



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item F January 24, 2011

SUBJECT: Acceptance of a Conservation Easement from Redwood-ERC Novi, LLC, for Fox Run Village located on the north side of Thirteen Mile Road, between Meadowbrook Road and M-5, in Section 1, covering 39.46 acres.

SUBMITTING DEPARTMENT: Community Development Department - Planning *Baus*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Fox Run Village is a multiple building retirement community with associated surface parking and drainage facilities located on the north side of Thirteen Mile Road, between Meadowbrook Road and M-5. The former property owner, Novi Campus, LLC, received Final Site Plan approval from the Planning Division on August 2, 2002, May 12, 2004 and September 20, 2005, for three phases of SP 00-66, Fox Run Village. City Council approved the Preliminary Site Plan on June 4, 2001 with the proposed conservation easements for wetland and woodland conservation.

The attached Exhibit 'C' depicts the areas being preserved. The easements cover about 38% of the 102 acre site. There are a substantial amount of wetlands and woodlands that will fall within these easements.

The easements have been reviewed by the City's professional staff and consultants and are currently in a form acceptable to the City Attorney's office for approval by the City Council.

RECOMMENDED ACTION: Acceptance of a Conservation Easement from Redwood-ERC Novi, LLC, for Fox Run Village located on the north side of Thirteen Mile Road, between Meadowbrook Road and M-5, in Section 1, covering 39.46 acres.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Fischer				
Council Member Margolis				

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

City Attorney Review Letter

December 21, 2010

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Elizabeth M. Kudla
Direct: 248-539-2816
ekudla@secretwardle.com

Barb McBeth, Deputy Community Development Director
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Fox Run
Conservation Easement
Our File No: 72236. NOV**

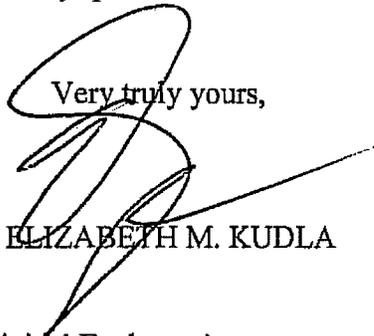
Dear Ms. McBeth:

We have reviewed and approved the enclosed Conservation Easement pertaining to the Fox Run Property. The Conservation Easement provides for the protection, in perpetuity of wetlands, wooded wetlands, woodlands and wetland mitigation areas on the subject property. The exhibits describing and depicting the protected areas have been approved by Community Development.

Once approved by City Council and executed by the City, the original should be recorded with the Oakland County Register of Deeds.

Please feel free to contact us with any questions or concerns in regard to this matter.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

C: Maryanne Cornelius, Clerk (w/original Enclosure)
Mark Spencer, Planner (w/Enclosure)
Julian Wargo, Jr., Ziemet-Wozniak (w/Enclosure)
Steven Montgomery, Erickson Retirement Communities (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

1546228_1.doc

Location Map

Fox Run

Location Map



Map Author: Mark Spencer
 Date: 1/19/11
 Project: Fox Run
 Version #: 2.0

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.

