



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 1
August 13, 2012

SUBJECT: Approval of the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development.

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Barb}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map amendment for a vacant 24.24-acre property located on the northwest corner of Ten Mile Road and Beck Road (Section 20) from R-1 (One-Family Residential, 1.65 Dwelling Units per net acre) to R-3 (One-Family Residential, 2.7 Dwelling Units per net acre) utilizing the City's Planned Rezoning Overlay (PRO) option. The applicant has indicated that the rezoning request is necessary to allow development with smaller and narrower lots, and slightly higher density, than is permitted within current R-1 zoning.

After final approval of the PRO Concept Plan and Agreement, the applicant would submit for Site Plan approval under the typical review procedures. The PRO runs 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 applicant is proposing to rezone the property to R-3, with smaller and narrower lots than are permitted in R-1 (existing zoning); 38 total lots are proposed on the PRO concept plan.

Previous City Council Consideration

This matter previously appeared before the City Council on March 26, 2012. At that meeting, the City Council expressed reservations about the proposed concept plan noting specific concerns with the lack of a direct access point onto either Beck Road or Ten Mile Road and postponed a decision on the matter. Relevant meeting minutes are attached.

The applicant then developed a revised concept plan that addressed some of the previously stated concerns from the City Council. The revised PRO concept plan showed a 38 unit single-family development with open space near the corners of the site, a "pocket park" on the northwest corner of Ten Mile and Beck, and formal landscaping

treatments along both the Ten Mile and Beck Road frontages. The vehicular connections to the existing stub streets were removed but pedestrian connections remained and a new boulevarded access point was provided onto Beck Road. An emergency only connection in the form of grass pavers was provided to the existing subdivision to the west. City Council tentatively approved the rezoning with PRO and revised concept plan on June 18, 2012. Relevant meeting minutes are attached.

Revised Concept Plan

The applicant has been working with staff and the City Attorney's office on both the PRO agreement and further refinement of the concept plan. As the stormwater management plan for the site was developed in more detail, it became clear that a shift in the location and type of stormwater management facility was required.

The revised PRO concept plan shows an on-site stormwater detention basin along the Beck Road frontage of the site. Previously, a stormwater retention pond was shown in the site's southwest corner (in addition to a smaller detention area).

In order to accommodate this revision, the lots previously located along Beck Road have been shifted to the west. Equivalent amounts of open space and landscape area have been provided. Please see the attached revised concept plan.

PRO Agreement

Included with the proposed PRO Concept Plan, the applicant is seeking positive consideration of Zoning Ordinance deviations included in the PRO Agreement for the lack of paved eyebrows and the location of proposed sidewalks. Both are supported by staff. The Zoning Ordinance permits deviations from the Ordinance provided that the City Council finds 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."*

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 the standard rezoning and development of the property. The applicant has offered the following benefits that have been included in the PRO agreement. Staff comments are in parentheses.

- Upgraded frontage landscaping (benefit above and beyond typical development)
- Pocket park feature at prominent intersection (benefit above and beyond typical development)
- Water main loop connection (required with any typical development)
- Pathway connections along perimeter roadways (required with any typical development)
- Housing style upgrade (enhancement over minimum ordinance requirements)
- Housing size upgrade - minimum 2,400 square feet and up to 3,500 square feet (enhancement over minimum ordinance requirements)
- Provide a platform for City-owned art (benefit above and beyond typical development)
- Provide funding toward the completion of a future major non-motorized pathway connection along Ten Mile Road to connect to the ITC corridor - not to exceed \$9,000 (benefit above and beyond typical development)

- Saving landmark maple tree located near the southeast corner of the site (benefit above and beyond typical development)
- Dedicate right-of-way along Beck Road and Ten Mile Road (benefit above and beyond typical development)

Public Hearing and Planning Commission Recommendation

The public hearing for the rezoning request was held by the Planning Commission on February 22, 2012. At that meeting, the Planning Commission recommended approval of Zoning Map Amendment 18.701 to rezone the property from R-1 (One-Family Residential) to R-3 (One-Family Residential) utilizing the City's PRO option. Relevant minutes from the Planning Commission meeting are attached.

City Council Action

Because the PRO Agreement is consistent with the rezoning with PRO request tentatively approved by the City Council at the June 18th meeting (with the noted revisions to the submitted Concept Plan to relocate and modify the type of stormwater detention facility), the City Council is now asked to consider the actual text of the Planned Rezoning Overlay Agreement and give final approval of the agreement, the concept plan and the rezoning.

Following Council's final approval, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures.

RECOMMENDED ACTION: Approval of the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay and approval of the corresponding concept plan and PRO agreement between the City and the applicant.

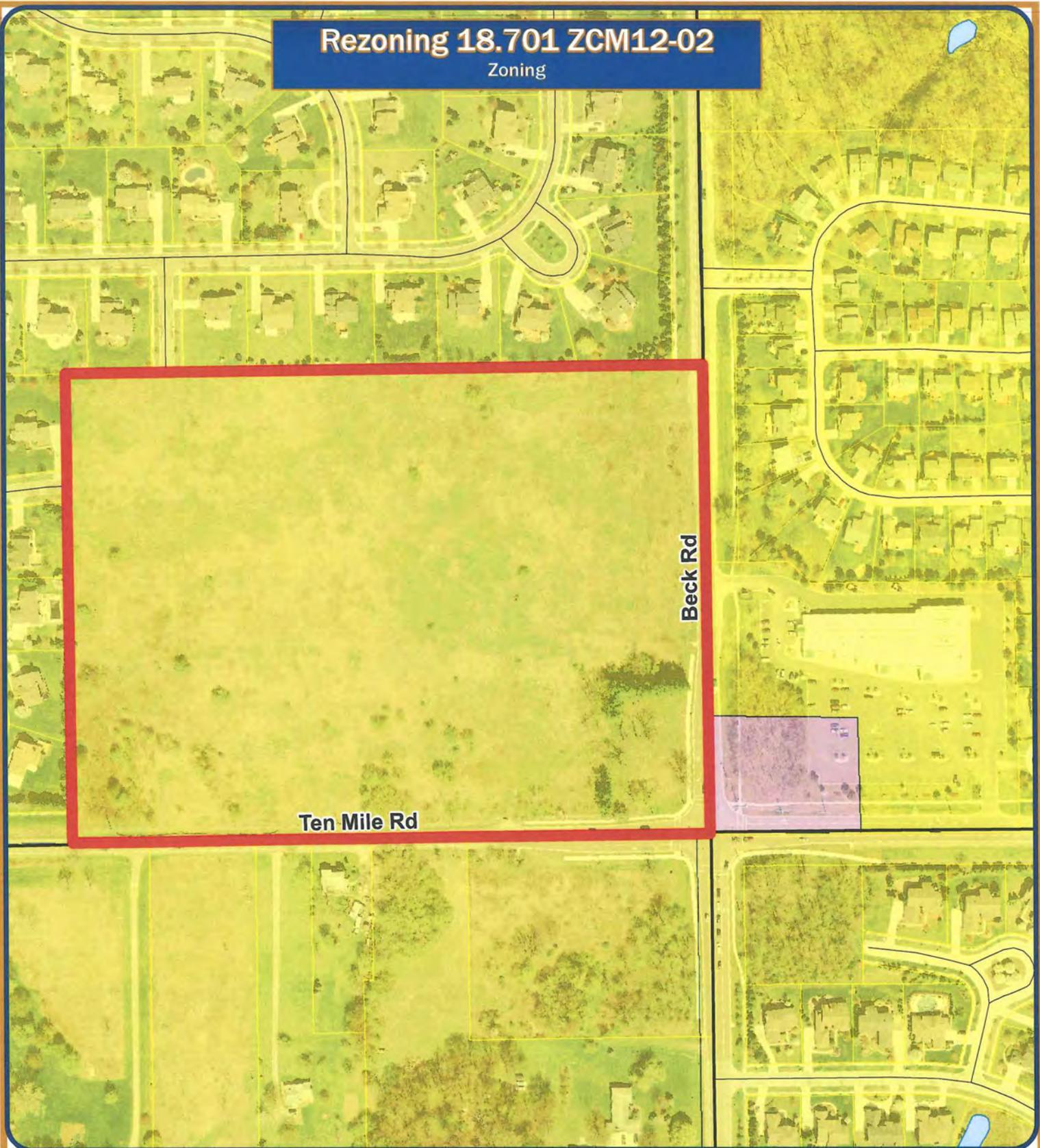
	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

MAPS
Location
Zoning
Future Land Use
Natural Features

Rezoning 18.701 ZCM12-02

Zoning



Map Author: Kristen Kapelanski
 Date: 02/14/12
 Project: Rezoning 18.701
 Version #: 1.0

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.

Map Legend

-  Subject Property
-  R-1: One-Family Residential District
-  R-4: One-Family Residential District
-  B-1: Local Business District



City of Novi

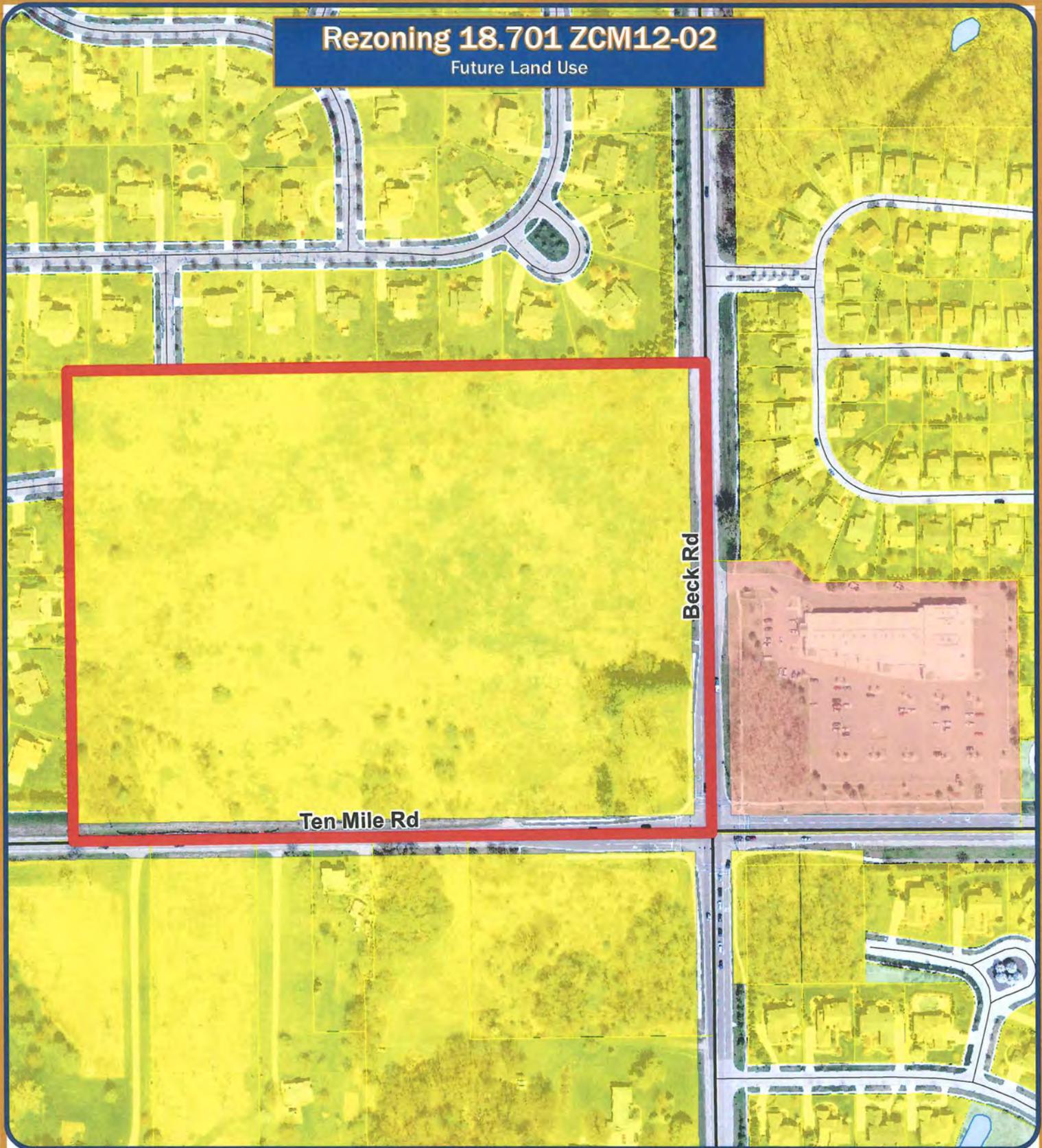
Dept. of Community Development
 City Hall / Civic Center
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org



1 inch = 246 feet

Rezoning 18.701 ZCM12-02

Future Land Use



Map Author: Kristen Kapelanski
Date: 02/14/12
Project: Rezoning 18.701
Version #: 1.0

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Map Legend

-  Subject Property
-  Single Family
-  Local Commercial
-  Private Park



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 246 feet

Rezoning 18.701 ZCM12-02

Location



Beck Rd

Ten Mile Rd

Map Author: Kristen Kapelanski
Date: 02/14/12
Project: Rezoning 18.701
Version #: 1.0

Map Legend

 Subject Property



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
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1 inch = 246 feet

Rezoning 18.701 ZCM12-02

Natural Features



Map Author: Kristen Kapelanski
Date: 02/14/12
Project: Rezoning 18.701
Version #: 1.0

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Map Legend

-  Subject Property
-  Wetlands
-  Woodlands



City of Novi

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1 inch = 246 feet

**JULY 31, 2012 MEMO
UPDATE ON THE CONCEPT PLAN
STATUS OF THE PRO AGREEMENT**

MEMORANDUM



cityofnovi.org

TO: CLAY PEARSON, CITY MANAGER
FROM: KRISTEN KAPELANSKI, AICP, PLANNER *Beck*
THRU: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT DEPUTY DIRECTOR
SUBJECT: ZONING MAP AMENDMENT 18.701 TO REZONE PROPERTY ON THE NORTHWEST CORNER OF BECK ROAD AND TEN MILE ROAD
DATE: JULY 31, 2012

8/1/12

To = Mayor's
Council Meeting
FYI

The petitioner is requesting a Zoning Map amendment for a vacant 24.24-acre property located on the northwest corner of Ten Mile Road and Beck Road (Section 20) from R-1 (One-Family Residential, 1.65 Dwelling Units per net acre) to R-3 (One-Family Residential, 2.7 Dwelling Units per net acre) utilizing the City's Planned Rezoning Overlay (PRO) option. The applicant has indicated that the rezoning request is necessary to allow development with smaller and narrower lots, and slightly higher density, than is permitted within current R-1 zoning. The applicant has tentatively received approval to rezone the property to R-3, with smaller and narrower lots than are permitted in R-1 (existing zoning); 38 total lots are proposed on the PRO concept plan.

Previous City Council Consideration

This matter previously appeared before the City Council on March 26, 2012. At that meeting, the City Council expressed reservations about the proposed concept plan noting specific concerns with the lack of a direct access point onto either Beck Road or Ten Mile Road and postponed a decision on the matter.

The applicant submitted a revised concept plan that addressed some of the previously stated concerns, including the addition of a boulevard access point onto Beck Road. The City Council tentatively approved the rezoning with a PRO on June 18, 2012 and directed the applicant to work with the City Attorney's office on a draft of the required PRO agreement.

Revisions to the PRO Concept Plan

The applicant has been working with staff and the City Attorney's office on both the PRO agreement and further refinement of the concept plan. As the stormwater management plan for the site was developed in more detail, it became clear that a shift in the location and type of stormwater management facility was required.

The revised PRO concept plan shows an on-site stormwater detention basin along the Beck Road frontage of the site. Previously, a stormwater retention pond was shown in the site's southwest corner (in addition to a smaller detention area).

In order to accommodate this revision, the lots previously located along Beck Road have been shifted to the west. Equivalent amounts of open space and landscape area have been provided. Please see the attached revised concept plan.

Staff anticipates sending the final approval of the rezoning with PRO, PRO Agreement and concept plan for consideration at the August 13, 2012 City Council meeting. Following Council's final approval, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures.

*

PRO AGREEMENT

Exhibit A – Legal Description

Exhibit B – Concept Plan, Home Elevations and Floor Plans

Exhibit C – Staff and Consultant Review Letters



JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627

Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.johnsonrosati.com

July 30, 2012

Barb McBeth
Deputy Community Development Director
CITY OF NOVI
45175 W. Ten Mile Road
Novi, MI 48375

Re: Beck Ten Land PRO Agreement

Dear Ms. McBeth:

Enclosed please find the final version of the Beck Ten Land PRO Agreement, which has been prepared by our office, and has been revised to include changes proposed by the Developer's attorney. The attached PRO Concept Plan and corresponding Landscape Plans have been reviewed and approved by Community Development and the City's Engineering Division. The PRO Agreement may be placed on the next available City Council Agenda for approval.

The PRO Agreement includes and incorporates all of the terms and conditions of the rezoning to R-3 with the Planned Rezoning Overlay, including the final version of the PRO Concept Plan. In addition to compliance with applicable ordinance standards, the Developer is required to complete the following specific undertakings with respect to the Development:

1. The Developer shall provide upgraded frontage landscaping, in accordance with the landscape plan.
2. The Developer shall provide a pocket park with a platform for City owned art at the location identified in the landscape plan.
3. The housing sizes shall be upgraded (minimum 2,400 square feet);
4. The Developer shall provide funding toward completion of a future major non-motorized pathway connection along Ten Mile to connect to the ITC corridor (not to exceed \$9,000).

July 30, 2012

Page 2

5. Developer shall retain the landmark maple tree located near the northeast corner of the site.
6. Developer shall dedicate right-of-way along Beck and Ten Mile Roads, as shown in the PRO Plan.
7. Developer shall complete a water main loop connection as further approved by the City during the site plan approval process.
8. The Developer shall complete improvements in the Beck Road right of way required as a result of the proposed road connection, as shown in the PRO Plan.
9. The maximum density shall be 1.77 dwelling units per acre.
10. The Developer shall provide pathway connections along perimeter roadways, as shown in the PRO Plan.
11. The homes constructed within the Land shall be substantially in accordance the elevations provided by Developer.

The PRO Agreement grants the Developer the following deviations from City ordinance standards without seeking further waivers or variances:

1. Allows for lack of paved eyebrows; and,
2. Approves the location of proposed sidewalks in relation to the edge of the right-of-way.

The PRO Agreement and all of its terms, including the incorporated plan approvals, are enforceable in Circuit Court. In the event that the PRO Property is developed in a manner other than as set forth in the PRO Agreement, the City may rezone the property to an appropriate zoning classification.

Once approved by City Council, the PRO Agreement should be recorded with the Oakland County Register of Deeds.

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

Very truly yours,
JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.


Elizabeth Kudla Saarela

EKS

Enclosure

C: Maryanne Cornelius, Clerk (w/Enclosure)

July 30, 2012

Page 3

Clay Pearson, City Manager (w/Enclosure)
Victor Cardenas, Assistant City Manager (w/Enclosure)
Charles Boulard, Community Development Director (w/Enclosures)
Kristen Kapelanski, Planner (w/Enclosures)
Brian Coburn, Engineering Manager (w/Enclosures)
Howard Fingerroot, Pinnacle Homes (w/Enclosures)
Mark S. Cohn, Esq. (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosure)

7/30/2012

PLANNED REZONING OVERLAY (PRO) AGREEMENT
BECK TEN LAND

AGREEMENT, by and among Beck Ten Land LLC, a Michigan limited liability company whose address is 28800 Orchard Lake Rd, Ste 200, Farmington Hills, MI 48334 (referred to as "**Developer**"); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 ("**City**").

RECITATIONS:

- I. Developer is the developer of the vacant 24.24 gross acre property located on the northwest corner of Ten Mile Road and Beck Road, herein know as the "Land" described on **Exhibit A**, attached and incorporated herein.
- II. For purposes of improving and using the Land for a 38-lot residential site condominium at a maximum density of 1.77 dwelling units per acre, to allow for development with smaller and narrower lots, and a slightly higher density than is permitted in the R-1 Classification, Developer petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from R-1, One-Family Residential, to R-3, One-Family Residential. The R-1 classification shall be referred to as the "**Existing Classification**" and R-3 shall be referred to as the "**Proposed Classification.**"
- III. The Proposed Classification would provide the Developer with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Developer.
- IV. The City has reviewed and approved the Developer's proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City's Zoning Ordinance and has reviewed the Developer's proposed PRO Plan (including proposed home elevations) attached hereto and incorporated herein as **Exhibit B** (the "PRO Plan"), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the proposed improvements as shown; and has further reviewed the proposed PRO conditions offered or accepted by the Developer.

