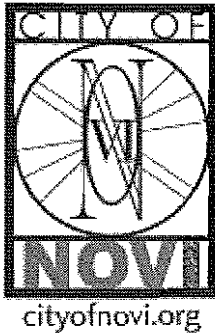


MEMORANDUM



TO: PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER *Kirste*
THROUGH: BARBARA MCBETH, *AICP*, DEPUTY DIRECTOR
of COMMUNITY DEVELOPMENT
SUBJECT: SP 06-43 BROCKDALE ESTATES EXTENSION (PLANNING
COMMISSION MEETING 04/08/09)
DATE: MARCH 30, 2009

The applicant, Sean Hurwitz, proposes a six unit attached one-family residential development on 3.07 acres of land using of the Zoning Ordinance's One-Family Cluster Option. The project is located on the west side of Novi Road between Thirteen and Fourteen Mile Roads just south of Hickory Woods Elementary School in Section 2 in the R-4, One-Family Zoning District. Approvals for this project proceeded as follows:

- Planning Commission granted Preliminary Site Plan, Wetland Permit, Woodland Permit and Storm Water Management Plan approval on April 24, 2007, subject to a number of conditions.
- The Zoning Board of Appeals granted a variance to waive the requirement for a cul-de-sac on a private drive with a length in excess of 150 feet on May 8, 2007.
- City Council approved a waiver of the requirement for a sidewalk on both sides of the entrance drive on June 4, 2007.

The applicant is requesting a one-year extension of their Preliminary Site Plan approval, citing the slow housing market as the reason for the request. The Zoning Ordinance allows for three, one-year extensions of Preliminary and Final Site Plan approvals. The request is the applicant's second extension request. A one-year extension was previously granted on April 2, 2008.

The Community Development Department is not aware of any changes to the ordinances, or surrounding land uses, which would affect the approval of the requested extension for one year. **Approval of the one-year extension of Preliminary Site Plan approval is recommended.**

Please refer to the attached letter dated March 25, 2008 from Sean Hurwitz requesting the extension. Also attached are minutes from the Planning Commission meeting where the previous extension was granted and where Preliminary Site Plan approval was granted and the above mentioned Zoning Board of Appeals and City Council meetings as well as a reduced copy of the Preliminary Site Plan.

**Letter from Applicant
Requesting Extension**



March 25, 2009

Angela Pawlowski
Planning Assistant
Community Development Department
City of Novi
45175 W. Ten Mile
Novi, Michigan 48375

RE: EXTENSION OF PRELIMINARY SITE PLAN APPROVAL
BROCKDALE ESTATES, SP06-43B

Ms. Pawlowski,

Per our most recent communication, this letter serves as a request for an extension of the Preliminary Site Plan approval for Brockdale Estates.

I would like to request a one year extension to submit for our Final Site Plan. As I am sure you are aware, the economy and the housing market has taken a substantial hit in this type of residential development. I continue to remain very optimistic that we will see a turn around soon and that this project is in a great area with tremendous potentials.

Please let me know if there is anything further you require for the extension approval.

As always, thank you very much for you time and effort on this project.

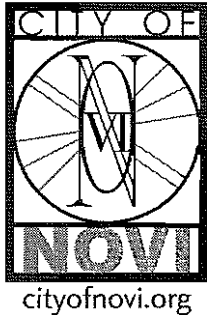
Sincerely,

A handwritten signature in black ink, appearing to read "Sean Hurwitz", with a long horizontal line extending to the right.

Sean Hurwitz
Central Real Estate Development Co.

Planning Commission Minutes Excerpts

April 2, 2008



PLANNING COMMISSION

APPROVED

CITY OF NOVI
Regular Meeting
Wednesday, April 2, 2008 | 7 PM
Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Michael Lynch (Excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Karen Reinowski, Planner; Ben Croy, Civil Engineer; David Beschke, Landscape Architect; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

Deputy Director of Community Development Barbara McBeth led the meeting in the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Pehrson seconded by Member Wrobel:

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

Motion to approve the April 2, 2008 Agenda. Motion Carried 8-0.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. QUADRANTS PROFESSIONAL OFFICE CENTRE, SP04-63

Consideration of the request of Quadrants Inc., for a one-year Final Site Plan extension. The subject property is located in Section 14, west of Meadowbrook Road between I-96 and Twelve Mile, in the OST, Planned Office Service Technology District. The entire site is 5.372 acres and the Applicant is proposing to construct a 21,840 square foot office building.

