and the RUD/Development Agreements (amendments) and that the final findings and approvals as to those come at the same time as the final PRO determination.

If, however, the City Council determines after its review that it is not likely to move forward on the PRO rezonings and the RUD/Development Agreement amendments, then it can make findings regarding the denial of the various requests. The recommendation and possible findings below are therefore set forth for Council's consideration only in the event of such a determination.

RECOMMENDED ACTION: Action on the request for Zoning Map Amendments through Planned Rezoning Overlay and amendment to RUD and Development Agreements.

If the City Council determines that it may approve the rezonings through the PRO process, direct the City Attorney to work with the applicant on a PRO Agreement and amendments to the RUD and Development Agreements, with the conditions offered and those suggested by City staff and consultants. If the City Council determines that it will not approve the proposed rezonings and amendments, consideration of the following proposed findings and determinations as to each:

Denial of Zoning Map Amendment 18.683, 18.684, 18.685 and 18.686 with Planned Rezoning Overlay (PRO) SP08-30 and SP08-31 and amended Residential Unit Development (RUD) with amended Development Agreement from the applicant, Singh Development LLC, to rezone property located on the south side of Ten Mile Road, between Wixom Road and Napier Road from R-1, One-Family Residential and RA, Residential Acreage to RM-1, Low Density, Low-Rise Multiple-Family Residential and B-2, Community Business and consideration of the PRO Concept Plan and to amend the existing RUD and existing Development Agreement for the following reasons:

1. The proposed rezonings and plan are contrary to the land use recommendations and goals and objectives of the Master Plan for Land Use as indicated on Page 3 of the Planning Review Letter dated September 2, 2008, specifically "bullet-points" 1 through 7;
2. With regard to the proposed PRO rezonings, because of the inconsistency of the project as a whole with the Master Plan and with the existing and planned uses in the surrounding area, the applicant has not established the integration of the proposed land development project with the characteristics of the project area, and for the same reasons has not shown that the project will result in an enhancement of the project area as compared to the existing zoning, or that any enhancement could not be achieved under the existing zoning. The Master Plan for Land Use provides for areas in the City of mixed use commercial and residential development, similar to the range of uses proposed by the applicant and including mixed use developments with residential densities exceeding those permitted in single-family districts.
3. Also with regard to the proposed PRO plan, the applicant has requested a number of deviations from ordinance standards, but has not shown that, for each of the deviations requested, not granting the deviation would prohibit an enhancement of the development that would be in the public interest and that approving the deviation would be consistent with the City Master Plan and compatible with the surrounding area. To the contrary, the deviations with regard to greater building height and length, reduced setbacks, and adjacency of the day care to residential land facilitate land uses and improvements that are more inconsistent with the Master Plan and more incompatible with the surrounding area.
4. In addition, the enumerated public benefits do not outweigh the detriments caused by the lack of adherence to the Master Plan and incompatibility with surrounding uses. In particular, when considering the project as a whole, the primary proposed public benefit of the parkland donation and trail improvement is not proportional to the impacts of the development.
5. Overall, the PRO fails to meet many of the standards set forth in 2516.c.2. Specifically:
 - (1) The proposed application materials, particularly the traffic study, have been found to be lacking in information or have inconsistencies that hinder the complete review of this application. In particular, the applicant has requested a substantial number of waivers of the Design and Construction Standards as noted in the August 28, 2008 Traffic Review Letter that have not been justified for the reasons stated therein.
 - (2) The City Engineer has raised concerns regarding utilities that have not been fully addressed or resolved. The proposed development would have a noticeable impact on the public utilities when compared to the previously approved RUD plan, particularly given the City's current sanitary sewer capacity in the area affected.
 - (3) The proposed uses are not consistent with the surrounding uses, as indicated in the staff and consultant reports.
 - (4) The proposed uses are not consistent with the goals, objectives, and recommendations of the Master Plan, as indicated in the staff and consultant reports.
6. And finally with regard to the PRO, the City does not believe that, considering the proposed uses and the PRO Plan that the conversion of the approximately two and a half (2.5) acres of City-owned land adjacent to the applicant's land, at the corner of Wixom and Ten Mile Roads is compatible with the surrounding uses and with the Master Plan, at this time;
7. With regard to the proposed RUD and Development Agreement amendments, given the findings above, the applicant fails to meet the considerations for approval as set forth in Section 2404.8.B with regard to traffic, utilities, compatibility with neighboring uses, and compliance with the Master Plan. The intensity of uses and the introduction of retail and multiple-family uses is not compatible with adjacent and neighboring land uses, either existing or as master-planned, as indicated in the staff and consultant reports, together with the increase in the total number of dwelling units beyond that planned for, outweigh benefits of the proposed open space and natural features preservation through the

parkland donation. The applicant has also not established, for the reasons set forth above, that the proposed deviations from ordinance requirements are in the public interest, are consistent with surrounding uses, or provide an enhancement to the project that would otherwise be prohibited, as required under Section 2404.6. In addition, the applicant has not provided information establishing that the proposed reduction in lot sizes and setbacks are the minimum necessary to preserve and create the open spaces proposed;

	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

MAPS

**LOCATION
ZONING
FUTURE LAND USE
WETLANDS
WOODLANDS**

Legacy Parc SP 08-30 and SP 08-31
Location

Legend



City Incorporated Boundary



Napier Road

Ten Mile Road

Wixom Road

Subject Property

CITY OF NOVI
DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



0 345 690 1,380 2,070

FEET

1 INCH = 865 FEET






MAP PRINT DATE: date

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Legacy Parc SP 08-30 and SP 08-31 Zoning

Legend

-  City Incorporated Boundary
 -  RA
 -  R-1 with Development Agreement
- ### Lyon Twp Zoning
-  R-0.5
 -  R-1.0



Napier Road

Ten Mile Road

Wixom Road



Subject Property

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DEPARTMENT OF COMMUNITY DEVELOPMENT

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(248) 347-0415

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1 INCH = 665 FEET

MAP PRINT DATE: -date-

MAP INTERPRETATION NOTICE

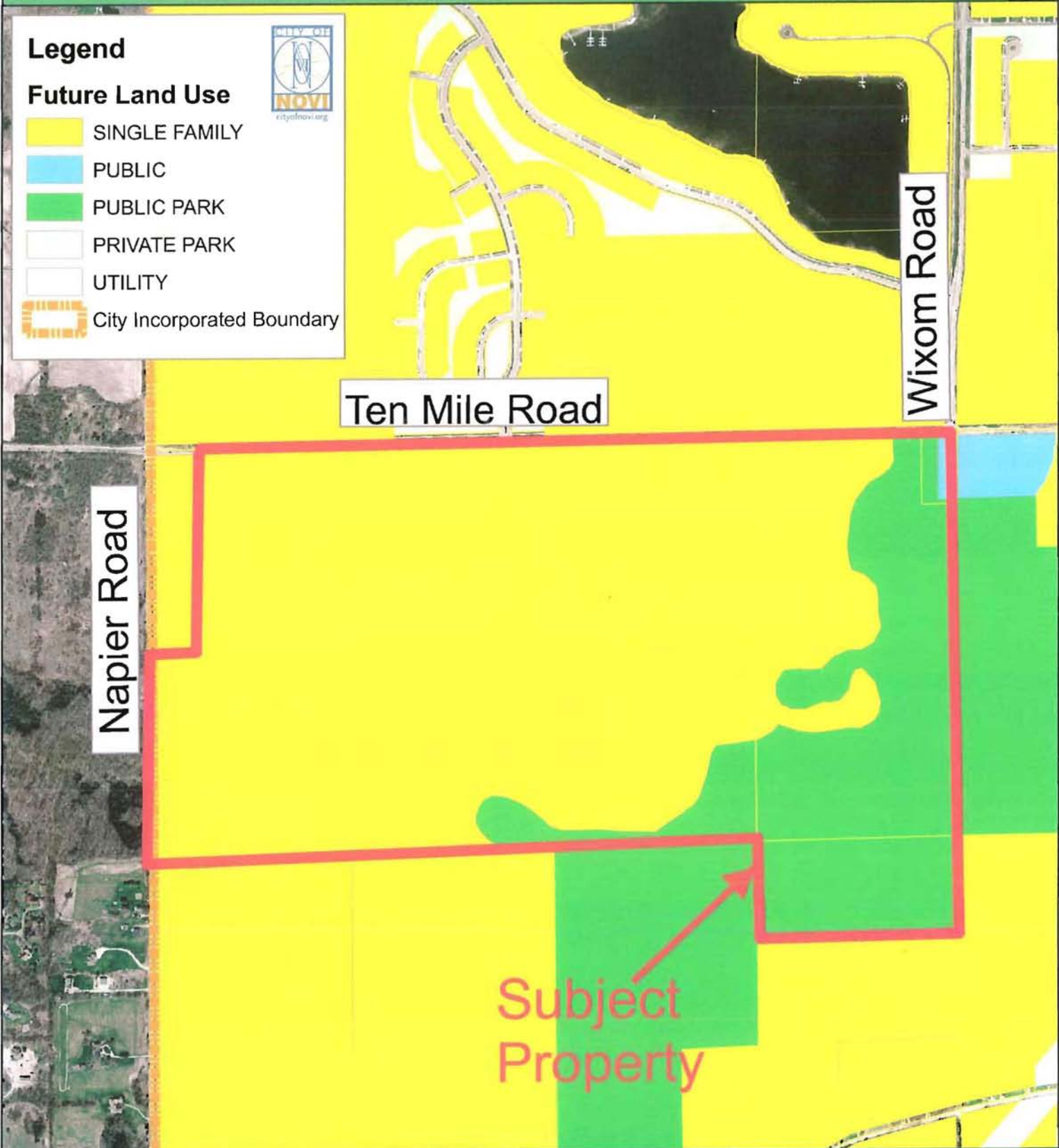
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Legacy Parc SP 08-30 and SP 08-31
Future Land Use

Legend

Future Land Use

-  SINGLE FAMILY
-  PUBLIC
-  PUBLIC PARK
-  PRIVATE PARK
-  UTILITY
-  City Incorporated Boundary



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



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Legacy Parc SP 08-30 and SP 08-31
Wetlands

Legend

 Wetlands

 City Incorporated Boundary



Napier Road

Ten Mile Road

Wixom Road

Subject Property

CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



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Legacy Parc SP 08-30 and SP 08-31 Woodlands

Legend

Regulated Woodlands

-  Light
-  Medium
-  Dense
-  City Incorporated Boundary



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



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**OFF-WEEK PACKET
UPDATES**

MEMORANDUM



cityofnovi.org

TO: CLAY PEARSON, CITY MANAGER
THRU: ^{Barb} BARB MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen Kapelanski*
SUBJECT: LEGACY PARC SP 08-30 AND 08-31
DATE: FEBRUARY 25, 2009

*2/26/09
To: Mayor and City
Council Members
Forthcoming by March 9 City Council
Clay*

The City has received an application for a modification of the existing Residential Unit Development (RUD) and associated Development Agreement and a rezoning of portions of the property located on the south side of Ten Mile Road between Wixom Road and Napier Road. This matter was brought before the Planning Commission on January 14th, 2009 and is slated to appear before the City Council at an upcoming meeting. As such, staff felt it appropriate to provide a short summary of the proposed project in anticipation of its upcoming appearance on a City Council agenda.

The petitioner is proposing a rezoning with a Planned Rezoning Overlay (PRO) and a revised RUD with a modification of an existing Development Agreement. The parcels in question are located on the south side of Ten Mile Road, between Wixom Road and Napier Road in Section 30 of the City of Novi. The property totals 329.5 acres. The current zoning of the majority of the property is R-1, One-Family Residential with a small portion zoned RA, Residential Acreage and the applicant is proposing the rezoning of portions of eight parcels to RM-1 and B-2 with a majority of the subject property to remain zoned R-1. The applicant has indicated that the rezoning is being proposed to facilitate the construction of an "Active Adult Community" described by the applicant as follows:

"The design goal of an Active Adult Community is to master plan a modern urban neighborhood that is located in a suburban or rural area; A community that is walkable, secure, and complete with quick access to daily conveniences and necessities, connected by pedestrian walkways and trails. The community should provide not only a full range of recreational programs and amenities, but a small shopping center, dining, entertainment, services and all the elements that would allow the development to support the normal, daily lifestyle of an individual and be completely freestanding."

As part of this concept, the applicant is proposing a 320 unit detached single-family residential development (the RUD portion of the development) along with a 220 unit attached residential development, a 154 unit senior housing complex to include congregate care and assisted living facilities, an 8,600 sq ft. daycare center and a 105,820 sq. ft. retail development to include a bank, a restaurant and retail shops. Currently, the subject property is zoned R-1. While this district does permit the proposed single-family residential development with an RUD and the proposed day care, it does not permit the proposed attached residential, the senior center or the retail development.

As a part of the application materials, the applicant has indicated that an approximately 2.5 acre portion of City-owned land is proposed to be included as part of the retail development on the south side of Ten Mile Road near the Wixom Road traffic light. The applicant has acknowledged and agreed that, at the date of the application, the City has not agreed to transfer this property to Singh Development. The applicant has further acknowledged, that by processing the application, the city is not asking or authorizing Singh to act on the City's behalf in any manner, and that the City shall not be considered an applicant or proponent of the rezoning application or amendments to the previous approvals.

As previously indicated, this matter appeared before the Planning Commission on January 14th, 2009. At that meeting, the Planning Commission recommended denial of the proposed amended RUD and proposed rezonings.



EXHIBIT 'J'

SITE DATA

LEGACY PARC PROPERTY AREA = 526.38 AC.
 ACQUIRED CITY OF NOVI = 2.52 AC.
 PROPERTY AREA

DETACHED DEVELOPMENT

TOTAL SITE AREA = 228.96 AC.
 NO. OF LOTS 75'x120' = 44
 NO. OF LOTS 65'x120' = 02
 NO. OF LOTS 55'x120' = 171
 TOTAL NO. OF LOTS = 320

ATTACHED DEVELOPMENT

TOTAL SITE AREA = 55.47 AC.
 TOTAL NO. OF DUPLEX UNITS = 220

SENIOR HOUSING

TOTAL SITE AREA = 14.50 AC.
 TOTAL NO. OF UNITS = 154
 TOTAL NO. OF PARKING SPACES = 140

DAYCARE CENTER

TOTAL SITE AREA = 2.82 AC.
 BUILDING SIZE = 6,600 S.F.
 TOTAL NO. OF PARKING SPACES = 37

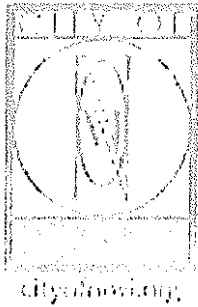
VILLAGE COMMONS

TOTAL SITE AREA = 18.96 AC.
 BOUTIQUE MARKET = 50,000 S.F.
 RESTAURANT = 6,000 S.F.
 BANK = 4,000 S.F.
 SERVICE SHOPS = 31,000 S.F.
 DRUG STORE = 14,820 S.F.
 TOTAL = 105,820 S.F.
 TOTAL NO. OF PARKING SPACES = 153

LEGEND

- 75'x120'
- 65'x120'
- 55'x120'
- ATTACHED
- COMMERCIAL
- SENIOR HOUSING
- DAYCARE CENTER

MEMORANDUM



TO: Clay Pearson, City Manager
FROM: Barbara McBeth, AICP, Community Development
SUBJECT: Project Status for Legacy Parc
DATE: July 30, 2008

-7/31/08
To: Mayor and City Council Members
FYI. *[Signature]*

This memo provides an update on the Legacy Parc development project that has been anticipated for some time. The property is generally located south of Ten Mile Road, between Napier and Wixom Roads and consists of the Links of Novi Golf Course and several additional parcels.

Singh Development submitted an application to revise the Legacy Parc plan, which was originally approved on April 14, 2004, and referred to as the Quail Hollow RUD Plan and Agreement, consisting of 439 single family homes. One subsequent amendment on January 10, 2005 allowed for the addition of a clubhouse to the development. At its own choosing, Singh Development has decided to modify the development concept to include a mixture of residential and non-residential uses, presenting this concept to the City Council at the meeting of March 5, 2007.

Singh Development now proposes an "Active Adult Community" and seeks a rezoning with a Planned Rezoning Overlay (PRO) on part of the site, and seeks approval of the Residential Unit Development (RUD) option on the remainder of the site. The attached Exhibit D was submitted with the application and provides a good overview of the current request. The total area is 329.51 acres.

The PRO portion of the site will consist of four areas proposed to be rezoned:

- "Village Commons" (retail), 18.96 acres, 105,820 square feet, underlying zoning B-2 – PRO
- Attached Residential, 55.47 acres, 220 duplex units, underlying zoning RM-1 – PRO
- Future-planned Senior Housing, 14.30 acres, 154 units, underlying zoning RM-1 – PRO
- Child Care Center, 2.82 acres, 8600 square feet, underlying zoning RM-1 – PRO

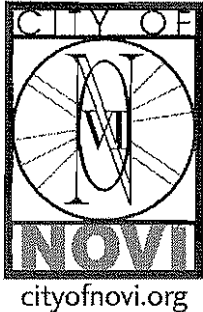
The remainder of the site is proposed to be developed utilizing an RUD, consisting of 237.95 acres and containing 320 detached residential lots. As part of the RUD, the applicant is asking the City Council to consider a reduction in the minimum lot width required in this district. As previously approved, open space is proposed as a part of the plan, including the proposed dedication of 76 acres of parkland to the City of Novi (an increase of 3 acres from the previous proposal). Additional open space is proposed within the Active Adult Community. The city's professional staff and consultants will evaluate these and other aspects of the plan in the subsequent review process.

The application further explains that, as a part of the proposed development plans, Singh is proposing to acquire from the City of Novi, a 2.52 acre parcel of land near the northeast corner of the applicant's site, which is currently designated as city parkland on the Future Land Use Map. That concept was disclosed in a presentation by Singh Development at the City Council meeting of March 5, 2007, but the City Council has made no formal decision on the use of city property as a part of this development plan. The applicant has indicated the willingness to offer an additional and equivalent donation in dedicated parkland to the City as a replacement for the loss of existing city parkland inventory. Additionally, the applicant has included two land parcels along Ten Mile Road (in private ownership) which were not included in the previous request, which will create a continuous assemblage of land along the Ten Mile road frontage.

Attachments Exhibit D

C Pam Antil, Assistant City Manager
Tom Schultz, City Attorney
Steve Rumpel, Community Development Director

**PLANNING COMMISSION MINUTES
EXCERPT – JANUARY 14, 2009**



PLANNING COMMISSION

DRAFT COPY

CITY OF NOVI
Regular Meeting
Legacy Parc Excerpt

Wednesday, January 14, 2009 | 7 PM
Council Chambers | Novi Civic Center | 45175 W. Ten Mile
248.347.0475

CALL TO ORDER

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

ROLL CALL

Present: Members Victor Cassis, David Greco (7:02 PM), Andrew Gutman (7:32 PM), Brian Larson, Michael Lynch, Michael Meyer, Mark Pehrson

Absent: Member Wayne Wrobel (excused)

Also Present: Steve Rumble, Community Development Director; Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Ben Croy, Civil Engineer; Brian Coburn, Civil Engineer; John Freeland, Wetland Consultant; Martha Holzheuer, Woodland Consultant; Dave Campbell, Traffic Consultant; Kristin Kolb, City Attorney (7:26 PM)

PUBLIC HEARINGS

1. LEGACY PARC, SP08-30 & SP08-31 AND REZONINGS 18.683, 18.684, 18.685 AND 18.686

The Public Hearing was opened on the Planning Commission's recommendation to City Council for consideration of rezonings 18.683, 18.684, 18.685 and 18.686 in conjunction with a Planned Rezoning Overlay (PRO) and Residential Unit Development (RUD) from R-1, One-Family Residential and RA, Residential Acreage to RM-1, Low Density, Low-Rise Multiple-Family Residential and B-2, Community Business. The subject properties are located in Section 30 on the south side of Ten Mile between Napier Road and Wixom Road and the Applicant has indicated the rezoning is being proposed to facilitate the construction of an active adult community and senior housing facility.

Planner Kristen Kapelanski provided an overview of the Legacy Parc Proposal. The Applicant is proposing the rezoning of an approximate 329-acre property located on the south side of Ten Mile between Napier Road and Wixom Road from R-1, One-Family Residential and RA, Residential Acreage to RM-1, Low Density Multiple Family Residential and B-2, Community Business with a Planned Rezoning Overlay. A portion of the property would remain R-1 with a modified RUD Agreement. According to the map Ms. Kapelanski was displaying, the yellow portion of the map would remain zoned R-1, the pink portion would be rezoned to B-2 and the green, brown and blue portions would be rezoned to RM-1.

To the north of the subject property are vacant land, single-family residential homes and Oak Pointe Church. To the west are single-family residential homes and vacant land. To the south are vacant land, parkland and single-family residential homes. To the east are Fire Station 4 and vacant land.

The subject property is currently zoned R-1 with an RUD and a Development Agreement. The previously approved RUD and Development Agreement for this property rezoned the property from RA to R-1 to accommodate the development of 320 [439] detached single-family homes. The site is bordered by RA zoning in all directions and R-1 zoning in Lyon Township across Napier Road. The Future Land Use Map currently designates the majority of the project area for single-family residential use with a portion on the eastern side planned for a public park. The majority of the property surrounding the site is also master planned for single-family uses.

There are some wetlands on the site, mostly concentrated on the edges of the property. There are also woodlands throughout the site, mostly in the rear portion of the property but also bordering the eastern and western edges.

The Applicant is requesting to rezone a portion of this property to RM-1 and B-2 and modify the existing Development Agreement on the remainder of the property. They are proposing the development of an active adult community which would consist of 320 detached single-family homes, 220 attached duplex units, a senior housing facility, a daycare center and a retail development. The detached homes constitute the revised Development Agreement and R-1 zoning request, with the remainder of the property being rezoned with a PRO. The Applicant has requested that this proposal be reviewed as one large application rather than having each aspect reviewed separately. It is also important to note that the proposal does involve a piece of City-owned property at the northeast corner of the site near the fire station. The Applicant is proposing to rezone this property to construct a portion of the retail center. No decision on whether to permit the inclusion of said property has been made by the City at this time.

Ms. Kapelanski said that the Planning Review does not support this request for a number of reasons. First and foremost, the proposed zoning districts are contrary to the recommendations of the Master Plan. Also, the proposed RUD Plan and proposed PRO contain a number of Ordinance deviations and the Applicant has not demonstrated how these deviations will meet the requirements of Section 2404.6 or will be an enhancement to the development. The R-1 zoning is also consistent with the zoning throughout the southwest quadrant of the City.

The City's Traffic Consultant recommended the Traffic Impact Study be revised to address the methodology concerns as outlined in the Traffic Review. The Applicant is also requesting multiple waivers of the Design and Construction standards and there are lingering concerns regarding the proposed layout of the road system.

The Engineering Review indicated the plan would have a noticeable impact on the public utilities when compared to the previously approved RUD Plan and noted a number of variances that would be required.

The Landscape Review indicated that the Applicant should adhere to applicable Ordinances and additional information will be necessary at the time of Preliminary Site Plan review.

The Wetland Review did not recommend approval and noted concerns with the proposed impacts and with the quality of water that would leave the site and enter Island Lake. The Woodland Review did not recommend approval, citing concerns about the amount of woodlands impacted and the high quality of the impacted woodlands.

The Fire Marshall recommended approval.

The Façade Consultant provided general comments based on the Applicant's renderings.

There are a number of major conditions in the proposed PRO Agreement and modified Development Agreement. These are outlined by the Applicant in the provided binder. As a public benefit associated with both the PRO and the modified RUD, the Applicant proposes the donation of parkland on the eastern side of the property along with the construction of a walking path through the donated parkland.

Joe Galvin represented Singh Development. He introduced Michael Kahm of Singh Development. He asked the Planning Commission to recommend approval of this proposal to City Council. He said there are concrete and perhaps controversial reasons why the Planning Commission should recommend this integrated approach to active adult living. Mr. Galvin said Novi needs this active adult community on this parcel now.

Mr. Galvin said this particular parcel is in the southwest quadrant of the City. It was studied last year during the Master Plan update. It is of a size and location which is unique in this City. It is the only parcel in the City which is truly suitable for this use. It is the only parcel which is sufficiently large to accommodate the use that Singh proposes – an active senior neighborhood. This is a use not otherwise found in the City of Novi, perhaps not even in southeast Michigan.

Why does Novi *need* this development? Mr. Galvin said the Planning Commission should take a look around. Look at the people. Look at the Master Plan study. In 2005 Novi's demographic included 8% seniors. In twenty years, this number will be doubled. If Novi were isolated from the rest of the country, then so what? But it is not; this is the direction in which the population of the country is going. In planning for all of the City of Novi, there is a need to place this use somewhere. This City has not historically planned for this use. There is probably no other suitable parcel for this in the City. Searching through the Master Plan, while considering the comments of the Master Plan Consultants, the Planning Commission will find that no land has been proposed for an active adult community.

Given that this parcel is suitable, and given that the studies that were conducted in conjunction with the Master Plan have shown the need for this use, the City must consider why it needs this now. The City will be unable to meet the need of this demographic unless it starts preparing for it today. There are two correlative facts at which the Planning Commission should look. There is no other viable use for this parcel today. Given the economic situation in this region, there is little or any likelihood in the foreseeable future that a parcel of this size will find a use. This proposal is

a very good idea; it embodies a number of principles of planning for the “green society.” It preserves 42% of the land. The developed land will be in a concentrated area. The commercial services will reduce traffic and lengths of trips for the area’s residents. Placing the amenities within a short distance of the project follows the basic and fundamental principles for green planning.

Mr. Galvin asked why approval shouldn’t be given. He has heard comments made over time, and the single strongest, most urgent of negativity is that the proposal doesn’t follow the Master Plan. The City just spent a whole bunch of money on studies and committees studied this area specifically and it was determined not to change the Master Plan designation, even though the studies identified the demographic changes that lead to the need for this community.

Mr. Galvin said this Legacy Parc proposal was presented to City Council almost two years ago and it was well received. The commercial component was questioned, but the layout, design and uses for the active adult community were met with generally favorable comments. Mr. Galvin said the studies told the City that there is an existing need for 89,000 square feet of commercial. When the Master Plan was prepared, that finding was rejected. The Master Plan minutes show that many residents of the southwest quadrant said they were willing to drive from their homes to other locations for goods and services. Mr. Galvin said the Master Plan should represent the beliefs of the residents, but it should also represent the current and future needs of the City. The Master Plan did not account for active adult living or commercial.

Mr. Galvin said his comments were perhaps not popular. But they are true. The factual basis for the recommendation on which the Planning Commission is being called, is found in the documents that were prepared for the City’s Master Plan. The Applicant is not asking the City to do anything which its own Master Plan studies didn’t say was needed or necessary to be done. What does that mean? He continued that while some people who live in the area may not want this project to be done, the things that form the basis – the underlying, fundamental premise for a Master Plan – indicate that it ought to be done.

Mr. Galvin said the Planning Commission’s decision is on the project – not the individual pieces, the rezoning, the RUD Amendment or the implementation of the PRO. Those are all necessary pieces because the City’s Ordinance doesn’t have a PUD Ordinance. He asked the Planning Commission to consider the project as a whole. Does this active adult community on this parcel at this time in this City, make sense? He thought that it did.

Chair Pehrson opened the floor for public comment:

- Scott Daly, Reed’s Pointe: Rejected the proposal. He thought that more people would be looking for parental housing in the warmer climate, and that Fox Run was a well-run alternative to this proposal and is already in Novi.
- Fred Schwamb, Bellingham: Noted that the senior complex on Milford Road has stopped construction because there is no demand for the product. He said that Mr. Singh owns the retirement facility near Twelve Oaks Mall. He said that Mr. Singh built commercial just down the road *after* he built the residential. All retail is available within two miles, and nothing is needed here. He thought the area was over-saturated with banks, pharmacies and daycares.
- Glenn King, Saybrook Ct.: Thought it was odd that Mr. Galvin would live elsewhere and come to Novi to tell it what it needs. He said that this Applicant should consider the possibility of large bankruptcies and what they would do to this Metro-Detroit community. His assessed value is already 20% lower than when he bought the place three years ago.
- Palani, Bellingham Drive: He said there is quite a bit of traffic on Ten Mile already. There is enough commercial in the area.

[Below are comments made earlier in the meeting, prior to the opening of the Public Hearing:

- Brian Burke, Halston: Thanked the Planning Commission, Staff and the City Attorney for the opportunity to serve with them. Mr. Burke was appointed to City Council on January 5, 2009.
- Roger Monforton, Greenwood Oaks: Stated that his subdivision residents are not averse to senior housing at Legacy Parc but they do not want a commercial component on that plan. He did not see a need for additional commercial during the State’s economic downturn. He did not think the parkland-exchange-for-commercial proposal had merit.