- V. In proposing the Proposed Classification to the City, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following undertakings by Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):
- A. Developer shall develop and use the Land solely for a 38-lot residential site condominium at a maximum density of 1.77 dwelling units per acre, in accordance with the PRO Plan. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
 - B. Developer shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable setback requirements of the Zoning Ordinance with respect to the Proposed Classification, except as expressly authorized herein or as shown on the PRO Plan. The PRO Plan is acknowledged by both the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations that are depicted in the PRO Plan are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Developer's right to develop the 38-lot residential site condominium under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement. The home elevations shall be substantially similar (as determined by the City) to that submitted as part of the Developer's final approval request, as depicted in **Exhibit B**.
 - C. In addition to any other ordinance requirements, Developer shall comply with all applicable ordinances for storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.
 - D. Developer shall provide the following Public Benefits/Public Improvements in connection with the development of the Land:
 - 1. Developer shall provide upgraded frontage landscaping, in accordance with the landscape plan that is attached as **Exhibit B**;

2. Developer shall provide a pocket park with a platform for City owned art at the location identified in the landscape plan attached as **Exhibit B**. The association of co-owners formed to administer the condominium project shall be responsible for maintaining the pocket park and the City shall be responsible for maintaining, safeguarding and insuring any artwork placed by the City within the pocket park;
3. Housing sizes shall be upgraded (minimum 2,400 square feet);
4. Developer shall provide funding toward completion of a future major non-motorized pathway connection along Ten Mile to connect to the ITC corridor (not to exceed \$9,000), which will be payable to the City before the City schedules the pre-construction meeting for the development;
5. Developer shall retain the landmark maple tree located near the northeast corner of the site;
6. Developer shall dedicate right-of-way along Beck and Ten Mile Roads, as shown in the PRO Plan;
7. Developer shall complete a water main loop connection as further approved by the City during the site plan approval process.
8. The Developer shall complete improvements in the Beck Road right of way required as a result of the proposed road connection, as shown in the PRO Plan.
9. Maximum density shall be 1.77 dwelling units per acre;
10. Developer shall provide pathway connections along perimeter roadways, as shown in the PRO Plan; and

E. The following PRO Conditions shall apply to the Land and/or be undertaken by Developer:

1. The homes constructed within the Land shall be substantially in accordance the elevations attached as **Exhibit B**, to confirm housing style and size, a noted public benefit; and
2. Developer shall comply with all conditions listed in the staff and consultant review letters which are identified on attached **Exhibit C**.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings and PRO Conditions shall be binding on Developer and the Land;
 - b. Developer shall act in conformance with the Undertakings; and
 - c. The Developer shall forbear from acting in a manner inconsistent with the Undertakings;
2. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
 - a. Lack of paved eyebrows; and,
 - b. Location of proposed sidewalks in relation to the edge of the right-of-way.
3. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as 38-lot residential site condominium, as shown on **Exhibit B**, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for such building and use.
4. Developer acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Developer in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Developer.
5. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of a 38-lot residential subdivision on the Land. The burden of the Undertakings on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
6. In addition to the provisions in Paragraph 2, above, in the event the Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to

amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Developer nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a "downzoning" or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land. In the event the City rezones the Land to a use classification other than the Proposed Classification, this Agreement shall terminate and be null and void.

7. By execution of this Agreement, Developer acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Developer agrees to be bound by the provisions of this Agreement.
8. After consulting with an attorney, the Developer understands and agrees that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this Agreement are reasonable, that it shall be estopped from taking a contrary position in the future, and, that the City shall be entitled to injunctive relief to prohibit any actions by the Developer inconsistent with the terms of this Agreement.
9. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and an affidavit providing notice of this Agreement may be recorded by either party with the office of the Oakland County Register of Deeds.
10. The Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved therein.
11. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided by law.
12. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.
13. This Agreement may be signed in counterparts.

{Signatures begin on following page}

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this ____ day of _____, 2012, before me appeared Robert J. Gatt and Maryanne Cornelius, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

_____, Notary Public
County
Acting in _____ County
My commission expires:

THE UNDERSIGNED OWNER ACKNOWLEDGES AND AGREES TO THE FOREGOING.

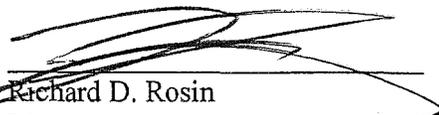
WITNESSES:

OWNER

Print Name:


Print Name: WILLIAM ANDERSON

TEN & BECK, L.L.C.

By: 
Richard D. Rosin
Its: Manager

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this 25th day of July, 2012, before me appeared Richard D. Rosin who states that he has signed this document of his own free will duly authorized on behalf of the Owner.

DAVID A. GOLDBERG
Notary Public, State of Michigan
County of Oakland
My Commission Expires 02-01-2016
Acting in the County of Oakland


_____, Notary Public
County
Acting in _____ County
My commission expires:

Drafted by:

Elizabeth Kudla Saarela
Johnson, Rosati, Schultz & Joppich
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627

When recorded return to:
Maryanne Cornelius, Clerk
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

EXHIBIT A

Real property located in the City of Novi, Oakland County, Michigan, more particularly described as follows:

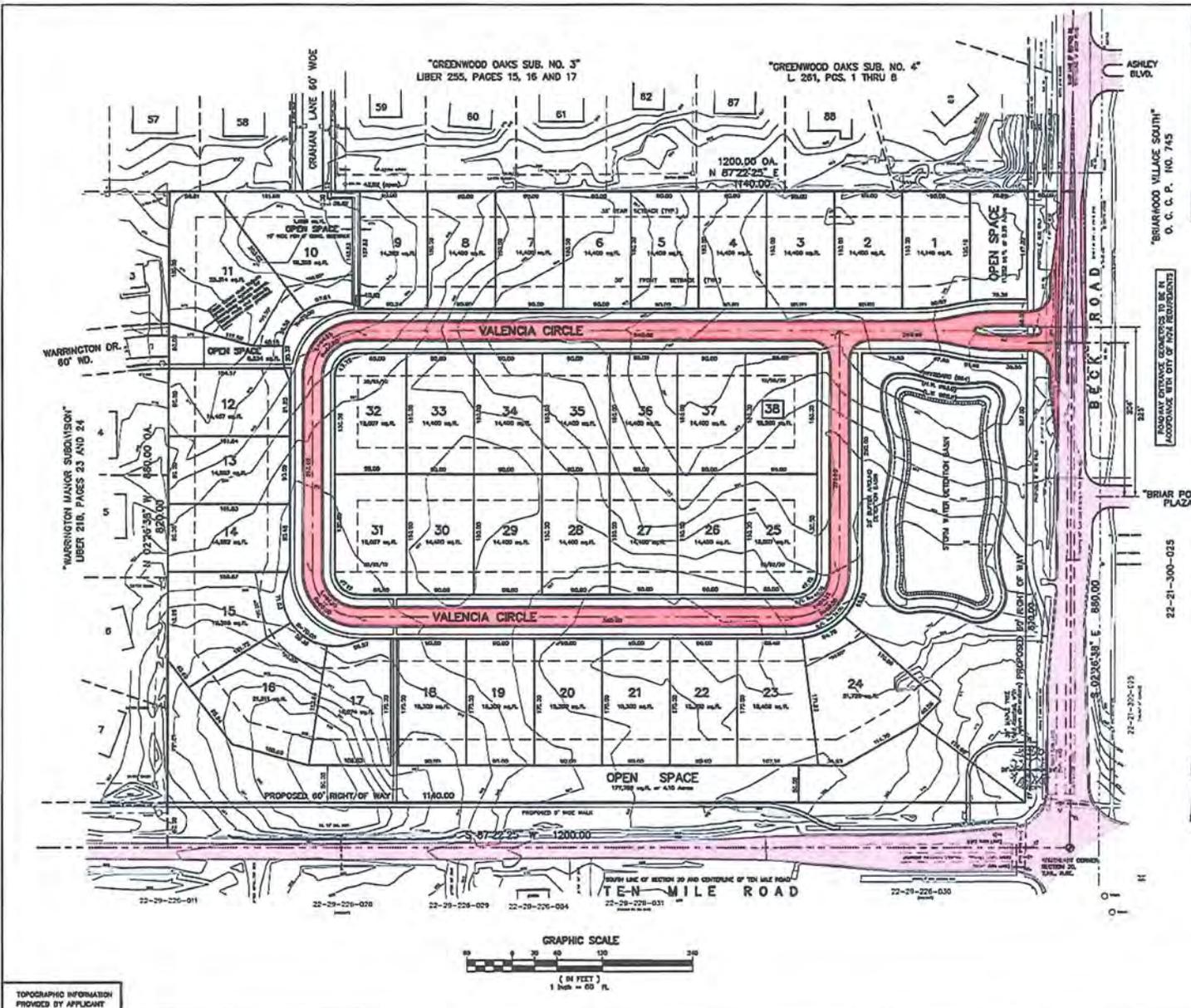
The South 880 feet of East 1580 feet of the Southeast $\frac{1}{4}$ of Section 20, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, Except the West 380 feet thereof.

(Tax ID Number 22-20-400-005)

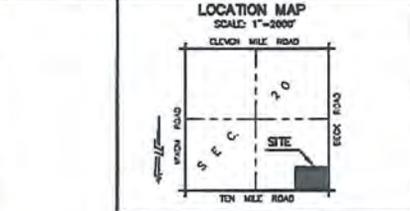
EXHIBIT B

PRO PLAN

EXHIBIT C



LEGAL DESCRIPTION
 SEV. HORIZ. 22-29-226-022 (2ND PLS. BANCY BY THE REG.)
 A part of the Southeast 1/4 of Section 23, Twp 1 North, Range 6 East, City of Novi, Oakland County, Michigan more particularly described as commencing at the Southeast Corner of said Section 20, for a POINT OF BEGINNING, thence South 87°22'23" West, 1200.00 feet, along the South line of said Section 20 and the westerly line of Ten Mile Road, to the Southwest corner of "Warrington Manor Subdivision", as recorded in Liber 218 of Plats, in Pages 23 and 24, Oakland County Records (said point located North 87°22'23" East, 1440.00 feet, from the South 1/4 Corner of said Section 20); thence North 02°29'20" West, 690.00 feet, along the easterly line of said "Warrington Manor Subdivision", to the Northwest corner of said "Warrington Manor Subdivision", and the southerly line of "Dremwood Oaks Sub. No. 3", as recorded in Liber 255 of Plats, on Pages 15, 16 and 17, Oakland County Records; thence North 87°22'23" East, 1200.00 feet, along the southerly line of said "Dremwood Oaks Sub. No. 3", and along the southerly line of "Dremwood Oaks Sub. No. 4", as recorded in Liber 251 of Plats, on Page 1 five (5), Jackson, Oakland County Records, to the Southeast corner of said "Dremwood Oaks Sub. No. 4", and the East line of said Section 20 and the centerline of Beck Road (said point located South 02°29'20" East, 1705.40 feet from the East 1/4 Corner of said Section 20); thence South 02°29'20" East, 1200.00 feet, along the East line of said Section 20 and the westerly line of Beck Road to the point of beginning. All of the above containing 24,242 Acres, gross. All of the above being subject to the rights of the public in Ten Mile Road and Beck Road. All of the above being subject to easements, restrictions, and right-of-way of record.



PROPOSED DESIGN CRITERIA

PROPOSED NUMBER OF LOTS: 38 UNITS
 PROPOSED DENSITY: 1.77 UNITS / NET ACRE
 PROPOSED LAYOUT CRITERIA (CONSISTENT WITH "R-3" ZONING):
 MINIMUM LOT WIDTH = 50 FEET
 (*90.00° = MEASURED ALONG TANGENT)

TYPICAL LOT SIZE = 80.00 x 160.00
 TYPICAL LOT AREA = 14,400 SQ.FT. (R-3; MIN. = 12,000 SQ.FT.)

PROPOSED "R-3" SETBACK DATA
 FRONT SETBACK = 30.00 FEET
 REAR SETBACK = 35.00 FEET
 SIDE YARD SETBACKS:
 MINIMUM = 10 FEET
 COMBINED TOTAL = 30 FEET

SITE DATA -- CURRENT

OVERALL PARCEL AREA: 24,242 ACRES (GROSS)
 OVERALL PARCEL AREA: 24,699 ACRES (NET TO 60' R.O.W. LINC.)
 CURRENT ZONING: "R-1"
 MAXIMUM DENSITY = 1.63 UNITS/ACRE (35 UNITS MAX.)
 MINIMUM LOT SIZE = 20,700 SQ.FT.
 MINIMUM LOT WIDTH = 120 FEET
 MINIMUM FRONT SETBACK = 30 FEET
 MINIMUM REAR SETBACK = 30 FEET
 SIDE YARD SETBACK = 15 FEET (MINIMUM)
 SIDE YARD SETBACK = 40 FEET (ADDITIONAL)

APPLICANT:
 BECK TEN LAND LLC
 2800 ORCHARD LANE ROAD, SUITE 200
 FARMINGTON HILLS, MICHIGAN 48334

VALENCIA ESTATES
 A ONE-FAMILY DETACHED SITE CONDOMINIUM,
 IN THE SE 1/4 OF SECTION 20, T1N, R6E,
 CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

REVISIONS	DRAWN'S SEAL
1. REVISED SITE PLAN	
2. REVISED SITE PLAN	
3. REVISED SITE PLAN	
4. REVISED SITE PLAN	

DATE: 09-14-18
 PREPARED BY: J. L. SEIBER, P.E.
 CHECKED BY: J. L. SEIBER, P.E.
 DRAWN BY: J. L. SEIBER, P.E.

PLANNED REZONING OVERLAY (PRO)

SEIBER, KEAST ENGINEERING, L.L.C.
 CONSULTING ENGINEERS
 2800 ORCHARD LANE ROAD, SUITE 200 • FARMINGTON HILLS, MICHIGAN 48334
 PHONE: 248.466.7547 FAX: 248.466.7777

SHEET 1

TOPOGRAPHIC INFORMATION PROVIDED BY APPLICANT

Beck 10
WITH SIDE ENTRY
GARAGE



PINNACLE HOMES

A Tradition of Luxury

E



Springhaven

2,860 Square Feet



Country Club Village

www.PinnacleBuilt.com

248.844.0004



2/12

Springhaven

2,860 Square Feet
 4 Bedroom ▲ 2-1/2 Bath
 2-Car Attached Garage



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 **PINNACLE HOMES**
A Tradition of Luxury

E



Seville

2,600 Square Feet

A



B



C



D



E



F



Birkdale Pointe & Hills of Bogie Lake www.PinnacleBuilt.com

248.363.0044

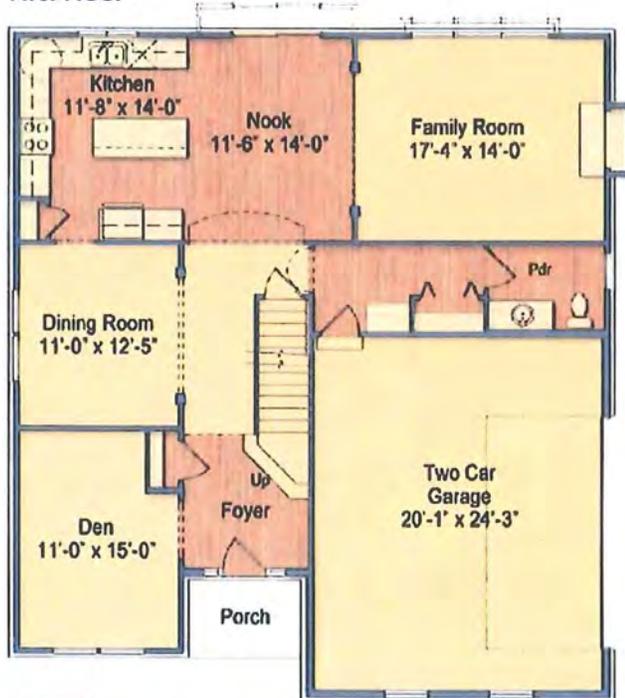


2/12

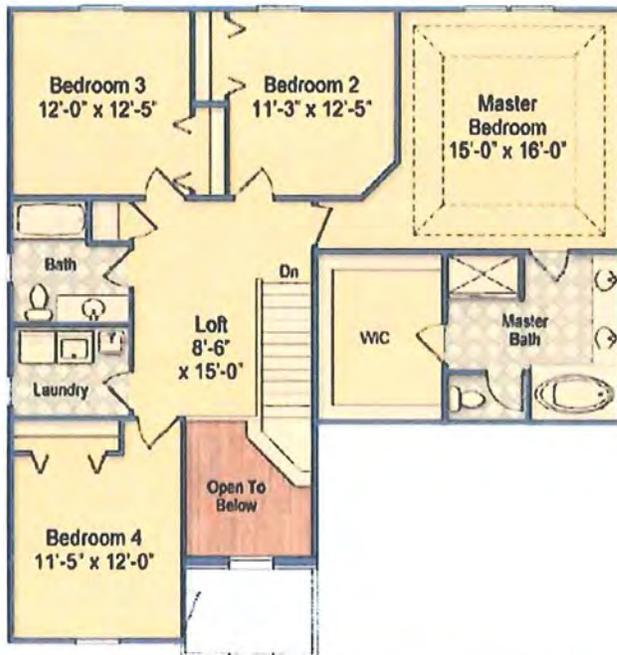
Seville

2,600 Square Feet
4 Bedroom ▲ 2-1/2 Bath
2-Car Attached Garage

First Floor



Second Floor



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 **PINNACLE HOMES**
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D



Muirfield II

3,050 Square Feet

A



B



C



D



F



G



Birkdale Pointe

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5/11

Muirfield II

3,050 Square Feet
 4 Bedroom ▲ 2-1/2 Bath
 3-Car Side Entry Garage



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 **PINNACLE HOMES**
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F



Lorino II

3,500 Square Feet

A



B



C



D



E



F



Kirkway Estates & Bella Terra

www.PinnacleBuilt.com

248.449.4000

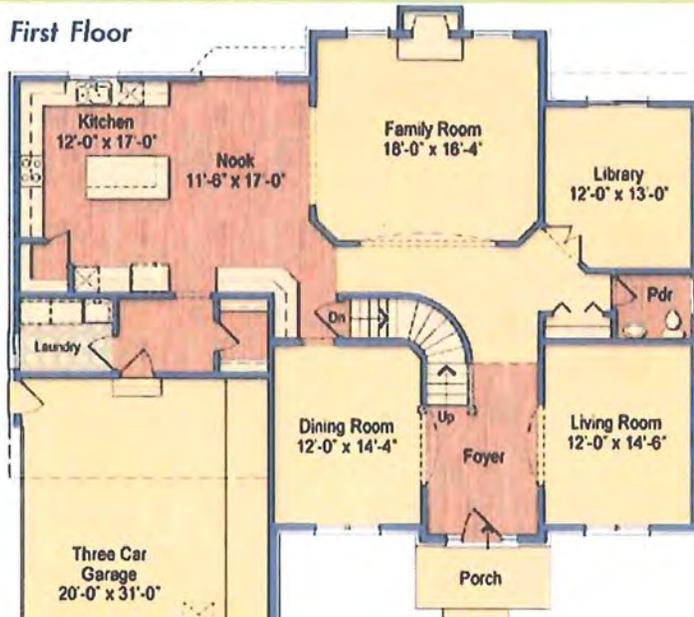


5/11

Lorino II

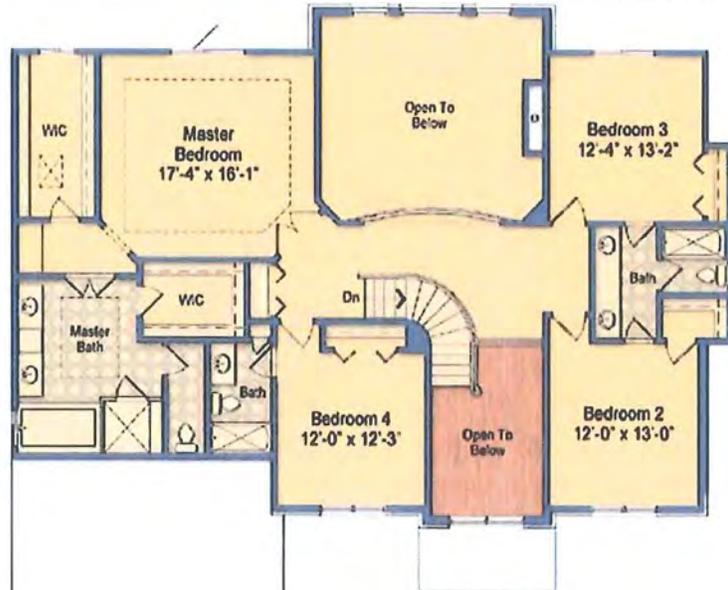
3,500 Square Feet
 4 Bedroom ▲ 3-1/2 Bath
 3-Car Attached Garage