2. TEMPERFORM CORPORATION ADDITION, SP06-54

Consideration of the request of Temperform Corp., for a one-year Preliminary Site Plan extension. The subject property is located in Section 23, east of Novi Road, south of Trans-X Drive, in the I-2, General Industrial District. The subject property is 4.884 acres and the Applicant is proposing to construct two additions to the existing Temperform Corporation buildings.

3. KARIM BOULEVARD OFFICE BUILDING, SP04-21

Consideration of the request of Minasian Development Corporation for a one-year Final Site Plan extension. The subject property is located in Section 24, west of Karim Boulevard, south of Grand River Avenue in the OS-1, Office Service District. The subject property is approximately 2.99 acres and the Applicant is proposing a speculative office building.

4. BROCKDALE ESTATES, SP06-43

Consideration of the request of D & S Contractors, for a one-year Preliminary Site Plan extension. The subject property is located in Section 3, west of Novi Road, between Thirteen Mile and Fourteen Mile in the R-4, One Family Residential District. The subject property is 3.07 acres and the Applicant is proposing a six unit attached one-family residential development.

5. HAGGERTY CORRIDOR CORPORATE PARK PHASE 2, SP06-41

Consideration of the request of Northern Equities Group for a one-year Preliminary Site Plan extension. The subject property is located in Section 1, west of Haggerty Road, north of Thirteen Mile, in the OST, Planned

Office Service Technology District. The Applicant is proposing the construction of roads and utilities for the second phase of the office park.

Moved by Member Pehrson, seconded by Member Wrobel:

ROLL CALL VOTE ON CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

Motion to approve the Consent Agenda of April 2, 2008. *Motion carried 8-0.*

Planning Commission Minutes Excerpts

April 25, 2007



APPROVED

PLANNING COMMISSION
REGULAR MEETING
EXERPTS
WEDNESDAY, APRIL 25, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman (late), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Member David Lipski

Also Present: Barbara McBeth, Deputy Director of Community Development, Mark Spencer, Planner; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Engineer; Kristin Kolb, City Attorney

2. BROCKDALE ESTATES, SP06-43B

The Public Hearing was opened on the request of D & S Contractors for Preliminary Site Plan with One-Family Cluster Option, Stormwater Management Plan, Wetland Permit, and Woodland Permit approval. The subject property is located in Section 3, west of Novi Road, between Thirteen Mile and Fourteen Mile, in the R-4, One Family Residential District. The subject property is 3.07 acres and the Applicant is proposing a six-unit attached one family residential development.

Planner Mark Spencer described the project. There are two buildings housing six units. Each unit is approximately 2,000 square feet. The site is south of Hickory Woods Elementary School. To the west are Single Family Residential homes. To the south is open space for Morgan Creek Estates. To the east are open space for the Maples of Novi and a small portion of the Maples. The properties to the east, west and the subject site are master planned for Single Family Residential. The north property is master planned for educational use. The south property is master planned as a private park.

The zoning of the site, and that to the north, west and south is R-4. To the east is R-A with a consent judgment. There are extensive wetlands on the site. The City's wetland map can always be improved upon by an on-site visit. The site is almost 100% within a regulated woodland. The site is a low-priority natural features habitat area.

Attached single family units are allowed in R-4, subject to a Planning Commission Finding that the proposed development meets the one family clustering option requirements of Section 2403 of the Zoning Ordinance. The clustering option may be used when the Planning Commission finds that the use of a conventional development technique would destroy the unique environmental significance of the site, and fifty percent or more of the site is regulated – woodlands or wetlands. Fifty percent of the quality regulated natural features must be preserved. This Applicant is saving more than fifty percent (50.04%) and will place a conservation easement on that land. The Applicant also proposes a low landscape wall along the perimeter of the area to be preserved, to prevent encroachment by homeowners. Mr. Spencer displayed a plan that showed the boundaries of this easement. There will be open space areas where the detention pond will be located, and there will be some common landscape areas too.

The intent of this option is to allow flexibility around natural features or to allow a transitional development. If single lots were designed for this site, more of the regulated woodlands could be cleared, and there could be more encroachment into the wetland buffer areas. The Planning Commission should find that this use provides a transition or preserves the environmental significance of the site. The site must be an unusual shape, or have unbuildable soils, or have severe topography, or have at least fifty percent coverage of natural features, the latter being the trigger for this site. The development must preserve at least 50% of the site in an undisturbed state. The Applicant has already submitted three sets of drawings for review.