- Larry Michaels, Shoreline Drive: Represented Island Lake in requesting that the southwest quadrant of the City remain residential as affirmed by the Master Plan update of 2008. The commercial component is out of character with the quadrant. He voiced concern about the project draining into the Lyon Drain which flows into Island Lake. He stated that the Island Lake Homeowners have invested quite a bit of resources into maintaining the lake amenity. He said that an age restriction on the Legacy Parc residents is not enforceable. Approving this commercial component could create a commercial domino link along Ten Mile.
- Nurendra Nagar, Blooming Day Childcare: Wanted to ensure that the same level of scrutiny and pressure is placed on this Applicant for his daycare proposal as what he went through thirteen years ago. He had to provide a feasibility study, address traffic, demonstrate Master Plan adherence and viable public good. He was asked how he would address a vacant building issue if he were to go out of business; he asked if he goes out of business in light of this proposed daycare being approved, would the City still consider him as the reason for his own demise?
- Robert Lunsford, Leyland Circle: Opposed rezoning. He said that the proposal does not conform to the Master Plan and the residents do not recommend its approval.
- Dr. Janet Schwamb, Bellingham: Said the proposal would destroy the tranquility and residential character of the southwest quadrant. She encouraged the Planning Commission to deny the request.
- Troy Simmon, Acorn Trail: Did not see any need for the commercial element of this proposal. He did not want the additional traffic.
- Doug Berg, Billenca Drive: Thought that there should be consistency in the application of the Master Plan. He was opposed to the Legacy Parc proposal.
- John Tominsky, Cedarwood: Read a letter from the Echo Valley residents stating that the citizens should be able to trust the City in maintaining the integrity of the Master Plan.
- Susan Gorz, Glenwood: Located to this area of the City because of the residential flair of the quadrant. She opposed the Legacy Parc proposal.
- Greg Sorentino, Reeds Pointe: Opposed to the Legacy Parc proposal. He identified the floundering commercial property along Grand River. He did not think the Master Plan should be adjusted to reflect a change in the market condition.
- Mike Bozimowski, Glenwood: He considered a change to the Master Plan a disguised taking of the land in the area. Adding density and commercial would reduce the value of existing homes.]

Member Gutman acknowledged the written correspondence:

- Michael Adams, Langley Drive: Objects for traffic safety, property values and existing commercial reasons.
- Benjamin and Voichita Boboc, Napier: Approves for the value of bringing construction jobs to Michigan. The proposal will bring utilities to Napier Road.
- John Kuenzel, Heartwood: Objects because the citizens should be able to trust that City officials will uphold the Master Plan.
- Timothy O'Leary, Heartwood: Objects and wants the area kept residential.
- Oliver Friese, Cedarwood: Objects because the land is zoned residential.
- George Ricci, Woodham: Objects to commercial.
- Theresa Ricci, Woodham: Objects to commercial.
- Beatrice Lindoferfer, Woodham: Objects to revisions of the Master Plan.
- Timothy Mandanski, Woodham: Objects to revisions of the Master Plan.
- Clarice Ronk, Rushwood: Objects to zoning contrary to the Master Plan.
- William McInnes, Forest Park: Objects to compromising the Master Plan.
- Edward Papciak, Woodham: Objected to the idea of commercial along Ten Mile.
- Mary Uhrig, Heartwood: Objected to a change in residential zoning.
- Michael Uhrig, Heartwood: Objected to a threat to the natural environment.
- Robert Weaver, Heartwood: Objected to more commercial.
- Suzanne Weaver, Heartwood: Objected to more commercial.
- Stacey Rose, Forest Park: Objected to commercial west of Beck Road.
- Maria Muzzin, Heartwood: Objected to commercial and threat to peace and quiet.
- Catherine Martin-Sheeran, Rushwood: Objected to a Master Plan violation and more commercial.

- Thomas VanHorn, Heartwood: Objected for traffic, noise, and unwanted commercial reasons.
- Regina VanHorn, Heartwood: Objected to change in Master Plan.
- Jerome Ostalecki, Forest Park: Objected to change in Master Plan.
- Patricia O'Leary, Heartwood: Objected to commercial.
- Robert Faber, Woodham: Objected to commercial and change to Master Plan.
- Leona Faber, Woodham: Objected to commercial.
- Allen Hall, Forest Park: Objected to commercial.
- Chikako Donahue, Cedarwood: Wanted to maintain peace and comfort of area.
- Gala Schroeder, Heartwood: Objected to commercial.
- Lindsay Schwartz, Forest Park: Objected to commercial.
- Keith Weinbaum, Forest Park: Objected to commercial.
- Joel Donahue, Cedarwood: Wished to maintain rural atmosphere.
- Audry Uhrig, Heartwood: Does not approve of a mall.
- Melissa Agosta, Rushwood: Objected to commercial on Ten Mile.
- Paul Klain, Woodham: Wished to maintain residential zoning.
- Heather Klain, Woodham: Objected to commercial.
- Nancy Shaw, Lynwood: Objected to deviation from Master Plan.
- Lester Fisher, Woodham: Objected to deviation from Master Plan.
- Brenda Fisher, Woodham: Objected to commercial and additional traffic.
- Diann Tymensky, Cedarwood: Satisfied with current zoning.
- Margo Smith, Forest Park: Objected to commercial.
- Carol Kuenzel, Heartwood: Opposed to commercial.
- Jerry Smith, Forest Park: Objected to more commercial.
- Laura Praehop, Crestwood: Objected to violations of the wetland regulations.
- Jerome Praehop, Crestwood: Objected because of stormwater reasons.
- Sneha Patel, Drakes Bay: Objected to higher density, traffic and commercial.
- Raj Patel, Drakes Bay: Objected to commercial, traffic, property value reduction.
- Carmela Langley, Fieldstone: Objected the violation of Master Plan and detriment to Island Lake.
- Melanie Dunn, Samoset: Objected to the proposal destroying the Ten Mile viewshed.
- Daniel Martin, Samoset: Objected for reasons of congestion, viewshed, reduced property values.
- Elizabeth Cole, Reeds Pointe: Totally opposed to the rezoning request.
- Rosina M. Degiulio, Woodham: Opposed to commercial in southwest quadrant.
- Randall and Sherri Pender, Lynwood: Opposed to change in zoning for reasons of traffic, road construction and reduction in property value.
- Steven Buchman, Drakes Bay: Vigorously objects to proposal.
- Erin and Jeff Patrick, Leyland: Adamantly opposes the proposal.
- Nancy Duke, Reeds Pointe: Considered the proposal a detriment to the environment.
- Thomas Kent, Reeds Pointe: Objected for failure to follow Master Plan, wetland concerns, not recommended by the Planning Division and no need for commercial.
- Fred Wood, Heartwood: Objected to more commercial.
- Mark Rushton, Saybrook: Objected because of Master Plan violation, wetland destruction, damage to Island Lake and increased traffic concerns.
- Nisha Rushton, Saybrook: Objected because of Master Plan violation, wetland destruction, unnecessary traffic and project out of character.
- Mr. and Mrs. Stanley Rykwald, Lynwood: Objected to commercial.
- Courtric Arlock Charles and Billy Richards, Woodham: Objected to proposal.
- Angeline Napierkowski, Woodham: Objected to change in zoning.
- Mark Yergin, Drakes Bay: Objected to violation of Master Plan.
- Alison Dolin, Glenwood: Objected strongly to commercial.
- Robert and Rosemary Fleszar, Drakes Bay: Opposes change in Master Plan.
- Wallace Wade, Drakes Bay: Objected to commercial in southwest quadrant, out of character for area, traffic

burden and violation of Master Plan.

- Roger Monforton, Greenwich: Formal objection from Greenwood Oaks 1 and 2 homeowners' Association.
- Fred and Janet Schwamb, Bellingham: Objected to change in the Master Plan.
- Diane Byrne, Reeds Pointe: Objected to water quality degradation.
- Diane and Jim Quinlan, Reeds Pointe: Objected to impacts to Island Lake.
- Jeff and Lisa Morgan, Glenwood: Objected to violation of Master Plan.
- Neha and Shankar Kiru, Leyland: Objected to change in southwest quadrant.
- Larry Spillane: Objected because of abundance of commercial already, traffic and existence of other non-commercial entities in the southwest quadrant.
- Jim Cai, Acorn Trail: Objected to zoning change.
- Chris Hoffman, Peninsula: Objected for reasons of lake pollution and abundance of commercial.
- Carleen and Robert Lunsford: Opposed to rezoning.
- Erin and Jeff Patrick: Opposed to rezoning and threat to Island Lake.
- S. Bhahwagar: Objected because of effect on property values, water draining to Island Lake, effect on environment.
- Ki-seok Chang, Saybrook: Objected because a better plan is to keep commercial along Grand River and I-96.
- Carmel Mizzi, Lynwood: Opposed to change in zoning.
- John and Linda Heslop, Terra Del Mar: Objected to proposal because of commercial element, difference in character, traffic burden, stormwater discharge and violation of Master Plan.
- Chuck and Carol Ryntz: Objected to commercial, violation of Master Plan and water quality issues.
- Andrew Morrison, Shore Line: Objected for violation of Master Plan, water impact on Island Lake and deterioration of property values.
- Michael Mulvaney, Billenca: Objected because it was not rural in character and for impact to wetlands.
- Jeffrey Wagenberg, Drakes Bay: Objected because of Multiple Family Residential element, traffic congestion, increase in crime, impact to Island Lake, property devaluation, change to Master Plan and because the Links of Novi is an asset to the community.
- Angela and Nick Shirer, Billenca: Objected to higher density, commercial element and decrease in property value.
- Mouica Karapudi: Opposed to commercial.
- James and Sara Coffelt, Thornbury: Opposed to additional traffic and adverse affect on property values.

Chair Pehrson closed the Public Hearing.

Member Cassis asked whether Singh Development filed any type of suggestion or objection during the last Master Plan update. Deputy Director of Community Development Barbara McBeth said she would have to review all of the notes from that process. A number of stakeholders were asked to provide comments. She didn't remember specifically if active adult housing was discussed at that point. She said she could review the notes and figure that out.

Mr. Galvin said that Mr. Kahm was interviewed before the consultant study was published. Mr. Galvin asked that the minutes acknowledge the correspondence he sent to the City on February 25, 2008. The correspondence was written to City Council and was read aloud at the meeting. In summary it stated that Singh asked City Council not to distribute the Master Plan to the neighboring communities and utilities. It asked the City Council to remove the update from the Consent Agenda, and instead resend it to the Planning Commission to address two serious inconsistencies: Convenience commercial uses and active adult communities in the southwest quadrant. Specifically, the market analysis and needs assessment conducted by the Chesapeake Group shows that the southwest quadrant could support at least an additional 96,000 square feet of commercial services, yet the plan does not propose that any convenience commercial be built in the quadrant. Second, the assessment shows that Novi's population of 65 and older will double from 8% to 16% in the next fifteen years, yet no provision for active adult communities is made in the Master Plan. This will be necessary to meet the need of this demographic.

Mr. Galvin said that the Singh group did present the plan substantially in the same form as it is at this meeting, in March of 2007. Mr. Galvin said the point was that the Singh group did object – because there is an exclusion of this use in the Master Plan and in the Zoning Ordinance. Ms. McBeth said that she did recall this information upon its

being presented by Mr. Galvin. Ms. McBeth said Singh's request was late in the process – in February and the plan was adopted in April. She said the stakeholders were invited to come speak to the City much earlier in the process. She said there was a discussion of senior housing during the Master Plan update. Recommendations were made by the Staff and the Consultants that senior housing could be considered and encouraged. Two particular pieces of property were cited for consideration of same. She said the Master Plan provides general guidelines for land uses in terms of residential, commercial or industrial. It doesn't necessarily involve itself with specific multiple or single family residential uses. She didn't think that either of the sites was favorably considered by the Planning Commission.

Member Cassis thought that global warming was not the main issues; rather, it was commercial. Mr. Galvin said he believed that was the primary focus of the opposition, though he couldn't say for sure that was the case. He found it difficult to deal with the notion that people would oppose an active adult community in their neighborhood. If that is what people wish to do, then so be it. The notion of the commercial is integral to the community and he thought that, fairly put, is where the rub is. It is the idea that if recreation and all other amenities are going to be provided, among them for this type of development are commercial and service components. These uses would be additional to doctors' services as well. The basic idea is just that – basic. Everything that folks need will be in walking or golf-cart distance. Therefore, these folks will be able to live within a neighborhood and a community.

Member Cassis confirmed with Ms. Kapelanski that there is an approval for a different plan already in place. She said the plan was for 320 [439] detached homes and maybe a clubhouse. Ms. Kapelanski did not think there was any commercial on that plan.

Member Cassis asked Ms. McBeth about the City-owned property. She said she has not heard what City Council's position on the property is.

Member Cassis has heard what the complaints are regarding this project – property values, woodlands, wetlands, drainage, etc. Many were addressed before with the previous project. Member Cassis said he would address the other items. First, the request goes against the Master Plan. Member Cassis did not know until this meeting that Singh objected to the Master Plan update of last year.

Member Cassis wanted to give the Applicant the benefit of the doubt. He understood that Master Plans are made but can be changed. He thought that Singh should have been more forthcoming with their project during the last Master Plan update. At this time, Member Cassis would like clarification on Singh's objection of last year. He wanted to see whether the City parcel is really necessary for this project. Mr. Galvin responded that the parcel was in fact necessary. Member Cassis wanted to know if the City was willing to sell this property according to Singh's wishes. Finally, Member Cassis wanted to know if there was any leeway on the Applicant's part to change the character of the commercial component. Member Cassis said he too was approaching the age where his home was becoming too large for his wife and him. He understood that these homes could be beneficial to many senior citizens. He looked at the area residents who object to too many items on this plan. He suggested that the plan review be postponed until more things could be explored by the Planning Commission.

Member Lynch said there were a number of components of the plan that he would like to better understand. He reviewed the history of the site. In October 2003 the Applicant petitioned Planning Commission for zoning similar to Island Lake. He believed that the Planning Commission approved that request. He thought the difference was that Island Lake's density was about .8 or .9 dwelling units per acre. Yet, this Applicant is now seeking density in the range of 1.3 to 1.6 dwelling units per acre. He was concerned about making a hazardous situation out of the infrastructure, which in his opinion, was likely occurring. When the infrastructure was laid, it was based on the zoning at that time. He did not think the infrastructure could support this increase in density. He said that the plan calls for booster stations and pressure reducers; he was concerned about these design elements. Looking at the engineering review provided by City Engineer Rob Hayes, Member Lynch said that it appears that the fundamental infrastructure is not adequate to handle the increased development on this site.

Member Lynch said the Planning Commission has been consistent in their approvals; if this plan were to be approved, then every similar request for this area would have to be approved. He was concerned about whether the City had the infrastructure and who would pay to increase its function. He thought the taxpayer ends up paying for

infrastructure improvements. He wondered if there was more information that could be provided – something that included a failure mode and an effects analysis of the possibilities. The weaknesses of the system could be identified and replacement options would surface. He looked at all of the additions proposed for the system, and he said sooner or later the pipe is going to burst if the pressure is increased under certain temperatures and vibes.

Civil Engineer Ben Croy responded that these issues have been under review for quite a while. For this development, the Applicant would have to propose some improvements to the system – for both the water and the sewer. This might include pumps, pump stations, metro-main replacement, etc. It could be done so that this development could be built and the network could handle it. However, the concern is that in the future, if other properties are developed the same way, then the City will exceed capacity at that point. It is a real concern of the Engineering Department.

Member Lynch was concerned too. The local homeowners, along with every taxpayer in Novi, are going to have to pay for this upgrade.

Member Lynch said that the City doesn't have the sewage capacity at this time. The system is at the upper end of the design tolerance. He thought the documents suggested another sixty percent increase that will have to be bought from somewhere. Who pays for that?

Civil Engineer Brian Coburn said the City is currently in negotiations to buy additional downstream capacity for the sewer system. Even without this development the City needs this additional capacity, to meet the City's buildout needs. The Engineering Department reviews the Master Plan for Land Use and uses those density assumptions to create the Sanitary Sewer Master Plan. If there is a change in the Master Plan to accommodate increased density, the Engineering Department looks at that information, not the potential for increased density on adjacent parcels. He said his department has been working on this proposal with the Applicant for over a year.

Member Lynch said he would expect the City to offer the same things to the various developers. The logic is that there are RA zoned properties that could potentially be rezoned to R-1. This would create a significant burden on the taxpayer. Mr. Coburn said his department has not studied the "what if" scenarios of the Master Plan for Land Use.

Member Lynch said that based on the information he has reviewed, it would be criminal of him to vote for this project. He said that the engineering analysis states this proposal is going to be a problem.

Mr. Galvin reiterated that the Engineering Staff has been working with them for over a year. The specifics of the infrastructure have been identified, and he said that they have satisfied the Staff that the existing infrastructure with the proposed changes --and the cost borne by the Applicant – will satisfy the development on this site. As a matter of fact, Mr. Galvin said there is a differential impact based upon peak hours of usage between this active adult project and a normal Single Family Residential subdivision. This will diminish the capacity requirements. The Applicant is meeting the required capacity on the "as if" scenario. He did not think the Planning Commission's conduct would be criminal or otherwise culpable based upon the infrastructure to approve this project.

Member Lynch said they would have to agree to disagree on this point. He had the information that was provided to him, and now he has Mr. Galvin's words. He said he would base his opinion on the facts presented by the Staff.

Member Lynch asked Dr. Freeland about the discharge into the Novi Drain. Dr. John Freeland responded that his negative recommendation is based on the information they received, which was not a highly-developed plan. The Wetland Ordinance for Novi pertains to wetlands and watercourses (lakes, streams and drains, etc.). Island Lake is a short distance away. It is fed by the Lyon-Novu Drain, which runs along the east side of the subject property. This drain flows to Island Lake, and while he couldn't speak for the dissolved load, the discharge looks pretty good in terms of turbidity – the water looks clear.

Dr. Freeland looked at page 16 of the plan, which depicted an array of stormwater detention basins along the perimeter of the property – the west, south, east and even one on the north side. These basins either flow to the forested wetlands that are located to the west, south and east. The detention basins are designed to drain at a certain maximum rate of .15 cfs per acre of drainage basin. He said that if those numbers were wrong, Mr. Croy could

correct him. The basins are adding water to the high quality forested wetlands. They are considered a priority one natural features habitat. This area is part of larger natural forested land that extends down to Nine Mile. Forested wetlands will drown if too much water is directed into them. Without knowing the quantity of the water that will go in these wetlands, Dr. Freeland said he couldn't comment on whether this plan would have an adverse impact.

Dr. Freeland said that it is easy to see the rainbow colors of an oil slick form on water after a storm. This proposal is a very short distance from these commercial parking lots to Island Lake. Chemicals used on lawns such as fertilizer and herbicides, and fluids leaking from cars, and things like this pose a threat to Island Lake unless there is a high degree of quality treatment. He has not seen the detail that describes a very sophisticated stormwater plan that might include recycling roof water or stormwater to provide onsite irrigation, advanced stormwater management and green-building techniques. Dr. Freeland said all of these options are feasible in this case. Without seeing this level of detail, Dr. Freeland could not give his recommendation on the plan.

Member Lynch said this is also where he is at; there is not enough detail on a number of items. He had to make a decision on the data he has reviewed, and he wanted to be fair to everybody. He said that his vote this evening would obviously have to be "no" based on the information that has been provided.

Member Lynch was concerned about the traffic. David Campbell from Birchler Arroyo represented the City's Traffic Consultant. Member Lynch said that when the plan was originally proposed as 428 homes the recommendation was for Ten Mile to be widened to five lanes between Napier and Wixom roads, signalization at Ten Mile and Links of Novi entrance and at the Ten Mile intersections. Member Lynch asked whether the plan was still to widen Ten Mile to five lanes. He asked whether these calculations were correct, in light of the fact that he thought Oak Pointe was only 40% built and that the Wixom interchange was previously under construction. Member Lynch said that there was a big argument regarding the traffic study – the data contained therein are irrelevant so the output becomes irrelevant. Mr. Campbell said with this proposal, the Applicant is proposing a three-lane road along Ten Mile, which is a continuous center left turn lane from Wixom Road to a point west of their most westerly driveway. The Applicant proposes two new traffic lights at two of their driveways – one opposite Del Mar (on the north side of Ten Mile), and one at their main boulevard driveway. The Applicant proposes to add a left turn phase at the existing Wixom signal.

Mr. Campbell said that the traffic review does question some of the methodology used in the study. His company is not comfortable with the methodology used to collect data or their trip generation forecast. This number has been significantly underestimated. Mr. Campbell questions the study's trip-distribution methodology (how the study predicts which driveways will be used for exiting and entering the community). These things are all significant because they will ultimately impact the site improvements proposed as part of this development. Their intent is to work with this Applicant to ensure that the mitigation proposed is sufficient. Will it address the additional traffic? Are the traffic lights in the proper location? Will they be phased correctly? Because they take issue with the study's methodology, they don't feel they can make a recommendation based on this study.

Member Lynch wondered whether additional lanes would have to be added to Wixom, but felt that the question couldn't be answered because the data are not present. Mr. Campbell said there are three things that have to be addressed first: They don't agree with the data collection method, trip estimation or trip distribution.

Member Lynch said that the Applicant's comment that there is no active adult community does not take into consideration Fox Run, parts of Island Lake or the Enclave near Twelve Oaks. If the category of "Senior Housing" includes residents over the age of 55, what would be the City's census or study of this component in Novi? He wondered if this was an appropriate issue to study first before considering this proposal. Ms. Kapelanski responded that there are several developments within the City that are targeted toward seniors. These range from assisted living type facilities to communities targeted for people 65 and over. She was not aware of any Single Family Residential targeted as active adult communities. She said that the City would have to dig through the records to come up with data on communities housing residents primarily over 55. It could probably be tabulated through the census and development data.

Member Lynch was intrigued by the comment regarding the aging population. He said there really is a need for older adults to live. He disagreed with the statement that the City doesn't have anything or doesn't have enough. This City

can't be everything to everybody in every part of the City. He said he would like all of this additional information before making a decision. Is Novi above or below the national average? Is there adequate senior housing?

Member Lynch said he thought that everyone was struggling with the current economic situation. One of the base assumptions has been that things aren't going to change; he fundamentally disagreed. The economy is bad but it's not going to be like this forever. He said this current condition could be compared to 1974 – the economy did come back then and there was quite a rise in housing prices. He did not buy into the thought that the economy is bad and it's never going to get better. Things will get better.

Member Lynch thought that the original proposal of Quail Hollow [Legacy Parc] was a beautiful proposal. The City and City Council were quite generous in giving a density of 439 units and a clubhouse. He did believe that there will be a demand for that project. It is unfortunate that no one is buying right now and people who want to move can't because they can't sell their homes. He thought this would change.

Member Lynch said he also challenged the Applicant's comment that there are no other communities in Novi for senior housing. There are a lot of questions without a lot of fact. It would be nice to have this information before having to make a decision. If there is a vote at this meeting, Member Lynch would have to vote "no" based on the information that has been provided.

Member Greco appreciated the discussion and questions from the other Planning Commission members. He felt however, that he had enough facts on which to base his decision. The presentations on paper and given orally by Mr. Galvin were outstanding in describing a proposal for something to do with this land. But, the attorney did say it right when he suggested the question might be, "Does the City need this now on this property?" Member Greco said that is the question, and the follow-up question is, "Should the City do this on this property?" There are really two aspects to consider. He knew that the commercial element keeps coming up because that is the easiest component on which the public can readily say that the area is supposed to be residential and therefore they are against the commercial. Really, the two questions are about commercial and density. When the Master Plan was reviewed as recently as it was, Member Greco had a difficult time re-visiting the decision made to maintain the more rural nature of the southwest quadrant.

Member Greco said the senior housing issue came up during that Master Plan update process. Whether the Planning Commission was right or wrong at the time, they chose to put that consideration off for a little bit. That issue does become important in the consideration of where senior housing should be placed. There may be a need for senior housing. The Planning Commission took a look at the issue and still decided to leave the southwest quadrant the way it currently is. That is something that he thought the City should stick to since the recent Master Plan decision is so close in time to this meeting. He thought that the residents and the developer should understand this. Now, this may be subject to review in the future but just because there was a recommendation that the City might need more senior housing, and somebody then comes up with a proposal a year later, this doesn't mean that the City has to jump on the project because it may be wrong for the particular area or for the vision that has been laid out in the City's Master Plan.

Member Greco said that studies are exactly that. There will be assumptions made. There are some aspects that will be hypothetical. There is no doubt in Member Greco's mind that, "If you build it, they will come." This doesn't mean that it should be built or that people in the area want it built. While he was sure that people would in fact come to this establishment, the residents in the area clearly don't want it. It is also clear that it isn't necessary, although it could be theoretically supported by scientific data, population studies, etc. Based upon the information provided to Member Greco, he said he would not be supporting this request.

Member Meyer thanked the residents who came to the meeting or responded by mail. He said that one of the greatest hurdles there is that one must accept is change. He also thanked Singh Development for its excellent presentation. Some of the units were stunning. Nonetheless, he felt the two remaining issues were density and the commercial component. He said that the original proposal started at 330 units and now it is at about 700 units. There are number of already built units in the City that are unoccupied. The residents of the southwest quadrant do not want commercial, and he felt that it was appropriate to listen to the people.

Member Meyer thanked the Planning Staff for its recommendations and suggestions. He felt there was sufficient information on which to make a decision.

Member Gutman said that Singh has put together a first-class project, which they always do. It is very attractive but it is not, in Member Gutman's opinion, the right project based on a few reasons. It is not consistent with the Master Plan. The commercial is an issue, and although some of the proposed uses are important for an active adult community, there is a daycare center on the site. Since it was opened up in a March 2007 meeting by Singh, Mr. Kahm himself said that there would be very few children in the development. Member Gutman was trying to reconcile the fact that there is a desire to put a daycare on this site, and how that impacts an active adult community. He struggled with that concept. In general, Member Gutman said the commercial is not consistent with the Master Plan.

Member Gutman continued that the density is also a concern of his. The potential environmental impacts are also a serious concern. The traffic impact is also a serious concern.

Member Larson added that his concerns have already been stated by the other Planning Commission members and he too, would not be supporting the request.

Chair Pehrson said that there wasn't a lot of information provided in the review, but what was provided did concern him and he thought perhaps they did not have enough information. He had a problem in the past with the density of Quail Hollow [Legacy Parc]. His concerns today are about the density and the commercial element which is contrary to the Master Plan. He was not a big fan, but he thought that the City bent over backward to help Singh find a way to take the density from one level to an additional level, which made it fiscally better for them.

Chair Pehrson did not think this proposal is in response to the residents' needs, as it relates to the questions about whether this is the right time, the right place or answering a need. This is not consistent with what the residents want and the ink isn't even dry on the most recent Master Plan update. The Planning Commission did review a study that looked at the commercial aspect. This is not the place for any of that.

Chair Pehrson was concerned about the utilities. He was not at all happy with the benefits of the PRO at this time, as they stand right now. Five of the eight items listed are actually requirements for the development of the site. The 76 acres for the parkland is really a key. He said that relative to the Ordinance, he did not see enough of a community benefit with those PRO additions that would persuade him to make a different determination. Chair Pehrson paraphrased from the Ordinance that relative to the PRO Agreement, it is up to the Applicant to say that there is a greater need in the public interest and it outweighs any non-conforming zoning issues. Chair Pehrson did not think that this mission has been accomplished. He was concerned about the issues that have already been addressed as well, and at this time he was not in position to approve this request.

Moved by Member Meyer, seconded by Member Lynch:

In the matter of Zoning Map Amendment 18.683, 18.684, 18.685 and 18.686 and Planned Rezoning Overlay SP08-30 for Legacy Parc, a motion to recommend denial to the City Council to rezone the subject property from R-1 (One-Family Residential) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) and B-2 (Community Business) with a Planned Rezoning Overlay, for the following reasons: 1) The proposed plan would be contrary to the land use recommendations and the goals and objectives of the Master Plan for Land Use as indicated on page three of the Planning Review Letter dated September 2, 2008; 2) The Applicant has not clearly demonstrated how each deviation will be an enhancement to the development per Section 3402 of the Zoning Ordinance; 3) The proposed application materials, particularly the traffic study, have been found to be lacking in information or have inconsistencies which hinder the complete review of this application; 4) The Applicant has requested a substantial number of waivers of the Design and Construction Standards as noted in the August 28, 2008 Traffic Review Letter; 5) The proposed development would have a noticeable impact on the public utilities when compared to the previously approved RUD plan; 6) When considering the project as a whole, including both the RUD and the PRO, the proposed public benefit of the parkland donation is not proportional to the impacts of

the development; and 7) The existing R-1 and RA zoning are consistent with the existing zoning in this area and the single family zoning throughout the southwest quadrant of the City.

DISCUSSION

Ms. Kapelanski asked whether Member Cassis' question regarding the City's ownership of the one parcel could become part of the motion, i.e., "The City has not yet indicated a willingness to include City property in this development proposal." The maker and seconder of the motion agreed to the addition.