-  Tax Parcels
-  Fox Run
-  Proposed Conservation Easement

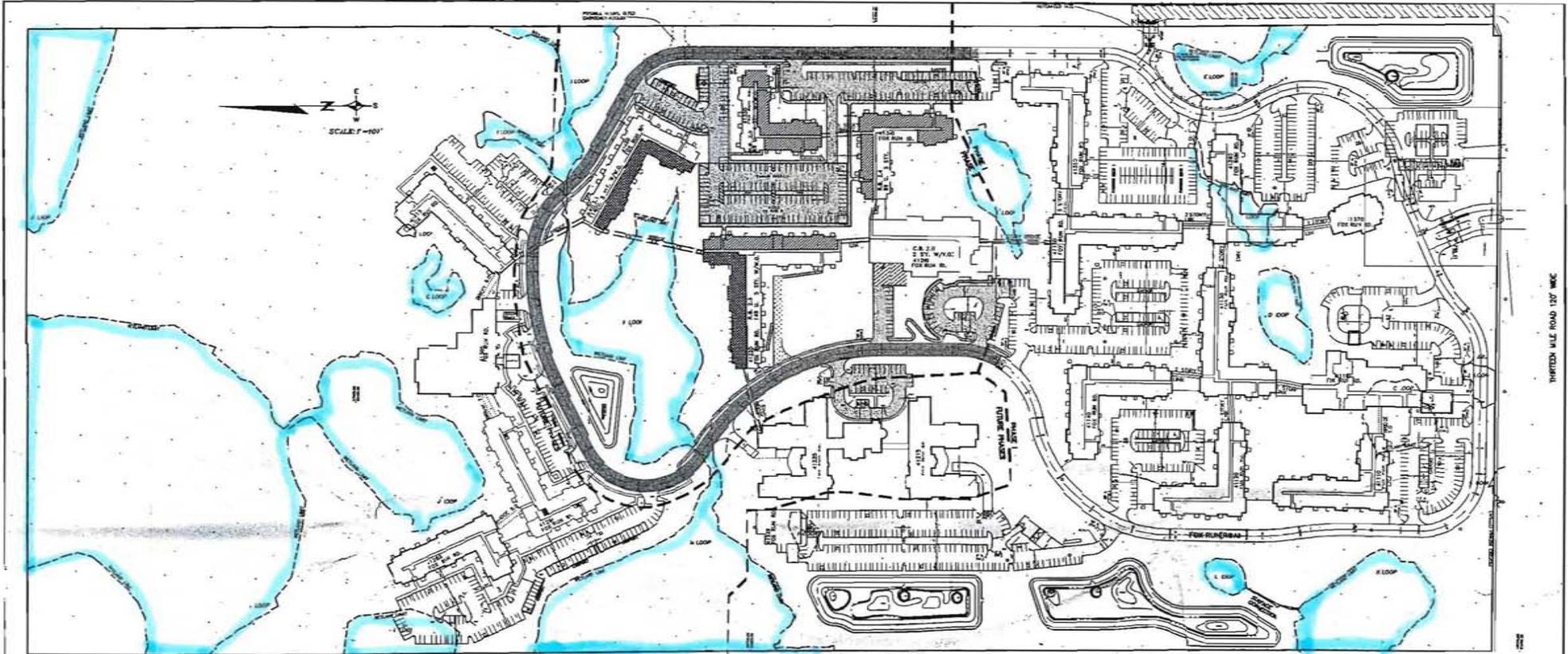


City of Novi
 Planning Division
 Community Development Dept.
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org



1 inch = 638 feet

Reduced Site Plan



NOTE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE DESIGNER SHALL BE RESPONSIBLE TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED BY THE WORK, IF ANY NEARBY TRAVELER, OR OF ANY OTHER PERSONS.

NOTE:
THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN AS AN APPROXIMATE. ANY ONLY AS DISCOVERED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS GIVEN OR EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE INCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PROTECT ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

BUILDING LEGEND:
C/S INDICATES CORNER TOWER
S/ST INDICATES NO. OF STORES
S.A.G. INDICATES SLAB-ON-GRADE CONSTRUCTION
W/O/O INDICATES HALF-OUT BASEMENT CONSTRUCTION
RE OF OR IS INDICATED RESIDENTIAL OR COMMUNITY BUILDING & BUILDING NO.
A/U U INDICATES NO. OF UNITS
F.F. INDICATES ELEVATION OF FINISH FLOOR
INDICATES PORTION OF BUILDING AREA CONSTRUCTION 1 STORY BELOW OUTSIDE GROUND FINISH GRADE

EDN EXTENDED DATE CENTER METHOD:
S/STY (N/ROOF) INDICATES NO. OF STORES WITH A BASEMENT
S/STY (L.O.G.) INDICATES NO. OF STORES WITH SLAB-ON-GRADE CONSTRUCTION
A/U or U INDICATES ASSISTED LIVING or SKILLED NURSING FACILITIES
PH & INDICATES CONSTRUCTION PHASE NO.

NOTE:
DIMENSIONS SHOW ARE TO FACE OF CURB OR PAVEMENT AREAS.
ALL DRIVES ARE PRIVATE DRIVES TO ACCESS PARKING LOTS.
SEE SHEETS A 115 & 57 FOR LIMITS OF CONSERVATION AND PRESERVATION EASEMENTS

PERFORMANCE		PROVIDED
MAXIMUM BUILDING HEIGHT	5 STORES/RS FT.	5 STORES/RS FT. PHASE 1 (ED)
MAXIMUM BUILDING LENGTH	360 FT.	304 FT. (PH. 1 RE22)
FRONT YARD SETBACK	60 FT.	110 FT.
SIDE YARD SETBACK	75 FT.	96 FT.
REAR YARD SETBACK	75 FT.	70 FT.
OPEN SPACE AREA	317,000 SQ. FT.	312,400 ± SQ. FT.
GROSS GROUND FLOOR AREA	284,748 SF.	
MAXIMUM LOT COVERAGE	25 PERCENT	11.0 PERCENT
PAVEMENT AREA	180,000 SF.	

Unit Type	No. of Rooms	Site Area Req'd per Unit	No. of Units/Phase	Site Area Req'd/Phase	No. of Units/Phase 2	Site Area Req'd/Phase 2	No. of Units/Phase 3	Site Area Req'd/Phase 3	No. of Units Total	Site Area Req'd Total
Studio	1	700	13	9,100	5	3,500	2	1,400	20	14,000
One Bedroom	2	1,400	28	39,200	125	175,000	2	2,800	155	217,000
One Bedroom + Dw	3	2,100	39	81,900	40	56,000	3	4,200	82	114,100
Two Bedroom	3	2,100	39	81,900	229	320,700	19	26,550	267	375,150
Two Bedroom + Dw	4	2,800	8	22,400	14	19,600	7	9,800	31	41,800
Totals			205	1,771,400	421	584,500	28	38,950	654	2,394,850

Ass. Living Unit	n/a	1,500	0	0	192	288,000				
Skilled Nursing Unit	n/a	1,500	0	0	168	252,000				
Totals			0	0	360	540,000				

TOTAL SITE		PHASE 1	PHASE 2	PHASE 3
Phase 1 Site Area Required	1,473,400	38 Spots	18 Spots	218 Spots
Total Site Area Required	3,443,800	371 Spots	50 Spots	154 Spots
Total Site Area Available	3,764,100	1,58 Spots	219 Spots	233 Spots