The overall density of the development cannot exceed that which is permitted in the district. This site could yield 3.3 units per acre; the Applicant is proposing 1.96 units per acre. The attached dwellings meet the Ordinance requirements for maximum shared walls. The clusters must be of four or less units, be thirty feet from a private street or right-of-way, and 75 feet from the property line. There must be at least 75 feet between clusters. The design meets these requirements. The Applicant must submit an agreement for perpetually maintaining the open space areas. The Applicant is required to provide a six foot berm adjacent to thoroughfares, though one is not

designed along Novi Road. The Planning Commission may waive this requirement to preserve natural features. This waiver is supported by Staff, due to the slope along Novi Road, and the berm would require significant tree removal. It would probably encroach into the wetland.

The plan generally complies with the Zoning Ordinance. There is a 2,800 square foot encroachment into the 25-foot wetland setback with the detention pond. The Wetland Consultant recommends approvals of this plan, as the Applicant has worked with him on reducing this impact considerably.

The Applicant proposes private streets. The City requires that private drives in excess of 150 feet end in a cul-de-sac or T-turnaround. This street does not provide either feature. The street is about 180 feet long. The Fire Marshal supports the design if the homes are equipped with NFPA 13D fire suppression sprinkler systems. The Applicant has agreed to do so. The Staff supports this request because the excess drive length is minimal and the turnaround would just encroach the woodlands more so.

The proposal will not generate much traffic – about sixty trips per day. Additional road improvements on Novi Road will not be required because of the low traffic yield. The entrance requires a Same Side Driveway Spacing Waiver of eleven feet, and an Opposite Side Driveway Spacing Waiver of five feet. The Engineering Department and the Traffic Consultant support these waivers due to the location of the natural features on the site. The chosen location is the only practical spot due to the natural features.

The City requires sidewalks on both sides of streets. The Applicant has provided this within the site but not on the north side of the entrance street – he is seeking a City Council Waiver. Staff supports the request in order to preserve natural features. The residents would be well-served by the south-side sidewalk anyway.

The proposed elevations contain as much as 39% asphalt shingles. The peaked roofs are residential in nature. One elevation provides 16% wood trim, which exceeds the permitted amount for Region One. The Façade Consultant supports this design as the buildings are compatible with the surrounding area.

There are minor items to be addressed at the time of Final Site Plan submittal. The Applicant has agreed to make these changes. The plan is therefore recommended for approval, with the items mentioned in the provided motion sheet.

Al Valentine from GAV Associates architecture firm addressed the Planning Commission. They have worked hard over the last sixteen months to address the Staff's concerns. The waivers are for minor items. He didn't think there was much more that could be addressed.

Mr. Valentine said the 2,000 square-foot homes would each have two- or three-car garages. Half of the site will be developed. The six units will sit on 1.5 acres.

No one in the audience wished to speak. Member Pehrson read the correspondence into the record:

- Ernesto J. Smith, 31116 Centennial Drive: Approved of the plan.
- James Remijan, 41677 Magnolia Court: Objected because City taxes go up, traffic increases, and the City doesn't need that.
- Dolores Kaschalk, 31044 Silverdale: Objected because condos are not needed, it is too close to the school, and traffic and visibility would be negatively impacted.
- Shirley Anne Wahlstrom, 41814 Independence: Objected because the area is overbuilt with this type of construction. Property values cannot be maintained. The elementary school is overcrowded.
- Donna Melton, 30662 Vine Court: Objected because there is a glut of condos and this would drop the area's property value.
- Barbara Hanshaw, 41865 Canterbury: Objected because there is already too much development. She felt the natural features make Novi what it is today.
- Phyllis Abbott, 31187 Livingston Drive: Objected because there are too many condos already.
- Brian Truba, 41891 Canterbury: Objected because the plan does meet Section 2514.b.3 of the Ordinance. Property values will decline and there's too many condos in the area.

- Barbara Miller, 41794 Independence: Objected because there are too many condos, and the glut will affect property values.
- Gary Haf, 41677 Juniper: Objected because there are too many condos and land should be preserved.
- Mary Kay McEachin, 30877 Jasper Ridge: Objected to more residential because it affects property values.

Chair Cassis closed the Public Hearing.

Member Avdoulos noted that the Applicant has been working with the City on this plan. He felt the plan met the intent of the clustering option. The natural features allow for this option to be used and although the site is not unusually shaped, the woodland shape creates a "U." There isn't severe topography other than the wetlands. The Applicant has tried to contain the detention on the site. The Fire Marshal will accept the design with the inclusion of the NFPA sprinkler systems installed. A lot has gone into this project. The homes are not sized super-extraordinarily, and they are pleasant looking. They are situated in such a way that they won't be that noticeable. They do not front Novi Road. The road leads into the site. The Applicant has done a nice job working with this cluster option. Staff supporting some of the waiver requests will aid in making this site work well and is appropriate.