ROLL CALL VOTE ON LEGACY PARC REZONINGS AND PRO NEGATIVE RECOMMENDATION MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER LYNCH:

In the matter of Zoning Map Amendment 18.683, 18.684, 18.685 and 18.686 and Planned Rezoning Overlay SP08-30 for Legacy Parc, a motion to recommend denial to the City Council to rezone the subject property from R-1 (One-Family Residential) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) and B-2 (Community Business) with a Planned Rezoning Overlay, for the following reasons: 1) The proposed plan would be contrary to the land use recommendations and the goals and objectives of the Master Plan for Land Use as indicated on page three of the Planning Review Letter dated September 2, 2008; 2) The Applicant has not clearly demonstrated how each deviation will be an enhancement to the development per Section 3402 of the Zoning Ordinance; 3) The proposed application materials, particularly the traffic study, have been found to be lacking in information or have inconsistencies which hinder the complete review of this application; 4) The Applicant has requested a substantial number of waivers of the Design and Construction Standards as noted in the August 28, 2008 Traffic Review Letter; 5) The proposed development would have a noticeable impact on the public utilities when compared to the previously approved RUD plan; 6) When considering the project as a whole, including both the RUD and the PRO, the proposed public benefit of the parkland donation is not proportional to the impacts of the development; 7) The existing R-1 and RA zoning are consistent with the existing zoning in this area and the single family zoning throughout the southwest quadrant of the City; and 8) The City has not yet indicated a willingness to include City property in this development proposal. *Motion carried 7-0.*

Moved by Member Meyer, seconded by Member Lynch:

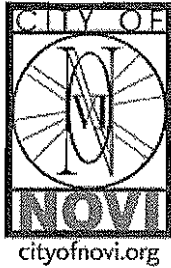
ROLL CALL VOTE ON LEGACY PARC RUD WITH AMENDED DEVELOPMENT AGREEMENT NEGATIVE RECOMMENDATION MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER LYNCH:

In the matter of SP08-31, proposed RUD with amended Development Agreement for Legacy Parc, motion to recommend denial to the City Council for the following reasons: 1) The proposed plan would be contrary to the land use recommendations and the goals and objectives of the Master Plan for Land Use as indicated on page three of the Planning Review Letter dated September 2, 2008; 2) The proposed application materials, particularly the traffic study, have been found to be lacking in information or have inconsistencies which hinder the complete review of this application; 3) The Applicant has requested a substantial number of waivers of the Design and Construction Standards as noted in the August 28, 2008 Traffic Review Letter; 4) The proposed development would have a noticeable impact on the public utilities when compared to the previously approved RUD Plan; 5) When considering the project as a whole, including both the RUD and the PRO, the proposed public benefit of the parkland donation is not proportional to the impacts of the development; 6) The Applicant has not clearly demonstrated how the requested Ordinance deviations will meet the Ordinance standards of Section 2404.6; and 7) The existing R-1 and RA zoning are consistent with the existing zoning in this area and the single family zoning throughout the southwest quadrant of the City.

Chair Pehrson called for a two-minute break, then called the meeting back to order.

January 23, 2009
Date approved:

**MASTER PLAN AND ZONING COMMITTEE
MINUTES – NOVEMBER 18, 2008
(DISCUSSION OF PROPOSED REZONING)**



MASTER PLAN & ZONING COMMITTEE
City of Novi Planning Commission
November 18, 2008 at 7:00 PM
Novi Civic Center – Conference Room A
45175 W. Ten Mile, Novi, MI 48375
(248) 347-0475

ROLL CALL

Present: Members Brian Burke, Andy Gutman, Michael Meyer, Michael Lynch, Wayne Wrobel (at or about 8:45 PM)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; Tom Schultz, City Attorney

APPROVAL OF AGENDA

Moved by Member Burke, seconded by Member Lynch:

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

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ELECTION OF CHAIR AND VICE-CHAIR

The members decided to wait until the end of the meeting, at which time Member Wrobel may be present to take part in the election.

MATTERS FOR DISCUSSION**1. Rezoning 18.683, 18.684, 18.685 & 18.686 Legacy Parc**

Request for discussion to provide comments, suggestions and questions on Singh Development's request to rezone a 329-acre parcel located at the east of Napier Road and south of Ten Mile in Section 30 from R-1 and RA to RM-1 with a PRO and B-2 with a PRO and revising the Legacy Parc RUD Agreement.

Planner Kristen Kapelanski touched on the plan's highlights. The target market is the active adult community. The site is surrounded by RA zoning in Novi and R-1 in Lyon Township (across Napier Road). The property is master planned for Single Family Residential with a .8 density. There is a portion of the land master planned for a public park.

An RUD Agreement was previously approved for this property. The Agreement provided R-1 zoning with a Development Agreement to accommodate a total of 439 homes.

This proposal includes three additional properties that are zoned RA. One is a 2.5-acre City-owned property which the City has not agreed to transfer at this time. The Applicant wished to modify the existing agreement and rezone portions of the property to accommodate these newly proposed uses.

Using the Singh document: Pink is proposed for B-2 for a 105,800 square-foot retail center; Blue is proposed for RM-1 for a 220-unit attached residential development; Brown is proposed for RM-1 to develop an 8,600 square-foot daycare. Green is proposed for RM-1 to develop a 154-unit senior housing complex. The public benefit proposed by Singh is the Singh Trail. The Yellow is proposed to remain R-1. There are many components to this plan.

The Master Plan designation and proposed rezoning is the focus of this discussion. Staff has not recommended approval of this proposal, mostly because it is not consistent with the recommendation of the Master Plan. The property is master planned for Single Family Residential with a .8 density. The proposed development has a gross density of 2.26 units per acre, excluding the proposed daycare. The Master Plan was reviewed and updated this year. Included in that review is a land-use study, a needs-

analysis for retail uses and several alternatives were examined for the southwest quadrant. Senior housing was one of the alternatives considered for the southwest quadrant and other nearby areas. It was not ultimately recommended. The minutes from the Master Plan and Zoning Committee's alternatives discussion were provided to the Committee for their review. Ms. Kapelanski said that specifically, the December 11th minutes should be reviewed.

Several Master Plan goals apply to this project: Maintain existing low-density residential development and natural features preservation patterns; this proposal far exceeds the recommendation of the Master Plan. A Master Plan goal suggests rezoning properties in the southwest quadrant to zoning districts that limit uses to low density residential uses that match the density depicted in the Master Plan; this proposal is contradictory.

Previously, 439 units were approved for this site. The Applicant now proposes 694 units within Single Family and Multiple Family Residential units and a senior housing complex. This is a 63% increase in density over the previous plan. There is also a commercial element and daycare proposal.

A further Master Plan goal is to encourage future development in the southwest quadrant that preserves the natural features and viewsheds along the roadway. The commercial, senior housing and daycare do not meet this objective. The B-2 and RM-1 is contrary to the Single Family Residential recommendations in the Master Plan.

The RUD Plan and PRO contain a number of Ordinance deviations and are listed in the Planning Review.

The Applicant has presented a sizable plan with a fair amount of detail as is appropriate for the concept review stage of PRO and RUD Agreements. Should this ultimately be approved, a number of details would have to be worked out. The Master Plan and Zoning Committee should consider the proposed rezoning and the contract plan in general.

Mike Kahm of Singh Development addressed the Committee. He explained why another proposal for this site has come forward. The original concept for 439 homes was approved before a lot of things happened to Michigan's economy. Also, things have changed demographically both here and across the country. Singh realized that there is a housing need for active adults in states other than Florida and the Carolinas. There are two Dell Webb [an active senior community developer] projects in Michigan – one in Brownstown Township and one in Grand Blanc. The idea is to sell a lifestyle. Mr. Kahm said that during this proposal review, more emphasis should be placed on lifestyle than lot size and density. Singh develops Waltonwood complexes in Metro Detroit and in the southeast. They are sensitive to this component of the population. They see a need to service the population two age-echelons down – the 55 and up empty nesters. They researched Dell Webb and Toll Brothers and came to see that the housing component of this proposal is something that Metro Detroit doesn't have.

Mr. Kahm said that the original RUD Agreement doesn't make sense anymore. There is a need for this new proposal. Mr. Kahm presented this idea to City Council in Spring 2007. He said that Singh felt they received a fairly favorable response. This use is probably more like a PUD which does not exist in Novi's Ordinance nor is it addressed. The RUD/PRO was the determination on how to present this proposal. He has been working on this design for over a year in great detail. The commercial component has been hotly contested and discussed. Singh did not propose this in a frivolous manner; however, selling a "lifestyle" means providing convenience. Mr. Kahm said that the pieces of commercial that have been proposed are really core services. It would still need support from outside the Legacy Parc community, which is why it is proposed along Ten Mile. It includes a boutique grocery, drugstore, bank, in-line services like hair salons, cards, dry cleaners, etc. These are daily-life commercial needs.

Mr. Kahm said that in North Carolina, Atlanta and Virginia, Singh has seen how other communities plan to grow. Many of these active adult communities require commercial amenities because it cuts down on traffic.

Mr. Kahm said that the City-owned parcel just sits at Wixom and Ten Mile and serves no purpose. It was part of the fire station property purchase. Mr. Kahm said it has marginal value. Singh suggested that they pick it up and propose a development on one large continuous piece of property.

Mr. Kahm said that there is strong market support for this proposal. Planning principles were included in how they developed this proposal. The lot sizes are smaller than what the Ordinance allows, which is typical of an active adult community. This population is not looking to take care of a large lot. The proposed homes would be upscale from what Dell Webb would do. Dominick Tringali is the architect Singh chose because he is the architect of all of their single family homes. Mr. Tringali's intent is to bring the same quality to these homes.

One key component is the active adult business center/clubhouse, which is about 20,000 square feet. There is an indoor social room, indoor/outdoor swimming pool, tennis courts, bocce ball courts, etc. This is a lifestyle that is similar to what Dell Webb offers but bigger and nicer.

Mr. Kahm said that Singh has been in Novi for thirty years and if there is any developer who knows what Novi was and is, it is Singh.

Joe Galvan, attorney for Singh, addressed the Master Plan and Zoning Committee. He said that this is the worst economy he has ever seen in Novi, and he thought that Singh's proposal at this time ought to have some wind. Singh comes and offers to do something in Novi which an objective person in Novi would say is unique. Like every other place in the country, the population in Novi is getting older. Singh is coming forward at a time when it is clear that the economy of the state is not even remotely like it was before. In that perspective, it would seem that Singh is offering to the City the ability to do something now that creates a level of economic activity in the City and provides the City with something it needs.

Why would someone say this shouldn't be done on this land at this time? The short answer is in the Staff report: because of the Master Plan. If the Master Plan provides no place in the City of Novi for an active adult land use, when it is the single most necessary land use in the City, perhaps there is a small flaw in the Master Plan. Perhaps this is something that should be looked at. He listened to the Staff report and noted that it was presented in pieces; this is an integrated community that comes as a whole. The only reason that it had to be looked at piece-meal is because it's the only way Singh can get here. This is a project, and the only way to bring it forward under the Ordinance was to bring it as an RUD and PRO. For reasons that are historical, the City does not have a PUD Ordinance, which would have permitted Singh to come in with a "whole package PUD." Mr. Galvan asked the Master Plan and Zoning Committee to consider this as one application not as a piece-meal project.

Member Meyer thought that Waltonwood was an extraordinary effort. He was sensitive to the comments made about the economy, and the fact that the Applicant has been consulting with Staff and the City Attorney. He understood that the Master Plan would have to again be addressed in order to make this proposal happen. He would need some explanation of the increase in density, although he understood that the commercial component could cut down on the traffic. Nonetheless, this proposal would add a major piece of traffic to Ten Mile.

Member Meyer excused himself from the meeting and said he would return later.

Mr. Galvan responded that this proposal has nothing to do with the 439-home Agreement. He said this proposal stands on its own and if it were him considering an active-adult community, he would want it to include the commercial and clubhouse components. He said that one-acre single family homesites are dead and gone. Michigan will have to figure out what to do to house active adults who want to stay in this state because right now there is nothing available for them.

Member Burke said that it was made loud and clear to the Planning Commission that commercial in the southwest quadrant was not desired. Therefore, the new Master Plan reflects this position. This proposal is centered around the needs of an aging population. Would this project be deed restricted, in terms of age? Mr. Kahm said that there are federal guidelines (Federal Housing for Older Persons Act of 1995) that one must follow to "discriminate" by age. Singh's intent would be to follow those guidelines. Mr.

Kahm said the proposed density is 694, though 154 are units in the senior housing complex and these citizens won't drive. There are 320 single family lots and 220 duplex lots. This is a total of 540, as compared to the previous plan of 439. The 439 was geared toward family lifestyles.

Member Burke surmised that the lion's share of the residents will be healthy and be able to come and go as they please. He asked if the project was equally viable without the commercial component. Mr. Kahm said Singh considered it without the commercial, but their southern communities without commercial have gone down the hill. Singh wants to sell a life style – even planning for golf cart spaces at the commercial and clubhouse locations. They might, like Dell Webb, provide a golf cart with the purchase of a residential unit.

Mr. Kahm said that the commercial will generate traffic, but the commercial proposed is convenience shopping, not destination shopping. The additional traffic coming to this commercial center is traffic that is otherwise already on Ten Mile. This plan proposes a traffic signal and a center turn-lane that extends almost the entire distance between Napier and Wixom.

Member Burke was not concerned about the traffic – he didn't think this traffic would interfere with rush hour traffic. He was more worried about the viability of the commercial. It will have to stand on its own and pay its rent. The 55-66 year-old adults will like drive two miles north and shop at Meijer where all things are offered, and for a lot less, which is important to people on fixed incomes. Mr. Kahm said this will be an upscale community that where people with disposable income will reside. The condominium dues will not be cheap – there is a lot of infrastructure to support. Singh imagines that these people will shop at a store where the selections are other than what is available at Meijer or Kroger.

Member Burke said the City has already agreed to the 439-unit Development Agreement. He thought the biggest problem with this proposal is selling the commercial aspect. Mr. Kahm said that's why the proposal has to be looked at with an open mind. Member Burke said he could so, but there are 52,000 other people in Novi. Mr. Kahm said this is a cultural thing, which is evident to him because he travels the country. There are different theories on how to live life. Considering Novi's history, this proposal is a bit like putting a round peg in a square hole, because Novi has the philosophy that it provides country living, even though it's not like that anymore. But that little seed in peoples' heads just won't go away. Singh feels confident that this proposal can be accepted in Novi. Whenever the word "commercial" is mentioned, people want to throw rocks. This proposal is not only not a negative, it will be an immense positive for the area. This will provide a convenience in the area. His experience is that people hate the idea of change until it's here, but then they love it.

Mr. Kahm said that Dell Webb caters more to income than age, and Novi is going to notch that up. Member Burke asked whether this project was modeled after southern states' successful projects. Mr. Kahm said some were, and some were in Chicago. Member Burke said that the Midwest citizen drives everywhere, even to the mailbox. He wondered if this will work as well as Singh thinks, because the mindset will be to drive two miles up the road. Member Burke could see the need for some of the commercial mentioned, but he thought 100,000 square feet seemed a bit much to him. Mr. Kahm responded that they researched this component for several years. He said when there isn't critical mass to a project, then the project is being done half-way. When something is designed by a Committee, the end result is a mess. The project, if done, must be done right. If this is scaled back too much, the commercial can't feed off commercial, which is what happens. The different uses don't compete, they feed each other. He supposed that some of the commercial could be stripped out of the design, but Singh thought it was important to make the design large enough to provide medical space too. The critical mass leads to the development's success.

Member Lynch knew that Singh had put a lot of work into this plan. He struggled with looking at this project though because of all of the uncertainties. What will this do to the sewer systems? Traffic? The taxpayer? The existing residents? He thought the concept is great, but it's hard for Member Lynch to understand what happens to the rest of the southwest quadrant if this project is approved by City Council. He said the City knows that the infrastructure will accommodate what is designed in the Master Plan; he does not know if this project can be accommodated. What does the City say to the taxpayers? This is a great project, and by the way, the taxpayers will have to pay to put roads in, additional sewer capacity,

and put up with lower water pressure. He does not have a clear understanding of what effect on the existing southwest quadrant will be with this proposal. It might not do anything, but he would find that hard to believe. There is nothing quantified in this review.

Member Lynch said there are many senior locations in the City – Fox Run, Enclave, even Island Lake has a senior area, and there many other senior areas. Mr. Galvan said that those locations cited do not deal with people in the same place in their lives. The emphasis here is on active; there are other elements here that are other than what is available at the multiple beast on the north side of the City. This proposal provides a level of quality that is not available anywhere else. Member Lynch said he needed more convincing. He said there really seems to be a lot of senior housing in Novi.

Mr. Galvan said there is Fox Run but that serves a particular purpose for people who are at a certain stage in their lives. There are also places that move closer to death. The down curve is there isn't anything available to people who are described as active adults.

Mr. Kahm explained that Fox Run is a continuum of care with a large sum buy-in, which makes it different from Waltonwood. Mr. Kahm said that there are senior housing opportunities in the City but nothing as servicing as this proposal. He said that Singh spent six months reviewing the infrastructure in this area. Singh proposes to add pump stations, off-site transmission lines, and has offered to pay for increased treatment capacity if it became necessary. Singh is also proposing paying for quite a bit of road improvements. These items are listed in Singh's Community Benefits. Deputy Director of Community Development Barbara McBeth said information regarding these infrastructure components could also be found in the Engineering Review.

Member Lynch asked about the project that Singh has pending near Twelve Oaks Mall. Mr. Kahm responded that the site is environmentally sensitive. Member Lynch did not think the sinking housing market would last forever. Mr. Galvan responded that their greater concern is, what will Michigan residents be doing for work if the manufacturing industry continues to slide?

Member Lynch said there was also a question of supply and demand. Mr. Kahm responded that the site would be built in phases, and the development would likely occur over a ten-year timeframe. Member Lynch and City Attorney Tom Schultz discussed how each plan must be reviewed on its own merits, regardless of whether other similar plans have already been reviewed and determinations made. This is not inconsistent, rather it provides an equal process for all incoming projects.

Member Lynch said it was clear to him what the citizens thought about adding commercial to the southwest quadrant. They want commercial located along the Grand River corridor. Overall the proposal is good, but Member Lynch did not know if it was a fit and thought he needed more information.

Mr. Kahm said that the property is the largest contiguous parcel in Novi, at 329 acres. Singh designed this proposal to improve upon the natural feature preservation relative to the currently signed RUD Agreement for the 439 homes.

Member Gutman thought the proposal was beautiful, but it did not meet the intent of the Master Plan, which was just updated this year. Mr. Galvan said that basing any decision to review this proposal against the Master Plan was not reasonable to him. Part of the problem is that Novi has never developed anything like this before. Also, there is no place in the Master Plan or Zoning Ordinance where this particular use is accounted for. Given the realities, Singh believes this type of use should be addressed.

Member Gutman respected the comments and understood that times have changed. He thought was important to provide the feedback to this Applicant.

Member Burke said that the recent Master Plan update made the statement loud and clear that the southwest quadrant did not want any large development. He suggested it would be interesting to go back into the archives to see whether there was opposition to Island Lake. Member Burke did note that there is a significant buffer around this site. This should negate some of the local citizens' concerns. Ms. McBeth clarified that some of the land Member Burke was referring to is not actually part of the Singh

property. The map showed the complete natural feature area and where the City hopes a connection between the natural areas is made. Mr. Spencer added that there is also an expansive wetland complex. Mr. Kahm explained Singh's plan to connect the parks via the "Singh Trail," which again is proposed as a community benefit. Mr. Kahm said that a phasing plan has not yet been designed because it would be rather presumptuous to do so at this time. Mr. Kahm said the service area would have to be built first, and then the residential would be built as the market supports it.

The Committee discussed that the Applicant does not have to sell the fact that there is a need to address the aging baby boomer generation. The greater effort should be placed on proposing something that blends into the community and is therefore more consistent with the characteristics found in the southwest quadrant.

Member Gutman opened the floor up for public comment:

- Jerry Smith, Echo Valley: Did not think that the existing southwest quadrant citizens will embrace this level of density; it's what they moved away from to begin with. There isn't a market for this use in this area at this time.
- Larry Michaels, Island Lake: Represented 784 Island Lake homes. The local citizens are opposed to changing the character of the southwest quadrant. These residents want to maintain the semi-rural feel of this area. He was not aware of any favorable response that the Singh may have received regarding this development when it was presented last year. If Singh believes this use is really necessary, why wasn't it presented during the Master Plan review? The update process would have been the time when the City could have accepted the input and perhaps respond favorably to the need for senior housing in the City. He was concerned about the increase of Wixom Road traffic. Ten Mile also has traffic problems. There is underutilized retail space already in Novi. He said that Mr. Kahm conceded that this development wouldn't support the proposed retail by itself, and that customers from elsewhere in the City would need to frequent this commercial. He did not agree with the statement that things have changed and will never return to what once was. These changes have been happening for a couple of years, but no one can say what tomorrow may bring. He said Mr. Kahm has conceded that the 439-home development is no longer viable, and now the developer is looking for new ways to make money. He didn't blame them, but Singh should not propose this altruistic development that they forgot to mention during the recent Master Plan update. Singh should not suggest that they know the southwest quadrant better than the residents of Novi. He was concerned about the domino effect, i.e., once retail is introduced on west Ten Mile, how many of the other vacant Ten Mile properties will seek retail zoning too? There is the Dinsler property. There are the northwest and southwest quadrants of Ten Mile and Beck. Nobody wants to destroy the character of Ten Mile and the southwest quadrant by lining it with retail. The ECT wetland review states that the consultant is concerned about the Legacy Parc drainage's impact on Island Lake, the location to which it will flow. Island Lake spends a great deal of its dues on lake maintenance and none of its residents would be receptive to Legacy Parc impacting Island Lake, their greatest amenity. If the Legacy Parc residents will be expected to pay dues to support the clubhouse, Mr. Michaels advised Mr. Kahm that there are many Island Lake residents unhappy with having to pay for the amenities in their subdivisions. Their clubhouse is far less grand than what Singh is proposing; Legacy Parc will have a lot of unhappy people spending hundreds of dollars each month in dues. He said that Singh should plan to have a fight on its hands with the residents of Island Lake because they will feel the impact of this development.

Member Wrobel arrived at the meeting. Member Meyer returned to the meeting and Member Lynch, the alternative member, ended his participation.

ELECTION OF CHAIR AND VICE-CHAIR, CONTINUED

Member Gutman asked whether the Committee would enter a motion to postpone this matter.

Moved by Member Burke, seconded by Member Meyer:

Motion to postpone the election of Chair and Vice-Chair. *Motion carried 4-0.*

SCHEDULE/FUTURE AGENDA

The next meeting will be scheduled for December 2, 2008 at 7:00 PM.

APPROVAL OF MINUTES

Moved by Member Wrobel, seconded by Member Meyer:

Motion to approve the Master Plan and Zoning Committee minutes of November 27, 2007, December 11, 2007, January 24, 2008, February 5, 2008 and June 17, 2008. *Motion carried 4-0.*

ADJOURN

Moved by Member Burke, seconded by Member Wrobel:

Motion to adjourn.

Transcribed by Jane L. Schimpf,
Customer Service Representative
November 20, 2008
Date Approved:

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

September 2, 2008

Planning Review

Legacy Parc

Planned Rezoning Overlay and Residential Unit Development
SP# 08-30 and SP # 08-31/Rezoning 18.683, Rezoning 18.684,
Rezoning 18.685 and Rezoning 18.686

Petitioner

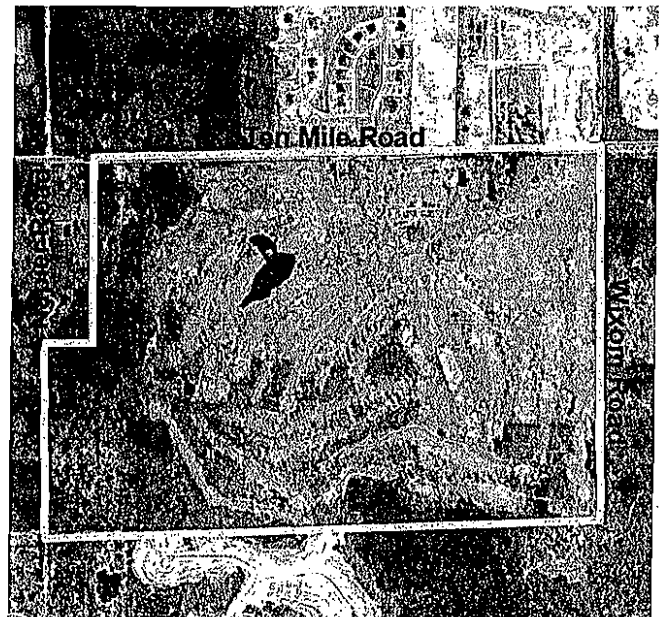
Singh Development LLC

Review Type

Proposed Rezoning from R-1, One-Family Residential to RM-1, Low Density, Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay and B-2, Community Business with a Planned Rezoning Overlay; Proposed Residential Unit Development with a Modified Development Agreement

Property Characteristics

- Site Location: South side of Ten Mile Road between Napier Road and Wixom Road
- Site Zoning: R-1, One-Family Residential and RA, Residential Acreage
- Adjoining Zoning: North, East and South: RA, Residential Acreage; West: RA (City of Novi), (Lyon Township – across Napier Road): R-1
- Site Use(s): Links of Novi Golf Course, Vacant (approved for residential uses through existing RUD)
- Adjoining Uses: North: Vacant, Single-Family Residential, Oak Pointe Church; West: Single-Family Residential, Vacant (City of Novi), Vacant (Lyon Township); South: Vacant, Parkland, Single-Family Residential; East: Fire Station 4, Vacant
- Proposed Use: "Active Adult Community" including Single-Family Residential, Attached Residential, Senior Housing, Daycare and Commercial
- Site Size: 329.5 acres
- Plan Date: 05-29-08



Project Summary

The petitioner is requesting comment on a proposed rezoning with a Planned Rezoning Overlay and a proposed revised Residential Unit Development with a modification of an existing Development Agreement. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As a part of the PRO, the underlying zoning is changed, in this case to RM-1 and B-2 as requested by the applicant, and the

applicant enters into a PRO Agreement with the City, whereby the City and applicant agree to any deviations to the applicable ordinances and tentative approval of a conceptual plan for development for the site. The RUD does not change the underlying zoning of the property, but puts a concept plan in place for the development of the property that can include deviations to applicable ordinances. An RUD was previously approved for the subject property and the applicant is seeking modification of that RUD and the corresponding Development Agreement. PRO and RUD requests require a 15-day public hearing notice for the Planning Commission, which offers a recommendation to the City Council, who can grant the final approval of the PRO. After final approval of the PRO plan and agreement and the RUD plan and modified Development Agreement, the applicant will submit for Preliminary and Final Site Plan under the typical review procedures. The PRO and RUD run with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the rezoning and PRO concept plan expires and the agreement becomes void.

The parcels in question are located on the south side of Ten Mile Road, between Wixom Road and Napier Road in Section 30 of the City of Novi. The property totals 329.5 acres. The current zoning of the majority of the property is R-1, One-Family Residential with a small portion zoned RA, Residential Acreage and the applicant is proposing the rezoning of portions of eight parcels to RM-1 and B-2 with a majority of the subject property to remain zoned R-1. The applicant has indicated that the rezoning is being proposed to facilitate the construction of an "Active Adult Community" described by the applicant as follows:

"The design goal of an Active Adult Community is to master plan a modern urban neighborhood that is located in a suburban or rural area; A community that is walkable, secure, and complete with quick access to daily conveniences and necessities, connected by pedestrian walkways and trails. The community should provide not only a full range of recreational programs and amenities, but a small shopping center, dining, entertainment, services and all the elements that would allow the development to support the normal, daily lifestyle of an individual and be completely freestanding."

As part of this concept, the applicant is proposing a 320 unit detached single-family residential development (the RUD portion of the development) along with a 220 unit attached residential development, a 154 unit senior housing complex to include congregate care and assisted living facilities, an 8,600 sq ft. daycare center and a 105,820 sq. ft. retail development to include a bank, a restaurant and retail shops. Please see the attached diagram, provided by the applicant showing the various rezonings, PROs and the adjacent proposed RUD. Currently, the subject property is zoned R-1. While this district does permit the proposed single-family residential development with an RUD and the proposed day care, it does not permit the proposed attached residential, the senior center or the retail development.

As a part of the application materials, the applicant has indicated that an approximately 2.5 acre portion of city-owned land is proposed to be included as part of the retail development on the south side of Ten Mile Road near the Wixom Road traffic light. The applicant has acknowledged and agreed that, at the date of the application, the city has not agreed to transfer this property to Singh Development. The applicant has further acknowledged, that by processing the application, the city is not asking or authorizing Singh to act on the city's behalf in any manner, and that the city shall not be considered an applicant or proponent of the rezoning application or amendments to the previous approvals.