REVISIONS	DATE BY	REVISIONS	DATE BY	REVISIONS	DATE BY	REVISIONS	DATE BY
MEMORIO P.24	5/18/04						

JOHN WOODRIDGE & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
1200 BRANFORD LANE
SOUTHFIELD MICHIGAN 48034
(248) 352-8900 (248) 352-1346 (TX)

STATE OF MICHIGAN
CIVIL ENGINEER
NO. 14282-MS
EXPIRES 12/31/04

DEVELOPER
DIVISION RETIREMENT COMMUNITIES
103 BAIRD CHOICE LANE
BALTIMORE MARYLAND 21228
DAVID DESING 410-242-2888

OVERALL SITE PLAN
FOX RUN VILLAGE - PHASE 2
NOR, MICHIGAN

SCALE: HOR. 1" = 100'
VERT. 1" = 10'
JOB NO. 00144
SHEET CE-1

original
plans



Proposed Conservation Easement

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT made this ___ day of October, 2010, by and between Redwood – ERC Novi, LLC whose address is 701 Maiden Choice Lane, Baltimore, Maryland 21228 (hereinafter the “Grantor”), and the City of Novi, and its successors or assigns, whose address is 45175 W. Ten Mile Road, Novi, Michigan 48375 (hereinafter the “Grantee”).

RECITATIONS:

A. Grantor owns a certain parcel of land situated in Section 1 of the City of Novi, Oakland County, Michigan, described in Exhibit A, attached hereto and made a part hereof (the “Property”). Grantor has received final site plan approval for construction of Fox Run Village development on the Property, subject to provision of an appropriate easement to permanently protect the woodland and wetland areas located thereon from destruction or disturbance. Grantor desires to grant such an easement in order to protect the area.

B. The Conservation Easement Areas (the “Easement Areas”) situated on the Property are more particularly described on Exhibits B and C, attached hereto and made a part hereof, the second page of which contains a drawing depicting the protected area.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$ 1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor hereby reserves, conveys and grants the following Conservation Easement, which shall be binding upon the Grantor, and the City, and their respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, all Grantors and purchasers of the property and their respective heirs, successors, assigns and/or transferees. This Conservation Easement is dedicated pursuant to subpart 11 of part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et. Seq., upon the terms and conditions set forth herein as follows:

1. The purpose of this Conservation Easement is to protect the woodlands, wooded wetlands, wetlands, and wetland mitigation areas as shown on the attached and incorporated Exhibit B. The subject areas shall be perpetually preserved and maintained, in their natural and undeveloped condition, unless authorized by permit from the City, and, if applicable, the Michigan Department of Environmental Quality and the appropriate federal agency.

2. Except for and subject to the activities which have been expressly authorized by permit, there shall be no disturbance of the woodlands, wooded wetlands, wetlands, and wetland mitigation areas and/or vegetation within the Easement Area, including altering the topography

of; placing fill material in; dredging, removing or excavating soil, minerals, or trees, and from constructing or placing any structures on; draining surface water from; or plowing, tilling, cultivating, or otherwise altering or developing, and/or constructing, operating, maintaining any use or development in the Easement Area.

3. No grass or other vegetation shall be planted in the Easement Areas after the date of this Conservation Easement with the exception of plantings approved, in advance, by the City in accordance with all applicable laws and ordinances.

4. This Conservation Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Area, except that, upon reasonable written notice to Grantor, Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Easement Area to determine whether the Easement Area is being maintained in compliance with the terms of the Conservation Easement.

5. In the event that the Grantor shall at any time fail to carry out the responsibilities specified within this Document, and/or in the event of a failure to preserve and/or maintain the wetland areas and/or protected woodlands in reasonable order and condition, the City may serve written notice upon the Grantor setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the Grantor to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official, designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not obligation, to enter upon the property, or cause its agents or contractors to enter upon the property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien on an equal pro rata basis as to all of the lots on the property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Grantor, all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each lot, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the Grantor, and, in such event, the Grantor shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

6. Within 90 days after the Conservation Easement shall have been recorded, Grantor at its sole expense, shall place such signs, defining the boundaries of the Easement Area and, describing its protected purpose, as indicated herein.

7. This Conservation Easement has been made and given for a consideration of a value less than One Hundred (\$ 100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.456(5)(a).

8. Grantor shall state, acknowledge and/or disclose the existence of this Conservation Easement on legal instruments used to convey an interest in the property.

IN WITNESS WHEREOF, Grantor and Grantee have executed the Conservation Easement as of the day and year first above set forth.

WITNESS:

Susan Oliveira

(Grantor)
REDWOOD-ERC/NOVI, LLC.

By: Gerald F. Doherty
Its: Executive Vice President

STATE OF MARYLAND)
) ss
COUNTY OF Baltimore)

The foregoing instrument was acknowledged before me this 9th day of October, 2010, by Gerald F. Doherty, as the Executive Vice President of Redwood-ERC Novi, LLC, a Maryland limited liability company.