First Floor



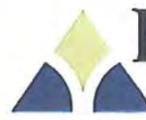
Optional Fireplace

Second Floor



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 **PINNACLE HOMES**
A Tradition of Luxury



Turnberry

2,675 Square Feet



Birkdale Pointe

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248.363.0044

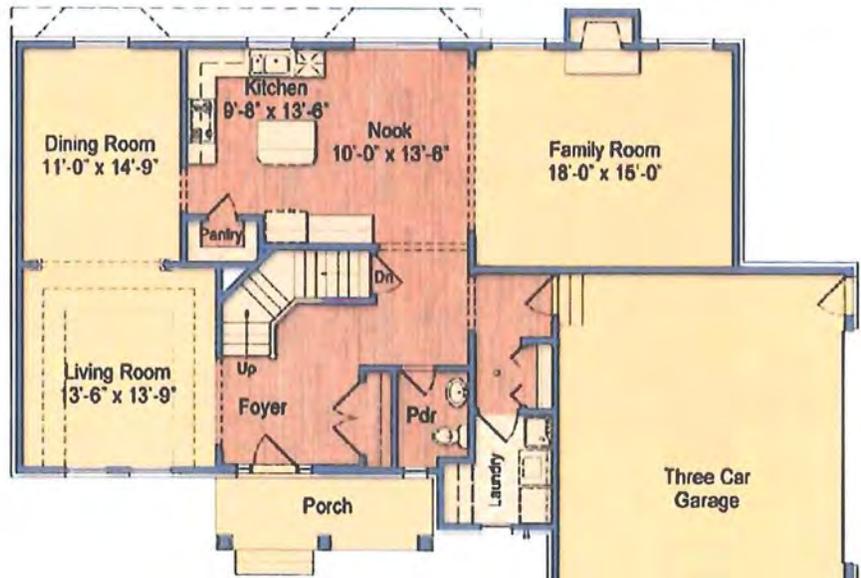


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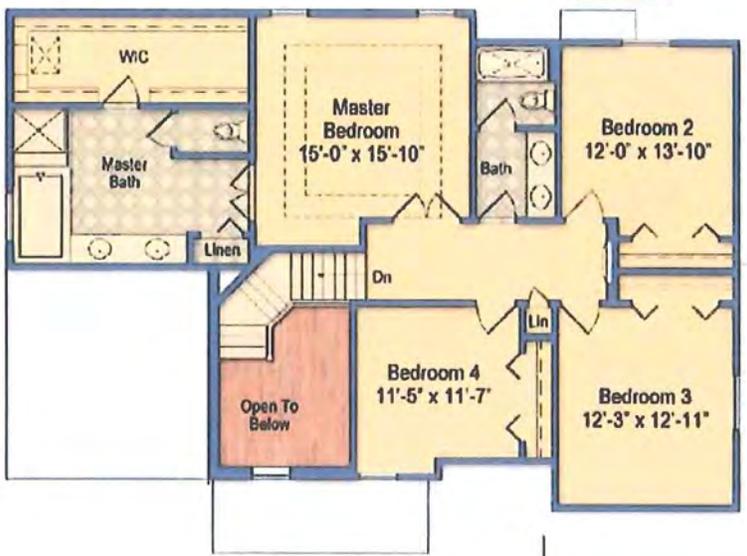
Turnberry

2,675 Square Feet
 4 Bedroom ▲ 2-1/2 Bath
 3-Car Attached Garage

First Floor



Second Floor



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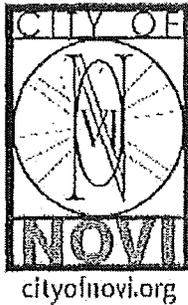
Birkdale Pointe

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248.363.0044

STAFF AND CONSULTANT REPORTS

1. Planning Review Report dated June 4, 2012, from Kristen Kapelanski,
2. Engineering Revised Concept Review dated June 1, 2012, from Adam Wayne
3. Memorandum dated January 25, 2012, from Brian Coburn, Engineering Manager
4. Traffic Review Letter dated June 4, 2012, from Birchler Arroyo Associates, Inc
5. Memorandum dated June 4, 2012, from Birchler Arroyo Associates, Inc.
6. Revised Concept Landscaping Review dated January 6, 2012, from David R. Beschke
7. Wetland Review dated November 15, 2011, from Environmental Consulting & Technology, Inc.
8. Woodland Review dated November 15, 2011, from Environmental Consulting & Technology, Inc.
9. Façade Review dated March 19, 2012, from DRN & Associates, Architects, PC
10. Fire Safety Review dated June 6, 2012 from Andrew Copeland, Inspector



PLAN REVIEW CENTER REPORT

June 4, 2012

Planning Review

Rezoning 18.701, ZCM 12-27 (fka ZCM 12-27, 11-39 and 11-40)
Northwest Corner of Ten Mile and Beck Road
Proposed Rezoning from R-1 to R-3 w/ *Planned Rezoning
Overlay (PRO) Option*

Petitioner

Beck Ten Land, LLC (Howard Fingeroot [Developer] and William Anderson [Engineer])

Review Type

Rezoning Request from R-1 (One-Family Residential) to R-3 (One-Family Residential) with Planned Rezoning Overlay (PRO) option

Property Characteristics

- Site Location: Northwest corner of Beck Road and Ten Mile Road (Section 20)
- Site Zoning: R-1, One-Family Residential
- Adjoining Zoning: North: R-1; East (across Beck Road): R-1, B-1; West: R-1;
South (across Ten Mile Road): R-1
- Current Site Use: Vacant Land
- Adjoining Uses: North: Greenwood Oaks Subdivision; East (across Beck Road): Briar Pointe Plaza, Briarwood Village; West: Warrington Manor Subdivision;
South (across Ten Mile Road): Single-Family Homes, Vacant
- School District: Novi Community School District
- Site Size: 24.24 gross acres, 21.46 net acres

Project Summary

The petitioner is requesting a Zoning Map amendment for a vacant 24.24-acre property on the northwest corner of Ten Mile Road and Beck Road (Section 20) from R-1 (One-Family Residential, 1.65 DU's per net acre) to R-3 (One-Family Residential, 2.7 DU's per net acre) utilizing the City's Planned Rezoning Overlay (PRO) option. The applicant states that the rezoning request is necessary to allow development with smaller and narrower lots, and slightly higher density, than is permitted within current R-1 zoning. The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is proposed to be changed (in this case from R-1 to R-3) and the applicant enters into a PRO agreement with the City, whereby the City and the applicant agree to tentative approval of a conceptual plan for development of the site. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs 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 (2) years, the rezoning and PRO concept plan expires and the agreement becomes void.

The subject parcel is 24.24 gross acres on the northwest corner of Ten Mile and Beck Roads (Section 20). It is currently zoned R-1, which would allow a maximum of 35 single-family lots based on the standards of the Zoning Ordinance and the net acreage of the site (21.46 acres). The applicant is proposing to rezone the property to R-3, with smaller and narrower lots than are permitted in R-1; 38 total lots are proposed on the PRO concept plan. The PRO concept plan also shows an on-site retention pond in the site's southwest corner, an on-site detention pond near the site's northeast corner, a "pocket park" on the northwest corner of Ten Mile and Beck, and formal landscaping

treatments along both the Ten Mile and Beck Road frontages. Previously, no new points of vehicular access were proposed onto either Beck or Ten Mile and the conceptual development tied into the local road network via existing stubs to the west and north of the subject parcel.

The previous concept plan was brought before the Planning Commission on February 22, 2012. At that meeting, a public hearing was held and the Planning Commission forwarded the following recommendation to the City Council:

"In the matter of the request of Beck Ten Land, LLC ZCM12-02 with Zoning Map Amendment 18.701 motion to recommend approval to the City Council to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay with the following ordinance deviations;

- a. *Lack of a paved eyebrows;*
- b. *Location of proposed sidewalks in relation to the edge of the right-of-way; and*
- c. *Skewed intersection of Warrington Drive and Graham Lane;*

And subject to the following conditions:

- a. *Applicant providing elevations and floor plans to confirm housing style and size, a noted public benefit; and*
- b. *Compliance with all conditions listed in the staff and consultant review letters;*

For the following reasons:

- a. *The proposed development meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments;*
- b. *The proposed density of 1.77 units per acre closely matches the master planned density of 1.65 units per acre; and*
- c. *The proposed development is consistent with a listed objective for the southwest quadrant of the City, "Maintain the existing low density residential development and natural features preservation patterns."*
- d. *Given the varying alternatives for the property, the proposal is clearly a good project for this corner."*

Several members of the public spoke at the public hearing held on February 22, 2012 and noted concerns regarding the lack of an access drive onto Beck Road and/or Ten Mile Road and the proposed connection to the existing subdivisions to the north and west of the proposed development.

The matter appeared before the City Council for consideration of tentative approval of the rezoning with Planned Rezoning Overlay and concept plan on March 26, 2012. City Council considered the public input provided along with the staff and consultant recommendations and the applicant's proposal and made the following motion:

"To postpone consideration of the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development."

At that meeting, several City Council members specifically expressed an interest in the applicant investigating the feasibility of providing an access point onto either Beck Road or Ten Mile Road.

The applicant has now proposed a revised concept plan maintaining the proposed 38 lot development with the open space features and pocket park described above but including an access point onto Beck Road and eliminating the automobile connections to the adjacent

subdivisions to the north and west. Pedestrian connections to the existing subdivisions would still be provided. An emergency access route to the subdivision to the west would also be provided.

Recommendation

The revised concept plan appears to address the concerns of the City Council and public as noted at the February 22, 2012 Planning Commission meeting and March 26, 2012 City Council meeting. Additionally, the proposed rezoning with PRO meets the following criteria from staff's previous review letters recommending approval of the previously submitted plan:

- The property is designated for a maximum density of 1.65 units per acre in the City's *Master Plan for Land Use 2010*. The development proposed in the PRO concept plan shows a density of 1.77 units per net acre but otherwise meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments, as noted in the listed objective of the Master Plan for the southwest quadrant of the City: "Maintain the existing low density residential development and natural features preservation patterns."
- Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.

Staff is in support of access management practices and would support full connections to the adjacent subdivisions to the west and north via the provided stub streets. Access management practices are aimed at reducing and consolidating access points along major roadways to aid in the prevention of congestion and vehicle crashes. By providing access through the adjacent subdivisions, turning movements at the proposed Beck Road exit could potentially be reduced, thereby lessening vehicle conflicts with traffic along Beck Road and vehicles turning out of the existing subdivision and commercial development to the east.

Master Plan for Land Use

The Future Land Use Map (adopted Aug. 25, 2010) of the City of Novi Master Plan for Land Use 2010 designates this property, surrounding properties, and the general area as "Single Family". The lone exception in the vicinity is the small portion of the northeast corner of Beck and Ten Mile, which is master planned for "Local Commercial" and is occupied (with a consent judgment) by Briar Pointe Plaza.

The "Residential Density Map" (Figure 63, page 116) within the 2010 Master Plan includes specific residential density recommendations for all of the land planned for residential in the city, and the subject property is designated as 1.65 dwelling units per net acre. This planned density is consistent with the current R-1 zoning.

The City of Novi Master Plan for Land Use Review (adopted in 2008) included an extensive analysis of future land use within a geographic area deemed the "Southwest Quadrant", which included the subject property at the northwest corner of Beck and Ten Mile. This review and analysis, which included a significant level of public involvement, concluded that the Southwest Quadrant should continue to be composed of mostly low-density single-family residential uses. Substantial citizen input indicated that maintaining the low density residential character of the Southwest Quadrant is a high priority for residents.

A standard rezoning from R-1 to R-3 would be inconsistent with the Master Plan because of the density permitted within R-3 (2.7 dwelling units per net acre). The PRO concept plan calls for 38 single-family lots, where a maximum of 35 would be permitted under existing R-1 (so long as those 35 lots could meet the dimensional standards – lot area, width, etc. – required in R-1). With respect to density, the PRO concept plan is much more consistent with existing R-1 zoning than with R-3 zoning, and is therefore much more consistent with the Master Plan than a standard rezoning to R-3 would be.

The rezoning request was presented to the Master Plan & Zoning Committee on October 5, 2011 as a standard rezoning from R-1, to R-3. The PRO option was not proposed at that time. The applicants presented their concept plan, including site layout and conceptual renderings of enhancements to the northwest corner of Ten Mile and Beck. It was noted during that meeting that the concept plan was not tied to the rezoning request. The members of the Committee were receptive to the concept plan, but concurred that the applicant should consider the PRO option or a residential option that includes a conceptual plan in order to make the concept plan binding.

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 Property	R-1 (One-Family Residential)	Vacant	Single Family (1.65 DU/net acre)
Northern Parcels	R-1	Greenwood Oaks Subdivision	Single Family (1.65 DU/net acre)
Southern Parcels (across Ten Mile Road)	R-1	Single-Family Homes, Vacant	Single Family (1.65 DU/net acre)
Eastern Parcels (across Beck Road)	R-1, B-1 (Local Business District)	Briar Pointe Plaza, Briarwood Village	Single Family (3.3 DU/net acre), Local Commercial
Western Parcels	R-1	Warrington Manor Subdivision	Single Family (1.65 DU/net acre)

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the proposed PRO concept plan with the zoning and uses on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request with the PRO option. As discussed, the subject property under its current R-1 zoning could be developed with as many as 35 single-family lots (so long as those lots meet Zoning Ordinance standards for lot area and width). The PRO concept plan proposes 38 lots that meet dimensional standards for R-3.

The property to the north of the subject property is in the R-1, One-Family Residential zoning district and contains Greenwood Oaks Subdivision. Changing the zoning of the subject property to R-3 and developing 38 single-family lots will add more traffic to the adjacent arterial roads (Beck and Ten Mile). Staff would continue to recommend the proposed development tie into the existing stub streets to the north and west as the difference between new traffic generated by the 38 lots proposed on the PRO concept plan and the maximum of 35 lots allowable under existing R-1 zoning is minimal; the applicant's rezoning traffic study forecasts a difference of 31 additional daily one-way trips, 2 additional AM peak-hour one-way trips, and 3 additional PM peak-hour one-way trips.

Directly to the south of the subject property, across Ten Mile Road, are properties zoned R-1, One-Family Residential that have large lots with single-family homes situated on them. There are also a few residentially-zoned vacant parcels of land. These properties are designated in the Master Plan for Land Use as Single Family Residential. Changing the zoning of the subject property to R-3 and adding as many as 38 new single-family homes would impact these properties in terms of the volumes of traffic along Beck and Ten Mile Roads and at the Ten Mile and Beck Road intersection. Similar to above, there is forecasted to be a minimal difference in traffic volumes generated by 38 new homes compared to 35 new homes.

The property to the west of the subject property is in the R-1, One-Family Residential zoning district and contains Warrington Manor subdivision. The impacts to this subdivision would be consistent with the impacts described for the subdivision to the north.

The properties to the east of the subject parcel (across Beck Road) include Briar Pointe Plaza and Briarwood Village. Briar Pointe Plaza could experience an increase in patronage from the residents of homes developed on the subject property, however the difference in business generated by 38 homes compared to 35 homes is likely negligible. Briarwood Village is an existing residential development that – similar to the residential properties on the south side of Ten Mile Road - would experience greater traffic volumes along Beck and Ten Mile Roads. Both Briar Pointe Plaza and Briarwood Village patrons and residents could find it more difficult to navigate an egress points onto Beck Road as an additional driveway in the area would lead to more complicated turning movement patterns.

Comparison of Zoning Districts

The following table provides a comparison of the current (R-1) and proposed (R-3) zoning classifications.

	R-1 Zoning (Existing)	R-3 Zoning (Proposed)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. One-Family detached dwellings (1.65 DU's/net acre). 2. Farms and greenhouses (subject to specific conditions). 3. Publicly owned and operated parks, parkways and outdoor recreational facilities. 4. Cemeteries. 5. Home occupancies, as set forth and regulated in Section 201 of this Ordinance. 6. Accessory buildings and uses, customarily incident 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 dwelling as a residence. 	Same as R-1, but one-family detached dwellings may be developed at 2.7 DU's/net acre
Special Land Uses	<ol style="list-style-type: none"> 1. Churches (subject to specific conditions). 2. Public, parochial and private elementary intermediate or secondary schools (subject to specific conditions). 3. Utility and public service buildings and uses (subject to specific conditions). 4. Group day care homes, day care centers and adult day care centers (subject to specific 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 specific conditions). 6. Golf courses (subject to specific conditions). 7. Colleges, universities and other such institutions of 	Same as R-1

	R-1 Zoning (Existing)	R-3 Zoning (Proposed)
	higher learning, public and private (subject to specific conditions). 8. Private pools shall be permitted as an accessory use (subject to specific conditions). 9. Cemeteries (subject to specific conditions). 10. Railroad right-of-way but not including terminal freight facilities, transfer and storage tracks. 11. Mortuary establishments (subject to specific 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.	
Minimum Lot Size	21,780 square feet	12,000 square feet
Minimum Lot Width	120 feet	90 feet
Building Height	2.5 stories or 35 feet	Same as R-1
Building Setbacks	Front: 30 feet Sides: 15 feet Rear: 35 feet	Same as R-1

Infrastructure Concerns

An initial engineering review was done as part of the rezoning with PRO application to analyze the information that has been provided thus far (see attached letters from engineering dated January 24, 2012 and January 25, 2012). The engineering review indicated there would be a negligible increase in utility demands as a result of the proposed rezoning. A full scale engineering review would take place during the course of the Site Plan Review process for any development proposed on the subject property, regardless of the zoning.

The City's traffic consultant has reviewed the Rezoning Traffic Impact Study and has no issues with its methodology. The traffic consultant does comment that about half of the traffic entering the development in the PM peak hour can be expected to enter via a left turn from Beck Road, requiring an extension of the existing center left-turn lane. There are some other road design issues on the concept plan which would need to be addressed if and when a preliminary site plan is submitted. See the traffic review letter dated June 4, 2012 for additional information and the accompanying memo on the proposed Beck Road improvements also dated June 4, 2012.

Natural Features

There are no regulated woodlands or wetlands on the subject property, as determined by the City's environmental consultant in a prior assessment of the site. There are a number of trees on the site but these are not part of a regulated woodland. There is, however, at least one regulated tree on the site. Any proposed development would potentially impact a small, non-essential wetland and the associated natural features setback.

The applicant states in their submittal that the property has no natural means of stormwater discharge, and so a significant portion of the site will have to be committed to an on-site retention basin. The City's Engineering division typically provides detailed comments on stormwater management in their review of a preliminary site plan review.

Development Potential

Development under the current R-1 zoning could result in the construction of as many as 35 single-family homes based on the density regulations of the district and the estimated net site area (21.46 acres). It is not known whether the site could be developed with 35 lots that meet the dimensional requirements of the R-1 zoning district. Development under R-3 zoning without a PRO option could result in as many as 58 single-family homes, so long as the residential lots could meet the minimum

lot area and width standards for the R-3 district. The principal permitted uses and special land uses allowed within R-1 and R-3 are the same; the only difference between the development potential of the two zoning districts is the single-family residential density permitted, minimum lot size, and minimum lot width.

The applicant's original submittal states that the subject property has no natural means of stormwater discharge, and that a significant portion of the property would be utilized by an on-site retention basin. The applicant states that the need for a retention basin will limit the portion of the property that will be developable regardless of the property's zoning. The applicant's motivation in seeking the rezoning (based on the argument included in their original submittal) is to allow for smaller and narrower lots, and not to seek significantly higher density or more developable lots. However, the applicant also contends that the density proposed on the PRO concept plan (38 lots) is necessary to make the development economically feasible.

Major Conditions of Planned Rezoning Overlay Agreement

The Planned Rezoning Overlay process involves a PRO concept 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, Section 3402). 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 has submitted a conceptual plan showing the general layout of the internal roads and lots, the locations of the proposed retention pond and detention pond, setbacks from Ten Mile and Beck Roads, location of the proposed open space, and proposed landscaping throughout the development, including details for the "pocket park" on the northwest corner of Ten Mile and Beck Roads. Also included were conceptual renderings of housing styles and materials proposed for the development. (See the façade review letter dated January 23, 2012 for additional information on the provided renderings.) The applicant's engineer drafted a letter describing the public benefits of the proposed rezoning. The only "terms" or "conditions" within the submittal are the design elements illustrated on the conceptual plan and the public benefits outlined in the corresponding letter.