Recommendation

Staff **does not recommend approval** of the proposed Residential Unit Development with modified Development Agreement and the proposed Zoning Map Amendment and Planned Rezoning Overlay, which would rezone the property from R-1, One-Family Residential to RM-1, Low Density, Low-Rise, Multiple-Family Residential and B-2, Community Business. Approval is not recommended for the following reasons.

- The proposed rezoning to RM-1, Low Density, Low-Rise Multiple Family Residential would be contrary to the recommendation of the Master Plan for Land Use, which recommends Single-Family uses for the property.
- The proposed rezoning to RM-1, Low Density, Low-Rise Multiple Family Residential would be contrary to an Objective of the Master Plan, to: *Maintain the existing low density residential development and natural features preservation patterns*, as well as the Implementation Strategy, to: *Continue to rezone properties in the Southwest Quadrant to zoning districts that limit uses to low density residential uses that match the densities depicted in the Master Plan's Residential Density Patterns Map, parks, open space, educational facilities and public uses*, since an increase in overall density is proposed.
- The proposed rezoning to RM-1, Low Density, Low-Rise Multiple Family Residential would allow an increase in the density over the previous approval which allowed 439 units to a proposed total of 694 units, amounting to a 63% increase in density, which is inconsistent with the recommended density of the Master Plan for Land Use (___ units/acre proposed, 0.8 units/ acre recommended).
- The proposed rezoning to B-2, Community Business would be contrary to the Master for Land Use, which recommends Single-Family uses of the property.
- The proposed rezoning would be contrary to a goal of the Master Plan, which states: *Continue to protect the character of the southwest quadrant of the City as this area is home to the majority of vacant land in Novi*, since the proposed conceptual plan would change the character from primarily low-density single family developments to higher density single and multiple family developments and non-residential uses.
- The proposed rezoning would be contrary to an objective of the Master Plan, which states: *Maintain the existing low density residential development and natural features preservation patterns*, since the proposed conceptual plan proposes higher density residential development than recommended by the Master Plan.
- The proposed rezoning would be contrary to an Implementation Strategy of the Master Plan, which states: *Encourage future development within the southwest quadrant that preserves the view of natural features and open space from major roadways*, since the non-residential and multiple family developments proposed along Ten Mile Road do not allow views of the natural features and open spaces.
- The proposed RUD Plan is found to contain a number of ordinance deviations, as noted in this letter, including deviations from ordinance standards for building setbacks, recreational facility setbacks, lot area and width, clubhouse parking, parking space dimensions, and design and construction standards. The applicant has not clearly demonstrated how each deviation will meet the ordinance standards of Section 2404.6.
- The proposed PRO Concept Plan is found to contain a number of ordinance deviations, as noted in this letter, including deviations from ordinance standards for:
 - Proposed Attached Housing - distance between buildings.
 - Proposed Daycare building - building height and adjacency issues.
 - Proposed Senior Housing Facility - length of building.
 - Proposed Retail Center - building height, building setbacks and parking setbacks.

The applicant has not clearly demonstrated how each deviation will be an enhancement to the development that is in the public interest, and whether the deviations are consistent with the Master Plan and consistent with the surrounding areas, as provided in Ordinance Section 3402.D.1.c.

- The proposed application materials have been found to be lacking in information or have inconsistencies that hinder the complete review of the application, as noted in this, and the accompanying review letters.
- The existing R-1 zoning is consistent with the existing zoning in the area and the single family zoning throughout the southwest quadrant of the City.

Master Plan for Land Use

The Master Plan for Land Use currently designates the majority of the subject property for single-family residential use, with the eastern border designated for public parkland. A rezoning of the property to an RM-1 and/or B-2 zoning would be inconsistent with the recommended actions of the Master Plan. The Master Plan recommends single-family and public park uses not only for this parcel, but also for the immediate surrounding parcels. In addition, the recommended density for the subject properties per the Master Plan residential density map recommends a density of 0.8 dwelling units per acre, which is consistent with the RA, Residential Acreage District. Presently, the subject property is zoned R-1, Single-Family Residential. This was done as part of the previously approved RUD and Development Agreement formerly known as Quail Hollow.

The recently completed Master Plan for Land Use Amendments (2008) also has a specific goal and related objective (Chapter 5) that is relevant to the discussion at hand.

Goal: Continue to protect the character of the southwest quadrant of the City as this area is home to the majority of vacant land in Novi.

Objective: Maintain the existing low density residential development and natural features preservation patterns.

The recent Master Plan for Land Use update included a study of the southwest quadrant of the City. The conclusions of the study based on analysis of the land use patterns and retail needs of the City as well as substantial public input indicated that the southwest quadrant should be preserved for low-density residential developments. The proposed Legacy Parc would not be consistent with the recommendations of the Master Plan for Land Use.

Existing Zoning and Land Use

The following table summarizes the zoning and land use status for the subject property and surrounding properties.

**Land Use and Zoning
For Subject Property and Adjacent Properties**

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Site	R-1, One-Family Residential, RA, Residential Acreage	Links of Novi Golf Course, Vacant	Single-Family Residential, Public Park
North Parcels	RA, Residential Acreage	Single-Family Residential, Oak Pointe Church, Vacant	Single-Family Residential
Eastern	RA, Residential Acreage	Fire Station 4, Vacant	Public, Single-

Parcels			Family Residential, Public Park
Southern Parcels	RA, Residential Acreage	Single-Family Residential, Parkland, Vacant	Single-Family Residential, Public Park
Western Parcels	RA, Residential Acreage (City of Novi), R-1 (Lyon Township)	City of Novi – Existing Single- Family Residential, Vacant Lyon Township - Vacant	Rural Residential (1 acre lots)

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the proposed development with the zoning and uses on the adjacent properties should be considered when examining the proposed rezoning with PRO and proposed RUD with modified Development Agreement.

Directly to the north of the subject property is existing single-family residential, vacant land and Oak Pointe Church. The properties to the **north** are zoned RA (Residential Acreage). Additional traffic and noise would be the most noticeable impact to the existing single-family development. The proposed development would add a considerable amount of new residents to the area, as well as increased traffic from the proposed senior center, day care and retail uses. For additional information regarding traffic concerns, please see the Traffic Study submitted by the applicant and the attached review letters from the City’s Traffic Consultant. Some residents may benefit from the installation of the retail center and day care center as these facilities would be open for their use as well as the use of the Legacy Parc residents. Oak Pointe Church will also have to contend with increased traffic although this will most likely affect the church to a lesser extent as parishioners use the facility on mostly designated days.

The properties to the **east** of the subject property are Fire Station 4 and vacant land. The proposed rezoning with PRO and RUD would minimally affect the majority of the property as most is vacant land and master planned for parkland. Fire Station 4 would have to contend with increased traffic in the area. For additional information regarding traffic concerns, please see the Traffic Study submitted by the applicant and the attached review letters from the City’s Traffic Consultant.

The properties to the **south** of the subject property are single-family residential and parkland with some vacant land. The parkland and vacant land will be minimally impacted. The proposed development could bring additional noise to the area that could carry over to the parkland, although this is unlikely. The existing single-family residential will be impacted but less so than the development to the north of the subject property. Residents to the south may experience increased traffic in the area as well as noise but residents of the proposed development and users of the proposed retail facilities, etc. will be entering off of 10 Mile Road.

The properties to the **west** of the subject property comprise a small number of existing single-family homes and vacant land in the City of Novi and in Lyon Township (across Napier Road). The properties to the **north** are zoned RA (Residential Acreage) in the City of Novi and R-1 in Lyon Township. Additional traffic and noise would be the most noticeable impact to the existing single-family homes. The proposed development would add a considerable amount of new residents to the area, as well as increased traffic from the proposed senior center, day care and retail uses. For additional information regarding traffic concerns, please see the Traffic Study submitted by the

applicant and the attached review letters from the City's Traffic Consultant. Some residents may benefit from the installation of the retail center and day care center as these facilities would be open for their use as well as the use of the Legacy Parc residents.

The development of Legacy Parc would add traffic and noise to the area. A Traffic Impact Study has been submitted by the applicant. However, this study does not adequately quantify the proposed impacts or address all the traffic concerns on the surrounding road network. For additional information, please see the Traffic Impact Study review letter prepared by the City's traffic consultant. The proposed development would add a large amount of new residents and users of the proposed retail uses to the area which would significantly alter the character of the existing neighborhood and the surrounding areas, which are all zoned or master planned for low-density residential developments.

City-owned Property

Presently, the City of Novi owns an approximately 2.5 acre piece of property on the northeast corner of the property to be rezoned to B-2 as part of the proposed commercial center. This property is currently vacant and zoned RA, Residential Acreage and master planned for single-family uses with a density of 0.8 units per acre. If the proposed development were approved, the applicant would need to obtain this piece of property from the City. The Planning Commission and City Council should consider as part of their review of the proposed plan whether the City is willing to relinquish this piece of property to be incorporated into the proposed development. It is important to note that presently Wixom Road, just north of the City-owned property, does not continue south of Ten Mile Road, which contributes to the generally residential character of the area. The City-owned property is in a strategic location as a commercial center at the terminus of Wixom Road could bring additional traffic down Wixom Road and alter the existing residential character.

Comparison of Zoning Districts

The following table provides a comparison of the current and proposed zoning classifications for each proposed rezoning and corresponding use. Four separate uses are proposed in conjunction with the proposed PRO and each one has been addressed separately in this section.

Attached Housing Units

One alternative has been provided at this time to accommodate the proposed attached housing units, the RT, Two-Family Residential district. The RT district would be the only other logical district that would be permit the density shown on the concept plan and permit the duplexes. The RM-1 district requested by the applicant would permit the uses and density indicated on the concept plan. However, the density permitted in the RM-1 district is far above what the applicant is suggesting. Although the RT district would accommodate the proposed use and density, it would still not be in compliance with the density recommendations of the Master Plan for Land Use. For purposes of comparison, the existing zoning of the site is listed as R-1. In actuality, some portions of the site are zoned RA, however, none of the proposed attached housing is on a parcel presently zoned RA.

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)	RT Zoning (Alternative)
Principal Permitted Uses	1. One-family dwellings. 2. Farms and greenhouses subject to the standards in	1. All uses permitted and as regulated in the RT Two-Family Residential	1. All uses permitted and as regulated in the One-Family Residential districts. 2. Two-family dwellings (site

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)	RT Zoning (Alternative)
	<p>Section 301.</p> <p>3. Publicly owned and operated parks, parkways and outdoor recreational facilities.</p> <p>4. Cemeteries which lawfully occupied land at the time of the adoption of this ordinance.</p> <p>5. Home occupations, as set forth in Section 201 of this ordinance.</p> <p>6. Accessory buildings and uses customarily incidental to any of the above uses.</p> <p>7. The keeping of horses and ponies (subject to specific conditions).</p> <p>8. Family day care homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the dwelling as a residence.</p>	<p>district.</p> <p>2. Multiple-family dwellings.</p> <p>3. Independent and congregate elderly living facilities as defined by Section 201 and subject to the requirements of this section.</p> <p>4. Accessory buildings and uses customarily incidental to any of the above permitted uses.</p>	<p>built).</p> <p>3. Shared elderly housing as defined by Section 201 and subject to the requirements in this section.</p> <p>4. Accessory buildings and uses customarily incidental to any of the above permitted uses.</p>
Special Land Uses	<p>1. Churches and other facilities normally incidental thereto (subject to certain conditions).</p> <p>2. Public, parochial and private elementary, intermediate or secondary schools</p>	<p>1. Convalescent homes, assisted living facilities, hospice care facilities and child care centers (subject to specific conditions).</p> <p>2. Accessory building and uses</p>	There are no Special Land Uses in the RT district.

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)	RT Zoning (Alternative)
	<p>offering courses in general education, not operated for profit, and not including dormitories (subject to certain conditions).</p> <p>3. Utility and public service buildings and uses without storage yards (subject to certain conditions).</p> <p>4. Group daycare homes, daycare centers and adult daycare centers (subject to certain conditions).</p> <p>5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts (subject to certain conditions).</p> <p>6. Golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operating for profit (subject to certain conditions).</p>	<p>customarily incident to any of the above permitted uses.</p>	

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)	RT Zoning (Alternative)
	<p>7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit (subject to certain conditions).</p> <p>8. Private pools permitted as an accessory use within the rear yard or a nonrequired interior side yard.</p> <p>9. Cemeteries (subject to certain conditions).</p> <p>10. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks.</p> <p>11. Mortuary establishments (subject to certain conditions).</p> <p>12. Bed and breakfasts subject to the standards of Section 2522.</p> <p>13. Accessory buildings and uses customarily incident to any of the above permitted uses.</p>		
<p>Maximum Density (Dwelling Units/Net Site Area)</p>	<p>1.65 (Dwelling Units/Net Site Area)</p>	<p>1 bedroom = 10.9 dwelling units/gross acre</p> <p>2 bedroom = 7.3</p>	<p>4.8 (Dwelling Units/Net Site Area)</p>

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)	RT Zoning (Alternative)
		dwelling units/gross acre 3 bedroom = 5.4 dwelling units/gross acre	
Building Height	2.5 stories or 35 feet	2 stories or 35 feet	2.5 stories or 35 feet
Building Setbacks	Front: 30 feet Sides: 15 feet Rear: 35 feet	Front: 50 feet Sides: 75 feet Rear: 75 feet	Front: 30 feet Sides: 10 feet Rear: 35 feet

Daycare Center

Two alternatives have been provided at this time to accommodate the proposed daycare center. The R-2 through R-4, One-Family Residential district would permit the daycare center, however it would still not be in compliance with the density recommendations of the Master Plan for Land Use. The existing zoning, R-1 would also permit this use. For purposes of comparison, the existing zoning of the site is listed as R-1. In actuality, some portions of the site are zoned RA. This current zoning is listed as existing and as an alternative because the applicant could propose this use as part of the amended RUD and keep the existing zoning.

	R-1 Zoning (Existing and Alternative 2)	RM-1 Zoning (Proposed)	R-2 through R-4 Zoning (Alternative 1)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. One-family dwellings. 2. Farms and greenhouses subject to the standards in Section 301. 3. Publicly owned and operated parks, parkways and outdoor recreational facilities. 4. Cemeteries which lawfully occupied land at the time of the adoption of this ordinance. 5. Home occupations, as set forth in Section 201 of this ordinance. 6. Accessory 	<ol style="list-style-type: none"> 1. All uses permitted and as regulated in the RT Two-Family Residential district. 2. Multiple-family dwellings. 3. Independent and congregate elderly living facilities as defined by Section 201 and subject to the requirements of this section. 4. Accessory buildings and uses customarily incident to any of the above permitted uses. 	<ol style="list-style-type: none"> 1. One-family dwellings. 2. Farms and greenhouses subject to the standards in Section 301. 3. Publicly owned and operated parks, parkways and outdoor recreational facilities. 4. Cemeteries which lawfully occupied land at the time of the adoption of this ordinance. 5. Home occupations, as set forth in Section 201 of this ordinance. 6. Accessory buildings and uses customarily incidental to any of the above uses. 7. The keeping of

	R-1 Zoning (Existing and Alternative 2)	RM-1 Zoning (Proposed)	R-2 through R-4 Zoning (Alternative 1)
	<p>buildings and uses customarily incidental to any of the above uses.</p> <p>7. The keeping of horses and ponies (subject to specific conditions).</p> <p>8. Family day care homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the dwelling as a residence.</p>		<p>horses and ponies (subject to specific conditions).</p> <p>5. Family day care homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the dwelling as a residence.</p>
Special Land Uses	<p>1. Churches and other facilities normally incidental thereto (subject to certain conditions).</p> <p>2. Public, parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories (subject to certain conditions).</p> <p>3. Utility and public service buildings and uses without storage yards (subject to certain conditions).</p> <p>4. Group daycare homes, daycare centers and</p>	<p>1. Convalescent homes, assisted living facilities, hospice care facilities and child care centers (subject to specific conditions).</p> <p>2. Accessory building and uses customarily incident to any of the above permitted uses.</p>	<p>1. Churches and other facilities normally incidental thereto (subject to certain conditions).</p> <p>2. Public, parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories (subject to certain conditions).</p> <p>3. Utility and public service buildings and uses without storage yards (subject to certain conditions).</p> <p>4. Group daycare homes, daycare centers and adult daycare centers (subject to certain conditions).</p> <p>5. Private</p>

R-1 Zoning (Existing and Alternative 2)	RM-1 Zoning (Proposed)	R-2 through R-4 Zoning (Alternative 1)
<p>adult daycare centers (subject to certain conditions).</p> <p>5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts (subject to certain conditions).</p> <p>6. Golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operating for profit (subject to certain conditions).</p> <p>7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit (subject to certain conditions).</p> <p>8. Private pools permitted as an</p>		<p>noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts (subject to certain conditions).</p> <p>6. Golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operating for profit (subject to certain conditions).</p> <p>7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit (subject to certain conditions).</p> <p>8. Private pools permitted as an accessory use within the rear yard or a nonrequired interior side yard.</p> <p>9. Cemeteries (subject to certain conditions).</p> <p>10. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks.</p>

	R-1 Zoning (Existing and Alternative 2)	RM-1 Zoning (Proposed)	R-2 through R-4 Zoning (Alternative 1)
	accessory use within the rear yard or a nonrequired interior side yard. 9. Cemeteries (subject to certain conditions). 10. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks. 11. Mortuary establishments (subject to certain conditions). 12. Bed and breakfasts subject to the standards of Section 2522. 13. Accessory buildings and uses customarily incident to any of the above permitted uses.		11. Mortuary establishments (subject to certain conditions). 12. Bed and breakfasts subject to the standards of Section 2522. 13. Accessory buildings and uses customarily incident to any of the above permitted uses.
Maximum Density (Dwelling Units/Net Site Area)	1.65 (Dwelling Units/Net Site Area)	1 bedroom = 10.9 dwelling units/gross acre 2 bedroom = 7.3 dwelling units/gross acre 3 bedroom = 5.4 dwelling units/gross acre	2.0 – 3.3 (Dwelling Units/Net Site Area)
Building Height	2.5 stories or 35 feet	2 stories or 35 feet	2.5 stories or 35 feet
Building Setbacks	Front: 30 feet Sides: 15 feet Rear: 35 feet	Front: 30 feet Sides: 10 feet Rear: 35 feet	Front: 30 feet Sides: 15-10 feet Rear: 35 feet

Senior Housing Complex

No alternatives have been provided to accommodate the proposed senior housing complex. All alternative districts that permit both congregate care and assisted living facilities are either more dense than the proposed RM-1 district or commercial districts, both of which would move the proposed zoning even further away from the recommendations of the Master Plan. For purposes of comparison, the existing zoning of the site is listed as R-1. In actuality, some portions of the site are zoned RA.

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. One-family dwellings. 2. Farms and greenhouses subject to the standards in Section 301. 3. Publicly owned and operated parks, parkways and outdoor recreational facilities. 4. Cemeteries which lawfully occupied land at the time of the adoption of this ordinance. 5. Home occupations, as set forth in Section 201 of this ordinance. 6. Accessory buildings and uses customarily incidental to any of the above uses. 7. The keeping of horses and ponies (subject to specific conditions). 8. Family day care homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the 	<ol style="list-style-type: none"> 1. All uses permitted and as regulated in the RT Two-Family Residential district. 2. Multiple-family dwellings. 3. Independent and congregate elderly living facilities as defined by Section 201 and subject to the requirements of this section. 4. Accessory buildings and uses customarily incidental to any of the above permitted uses.

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)
	dwelling as a residence.	
Special Land Uses	<ol style="list-style-type: none"> 1. Churches and other facilities normally incidental thereto (subject to certain conditions). 2. Public, parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories (subject to certain conditions). 3. Utility and public service buildings and uses without storage yards (subject to certain conditions). 4. Group daycare homes, daycare centers and adult daycare centers (subject to certain conditions). 5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts (subject to certain conditions). 	<ol style="list-style-type: none"> 3. Convalescent homes, assisted living facilities, hospice care facilities and child care centers (subject to specific conditions). 4. Accessory building and uses customarily incident to any of the above permitted uses.

R-1 Zoning (Existing)	RM-1 Zoning (Proposed)
<p>6. Golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operating for profit (subject to certain conditions).</p> <p>7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit (subject to certain conditions).</p> <p>8. Private pools permitted as an accessory use within the rear yard or a nonrequired interior side yard.</p> <p>9. Cemeteries (subject to certain conditions).</p> <p>10. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks.</p> <p>11. Mortuary establishments (subject to certain conditions).</p> <p>12. Bed and breakfasts subject</p>	

	R-1 Zoning (Existing)	RM-1 Zoning (Proposed)
	to the standards of Section 2522. 13. Accessory buildings and uses customarily incident to any of the above permitted uses.	
Maximum Density (Dwelling Units/Net Site Area)	1.65 (Dwelling Units/Net Site Area)	1 bedroom = 10.9 dwelling units/gross acre 2 bedroom = 7.3 dwelling units/gross acre 3 bedroom = 5.4 dwelling units/gross acre
Building Height	2.5 stories or 35 feet	2 stories or 35 feet
Building Setbacks	Front: 30 feet Sides: 15 feet Rear: 35 feet	Front: 50 feet Sides: 75 feet Rear: 75 feet

Retail Center

One alternative has been provided at this time to accommodate the proposed retail center, NCC, Non-Center Commercial district. The NCC district would be the only other logical district that would permit the uses indicated by the applicant. However, although the NCC district would accommodate the proposed uses, it would still not be in compliance with the land use recommendations of the Master Plan for Land Use. For purposes of comparison, the existing zoning of the site is listed as R-1. In actuality, some portions of the site are zoned RA.

	R-1 Zoning (Existing)	B-2 Zoning (Proposed)	NCC Zoning (Alternative)
Principal Permitted Uses	1. One-family dwellings. 2. Farms and greenhouses subject to the standards in Section 301. 3. Publicly owned and operated parks, parkways and outdoor recreational facilities.	1. Any retail business or service establishment permitted in the B-1, Local Business District, subject to the regulations applicable in the following sections of this	1. Retail business uses: Generally recognized retail business which supply commodities on the premises, such as, but not limited to: a. Bakeries, products of which are sold only at retail on

R-1 Zoning (Existing)	B-2 Zoning (Proposed)	NCC Zoning (Alternative)
<p>4. Cemeteries which lawfully occupied land at the time of the adoption of this ordinance.</p> <p>5. Home occupations, as set forth in Section 201 of this ordinance.</p> <p>6. Accessory buildings and uses customarily incidental to any of the above uses.</p> <p>7. The keeping of horses and ponies (subject to specific conditions).</p> <p>8. Family day care homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the dwelling as a residence.</p>	<p>Article.</p> <p>2. All retail business or service establishments uses as follows:</p> <p>a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.</p> <p>b. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, bridal shop, art gallery, interior designer or similar establishment that requires a retail adjunct.</p> <p>c. Restaurants (sit down), banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window.</p> <p>d. Theaters,</p>	<p>premises.</p> <p>b. Book stores, news stands.</p> <p>c. Drug stores, including pharmacy, tobacco, reading matter and vanity goods.</p> <p>d. Dry cleaning/laundry outlets dealing directly with consumers.</p> <p>e. Food stores, including delicatessens and specialty food stores.</p> <p>f. Ice cream, confectionary establishments.</p> <p>g. Jewelry stores.</p> <p>h. Liquor, wine, beverage stores.</p> <p>i. Studios: Photography, art, music, dancing.</p> <p>j. Sporting goods stores.</p> <p>2. Retail Business Service Uses: Personal service establishments which perform services on the premises, such as, but not limited to:</p> <p>a. Barber shops</p> <p>b. Beauty shops</p> <p>c. Copy center</p> <p>d. Florist shops</p> <p>e. Locksmiths</p> <p>f. Home furnishings</p> <p>g. Photo finishing services</p> <p>h. Stationers</p>

R-1 Zoning (Existing)	B-2 Zoning (Proposed)	NCC Zoning (Alternative)
	<p>assembly halls, concert halls, museums or similar places of assembly when conducted completely within enclosed buildings.</p> <p>e. Business schools and colleges or private schools operated for profit.</p> <p>3. Daycare centers and adult daycare centers provided that all of the conditions contained within subsection 1102.4 are met.</p> <p>4. Private clubs, fraternal organizations and lodge halls.</p> <p>5. Hotels and motels, provided the site does not abut a residential district.</p> <p>6. Office buildings or any of the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales and medical offices, including</p>	<p>i. Shoe repair shops</p> <p>j. Watch and clock repair establishments</p> <p>k. Tailors</p> <p>l. Video rental stores</p> <p>m. Upholstery establishments</p> <p>3. Office Uses:</p> <p>a. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting and sales.</p> <p>b. Medical offices, including laboratories and clinics.</p> <p>c. Financial institutions, stock brokerages.</p> <p>4. Restaurants:</p> <p>a. Sit-down restaurants having a minimum capacity of fifty (50) persons; and a maximum size of 10,000 sq. ft., provided, however, there shall not be permitted any of the following types of restaurants: drive-in, fast food carry out, fast food sit</p>

	R-1 Zoning (Existing)	B-2 Zoning (Proposed)	NCC Zoning (Alternative)
		laboratories and clinics. 7. Other uses similar to the above uses. 8. Accessory structures and uses customarily incident to the above permitted uses.	down or fast food drive-through. 5. Private clubs, fraternal organizations and lodge halls. 6. Publicly owned and operated parks, parkways and outside recreational facilities. 7. Instructional centers, such as schools for dance, music, language, arts, or general education (subject to certain conditions). 8. Other uses similar to the above uses. 9. Accessory structures and uses customarily incident to the above permitted uses.
Special Land Uses	1. Churches and other facilities normally incidental thereto (subject to certain conditions). 2. Public, parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories (subject to certain conditions). 3. Utility and public service buildings and uses without storage yards (subject to certain	1. Gasoline service station (subject to certain conditions).	1. All Principal Uses permitted in the RM-1 District (subject to special conditions). 2. Daycare centers and adult daycare centers (subject to special conditions). 3. Places of worship, subject to the standards at Section 402.1. 4. Museums. 5. Public utility buildings and uses without storage yards.

R-1 Zoning (Existing)	B-2 Zoning (Proposed)	NCC Zoning (Alternative)
	<p>conditions).</p> <p>4. Group daycare homes, daycare centers and adult daycare centers (subject to certain conditions).</p> <p>5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts (subject to certain conditions).</p> <p>6. Golf courses, consisting of at least nine holes and not including driving ranges, "pitch and putt," miniature or "par 3" courses, which may or may not be operating for profit (subject to certain conditions).</p> <p>7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit (subject to certain conditions).</p>	

	R-1 Zoning (Existing)	B-2 Zoning (Proposed)	NCC Zoning (Alternative)
	8. Private pools permitted as an accessory use within the rear yard or a nonrequired interior side yard. 9. Cemeteries (subject to certain conditions). 10. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks. 11. Mortuary establishments (subject to certain conditions). 12. Bed and breakfasts subject to the standards of Section 2522. 13. Accessory buildings and uses customarily incident to any of the above permitted uses.		
Maximum Density (Dwelling Units/Net Site Area)	1.65 (Dwelling Units/Net Site Area)	N/A	N/A
Minimum Lot Size	N/A	2 acres	2 acres
Building Height	2.5 stories or 35 feet	2 stories or 30 feet	2 stories or 25 feet
Building Setbacks	Front: 30 feet Sides: 15 feet Rear: 35 feet	Front: 40 feet Sides: 30 feet Rear: 30 feet	Front: 40 feet Sides: 20 feet Rear: 20 feet

Infrastructure Concerns

An initial engineering review was done to analyze the information that has been provided thus far. The City's engineering staff noted that the concept plan proposed would have a noticeable impact on the public utilities when compared to the originally approved RUD plan. In addition, a general listing and implementation schedule of the necessary improvements for the water and sanitary sewer

system should be included in the PRO agreement. Additional information can be found in the attached review letters. A full scale engineering review will take place during the course of the Site Plan Review process.

A Traffic Impact Study was required for this rezoning with PRO request. Ultimately, the Traffic Impact Study provided by the applicant identified various mitigation strategies to accommodate the additional traffic that would be created as a result of the proposed development. The City's traffic consultant also reviewed the Traffic Impact Study, concept plan and rezoning request. The traffic consultant noted that the Traffic Impact Study appears to be lacking and noted a number of concerns with the data evaluation, projected impacts and mitigation strategies. Additional information can be found in the attached traffic review letters.

The City's Fire Marshall also did an initial review of the proposed plan. He noted that the applicant should provide residential sprinkler systems in all 541 attached and detached residential units. For additional information, please see the Fire Department's review letter.