Cathy M. Thompson
Notary Public

My Commission Expires: _____



CATHY M. THOMPSON
Notary Public, State of Maryland
Queen Anne's County
My Commission Expires December 25, 2011

WITNESS:

(Grantee)
CITY OF NOVI
A Municipal Corporation

By:
Its:

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on this ____ day of _____, 200__, by, _____, on behalf of the City of Novi, a Municipal Corporation.

Notary Public
Oakland County, Michigan
My Commission Expires: _____

Drafted by:

Julian Wargo
Zeimet Wozniak and Associates, Inc.
55800 Grand River, Suite 100
New Hudson, MI 4816

After recording, return to:

Elizabeth M. Kudla
30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040

C:\NrPortbl\Secrest\MAHERB\314703_1.DOC

EXHIBIT A

Part of the West $\frac{1}{2}$ of Section 1, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as: Commencing at the Southwest Corner of Section 1, Town 1 North, Range 8 East; thence along the West Line of Section 1, North $03^{\circ}28'39''$ West 60.01 feet to the POINT OF BEGINNING; thence continuing along the West Line of Section 1, North $03^{\circ}28'39''$ West 2590.40 feet to the West $\frac{1}{4}$ Corner of Section 1, Town 1 North, Range 8 East; thence along the West Line of Section 1 and along the boundary of "The Maples of Novi, Maple Hills", Oakland County Condominium Plat No. 627, North $02^{\circ}28'35''$ West 649.69 feet; thence continuing along the boundary of "The Maples of Novi, Maple Hills" the following two (2) courses: one (1) North $87^{\circ}21'41''$ East 682.69 feet and two (2) North $03^{\circ}11'10''$ West 2.24 feet; thence along the south boundary of "Haverhill Farms", Oakland County Condominium Plat No. 912, North $87^{\circ}19'27''$ East 693.69 feet; thence South $03^{\circ}15'01''$ East 3236.69 feet to a point 70.00 feet North of the South Line of Section 1, thence along the North Line of Thirteen Mile Road the following five (5) courses: one (1) South $87^{\circ}31'40''$ West 25.33 feet, two (2) South $02^{\circ}28'20''$ East 15.00 feet, three (3) South $87^{\circ}31'40''$ West 300.00 feet, four (4) North $02^{\circ}28'20''$ West 5.00 feet, and five (5) South $87^{\circ}31'40''$ West 1050.40 feet to the POINT OF BEGINNING. Contains 102.817 Acres.

G LOOP		
LINE	LENGTH	BEARING
170	26.36	S84°14'31''W
171	14.43	S39°33'39''W
172	33.92	S08°38'05''W
173	48.27	S57°20'15''W
174	24.64	S67°36'39''W
175	17.54	S19°04'21''W
176	25.01	S64°58'58''W
177	17.48	N80°30'06''W
178	33.29	N65°30'09''W
179	30.81	S84°24'52''W
180	10.98	N56°32'46''W
181	14.83	N08°08'41''E
183	45.11	S66°47'41''W
184	17.00	N54°00'02''W
185	90.00	N59°59'59''E
186	15.94	N45°51'22''E
187	38.33	N32°29'40''E
188	23.48	N49°26'56''E
189	35.52	N69°19'01''E
190	53.44	N80°51'33''E
191	44.72	S79°56'38''E
192	23.98	N63°49'30''E
193	27.08	S08°41'16''E
194	8.35	N75°06'00''E
195	16.65	S19°18'01''E

EXHIBIT 'C'

REVISIONS			FOX RUN VILLAGE	
ITEM	DATE	BY	NOV	MICHIGAN
DRAWN BY	DESIGNED BY	DATE	G LOOP CONSERVATION EASEMENT TERMIT WOZNIAK <small>AN ASSOCIATE</small> CIVIL ENGINEERS & LAND SURVEYORS 28450 FRANKLIN ROAD SOUTHFIELD, MICHIGAN 48034 (248) 352-8990	
		5-29-02	SCALE HORIZ. 1" = 100' VERT. 1" = 10' FIELD BOOK NO. JOB NO. 00144 SHEET NO. 11/23	