Ordinance Deviations

Section 3402.D.1.c permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by 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." Such deviations must be considered by City Council, who will make a finding of whether to include those deviations in a proposed PRO agreement. The proposed PRO agreement would be considered by City Council after tentative approval of the proposed concept plan and rezoning.

The concept plan submitted with an application for a rezoning with a PRO is not required to contain the same level of detail as a preliminary site plan. Staff has reviewed the concept plan inasmuch detail as possible to determine what deviations from the Zoning Ordinance are currently shown. The applicant may choose to revise the concept plan to better comply with the standards of the Zoning Ordinance, or may proceed with the plan as submitted with the understanding that those deviations would have to be approved by City Council in a proposed PRO agreement. The following are deviations from the Zoning Ordinance and other applicable ordinances shown on the concept plan:

1. Design and Construction Standards (DCS) Waivers; DCS waivers are required for the lack of paved eyebrows. These waivers are supported staff.

Applicant Burden under PRO Ordinance

The Planned Rezoning Overlay ordinance requires the applicant to demonstrate that certain requirements and standards are met. The applicant should be prepared to discuss these items, especially in number 1 below, 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. (Sec. 3402.D.2.a) 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. (Sec. 3402.D.2.b) 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

Section 3402.D.2.b states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the public benefits of the proposed PRO rezoning would clearly outweigh the detriments. The applicant's engineer submitted a cover letter with the rezoning application dated December 22, 2011 noting the following "public benefits":

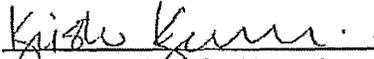
- Upgraded frontage landscaping
- Pocket park feature at prominent intersection
- Water main loop connection
- Pathway connections along perimeter roadways
- Housing style upgrade
- Housing size upgrade (minimum 2,400 square feet and up to 3,500 square feet)
- Provide a platform for City-owned art
- Provide funding toward the completion of a future major non-motorized pathway connection along Ten Mile Road to connect to the ITC corridor (not to exceed \$9,000)
- Saving landmark maple tree located near the northeast corner of the site
- Dedicate right-of-way along Beck Road and Ten Mile Road

These proposed benefits should be weighed against the proposal to determine if they clearly outweigh any detriments of the proposed rezoning. Of the ten benefits listed, two - the pathway connections and water main loop connection - would be requirements of any conceivable residential subdivision development of the subject property under existing R-1 zoning. Two others - housing style and housing size upgrade - would be considered enhancements over the minimum requirements of the ordinance. (See the facade letter dated January 23, 2012.) The remaining

benefits – upgraded frontage landscaping, the pocket park at the property's corner of Ten Mile and Beck with a display platform for public art, funding for the completion of a non-motorized pathway, saving the existing landmark tree and right-of-way dedication along Beck Road and Ten Mile Road – are enhancements that would benefit the public that would not be required as part of a residential development under the existing R-1 zoning. However, it should be noted that the preservation of the landmark tree is something that would be encouraged as part of a development review and, although not required, the right-of-way dedication is typical of residential developments.

Submittal Requirements

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- Rezoning signs were erected along the property's frontage of both Beck Road and Ten Mile Road in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request.
- A rezoning traffic impact statement was submitted and reviewed by the City's Traffic Consultant.
- A written statement by the applicant's engineer has been submitted.



Kristen Kapelanski, AICP – Planner
kkapelanski@cityofnovi.org or 248-347-0586



PLAN REVIEW CENTER REPORT

June 4, 2012

Engineering Revised Concept Review Estates at Greenwood Oaks

Property Characteristics

- Site Location: N. of 10 Mile Rd and W. of Beck Rd
- Site Size: 21.5 Acres
- Plan Date: May 14, 2012

Comments:

General

1. A full engineering review was not performed due to the limited information provided in this submittal. Further information related to the utilities, easements, etc. will be required to provide a more detailed review.
2. The site plan shall be designed in accordance with the Design and Construction Standards (Chapter 11).
3. A right-of-way permit will be required from the City of Novi and Oakland County.
4. Differentiate between project and non-project details by use of shading, notation, etc.
5. Provide a public easement for all sidewalks not located within the right-of-way or proposed right-of-way.
6. A letter from either the applicant or the applicant's engineer must be submitted with the Preliminary Site Plan submittal highlighting the changes made to the plans addressing each of the comments in this review.

Utilities

7. Show the existing utilities on the plans and the proposed connection to each.
8. Differentiate between existing and proposed utilities on the plans and indicate proposed connections.
9. Include easements with liber and page for all utilities that cross parcel boundaries and property frontages.

Paving & Grading

10. Provide paving details and cross-sections for the proposed parking area, sidewalks, and curbs.

11. Revise the transition from proposed pathway to the existing pathway from the 'hook' as shown to a smooth taper.
12. Provide crosswalks on the E and W side of Warrington Circle where it T's into itself.
13. Provide a midblock crossing on Warrington Circle where the proposed sidewalk connects from 10 Mile to Warrington Circle.

Storm Water Management Plan

14. A review of the Storm Water Management plan and its respective feasibility was not conducted due to the lack of information included in this submittal and cannot be approved at this point in time.
15. Soil borings shall be provided for a preliminary review of the constructability of the proposed development, specifically the proposed retention area. Borings identifying soil types, and groundwater elevation should be provided at the time of Preliminary Site plan.
16. The retention basin must be constructed in accordance with Chapter 5 of the Engineering Design Manual which includes but is not limited to: the ability to hold two consecutive 100-year flood events, have the bottom elevation of the basin be 3 feet above ground water level, maintain 1 foot of freeboard above the proposed high water level, include an overflow structure, be constructed in hydrological soil group classifications type A or type B with soil permeability that promotes percolation of the retained water and have side slopes no steeper than 1V:4H.
17. Provide a sheet or sheets titled "Storm Water Management Plan" (SWMP) that complies with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual (refer to the runoff coefficients, 1V:4H allowable basin slopes, etc.).
18. The SWMP must detail the storm water system design, calculations, details, and maintenance as stated in the ordinance. The SWMP must address the discharge of storm water off-site, and evidence of its adequacy must be provided. This should be done by comparing pre- and post-development discharge rates and volumes. The area being used for this off-site discharge should be delineated and the ultimate location of discharge shown.
19. An adequate maintenance access route to the basin outlet structure and any other pretreatment structures shall be provided (15 feet wide, maximum slope of 1V:5H, and able to withstand the passage of heavy equipment). Verify the access route does not conflict with proposed landscaping.
20. A 25-foot vegetated buffer shall be provided around the perimeter of each storm water basin. This buffer cannot encroach onto adjacent lots.

Off-Site Easements

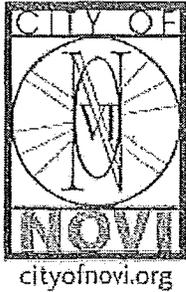
21. Any off-site easements must be executed prior to final approval of the plans. Drafts shall be submitted at the time of the Preliminary Site Plan submittal.

Please contact Adam Wayne at (248) 735-5648 with any questions.



cc:
Brian Coburn, Engineering
Kristen Kapelanski, Community Development Department

MEMORANDUM



TO: BARB MCBETH, AICP; DEPUTY DIR. COMM. DEV.

FROM: BRIAN COBURN, ENGINEERING MANAGER *BTC*

SUBJECT: REVIEW OF REZONING IMPACT ON PUBLIC UTILITIES
REZONING 18.701, THE ENCLAVE, TEN MILE & BECK

DATE: JANUARY 25, 2012

The Engineering Division has reviewed the planned rezoning overlay (PRO) request for the 24.242 acres located the northwest corner of Ten Mile and Beck Road. The applicant is requesting to rezone 24.242 acres (21.16 acres, net) from R-1 to R-3 as part of a planned rezoning overlay. The Master Plan for Land Use indicates a master planned density of 1.65 units per acre, equivalent to the current R-1 zoning on the property. While the applicant is proposing to rezone the property to R-3 (2.7 units per acre density), a concept plan has been provided as part of the PRO which includes 38 lots.

Utility Demands

A residential equivalent unit (REU) equates to the utility demand from one single family home. If the area were developed under the current zoning, demand on the utilities for the site would be about 35 REUs. The proposed R-3 zoning would yield about 58 REUs, an increase of 23 REUs over the current zoning and the master plan utility demand. The proposed concept plan submitted as part of the proposed planned rezoning overlay indicates that 38 lots are proposed for a proposed utility demand of 38 REUs.

Water System

The project is located within the Intermediate Water Pressure District. Water service is currently available from the north on Beck Road and on 10 Mile Road just west of the site. The proposed rezoning would have minimal impact on available capacity, pressure and flows in the water system.

Sanitary Sewer

The project is located within the Simmons Sanitary Sewer District. Sanitary service is currently available to the site, located west on Beck Road. The proposed rezoning would have a minimal impact on the capacity of the downstream sanitary sewer.

Summary

The concept plan provided with the PRO request proposes 38 lots which is roughly equivalent to the current zoning. Therefore, the plan would have negligible impact on the utilities.

June 4, 2012

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



**SUBJECT: Estates at Greenwood Oaks, Ten Mile & Beck Rd,
SP# zcm12-0027, Conceptual PRO Plan, Traffic Review**

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

Recommendation

We recommend approval of the concept plan, subject to subsequent development plans satisfactorily addressing our **bolded** comments below.

Site Description

What is the applicant proposing, and what are the surrounding land uses and road network?

1. The applicant has revised the previous plan based on feedback from City Council, staff, and consultants. Thirty-eight (38) single-family home sites are still proposed, but all vehicular access would not occur via a new, boulevard-style approach to Beck Road. An emergency vehicle access (using grass pavers) would be provided from the east end of Warrington, and sidewalk connections would be provided from both Warrington and Graham.
2. As can be seen in the attached aerial photo, neighboring land to the north and west is developed with single-family homes. Across Beck to the east are more single-family homes and a community shopping center. The land across Ten Mile to the south is largely undeveloped, containing only a few isolated single-family homes.
3. Beck Road – abutting the site on the east – is a 45-mph, two-lane arterial under the jurisdiction of the City of Novi. Both approaches to Ten Mile Road widen to include a left-turn lane, through lane, and right-turn lane. In 2010, the northbound approach served 11,000 vehicles per day (vpd) and the southbound approach served 9,060 vpd.
4. Ten Mile – abutting the site on the south – is a 45-mph, two-lane arterial under the jurisdiction of the Road Commission for Oakland County (RCOC). Both approaches to Beck Road widen to include a left-turn lane, through lane, and right-turn lane. In 2010, the eastbound approach served 8,030 vpd and the westbound approach served 7,930 vpd.

Birchler Arroyo Associates, Inc. 28021 Southfield Road, Lathrup Village, MI 48076 248.423.1776

- The intersection of Beck and Ten Mile is controlled by a fully-actuated traffic signal.

Traffic Study and Trip Generation

Was a traffic study submitted and was it acceptable? How much new traffic would be generated?

- The applicant's study was prepared by Wilcox Professional Services, LLC and is dated September 15, 2011. The study provides a brief description of area land uses and existing road conditions, which we have augmented above.
- The Wilcox study also provides the trip generation forecast summarized in Table 1 below, which we have reviewed and found acceptable. (A trip is a one-way vehicular movement into or out of the site.)

Table 1. Trip Generation Forecast

Zoning	No. of Homes	Weekday Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
			In	Out	Total	In	Out	Total
Development Portrayed in Applicant's PRO Plan								
R-3	38	427	9	27	36	28	16	44

- According to the *City of Novi Site Plan and Development Manual*, the proposed development of 38 single-family homes on the subject site does not require a more detailed traffic study, since none of the forecasted volumes of new peak-hour, peak-direction trips equal or exceed 75.
- Based on prior traffic counts, we expect half of the entering traffic in the PM peak hour – 14 vehicles – to turn left into the development from Beck. Figure IX.8 in the City's Design and Construction Standards (DCS) indicates that a center left-turn lane or passing lane is required on a two-lane road carrying 20,000 vehicles per day if the peak-hour entering left-turn volume is 10 or more vehicles and left turns are not prohibited. Hence, **the existing center left-turn lane must be extended north to also serve the proposed new entrance on Beck.**
- Prior to this review, the City Engineering Division counted 28 southbound vehicles turning left into Briar Pointe Plaza – just over 200 ft south of the proposed new access location – in the PM peak hour. Based on our field-expedient measurements and an aerial photo of that shopping center, it appears that about 6,300 s.f. of the center are now vacant; that amount of specialty retail space can be expected to generate a total of eight entering trips in the PM peak hour. Distributing this additional volume equally among the four possible entering movements (two on each road) would increase the counted southbound entering left-turn volume to 30 vehicles, or an average of one every two minutes.

Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

11. The proposed access location on Beck would be 225 ft north of the existing driveway for Briar Pointe Plaza (from the center of undivided shopping center drive to the north edge of the proposed median island in Warrington, the effective centerline of the latter with respect to entering left turns). **The plan should be revised to show 225 ft to the north edge of the proposed island, rather than 220 ft to the center of the island. Given the above comments regarding volumes entering these two offset access points (i.e., both less than 200 peak-hour trips), the proposed 225-ft spacing slightly exceeds the City's applicable minimum opposite-side driveway spacing (200 ft, per DCS Figure IX.12).**
12. The opposite-side driveway spacing to the north, and the same-side driveway spacing to both the north and south, are well in excess of City minimums.

Vehicular Access Improvements

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

13. Yes. The concept plan proposes improvements to Beck for the purpose of extending the left-turn lane (per comment 9, above). **We are providing City staff and the applicant a separate memo on needed refinements to the proposed road improvements.**

Driveway Design

Are the driveways acceptably designed?

14. No. Per DCS Figure IX.3, a boulevard island in a divided local street has a standard length of 35 ft and a maximum length of 100 ft; the proposed island scales 160 ft long. To avoid the need for a Council waiver, which we would not support, **a 25-ft wide break in the median should be proposed, starting 35 ft from the island's east end.** This break would allow cars (such as police cars) to complete a U turn and return to Beck Road.
15. DCS Figure IX.3 also indicates that the standard width of the entering and exiting roadways within a divided local street is 24 ft (back-of-curb to back-of-curb). The 22-ft width proposed is the City-minimum width, which is permitted if the City specifies it or the applicant "shows cause" for it. Given the low traffic volumes and 35-ft entering and exiting radii cited in comment 13b, we believe that 22-ft widths would be acceptable here.
16. **Later plans will need to provide more information regarding the proposed emergency access connection from existing Warrington, including but not necessarily limited to:**
 - a. **The proposed alignment and width of the grass paver system and its easement.** Per DCS Figure VIII-K, this emergency drive must be at least 18 ft wide and lie within a 25-ft-wide easement (part of which could be existing right-of-way).
 - b. **The weight-carrying capability of the grass pavers (minimum of 35 tons).**
 - c. **Location and specifications of the gate required by DCS Figure VIII-K,**

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

17. Satisfactory sidewalk connections are proposed between the development's internal sidewalks and those in the neighboring subdivisions. Connections between the internal sidewalks and the abutting arterial sidewalks are also proposed along both sides of Warrington and along the east side of the southwest open space.
18. **The sidewalk along the south side of the boulevard section should be realigned to meet the sidewalk proposed along the undivided section of Warrington. Sidewalk stubs should be proposed on the west side of the first internal intersection, and the proposed north-south sidewalk stub on the east side of that intersection should be eliminated.**
19. The proposed transitions between the existing sidewalks near Beck and the new walks to be placed near the edges of the expanded right-of-way are too abrupt – involving a right-angle turn followed by a very small-radius curve – and will result in both pedestrians and bikes wearing more direct paths in the grass. **Longer and smoother sidewalk transitions should be provided, preferably using a larger-radius reverse curve.**

Circulation and Parking

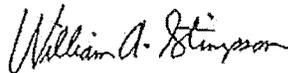
Can vehicles safely and conveniently maneuver through the site?

20. **The proposal to not provide the eyebrows that would normally be required at the northwest, southwest, and southeast 60-ft-radius bends in Warrington Circle will require a Council waiver of DCS Section 11-194(a)(8).**
21. **All parties are advised that the absence of eyebrows at the three bends will require the posting and effective enforcement of no parking along both sides of the street through the bends, to ensure adequate mobility for both fire trucks and moving vans.**

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



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

MEMORANDUM

DATE: June 4, 2012

TO: Barbara McBeth, AICP, Deputy Director of Community Development
Brian Coburn, P.E., Engineering Manager

FROM: William Stimpson, P.E., Director of Traffic Engineering

SUBJECT: Estates at Greenwood Oaks, Conceptual PRO Plan of May 2012, Detailed Comments on Proposed Beck Road Improvements



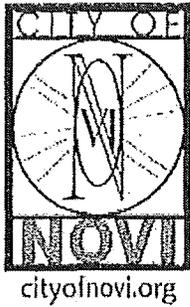
Please pass these comments along to the applicant's engineer and any City staff with a need to know. We did not feel that the Planning Commission or City Council needed to absorb or address these details, but wanted to see our comments incorporated into future plans sooner rather than later.

- a. On all applicable plan sheets, the spacing reference for the new drive should be the back of curb along the north edge of the proposed boulevard island. This will have the effect of shifting the center-lane "angle points" to the south by 5 ft (i.e., the ones that are 35 ft and 305 ft north of the reference).
- b. Per the third note under DCS Figure IX.3, a local street intersecting an arterial street (such as Beck) shall have 35-ft entering and exiting radii; 25-ft radii are now proposed.
- c. On the west side of Beck, the back of curb of the curbing parallel to the centerline should be 32 ft from the physical centerline, not 30 ft. (In DCS Figure IX.11, dimension G is the pavement width to the lip of the Novi-standard 30-inch curb and gutter; this is needed in order to provide 12-ft lane widths, excluding the gutter pan, at least west of the road's physical centerline.)
- d. Accommodating comment c will require the nose of the proposed boulevard island to be set back another 2 ft (to maintain the standard 12-ft offset).
- e. To comply with DCS Figure IX.11, the proposed curb and gutter north of the access should have a "curb ending" 10 ft into the 25-ft-long deceleration lane, and not extend the full length of that lane.

- f. **The existing lanes should be realistically portrayed with respect to the type and number of stripes, and the true resulting lane widths;** for example, the center lane is now shown a questionably narrow 9 ft wide at the shopping center drive, possibly reflecting field-expedient measurements between the inside edges of the double striping used to mark each side of the two-way left-turn lane, rather than the effective width referenced from center of double stripe to center of double stripe. Also, the existing edge line and paved shoulder along the east side of the road need to be shown and maintained (see attached surface photo).

- g. **Proposed revisions to the existing striping need to be clearly shown, with an indication of just what existing striping will need to be ground off. All proposed lanes should be 11-12 ft wide.**

Please be advised that we have evaluated the forecasted PM peak-hour entering left-turn volumes at Warrington and at the shopping center against the respective opposing through volumes. The ITE-recommended nomograph that facilitates this analysis indicates the need for "stacking" one vehicle northbound and two vehicles southbound. Making the worst-case assumption that one of the vehicles in each direction is a WB-50 tractor-trailer and the second vehicle southbound is a car, the desired stacking space would be 75 ft northbound and 100 ft southbound. The available space between these two stacking areas happens to be $(225 - 75 - 100) = 50$ ft. Given these findings, we recommend that serious consideration be given to striping a 75-ft-long left-turn-only lane northbound for Warrington and a 100-ft-long left-turn-only lane southbound for the shopping center drive, separated by a 50-ft-long double-yellow taper. This would enhance safety by deterring left-turn vehicles from entering the "interlock" area between drives too soon. A more detailed rendition of the preceding concept can be developed once the other items listed above have been satisfactorily addressed.



PLAN REVIEW CENTER REPORT

January 6, 2012

Revised Concept Landscape Review

Estates at Greenwood Oaks

ZCM#12-27

Petitioner

Beck Ten Land, LLC (Howard Fingeroot and William Anderson)

Review Type

Rezoning Request from R-1 (One-Family Residential) to R-3 (One-Family Residential) with Planned Rezoning Overlay (PRO) option

Property Characteristics

Site Location: Northwest corner of Beck Road and Ten Mile Road
Site Zoning: R-1, One-Family Residential
Adjoining Zoning: North: R-1; East (across Beck Road): R-1, B-1; West: R-1;
South (across Ten Mile Road): R-1
Current Site Use: Vacant Land
Adjoining Uses: North: Greenwood Oaks Subdivision; East (across Beck Road): Briar Pointe Plaza, Briarwood Village; West: Warrington Manor Subdivision; South (across Ten Mile Road): Single-Family Homes, Vacant
School District: Novi Community School District
Site Size: 24.24 gross acres, 21.46 net acres
Plan Date: 12/22/2012

Recommendation

Approval of the P.R.O. Site Plan for Estates at Greenwood Oaks ZCM#12-27 is recommended. The Applicant must address outstanding issues detailed below on subsequent submittals.