Natural Features

There are substantial regulated woodlands and wetlands on the site, generally of a very high quality. A large portion of the site is part of a Priority One Area, as identified by the Michigan Natural Features Inventory. Priority One Areas are identified as having the most need for conservation based upon a variety of factors. These are described in the woodland review letter. The proposed plan significantly impacts the existing woodland and forested wetlands. Impacts could be minimized with a redesign of the site that is more sensitive to the high-quality natural areas found throughout the site. In addition, there is some question as to what the total amount of impact would be to both woodlands and wetlands. The applicant has only provided basic information and generally quantified the impacts. Impacts could increase when more detailed surveys are completed. Please see the attached woodland and wetland review letters for additional information.

Development Potential

As previously mentioned there is presently a Development Agreement and approved RUD plan existing for the subject property. The existing RUD proposes a 439 unit single-family residential development on approximately the same amount acreage as the proposed Legacy Parc plan encompasses. The proposed plan proposes 320 detached dwelling units and 220 attached units for a total of 540 dwelling units in addition to the 154 units proposed in the senior center. Including the senior center, this totals 694 dwelling units, 255 more dwelling units than previously proposed. The previous plan did not include a daycare, senior housing facility or any retail components or attached housing. It did include a clubhouse and athletic facilities.

Prior to the approval of this RUD Plan, the subject property was zoned RA, Residential Acreage. However, the RUD plan and Development Agreement effectively "rezoned" the property to R-1. If the Development Agreement and approved RUD Plan were withdrawn and the property reverted back to the RA zoning, it is fair to assume (based on the size of the parcel and density calculations) that an approximately 270 unit housing development could occupy the site.

The development of a multiple family housing project under the proposed RM-1 zoning could result in a multi-story housing facility. However, the Planned Rezoning Overlay and RUD, if approved, would hold the applicant to the proposed plan, meaning a multi-family development would not be permitted per the conditions of the Planned Rezoning Overlay and RUD and approved concept plan.

Major Conditions of Planned Rezoning Overlay Agreement

The Planned Rezoning Overlay process involves a PRO plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO ordinance (Article 34). Within the process, which is completely voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval.

The applicant is required to submit a conceptual plan and a list of terms that they are willing to include with the PRO agreement. The applicant's conceptual plan has been reviewed and the following are items shown on the plan by the applicant and interpreted by the Plan Review Center as conditions they are willing to attach to the PRO.

- Donation of 76 acres of land to the City of Novi as dedicated park area.
- Construction of a trailhead and asphalt pathway approximately 1.5 miles in length through the dedicated park area and existing city park land to the south.

Ordinance Deviations – RUD

Under Section 2404.6, deviations from the strict application of the Zoning Ordinance may be permitted by the City Council as part of the approval of an RUD plan. These deviations must be accompanied by a finding by the City Council that:

"(A) That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the greater public interest;

(B) That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;

(C) That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;

(D) That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic. In determining whether to grant any such deviation, the Council shall be authorized to attach reasonable conditions to the RUD plan, in accordance with Section 2404.10; and

(E) That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole."

For each such deviation, City Council should make the above finding if they choose to permit the ordinance deviations as part of the RUD plan. The following are areas where the current RUD plan does not appear to meet ordinance requirements. The modified Development Agreement will be considered by City Council after the tentative approval of the RUD plan.

Building Setbacks

Section 2400 of the Zoning Ordinance lists the required building setbacks for each district. Under the standards of the ordinance, the minimum building setback in the R-1 district is 30 feet for the front yard, 15 feet for the interior side yard (with the aggregate of both side yard setbacks equal to at least 40 feet) and 50 feet for the rear yard. The proposed single-family residential development includes houses setback at a minimum of 25 feet for the front yard, 5 feet for the interior side yard (aggregate 10 feet) and 30 feet for the rear yard. The applicant has indicated as part of their submission this is a deviation they would like included as part of the RUD plan.

The Community Development Department finds that the City Council should act on this ordinance deviation in their consideration of the RUD plan and modified Development Agreement.

Recreational Facility Setbacks

Section 402 of the Zoning Ordinance states that private noncommercial recreational areas must have a setback of 80 feet in all yards and that there cannot be any recreational facilities permitted in these minimum yards. Presently, the tennis courts have a setback of 20 feet in the rear yard and 20 feet in the western side yard. The bocce ball courts are setback 52 feet in the western side yard and 75 feet in the rear yard. **The Community Development Department finds that the City Council should act on this ordinance deviation in their consideration of the RUD plan and modified Development Agreement or the applicant should adjust the site layout to accommodate the required setbacks.**

Lot Area and Width

Section 2400 of the Zoning Ordinance states, the minimum lot area and width may be reduced from the R-1 requirements, but not below the R-3 district requirements of 12,000 square feet of area and a width of 90 feet. Most lots in the proposed single-family residential development are less than 12,000 square feet and less than 90 feet in width. See the Planning Review Chart (RUD) for additional information. The applicant has indicated as part of their submission this is a deviation they would like included as part of the RUD plan. **The Community Development Department finds that the City Council should act on this ordinance deviation in their consideration of the RUD plan and modified Development Agreement.** Council should consider whether the variety of lots sizes meets the intent of the RUD ordinance.

Clubhouse Parking

Section 402 of the Zoning Ordinance requires that parking be provided to accommodate ½ the member families of any proposed recreational facility in a residential neighborhood. All units are counted towards the member family count for a total of 540 member families. Therefore, 270 parking spaces are required. The City Council may modify this requirement based on ordinance standards, the applicant's justification for a reduced parking requirement and where it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. The applicant is asked to provide additional information justifying the reduced parking count. **The Community Development Department finds that the City Council should act on this ordinance deviation in their consideration of the RUD plan and modified Development Agreement or the applicant should adjust the site layout to accommodate the additional parking spaces.**

Parking Space Dimensions

Section 2506 of the Zoning Ordinance requires all parking spaces to be at least 9 feet wide and a minimum of 17 feet deep (with a 2 foot overhang) with a 24 foot wide access aisle. The clubhouse parking includes 25 spaces labeled as golf cart parking that do not meet the depth or access aisle width requirements of the ordinance. **The Community Development Department finds that the City Council should act on this ordinance deviation in their consideration of the RUD plan and modified Development Agreement or the applicant should adjust the site layout to accommodate the required parking space depth and access aisle width.**

Design and Construction Standards Waivers

There are three separate issues regarding the road design that would necessitate design and construction standards waivers, including:

1. Horizontal curves with a centerline radius of less than 230 feet on roads which appear to be continuous in multiple locations (Sec. 11.194.b.2);
2. Easements less than 16 feet around "eyebrow" curves (Sec. 11.194.a.8 and Figure VIII-G);
and

3. Median within the senior housing boulevard driveway in excess of 24 feet (Figure IX.3)
The Community Development Department finds that the City Council should act on these ordinance deviations in their consideration of the RUD plan and modified Development Agreement or the applicant should adjust the site layout to accommodate design requirements. Please see the traffic review letter for additional information.

Ordinance Deviations – Planned Rezoning Overlay

Under Section 3402.D.1.c, deviations from the strict application of the Zoning Ordinance may be permitted by the City Council in the PRO agreement. These deviations must be accompanied by a finding by the City Council that *"each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."* For each such deviation, City Council should make the above finding if they choose to include the items in the PRO agreement. The following are areas where the current concept plan does not appear to meet ordinance requirements. The applicant should include a list of ordinance deviations as part of the proposed PRO agreement. The proposed PRO agreement will be considered by City Council after tentative preliminary approval of the proposed concept plan and rezonings.

Attached Housing

Minimum Distance between Buildings

Section 2400 of the Zoning Ordinance lists a formula for computing the required minimum distance between buildings in the RM-1 district. Using this formula, the minimum required distance between buildings in the proposed attached housing development is 32 feet. The applicant has proposed a minimum distance of 12 feet, which is deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement or the applicant should adjust the site layout to accommodate the required distance between buildings.**

Daycare Center

Building Height

Section 2400 of the Zoning Ordinance lists the maximum height for each district. Under the standards of the ordinance, the maximum building height permitted in the RM-1 district is 35 feet. The proposed daycare at its highest point will be approximately 42 feet in height. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement or the applicant should modify the plans to conform to the ordinance.**

Adjacent Zoning

Section 402.4.c of the Zoning Ordinance notes that daycare centers exceeding 50 children must only abut land zoned NCC, EXPO, OS-1, OS-2, OSC, TC, TC-1, RC, FS, I-1, P-1, C and OST. The proposed daycare is and would be surrounded by residential zoning on all sides. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**

Senior Housing Facility

Length of Building

Section 2400 of the Zoning Ordinance indicates buildings in the RM-1 district cannot exceed a horizontal length of 180 feet. This standard length can be increased by the Planning Commission if certain conditions are met, but in no case can the length exceed 360 feet. The proposed length of the Senior Housing Facility is 630 feet. The applicant has indicated as part of their submission this is a deviation they would like included in the PRO Agreement. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**

Retail Center

Building Height

Section 2400 of the Zoning Ordinance lists the maximum height for each district. Under the standards of the ordinance, the maximum building height permitted in the B-2 district is 30 feet. The proposed retail center will be approximately 35 feet in height. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement or the applicant should modify the plans to conform to the ordinance.**

Building Setbacks

Section 2400 of the Zoning Ordinance lists the required building setbacks for each district. Under the standards of the ordinance, the minimum building setback for all front yards and exterior side yards in the B-2 district is 40 feet. The retail development is setback approximately 30 feet in the southern exterior side yard, which is deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement or the applicant should modify the plans to conform to the ordinance.**

Parking Setbacks

Section 2400 of the Zoning Ordinance lists the required parking setbacks for each district. Under the standards of the ordinance, the minimum building setback for all front yards and exterior side yards in the B-2 district is 20 feet. The retail development is setback approximately 15 feet in the western exterior side yard, which is deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement or the applicant should modify the plans to conform to the ordinance.**

Items for Further Review and Discussion

There are a variety of other items inherent in the review of any proposed development. At the time of Preliminary Site Plan, further detail will be provided, allowing for a more detailed review of the proposed development. After this detailed review, added concerns with the site layout may be identified and additional variances may be uncovered, based on the actual product being proposed. This would require amendments to be made to the PRO Agreement and/or Development Agreement and RUD plan, should the PRO and RUD be approved. ***The applicant should address these items at this time, in order to avoid delays later in the project.***

Density Calculations

Per the Zoning Ordinance, density shall be based upon gross site acreage, excluding identified wetlands or watercourses which are regulated by Parts 301 and 303 of the Natural Resources and Environmental Protection Act or Chapter 12, Article V of the Novi Code of Ordinances, but not excluding quality wetlands less than two acres regulated by such laws. The plan quantifies regulated wetlands in the proposed RUD that are not part of the dedicated City park but does not

quantify those wetlands that are part of the City park. **The applicant should provide calculations of all regulated wetland area, greater than two acres within the proposed RUD and including those areas in the proposed City park. Density will be recalculated once this information is provided.** The allowed density could be substantially altered as a result

Lighting

A photometric plan for all parts of the development is required at the time of Preliminary Site Plan submittal due to the site being adjacent to a residentially zoned property.

Noise Impact Statement

Noise Impact Statements are required for the daycare center and senior center at the time of Preliminary Site Plan submittal. The applicant should refer to Section 2519.10 of the Zoning Ordinance to be sure all pertinent information is included in the Noise Impact Statement.

Daycare Center – Hours of Operation

Section 402.4.c of the Zoning Ordinance notes that daycare centers exceeding 50 children shall be limited to hours of operation between 6AM and 7PM. **The applicant should include a note on the proposed plan with the next submittal indicating the proposed hours of operation of the daycare center.**

Parking Space Dimensions

There are a number of instances throughout the development where 17 foot parking spaces are proposed. This is permitted with a 2 foot overhang into the landscape buffer; however curbs must be 4 inches high in order to allow this overhang. **Throughout the plan set a note should be included indicating 4 inch curbs will be provided wherever 17 foot parking spaces are proposed.**

Dumpster Screening

A single dumpster/trash compactor screening detail has been included in the plan set. It appears this is for all proposed dumpsters; however this is not indicated on the plan sheets. In addition, the height of all dumpsters and the trash compactor should be shown. **The applicant should adjust the dumpster screening detail to include what dumpsters this screening will be used for and ensure that all appropriate information is included. Please refer to the Planning Review Charts for what information should be noted.**

Barrier Free Signs – Retail Center

One barrier free sign is required for each barrier free space. Signs appear to be missing at two barrier free spots at the proposed restaurant and at the barrier free spots at the proposed drug store. **The applicant should review the retail center plan and add barrier free signs so that there is one sign for each barrier free space.**

Loading Space – Bank

Loading zones are required for all proposed developments in the B-2 District. Section 2507 states that an exception can be made for banks and other financial institutions given the sensitive nature of their deliveries. The applicant should provide documentation at the time of Preliminary Site Plan submittal to indicate the sensitive nature of the bank deliveries.

Drive-thru Lane Delineated

Per Section 2506 of the Zoning Ordinance drive-thru lanes shall be striped, marked or otherwise delineated. Drive-thru lanes are proposed for the bank and drug store as part of the retail center. **The applicant should clearly show the drive-thru circulation route of the proposed drug store with pavement markings such as arrows or signage at the time of the next plan submittal. The applicant should clearly delineate the drive-thru lane and clearly show the drive-thru circulation route of the proposed bank with pavement markings such as arrows or signage at the time of the next plan submittal.**

Laurel Drive Access

It appears that the required access to Laurel Drive is proposed to be gated. In the interest of creating cross-access between communities and traffic considerations, **the applicant should consider removing this gate to allow through access between the existing and proposed development.**

Phasing Plan

Given the size of the proposed development, the applicant has indicated that this will be a phased development. The applicant should provide the detailed phasing plan at the time of Preliminary Site Plan submittal. **The applicant should provide an "order of construction" prior to the Planning Commission meeting.** This should serve as a preliminary phasing plan. Each major component (i.e., retail, senior housing, attached housing, etc.) should be included.

Parallel Plan

The applicant should provide a parallel plan for the attached housing showing theoretical lot lines so that setbacks can be verified prior to Planning Commission consideration.

Elevations

The applicant has submitted limited elevations for each development component. Additional elevations for each proposed façade will be required at the time of Preliminary Site Plan submittal. The lack of a complete elevation package may lead to additional concerns during the site plan review process.

Development Agreement

It has been noted that the applicant has provided a revised Development Agreement incorporating the proposed changes to the RUD plan. **The applicant should provide a strike-through version of the original Development Agreement incorporating the changes prior to consideration by the Planning Commission.**

Master Deed(s)

The applicant should be advised that all proposed condo documents will need to be submitted to the City for review prior to recordation.

Lot splits/combinations

The applicant should be advised that required lot combinations and splits must be in place prior to Stamping Set submittal.

Consideration of the proposed RUD and modified Development Agreement

Section 2404.18 of the Zoning Ordinance states that major changes to an existing RUD plan must be taken through the review process and reviewed by staff and the appropriate bodies as if it were an entirely new proposal. As such, the proposed amendments to the existing RUD plan and

Development Agreement are being re-considered as, effectively, a new development. Section 2404.8.A of the Zoning Ordinance that in making its recommendation to City Council the Planning Commission shall determine the following:

- a. *The appropriateness of the site for the proposed use;*
- b. *The effects of the proposed use upon adjacent properties and the community;*
- c. *The demonstrable need for the proposed use;*
- d. *The care taken to maintain the naturalness of the site and to blend the use within the site and its surroundings; and*
- e. *The existence of clear, explicit, substantial and ascertainable benefits to the City from the RUD.*

The Planning Commission's determination should include an evaluation of all of the factors listed in Section 2404.8.B of the Zoning Ordinance.

The City Council shall consider the factors noted above and contained in Section 2404.8 of the Zoning Ordinance and the Planning Commission's recommendation. As part of its approval of the RUD plan, the Council is authorized to impose conditions that are reasonably related to the purposes of Section 2404 of the Zoning Ordinance and that will:

- a. *Insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity;*
- b. *Protect the natural environment and conserve natural resources and energy;*
- c. *Insure compatibility with adjacent use of land; and*
- d. *Promote the use of land in a socially and economically desirable manner.*

Applicant Burden under PRO Ordinance

The Planned Rezoning Overlay ordinance requires the applicant to make certain showings under the PRO ordinance that requirements and standards are met. The applicant should be prepared to discuss these items, especially in part a, where the ordinance suggests that the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the Planned Rezoning Overlay. Section 3402.D.2 states the following:

1. *Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.*
2. *Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.*

Public Benefit Under PRO Ordinance

At this time, the applicant has identified several items of public benefit. These are called out in Chapter 5 of the Descriptive Narrative submitted by the applicant. These items should be weighed against the proposal to determine if the proposed PRO benefits **clearly outweigh** the detriments of the proposal. The benefits proposed include:

- Donation of 76 acres of land to the City of Novi as dedicated park area.
- Construction of a trailhead and asphalt pathway approximately 1.5 miles in length through the dedicated park area and existing city park land to the south.
- Funding by Singh of the proposed traffic mitigation items outlined in Chapter 4 of the Descriptive Narrative. (Developers are required, to an extent to mitigate their impacts on the proposed roads. In addition, it has recently come to the attention of staff that the Road Commission for Oakland County will be installing some the mitigation items proposed as part of regular system expansion and maintenance.)
- Funding by Singh of sewage pump station upgrades to be made at the Wixom Road and 9 Mile Road locations. (Developers are required to accommodate for the extra stress put on the sewage system as part of their development.)
- Improvements to the water pump booster station on Wixom Road, north of Ten Mile Road. (Developers are required to accommodate for the extra stress put on the water system as part of their development.)
- In kind restitution for the acquisition of approximately 2.52 acres of unused city-owned property next to the fire station at 10 Mile Road and Wixom Road and immediately adjacent to the Singh-owned property. (This is a benefit that would typically be associated with any development in which an applicant was proposing to acquire city-owned property.)
- Internal roads of the proposed Active Adult Community will be private, thereby decreasing the burden on City services.
- Acquisition of two out-parcels along Ten Mile Road, comprising a total of 1.8 acres. (Parcel combination is a benefit that is likely to typically be a part of any large development.)

For additional information on the proposed public benefits, please see Chapter 5 of the Descriptive Narrative provided by the applicant.

• **Submittal Requirements**

- The applicant has provided a survey, legal description and aerial photograph of the property in accordance with submittal requirements.
- The rezoning sign should be erected on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request. This sign should be erected no later than 15 days prior to the scheduled public hearing.
- A traffic impact study has been submitted.
- A community impact statement has been submitted.
- A written statement explaining the full intent of the applicant and providing supporting documentation has been submitted.


Report by Planner Kristen Kapelanski (248) 347-0586

Planning Review Summary Chart

Legacy Parc – RUD Review

SP 08-31

Plan Dated: May 29, 2008

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single Family Residential	Single Family Residential	Yes	
Zoning	R-1	R-1 (w/ RUD)	Yes	
Permitted Uses	See section Article 4 of the Zoning Ordinance	Single Family Homes, Clubhouse and associated private recreation areas	Yes	Private parks and recreation areas are a principal permitted use in conjunction with an RUD.
Building Height (Sec. 2400)	2.5 stories and 35 feet	29 feet	Yes	
Building Setbacks – Clubhouse (Sec. 402)				
Front (north)	80 feet	252 feet	Yes	
Interior Side (east)	80 feet	83 feet	Yes	
Interior Side (west)	80 feet	100 feet	Yes	
Rear (south)	80 feet	210 feet	Yes	
Setbacks – Recreational Facilities (Tennis Court) (Sec. 402)				
Front (north)	80 feet	336 feet	Yes	
Interior Side (east)	80 feet	336 feet	Yes	
Interior Side (west)	80 feet	11 feet	No	Applicant should adjust the site to meet applicable setback standards of this ordinance deviation will need to be included in the development agreement.
Rear (south)	80 feet	20 feet	No	
Setbacks – Recreational Facilities (Bocce Ball) (Sec. 402)				
Front (north)	80 feet	565 feet	Yes	
Interior Side (east)	80 feet	85 feet	Yes	
Interior Side (west)	80 feet	52 feet	No	Applicant should adjust the site to meet applicable setback standards of this ordinance deviation will need to be included in the development agreement.
Rear (south)	80 feet	75 feet	No	
Building Setbacks – Single Family Housing (Sec. 2400)				
Front	30 feet	Minimum 25 feet	No	Some lots do not

Legacy Parc RUD – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Interior Side	15 feet (Aggregate of both side yard setbacks should be at least 40 feet.)	Minimum 5 feet (Aggregate of 10 feet)		<u>meet setback standards for any single-family residential district.</u>
Rear	50 feet	Minimum 30 feet		Applicant should adjust the site to meet applicable setback standards of this ordinance deviation will need to be included in the development agreement.
<u>Lot Area and Width (Section 2400)</u>	<p>Minimum lot area and width may be reduced from R-1 requirements, but not below the R-3 district requirements of 12,000 square feet of area and a width of 90 feet.</p> <p>Section 2404.1.A(2) states that the Planning Commission and Council shall review the mixture of residential dwelling types to determine whether the proportions of dwelling unit types meet the purpose and intent of the section. A significant portion of the dwelling units (usually 10%) are to be conventional one-family dwelling units, constructed on platted lots or site condo building sites with area and width conforming to the underlying zoning district (R-1).</p>	<p><u>Lot width:</u> 0 lots meet R-A lot width requirement (150 ft)</p> <p>0 lots meet R-1 lot width requirement (120 ft)</p> <p>2 lots (0.6%) meet R-2 lot width req't (110 ft)</p> <p>9 lots (2.8%) meet R-3 lot width req't (90 ft)</p> <p>10 lots (3.1%) meet R-4 lot width req't (80 ft)</p> <p>Remaining lots do not meet any single-family lot width</p> <p><u>Lot area:</u> 0 lots meet R-1 min area of 21,780 sq ft</p> <p>0 lots meet R-2 min area of 18,000 sq ft</p> <p>11 lots (3.4%) meet R-3 min area 12,000 sq ft</p>	No	<p>Lots range in size from 6,513 square feet to 13,330 square feet</p> <p>Applicant should adjust the site to incorporate 10% of lots that meet the R-1 district standards for minimum lot size and minimum lot width or this deviation will need to be included in the development agreement.</p> <p>Applicant should adjust the site layout so that all lots meet the minimum R-3 standards or this deviation will need to be included in the development agreement.</p> <p>Council should consider whether there is a genuine variety of lot sizes to meet the intent of the RUD ordinance.</p>

Legacy Parc RUD – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
		35 lots (10.9%) meet R-4 min area 10,000 sq ft Remaining lots do not meet any single-family lot area req't		
Minimum floor area per unit (Sec. 2400)	1,000 square feet	>1,000 square feet	Yes	
Maximum Density (dwelling units/net site area) (Sec. 2400)	1.65	1.3	Yes?	<u>Please see RUD Density comments in the attached review letter and later in this chart.</u>
Public Utilities	All public utilities must be available		Yes?	<u>See Engineering letter for additional details regarding public utilities.</u>
Parking Setbacks – Clubhouse (Sec. 2400)				
Front (north)	25 feet	25 feet	Yes	
Interior Side (east)	25 feet	25 feet	Yes	
Interior Side (west)	25 feet	30 feet	Yes	
Rear (south)	25 feet	290 feet	Yes	
Number of Parking Spaces - Housing (Sec. 2505)	2 parking spaces for each dwelling	2 parking spaces for each dwelling unit	Yes	
Number of Parking Spaces – Clubhouse (Sec. 2505)	Clubhouse: Accommodate ½ of individual families or members 540 residences x 0.5 = 270 spaces required The Planning Commission, in this case City Council may modify the parking requirements where it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian.	175 spaces provided (25 identified as golf cart parking)	No	Applicant should clarify why the proposed pool deck and pool occupancies have not been included in the total occupancy count and to provide additional information to justify the reduced parking count. The City Council may consider modifying the parking requirements, based on the

Legacy Parc RUD – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
				ordinance standards, and the applicant's representations regarding the building's use.
Parking Space Dimensions (Sec. 2506)	90-degree spaces should be 9 feet wide by 19 feet deep with a 24-foot wide aisle; when adj. to landscaping, spaces can be 17 feet deep, with a 2 foot overhang into the landscaped area (4" curbs indicated)	Mostly 9 ft. x 17 ft. spaces shown throughout site. 25 golf cart spaces are proposed and counted towards the parking space requirement. These spaces are all 9 feet deep with a 20-foot wide access aisle.	No	Applicant should adjust the golf cart spaces to be the required parking space depth or this deviation will need to be included in the Development Agreement. Spaces near the ends of parking aisles appear to be too narrow. Applicant should dimension and verify these widths. Applicant should indicate 4" curbs wherever 17' spaces are proposed.
Barrier Free Spaces (Barrier Free Code)	5 barrier free spaces required (1 van accessible)	8 barrier free spaces shown (4 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8 feet wide with a 5 foot wide access aisle for standard b.f. 8 feet wide with an 8 foot wide access aisle for van accessible	Spaces sized appropriately.	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space	Barrier free signs shown.	Yes	

Legacy Parc RUD – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Lighting (Section 2511)	Photometric plan required at the time of Preliminary Site Plan due to site being adjacent to residentially zoned property		N/A	Photometric plan should be submitted with Preliminary Site Plan submittal.
Sidewalks (City Code Sec 11-276 (b))	An 8' wide sidewalk shall be constructed along Napier Road and a 5' wide sidewalk shall be constructed along 10 Mile Road as required by the City of Novi's Pedestrian and Bicycle Master Plan.	Sidewalks proposed along Napier Road and 10 Mile Road	Yes	
Residential Sidewalks (Sec 2400)	5' sidewalk required along all residential streets	5' sidewalk proposed along residential streets	Yes	
Major and Minor Drives (Sec 2514)	All uses and developments shall include a public road network or private drive network.	Private road network proposed.	Yes	
	There shall be a private "major" drive.	Drive shown on Ten Mile Road.	Yes	
	Where on-street parking is proposed it shall be limited to one side of a minor drive and the drive shall be a minimum of 28 feet wide.	28 feet	Yes	
RUD Requirements				
Parcel Size (Sec 2404)	At least 80 contiguous acres.	80 acres +	Yes	Applicant should be aware that parcel combinations are needed for this project.
Recreation Areas (Section 2404.7.B(6))	Open space created as a part of the development plan may also include "the creation of active and passive recreational areas, such as parks, golf courses, soccer fields, ball fields, bike paths, walkways and nature trails."	Plans show several passive parks and a proposed trail.	Yes	

Legacy Parc RUD – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Perimeter Buffering (Sec. 2404)	Where the RUD abuts a one-family district, development of the land up to 330 feet shall be restricted to detached, one-family, non-clustered dwelling units.	Detached one-family, non-clustered dwelling units proposed.	Yes	
	All clustered housing dwelling units shall be at least 75 feet from any peripheral property line.	No clustered housing proposed.	Yes	
Survey (Sec. 2404)	Survey showing all lot lines shall be included.	Survey showing entire area with existing lot lines.	Yes	
Aerial photograph (Sec. 2404)	Aerial photograph required with submittal.	Provided	Yes	
RUD Plan detail (Sec. 2404)	RUD plan should indicate functional use areas, dwelling unit types, proposed population densities, traffic circulation plan, and open spaces to be used by the public.	RUD plan provided.	Yes	
Written Statement (Sec. 2404)	Written statement required explaining the full intent of the applicant and providing supporting documentation, including intended scheduling of the development.	Written statement provided.	Yes	
Phasing	If phasing is proposed, a plan shall be submitted for review indicating each phase.	None provided.	No	Applicant should provide a phasing plan at the time of Preliminary Site Plan submittal.

Legacy Parc RUD – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
RUD Density Requirements	Density shall be based upon gross site acreage, excluding identified wetlands or watercourses which are regulated by Parts 301 and 303 of the Natural Resources and Environmental Protection Act or Chapter 12 , Article V of the Novi Code of Ordinances, but not excluding quality wetlands less than two acres regulated by such laws.	Applicant has quantified regulated wetlands in the proposed RUD that are not part of the dedicated City park but has not quantified those wetlands that are part of the City park.	No	Applicant should provided calculations of all regulated wetland area, greater than two acres within the proposed RUD and including those areas in the proposed City park. Density will be recalculated once this information is provided. The allowed density could be substantially altered as a result.
Open Space	Additional density credits of 0.8 dwelling units per acre can be permitted.	Open space plan provided , calculating open space for the entire development.	No	Applicant should provide open space calculations for the RUD portion of the development only, including the proposed City park and the single-family housing.