FOX RUN VILLAGE
LEGAL DESCRIPTION
G LOOP CONSERVATION EASEMENT

PART OF THE WEST 1/2 OF SECTION 1, T. 1 N., R. 8 E., CITY OF NOV, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER SECTION 1, T. 1 N., R. 8 E.; THENCE ALONG THE WEST LINE OF SECTION 1, N. 03°28'39" W. 60.01 FEET THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE NORTH LINE OF THIRTEEN MILE ROAD N. 87°31'40" E. 1050.40 FEET AND S. 02°28'20" E. 5.00 FEET AND N. 87°31'40" E. 300.00 FEET AND N. 02°28'20" W. 15.00 FEET AND N. 87°31'40" E. 25.33 FEET; THENCE N. 03°16'01" W. 1128.61 FEET; THENCE S. 86°43'59" W. 215.44 FEET TO THE POINT OF BEGINNING THENCE S. 84°14'31" W. 28.38 FEET; THENCE S. 39°33'39" W. 14.43 FEET; THENCE S. 08°38'05" W. 33.92 FEET; THENCE S. 57°20'18" W. 48.27 FEET; THENCE S. 87°36'39" W. 24.64 FEET; THENCE S. 19°04'21" W. 17.54 FEET; THENCE S. 64°58'58" W. 25.01 FEET; THENCE N. 80°30'06" W. 17.48 FEET; THENCE N. 65°30'09" W. 33.29 FEET; THENCE S. 84°24'52" W. 30.81 FEET; THENCE N. 56°32'46" W. 10.98 FEET; THENCE N. 08°08'41" E. 14.83 FEET; THENCE S. 80°51'13" W. 24.53 FEET; THENCE S. 66°47'41" W. 45.11 FEET; THENCE N. 54°00'02" W. 17.00 FEET; THENCE N. 58°59'59" E. 90.00 FEET; THENCE N. 45°51'22" E. 15.94 FEET; THENCE N. 32°29'40" E. 38.33 FEET; THENCE N. 49°26'56" E. 23.48 FEET; THENCE N. 69°19'01" E. 35.52 FEET; THENCE N. 80°51'33" E. 53.44 FEET; THENCE S. 79°56'38" E. 44.72 FEET; THENCE N. 63°49'30" E. 23.98 FEET; THENCE S. 08°41'16" E. 27.08 FEET; THENCE N. 75°06'00" E. 8.35 FEET; THENCE S. 19°15'46" E. 16.66 FEET TO THE POINT OF BEGINNING CONTAINING 0.51 ACRES.

EXHIBIT 'C'

NOVI

REVISIONS			FOX RUN VILLAGE	
ITEM	DATE	BY	NOVI	MICHIGAN
DRAWN BY	DESIGNED BY	DATE	G LOOP CONSERVATION EASEMENT  <small>CIVIL ENGINEERS & LAND SURVEYORS 28150 FRANKLIN ROAD SOUTHFIELD, MICHIGAN 48034 (248) 352-8950</small>	
			SCALE HORIZ. 1" = 40' VERT. 1" = 20'	FIELD BOOK NO.
			JOB NO. 00144	SHEET NO. 12/23

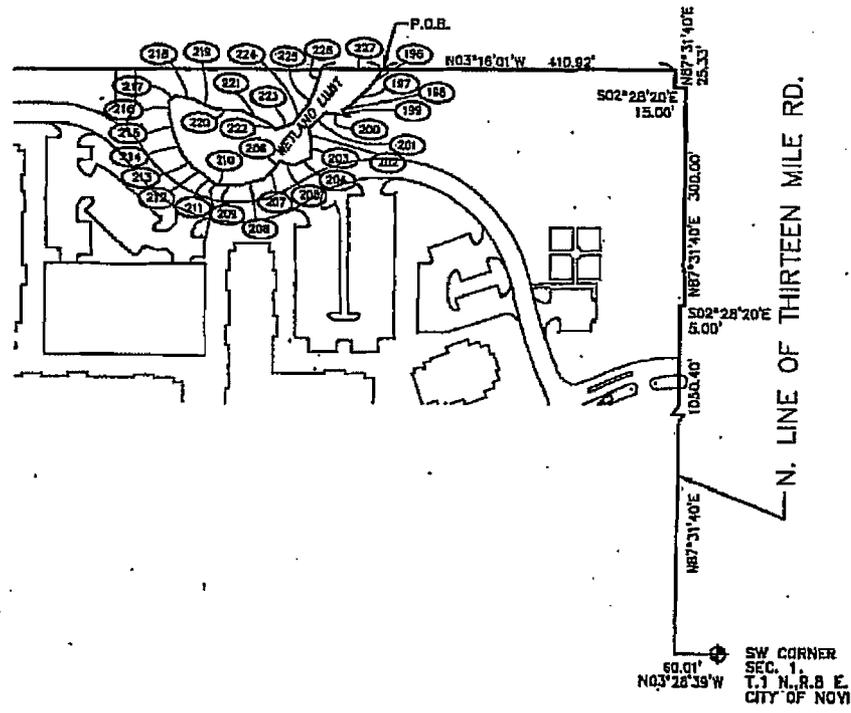
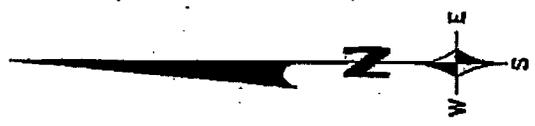


EXHIBIT 'C'

NOV

REVISIONS			FOX RUN VILLAGE		MICHIGAN	
ITEM	DATE	BY	NOV			
				E LOOP CONSERVATION EASEMENT		
			THEINER WOODMAN & ASSOCIATES			JOB NO. 00144
			CIVIL ENGINEERS & LAND SURVEYORS 28450 FRANKLIN ROAD SOUTHFIELD, MICHIGAN 48034 (248) 382-8850			SHEET NO. 16/23
DRAWN BY	DESIGNED BY	DATE				
		5-29-02				



SCALE: 1"=200'