Ordinance Considerations

Public Benefits as suggested by the Applicant

1. Upgraded Frontage Landscaping:
 - A forty (40') landscape buffer is required along the frontages of Ten Mile and Beck Road. The Applicant has proposed a fifty foot (50') buffer.
 - A four foot (4') tall berm is proposed along the frontage of Ten Mile and Beck Road. The berm meets ordinance requirements.
 - Trees have been proposed on the berms. No shrubs or perennials have been proposed. These must be added to meet the requirement and intent as stated in the Ordinance and Landscape Design Manual.
 - The Applicant has proposed a total of 277 Green Giant Arborvitae along the frontages of Ten Mile and Beck Road. These plantings are arranged in

a single file row, closely placed along the edge of the sidewalk and right-of-way. When mature, these evergreen trees will provide a complete dense screen to a potential height of 50', effectively isolating the development. The Planning Commission may wish to discuss if this design is consistent with ordinance and/or Master Plan intent and their vision for the property.

- Decorative brick walls and pillars have been proposed at access points for internal walkways and Intermittently along both main frontages.
2. Pocket Park Features:
 - Located at the intersection of Ten Mile and Beck Road, this space includes a walkway and benches. The Applicant's correspondence indicates that a platform will be provided in this space to allow for the placement of artwork by the City of Novi.
 - The Applicant intends to preserve all of the existing mature trees at the corner location. These plantings include large Walnuts, evergreens and one Landmark Maple. Please note these trees to be preserved on the plans.
 - A small plaza area was originally proposed on a previously submitted concept plan at an area overlooking the retention pond / wetland. This has been removed from the currently proposed plan.
 3. Water Main Loop Connection: No comment.
 4. Pathway Connections along Perimeter Roadway: A proposed pathway is located at the southwest corner of the site that links the development to Ten Mile Road. On an initial concept plan, the walkway was curvilinear rather than straight. The curvilinear design is preferred by staff.
 5. Housing Style Upgrade: No comment.
 6. Housing Size Upgrade: No comment.

Adjacent to Residential – Buffer (Sec. 2509.3.a.)

1. The project site is adjacent to residential uses. As such, no landscape buffer is required between this property and the properties to the north and west.

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

1. Both Ten Mile and Beck are major thoroughfares. A forty foot (40') landscape buffer is required along both frontages. A 50' buffer has been proposed.
2. A minimum 4' tall berm with a minimum 4' crest is required within the landscape buffer. The Applicant has met this requirement.
3. Calculations for buffer landscape requirements have been provided. A canopy or large evergreen tree is required at 1 per 35 linear feet; a sub-canopy tree is required at 1 per 20 linear feet.
4. Decorative brick piers and walls have been proposed at the pedestrian access points and corner pocket park.
5. Section 2404 RUD of the ordinance states that part of the intent of the RUD ordinance is to preserve rural community character and to reduce the visual intensity of development. The Planning Commission may wish to discuss if the walls, piers and linear evergreen plantings are in keeping with the intent of the ordinance.

6. There appears to be conflicts with a proposed linear shrub row and the existing trees stated as being preserved. This occurs at the southeast corner of the site. Please adjust the shrub placement so as not to conflict with the existing trees.
7. It is the intent of the Ordinance and Landscape Design Manual that all berms be planted with a combination of vegetation to include trees, shrubs, perennials and groundcovers. The Applicant must include understory plantings along with the proposed trees on the berms in order to meet this intent.

Street Tree Requirements (Sec. 2509.3.b.)

1. One street tree is required at 1 per 35 linear feet both along the major frontages and along the proposed interior roads.

Parking Landscape (Sec. 2509.3.c.)

1. This section of the ordinance is not applicable as no parking lots are proposed.

Building Foundation Landscape (Sec. 2509.3.d.)

1. This section of the ordinance is not applicable as no commercial / institutional buildings are proposed.

Retention Basin Planting (LDM)

1. Clusters of large native shrubs are required around the retention basin. The plantings are to be arranged densely and placed at and above the high water elevation of the basin. Clusters must cover 70 to 75% of the basin rim area. Please refer to the Landscape Design Manual for all basin requirements. The Applicant must provide these plantings.

Plant List (LDM)

1. The Plant List meets the requirements of the Ordinance and Landscape Design Manual.

Planting Details & Notations (LDM)

1. Planting Details and Notations meet the requirements of the Ordinance and Landscape Design Manual.
2. Please revise the planting details to specify only fabric guying material.

Irrigation (Sec. 2509.3.f.(6)(b))

1. All common landscape areas are required to be irrigated. Please provide an Irrigation Plan upon subsequent submittals.

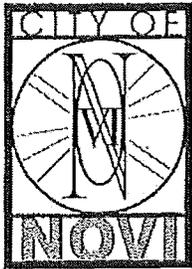
General

1. Final financial requirements will be verified upon subsequent submittals.

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





June 6, 2012

TO: Barbara McBeth, Deputy Director of Community Development

RE: Estates at Greenwood Oaks

SP#: ZCM12-0027

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolls

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

Director of Public Safety
Chief of Police
David E. Molloy

Director of EMS/Fire Operations
Jeffery R. Johnson

Deputy Chief of Police
Thomas C. Lindberg

Assistant Chief of Police
Victor C.M. Lauria

Project Description:

Proposed addition of 38 single family detached site condominiums on 24.242 gross acres.

Comments:

1. The roadway route thru the subdivision (Warrington Circle) is acceptable by minimum width requirements and turning radius for Fire Apparatus, however: Secondary Emergency Vehicle Access lane on west side, connection to Warrington Dr, and the Warrington Manor Subdivision is not connecting properly to Warrington Circle. Detailed plans would be needed for review prior to approval. Item can be addressed at Pre-Application meeting.
2. Fire Hydrants and water mains are not indicated on plan set. This item can also be added for final review.

Recommendation:

The above site plan has been reviewed and will need modifications before final site plan can be reviewed and approved. Complete engineering plans would be needed for a thorough review and recommendation. Items #1 & 2, listed above would need to be addressed by applicant. This submittal is also in reference to ZCM11-0033, 11-0039, & 11-0040.

Sincerely,

Andrew Copeland – Inspector/CFPE
City of Novi – Fire Dept.

cc: file

Novi Public Safety Administration
45125 W. Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org



Environmental Consulting & Technology, Inc.

November 15, 2011

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

Re: Wetland Review for Estates at Greenwood Oaks Concept/PRO ZCM 11-39, 11-40

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Estates at Greenwood Oaks ZCM 11-39 and 11-40 Planned Rezoning Overlay (PRO), (Plan), prepared by Beck Ten Land LLC and A-Team Associates, LLC. The Plan is date-stamped by the engineer October 21, 2011 ECT previously visited the site in February 2010 for a wetland boundary verification and revisited the site on November 8, 2011. The following is a summary of our findings.

Site Comments:

The proposed project site is mostly idle field with scattered shrubs and a few trees. One small wetland (Figure 1) was found near 10-Mile Road in an area labeled on the Plan as "Retention Area." This small wetland is approximately 80-feet in diameter, or less than 5,000 square feet (0.12-acre) (Figure 2). Dominant vegetation includes reed canary grass (*Phalarus arundinacae*), common reed (*Phalarus arundinacae*), and a small clump of black willow (*Salix nigra*). Hydric soils consisted of mucky loam, containing high organic matter content, and oxidized roots met a primary wetland hydrology criterion.

Regulatory Status

The wetland identified in the field does not appear to be directly connected to or within 500 feet of a lake, stream or pond. Therefore, ECT does not believe the wetland is regulated by the Michigan Department of Environmental Quality MDEQ). ECT believes it is City regulated on the basis of meeting one essentiality criterion: it provides a hydrologic (stormwater storage) function.

Permits

According to the Novi Wetland Ordinance (Ordinance), Section 12-171(a): "It shall be unlawful for any person to conduct any activities within a watercourse or wetland location without first having obtained a use permit upon proper application."

ECT believes impacts to the wetland described in this report would require a Minor Use Wetland permit and *Authorization to Encroach into the 25-foot Natural Features Setback*.

Comments and Recommendation

1. The wetland and 25-foot natural features setback should be mapped and shown on the Plan.

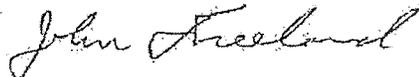
2. The proposed Novi Crossing project would potentially impact a small (approximately 0.12-acre) emergent wetland and surrounding 25-Foot Natural Features Setback, consisting mostly of shrubs and small trees, adjacent to 10-Mile Road. Based on the Plan submitted, it is not clear how much additional water would be added to the wetland area and what impacts, if any the additional volume might have on 10-Mile Road. It appears highly likely the additional volume would far exceed the current conditions. It is not clear how much would infiltrate the soil as opposed to ponding on the surface. This needs to be evaluated.
3. The wetland has no outlet but, according to the Plan, it is connected to another depression south of 10-Mile Road by way of a pipe beneath the road. The pipe appears to flow from south to north. The applicant needs to evaluate the potential for flooding of the wetland, its surrounding area, and the need for an off-site outlet to handle excess wetland flooding.
4. ECT believes the proposed project is permissible with respect to the City's Wetland Ordinance and the Natural Features Setback provisions of the Zoning Ordinance, provided the issues described in the above comments are addressed and satisfactorily resolved.

ECT's determination does not preclude the need for other applicable permits. Although we do not believe the subject wetland is state regulated, the MDEQ makes its own determination of what is or is not a regulated wetland the applicant is encouraged to contact that agency concerning the regulatory status of the wetland described in this report.

If you have questions or comments, please contact us.

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

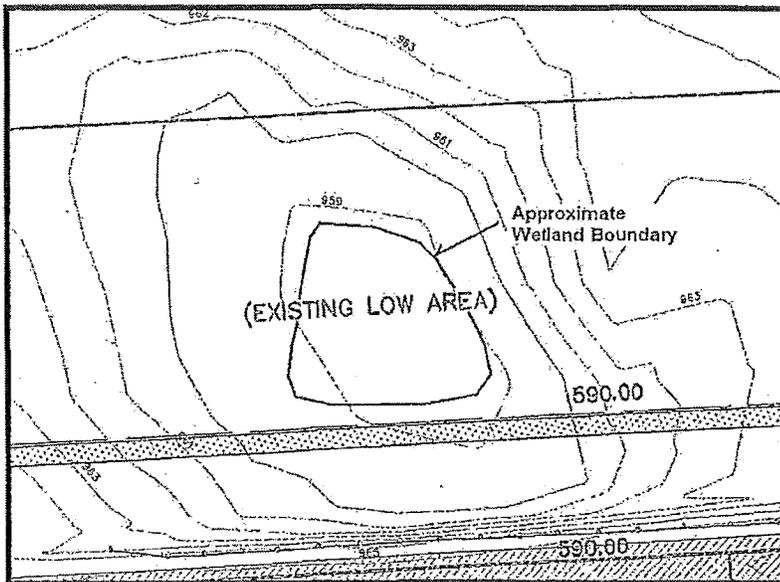


John A. Freeland, Ph.D., PWS
Environmental Scientist.

Figure 1. Wetland in the area designated as proposed "Retention" on the Plan. North of 10-Mile road, looking north (ECT, February 12, 2010).



Figure 2. Approximate wetland boundary in area designated as proposed "Retention" on the Plan. The boundary observed in 2010 was near the 959 topographic contour.





Environmental Consulting & Technology, Inc.

November 15, 2011

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

Re: Woodland Review for Estates at Greenwood Oaks Concept/PRO ZCM 11-39, 11-40

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Estates at Greenwood Oaks ZCM 11-39 and 11-40 Planned Rezoning Overlay (PRO), (Plan), prepared by Beck Ten Land LLC and A-Team Associates, LLC. The Plan is date-stamped by the engineer October 21, 2011 ECT previously visited the site in February 2010 for a Woodland Inspection revisited the site on November 8, 2011. The following is a summary of our findings.

Site Comments:

According to the City of Novi Official Woodlands Map, the site does not contain Regulated Woodlands. However, one sugar maple on the corner of Beck Road and Ten Mile Road exceeds the 36" dbh and is considered a landmark tree (see attached photo). Per the Woodland Protection Ordinance Sec. 37-4(b), this tree is regulated by virtue of its size, regardless of whether or not it occurs in regulated woodland. Several other large black walnuts, maples, and pines were observed on the property but were not large enough to be considered landmark trees.

Proposed Impacts:

The proposed site plan does not contain complete information regarding tree size and location. Located in the southeast corner of the property, the landmark sugar maple's critical root zone may be impacted by grading activities associated with other proposed site infrastructure. If the tree's critical root zone (area defined by longest drip line radius plus one foot) cannot be protected, then the Applicant may choose to leave the tree to see if it survives or remove the tree during construction. For either scenario, assuming the tree's critical root zone cannot be completely protected, the Applicant will be required to provide 4 woodland replacement credits.

Several items must be provided in the subsequent Preliminary Site Plan to comply with site plan standards outlined in the updated Chapter 37 Woodland Protection Ordinance. Currently, the Concept Plan does not provide a method for protecting the regulated maple tree if it is to remain during construction, the location & critical root zone/elevation at the base/condition of the regulated maple tree, the number of replacement credits that will be provided if the maple tree is proposed for removal, cost estimate for the provision of these replacement credits, and species/quantities/sizes of replacement materials.

Estates at Greenwood Oaks ZCM 11-39 and 11-40
Woodland Review
November 15, 2011
Page 2

Required Permits:

Based on information provided on the Plan and field review of the site, the proposed project requires a City of Novi Woodlands Use Permit.

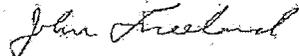
Conclusion:

ECT believes that one large sugar maple tree in the southeast corner of the property is regulated under the Woodland Protection Ordinance and requires a Woodland Use Permit if its critical root zone cannot be adequately protected. Additional information outlined above must be provided in the Preliminary Site Plan to meet the site plan standards of the Woodland Protection Ordinance. Since the tree occurs near the sidewalk at the edge of the property, ECT suggests that the effort is made to avoid impacting the critical root zone and save the tree. ECT recommends approval of the PRO Plan, conditional on the Applicant's satisfactory adoption of the recommendations described above in the Preliminary Site Plan.

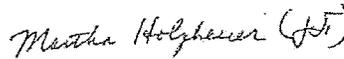
If you have questions, please contact us.

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



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



Martha Holzheuer
Certified Arborist

Estates at Greenwood Oaks ZCM 11-39 and 11-40
Woodland Review
November 15, 2011
Page 3

Photo 1. Landmark maple tree at the corner of Beck Road and Ten Mile Road, facing south (ECT, February 2010)





Phone: (248) 880-6523
E-Mail: dnucci@drnarchitects.com
Web: drnarchitects.com

DRN & ASSOCIATES, ARCHITECTS, PC

50850 Applebroke Dr., Northville, MI 48167



March 19, 2012

City of Novi Planning Department
45175 W. 10 Mile Rd.
Novi, MI 48375-3024

Re: The Estates at Greenwood Oaks – PRO Request (2nd Review)

Dear Ms. McBeth;

We have reviewed the applicant's letter dated December 22, 2011, specifically items 5 and 6 on page 3, that describe the additional public benefit offered by the proposed PRO Agreement. Our first review included six photographs referred to in the applicant's letter as "samples of specific home elevations that may accompany the PRO document." For this 2nd review those 6 photographs have been replaced with 4 models; "Torino II" (3,500 S.F.), Turnberry (2,675 S.F.), Seville (2,600 S.F.) and Springhaven (2,860 S.F.). Up to 5 alternate elevations are provided for each of the above models. The threshold for approval used for this review can be found in Section 3402.D.2.a of the City of Novi's Planned Rezoning Overlay (PRO) Ordinance, which reads;

3402.D.2.a - 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

The subject property is bounded by to the Greenwood Oaks Subdivision on the north and west. Both the existing subdivision and the PRO property fall within the R-1 Zoning District. Homes constructed in the PRO would fall under the City's "Similar/Dissimilar" Ordinance, Section 303. This Ordinance sets minimum standards for size (square footage), quality of materials, and design diversity for single family detached dwellings. In order to meet the above threshold homes within the PRO would have to be considered an enhancement compared to the minimum requirements of the Similar Dissimilar Ordinance.

Size (square footage) - Section 303.1.g.1 of the Ordinance requires that a proposed home's size be within 75% of the average square footage of homes within a 350 foot radius (measured lot line to lot line). The average square footage of homes in the adjacent Greenwood Oaks Subdivision was calculated to be approximately 2,950 square feet. Based on this the minimum square footage for the homes in the PRO would be approximately 2,212 square foot. The exact figures may vary slightly depending on the particular lot's location. Approximately 40% of the lots in the PRO are located more than 350' from lots in Greenwood Oaks and would not be affected by this minimum square footage.

The applicant has stated that they "will agree to a minimum building size of 2,400 S.F, excluding the basement" (the basement is always excluded). It is assumed that this minimum has been increased by this submittal to 2,600 S.F., the size of the smallest model provided. This new proposed minimum square footage is approximately 17.5% greater than the minimum required area. **Therefore, the proposed minimum of 2,600 square foot would represent an enhancement compared to the minimum required by the Ordinance.** The applicant should provide scaled floor plans for the proposed buildings to clarify the actual square footage.

Quality of Materials – Section 303.1.g.2 of the Ordinance requires that the type of materials used not be "grossly dissimilar" to those used in the surrounding area. The relative percentage of brick or stone is one measure of this. The average percentage of brick or stone on homes in Greenwood Oaks is approximately 65% on the front facades with brick extending to the second floor belt line on the side and rear facades. The revised models appear to represent a reduction in the percentage of brick on the front facades as compared to the original submittal. The original examples were approximately 90% to 100% brick or stone on the front facades whereas the revised facades are on average approximately 80 % brick or stone. Examples of the side and rear facades were not provided. The revised facades show less extensive use of architectural features such as full return Queen Ann cornices, stone window surrounds, decorative columns, balustrades, decorative brick coursing. The continuous limestone sill that appeared on two prior models as noted in our prior review has been eliminated. A similar brick sill appears on the new "Seville" model. These architectural features represent an important aspect of the proposed quality of design and it is important that the type and extent of these features be maintained on the homes constructed. **Assuming that all models will have brick extending to the second floor belt line on the side and rear facades, and that the extent and type of architectural features shown in the examples will be maintained on all models, it is our recommendation that the proposed materials and architectural features would be considered an marginal enhancement over the minimum required by the Ordinance.** However, the degree of enhancement is less that that evidenced by the prior submittal. As with the prior submittal, side and rear elevations were not provided. The applicant should provide scaled elevations to clarify the percentage of brick on the side and rear facades.

Design Diversity (Similar Dissimilar Ordinance) - Section 303.2 of the Ordinance requires that nearby homes (two on the left, two on the right and any across the street that overlap by 50%) not be "substantially similar" in appearance to the proposed home. The applicant has provided four different floor plans, each with several alternate facades. A total of 20 facades are provided, of which approximately 13 would be considered dissimilar with respect to the Ordinance. These facades offer significantly greater diversity as compared to the prior submittal. We believe that compliance with the Ordinance could readily be achieved with these choices.

If a uniform distribution of ALL of the elevations were to occur this would represent a significant enhancement with respect to this aspect of the Ordinance. However, in reality uniform distribution is unlikely to occur due to the relative popularity of some models. Therefore, a minimum distribution must be assumed. If the applicant were to agree to a greater degree of distribution; for example three on the left, three on the right and any across the street that overlap by 50%, this would be considered an enhancement over the current Ordinance.

Summary – The proposed home models represent a marginal enhancement in 2 of the 3 criteria discussed above; size and quality of materials. With respect to design diversity, it is assumed that minimum ordinance requirements will be met. Given the large number of dissimilar facades provided, greater diversity can reasonably be expected. We would encourage that the applicant to consider assuring such a a greater degree of diversity; for example by modifying the Similar - Dissimilar Ordinance standards as describe herein and/or by master planning the entire subdivision.

Recommendation – It is our recommendation that the proposed homes marginally meet the PRO's requirement of achieving a higher standard that would not otherwise be achieved under the current Ordinance Requirements.