Moved by Member Avdoulos, seconded by Member Wrobel:

In the matter of Brockdale Estates, SP06-43B, motion to approve the Preliminary Site Plan subject to:

- 1) A Planning Commission Finding that the proposed development qualifies to use the One-Family Cluster Option because the site is almost entirely regulated woodlands and a substantial portion of the site contains regulated wetlands and if the site was developed for detached single-family homes it is likely that, in order to produce the required minimum 10,000 square foot lots, grading would extend close to the edge of the wetlands, some wetlands would likely be filled and additional woodland impact would occur;**
- 2) A Planning Commission Finding that the proposed development meets the One-Family Clustering Option requirements outlined in Section 2403 with minor corrections to be addressed on the Final Site Plan;**
- 3) The Applicant obtaining a ZBA Variance to permit a dead end corridor over 150 feet without an approved turn-around or cul-de-sac provided that all units are sprinkled to NFPA 13 requirements and the Applicant has indicated this stipulation in the response letter, and the Fire Marshal wants this listed on the prints;**
- 4) The Applicant providing a sidewalk on the north side of the entrance street or obtaining a City Council Variance to eliminate requirement, as the City Staff has supported this request for a Variance in order to save the natural features on the north side;**
- 5) A Planning Commission Finding that the proposed wetland buffer encroachment is acceptable;**
- 6) A Planning Commission Waiver of the right-of-way landscape berm requirement, as supported by the City's Landscape Architect;**
- 7) The Planning Commission granting a Same Side Driveway Spacing Waiver of 11 feet;**
- 8) The Planning Commission granting an Opposite Side Driveway Spacing Waiver of five feet;**
- 9) A Planning Commission Section 9 Waiver to permit an excess amount of wood trim - up to 16%, and asphalt shingles - up to 39%, as proposed, as supported by the City's Façade Consultant;**
- and 10) The conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reason that the plan meets the intent of the Zoning Ordinance.**

DISCUSSION

Chair Cassis complimented the Staff for working with the Applicant on the cluster option. It works well for this sensitive area. The Applicant has captured the right way to align the buildings. The natural features are being preserved. He felt this project would meet with its own success.

Member Meyer felt the key was saving the natural features. He thanked Mr. Spencer for his presentation regarding the preservation area. He thought the plan represented sixteen months of productive work.

ROLL CALL VOTE ON BROCKDALE ESTATES, SP06-43B, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER WROBEL:

In the matter of Brockdale Estates, SP06-43B, motion to approve the Preliminary Site Plan subject to:

- 1) A Planning Commission Finding that the proposed development qualifies to use the One-Family**

Cluster Option because the site is almost entirely regulated woodlands and a substantial portion of the site contains regulated wetlands and if the site was developed for detached single-family homes it is likely that, in order to produce the required minimum 10,000 square foot lots, grading would extend close to the edge of the wetlands, some wetlands would likely be filled and additional woodland impact would occur; 2) A Planning Commission Finding that the proposed development meets the One-Family Clustering Option requirements outlined in Section 2403 with minor corrections to be addressed on the Final Site Plan; 3) The Applicant obtaining a ZBA Variance to permit a dead end corridor over 150 feet without an approved turn-around or cul-de-sac provided that all units are sprinkled to NFPA 13 requirements and the Applicant has indicated this stipulation in the response letter, and the Fire Marshal wants this listed on the prints; 4) The Applicant providing a sidewalk on the north side of the entrance street or obtaining a City Council Variance to eliminate requirement, as the City Staff has supported this request for a Variance in order to save the natural features on the north side; 5) A Planning Commission Finding that the proposed wetland buffer encroachment is acceptable; 6) A Planning Commission Waiver of the right-of-way landscape berm requirement, as supported by the City's Landscape Architect; 7) The Planning Commission granting a Same Side Driveway Spacing Waiver of 11 feet; 8) The Planning Commission granting an Opposite Side Driveway Spacing Waiver of five feet; 9) A Planning Commission Section 9 Waiver to permit an excess amount of wood trim - up to 16%, and asphalt shingles - up to 39%, as proposed, as supported by the City's Façade Consultant; and 10) The conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reason that the plan meets the intent of the Zoning Ordinance. *Motion carried 8-0.*