Planning Review Summary Chart

Legacy Parc – Proposed RM-1 PRO (Attached Housing) Review

SP 08-30

Plan Dated: May 29, 2008

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single Family Residential	No change	N/A	The proposed RM-1 zoning would not be in conformance with the Master Plan for Land Use.
Zoning	RA, R-1	RM-1	N/A	
Permitted Uses	See section Article 6 of the Zoning Ordinance	Two-family housing.	Yes	Attached housing is a Principal Permitted Use in the RM-1 District.
Building Height (Sec. 2400)	35 feet	21 feet	Yes	
Building Setbacks (Sec. 2400)				
Front (North)	30 feet	Minimum 31'	Yes	
Interior Side (East)	10 feet	Minimum 40'	Yes	
Interior Side (west)	10 feet	Minimum 40'	Yes	
Rear (South)	35 feet	Minimum 50'	Yes	
Minimum distance between buildings (Sec. 2400)	$\frac{60' + 60' + 2(18' + 18')}{6}$ 32 feet	Minimum 12'	No	Applicant should adjust the site to meet applicable setback standards or indicate this is a deviation to be included in the PRO agreement.
Minimum floor area per unit (Sec. 2400)	750 square feet	>1,000 square feet	Yes	Applicant should provide elevations and floor plans to scale of all models with Preliminary Site Plan submittal.
Maximum Density (dwelling units/net site area) (Sec. 2400)	5.4 – 10.9	4.0	Yes	
Public Utilities	All public utilities must be available		Yes?	See Engineering letter for additional details regarding public utilities.
Number of Parking Spaces (Sec. 2505)	2 parking spaces for each dwelling	2 parking spaces for each dwelling unit	Yes	
Accessory Structures (Sec. 2505)				Accessory Structures such as flagpoles and

Legacy Parc RM-1 PRO (Attached Housing) – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
2503.2)				dumpsters will require review and approval from the Community Development Department.
Lighting (Section 2511)	Photometric plan required at the time of Preliminary Site Plan due to site being adjacent to residentially zoned property		N/A	Photometric plan should be submitted with Preliminary Site Plan submittal.
Residential Sidewalks (Sec. 2400)	5' sidewalk required along all residential streets	5' sidewalk proposed along residential streets	Yes	
Major and Minor Drives (Sec. 2514)	All uses and developments shall include a public road network or private drive network.	Private road network proposed.	Yes	
	There shall be a private "major" drive.	Drive shown on the far western portion of the property on 10 Mile Road.	Yes	
	Where on-street parking is proposed it shall be limited to one side of a minor drive and the drive shall be a minimum of 28 feet wide.	Approx. 28 feet	Yes	

Planning Review Summary Chart

Legacy Parc – Proposed RM-1 PRO (Daycare Center) Review

SP 08-30

Plan Dated: May 29, 2008

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single Family Residential	No change	N/A	The proposed RM-1 zoning would not be in conformance with the Master Plan for Land Use.
Zoning	RA, R-1	RM-1	N/A	
Permitted Uses	See Article 6 of the Zoning Ordinance	Daycare Center	Yes	A daycare center is a special land use in the RM-1 District.
Building Height (Sec. 2400)	35 feet	42' to top of roof	No	Applicant should adjust the height of the proposed daycare or indicate this is a deviation they would like included in the PRO agreement.
Special Land Use Requirements				
Outside Recreation Area (Sec. 402.4.c)	150 sq. ft. of outside recreation area per child	18,000 sq. ft. play area	Yes	
	120 children x 150 sq. ft. = 18,000 sq. ft.			
	Total minimum area of not less than 2,800 sq. ft.		Yes	
	Recreation area must be securely fenced and screened.	4' decorative fence indicates	Yes	
Noise (Sec. 402.4.c and Sec. 2519.10)	Noise Impact Statement required.	No noise impact statement submitted.	No	Applicant will be required to provide a Noise Impact Statement subject to the requirements of Section 2519.10 at the time of Preliminary Site Plan submittal.
Adjacent Zoning (Sec. 402.4.c)	Daycare Centers exceeding 50 children must abut land zoned only NCC, EXPO, OS-1, OS-2, OSC, TC, TC-1, RC, FS, I-1, P-1, C and OST	Proposed daycare abuts residentially zoned property.	No	This ordinance deviation will need to be included in the PRO agreement.

Legacy Parc RM-1 PRO (Daycare Center) – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Hours of Operation (Sec. 402.4.c)	Daycare Centers exceeding 50 children shall be limited to hours of operation between 6AM and 7PM	No hours of operation indicated.	Yes?	Applicant should be advised that the hours of operation will be limited to those stated and a note indicating that shall be included on the plan.
Building Setbacks (Sec. 2400)				
Front (North)	75 feet or the height of the main building, whichever is greater	75 feet	Yes	
Interior Side (East)		150 feet	Yes	
Interior Side (West)		80 feet	Yes	
Rear (South)		120 feet	Yes	
	No more than 30% of setback shall be used for parking, maneuvering lanes, loading and dumpster.		Yes	
	Horizontal length of buildings shall not exceed 180 ft. This can be modified by the Planning Commission if: (1) The building includes common areas with a minimum capacity of 50 persons for recreation, dining or social activities; (2) The building is setback and additional 1 ft. for every 3 ft. of building length in excess of 180 ft. In no case can the building length exceed 360 ft.	Horizontal building length approximately 110 feet.	Yes	
Public Utilities	All public utilities must be available		Yes?	See Engineering letter for additional details regarding

Legacy Parc RM-1 PRO (Daycare Center) – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
				public utilities.
Parking Setbacks – Section 2400				
Front (North)	20 feet	48 feet	Yes	
Interior Side (East)	20 feet	20 feet	Yes	
Interior Side (West)	20 feet	210 feet	Yes	
Rear (South)	20 feet	38 feet	Yes	
	Off-street parking and related drives shall not be located closer than 25 ft. from any wall openings to living areas or closer than 8 ft. to any wall that does not contain openings.		Yes	
Number of Parking Spaces (Sec. 2505)	1 parking space for each 350 sq. ft. of usable floor area plus one for each employee 7,000 sq. ft./350 = 20 spaces + 17 employee spaces = 37 spaces required	37 spaces	Yes	Parking calculations will need to be verified for the proposed daycare once a floor plan is provided.
Parking Space Dimensions (Sec. 2506)	90-degree spaces should be 9 feet wide by 19 feet deep with a 24-foot wide aisle; when adj. to landscaping, spaces can be 17 feet deep, with a 2 foot overhang into the landscaped area (4" curbs indicated)	Spaces sized appropriately	Yes	Applicant should indicate 4" curb wherever 17' spaces are proposed.
Barrier Free Spaces (Barrier Free Code)	2 barrier free spaces required (1 van accessible)	2 barrier free van accessible spaces provided	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8 feet wide with a 5 foot wide access aisle for standard b.f. 8 feet wide with an 8 foot wide access aisle for van accessible	Spaces sized appropriately	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space	Barrier free signs shown.	Yes	
Loading Spaces (Sec. 2507)	All loading shall be in the rear yard or interior	Loading zone indicated in the	Yes	

Legacy Parc RM-1 PRO (Daycare Center) – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
	side yard if double fronted lot.	rear yard.		
Loading Space Screening (Sec. 2302A.1)	View of loading and waiting areas must be shielded from rights of way and adjacent properties.	6' masonry wall proposed.	Yes	
Accessory Structure Setback-Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear or interior side yard.	Dumpster indicated setback appropriately from all property lines.	Yes	
Dumpster (Chap. 21 Sec. 21-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	No dumpster screening details provided.	No	Applicant should provide screening details for all proposed dumpsters. Applicant should indicate height of all proposed dumpsters and proposed trash compactor.
Lighting (Section 251.1)	Photometric plan required at the time of Preliminary Site Plan due to site being adjacent to residentially zoned property		N/A	Photometric plan should be submitted with Preliminary Site Plan submittal.
Sidewalks (City Code Sec. 11-276 (b))	A 5' wide sidewalk shall be constructed along 10 Mile Road required by the City of Novi's Pedestrian and Bicycle Master Plan.	5' sidewalk proposed along 10 Mile Road.	Yes	
Exterior Signs	Exterior Signage is not regulated by the Planning Department or Planning Commission.			Please contact Alan Amolsch (248.347.0436) in the neighborhood services department.

Planning Review Summary Chart

Legacy Parc – Proposed RM-1 PRO (Senior Center) Review

SP 08-30

Plan Dated: May 29, 2008

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single Family Residential	No change	N/A	The proposed RM-1 zoning would not be in conformance with the Master Plan for Land Use.
Zoning	RA, R-1	RM-1	N/A	
Permitted Uses	See Article 6 of the Zoning Ordinance	Senior Center	Yes	A congregate elderly facility is a permitted use in the RM-1 District. An assisted living facility is a Special Land Use in the RM-1 District.
Building Height (Sec. 2400)	35 feet	30 feet	Yes	
Special Land Use Requirements				
Total Area (Sec. 602.1.a)	1,500 sq. ft. of total land area per bed 53 assisted living and memory care beds = 79,500 sq. ft.	14.3 acres	Yes	
Noise (Sec. 402.4.b and Sec. 2519.10)	Noise Impact Statement most likely required.	No noise impact statement submitted.	No	Applicant will be required to provide a Noise Impact Statement subject to the requirements of Section 2519.10 at the time of Preliminary Site Plan submittal.
Building Setbacks (Sec. 2400)				
Front (North)	75 feet or the height of the main building, whichever is greater	110 feet	Yes	
Interior Side (East)		80 feet	Yes	
Interior Side (West)		395 feet	Yes	
Rear (South)		116 feet	Yes	
	No more than 30% of setback shall be used for parking, maneuvering lanes, loading and dumpster.		Yes	
	Horizontal length of	Horizontal building	No	Applicant should

Item	Required	Proposed	Meets Requirements?	Comments
	buildings shall not exceed 180 ft. This can be modified by the Planning Commission, however in no case can the building length exceed 360 ft.	length = 630 feet		adjust the building so that the length is less than 360 feet or this deviation will need to be included in the PRO agreement.
Public Utilities	All public utilities must be available		Yes?	See Engineering letter for additional details.
Parking Setbacks – Section 2400				
Front (North)	20 feet	38 feet	Yes	
Interior Side (East)	20 feet	20 feet	Yes	
Interior Side (West)	20 feet	330 feet	Yes	
Rear (South)	20 feet	47 feet	Yes	
	Off-street parking and related drives shall not be located closer than 25 ft. from any wall openings to living areas or closer than 8 ft. to any wall that does not contain openings.		Yes	
Number of Parking Spaces (Sec. 2505)	Congregate Elderly: 3 parking spaces for each 4 units and 1 for each employee 108 units/4 units = 27 x 3 = 81 spaces + 18 employee spaces = 99 spaces Assisted Living: 1 parking space for each 4 beds and 1 for each employee 53 beds/4 = 13 spaces + 27 employee spaces = 40 spaces 99 spaces + 40 spaces = 139 spaces required	140 spaces provided	Yes	
Parking Space Dimensions (Sec. 2506)	90-degree spaces should be 9 feet wide by 19 feet deep with a 24-foot wide aisle; when	Spaces sized appropriately	Yes	Applicant should indicate 4" curbs wherever 17' spaces are

Item	Required	Proposed	Meets Requirements?	Comments
	adj. to landscaping, spaces can be 17 feet deep, with a 2 foot overhang into the landscaped area			proposed.
Barrier Free Spaces (Barrier Free Code)	5 barrier free spaces required (1 van accessible)	10 barrier free spaces provided (6 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8 feet wide with a 5 foot wide access aisle for standard b.f. 8 feet wide with an 8 foot wide access aisle for van accessible	Spaces sized appropriately	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space	One barrier free sign shown for each spaces	Yes	
Loading Spaces (Sec. 2507)	All loading shall be in the rear yard or interior side yard if double fronted lot.	Loading space provided in the rear yard.	Yes	
Loading Space Screening (Sec. 2302A.1)	View of loading and waiting areas must be shielded from rights of way and adjacent properties.	Loading zone screened by proposed building and landscape berm.	Yes	
Accessory Structure Setback- Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear or interior side yard.	Two dumpsters shown in the rear yard and setback appropriately.	Yes	
Dumpster (Chap. 21, Sec. 21-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	No dumpster screening details provided.	No	Applicant should provide screening details for all proposed dumpsters. Applicant should indicate height of all proposed dumpsters and proposed trash compactor.

Item	Required	Proposed	Meets Requirements?	Comments
Lighting (Section 2511)	Photometric plan required at the time of Preliminary Site Plan due to site being adjacent to residentially zoned property		N/A	<u>Photometric plan should be submitted with Preliminary Site Plan submittal.</u>
Sidewalks (City Code Sec. 11-276 (b))	A 5' wide sidewalk shall be constructed along 10 Mile Road required by the City of Novi's Pedestrian and Bicycle Master Plan.	A 5' sidewalk shown on 10 Mile Road.	Yes	
Exterior Signs	Exterior Signage is not regulated by the Planning Department or Planning Commission.			<u>Please contact Alan Amolsch (248.347.0436) in the neighborhood services department.</u>

Planning Review Summary Chart

Legacy Parc – Proposed B-2 PRO Review

SP 08-30

Plan Dated: May 29, 2008

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single Family Residential	No change	N/A	The proposed B-2 zoning would not be in conformance with the Master Plan for Land Use.
Zoning	RA, R-1	B-2	N/A	
Use	Retail businesses or service establishments permitted.	Market, bank, restaurant, retail center, drug store	Yes	Only sit-down restaurants permitted.
Building Height (Sec. 2400)	Maximum 30 feet	Max height of 34' 6" to midpoint of roof	No	Applicant should adjust the height of the proposed retail center and associated uses to be less than 30' or this deviation will need to be included in the PRO agreement.
Minimum lot size (Sec. 2400)	2 acres	18.54 acres	Yes	
Building Setbacks (Section 2400)				
Front (north)	40 feet	70 feet	Yes	
Exterior Side (west)	40 feet	149 feet	Yes	
Exterior Side (east)	40 feet	90 feet	Yes	
Exterior Side (south)	40 feet	30 feet	No	Applicant will need to adjust the site layout to meet the required setback or this deviation will need to be included in the PRO agreement.
Parking Setbacks (Section 2400)				
Front (north)	20 feet	20 feet	Yes	
Exterior Side (west)	20 feet	15 feet	No	Applicant will need to adjust the site layout to meet the required setback or this deviation will need to be included in the PRO agreement.

Legacy Parc B-2 PRO – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Side (east)	20 feet	20 feet	Yes	
Exterior Side (south)	20 feet	24 feet	Yes	
Number of Parking Spaces (Sec. 2505)	<p>Market: 1 parking space for every 200 sq. ft. = 50,000 sq. ft. /200 = 250 spaces required</p> <p>Bank: 1 parking space for each 150 sq. ft. = 4,000 sq. ft. /150 = 26 spaces required</p> <p>Sit-down Restaurant: 1 parking space for each 70 sq. ft. or 1 space for each two employees plus 1 space for each 2 customers allowed under maximum capacity = 6,000 sq. ft./70 = 86 spaces required</p> <p>Shopping Center: 1 space for each 250 sq. ft. = 31,000 /250 = 124 spaces required</p> <p>Drug store: 1 parking space for each 200 sq. ft. = 14,820 sq. ft./200 = 74 spaces required</p>	<p>Market: 250 spaces provided</p> <p>Bank: 27 spaces provided</p> <p>Restaurant: 86 spaces provided</p> <p>Shopping Center: 155 spaces provided</p> <p>Drug store: 75 spaces provided</p>	Yes	Parking calculations will need to be verified for the proposed restaurant once a floor plan is provided.
Parking Space Dimensions (Sec. 2506)	90-degree spaces should be 9 feet wide by 19 feet deep with a 24-foot wide aisle; when adj. to landscaping, spaces can be 17 feet deep, with a 2 foot overhang into the landscaped area	Spaces sized appropriately	Yes	Applicant should indicate a 4" curb wherever 17' spaces are proposed

Legacy Parc B-2 PRO – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Barrier Free Spaces (Barrier Free Code)	<p>Market: 7 barrier free spaces required (2 van accessible)</p> <p>Bank: 2 barrier free spaces required (1 van accessible)</p> <p>Sit-down Restaurant: 4 barrier free spaces required (1 van accessible)</p> <p>Shopping Center: 5 barrier free spaces required (1 van accessible)</p> <p>Drug store: 3 barrier free spaces required (1 van accessible)</p>	<p>Market: 8 barrier free spaces provided (4 van accessible)</p> <p>Bank: 2 van accessible barrier free spaces provided</p> <p>Sit-down Restaurant: 4 barrier free spaces provided (2 van accessible)</p> <p>Shopping Center: 6 barrier free spaces provided (4 van accessible)</p> <p>Drug store: 4 barrier free spaces provided (2 van accessible)</p>	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	Spaces sized appropriately	Yes	Applicant should indicate a 4" curb wherever 17' spaces are proposed
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	Signs shown in some locations.	No	Applicant should show one barrier free sign for each space. Signs appear to be missing at two barrier free spots at the proposed restaurant and at the barrier free spots at the drug store.
Loading Spaces (Sec. 2507)	<p>10 square feet per front foot of building</p> <p>All loading shall be in the rear yard or interior side yard if double fronted lot.</p>	All loading proposed in the rear yard and sized at appropriate amounts.	Yes	Bank uses must provide documentation to indicate sensitive nature of their deliveries at the time of Preliminary Site Plan review.
Loading Space Screening (Sec. 2302A.1)	View of loading and waiting areas must be shielded from rights of way and adjacent properties.	Loading zones screened appropriately.	Yes	

Legacy Parc B-2 PRO – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Drive-thru Standards – Drug Store				
Stacking Spaces for Drive-thru (Sec. 2506)	The drive-thru shall store 3 vehicles, including the vehicles at the pick-up window.	Drive-thru can accommodate more than 3 vehicles as demonstrated by plan.	Yes	
Drive-thru Lane Delineated (Sec. 2506)	Drive-thru lanes shall be striped, marked, or otherwise delineated.	Some pavement markings indicated.	No	Applicant should clearly show the drive-thru circulation route with pavement markings such as arrows or signage.
Bypass Lane for Drive-through (Sec. 2506)	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.	Bypass lane of approximately 18' provided.	Yes	
Width and Centerline Radius of Drive-through Lanes (Sec. 2506)	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.	9' drive-thru lane shown with a centerline radius of 25'.	Yes	
Drive-through Lanes Separation (Sec. 2506)	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.	Drive-thru separated by a proposed island.	Yes	
Drive-thru Standards – Bank				
Stacking Spaces for Drive-thru (Sec. 2506)	The drive-thru shall store 3 vehicles, including the vehicles at the pick-up window.	Stacking space provided for 3 vehicles in each lane.	Yes	
Drive-thru Lane Delineated (Sec. 2506)	Drive-thru lanes shall be striped, marked, or otherwise delineated.	No pavement markings indicated.	No	Applicant should include pavement markings to clearly delineate the drive-thru lane and the drive-thru circulation route.

Legacy Parc B-2 PRO – Planning Review Chart

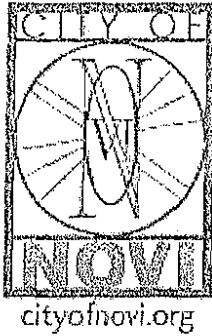
Item	Required	Proposed	Meets Requirements?	Comments
Bypass Lane for Drive-through (Sec. 2506)	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.	Bypass lane of approximately 18' provided.	Yes	
Width and Centerline Radius of Drive-through Lanes (Sec. 2506)	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.	9' drive-thru lane shown with a centerline radius of 25'.	Yes	
Drive-through Lanes Separation (Sec. 2506)	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.	Drive-thru separated by a proposed island.	Yes	
Accessory Structure Setback-Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear or interior side yard.	Dumpsters located in the rear yard and setback appropriately from all property lines.	Yes	
Dumpster (Chap. 21, Sec. 21-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	Screening details provided for the proposed trash compactor.	No	Applicant should provide screening details for all proposed dumpsters. Applicant should indicate height of all proposed dumpsters and proposed trash compactor.

Legacy Parc B-2 PRO – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Signs	Exterior Signage is not regulated by the Planning Department or Planning Commission.			Please contact Alan Amolsch (248.347.0436) in the neighborhood services department.
Exterior Lighting (Sec. 2511)	Photometric plan and exterior lighting details needed at final site plan.		N/A	Photometric plan should be submitted with Preliminary Site Plan submittal.
Sidewalks (City Code Sec. 11-276(b))	A 5' wide sidewalk shall be constructed along 10 Mile Road as required by the City's Pedestrian and Bicycle Master Plan. Building exits must be connected to sidewalk system or parking lot.	5' sidewalk proposed along 10 Mile Road. All building exits connected to the parking lot.	Yes	

Prepared by Kristen Kapelanski, (248) 347-0586 or kkapelanski@cityofnovi.org

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

August 21, 2008

PRO & RUD Landscape Review

Legacy Parc SP#'s 08-30 & 08-31

Review Type

Pre-Application Landscape Review

Property Characteristics

- Site Location: Napier / Ten Mile
- Site Zoning: PRO (proposed)
- Site Use(s): Mixed Use
- Plan Date: May 29, 2008

The plans as submitted are for the purpose of consideration for the PRO and RUD requests. As such, no landscape plans have been submitted at this time. The following is an overview of landscape requirements that the Applicant must consider for subsequent submittals. The Applicant should be aware of and plan toward the landscape requirements that must be met as the project proceeds through the preliminary and final site plan approval process.

Ordinance Considerations

Residential Adjacent to Non-Residential (Sec. 2509.3.a.)

1. A visual buffer strip with berms and vegetation is required in each zoning and use classification when a non-residential use abuts or is adjacent to any residential use or zone including special land uses. Please refer to the Ordinance for specific requirements between uses.

Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. Landscape berms will be required along the Napier and Ten Mile Road frontages. Refer to the Ordinance for required plantings and provide all calculations.
2. Twenty five foot clear vision areas will be required at all intersections and points of access.
3. Please provide cross sections for any proposed berm/wall areas on the Landscape Plan.
4. Proposed contours must be shown on the Landscape Plan.

Street Tree Requirements (Sec. 2509.3.b. & e.)

1. Street Trees will be required along all existing and proposed roadways and access drives.
2. Residential lots or condominium areas abutting major thoroughfares must include a raised berm and screen plantings. These must be contained in a non-access greenbelt easement, labeled as such on the plans, and having a minimum width of 40'.
3. Boulevards and cul-de-sacs must be landscaped and irrigated.

Parking Landscape (Sec. 2509.3.c.)

1. Please provide Parking Lot Landscape Area calculations and plantings on the plans.

2. Clearly depict those areas intended to qualify as Parking Lot Landscape Area for all parking lots. Label all square footages. Interior parking islands must be a minimum of 300 SF and 10' width. Larger islands are encouraged.
3. Canopy Parking Lot Trees will be required per the Ordinance.
4. All landscape areas shall consist of a mix of plant materials such as canopy deciduous trees, subcanopy trees, shrubs, groundcovers, ornamental grasses and perennials.
5. Please depict areas for snow storage on the plans.
6. Please note that all loading areas will require adequate screening.

Parking Lot Perimeter Canopy Trees (Sec. 2509.3.c.(3))

1. Perimeter Parking Lot Canopy Trees will be required per 35 LF surrounding parking and access areas.

Building Foundation Landscape (Sec. 2509.3.d.)

1. Please provide Building Foundation Area calculations and landscape. A total square footage equal to 8 x the length of the building foundation will be required for all buildings other than single family homes. The Applicant is encouraged to provide additional greenspace adjacent to buildings wherever possible.
2. A 4' wide landscape bed will be required adjacent to all sides of all multi-family or commercial buildings with the exception of access areas.
3. A minimum of 60% of front building facades must contain foundation plantings.
4. Three (3) canopy deciduous or large evergreen trees are required for each ground floor dwelling unit for multi-family and attached units.

Plant List (LDM)

1. Please provide a Plant List per the requirements of the Ordinance and the Landscape Design Manual. Include all required Planting Notations.
2. Please provide cost estimates per City standards for all proposed plantings, seed/ sod, mulch and irrigation. Separate costs for woodland replacement trees.

Planting Details (LDM)

1. Please provide a Planting Details per the requirements of the Ordinance and the Landscape Design Manual.

Landscape Notes (LDM)

1. Please provide a Landscape Notations per the requirements of the Ordinance and the Landscape Design Manual.

Storm Basins (LDM)

1. Storm basins must be seeded with appropriate basin seed mix and a 25' buffer must be maintained.
2. A total of 70% to 75% of the basin rims area must be landscaped with native shrubs.

Irrigation (Sec. 2509 3.f.(6)(b))

1. An Irrigation Plan and Cost Estimate will be required.

Woodlands and Wetlands

1. Please refer to the Woodland and Wetland reviews for further comments.

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification. Also see the Woodland and Wetland review comments.
Reviewed by: David R. Beschke, RLA

WETLAND REVIEW



Environmental Consulting & Technology, Inc.

2200 Commonwealth Blvd
Suite 300
Ann Arbor, MI 48105
(734) 769-3004 phone
(734) 769-3164 fax

September 2, 2008

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Legacy Parc - Wetland Review of the PRO & RUD Plan (SP#08-30 & 08-31)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Legacy Parc project PRO and RUD plan (Plan) prepared by Atwell-Hicks dated May 29, 2008. The Plan and supporting documentation were reviewed for conformance with the City of Novi Wetland Protection Ordinance.

The 329.51-acre site is located in Section 30 in the southeast corner of the intersection of Ten Mile and Napier Roads. The Plan proposes the construction of an active adult community including a village commons, attached residential product, senior housing building, and child care center under a PRO and 320 detached residential lots under a RUD. Our wetland review attempts to characterize the existing wetland resources within the context of the proposed project impacts.

Novi Wetland Map

The Novi Wetland Map (Figure 1) shows extensive areas of wetland within the proposed project site. The wetlands mapped on the Plan appear to be roughly accurate, however, some water features within the golf course, shown on Figure 1, but not shown on the Plan may be regulated as well.

Onsite Wetland Evaluation

ECT completed an onsite wetland evaluation on Tuesday, August 26, 2008. ECT observed high quality forested wetlands (Southern Hardwood Swamp) dominated by swamp white oak, (*Quercus bicolor*) burr oak (*Q. macrocarpa*), silver, red, and black maples (*Acer saccharum*, *A. rubrum*, *A. nigrum*, respectively) and boxelder (*A. negundo*). Understories in these wetlands were dominated by a variety of ferns, forbs, and shrubs. Overall the understories were open due to tall, thick tree canopy (see ECT Woodland Review of 9/02/08).

Plan Review

The Plan's *Environmental Plan* (Sheet 16) identifies 66.83 acres of regulated wetland and 1.54 acres of non-regulated wetland. It is not clear from the Plan which wetlands are proposed to be unregulated. Final regulatory status would require further review and determination by the MDEQ, which reserves its right to regulate wetlands.

The *Environmental Plan* (Sheet 16) also does not quantify impacts to forested wetlands and their associated 25-foot natural features setback areas. The estimate of 1.50 acres of wetland impact proposed seems too low, given the very close proximity of developed lots to the wetland lines presented, the extent of commercial development in the northeast corner of the site, the daycare center impact on the north-central side of the site, wetland fill from the proposed Singh Trail through forested wetland (*Trail System Plan* Sheet 6), and subsequent changes in grade and drainage patterns. Since 1) grade changes can negatively impact root systems and change runoff drainage patterns and, thus, tree survivorship and 2) forested wetlands are highly sensitive to alterations in hydrology during the growing season, the Plan's estimate of impacts to regulated woodland, especially forested wetland, is lacking, as it does not fully consider how changes in drainage from grading, addition of impervious surfaces, and outletting of stormwater basins will impact the regulated woodland. Although not included in the *Environmental Plan* (Sheet 16), the amount of impact to natural features setbacks alone will likely be substantial.

The Plan calls for 1.50-acres of wetland impact, but does not propose mitigation. Typically, wetland impacts are mitigated at a ratio of 1.5 to 1 for emergent and scrub shrub wetlands, and 2:1 for forested wetland. The type of wetland, as well as regulatory status for all proposed wetland impacts need to be addressed in order to calculate wetland mitigation requirements prior to the City making a determination as to the appropriateness of issuing a wetland permit. A mitigation site, if needed, is not identified on the Plan.

Recommendation

ECT does not recommend approval of the Legacy Parc proposed PRO and RUD Plan for the following reasons:

1. The Plan does not show all wetland areas on the property. ECT recommends all wetland areas be re-flagged and wetland flag numbers be shown on subsequent plans.
2. The plan does not characterize the individual wetland impacts with regard to wetland community type, which is necessary to assign wetland mitigation requirements.
3. The Plan does not show or quantify impacts to the 25-foot natural features setback. The Plan needs to show these areas and the associated proposed impacts.
4. The Plan does not propose wetland mitigation, although it proposes 1.50-acre of wetland impact. ECT believes the need for mitigation is likely.
5. The Plan appears to encroach into some high-quality forested wetland areas in the eastern, southern, and west sides of the parcel. These areas also contain high-quality forested upland natural features setbacks. ECT recommends these areas be avoided entirely.
6. Given the stormwater plan to discharge site water to the Lyon-Novi Drain, ECT understands that this drainage would flow to Island Lake. ECT is concerned about the potential impacts to Island Lake during construction, and due to long term effects of collecting drainage from a densely urbanized area as is proposed in this Legacy Parc Plan. ECT is concerned with both the quantity and quality of water that would leave the proposed Legacy Parc site and enter Island Lake. The current Plan does not, in ECT's opinion, contain enough information regarding the existing versus proposed stormwater quantity and quality as those parameters relate to downstream watercourses, especially Island Lake. ECT recommends the applicant revise their plans to include (1) water budgets for existing and proposed development conditions including the Legacy Parc property, the Novi-Lyon Drain, and Island Lake; (2) in consideration of the proposed development's potential impact to island Lake, a specific description of best management practices that would minimize stormwater runoff and water pollution from paved surfaces, fertilizers, and pesticides, an other potential sources associated with the proposed development.