We recommend that definitive (less subjective) guidelines and standards for size, design diversity including the extent and type of architectural features, and quality of materials, including drawings and illustrations, be developed by the applicant and included in any PRO Agreement, as required by the PRO Ordinance.

If you have any questions please do not hesitate to call.

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA



June 6, 2012

TO: Barbara McBeth, Deputy Director of Community Development

RE: Estates at Greenwood Oaks

SP#: ZCM12-0027

CITY COUNCIL

Mayor
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Mayor Pro Tem
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Project Description:

Proposed addition of 38 single family detached site condominiums on 24.242 gross acres.

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1. The roadway route thru the subdivision (Warrington Circle) is acceptable by minimum width requirements and turning radius for Fire Apparatus, however: Secondary Emergency Vehicle Access lane on west side, connection to Warrington Dr, and the Warrington Manor Subdivision is not connecting properly to Warrington Circle. Detailed plans would be needed for review prior to approval. Item can be addressed at Pre-Application meeting.
2. Fire Hydrants and water mains are not indicated on plan set. This item can also be added for final review.

Recommendation:

The above site plan has been reviewed and will need modifications before final site plan can be reviewed and approved. Complete engineering plans would be needed for a thorough review and recommendation. Items #1 & 2, listed above would need to be addressed by applicant. This submittal is also in reference to ZCM11-0033, 11-0039, & 11-0040.

Sincerely,

Andrew Copeland – Inspector/CFPE
City of Novi – Fire Dept.

cc: file

Novi Public Safety Administration
45125 W. Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org

MEMORANDUM

DATE: June 4, 2012

TO: Barbara McBeth, AICP, Deputy Director of Community Development
Brian Coburn, P.E., Engineering Manager

FROM: William Stimpson, P.E., Director of Traffic Engineering

SUBJECT: Estates at Greenwood Oaks, Conceptual PRO Plan of May 2012, Detailed Comments on Proposed Beck Road Improvements



BIRCHLER ARROYO
ASSOCIATES, INC.

Please pass these comments along to the applicant's engineer and any City staff with a need to know. We did not feel that the Planning Commission or City Council needed to absorb or address these details, but wanted to see our comments incorporated into future plans sooner rather than later.

- a. On all applicable plan sheets, the spacing reference for the new drive should be the back of curb along the north edge of the proposed boulevard island. This will have the effect of shifting the center-lane "angle points" to the south by 5 ft (i.e., the ones that are 35 ft and 305 ft north of the reference).
- b. Per the third note under DCS Figure IX.3, a local street intersecting an arterial street (such as Beck) shall have 35-ft entering and exiting radii; 25-ft radii are now proposed.
- c. On the west side of Beck, the back of curb of the curbing parallel to the centerline should be 32 ft from the physical centerline, not 30 ft. (In DCS Figure IX.11, dimension G is the pavement width to the lip of the Novi-standard 30-inch curb and gutter; this is needed in order to provide 12-ft lane widths, excluding the gutter pan, at least west of the road's physical centerline.)
- d. Accommodating comment c will require the nose of the proposed boulevard island to be set back another 2 ft (to maintain the standard 12-ft offset).
- e. To comply with DCS Figure IX.11.3, the proposed curb and gutter north of the access should have a "curb ending" 10 ft into the 25-ft-long deceleration lane, and not extend the full length of that lane.

- f. **The existing lanes should be realistically portrayed with respect to the type and number of stripes, and the true resulting lane widths;** for example, the center lane is now shown a questionably narrow 9 ft wide at the shopping center drive, possibly reflecting field-expedient measurements between the inside edges of the double striping used to mark each side of the two-way left-turn lane, rather than the effective width referenced from center of double stripe to center of double stripe. Also, the existing edge line and paved shoulder along the east side of the road need to be shown and maintained (see attached surface photo).

- g. **Proposed revisions to the existing striping need to be clearly shown, with an indication of just what existing striping will need to be ground off. All proposed lanes should be 11-12 ft wide.**

Please be advised that we have evaluated the forecasted PM peak-hour entering left-turn volumes at Warrington and at the shopping center against the respective opposing through volumes. The ITE-recommended nomograph that facilitates this analysis indicates the need for “stacking” one vehicle northbound and two vehicles southbound. Making the worst-case assumption that one of the vehicles in each direction is a WB-50 tractor-trailer and the second vehicle southbound is a car, the desired stacking space would be 75 ft northbound and 100 ft southbound. The available space between these two stacking areas happens to be $(225-75-100=)$ 50 ft. Given these findings, we recommend that serious consideration be given to striping a 75-ft-long left-turn-only lane northbound for Warrington and a 100-ft-long left-turn-only lane southbound for the shopping center drive, separated by a 50-ft-long double-yellow taper. This would enhance safety by deterring left-turn vehicles from entering the “interlock” area between drives too soon. A more detailed rendition of the preceding concept can be developed once the other items listed above have been satisfactorily addressed.

**CITY COUNCIL MINUTES
JUNE 18, 2012 - EXCERPT**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 18, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

CM-12-06-090 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as amended with the addition of two items. Under Interviews for Board and Commissions, item 2 added, Ted Zuchlewski, Planning Commission and under Matters for Council Action, item 8 added, Approval to purchase two tax foreclosed properties from Oakland County.

Roll call vote on CM-12-06-090 **Yeas: Staudt, Casey, Fischer, Margolis, Mutch, Wrobel, Gatt**
Nays: None

AUDIENCE COMMENT:

Dennis Ringvelski, 24359 Nantucket Dr., spoke about the request from Beck Ten Land, LLC. He had not seen the new agreement. He understood that one of the new provisions will be a separate entryway onto Beck Road for the proposed subdivision under the new agreement. He approved it and was glad that it has happened. He was concerned about the use of the name of Greenwood Oaks in the advertising or naming of the subdivision. Greenwood Oaks would be a separate entity.

MATTERS FOR COUNCIL ACTION:

2. Approval of the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development.

City Manager Pearson said this is a review of this Planned Rezoning Overlay at the northwest corner of Ten and Beck. It is all residential development. The petitioner has done their best to incorporate the access onto Beck Road. There is going to be

emergency access and sidewalk connections. He thought it showed a lot of confidence in building this residential development.

Mayor Pro Tem Staudt said that a few months ago we had this discussion and the developer has returned. The name of Greenwood Oaks is gone. He could support this. It went beyond the scope of what Council asked for. This is the end of a long saga of this particular corner. We have a proven development group working on this who has done other work in Novi.

Member Fischer echoed the sentiments of Mayor Pro Tem Staudt. A lot of work has gone into this from staff and the petitioner. This kind of development fits into the problem of "pocket developments". It can cause some friction between the developer and the residents who are there. Any time the developer goes back to the drawing board they have to be commended for those efforts. Last discussion he had some problems of the access and size and elevations. He confirmed that there were no houses under 2,600 square feet with the petitioner. Attorney Schultz said they could handle the naming administratively. Member Fischer said this confirms no commercial development on that corner. He would support this.

Member Wrobel said it was a long process and they were almost there. It addressed the issues that the residents spoke about. It is a good plan going forward and he will support it.

Member Mutch said he would not support the plan as proposed. He recognized that the applicant did take into consideration the comments of the residents. He reviewed the three key points that were not addressed through this plan. He said the first one was the density. We are setting precedent through the PRO process to allow an R-1 density to get more units than what our Master Plan allows. We were looking at about 25 to 28 units under the R-1 density. It is a difference of about ten units. The second issue was that there is no buffer between existing homes and proposed homes. There is room on this site to shift the lots to permit a buffer. The buffer is going to the houses on Ten Mile and Beck. It was not incorporated in the plan. The third issue is the PRO benefit. The PRO Zoning Ordinance doesn't exist as a vehicle to get around our Zoning Standards or our Master Plan. A key consideration of the PRO Ordinance is it derives a benefit for the City at large and not just for the applicant or adjoining residents. It is a benefit that it is not being developed as commercial. But when you go through the remaining list of items that are stated as public benefit, most of them accrue to the development or to the future development. It is not what he envisioned the PRO approval process is supposed to look like. The only things he can point to as a permanent actual benefit is the pocket park at the corner and the \$9,000 towards sidewalk connections. We have put in 600 feet of sidewalks that the developer would normally have to put in as part of this development. It is probably around \$50,000 in sidewalks the City put in for this property. It is a cost they won't have to bear. He said there was another \$17,000 in easements that the City acquired. We are not getting back to us from this development. Because of the three key points he described, he will not support the plan as presented.

Member Margolis said she will support the development. She appreciated the developer working with the residents and staff to bring this to fruition. A new development in Novi is something they didn't expect to see for a few years. As a homeowner in Novi, the fact that people want to invest in Novi only helps all of us. She is comfortable with the density and closely matches the Master Plan density. She liked the fact that it is a residential development. The buffering around the outside of this development makes sense and other subdivisions are not usually buffered from other subdivisions. She saw that the traffic study talked about the center left turn lane and it needed to be extended. She confirmed that with the developer was willing to do that. She asked the City Attorney about the wording, "tentative indication that Council may approve." City Attorney Schultz said that is was straight out of the ordinance.

CM-12-06-093 Moved by Margolis, seconded by Fischer; MOTION CARRIED: 6-1

Tentative indication that Council may approve the request of Beck Ten Land, LLC ZCM 12-27 with Zoning Map Amendment 18.701 to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay Concept Plan and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

- a. Lack of a paved eyebrows; and
- b. Location of proposed sidewalks in relation to the edge of the right-of-way;

And subject to the following conditions:

- a. Applicant providing scaled elevations and floor plans to confirm housing style and size, a noted public benefit; and
- b. Compliance with all conditions listed in the staff and consultant review letters;

For the following reasons:

- a. The proposed development meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments;
- b. The proposed density of 1.77 units per acre closely matches the master planned density of 1 .65 units per acre; and
- c. The proposed development is consistent with a listed objective for the southwest quadrant of the City, "Maintain the existing low density residential development and natural features preservation patterns."

Member Casey said she reviewed her comments at the last presentation and she thought he had addressed most of the concerns. The one comment that she made that didn't come back was that she asked if there was a way to reduce the number of houses, from 38 to 35. Mr. Howard Fingerroot, managing partner of Pinnacle Homes and Beck Ten Land Company, said that over the last ten months the one thing that he was consistent when working with the staff and consultant that there had to be a critical

mass of lots in order to do the extensive landscaping. It comes in two facets. First is the installation, and second is the maintenance. We are putting the maintenance on the home owners. He thinks a critical mass is needed for that to work. We worked with the staff and saw the consistencies. Member Casey said the other comment she wanted to make is that he has agreed not to use "Greenwood Oaks" but it is still on the paperwork. She asked if he would take care of it. Mr. Fingeroot said they will not use the Greenwood Oaks name. They have met with the City Naming Committee that morning and have submitted additional names.

Mayor Gatt will support the motion and the people in the adjacent subdivision were well informed about this development. They hadn't heard any other concerns like the last meeting. It is wonderful news of new development coming to Novi.

Roll call vote on CM-12-06-093

**Yeas: Margolis, Wrobel, Gatt,
Staudt, Casey, Fischer**
Nays: Mutch

**CITY COUNCIL MINUTES
MARCH 26, 2012 - EXCERPT**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 26, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
Julie Farkas, Library Director
Rob Hayes, City Engineer
Brian Coburn, Engineering Manager
Barb McBeth, Deputy Community Development Director
David Malloy, Chief of Police/Director of Public Safety

APPROVAL OF AGENDA

CM-12-03-35 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented

Roll call vote on CM-12-03-35	Yeas:	Staudt, Casey, Fischer, Margolis Mutch, Wrobel, Gatt
	Nays:	None

AUDIENCE COMMENT:

Kim Capello, 24406 Nantucket, spoke about the numerous emails he received about the proposed development at 10 and Beck. He felt that when the PRO ordinance was adopted, he didn't think it envisioned this type of development that was proposed at Ten and Beck. The open space that they are providing, the detention basin at the southwest corner, is not a quality usable open space. The ten foot strip along Ten Mile Road again he did not see as being an open usable space. The open space at the Northeast corner is a small space, unusable, and on Beck Road. The open space right at the corner could be a quality open space if constructed properly and with proper maintenance tools in place. He would urge to approve the development with certain conditions for residential in order to avoid commercial. He asked for an access on to Beck Road. The other two accesses from existing subdivisions shouldn't be used as the only and primary entrance. They have to have their own entrance. Beck Road was the logical access point. Easily passing lanes could be added for the access into the subdivision. He had concerns about the detail of the footprints and facades of the houses. He understood that the proposed façade changes have been approved. He

asked to have Council look at that closely as such in Sandstone plans were not detailed enough. He asked they approve it with the Beck Road access and look at the details.

Jill Baty, 24295 Warrington Court, has lived in Novi since 1993 and noted the property is currently R-1 and was zoned that when they purchased their home. She felt they should take into account the viewpoint of the people that are adjacent to the property. They felt it would lower the value of their home if lower valued houses were built there. They expected a R-1 zoned development. She didn't feel they should suffer and the developer gets more. They also had concerns about the entrance on Beck Road and felt there would be more congestion with the additional traffic. She walks in the sub and there wasn't much traffic. She asked to see another proposal or why a development with R-1 couldn't be built there.

Dave Hadley, 24265 Warrington, noted they moved in the same time as the Baty family. They studied the master plan before they bought the property. What they haven't seen is an R-1 plan because that is what the City had planned and would represent them best for the values of homes in the area. The property as vacant land was also okay with them. But if they plan to put something there, keep it with the R-1

John Gazette, 47518 Greenwich, his specific concern was if Council wanted to set a precedent here. There is a lot of other vacant property in the area. He had hoped the economy would improve and see other proposals come forward. He asked if they want to start changing the master plan which was well thought out and reasons why we all live here. They have not seen an alternative R-1 plan for this area. He felt other developers would go back and ask for this change also.

Erik Smith, 23400 Whitehall, agreed with some of the comments with regard to changing it to R-3. Utilization of the PRO was looked into during the last Master Plan Review and it was utilized for the purpose of transitional areas of Eleven Mile and Beck Road study. He understood its utility and how it serves the purposes of the City's interest of development but he felt it was a slippery slope of changing from R-1 to R-3 in the southwest quadrant. It was reviewed in 2008 for this reason and adopted in 2010. They maintained that quadrant as R-1. He read from the Master plan that the goal was to continue to protect the character of the southwest quadrant of the City as this was the home of the majority of vacant land. He noted the talk of increasing the density; the facades that were submitted were an improvement but what will be the next development. They felt it would be less defensible for the City to do anything about it. The transition is already starting as they have done with the 11 Mile and Beck study and the Grand River and Beck area. It was the intent of the City to protect this area.

Mark Barsamian, 47602 Greenwich, was happy to have a residential proposal but was opposed to the rezoning because site plan needs only a slight modification to fit in the R-1 zoning. He didn't understand why Planning Commission was so quick to throw away the R-1 zoning. There was no commitment to maintaining that. It was the reason he had moved here. He hoped that zoning would be protected.

George Oommen, 47453 Greenwich, didn't believe in having two sets of rules. They are still entertaining the same proposal after twelve years. All his neighbors hope Council will stick to the R-1 zoning. That is why they came to the City and had hoped to get from the City. What stops him from building another two homes on his property because he has .6 acre and so does his neighbor? Based on the proposal he could build another two homes there. He had been living here for 12 years. Now a new builder wants to build 2 homes on the same amount of property he has. He didn't understand the logic of why Council would approve this builder but not approve the same thing for his own. He wondered why the builder gets a separate deal because he is in the business of making money and as a resident he was in the business of losing money. He was asking for fairness. He noted no one would use the entrance on Beck Road. Also this would cause more traffic in front of his home. They all have lost 20-40% of their values. They all have to get on the same page.

Dennis Ringvellski, 24359 Nantucket, has lived in Novi for 34 years and was always a strong proponent of maintaining the R-1 zoning West of Beck Road. In 1989, City Council approved the rezoning of the northeast corner of Ten Mile and Beck Road from B-1 to a much larger type commercial zoning. Back at that time, several citizens formed the Citizens of Responsible Development. They forced the Council to put this issue on a referendum to a vote. 66% of the voters voted with us. That area should not be increased to a higher classification. They did not win. The developer went to court and obtained a consent judgment where the CVS was built. The rest of the property was put into small homes with small lots. The City could not do anything about it. It came back to bite them after working so hard. When the present proposal came to their attention, they began to organize to turn back this present proposal. They thought they all want residential development on this corner and now. We are tired and have fought it off 5 or 6 times. Most didn't like the proposal in its present form and had suggestions on how it could be developed. We worked on a petition for minimal changes that they would require before this proposal went through. The compromises proposed were separate entrances, a minimum build of 2800 square feet, and the name Greenwood Oaks not be used. He proposed the matter to be tabled and come up with some kind of solution with another conclusion to this.

MATTERS FOR COUNCIL ACTION:

1. Consideration of the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development.

Howard Fingerroot, managing partner of Pinnacle Homes and Beck Ten Land Company, noted he started working on this property approximately a year ago. He contacted the former applicant and learned how he had gone back and forth on a commercial rezoning. The City and residents were not interested in Commercial. The prior owner had owned it for 10 to 12 years. He approached the prior owner and said now might be the right time to shed that property and try because he is a residential developer

and builder. He liked working with the Novi staff to see if we could come up with a residential plan that works for the City, neighbors, and for them. The challenge with this property is the physical characteristics. There is commercial characteristic of this property due to two main roads and it has 2,000 feet of frontage which tends to be good for commercial and bad for residential. We worked with the staff and Novi consultants to overcome that challenge. We started with going with a straight rezoning and then looked at the clustering options in the ordinance with the PRO option. He kept looking back and looking at the objective to develop a quality and luxury development that was consistent with the general neighborhood and would keep the values up. He has done this frequently. He looked at a few web sites, including Zillow.com, to get the property values in the general area and used trend analysis to show the basic values. The values, plus or minus \$30,000 to \$40,000, went from \$280,000 to \$415,000. He proposed the types of house that will start from mid to high 3's to \$450,000 ranges. The range he is proposing will help the values. With the PRO ordinance, there are three factors in regards to the land, houses, and what public benefit they provide. The land was the most important part of this. We needed to create an enclave in order to meet our objectives. We couldn't do luxury housing if our customer came and thought they were living right on the corner of Ten Mile and Beck Road. We did three things in our land planning. We worked with the City and pulled the lots away from the roads and provided some open space in addition to the required buffer. We provide visual screening using landscaping and hard scaping. It provides both visual screening and noise calming. It was an important component. We wrapped the outside of the project with trees, fences and monument to shield the outside world. Finally, we deliberately did not put entryways on the Ten and Beck and used the existing stubs already there for the purpose of tying into this property to extend the visual shielding. So when you enter this enclave, they don't feel like they're part of the intersection. In terms of the houses, we increased the size of the houses. He would sell a portfolio from 2,400 feet to 3,500 feet. The most popular plan would be about 3,000 to 3,200 feet on average and would fit a buyer in Novi that was looking for Novi Schools and for a luxury house. We have side entry garages on the 90 foot lots. There will be four sided brick. He had proposed five floor plans and offered a similar product at Nine Mile and Napier. In that community the average floor plan is about 3,500 feet. More and more people there are purchasing the bigger homes. The public benefit was that they upgraded the frontage landscaping; they are putting in 50% to 100% more landscaping, and a pocket park at the intersection. The pocket park will be a nice amenity with beautiful landscaping with an art platform. It is not an active park for recreation. They will put in a water main loop along Ten Mile. It is fairly extensive water main. He knows the City will push to put it in. Our development would have three points of access to City water. It is does not help this plan but it is a part of what the City would ask for and believes it would be a public benefit. The pathway connections would be required by the City. The particular pathway along Ten Mile Road was part of the Pathway Commission's request to have completed soon because it gets a lot of traffic and is a dangerous situation. Another public benefit was that they will make a contribution for the pathway network towards the ITC corridor with a specific dollar amount. They will preserve a landmark tree in the pocket park and dedicating the right of way that would be required. In summary, that was how he viewed the PRO. They examined all the different options and the City made a report to the Planning

Commission that they recommended the approval. They went to the Planning Commission and had a number of residents who gave their opinion as well. It wasn't an easy decision for the Planning Commission. Fortunately, they saw the plan and voted unanimously to approve this plan.