Moved by Member Avdoulos, seconded by Member Wrobel:

ROLL CALL VOTE ON BROCKDALE ESTATES, SP06-43B, WETLAND PERMIT MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER WROBEL:

In the matter of Brockdale Estates, SP06-43B, motion to approve the Wetland Permit subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan, for the reason that the plan meets the intent of the Ordinance. *Motion carried 8-0.*

Moved by Member Avdoulos, seconded by Member Wrobel:

ROLL CALL VOTE ON BROCKDALE ESTATES, SP06-43B, WOODLAND PERMIT MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER WROBEL:

In the matter of Brockdale Estates, SP06-43B, motion to approve the Woodland Permit subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan, for the reason that the plan meets the intent of the Ordinance. *Motion carried 8-0.*

Moved by Member Avdoulos, seconded by Member Wrobel:

ROLL CALL VOTE ON BROCKDALE ESTATES, SP06-43B, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER WROBEL:

In the matter of Brockdale Estates, SP06-43B, motion to approve the Stormwater Management Plan subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan, for the reason that the plan meets the intent of the Ordinance. *Motion carried 8-0.*

Zoning Board of Appeals Minutes Excerpts

May 8, 2007

REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
TUESDAY, MAY 8, 2007

Proceedings had and testimony taken in the matters of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, Tuesday, May , 2007.

BOARD MEMBERS

Timothy Shroyer, Chairperson
Justin Fischer, Vice-Chairperson
Gerald Bauer
Brent Canup
Linda Krieger
Mav Sanghvi

ALSO PRESENT:

Christian Fox, Community Development Liaison
Thomas Schultz, City Attorney
Alan Amolsch, Ordinance Enforcement
John H. Hines, Building Office
Mark Spencer, Planning Department
Robin Working, ZBA Recording Secretary

13 CHAIRPERSON SHROYER: Case number: 07-025

14 filed by Sean Hurwitz and D & S Contractors, Incorporated

15 for Brockdale Estates, 280 New Court.

16 They are requesting a variance to allow a

17 dead end street without the cul-de-sac requirement on a

18 minor drive in excess of 150 feet in length in the

19 Brockdale Estates Condominium Development. The property

20 is zoned R-4 and is located on the west side of Novi Road

21 and north of Thirteen Mile Road.

22 Under City Ordinances Section 2514 1.B(3)

23 states: All minor drives in excess of 150 feet, with

24 only one point of access, shall provide a cul-de-sac

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1 meeting city Design and Construction Standards or a
2 T-turnaround, meeting the standard shown above.

3 The Applicant is requesting a variance to
4 the cul-de-sac requirement on a minor road for the
5 Brockdale Estates Condominium Development.

6 The Applicant has come forward. Please
7 state your name and address.

8 MR. HURWITZ: Good evening. Sean Hurwitz,
9 35100 West Eleven Mile Road, Berkley, Michigan, 48072.

10 VICE-CHAIRPERSON FISCHER: Do you swear to
11 tell the truth regarding Case number: 07-025?

12 MR. HURWITZ: I do. Okay, we are
13 requesting a variance to eliminate the cul-de-sac in
14 excess of 150 feet.

15 The proposed drive is 170 feet in length
16 on the plan. The main reason for not extending into a
17 cul-de-sac is to protect the woodlands and wetlands and
18 to increase the conservation easement. It's a very small
19 site, it's 3.07 acres which is entirely woodlands. And
20 we spent the last 16 months working with Mark Spencer on
21 this plan and we have reduced the amount of units to fit
22 on the site. And we have agreed to put a conservation
23 easement on the rest of the property and protect the
24 natural features.

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1 By adding the cul-de-sac at the end of the
2 road will substantially encroach into the wetland buffer
3 and into the natural features.

4 And we have agreed with the fire marshal
5 that we would put a fire suppression system in each of
6 the six units. And he has supported that proposal.

7 Thank you.

8 CHAIRPERSON SHROYER: Thank you. Being a
9 Public Hearing is there any member of the audience who
10 would care to speak?

11 Seeing none, could we please review the
12 mailings and the notices?

13 VICE-CHAIRPERSON FISCHER: Sure, Mr.

14 Chair. In this case our City was so kind to send 338
15 notices out and there were zero approvals and nine
16 objections and 17 return mailed.

17 William E. Ziniger (ph) of 30664 Vining

18 Court in Novi: Objection, strongly believe that the City
19 of Novi Code Ordinance should be upheld.

20 I have lived on a cul-de-sac for 15 years

21 in Novi and there is no question that it is more

22 convenient for all, safer and more appealing than a

23 straight dead end street.