If you have any questions regarding the contents of this letter, please contact us.

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



John A. Freeland, Ph.D., PWS
Environmental Scientist

cc: Angela Pawlowski
Kristen Kapelanski

Enclosures

Figure 1. Novi wetland map with wetlands shown in purple and watercourses shown in blue.



WOODLAND REVIEW



Environmental Consulting & Technology, Inc.

September 2, 2008

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Legacy Parc
Woodland Review of the PRO & RUD Plan (SP#08-30 & 08-31)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Legacy Parc project PRO and RUD plan (Plan) prepared by Atwell-Hicks dated May 29, 2008. The Plan and supporting documentation were reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37.

The 329.51-acre site is located in Section 30 in the southeast corner of the intersection of Ten Mile and Napier Roads. The Plan proposes the construction of an active adult community including a village commons, attached residential product, senior housing building, and child care center under a PRO and 320 detached residential lots under a RUD. Considering the site at a landscape scale, the dense, medium, and low density regulated woodlands composing the majority of the lower half and eastern third of the site are contiguous with medium to dense regulated woodland that stretches east, west, and south of the site all the way to Nine Mile Road. This unfragmented swath of regulated woodland also includes a large expanse of forested wetland that extends into the southeast and south-central side of the site and is associated with the Novi Lyon Drain. Forested wetland also occurs within the regulated woodland in the northwest corner of the site. South of the site is zoned as "parkland," and the eastern portion of the site is zoned as "future parkland." A golf course occupies much of the north and central portions of the site.

In their Potential Conservation/Natural Areas Report (July 2002, updated April 2004) for Oakland County, Michigan Natural Features Inventory (MNFI) identified this swath of contiguous regulated woodlands as one of only two Priority One Areas in the City of Novi (See attached map from the 2002 report). Priority One Areas are designated as having the most need for conservation based upon total size, core area size, stream corridor, landscape connectivity, restorability of surrounding lands, vegetation quality, parcel fragmentation, and element occurrences (rare species) criteria. According to this report and the associated map, approximately the eastern quarter of the proposed project site has been designated as part of this Priority One Area for conservation, as well as the finger of regulated woodland that stretches north and west to the west-central side of the site (See attached aerial photos).

Onsite Woodland Evaluation

ECT has reviewed the City of Novi Official Woodlands Map and completed an onsite Woodland Evaluation on Tuesday, August 26, 2008. ECT observed high quality oak/hickory and oak/maple woodlands on the property. Per MNFI's natural community classification, both the site's uplands (Dry-Mesic Southern Forest) and wetlands (Southern Hardwood Swamp) have a state rank status of S3.

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meaning they are "vulnerable in the state due to a restricted range, relatively few occurrences (often 80 or fewer), recent and widespread declines, or other factors making [them] vulnerable to extirpation." The site contains a caliber of oak woodlands very rare in southeastern Michigan. Woody plant diversity was quite high, with multiple species of oaks (*Q. bicolor*, *Q. alba*, *Q. macrocarpa*, and *Q. rubra*), maples (*Acer rubrum*, *A. saccharum*, *A. nigrum*, *A. negundo*, and *A. saccharinum*), hickories (*Carya ovata* and *C. cordiformis*), and various other canopy and subcanopy trees and shrubs (*Fagus grandifolia*, *Prunus serotina*, *Tilia americana*, *Fraxinus americana*, *Fraxinus pennsylvanica*, *Ulmus americana*, *Viburnum lentago*, *Prunus virginiana*, *Carpinus caroliniana*, *Ostrya virginiana*, *Amelanchier arborea*, *Zanthoxylum americanum*, *Cephalanthus occidentalis*, and *Hamamelis virginiana*). The woodland groundcover was intact with a diversity of native species, as well.

The diversified age structure of the woodland is also noteworthy, ranging from seedlings and understory saplings to mature overstory trees with 30-inch d.b.h. or more. The woodland understory contained relatively few invasive species. There were significant amounts of native tree advanced regeneration, including oaks. Advanced regeneration is composed of understory trees positioned to move into the overstory. This transition occurs as mature trees die or blow over, opening gaps in the canopy. Even the oaks are positioned to be recruited back into the overstory—something that is very rare in southeastern Michigan. Also unique is the intactness of the mosaic of upland and wetland forest on the site. This upland/lowland connectivity provides for excellent ecological functioning and diverse wildlife habitat. This is especially true of the western, southern, and eastern sides of the site where upland forest integrates with expansive forested wetlands (See attached photographs).

Plan Review

The Plan does not include a typical tree survey with proposed impacts to individual trees, nor does it graphically quantify impacts to regulated woodland. Instead, it presents woodland preservation and impact in terms of acreage. The *Environmental Plan* (Sheet 16) states that the site includes 161.58 acres of woodland, 144.75 acres of which are regulated per the City of Novi Woodland Map. Per this *Environmental Plan* (Sheet 16), approximately 49 acres of regulated woodland impact are proposed (approximately 34% of the total regulated woodland onsite). Per the woodland preservation summary provided on page 3 of Chapter 1 of the *Legacy Parc Descriptive Narrative*, 95.57 acres of regulated woodland are to be preserved (~66%), representing an additional 7.52 acres of preserved regulated woodland compared to the previously submitted Quail Hollow Site Plan (88.05 acres).

However, the Plan does not quantify the extent of impacts to regulated woodland within MNFI's Priority One Area for conservation. Significant impacts to this quality woodland, rated by MNFI as being the top priority for conservation, are shown graphically on the *Environmental Plan* (Sheet 16) but not quantified. These impacts to the Priority One Area include numerous lots along Brown Jug Circle North and South, lots along Burnley Drive/Normrita Drive/Nucastle Drive, Stormwater Basin D, cul-de-sac lots along Tullymore Court, Stormwater Basin C, lots along Killarney Drive, Stormwater Basin B, and commercial development in the northeast corner of the site.

The *Environmental Plan* (Sheet 16) also does not quantify impacts to forested wetlands and their associated natural features setbacks. The estimate of 1.50 acres of wetland impact proposed seems too low, given the very close proximity of developed lots to the wetland lines presented, the extent of commercial development in the northeast corner of the site, the daycare center impact on the north-central side of the site, wetland fill from the proposed Singh Trail through forested wetland (*Trail System Plan* Sheet 6), and subsequent changes in grade and drainage patterns. Since 1) grade changes can

negatively impact root systems and change runoff drainage patterns and, thus, tree survivorship and 2) forested wetlands are highly sensitive to alterations in hydrology during the growing season, the Plan's estimate of impacts to regulated woodland, especially forested wetland, is lacking, as it does not fully consider how changes in drainage from grading, addition of impervious surfaces, and outletting of stormwater basins will impact the regulated woodland. Although not included in the *Environmental Plan* (Sheet 16), the amount of impact to natural features setbacks alone will likely be a large number.

Site Plan Compliance with Ordinance Chapter 37 Standards

It is ECT's opinion that the proposed Plan does not adequately respond to the significant natural features of the site. Per Section 37-29 of the City of Novi Woodland Ordinance:

"...the protection and conservation of irreplaceable natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, the preservation of woodlands, trees, similar woody vegetation, and related natural resources shall have priority over development when there are no location alternatives. The integrity of woodland areas shall be maintained irrespective of whether such woodlands cross property lines."

Although ECT applauds the Applicant's conservation of additional woodland compared to the previously submitted plans, the majority of the "additional woodland area saved" ends up being highly fragmented rather than contiguous with the regulated woodlands and Priority One Area. Therefore, we do not believe that the proposed development fully meets the letter of the Woodland Ordinance nor the spirit in which it was written. Whereas trees are viewed as a renewable resource, and the Woodland Ordinance provides a mechanism for their replacement, the ecological value of the site's high quality, intact woodlands as forested ecosystems is *not* immediately replaceable. This is evidenced by the site's inclusion in one of only two Priority One Areas designated in the City of Novi as having the greatest need for conservation by MNFI. ECT suggests that the Applicant explore alternative locations within the City of Novi that are more conducive to housing development and would yield fewer impacts to natural resources in addition to considering a revised layout. Indeed, the site itself offers a relatively clear, contiguous area in the golf course that, if effectively utilized, offers a place for housing development within a previously impacted area, while minimizing impacts to the surrounding regulated woodlands and other natural features.

Recommendation

ECT does not recommend approval of the Legacy Parc proposed PRO and RUD Plan. ECT strongly recommends that the Applicant be encouraged to reconsider the layout of the proposed development to further minimize impacts to the high quality regulated woodlands and forested wetlands of the site. Specifically, ECT suggests that 1) no impacts are proposed to MNFI's Priority One Area for conservation, 2) proposed development is scaled back to minimize impact to regulated wetlands and woodlands (especially those directly adjacent to the Priority One Area, including placement of development in the natural features setback and stormwater basins in regulated woodland, and to concentrate future impacts within areas already heavily impacted by the golf course 3) the Applicant considers enhancing the regulated woodland and Priority One Area by locating woodland replacement trees such that they fill in open areas along the south and east sides of the property to buffer and expand core forest habitat, 4) the Applicant further minimizes forested wetland fill with the use of additional boardwalk through all wetland areas crossed by the proposed Singh Trail, and 5) the Applicant places the natural features of the site including remaining regulated woodland, Priority One Area, natural features setbacks, and open space in a conservation easement to protect them in the

Ms. Barb McBeth
September 2, 2008
Page 4

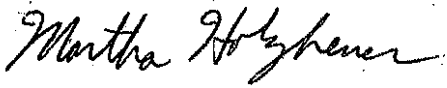
future. ECT also recommends that the Plan include a phasing system that would prevent clearing of regulated woodland on the individual lots until construction activity is planned and financed for a given unit. A table summarizing regulated tree impact for each lot should be provided in the Plan.

Although lot number would likely be reduced, ECT strongly suggests that a layout revision promoting clustered housing that remains within the cleared portion of the site as much as possible is the most appropriate development strategy for the site. Application for variances should be considered as a means of further reducing lot size and setbacks required by the City to protect natural site features. Such a revised layout would minimize 1) the length of woodland edge created, 2) the reduction of core interior woodland habitat, 3) the loss of upland/lowland connectivity, and 4) the decrease in overall acreage and integrity of one of the last expanses of high quality, contiguous woodland in the City of Novi.

If you have any questions regarding the contents of this letter, please contact us.

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



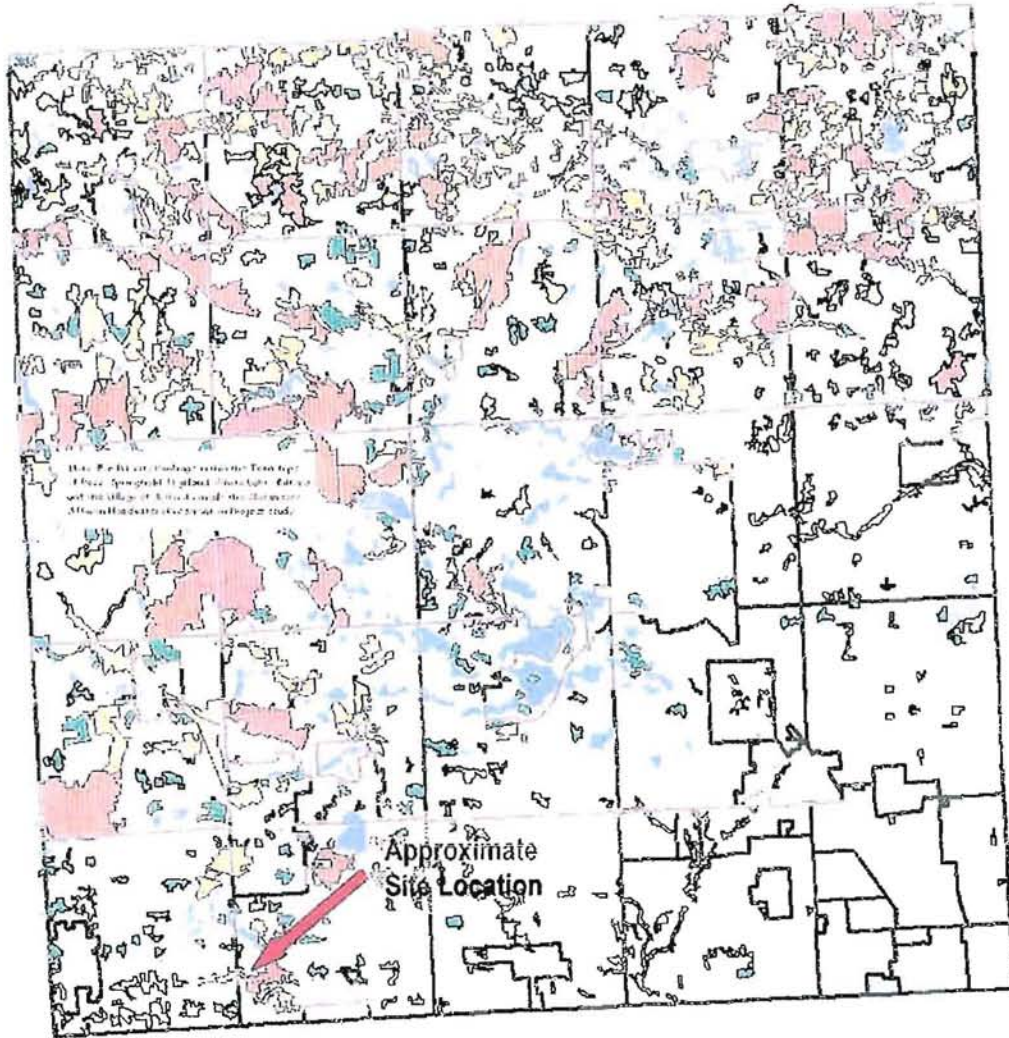
Martha Holzheuer, Certified Arborist
Landscape Ecologist

cc: Angela Pawlowski
Kristen Kapelanski

Enclosures



Environmental Consulting & Technology, Inc.



OAKLAND
 COUNTY MICHIGAN

L. Brooks Patterson, County Executive

Oakland County

**Oakland County
 Natural Areas**

**Planning & Economic
 Development Services**

Barry Wolfe, Director
 Community & Economic
 Development

Director of the Building
 1300 S. Telegraph Road
 Farmington MI

Barry P. Wolfe, Director
 Planning & Economic
 Development Services

Phone: 248-858-2020
 FAX: 248-858-5555

Legend

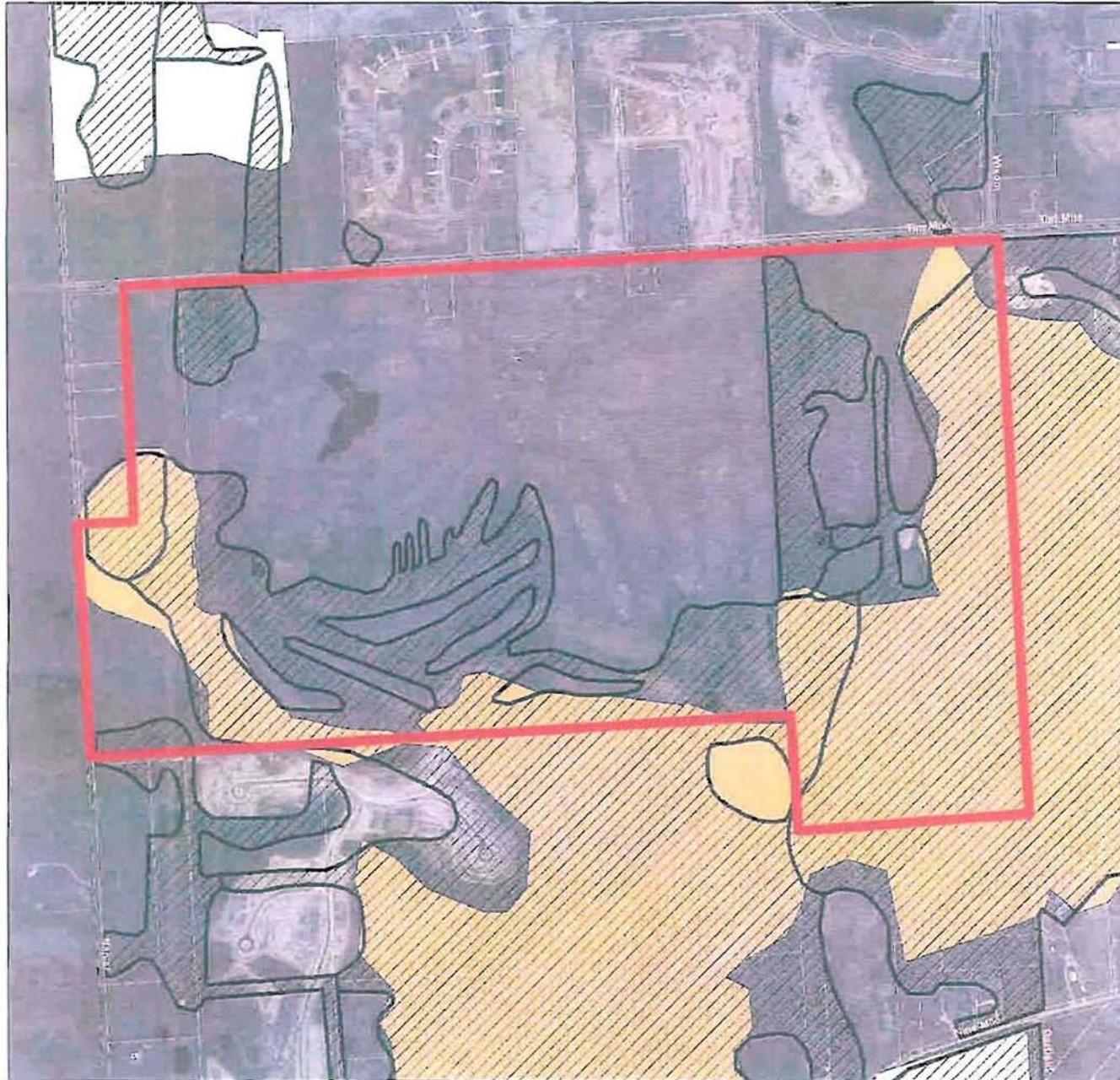
Natural Areas
 Ranking

- Priority One
- Priority Two
- Priority Three

Lakes, Rivers & Streams





March, 2002





ECT
Environmental Consulting & Technology, Inc.

City of Novi Natural Areas

-  Novi Woodland
- Natural Areas 2004**
-  Priority One
-  Priority Two
-  Priority Three

0 300 600 1,200
Feet



Map prepared by City of Novi



Above: Swamp white oak advanced regeneration

Below: Northern red oak advanced regeneration





Above: Mature northern red and swamp white oaks in overstory

Below: Mature white and bur oaks in overstory





Above: Great example of age structure and species diversity; white oak, bitternut hickory, and intact groundcover

Below: Great example of age structure and species diversity; white oak, bur oak, and prickly-ash





Above: High quality forested wetland pocket with diverse groundcover

Below: High quality forested wetland pocket with diverse groundcover





Above: Buttonbush scrub-shrub/forested wetland pocket

Below: Ant hill indicative of oak savanna ecosystem



TRAFFIC REVIEW

August 28, 2008

Barbara McBeth, AICP
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375



BIRCHLER ARROYO
ASSOCIATES, INC.

SUBJECT: Legacy Parc, Review of Traffic Impact Study Dated June 2008

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments. Items to be resolved are highlighted in **bold font**.

Recommendation

We can not recommend approval of the June 2008 traffic study. Key issues and concerns are discussed below. It may be appropriate for us to meet with the applicant's traffic consultant to further review these issues and discuss the best way of addressing them in a revised study.

Key Issues

1. Study Area – Oak Pointe Church, directly across Ten Mile Road from the subject property, is only partially built; however, the Legacy Parc (LP) traffic study does not account for church traffic yet to materialize (as did the predecessor 2004 study for the proposed Links of Novi). The east church driveway is only 329 ft west of proposed LP Driveway B, and the west church driveway aligns with proposed LP Driveway A. **Current and future church traffic needs to be explicitly included, both at the church drives and as through traffic elsewhere.**
2. Current Traffic Volumes – The study is strongly affected by the assumed current volumes. Study Fig. 3-1 shows peak-hour volumes said to result from manual counts made at Ten Mile and Wixom Roads on January 23, 2007 (no tabulated data are provided). In Tables 1a and 1b below, we compare those 2007 counts with previous manual counts made in July 2003 and November 1999. **Based on the tabled comparisons, it appears that the January 2007 counts may be unrepresentative** (as well as a year out-of-date), perhaps due to road work in neighboring Lyon Township. **Given the ongoing reconstruction of the Wixom/I-96 interchange, alternative data sources should be pursued to check the realism of the "current" through and turning volumes assumed at Ten Mile and Wixom. For instance, it may be possible to retrieve pre-interchange-reconstruction (but recent) counts made by the SCATS signal controller at that intersection.**

3. Future Background Volumes – **Not only should future trip generation by Oak Pointe Church be added, but also, some consideration should be given to potential traffic pattern changes resulting from the improved Wixom/I-96 interchange (e.g., the ratio of left turns to through vehicles on eastbound Ten Mile at Wixom may change, influencing intersection operation).**
4. Trip Generation of Proposed Development – **We believe that the traffic study significantly underestimates the trip generation potential of the site’s residential components.** Table 2 below compares the traffic study’s trip generation forecasts to alternative forecasts we have prepared. First, as can be seen within the first block of the table, the study applied average trip rates rather than the regression equations recommended by ITE’s *Trip Generation Manual*. Second, we believe that it is inappropriate to apply the trip rates for “Senior Adult Housing – Attached” to LP’s 220 duplex housing units. The trip frequency of duplex residents is unlikely to approximate only 40% of the trip frequency of non-duplex residents, as application of the ITE average rates for these two land uses assumes. Finally, we believe that 20% of the housing units should be assumed to be conventional single-family homes, since the traffic study states that LP “will allow for up to 20% of residents to be under the age of 55.” As can be seen in Table 1, the more conservative assumptions above would result in peak-hour trip totals roughly twice as large as the study assumes.
5. Rezoning Trip Generation Comparison – **Given the requested rezoning, the traffic study must fulfill the requirements for a Type 3 Rezoning Traffic Impact Study.** Per Section 1 of the City’s *Site Plan and Development Manual*, “the trip generation section [of such a study] shall compare trip generation of the typical uses permitted under the requested zoning district with those in the existing zoning district.” We would be satisfied with a comparison of the proposed project’s trip generation (revised per comment 4, above) to the trip generation potential of the subject property if it were to develop according to its existing R-1 zoning.
6. Trip Distribution – While the trip percentages coming from and going to the various road directions appear reasonable, **we question the assumed relative usage of the various site driveways** (see study Table 5-4). Of greatest concern are the following three assumptions: (a) All detached housing residents desiring to go west are assumed to use the Main Driveway (opposite Terra Del Mar), while it would appear that those living in Pod E would likely use Driveway B instead; (b) All attached housing residents desiring to go west are also assumed to use the Main Driveway, while it would appear that those living in the easterly of the two pods would likely use Driveway B instead; and (c) a significant (30%) share of the attached housing residents desiring to go east is assumed to “back-track” to exit via the Main Driveway, which seems unlikely unless (perhaps) that driveway is signalized and B is not.
7. Potential Cut-Through Traffic – **We are concerned that signal-related delays at Ten Mile and Terra Del Mar / Main LP Driveway will encourage residents of the active adult housing units to cut through the congregate care facility on their way to and from the west.** This concern should be addressed by both the applicant and the applicant’s traffic consultant.
8. Traffic Assignments and Auxiliary Lane Warrants – The site plan under review routinely shows a 25-ft long deceleration lane at each site driveway, which happens to be the City’s

standard "right-turn" lane. However, Fig. IX.11 of the City's Design and Construction Standards shows a permissible lane length range of 0-150 ft. **The applicant's traffic consultant should recommend a specific deceleration lane length at each site driveway, commensurate with the forecasted entering right-turn volume, speed limit, likelihood of entering large trucks, and professional judgment.**

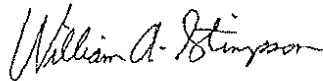
9. Design of Ten Mile / Terra Del Mar / Main LP Driveway – **For the long-term preservation of roadway capacity, this intersection should be redesigned to eliminate the need for split-phasing the east-west movements due to the interlocking entering left turns.** We would be glad to meet with the applicant's engineer and traffic consultant to discuss this issue.
10. Design of Mitigation at Ten Mile and Napier -- The study assumes that in signaling this intersection, left-turn lanes will be added only on Ten Mile Road. **We would strongly recommend, and we would expect the Road Commission to require, the provision of separate left-only and through-right lanes on both Napier approaches as well.**
11. Intersection Capacity Analysis Software – **Throughout the report, reference is made to using Highway Capacity Software (HCS). This is long obsolete and should be corrected, as all capacity analyses were actually done using Synchro HCM software.**
12. Queuing Predictions – To assist in the review of both the proposed road improvements and the proposed internal site plan, **the report should present the Synchro lane-specific queuing predictions for the following critical approaches: (a) eastbound Ten Mile approach to Wixom; (b) northbound fire station driveway ("Wixom Road extension") approach to Ten Mile; (c) northbound Driveway B approach to signal at Ten Mile; and (d) northbound Main LP Driveway approach to signal at Ten Mile.**

Once we are satisfied that the above issues have been satisfactorily addressed, it is possible that we will want to acquire and review the consultant's Synchro files for the build-out condition.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



William A. Stimpson, P.E., PTOE
Director of Traffic Engineering

Attachments: Tables 1a and 1b (one page) and Table 2 (a second page)

Table 1a. Traffic Volume History at Ten Mile and Wixom - AM Peak Hour

Date	Ten Mile Rd EB			Ten Mile Rd WB			Ten Mile Thru	Wixom Rd NB			Wixom Rd SB			Wixom Thru	Total Entering
	Left	Thru	Right	Left	Thru	Right		Left	Thru	Right	Left	Thru	Right		
1 Nov 99	281	677	0	0	139	133	816	0	0	0	178	0	36	0	1444
2 Jul 03	296	661	2	1	268	151	929	0	1	1	130	1	81	2	1593
3 Jan 07	363	605	0	0	114	309	719	0	1	0	143	0	66	1	1601
Ratio 2:1	1.05	0.98	-	-	1.93	1.14	1.14	-	-	-	0.73	-	2.25	-	1.10
Ratio 3:1	1.29	0.89	-	-	0.82	2.32	0.88	-	-	-	0.80	-	1.83	-	1.11

Table 1b. Traffic Volume History at Ten Mile and Wixom - PM Peak Hour

Date	Ten Mile Rd EB			Ten Mile Rd WB			Ten Mile Thru	Wixom Rd NB			Wixom Rd SB			Wixom Thru	Total Entering
	Left	Thru	Right	Left	Thru	Right		Left	Thru	Right	Left	Thru	Right		
1 Nov 99	133	337	0	0	636	136	973	0	0	0	160	0	128	0	1529
2 Jul 03	175	390	0	1	729	206	1119	0	2	0	256	2	221	4	1982
3 Jan 07	95	220	0	3	532	189	752	1	0	2	268	0	287	0	1597
Ratio 2:1	1.32	1.16	-	-	1.15	1.53	1.15	-	-	-	1.60	-	1.73	-	1.30
Ratio 3:1	0.71	0.65	-	-	0.84	1.40	0.77	-	-	-	1.68	-	2.24	-	1.04

Nov 99 = Counts by Reid, Cool & Michalski, Inc. reported in their Mar 01 TIS for Oak Pointe Church.

Jul 03 = Counts by Traffic Data Collection, Inc. for Parsons Brinckerhoff Michigan, Inc., reported in PBM's study appendices for both Links of Novi (Feb 04) and Legacy Parc (Jun 08).

Jan 07 = "Existing" (2007) volumes diagrammed by PBM in Figure 3-1 of their Legacy Parc TIS.