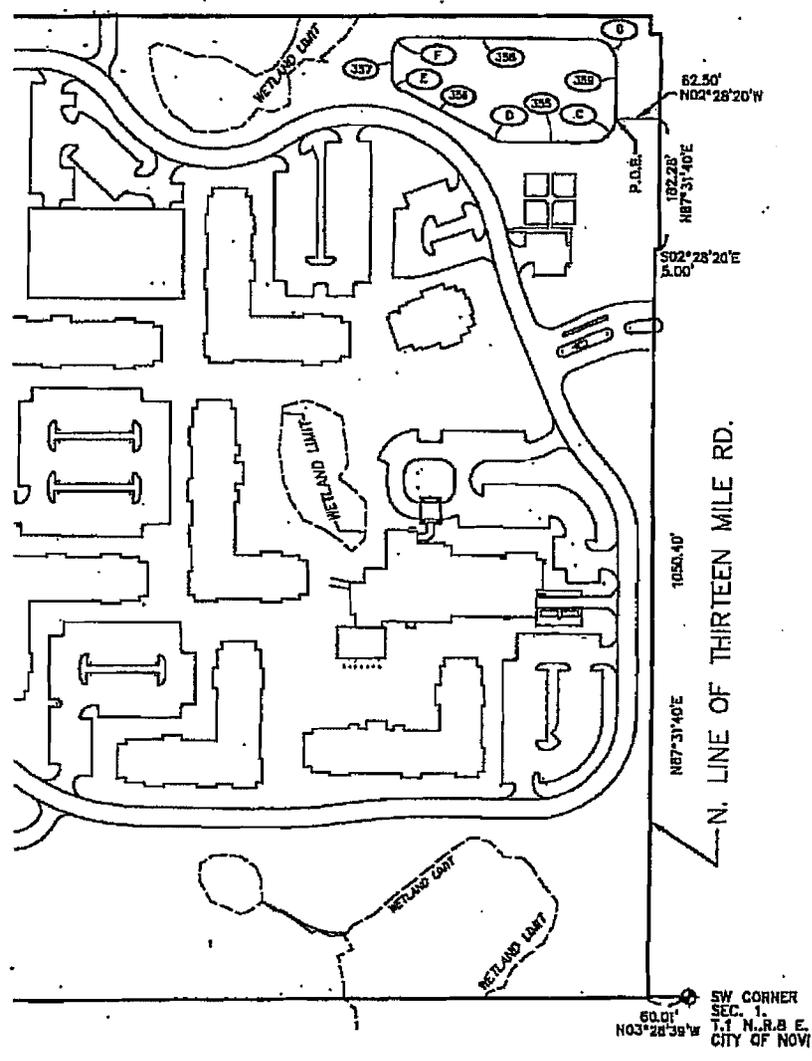


EXHIBIT 'C'

NOV

REVISIONS			NOV		MICHIGAN	
ITEM	DATE	BY	FOX RUN VILLAGE		SCALE	FIELD BOOK NO.
			BASIN A CONSERVATION EASEMENT		1" = 200'	
					00124	
			CIVIL ENGINEERS & LAND SURVEYORS 28450 FRANKLIN ROAD SOUTHFIELD, MICHIGAN 48034 (248) 332-8950		22/23	
			DRAWN BY	DESIGNED BY	DATE	
					5-23-02	

City Council Minutes
June 4, 2001

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, JUNE 4, 2001

Excerpts

NOVI CIVIC CENTER – COUNCIL CHAMBERS – 45175 W. TEN MILE ROAD

ROLL CALL: Mayor Clark, Council Members Bononi-absent/excused, Cassis, Csordas, DeRoche, Kramer, Lorenzo

- 3. Request for approval from Erickson Retirement Communities of a development agreement for rezoning property in Section 1, north of Thirteen Mile and northeast of Meadowbrook from RA to RM-1, preliminary site plan with a PD-1 option and wetland permit.**

Joe Galvin, represented Erickson Retirement Communities, and asked Council to make the necessary approvals to permit the construction of Fox Run Village. The proposition is simple and the need immediate. The developer, Erickson, is both capable and experienced in providing the form of housing and services needed for the City and the aging population. In addition to the need, the quality of the product and the developer form the fundamental basis for Council's approval of the rezoning, the PD-1 option, site plan and entryway waiver together with the development agreement. Erickson is prepared to sign the agreement tonight. There is a definite economic benefit for approval both to the City in terms of a surplus over what services the project would demand as well as taxes for the school district paid by a project that does not produce any school age children. There would be about a million dollars per year going to the school system. The final reason, it is one of the more sensitive woodland and wildlife corridors in the City and the site plan proposed would preserve more of this area than any single family development using any of the options available under the ordinance. He suggested Council focus on the need to provide high quality housing and services for senior citizens. Danny O' Brien, Operations Vice President in charge of Erickson's operations would also speak tonight. Mary Jukary would address all of the requests they were making of Council.

Danny O'Brien said their company has been around 18 years, have 8 communities with 6,500 units, and serve almost 8,000 middle income seniors and they can also serve lower income seniors with Federal assistance. This year the National Association of Home Builders gave them their Icon of the Industry Award for serviced enriched housing and had been nationally recognized for their benefit programs for employees. Also, they have been nationally recognized for being a senior care provider. They serve a quality development that is not a housing

development. It is a life care community and residents sign up for a life commitment. It will have independent living, assisted living and nursing care all on an integrated campus so when people move in they will know the facilities and services they need for the rest of their life are available. When people move in they don't buy or rent a unit. It is not a real estate transaction. They enter into a life care contract and put down an entrance deposit that is 100% refundable with very affordable monthly fees. In exchange for that they make a pledge to them to take care of them for the rest of their life even if they run out of money somewhere down the road.