24 Objection number two from James Ramajan

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1 (ph) of 41677 Mangolia Court in Novi: I object because
2 no matter how many new houses are built in Novi, taxes
3 never go down. And this being the case we do not need
4 the extra traffic on already jammed roads.

5 Objection from Rosemary King: There are
6 too many condos along this stretch of the area. It would
7 benefit residents and property value much more if a nice
8 park with jogging, walking trails as well as some picnic
9 areas were placed instead. All we have currently is Lake
10 Shore Park. Take a look at the park near Drake between
11 Maple and 14.

12 Mary K. McEachin, M-c-E-A-C-H-I-N, of
13 30877 Jasper Ridge objects: A cul-de-sac looks much
14 better. I have a concern about people always turning
15 around. A new (unintelligible) of their plan. And a
16 cul-de-sac is much more functional.

17 Gary Hack of 41677 Jennifer in Novi,
18 Michigan objects: This area already has way too many
19 condominiums. It does not need another development if
20 contractor would prefer special considerations. And
21 please do not allow.

22 Objection from Kelly Broud (ph) of 41790
23 Independence in Novi: I feel a cul-de-sac provides the
24 neighborhood appeal as well as safety for homes on the

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1 end of the street. I live near Maple in Novi and we have
2 several cul-de-sacs which are dead end roads and it
3 aesthetically much more pleasing.
4 Concerning a post card, I think the
5 surrounding area should remain consistent. The Ordinance
6 was there for a reason.
7 Barbara Miller objects, 41794 Independence
8 Drive: These are my objections to the initial proposal.
9 We do not need additional condos and now they would
10 prefer to have six more, a variance to squeeze in six
11 more units. This will depress property values for those
12 living in the area.
13 Objection from Brian Tursa (ph) from 41891
14 Canterbury, Novi: An Ordinance was in place at the time
15 they constructed and designed the plans. The Ordinance
16 was designed to insure the health, safety and welfare of
17 citizens as well as our communities which would be
18 aesthetically similar in design and appearance.
19 The proposed variance is to create a
20 clumping of condos that's not similar to surrounding area
21 and create a potential problem for emergency vehicles
22 which would need access to community.
23 Lastly, this variance would be directly
24 adjacent to a school building.

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1 Phyllis Abbott of 31187 Livingston Drive
2 objects stating that: Any dead end street needs a
3 cul-de-sac so that the people that live on that street
4 won't be having strangers going in and out of their
5 driveways to turn around. Zoning Board should follow the
6 Code.

7 And that concludes the correspondence.

8 Thank you, Mr. Chair.

9 CHAIRPERSON SHROYER: Thank you. Close

10 the Public Hearing.

11 Look to the City or Counsel for comments.

12 Yes, sir, Mr. Spencer?

13 MR. SPENCER: If I may, Mr. Chairman, may

14 I go up to the podium?

15 CHAIRPERSON SHROYER: Absolutely.

16 MR. SPENCER: Just to give the audience at

17 home an idea of where this is located at, first of all.

18 This is on Novi Road between 13 and 14 Mile Road just

19 south of Victory Woods Elementary School. This is the

20 site right in here.

21 The Applicant did work with the Planning

22 Department considerably on this site. And here is the

23 proposed site plan for this here. You can blow it up a

24 little bit. You can see it a little more.

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1 Because this site has a tremendous amount
2 of natural resources on it in the way of woodlands and
3 wetlands, we worked with this Applicant. I am using our
4 open space preservation option which requires a minimum
5 of 50 percent of the site to be saved. In this case this
6 is going to be permanently saved and a proposed
7 conservation easement.

8 And this green outline is the proposed
9 conservation easement that goes on both sides of the
10 entrance.

11 As you can see we have six units laid out
12 on this stub street. And this is the particular stub
13 street that exceeds the length. This stub street could
14 have been designed a little bit shorter with curbing
15 driveways, but it would have not have functioned quite as
16 well. It does function better by having it extend to
17 this point, people can back out of the driveway and then
18 go in this direction.

19 We did discuss the concerns that some of
20 the residents had about people coming in and not knowing
21 where they were and needing to turn around. This can be
22 accomplished right at this point right here on this
23 intersection.