Table 2. Alternative Trip Generation Forecasts for Senior Adult Housing Components

Land Use	ITE Code	Size (d.u.)	Weekday Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total
Applicant's Traffic Impact Study									
Senior Housing-Detached	251	321	1,459 ¹	24	40	64	51	32	83
<i>Per ITE-Recommended Regression Equations¹</i>				29	47	76	70	44	114
Senior Housing-Attached	252	220	766 ¹	8	10	18	15	9	24
BA-Adjusted Totals		541	2,225¹	37	57	94	85	53	138
Using Senior Housing-Detached Rates for All Units (including duplexes)¹									
Senior Housing-Detached	251	541	2,274	45	74	119	101	65	166
As Above, Except Using Single-Family Detached Housing Rates for 20% of All Units¹									
Senior Housing-Detached	251	433	1,882	38	61	99	86	55	141
Single-Family Detached	210	108	1,116	21	64	85	72	43	115
Totals		541	2,998	59	125	184	158	98	256

¹ Forecast(s) by Birchler Arroyo (BA) Associates, Inc.

August 28, 2008

Barbara McBeth, AICP
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375



BIRCHLER ARROYO
ASSOCIATES, INC.

**SUBJECT: Legacy Parc Conceptual / PRO (SP#08-30), RUD (SP#08-31), and 4
Rezoning (ZCM#08-42-18.683, 43-18.684, 44-18.685, and 45-18.686)
Traffic Review**

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments. Items to be resolved are highlighted in **bold** font. Given the scale of the proposed development, we are submitting separate review letters; the following letter is a traffic review of the conceptual plan, and the corresponding letter will review the traffic impact study.

Recommendation

We can not recommend approval of the conceptual plan for the Planned Rezoning Overlay (PRO) and the Residential Unit Development, due to the number of outstanding issues noted in the comments below, the need for multiple waivers of the City's Design and Construction Standards, and the concerns we have with the methodology of the traffic impact study.

Multiple design features will require waivers from the City Council of the City's Design and Construction Standards (DCS). The roads within the residential component of Legacy Parc are proposed to be private roads, meaning the standards within Article VIII of the DCS would apply. Necessary waivers include (but are not necessarily limited to):

- Horizontal curves with a centerline radius of less than 230 feet on roads which appear to be continuous in multiple locations (Sec. 11-194.b.2)
- Easements less than 16 feet around "eyebrow" curves (Sec. 11-194.a.8 and Figure VIII-G)
- Median within the senior housing boulevard driveway in excess of 24 feet (Figure IX.3)

In addition to consideration of the necessary waivers, the City must consider that the conceptual plan includes extensive use of "eyebrows" where the centerline radii of horizontal curves are less than 230 feet. Based on Section 11.194.a.8, eyebrows are to be accepted "for use in areas where property boundary or environmental restrictions limit the ability to provide a continuous 230 feet of centerline road radius." The City Council, upon a recommendation of the Planning Commission, must determine whether the eyebrows meet this criterion.

Project Description

What is the applicant proposing?

1. The applicant, Singh Development, L.L.C., proposes to develop the existing Links of Novi golf course with a mixed-use development marketed as an Active Adult Community. Subject site is on the south side of 10 Mile Road between Napier Road and Wixom Road. Proposed land uses include the following: 320 detached single family lots, 220 attached (duplex) units, a 154-unit senior housing facility, a recreation center, a child daycare center, a drive-through bank, a drive-through pharmacy, a boutique market, a sit-down restaurant, and 31,000 square feet of general retail in two buildings. The development would dedicate 73 acres of parkland to the City, and would preserve an additional 86 acres as open space. Total gross acreage for the entire site is 329.5 acres.
2. Development proposes five new driveways on the south side of 10 Mile Road. Three would be divided boulevard designs, one would be undivided, and the most easterly driveway would be restricted to right-in/right-out movements by a raised median. The main driveway for Links of Novi would be replaced, and one existing residential driveway would be permanently closed. Two additional points of access are proposed on the west side of the Wixom Road extension south of 10 Mile, both of which would align with the existing driveways for the fire station on the opposite side of the extension.

Traffic Study

Was a study submitted and is it acceptable?

3. A traffic impact study conducted by Parson Brinckerhoff Michigan (dated June 2008) was submitted with the preliminary site plan. Given the scale of the proposed development, we have drafted a separate letter in review of the traffic impact study. The traffic review of the site plan and the review of the applicant's traffic impact study should be considered concurrently, as many of the same concerns apply to both submittals. **It is worth noting in this letter that our recommendation is for the applicant's traffic consultant to revise the traffic impact study after meeting with Birchler Arroyo to discuss the methodology.** One of our biggest concerns is that the traffic counts collected and/or forecasted on 10 Mile Road are not representative, which will ultimately affect the study's recommendations for mitigating improvements at the proposed site driveways.

Trip Generation

How much traffic would the proposed development generate?

4. The traffic impact study assumes the following for a trip generation forecast:
 - Detached Senior Adult Housing – 321 units
 - Attached Senior Adult Housing – 220 units
 - Congregate Care – 108 units
 - Assisted Living – 46 units
 - Child Day Care – 17 employees
 - Drive-Through Bank – 4000 square feet

- Boutique Market – 50,000 square feet
- General Retail – 31,000 square feet
- Sit-Down Restaurant – 6,000 square feet
- Drive-Through Drug Store – 14,820 square feet

The traffic impact study estimates that the proposed development will generate 531 new AM peak-hour trips and just over 1, 200 PM peak-hour trips. The study does not provide an estimate for total new daily (24-hour) trips. **Our corresponding review letter of the traffic impact study outlines our concerns with the methodology of the trip generation forecast.**

Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

5. The applicant is proposing a total of five new driveways on the south side of 10 Mile Road, although one of them will essentially replace the existing driveway for Links of Novi golf course. Three of the five will be divided boulevard-style drives, and the eastern-most driveway will be limited to right-in/right-out movements by a raised median ("pork chop"). Two additional access points are proposed on the west side of the Wixom Road extension, both of which would align with the existing fire station drives on the east side of the extension.
6. The proposed driveways meet same side driveway spacing standards per the City's Design and Construction standards (Sec. 11-216.d.1.d) relative to the 50 MPH speed limit along this portion of 10 Mile Road. All 5 driveways are spaced well in excess of 275 feet from one another as well as from Napier Road and the Wixom Road extension, respectively.
7. Similar to the above, the proposed driveways meet opposite-side spacing standards relative to existing commercial driveways on the north side of 10 Mile (DCS Sec. 11-216.d.1.e and Figure IX.12). The proposed Driveway A is less than 200 feet west of an existing residential driveway, but spacing standards are only intended to be relative to commercial driveways and roads.
8. **We are concerned with the proposed location of Quail Hollow Boulevard relative to the main boulevard driveway for Oak Pointe Church. Ideally, we would like to see the two driveways aligned with a traffic signal; a traffic signal is currently proposed at the proposed three-way intersection of 10 Mile Road and Quail Hollow Blvd.** We recognize this would be challenging given the layout of the proposed site, particularly the proposed location of the boutique market. **Given the volume of exiting traffic generated by the church following services and other events, we are concerned that the eastbound queues at the proposed new signal at Quail Hollow could back up to the point that they would impede exiting traffic turning left from the main church driveway.**

Vehicular Access Improvements

Will there be any improvements to the public road(s) at the proposed driveway(s)?

9. The traffic study recommends, and the site plan shows, the following improvements to 10 Mile Road at the proposed site access points:
- A new traffic signal at the intersection of 10 Mile Road and Del Mar Drive/Legacy Parc Boulevard
 - A new traffic signal at the intersection of 10 Mile Road and Quail Hollow Boulevard (aka "Driveway B")
 - Installation of left-turn phases (green arrows) at the intersection of 10 Mile Road and Wixom to accommodate traffic from eastbound 10 Mile turning left onto northbound Wixom or from westbound 10 Mile turning left onto southbound Wixom Road extension.
 - Extension of the existing center left-turn lane on 10 Mile Road at Wixom to a point west of the site's most westerly driveway
 - Right-turn deceleration lanes at each of the proposed site driveways.

The study also assumes a number of background improvements, including signalization of the 10 Mile/Napier Road intersection with left-turn lanes on the 10 Mile Road approaches.

10. The site plan includes a note on Sheet 8 stating that a center left-turn lane will be constructed at each of the proposed site driveways. The plans show a continuous center left-turn lane on 10 Mile across the bulk of the site's frontage, terminating with a taper west of the senior housing (most westerly) driveway. **The note on Sheet 8 suggests a series of center left-turn pockets at each of the site driveways, which we do not believe is the applicant's intent nor is what is shown on the plan. This note should be reworded or eliminated for clarity. Assuming a continuous extension of the existing center left-turn lane from Wixom to west of the senior housing driveway, the lane should be cross-hatched as it approaches the proposed right-in/right-out driveway ("Driveway D") to further discourage westbound 10 Mile traffic from turning left into that driveway.**
11. Given the scale of the proposed project, the ongoing development along 10 Mile Road west of Napier (Lyon Township), and the potential for a shift in traffic patterns with the reconstruction of the I-96/Wixom Road interchange, the need for further improvements to this stretch of 10 Mile Road cannot be determined until the traffic study is revised. The applicant is proposing significant improvements to 10 Mile Road (two new signals and a center left-turn lane among others).

Driveway Design and Control

Are the driveways acceptably designed and signed?

12. The proposed Legacy Park Boulevard will effectively create a four-approach intersection with Del Mar Drive and 10 Mile Road. Del Mar is a divided boulevard, and Legacy Park Drive is proposed to be one as well. The applicant's traffic study recommends signalizing the intersection so long as it meets RCOC warrants. **Our concern is that the intersection**

is oriented such that split-phasing of the signal will be required for the east-west movements along 10 Mile Road due to interlocking left turns. The interlock is due to the offset created by the opposing boulevards. We feel this intersection should be designed to avoid the need for split-phasing in order to improve the future capacity of 10 Mile Road. We would be willing to meet with the applicant's engineer to develop an intersection design that would allow opposing left-turns on 10 Mile Road to move simultaneously.

13. **The proposed boulevard driveway serving the senior housing facility does not meet the City's design standard for a divided commercial driveway; the median width is proposed to be 40 feet (back-to-back-of-curb), where the Design and Construction standards permit up to 24 feet (DCS Figure IX.3).** This driveway has been designed as such due to the operation of the proposed drop-off at the building entrance. If the operation were to be considered two one-way driveways as opposed to a divided two-way driveway, the one-way driveways would not meet design standards in that they are proposed to be 24 feet wide where the standards require a maximum width of 20 feet for one-way drives (DCS Figure IX.2). **If the City chooses to grant a waiver, we would recommend the inbound lane be reduced to 20 feet and the outbound lane remain 24 feet to allow for two outbound lanes. This waiver should only be granted with an understanding that an opposing commercial boulevard could never be approved on the north side of 10 Mile Road, on the vacant property at the northeast corner of 10 Mile and Napier.** The alternative is to modify the boulevard design to meet City standards.
14. **Each of the proposed driveways show a right-turn deceleration lane of 25 feet, which is the City's DCS standard (Figure IX.11). However, the Design and Construction guidelines allow for the lanes to be as long as 150 feet. We would suspect that, given the amount of variation in traffic forecast in the applicant's traffic study at each of the proposed driveways, the lengths of the individual turn lanes would vary. The proposed driveways with higher volumes of inbound right turns forecasted should have appropriately longer deceleration tapers. The lengths should also account for the speed limit on 10 Mile Road (50 mph).**
15. **The proposed center left-turn lane on 10 Mile Road at the senior housing divided driveway should be designed such that the lane does not begin to drop until a point 35 feet west of the west side of the proposed island, per City's Design and Construction standards (DCS Figure IX.7). Plans should clearly label the dimensions of the left-turn lane and taper. Taper must be 300 feet, based on the 50-mph speed limit on 10 Mile.**
16. **Proposed extension of the center left-turn lane along 10 Mile is shown as 11 feet wide. Applicant should justify proposing less than the desirable 12-foot lane width.**
17. **The northern-most opening in the proposed island dividing Quail Hollow Boulevard (Driveway B) should be eliminated, based on its close proximity to 10 Mile Road. We are concerned with the potential for rear-end collisions between vehicles turning into the site and immediately stopping to make a left-turn into the proposed bank, and those turning in behind them at high rates of speed. A continuous island as**

recommended would require a City Council waiver from the Design and Construction standards, which limit the length of an island in a commercial driveway to 100 feet.

18. All driveway and intersection radii should be clearly dimensioned on the preliminary site plan.

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

19. **Site plan shows a 5-foot concrete sidewalk along the entire 10 Mile frontage of the property. City's Bicycle and Pedestrian Master Plan calls for an 8-foot pathway on the south side of 10 Mile Road.**
20. 5-foot sidewalks are proposed on both sides of all the interior roads throughout the entire site. There is system of 10-foot pathways leading to and from the parking lot of the proposed clubhouse, identified on the plans as a golf cart pathway. This golf cart pathway is connected to the sidewalk system and not to the street, so as **best we can tell, the intent is for the 5-foot sidewalks throughout the site to be shared by pedestrians and golf carts, which presents some safety concerns. There does not appear to be any ramps or curb-cuts provided to allow golf carts driving on the private interior streets to access the 10-foot golf cart pathway around the proximity of the clubhouse.**
21. **No pedestrian crosswalk and/or ramps are provided across Legacy Parc Blvd on the north side of Greyhawk Circle.**
22. **We recommend a 5-foot flare in the pavement of the proposed emergency connection to Laurel Drive to the south such that pedestrians have an unobstructed connection between the two residential developments.**
23. Final site plan should show location, design, and dimensions of all pedestrian ramps.
24. **We recommend pedestrian signals and striped crosswalks at the proposed signal at 10 Mile and Del Mar/Legacy Parc Blvd.**

Circulation

Can vehicles safely and conveniently maneuver through the site?

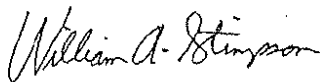
25. **We are concerned with the possibility of traffic to and from the west side of the proposed development (Pods B and C and to a lesser degree Pods A and D) using the senior housing parking lot as a cut-through to and from 10 Mile Road. Particularly, we foresee outbound site traffic to westbound 10 Mile cutting through the connection between the senior housing and Greyhawk Circle and exiting via the senior housing driveway, rather than "backtracking" to Legacy Parc Blvd. Some traffic-calming measures may be appropriate at that connection to deter cut-through traffic;**

- alternatively, the connection could be gated and restricted to emergency access only.
26. **We recommend removing the island between the proposed restaurant pad and the western side of the “service shops”; we are concerned with the number of conflict points it creates given that two-way traffic is permitted on both sides of the island.** The space gained by removing the island and shifting the service shops toward the west could potentially improve the circulation of the pharmacy's drive-through operation (see Comment 28 below).
 27. **In at least three instances, the proposed eyebrows (required at interior curves in the road of less than 230-foot radius) do not meet the City’s Design and Construction standards by not providing sufficient ROW (see Sheet 2, “Eyebrow Details”). There are a number of examples of interior curves of less than 230 feet radius where an eyebrow is not proposed. The street design as proposed will require a waiver of City’s Design and Construction Standards by the City Council.**
 28. **We have concerns with the drive-through operation of the proposed pharmacy, particularly the potential for conflicts where traffic exiting the drive-through enters the maneuvering lanes south of the building. To mitigate this, we recommend extending the island on the west side of the drive-through further south and bulbing the southern end to force exiting drive-through traffic to turn left and circulate counter-clockwise around the pharmacy building. We further recommend the maneuvering aisle south of the pharmacy be designated one-way, eastbound, with angled parking and signed appropriately.**
 29. A truck circulation plan should be submitted for review as part of the preliminary site plan submittal. Particularly, a circulation plan for the commercial properties along 10 Mile Road should be submitted which includes the traffic circle at the intersection of Quail Hollow Blvd. And Greyhawk Circle.
 30. Final site plan should include a detailed signing and striping plan, including the location and dimensions of all STOP signs, No Parking signs, traffic control signs, wayfinding signs, pavement markings, etc. We note the height of the barrier-free parking signs shown on Sheet 19 are dimensioned at 8 feet, where MMUTCD requires 8’4”.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President

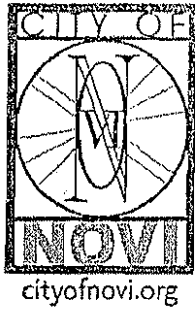


William A. Stimpson, P.E., PTOE
Director of Traffic Engineering



David R. Campbell
Senior Associate

ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

September 4, 2008

Engineering Review

Legacy Parc

SP# 08-30(PRO), 08-31(RUD)

Petitioner

Singh Development LLC

Review Type

Concept/PRO, RUD

Property Characteristics

- Site Location: South side of Ten Mile between Wixom and Napier.
- Site Size: 329.5 acres
- Plan Date: May 29, 2008

Project Summary

- Construction of a multi-use development consisting of single-family, multi-family, senior housing, daycare and various commercial uses.
- Site access would be provided through use of five access points along the Ten Mile frontage and a connection to the existing Fire Station to the east. The easternmost new Ten Mile access point would be restricted to right-in/right-out. A gated, secondary access connection is proposed to the residential development to the south. All roads within the development are proposed to be Private.
- Modifications are proposed to Ten Mile including a center turn lane along the majority of the development's frontage, and the potential for one or two traffic signals if warrants are met.
- Water main would be extended across the north side of the development's Ten Mile frontage where water main doesn't exist or hasn't been approved as part of another development (Island Lake Phase 5C – site plan due to expire July 2009). A 12-inch main would be installed between Ten Mile and the existing 12-inch stub at the north end of the development to the south, along with 8-inch main throughout the rest of the site.
- Sanitary sewer service would be provided from two districts (Nine Mile and Lannys). Improvements/upgrades are proposed to the City's sanitary sewer system to increase capacity to accommodate this development. Further study will be required to determine the extent of the modifications necessary.
- Storm water would be collected and routed to one of seven storm water basins designed for the 100-year storm. Each basin would discharge at controlled rates to the surrounding wetland system.

Comments:

This review was based on the site plan submitted, which is considered preliminary information provided for a conceptual review. Therefore, we have provided some general comments below to assist in the preparation of a preliminary site plan. Once the plan's concept has been approved through staff reviews and City Council acceptance, a more thorough engineering review will be conducted on subsequent and more detailed plan submittals to determine conformance with the Design and Construction Standards and all other applicable ordinances. Any variances from City standards not specifically approved by City Council will be addressed during the site plan review process.

General

1. Even though the five drive approaches proposed (4 of them new) meet driveway spacing standards, the incorporation of a marginal access road or other design to reduce the number of access points on Ten Mile should be provided to ensure adequate traffic access management will be maintained.
2. Per Section 4.04 of the Subdivision Ordinance, access to the Provincial Glades development south of this property shall be provided. This access shall be provided as a standard street designed to public road standards connecting to Laurel Drive to the south. The connection as proposed would require a **City Council Variance** from the above reference section.
3. Soil borings shall be provided for a preliminary review of the constructability of the proposed development (roads, basin, etc.). Borings identifying soil types, and groundwater elevation should be provided at the time of Preliminary Site plan.

Community Benefit

Based on the material provided, it is difficult to differentiate between the engineering related improvements that are required for this development and those that benefit the community as a whole. It should be noted that some of the items listed may not be required if the area was developed under current zoning restrictions.

4. Any road modifications required by RCOC to accommodate this development, such as additional lanes and tapers, may be a requirement due to the large number of vehicle trips generated by this development. Furthermore, if the modifications are required by RCOC it may not be relevant to consider them benefits for the proposed PRO.
5. It may not be appropriate to consider additional traffic signals along Ten Mile as a community benefit for the proposed PRO. The Terra Del Mar signal would likely be required if the property is developed under the current zoning conditions. The other signal that is proposed to serve the commercial development would likely not be required under the current zoning. This signal was not shown on the previously approved RUD and may actually be detrimental to the flow of traffic on Ten Mile Road.
6. The upgrades described for the Ten Mile/Wixom Road signal is currently proposed for construction in 2009, funded by the City (50%) and RCOC (50%). Whether or not this upgrade will be funded by this development should be considered when determining if the improvement is a relevant benefit for the proposed PRO.

7. The water main connection to the development to the south would be a requirement of any development of this area, and therefore may not be considered as a benefit for the proposed PRO.
8. While replacing the existing sanitary and water pumps provides some minor benefit to the City by providing new equipment, the necessity to replace the pumps is caused by the higher demands needed for this development.

Water Main/Sanitary Sewer:

9. A considerable amount of effort has been spent discussing the utilities and the improvements that would be required to accommodate this development. While we are in agreement with Atwell Hicks on the required improvements needed to mitigate the increased density, the improvements must be addressed in more detail in the revised RUD/PRO agreement. A general listing of the improvements should be included in the agreement along with a schedule for the implementation. The engineer should provide calculations to support his determination of when specific improvements will become necessary and develop a utility phasing plan. Additionally, the RUD/PRO agreement should discuss the method in which the improvements will be made whether it is through a developer payment to the City or installed by the developer.
10. Following the proposed improvements and completion of this development, the downstream sewers will be operating near capacity. The downstream sewers should not be an issue if the remaining vacant parcels tributary to the Nine Mile sewer and Wixom Road Pump Station are developed based on current master planned density and use. However if these vacant parcels are permitted to develop under a higher sewer use than 0.8 REU/acre, sewer pipe capacity may become an issue.
11. The applicant has provided an adequate amount of information to demonstrate feasibility of adding the development flows to the sanitary sewer system following construction of their capacity improvements, with one exception. The applicant is proposing an additional 262 REUs to the sanitary sewer system which would result in an increased peak flow of approximately 0.5 cfs (or 2.7% of the current peak flow). This is notable because the City is currently seeking opportunities to resolve the limit on its contractual sanitary sewer capacity at its outlet to Wayne County. Additional contractual capacity will be needed to serve the increased density proposed by this development.

Storm Water Management Plan

12. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
13. The plan proposes to enclose a portion of the Novi-Lyon drain. According to City records the drain is under OCDC jurisdiction to a point approximately 200-feet south of Ten Mile. This must be verified with OCDC, and any work done within the drain easement will require OCDC, City of Novi and MDEQ approval, as appropriate.

Paving & Grading

14. An 8-foot wide bike path is required on the south side of Ten Mile along the frontage of this phase of development. A 5-foot wide path currently shown.

15. There are three locations where substandard eyebrows are proposed. A **City Council Variance** from Section 11-194(a)(8) of the Design and Construction Standards would be required to permit the reduced right-of-way proposed.
16. The Senior Housing boulevard entrance proposed does not meet the City's standard for boulevard design. Refer to the traffic engineering review for further detail. A **City Council Variance** would be required from Section 11-216(c) of the Design and Construction Standards to permit the alternate design as proposed.

Flood Plain

17. A floodplain permit will be required. Application for a City floodplain permit shall be submitted as soon as possible to begin the review process. The City's floodplain consultant will review the submittal and provide initial comments regarding the review process.

The following must be provided at the time of Preliminary Site Plan resubmittal:

18. A letter from either the applicant or the applicant's engineer must be submitted with the Preliminary Site Plan highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.

The following must be submitted at the time of Final Site Plan submittal:

19. An itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. ***The cost estimate must be itemized*** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

The following must be submitted at the time of Stamping Set submittal:

20. A draft copy of the maintenance agreement for the storm water facilities, as outlined in the Storm Water Management Ordinance, must be submitted to the Community Development Department with the Final Site Plan. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds.
21. Draft copies of any relevant easements for private ingress/egress, drainage, water main or sanitary sewer must be submitted to the Community Development Department.
22. A 20-foot wide easement where storm sewer or surface drainage crosses lot boundaries must be shown on the Exhibit B drawings of the Master Deed.
23. Executed copies of any required off-site utility easements must be submitted to the Community Development Department.

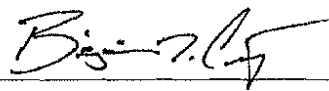
The following must be addressed prior to construction:

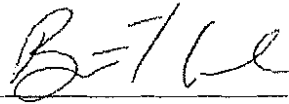
24. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee must be paid to the City Treasurer's Office.
25. An NPDES permit must be obtained from the MDEQ because the site is over 5 acres in size. The MDEQ requires an approved plan to be submitted with the Notice of Coverage.
26. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department (248-347-0430) for forms and information.
27. A permit for work within the right-of-way of Ten Mile must be obtained from the City of Novi. The application is available from the City Engineering Department and should be filed at the time of Final Site Plan submittal. Please contact the Engineering Department at 248-347-0454 for further information.
28. A permit for work within the right-of-way of Ten Mile must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City. Provide a note on the plans indicating all work within the right-of-way will be constructed in accordance with the Road Commission for Oakland County standards.
29. A permit for water main construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the water main plans have been approved.
30. A permit for sanitary sewer construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the sanitary sewer plans have been approved.
31. A permit for work in the Novi-Lyon Drain must be obtained from the Oakland County Drain Commissioner's office.
32. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.
33. A storm water performance guarantee, equal to 1.5 times the amount required to complete storm water management and facilities as specified in the Storm Water Management Ordinance, must be posted at the Treasurer's Office.
34. For the residential phases, an incomplete site work performance guarantee, equal to 1.5 times the amount required to complete the site improvements (excluding the storm water detention facilities) as specified in the Performance Guarantee Ordinance, must be posted at the Treasurer's Office.
35. For the multi-family and commercial phases, an incomplete site work performance guarantee for this development will be calculated (equal to 1.5 times the amount required to complete the site improvements, excluding the storm water facilities) as specified in the Performance Guarantee Ordinance. This guarantee will be posted

prior to TCO, at which time it may be reduced based on percentage of construction completed.

36. A street sign financial guarantee in an amount to be determined (\$400 per traffic control sign proposed) must be posted at the Treasurer's Office.
37. Permits for the construction of each retaining wall must be obtained from the Community Development Department (248-347-0415).

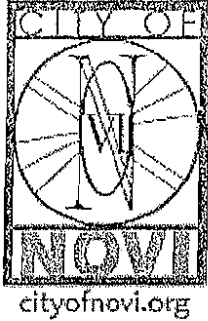
Please contact Ben Croy, PE at (248) 735-5635 or Brian Coburn, PE at (248) 735-5632 with any questions.





cc: Rob Hayes, City Engineer
Kristen Kapelanski, Community Development Department
Tina Glenn, Water & Sewer Dept.

MEMORANDUM



TO: ROB HAYES, PE; CITY ENGINEER
BARB MCBETH, AICP; DEPUTY DIR. COMM. DEV.

FROM: BEN CROY, P.E.; CIVIL ENGINEER
BRIAN COBURN, P.E.; CIVIL ENGINEER

SUBJECT: REVIEW OF PRO IMPACT ON PUBLIC UTILITIES
LEGACY PARC

DATE: SEPTEMBER 5, 2008

The Engineering Division has reviewed the Planned Rezoning Overlay (PRO) proposed for Legacy Parc. The request consists of approximately 327 acres located south of 10 Mile Road and west of Wixom Road in Section 30. The applicant is requesting a PRO to construct 320 single-family units along with a club house which includes meeting rooms, a pool and a fitness center; 220 duplex units; senior housing (154 units); an 8,600 SF daycare center; and commercial development consisting of a market, restaurant, bank, drug store and service shops.

Utility Demands

Because this is a PRO request, the analysis will be based on the concept plan that has been provided and not the proposed zoning. A residential equivalent unit (REU) equates to the utility demand from one single family home. The previously approved RUD for this property would yield 439 REUs. Based on the concept plan provided with the application, we estimate the proposed development would yield approximately 701 REUs, an increase of 262 REUs over the previously approved concept plan.

Water System

Water service is currently available from two different pressure districts corresponding to the existing water main on Ten Mile and the residential development to the south. There will need to be a pressure study to determine the location of a pressure reducing valve to isolate the Intermediate Pressure District from the Island Lake Pressure District, which operates using a booster pump. The City's water model indicates that the development of the PRO concept plan would potentially decrease pressures by approximately 2 pounds per square inches (psi). However, the developer has proposed proper looping as required by the ordinance and upgrades to the booster station as part of the RUD to accommodate their development, which will offset the impacts when implemented.

Sanitary Sewer

The project is located within the Lannys Sanitary Sewer District, but is proposed to discharge sanitary sewer flows to both the Lannys and Nine Mile Districts. Flows discharged in either direction will impact one or more pump stations (Drakes Bay, Wixom Road, Lannys and Park Place). We can estimate that, based on the information provided, the PRO concept plan could result in an increased peak sanitary sewer discharge of 0.50 cubic feet per second (cfs) over the anticipated flows assuming a R-1 and RA use only. The developer has proposed a number of

system upgrades to accommodate the increased sanitary sewer flow, including lift station pump upgrades and forcemain replacement to increase capacity by upsizing the pipe. However, if the PRO request is approved by the City Council, we would require the applicant to provide additional sanitary sewer design information to determine when the upgrades should occur.

Summary

The concept plan included in the PRO application would have a noticeable impact on the public utilities when compared to the previously approved RUD. The concept plan yields a 60% increase in the number of REUs to be served with utilities on the site, and would cause a 2.7% increase in the peak sanitary discharge from the City.

The increase in the peak discharge is notable because the City is currently seeking opportunities to resolve the limit on its contractual sanitary sewer capacity at its outlet to Wayne County. Additional contractual capacity (estimated to be 0.5 cfs based on the concept plan) will be needed to serve the increased density proposed by this PRO.