This project would have about 1,500 independent living units, 192 assisted living units that would include Alzheimers and 198 skilled nursing units. Everyone would get one meal a day included in the fee, health club, indoor pool, wood shop, beauty and barber shop, etc. In case of a health care crisis, every apartment is equipped with a pull cord and help is immediately on the way. There is 24-hour security and they are all trained as First Responders. There are six full time physicians on staff who's only practice is on campus at Fox Run, a pharmacist is on staff and prescriptions are delivered to the senior's apartment. The biggest health care issue is isolation and depression but at Fox Run their quality of life improves with the sense of community and the services offered. They also have access to shuttles for ball games, etc.

Mary Jukary, Smith Group JJR, was present to request rezoning, preliminary site plan approval and approval of a preliminary wetland permit to allow development of full service continuing care retirement campus on a 102 acre site at the corner of 13 Mile and Meadowbrook. They are asking to rezone from RA to RM-1 with the PD-1 option.

Ms. Jukary said currently seniors make up about 10% of Novi's population, are the fastest growing population segment and have grown at a rate of 38% over the last 10 years. In the next 10 to 20 years Novi will see about 25% of its population become seniors. Kathy Crawford, Special Recreation Coordinator for Novi's seniors, stated that Novi was not ready to handle the needs of such a senior population. There are 854 senior housing units existing or proposed for the City at its build out compared to 18,500 seniors. The Fox Run Village proposal would be a big step to improve that picture. The site is in an area of mixed uses and with the PD-1 option they could do more compact development to preserve more open space. The site plan preserved over 40% of the woodlands and wildlife on the site within that total it would preserve almost 80% of the highest quality woodlands on the north part of the site. The site is fully served by public infrastructure and would add less than 6% to future traffic on 13 Mile Road. A senior housing unit is not a typical unit as it has less population than a single family home or multi family apartment and therefore would generate less traffic. There would be fewer vehicles per unit and therefore

lower vehicle trips per household. The on site and off site shuttle services also lowered traffic. Additional positive community benefits would be no additional school costs generated yet the tax revenue would go to support the school district. They estimated \$1.8 million annual property tax revenues for City, county and school district. There would also be \$4 million for sewer and water tap fees and there would be shopping trips to area businesses that could generate over \$300,000 a year in annual sales taxes. This will be a gated community and being such would lessen the demand for police services and the on site personnel are trained to handle emergency first response. Fox Run Village would also create a number of high quality jobs and a range of job opportunities from professional level jobs such as doctors and skilled nursing down to after school part-time jobs in the dining area and other high school employment opportunities.

There are 1,497 units proposed 390 skilled nursing and assisted living beds with an array of services and amenities. The density is well within the permitted density for a PD-1 District and they meet and exceeded all setbacks. The main entrance would be on Thirteen Mile for best sight distance and they are proposing improvements to Thirteen Mile. The architectural design meets the façade requirements and there is significant open space preservation and minimal wetland impact with the mitigation proposed on the site.

There are 14 residential buildings grouped into three neighborhoods. Each has its own community building with an array of services and amenities for that neighborhood. Each community building would also have a one of a kind facility such as the indoor pool, conference center, etc. Renaissance Gardens is the extended care center that has the assisted living/skilled care units. There is a private drive that creates a ring road to give access to all residential and community buildings. The proposed community buildings will be 2 story and all will be linked with enclosed climate controlled walkways and bridges. They are located so that no apartment is farther than 750 feet away from the community building services. Residential buildings are five story and of brick construction. There are upper story balconies, terrace and ground level patios and enclosed or covered individual entrances for each of the residential buildings.

The buildings have been oriented toward open space and natural features and landscaped courtyards. They have worked with Linda Lemke and Aimee Kay to continually minimize disruptions into the high quality northern woods. They took out one building footprint, further rearranged uses on the site, and further reduced the footprint in the northeast corner. This has earned them approval of their preliminary woodland permit from Ms. Lemke. They would further control the grading and use retaining walls. They felt they could meet the conditions to gain approval of the PD-1 District and that they were in accordance with the Master Plan goals to

provide senior housing. The site is appropriate and compatible for the proposed land use and they believed they had met the criteria for site plan review. The extended care center is a land use that would require a special land use approval as part of the development. Both the stated goals and now the Master Plan Map Amendment for the City of Novi support this project in many ways. It is a fiscally responsible project and provides a greater housing choice for the residents of Novi.

Member Csordas noted he toured the Henry Ford center in Dearborn with the Mayor and Member Kramer. It would be an understatement to say it was an impressive facility. They have woodworking shops, post office, etc. and he felt that everything presented tonight was factually correct. It was a benefit to Dearborn and would be a benefit to this community. The Brightmoor Church, next to this development, was very interested because the youth group would like to put together an outreach program to the residents of this development. Mr. Arroyo stated in his report that if the Erickson Fox Run Project or a similar project did not go forward the Master Plan density would revert back to some lower density classification. He felt that was honorable and he was glad to see that in there. He asked about the need and impact on the fire department and EMS runs.

Joe Galvin stated they had contacted both fire and the EMS service provider to discuss with them how to integrate the Fox Run and City services.