24 The site will be screened from view

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1 considerably from Novi Road by existing vegetation that
2 is there. The Planning Department supports it to
3 preserve the natural features on the site. And the Fire
4 Department also supports it because the Applicant has
5 agreed to install an NFPA 13D standard sprinkler system,
6 a fire suppression system. And with that kind of system,
7 the fire marshal feels the access of the 20 to 30 feet in
8 length of that driveway is going to be no where near as
9 valuable as having that fire suppression system.

10 The biggest concern for having these
11 turnarounds is for emergency vehicle access.

12 (Interposing) (Unintelligible)

13 MR. SPENCER: We will leave this on the
14 overhead for discussion.

15 CHAIRPERSON SHROYER: Thank you, Mr.
16 Spencer.

17 Any other comments? City or Counsel?

18 Okay. We will turn it over to the Board
19 for discussion.

20 Member Canup?

21 MEMBER CANUP: My question being, it
22 appears that it would be difficult to put a cul-de-sac
23 near the end because of this unit on the left-hand side
24 at the end of the road; is that correct?

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1 MR. HURWITZ: We could have extended it
2 further south or we could have done a T-turnaround which
3 would also would have been approved and fit the
4 Ordinance. It would have more impeded onto the southern
5 part of the wetland buffer there. But we could have fit
6 the T-turnaround in.

7 MEMBER CANUP: Why couldn't you take and
8 reverse the frontage of each one of those homes and that
9 would increase the area at the end of that road so you
10 could put a cul-de-sac in? First of all, I have a real
11 problem with not having a cul-de-sac here.

12 MR. HURWITZ: For 16 months we tried every
13 angle, every position. We started with ten units and
14 started dwindling them down and ended up with six for
15 that reason. We tried facing them north. We tried
16 facing two units north. There is a lot of criteria to
17 meet with the clustering option with the setbacks between
18 the units.

19 MEMBER CANUP: I didn't ask to change
20 that. I asked why couldn't take it -- like the one on
21 the bottom, move it to the back or the one next to it,
22 move it to the front. Why couldn't that be done? And
23 then you would have room for your cul-de-sac there.

24 MR. HURWITZ: Well, the second unit on

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1 that side and the third unit have to be split back like
2 that with the I think it's 20 feet or so off the back of
3 the second unit needs to be split like that, staggered.
4 So we couldn't move the third unit up to match the second
5 unit.

6 MEMBER CANUP: I guess I am having a hard
7 time understanding why you couldn't change that.

8 MR. HURWITZ: Mark, can you help answer
9 that with the staggered?

10 MR. SPENCER: Sure. The Zoning Ordinance
11 has some particular requirements for common walls
12 requirements and building space and requirements using
13 this development option. There was many ways to approach
14 using this option and many different possible scenarios
15 for variances. We did not find any viable option that
16 would not require any variances to use this type of an
17 option.

18 After reviewing the possibilities, this
19 was the alternative we felt would probably work the best
20 for the 30 feet difference. This is, you know, a private
21 road, it's not a public road. It is in reality a
22 driveway for six units.

23 The units, there were some other design
24 considerations that could have been done on this site.

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1 And let me just explain what could have been done on this
2 site. And oftentimes it is in the city. This could have
3 been used for single family homes. The footprint would
4 probably have been considerably larger. The Applicant
5 could have elected to take mitigation and with our
6 Ordinance probably filled in or at least encroached in
7 the buffer area considerably and used conventional type
8 development techniques.

9 The Planning Commission reviewed this and
10 approved the preliminary site plan subject to this
11 variance based on the fact that this option would
12 preserve more natural features than using conventional
13 development on the site.

14 MEMBER CANUP: Thank you. I still have a
15 problem with not having a cul-de-sac there. In fact,
16 since this case came to us I started paying attention to
17 places I went that had cul-de-sacs. And for eight years
18 I lived on a dead end street. And my driveway was a
19 turnaround point. It was the last house and it was kind
20 of annoying, actually, but, again, if there is nothing
21 else that can be done with it.

22 I would be more in favor of granting some
23 other variances on the property rather than eliminating
24 this that cul-de-sac because this is not something that

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1 is going to change in six months or a year or five years.

2 This is going to be there forever.

3 MR. HURWITZ: We have spoke to the Fire

4 Marshal about that. One thing that he stated was it's

5 six units and outside even if the traffic from the six

6 units and perhaps a guest or so, which wouldn't happen

7 everyday, he felt like the traffic, especially going down

8 to the third and fourth unit on the left-hand side, that

9 would just be the homeowners. If somebody turned into

10 the site incorrectly, they could turn around.

11 MEMBER CANUP: That's the end of my

12 comments.