Barb McBeth, Deputy Community Development Director, gave an update on what has happened since the Planning Commission public hearing. The applicant is proposing the rezoning with PRO of an approximately 24.24 acre parcel located on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential district with a Planned Rezoning Overlay with a concept plan. To the north and west of the property are existing single-family homes. To the east, across Beck Road, is an existing shopping center and to the south, across Ten Mile Road, are existing single-family homes and vacant land. The future land use map does recommend single family uses for this property and for the majority of surrounding properties. Although the applicant has requested a rezoning to R-3, the concept plan indicates a total of 38 lots, meaning the total density of the site is 1.77 units per acre, which is much closer to the planned R-1 density of 1.65 units per acre than it is to the permitted R-3 density of 2.7 units per acre. Planning staff notes that the proposed single family detached residential plan is consistent with and comparable to the surrounding residential developments.

A PRO submittal by an applicant allows the applicant to propose a public benefit that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed upgraded frontage landscaping along Beck Road and Ten Mile Road, a pocket park feature with a platform for City-owned art directly at the intersection, and funding (not to exceed \$9,000) for additional sidewalk connections on Ten Mile Road. The applicant has included sidewalks along their property frontage on both Ten Mile Road and Beck Road. Additionally, the applicant has proposed housing style and size upgrades. Our façade consultant has reviewed the provided renderings and confirmed what has been proposed would be above the minimum requirements of the ordinance. We are asking for a little more detail if this project moves forward just to confirm those details. Since the Planning Commission meeting we have received additional elevations with a total of five with some alternates that could be proposed. Ordinance deviations for the lack of paved eyebrows, for proposed skewed intersection which is not exactly ninety degrees, and for the sidewalks for these roads have been requested by the applicant for inclusion in the PRO Agreement. The Landscape Review noted the applicant has met the requirements of the ordinance and confirmed upgraded frontage landscaping has been proposed. The engineering, traffic and fire reviews noted items to be addressed on the Preliminary Site Plan submittal. The public hearing for the rezoning request was held by the Planning Commission on February 22. At that meeting, the Planning Commission recommended approval of Zoning Map Amendment 18.701 to rezone the property from R-1 (One-Family Residential) to R-3 (One-Family Residential) utilizing the PRO option. The Planning Commission discussed several aspects of the concept plan and a number of questions were raised by interested members of the

public since that meeting, so we note a few revisions to the PRO Concept Plan since the Planning Commission reviewed it:

The applicant has agreed to the following revisions:

- Previous iterations of the concept plan showed additional landscaping in the open space on the northeast corner of the site. The applicant has agreed to include the same amount of landscaping in the northeast open space area as previously proposed.
- The applicant has agreed to propose a new name for the development that will not make any reference to the existing Greenwood Oaks subdivision.
- The applicant has submitted revised elevations and floor plans, which are attached in the City Council's packets, so as to provide a variety of models in the new development.

Additionally, staff had requested a memo from the City's traffic consultant, Birchler Arroyo Associates, to address the advantages and disadvantages of providing an access point into the new development onto Beck Road or Ten Mile Road. The memo dated March 16, 2012 was in the packet and notes that a new access point was not needed or desirable. The City's Traffic Consultant, Rod Arroyo of Birchler Arroyo was present to address any questions regarding traffic. The City's Façade Consultant, Doug Necci, was also present to answer any questions regarding the proposed building facades.

Member Margolis noted she doesn't respond early as she waits for clarifying information and felt it's important to follow the Master Plan as it was a guide for where the City was going. It is important to know the difference between the Master Plan and Zoning Map. The Master Plan for this area is 1.65 density for residential since 1993. It is not Master Planned as R-1 even though that is the density that goes with R-1. The other thing in the Master Plan is that it must be a legally defensible development at this corner. Also, it talks about optimizing residential development without destroying the natural features. She said it leaves certain options that can be done with this development. The PRO option allows to keep the density but to cluster things to allow for that kind of open space. She said R-3 is an underlying zoning and the most important part is the PRO. The PRO sits with the land forever and allows Council to be more restrictive and specific about what we expect on the land. That is possibly why the staff looked at this option. It is a rezoning to R-3 and confirmed whether it could have come to them as an R-1 zoning. Mr. Schultz said that most PRO's come with a rezoning. He thought that if they read the language broadly you could construe that. Member Margolis said that the PRO was 38 units with 1.77 density with three units over. She began looking at it as to what specificity the PRO allows. It allows specification of facades, floor plans, and elevations. In the last several days the applicant has submitted five elevations with variations. If we allow it to be contained in the PRO, what does it allow us to specify? Mr. Schultz explained that PRO acts as a new set of regulations that gets overlaid on the existing zoning. It would be the R-3 regulations modified by the PRO concept plan and the agreement together say it will be modified. It is a rezoning with new conditions attached. Member Margolis confirmed that only those five styles of houses with

variations can be built on those lots and they become a regulatory item. She addressed Mr. Fingerroot and wanted to confirm that he is agreeing to a minimum of 2,600 square feet. He explained he is often asked to change the elevations to improve them. His intention wasn't to preclude any other floor plans they came up with in the range of 2,500 to 3,500 square feet. Member Margolis needed the assurance that they were the kinds of houses that were going to be built and didn't want to change the intent. Mr. Schultz said that was nothing new and to think about the consent judgments they have done. He explained other things done they have brought to them in a form of a written document that gives the facades with changes to be approved with language in it requiring similar architectural value, etc. The idea of flexibility is not difficult to deal with. Member Margolis continued to ask the applicant whether 2,600 square feet was really what the minimum was and asked if he was willing to say 2,600 square feet. He wanted to think it through. He didn't think they will build anything under 2,600 square feet and to answer the question, he is comfortable at 2,600 square feet. Member Margolis said that was important to her and the houses were similar to the neighboring neighborhoods. It would go a long way to helping the situation and he had answered her questions. This density does fit with the Master Plan but what she was looking for was a quality residential development in there. She liked the clustering of the houses together with public benefits and with the buffering. The landscaping and pocket park were offered. She liked that he offered the new name. A lot of people are concerned about a straight access to Beck. She struggled with the issue but didn't think the entrance would be a good idea. She thought it would cause more problems than it solves. She relies on the Consultants and Staff for information and hated to add something that added more problems down the road. She wanted to let everyone know there would be a temporary construction entrance. It is a good quality development, a good reputation, and it keeps the area residential. The PRO allows us to specify things they want to require with a legally defensible development. She will support this project. It is something they need on that corner and it makes a great deal of sense to her.

Member Fischer reviewed the PRO ordinance and felt it didn't meet the burden of proof the applicant must meet. The first thing in the PRO ordinance is the integration of the project with the proposed density of this project is 1.77 acres area versus 1.65 net acres in the R-1 requirement. If you look at the density in the surrounding area, it is close to 1.3 units. He did not believe it met the PRO ordinance burden of proof. It has been brought up by several residents. All of the other requirements of the R-1 with a 1.3 density would be about 30 houses. As far as the surrounding properties characteristics he was not comfortable with what this proposal was offering. Lot size seemed to be an issue with the residents. Under R-1, we would require 22,000 square feet but this agreement would have a lot size of 14,000 to 16,000 square feet. The benefits are supposed to outweigh the detriments. A detriment to this plan is the access. It would be a burden on the roads and residents. He understood and could support one access to Beck Road. The home size would be what the market would support. He thought it did not meet the intent of the Master Plan and ensuring a community we can be proud of. He looked at the benefits again and they have to outweigh the detriments. He looked at the plan review report. The water main loop and pathways connections would be required by any applicant. The housing style and size upgrade was an

enhancement but over the minimum of ordinance. He meant the market wouldn't allow them to build them anyways and because no one would buy them. Dedicated right of way would be typical when something like this goes through. He doesn't want to take away the benefits but they have to consider if the pocket park and tree preservation outweighs all the concerns he has. He would not support it as it was but maybe table the agreement as mentioned previously. Some of the conditions he would like to see and discussed with all involved were: 1. Looking at the density and decrease by up to 3 to a density of 1.65, 2. Access onto Beck Road, he thought was necessary, 3. Look at the housing size and incorporate the elevations of a minimum of 2,600 square feet and ensure some of the façade language was incorporated in the PRO. He couldn't support the proposal as it was. He would like to see several if not all of the conditions to be incorporated in the plan before he would consider to approve it.

Member Wrobel served on the Master Plan Committee and wants to uphold it. He agreed with a lot of what Member Fischer said and wanted to comment on some of the issues. Every development he felt should have its own access. Beck Road seems to be the best alternative. If it were to be developed as commercial, it would have two or more accesses. The density of 1.77 for 38 homes but reading the documentation it seems to say that in this particular piece of property it would be about 25 homes. It would be a 10 -12 home difference. There has not been any documentation that shows as to whether it would affect the property values. City Manager Pearson said they did not have any documentation and it is difficult to determine it. They are not appraisers. All you can do is look at new construction values. All things being equal, most people pay a premium for a brand new house with all the modern amenities. Houses appreciate or depreciate depending on the market. Member Wrobel continued, as it stands right now, he could not support the current plan. He thought with negotiations they could get something that is acceptable to all parties and that would benefit the City of Novi. The one thing regarding PRO and other planning issues, it is not the City's responsibility to make sure a developer maximizes profitability. It is a business decision.

Member Mutch asked Mr. Fingerroot about the documentation going through the process. The concerns he had was that the Staff and Consultants commented that the enhancements to the project were reduced or eliminated as the project went through the process. He wanted him to comment on them first. It was noted that the sidewalks that went from the interior portion of the subdivision to Ten Mile Road and Beck Road were curved and now was a straight grid pattern. There was a small plaza or overlook area near the retention pond that was removed. Staff had asked for a sidewalk connection between lots 12 and 13 to allow people who lived in the subdivision to cross at Ten Mile and Beck Road to go to the CVS center and it was not included in the plans. He mentioned the changes were not significant but were taken out or not addressed in the plan and why that happened. Mr. Fingerroot said that the changes were not delivered because it depended on whether we had the landscape designer prepare it or the engineer prepared it. It was conceptual in nature. If the City prefers that it meander, that would not be a problem. One plan may show it because the site plan may have been included. Nothing was taken out on the retention area. In terms

of the sidewalk between lots 12 and 13, he would struggle with it and could talk about it. He is not sure homeowner's like sidewalks on the side of their house, especially at night. It seemed like a relatively small issue. Member Mutch was concerned because of the progression of what appeared to be things being removed from the plan. If he was willing to commit to those, we would like those to be included at this point. If the Staff and City Attorney don't hear it in discussions of the PRO concept plan, it may not be included. It is based on direction of Council. In terms of the sidewalk, residents don't like to have people cutting in their back yard. The ordinance requirements do dictate a certain amount of area for a sidewalk in that location. He would have to provide enough space on either side so it doesn't present an issue. The PRO process discussion as to whether we could do an R-1 PRO on this property. Going back to the language of the PRO, it has to occur within the contexts of a rezoning. They have to ask for something other than an R-1 in order to engage. Mr. Schultz said the ordinance contemplates a rezoning. His reference to the previous discussions was with multiple zoning on a property and looking at the language they could interpret it to use it without the rezoning but there was a rezoning. Member Mutch said there has been some confusion on how these things proceed. The PRO is different compared to the typical rezoning. We ask the residents to become experts in planning and zoning in a very short time. The more transparent the process the better they could understand what is going on. One other question he had for staff was concerning one of the proposals of some additional landscaping along Beck Road and Ten Mile Road with arborvitae bushes. He was surprised the landscape review questioned that design. We have a variety of landscaping types. Perfect example of this was from riding a bike through the neighborhood a couple of weekends ago, he noticed there was a nice landscaping berm with mature landscaping. They have the same problem he had on his own property which is pine trees that are dying off. Fortunately, they have a variety of species along there so they don't get into a situation where everything dies at once. He also asked to explain why staff was using this type of design. Frankly, he didn't think it would look very attractive to have a single species design versus a mix which was what we typically require in our subdivision berms. Deputy Community Development Director McBeth answered that the landscape architect did have a question about that particular arborvitae and asked for some additional information on that. The question of providing the nice solid screen along there was brought up early on. This was a conceptual plan and she knew our landscaping architect ensured that the berm would have the sufficient landscaping on it and it was considered that the arborvitae was additional landscaping in addition to what we would typically require on the berm. If this goes forward, they would make sure they get the right mix of plant materials. Member Mutch said he would like to see it addressed because he thought it looks like a mix on the berm but they put the arborvitae in the front of it and that is what you would predominately see. Most of the items were small and should have been consistent from day one. First and foremost his focus was adherence to the City's Master Plan in all respects. Where this plan does not come up to measure was the density question. He agreed with Member Fischer and Wrobel. The fact that if it was developed under our normal zoning standards it would get 25 -28 homes and it was a significant jump to propose 38 homes. It would be a significant benefit to the developer for this project. He was concerned about the precedents it would set for this area. He has seen every reiteration of Ten Mile and Beck area development plans over the past 9-10 years. He

had seen the same process at Eight Mile and Beck area and noted the vacant land on the southwest corner. There was a daycare proposal that came in at one time. There is probably an equal amount of developable land on the southwest corner as there is on the northwest corner. It would cascade down to the northwest corner at Eight Mile. That was another 25 acre property that we have had people proposed commercial development on. Finally, he didn't think there was enough public benefit if they rezoned this property. Many of the items noted would have been required by a developer whether a straight R-1 or this proposal. We would be getting those improvements anyways. Another one of the elements, he considered to be specific or private benefits, was the façade elevations and lot sizes are driven by the market. If we looked at what has been built in Novi recently, every one of the comparable locations had built 2,900 square feet or larger including what the applicant has built himself. The market still wants larger homes on comparable size lots. It was offered as a public benefit but he didn't see it as a public benefit. He knows that Council was trying to find a compromise position that benefits the property owner, neighboring home owners, and the City at large. He chose to defer to the residents who have been here and relied on the Master Plan. They have had an expectation going back for decades on this property. He was willing to stick to that position. He would like to see an R-1 plan for this property and that is what he would be expecting to see from any applicant.

Mayor Pro Tem Staudt said he was leaning toward the presentation of Member Margolis. He said it was a reasonable proposal but thought there will be issues with the access road. He mentioned that if you are counting heads, three of the council members had mentioned it. A relevant thing he was looking at was the next item on the agenda that was a \$169,000 bill they will have to pay for something that Council decided on ten years ago. He looked at the residents and many of them will be there ten years from now. He was extremely concerned about what will happen moving forward. He believed it was an opportunity to put an end to any chance of having a commercial development or a retail development going into that property which had a very strong bearing on him. He said Council has seen this builder in the past. They have a high quality product and are concerned about the value of the homes in the neighborhood. If the value isn't good the builder is not going to sell homes. The numbers are not important but they have to think about the long term best interest of the entire City and residents that live there. To defend a lawsuit would be extremely expensive. In most cases, there will be some Council down the road that will make an agreement. Residents will not like it any more than what was presented. Everyone would like it far less. He looks at it as a very large cul-de-sac and the thing that concerned him most was the points of access exclusively from the existing subdivision. He had not decided entirely yet. He wanted to hear from the traffic consultant directly and this was an opportunity to bring forth the issues that are in his mind relative to this property.

Rod Arroyo, Traffic Consultant, gave a brief highlight in the March 14th memorandum that they were asked to address the two access points from either Beck or Ten Mile. They provided a table that compared the advantages or disadvantages of the two access points. He thought the basic information was the projected amount of traffic that this project would generate. They focus more on the peak hours with the AM and

PM information. This project was about 44 trips during the afternoon peak hours for a project of this size. He said because of the small size of this project, anything other than a trip generation analysis wasn't required for submittal. With an access point to Beck Road, there would be a need for improvements to Beck Road; particularly the extension of the center turn lane to provide for that access point. Right now there was a taper and some widening would be required to do that. The Beck Road access point would have the greatest benefit for residents who live to the north because if there is an access to Beck Road, it wouldn't be likely for residents in the subdivision to travel through Greenwood Oaks and come out onto Cider Mill. They would have a straight shot to Beck Road. In terms of the access point at Ten Mile, it would primarily be used by those who turn right in and right out. A left turn would be a challenge there. Their conclusion was that the ordinance didn't require an access to Beck Road or Ten Mile Road and they believed because the numbers were less than 50 peak hour trips, from a capacity and residential road standpoint, the subdivision roadways could handle that type of volume. If they do require an access point, they would have some recommendations. The proposal meets the ordinance requirements.

Mayor Pro Tem Staudt asked Mr. Fingerroot if he wanted a final vote tonight or if he was willing to consider additional discussion and wait for a future meeting. Mr. Fingerroot said he was here for the long run. Whether a decision was made this month or the next, it would not have a strong bearing on his business model and how things work. Mayor Pro Tem Staudt noted that Mr. Fingerroot's March 22nd letter declined to consider a Beck Road access. Mayor Pro Tem Staudt explained if they were to table it for a future meeting, he suspected that would be the number one issue he would have to consider. It would probably be the deciding factor. He wanted to make him aware that his proposal was very sound and they appreciate him investing in Novi.

Member Casey echoed that the plan was almost there. Conceptually, she liked the enclave design and was concerned not having an access point on Beck Road for the residents. She would like to investigate opportunities to reduce the number of houses and to make sure they have an agreement to incorporate the elevations, minimum square feet and facades or anything else. She echoed the concerns about setting the precedent in terms making a deviation from the character of the adjacent neighborhoods.

Mayor Gatt stressed the importance for all to recognize that the Council are all homeowners in Novi with similar problems. Council listened to them and appreciated all the communication. He said he understood the developer wanted an enclave but in this case it was at the expense of everybody else. He thought for this development to go forward there would have to be an access road onto Beck Road. There would have to be a Beck Road improvement that the developer would be responsible for paying. That was one of his main concerns. He didn't think the developer was providing much open space to qualify for a PRO. The plan provided un-useable space for exchange for 10 or 12 more lots as contemplated by the ordinance. He didn't have a problem with the development if there was a private entrance from Beck Road being subject to Mr. Necci's review. The PRO would have to clearly identify who pays and maintains the corner. He said they are all concerned with housing pricing. He didn't

know if it would raise or lower the values of the homes. He didn't think it could hurt if they were quality homes with modern amenities. He was concerned about the northeast corner of Ten Mile Road and Beck Road and that it didn't fit into the Master Plan; it was there because of a court order. He would rather see a decision made by Council that would benefit everyone. He said in his opinion, if they could get the developer to agree to some of the conditions of the Council members, it would be a positive situation for the Council, residents, and citizens.

Member Fischer made a motion to table the proposal to a subsequent Council meeting and give direction to Staff and City Attorney to work with the developer and involving the residents to address some of the concerns that were raised by Council in order to move forward with a PRO that can be approved by Council.

City Attorney Schultz said the motion was fine with him. He said what he heard from Council was that they will work on the PRO agreement but are not tentatively approving this. He will assume a list of conditions that have been talked about. He said if there were certain conditions Council wanted to include, they should be included in the motion.

Member Fischer said he implied that there were a menu of things and with any different combination that could be put together and brought back to Council would be potentially approved should be brought back. It doesn't mean anyone would approve anything but everyone has been given adequate direction on what would be approved from their perspective.

Member Pro Tem Staudt said there needed to be a negotiated resolution to the Beck Road access issue and without that resolution it was clear where this was going.

City Manager Pearson wanted to clarify that it would be postponed and they would come back at this same stage. They wouldn't come back with an agreement but would come back at this stage and then get the consideration to start the next stage.

Mayor Gatt said the motion was just to postpone, not to have the City Attorney involved in any negotiations or drafting an agreement.

Member Mutch said they are not voting on an agreement but he wanted the best proposal possible if it does get approved. After listening to Council Members, there possibly was a majority to reduce the density down to 35 units. It should be under consideration, also. It was what he would be looking for because that was closer to the Master Plan.

Member Fischer agreed that we shouldn't be drafting an agreement at this point but a recommended motion for a clear direction of what the PRO would look like. After having all the discussions, they would know what the conditions and recommendations would be and it would be a part of the packet.

CM-12-03-37

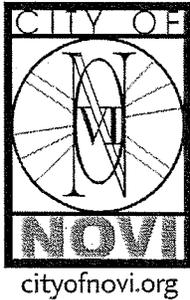
Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:

To postpone consideration of the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development.

Roll call vote on CM-12-03-37

Yeas: Fischer, Margolis, Mutch, Wrobel,
Gatt, Staudt, Casey
Nays: None

**PLANNING COMMISSION MINUTES
FEBRUARY 22, 2012 - EXCERPT**



PLANNING COMMISSION MINUTES

Approved

CITY OF NOVI

Regular Meeting

February 22, 2012 7:00 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: Member Anthony, Member Baratta, Member Greco, Member Gutman, Chair Pehrson, Member Prince

Absent: Member Lynch (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Tom Schultz, City Attorney; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Brian Coburn, Engineer; Adam Wayne, Engineer; Rod Arroyo, Traffic Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the February 22, 2012 Planning Commission agenda. Motion carried 6-0.