Mr. O'Brien noted the response is lower because many of the seniors are not raking leaves and doing tasks that cause incidents and with the medical facility on site, this would lessen the impact on EMS services.

Member Csordas thought that the positive effect on the taxation of this project would be a tremendous benefit to the City. He asked for an explanation of the variance required for the gateway.

Mr. Galvin stated they need the variance for the entryway, as it is too large.

CM-01-06-138 Moved by Csordas, seconded by Kramer; CARRIED UNANIMOUSLY: To approve the request from Fox Run Village for the development agreement for rezoning property in Section 1, north of Thirteen Mile and northeast of Meadowbrook from RA to RM-1, preliminary site plan with a PD-1 option and wetland permit for Erickson Retirement Communities.

DISCUSSION

Member DeRoche stated he would support the motion to approve as he agreed that it met the needs of seniors and everything else is a bonus to this community. A quality private sector solution that was not a burden to taxpayers would be great. He felt this was one of the best-worked pieces presented to this Council by consultants and administration.

Member Kramer commented he would support the motion. It fit well as a transitional use, buffered well to the north and east. He wanted a clarifying statement from the engineer that the infrastructure was sufficient to support the scale and scope of the project with enough margins to provide for development in the area. Mr. Potter responded it is sufficient and there is an existing agreement between the City and Commerce Township to service that area. The area would be served by discharges to the Commerce Township sewage treatment plant. There is sufficient design capacity and a buffer for future infiltration into the system. There is an existing 16-inch water main on Thirteen Mile Road and future connection to Detroit at 14 Mile, which would improve pressures in the area. Water, sewer, and storm drainage are all within appropriate controls. Member Kramer indicated Council would hold them to the demonstrated architectural, site and quality of life promise for citizens in Novi.

Member Cassis said the high quality and design of buildings and the high quality of architecture went beyond the surrounding areas. It is very attractive, has beautiful landscaping, and would preserve the woodlands. He noted they would be caring for people through the end of their years. He felt this was a win-win situation and would support this project.

Mayor Pro Tem Lorenzo noted the concept had a lot of merit. Her concern was the major deviation from the previous Master Plan, underlying zoning and proposed density. She was also concerned about adding 1,375 additional dwelling units over and above the projected capacity of the entire planning area and felt that when people were added, so were City services. Every study showed the ratio of police to citizens was low at 1.8 per 1,000 and fire response and EMS was not consistent with what it should be. Traffic is a concern. She asked if it was an immediate need? She did not think so because she was not comfortable with the way City services were delivered to citizens now. She wouldn't want this type of density with 6 story buildings next to where she lived and felt it was unreasonable with regard to density, building height, and additional dwelling units. Mr. Arroyo's letter said "compared with the current land use and density designation for the property the proposed designation and development of this site, development as a retirement community would have a greater impact and demand on the existing roadway capacity, public utilities and EMS." She said Novi did not have consistent EMS right now. Preliminary reviews by JCK indicated it might require an additional 1,000 equivalent tap units for sewer service and water service. It would

generate more a.m. and p.m. peak hours than if the site were developed according to current or planned zoning. It would also add institutional and commercial uses that had not been previously planned in this area. She thought it would increase the traffic density of the site by over 20 fold from the current density. Mayor Pro Tem Lorenzo would not support this proposal.

Mayor Clark noted he had never seen a facility with as many services on site as he did at Ford Village in Dearborn. The residents themselves annually raised money for scholarships for the high school students that work there and had already raised \$75,000 for that year. Most seniors bring their cars with them but ultimately sell them because they are not needed. During the tour the traffic he saw, which was on a weekend was miniscule. As far as police services if it was as quiet in Novi as it is in Ford Village our police wouldn't have much to do. They have their own on-site security and it is a gated community. During winter the seniors can go to any other part of the development without going outside. Every conceivable service is provided. He talked with the seniors who lived there and they consistently indicated how happy they were to be there and what a wise choice it was when they came to the Erickson retirement community. This is nothing but a plus for this community. There's no added burden on the schools and there is a substantial increase in the tax base.

Mayor Clark commented if anyone thought that Novi was immune to the economic challenges that are facing the Country they are wrong. In the last week and a half he received a notice that Wisne Automotive on Ten Mile would be shutting down permanently in August, which would eliminate over 100 jobs in the city. Tonight, he received a letter from Roche Laboratories, Inc. that informed him they would be doing a mass layoff. This will affect our tax base and we have substantial tax burdens and potential liabilities hanging over our head. We always need to look at the economic realities we are faced with. This is a plus-plus situation for our community. As Mayor Pro Tem Lorenzo pointed out it is a need and he felt it was an immediate need, as you shouldn't wait for a crisis to be on the doorstep to deal with it. Hospitals have been forced to close beds year after year and before long all these seniors will reach the age where they need critical medical care and the beds won't be there. This is good, smart planning as it recognized problems and dealt with them before there was a crisis. He would support the motion.

Mr. Fisher noted the development agreement needed to be signed on behalf of Erickson and asked Mr. Galvin if he was able to represent that all parties would sign the agreement as it is now? Mr. Galvin replied they would sign.

**Roll call vote on CM-01-06-138 Yeas: Csordas, DeRoche, Kramer,
Clark,**

Cassis

Nays: Lorenzo

Absent: Bononi