PUBLIC HEARINGS

2. REZONING 18.701 ZCM 12-02

Public Hearing on the request of Beck Ten Land, LLC for Planning Commission's recommendation to the City Council for rezoning of property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The subject property is approximately 24.24 acres.

Planner Kapelanski stated that the applicant is proposing the rezoning with PRO of an approximately 24.24 acre parcel located on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. To the north and west of the property are existing single-family homes. To the east, across Beck Road is an existing shopping center and to the south, across Ten Mile Road, are existing single-family homes and vacant land.

The subject property is currently zoned R-1. The site is bordered by R-1 zoning to the north and west with R-1 and B-1 zoning to the east across Beck Road and R-1 zoning to the south, across Ten Mile Road. The Future Land Use map indicates single family uses for the subject property and the majority of the surrounding properties. The natural features map does show a small area of regulated wetland near Ten Mile Road. Any regulated natural features will be addressed as part of the site plan review.

Planned Kapelanski noted the applicant is proposing 38 single-family lots. Planning staff has recommended approval of the proposed rezoning with PRO. Although the applicant has requested a rezoning to R-3, the concept plan only indicates 38 total lots, meaning the total density of the site is 1.77 units per acre, which is much closer to the planned R-1 density of 1.65 units per acre than it is to the permitted R-3 density of 2.7 units per acre. Additionally, the proposed plan is consistent with and comparable to the surrounding developments. A PRO requires the applicant propose a public benefit

that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed upgraded frontage landscaping along Beck Road and Ten Mile Road, a pocket park feature with a platform for City-owned art directly at the intersection and funding (not to exceed \$9,000) for additional sidewalk connections on Ten Mile Road. The applicant has included the required sidewalks along their property frontage on both Ten Mile Road and Beck Road. Additionally, the applicant has proposed housing style and size upgrades. Our façade consultant has reviewed the provided renderings and confirmed what has been proposed would be above the minimum requirements of the ordinance. However, the applicant will need to provide elevations and floor plans so that this can be confirmed. Ordinance deviations for the lack of paved eyebrows and the proposed skewed intersection have been requested by the applicant for inclusion in the PRO Agreement.

The Landscape Review noted the applicant has met the requirements of the ordinance and confirmed upgraded frontage landscaping has been proposed. The engineering, traffic and fire reviews noted items to be addressed on the Preliminary Site Plan submittal. The City's Traffic Consultant, Rod Arroyo of Birchler Arroyo is here this evening to address any questions regarding traffic.

Planner Kapelanski stated that just an additional note on the PRO, if this were to be approved by the City Council, the applicant would be held to this particular concept plan and if they would propose any changes, they would have to come back and go through the process again.

Howard Fingerroot with Beck Ten Land, LLC and Pinnacle Homes came forward to speak about the project and about its prior history. There was a prior applicant on this parcel for the last 6-10 years and he was proposing commercial. The property has about 2,000 feet of main frontage on Beck Road and Ten Mile Road. Mr. Fingerroot stated he approached the former applicant about 8 months ago and explained that he thought residential could work at this location.

Mr. Fingerroot explained that he worked with the prior applicant and the City to get a site plan submitted beginning in August. The road frontage makes this piece of land more difficult to develop as a residential property but by providing an adequate buffer and visual screening from the roads it will be a nice community. A 50 foot landscape buffer has been provided and included as part of the public benefit. The plan also includes brick walls, pillars and a variety of things to make the corner attractive and also provided visual screening to make residential possible for this corner.

Several options were contemplated for the subject property including a straight zoning, a PRO and even the RUD and cluster options. There were numerous submittals, meetings and discussions with the staff and after 6-8 months this plan is the plan that was developed. There is additional landscaping included on the plan as well as a pocket park at the intersection including an art platform for City-owned art as a nice public benefit when motorists pull up to the intersection.

Mr. Fingerroot indicated there are two stubs leading into this parcel right now and the new development would connect into both stubs. This will eliminate any cut through traffic because it goes right into the existing sub and help alleviate back-ups at Ten Mile and Beck as well as deter people from trying to cut through the sub.

Pathways are required as part of any development and will be provided along Ten Mile and Beck. In addition, west of the site is the ITC Corridor, which intersects with the Ten Mile Road pathways. As part of the proposed public benefit \$9,000.00 has been offered to help complete the pathway along Ten Mile leading to the ITC corridor.

The plan proposes 90 foot lots with a density closer to the R-1 than to the R-3. There are side entrance garages and homes would range from 2,400 feet to 3,500 feet. Mr. Fingerroot anticipates the average house will be in the 3,000 – 3,100 sq. ft. range. Four sided brick on the first story will also be provided with

the front being primarily brick with some accent materials added to make it more attractive.

Chair Pehrson asked if anyone in the audience wished to address the Planning Commission.

Dennis Ringvelski, 24359 Nantucket came forward and wanted to commend Mr. Fingerroot on his attempts to satisfy the local residents. Mr. Ringvelski has lived in Greenwood Oaks since 1992 and prior to that lived in Echo Valley. He is a 34 year resident and opposes the proposed project. He does want to see the northwest corners of Ten Mile and Beck developed as a subdivision. But although the proposed density of 1.77 units per acre is close to the 1.65 units per acre permitted under the R-1 zoning (only a difference of 7%), all but 3 of the 13 lots that backup to Greenwood Oaks and Warrington Manor are about 14,400 sq. ft. and 21 out of the 38 lots are in the range of 14,400 sq. ft. and 14 more are in the 15,000 sq. ft. range. The average of all the lots in this proposed subdivision is only 14,712 sq. ft. and square footage often has an effect on how things look. If you look at the size of the lots in Greenwood Oaks and Warrington Manor and other accompanying subdivisions, there are no lots in either subdivision that are less than ½ acre which is 21,780 sq. ft. and many are larger. The homes in Greenwood Oaks that back up to this proposed subdivision are 21,780 sq. ft. The homes in Warrington that abut this proposed subdivision average 23,195 sq. ft. The density variance presented by the developer and the consultants was a mere 7% from the surrounding areas, but the lots are 33% smaller than the lots in the surrounding subdivisions. The figures presented are voodoo mathematics. Mr. Ringvelski has outlined other objections including concerns with the traffic situation and the lack of a separate entrance in a letter submitted to the Planning Commission.

Min Weng, 47577 Greenwich Drive came forward and his lot is connected to this property and he has lived there for the last 14 years. The lots proposed by this plan will be significantly smaller than Mr. Weng's lot. When the lot size is reduced, the homes will be worth significantly less than the homes in the Greenwood Oaks Sub. Additionally, the value of the houses in Greenwood Oaks that abut the new development will go down because they will now be adjacent to smaller lots. When this rezoning is approved, it will give a signal to all developers they can ignore the Master Plan and the loser will be the City of Novi.

Michael Boujoulian, 24282 Lynwood came forward and stated that he agrees with everything that has been said so far and with the comments in the Homeowners Association letter. The City has a Master Plan and I should follow the Master Plan and maintain the R-1 zoning and keep the 1.65 density. Mr. Boujoulian does have concerns with the traffic flow going through the neighborhoods and believes there will be more than the numbers in the traffic review letter show. Furthermore, how is a 3,000 sq. ft. home going to fit on a 90 ft. lot? The feel, the look and the character of the existing neighborhood should continue and this develop will only undermine the value of the existing neighborhoods.

Cathy Hapanowicz , 24254 Warrington Court came forward and explained how her lot backs up to the proposed subdivision. She has looked at the plans with an open mind hoping the developed would work with the existing residents. She did go into the tax database and found out that the property owner has not been paying their taxes.

John Holmstrom, 47701 Red Pine Court came forward from the Mocking Bird Glens Sub and agrees with the objections that have been stated already. Greenwood Oaks is going to be overwhelmed with extra traffic with the way the road system is laid out, and that is a major concern. Also, the size of the lot, compared to the size of the house seems like it is out of proportion. Packing the corner with houses so the developer can come out with some money at the expense of the existing subdivisions around there is wrong. The only one who will benefit from this is the developer and not the City.

George Oommen, 47453 Greenwich came forward and lives in the Greenwood Oaks Sub. The residents have opposed this development for the last twelve years. In 1999 there was an opportunity to make money and to build homes that were similar to those in the existing subs and the developer did not want

to do that. The developer should sit and wait until the market comes back and then build half acre lots at that time. The residents surrounding the subject property have been focused that the lots developed next to the existing subs will be ½ acre home sites. Past City officials have been very supportive and Mr. Oommen hopes that support will continue.

Larry Czekaj, 24383 Nantucket Drive came forward and commended the applicant for coming in with a residential proposal. He would like to clarify some of the facts. He has lived in the Greenwood Oaks Sub since 199 and there have been many parties that have come before the City regarding a rezoning or some type of development for the site. The most recent petitioner being Ten Beck LLC and they have come in with multiple variations of plans, some commercial, some quasi-commercial and some residential.

Mr. Czekaj suspects that the applicant does not have the property under contract and probably has a condition to close once the zoning of the property is approved. If the Commission denies the request the petitioner will not lose anything, other than the time and effort they have expended to date. The petitioner noted is it not economically feasible to develop the property under the existing zoning. But in order to make development under the existing zoning feasible, the petitioner would simply have to pay less for the property to begin with.

Additionally, it will be quite difficult for the developer to fit a 3,000 sq. ft. house on a 90 ft. wide lot and still meet all of the required setbacks. Lastly, the standard for approval of a PRO is that the benefits proposed must clearly outweigh the reasonably foreseeable detriment to the surrounding area. The detriments include the reduction in the perceived value not only to the existing houses but the integrity of the existing Master Plan. Of the 10 listed as public benefits, the staff knocked out approximately four of those as items that would be required. Mr. Czekaj is not sure how the residents, specifically the neighbors or residents nearby benefit from the additional landscaping. Who will maintain this new landscaping? Additionally, residents of the existing subs will not use the pocket park as it is at the corner of two major roads. And motorists will not be able to enjoy it as they will drive by too fast to see it. It won't have a perceived benefit, or a perceived benefit that would clearly outweigh the detriments of the plan.

No one else wished to speak and Member Greco read the correspondence into the record.

Dennis Ringvelski is opposed to the PRO and indicates that the benefits to the citizens are questionable. Also, he questions the traffic study by the traffic consultant and indicates that he believes that any subdivision on the site should have its own entryway, which is not provided. He also objects to the entryways in the plan.

Larry Czekaj objects to the PRO and indicates that he is encouraged that there is residential being proposed in the area given the property history. Mr. Czekaj does not find the variance for 38 home sites objectionable, but does have concerns about the traffic and utilities and how this plan will change the character of the area. He also questions the reduced lot sizes and the floor plans and believes as indicated in his public comments that the benefits clearly do not outweigh the detriments.

The Greenwood Oaks Phase 1 & 2 Homeowners Association Board (Elisa Endress, Mike Daraskavich, Tom Parrish, Inge Viehweber, Sabine Lucas, Helen Winship, Lindsay Boujoulian, Robert Smith) indicate they have reviewed the plans and have the following concerns. The proposed lot sizes are dramatically smaller than the lot sizes in the existing neighborhoods. The proposed minimum home size is considerably smaller than the existing homes or adjacent homes in the neighborhoods. Also, the lack of direct access to Ten Mile and Beck is concerning. They respectfully request the following amendments to the proposal. No changes to the zoning or the net acre or the amount per acre that is outlined in the Master Plan. The lot sizes be equivalent to the existing average on the adjacent properties which they indicate is in excess of 23,000 sq. ft. The minimum home sizes be equivalent to the average of the existing adjacent

properties, which they indicate is 31,000 sq. ft. They would like one direct access point to Ten Mile and Beck to avoid additional traffic in existing neighborhoods and the installation of sidewalks connecting the full intersection of Ten Mile and Beck.

The Feinstein family located at 47541 Greenwich Drive has lived in Novi since 1999 because of the many attributes of Novi, including a great location, low crime rate etc. They indicate that they object to the rezoning and that it will have a negative effect on the whole area and reduce property values and increase traffic. They also summarize some of the past history.

Norman & Nancy Powell at 47446 Greenwich Drive indicate they do not live within 300 feet of the rezoning, but do live in the Greenwood Oaks Sub. They believe they would be greatly affected by any development of the property. They were unable to attend this meeting and wish for their comments to be put into the record. They request that the Planning Commission follow the Master Plan and not allow this development because of the smaller lots. They believe this will greatly reduce the value of their home and also it will increase traffic.

Dennis and Gail Kline at 47527 Greenwich Drive believe the lot sizes should stay at a half acre. The proposed lots they presume will be attached to the existing subdivision. They are also concerned about the increased traffic they will see with 38 more homes. They do not want the houses to look cramped in the new subdivision. Their home backs up to the proposed homes.

No one else in the audience wished to speak and there was no additional correspondence. Chair Pehrson closed the public hearing.

Member Anthony asked the applicant to address the issue of the unpaid property taxes on the parcel.

Mr. Fingerroot could not speak to that question and staff noted that the status of property taxes is not generally a land use question.

Member Anthony then asked if there has been any calculation or estimate on the homeowner's fees that would be required to maintain the proposed landscaping.

Mr. Fingerroot envisioned that this would be an association separate from the Greenwood Oaks sub but he has not done the calculations yet to determine the fees. He has developed a number of sites this size with equivalent open spaces and always informs buyers if any fees. On average, the associations in his communities charge \$400 to \$1,000 a year to maintain the landscaping.

Member Anthony asked the staff what the required setbacks were.

Planner Kapelanski stated that the developer would be expected to meet the setbacks for the R-3 District if this rezoning were to be approved. They are similar to the setbacks in the R-1 District. The front yard being 30 feet, the rear yard 35 feet and the side yard a minimum of 10 feet with the 2 side yards together equaling 30 feet.

Member Anthony asked what the side yard setbacks would be in the R-1 District.

Planner Kapelanski answered a minimum of 15 feet.

Member Anthony stated that he lives here to and has the fear of the drop of property values. Ten Mile and Beck are thoroughfares and because of that there is always going to be pressure to make this corner commercial. There is already commercial at that intersection. The City has set the Master Plan as residential. The plan that has been presented before us is consistent with that and ensure the property is

developed as residential.

Member Baratta asked Planner Kapelanski how many lots could be developed on the site under the current zoning.

Planner Kapelanski answered in saying with the R-1 density of the 1.65 units per acre up to 35 lots would be permitted. If this property were to develop as R-1, the lots would have to meet the R-1 standards, which is close to 22,000 sq. ft. per lot. If they laid out a subdivision with 22,000 square foot lots and ended up with 30 lots, then that is how many lots they could have on this property without seeking variances for lot size.

Member Baratta asked about the size of the lots that are proposed under the new development.

Planner Kapelanski stated that the lot sizes vary and the average lot size is about 15,100 square feet.

Member Baratta asked if it was accurate that then that under the R-1 zoning, a 22,000 sq. ft. would be the minimum and under the R-3 zoning it would be 15,100 sq. ft..

Planner Kapelanski explained that if this would be rezoned to a straight R-3 zoning the lots would actually be smaller, but under this proposal some of the lots are about 14,000 sq. ft. and they average around 15,000 sq. ft.

Member Baratta asked if the applicant is locked into the lot sizes proposed.

Planner Kapelanski answered that was correct.

Member Baratta asked if they would have to maintain the setbacks required under the R-3 zoning.

Planner Kapelanski answered that was correct.

Member Greco said he was encouraged that it was residential. The proposal includes Greenwood Oaks backing up to 7 or 8 homes and under the existing zoning they would be backing up to 6 homes. Member Greco does not see how the proposal would change the character of the area. These are proud residents of these subdivisions and to them the lot sizes and the home sizes mean a lot and Member Greco suspects the people looking for those types of things in a home would look in Greenwood Oaks rather than the new subdivision. This looks like a plan that looks very acceptable and does not look out of character with that area and the southwest quadrant or the existing intersection. Pending additional comments from the Planning Commission, Member Greco is likely to support this.

Chair Pehrson asked Traffic Consultant Arroyo to step forward and give some comments on the Traffic Study he performed and wanted to know the basic difference in the traffic generated between the R-1 and R-3 zoning.

Traffic Consultant Arroyo explained that he did not do the Traffic Study, that he just reviews what the applicant has supplied and verifies to the City that the information is correct. The trip generation in the traffic review letter shows the difference between an R-1 and R-3 development under straight zoning and then it shows the proposed development at 38 units. If the property were developed under R-1, 35 dwelling units, on a daily basis 396 trips would be expected with 41 trips during the PM peak hour. If it is bumped up to 38 units, which is what is proposed there will be 427 daily trips and the PM peak hour would have 44 trips with a difference of 3 trips with between the underlying zoning and under the proposed scenario.

Chair Pehrson asked if Traffic Consultant Arroyo saw any issues with which entrance potential residents may choose.

Traffic Consultant Arroyo explained that they are not required to submit a Full Traffic Study that evaluates other intersections given that there are less than 75 units proposed in this development but he thinks the Beck draw is greater than other directions for this particular development.

Chair Pehrson said that he lives near the intersection and does not know how people get in and out of Ten Mile now during peak traffic. He thinks Cider Mill is the only true exit they have and asked if there would be any advantage to having a second egress point onto or out to Ten Mile other than the one in connection with the existing subdivision to ease the traffic.

Traffic Consultant Arroyo regarding additional points of access, each one has their own challenges. If one looks at the way the site is laid out and extends the road out as a driveway coming directly across to Warrington a shortcut would be created for motorists to avoid the intersection of Beck and Ten Mile and it gets a lot shorter if there is a second point of access to Ten Mile and to Beck. If there is only the access to Ten Mile, that situation is lessened because a motorist would have to snake their way through the intersection. Turning left out of an access point on Ten Mile would be very challenging because there is not a signal at that location and it wouldn't warrant a signal. An access point to Ten and Beck is not a specific requirement of this project regardless if it develops as a PRO or a straight subdivision under the existing zoning.

Chair Pehrson asked if there would be any advantage to having an access point to the proposed sub.

Traffic Consultant Arroyo answered it would depend on where someone lives. A new access point could facilitate traffic from the existing subdivisions from Warrington and Greenwood Oaks to come through this project and go out to Ten Mile. If you don't have it, the new residents will be going through the other existing developments, which will happen with or without a new access point to some degree. An access point onto Beck would likely be the most problematic from a traffic perspective and could potentially have the most negative impact just because it would potentially be a cut through to avoid the intersection. No access point is required by the ordinance.

Chair Pehrson said his initial concern for any development on this corner is the traffic flow. The City is looking at what is the best application for this parcel and it has been zoned for and has been part of the Master Plan as single family residential. There have been other proposals that didn't fit well and the Planning Commission has looked at that in an unfavorable way waiting and hoping for some single family application for this property that would make sense. The applicant deserves some credit that he has kept the proposed density very close to the R-1 standards. One of the obligations under the PRO is for the applicant to come back to the City and make recommendations regarding different amenities and public benefits. The funding toward the major non-motorized pathway is a benefit as is the saving of the landmark Maple tree and possibly the platform for the City-owned piece of art. Everything else in that list, like the pocket park, the water main loop connection and housing style upgrade does not seem like a benefit to the City. Given the density we are looking at for this, the developer may need to go back and find some other public benefit opportunities. The applicant has gone out of his way to make this something that is workable.

Motion made by Member Baratta, seconded by Member Anthony:

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO REZONE THE SUBJECT PROPERTY FROM R-1 TO R-3 WITH A PLANNED REZONING OVERLAY:

In the matter of the request of Beck Ten Land, LLC ZCM12-02 with Zoning Map Amendment 18.701

motion to recommend approval to the City Council to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay with the following ordinance deviations:

- a. Lack of a paved eyebrows;
- b. Location of proposed sidewalks in relation to the edge of the right-of-way; and
- c. Skewed intersection of Warrington Drive and Graham Lane;

And subject to the following conditions:

- a. Applicant providing elevations and floor plans to confirm housing style and size, a noted public benefit; and
- b. Compliance with all conditions listed in the staff and consultant review letters;

For the following reasons:

- a. The proposed development meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments;
- b. The proposed density of 1.77 units per acre closely matches the master planned density of 1.65 units per acre; and
- c. The proposed development is consistent with a listed objective for the southwest quadrant of the City, "Maintain the existing low density residential development and natural features preservation patterns."
- d. Given the varying alternatives for the property, the proposal is clearly a good project for this corner. *Motion carried 6-0.*