13 CHAIRPERSON SHROYER: Thank you, Member

14 Canup.

15 Other comments? Discussion?

16 Member Sanghvi?

17 MEMBER SANGHVI: I don't see any major

18 problem with the proposal at the moment. I know there is

19 no cul-de-sac. But I know that we are also trying to

20 save some woodlands and other things and if I had a

21 choice between saving woodlands and having a cul-de-sac,

22 I would rather save the woodlands. Thank you.

23 CHAIRPERSON SHROYER: Thank you.

24 Anyone else?

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1 If not, I have a question or two I would
2 like to ask.

3 MR. HURWITZ: Sure.

4 CHAIRPERSON SHROYER: First of all, I'm
5 having difficulty reading the blueprint as to where the
6 driveways are for condominiums on the western side. Can
7 you help me out? Oh, they're combined. That helps.

8 I was trying to figure out how they were
9 separated. But they're not, two and two.

10 MR. HURWITZ: That's correct.

11 CHAIRPERSON SHROYER: And then this next
12 question was, as we do quite often, people who have
13 children or people who have birthdays, et cetera, they
14 have parties. Where does everybody park when they come
15 visit?

16 MR. HURWITZ: We had at one time put
17 parking spots right on the end of that road right there,
18 on the T-turnaround right there. We made that far enough
19 for a fire truck to turn around in. And we thought that
20 two cars, at least two cars could park there.

21 CHAIRPERSON SHROYER: That's not a very
22 big party. Two cars. So I would envision people parking
23 in neighbor's parking lots. Because the private road
24 doesn't allow parking on both sides because it's not

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1 going to fit.

2 MR. HURWITZ: In this case the road is
3 designed to public road standards and there enough width
4 for parking on both sides of the road. So, there is
5 available space for parking in a couple locations along
6 that road and it was also a space available for parking
7 along the entrance road.

8 We evaluated the parking that was
9 available and felt that it was adequate. There is two
10 car parking in each unit, plus enough room for two cars
11 in minimum the driveways. The one that setback is
12 further, actually you might be able to get four cars in
13 the driveway in that one.

14 CHAIRPERSON SHROYER: We keep building
15 bigger and bigger cars then we might not be able to.
16 With that, with the Planning Commission
17 recommending this variance and with the fire suppression
18 unit that's been agreed to be included in all the
19 condominiums, I am not opposed to this variance.

20 Any other comments?

21 If not, I would like to entertain a

22 Motion. Member Sanghvi?

23 MEMBER SANGHVI: Mr. Chairman, I would
24 like to make a Motion that in Case number: 07-025, we

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1 approve the request of the Applicant to grant as
2 requested because of the lot configuration and the nature
3 of the woodlands and wetlands in the area.

4 CHAIRPERSON SHROYER: Is there a second?

5 MEMBER BAUER: Second.

6 CHAIRPERSON SHROYER: It's been moved by
7 Member Sanghvi, seconded by Member Bauer.

8 Is there any further discussion?

9 Please call the roll.

10 MS. WORKING: Member Sanghvi?

11 MEMBER SANGHVI: Yes.

12 MS. WORKING: Member Bauer?

13 MEMBER BAUER: Yes.

14 MS. WORKING: Chairman Shroyer?

15 CHAIRPERSON SHROYER: Yes.

16 MS. WORKING: Vice-Chair Fischer?

17 VICE-CHAIR FISCHER: Aye.

18 MS. WORKING: Member Canup?

19 MEMBER CANUP: No.

20 MS. WORKING: Member Krieger?

21 MEMBER KRIEGER: Yes.

22 MS. WORKING: Motion passes 5-1.

23 MR. HURWITZ: Thank you.

24 CHAIRPERSON SHROYER: Thank you.

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City Council Minutes Excerpts

June 4, 2007

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
EXERPT
MONDAY, JUNE 4, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

Mayor Landry called the meeting to order at 7:10 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul

ALSO PRESENT: Clay Pearson, City Manager

Pamela Antil, Assistant City Manager

Tom Schultz, City Attorney

Benny McCusker, Director of Public Works

Kathy Smith-Roy, Finance Director

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-M)

Mayor Pro Tem Capello removed Item I from the Consent Agenda.

**CM-07-06-107 Moved by Margolis, seconded by Nagy; CARRIED UNANIMOUSLY:
To**

approve the Consent Agenda as presented.

Roll call vote on CM-07-06-107 Yeas: Landry, Capello, Gatt, Margolis, Mutch,

Nagy, Paul

Nays: None

K. Approval of the request from Sean Hurwitz, D&S Construction, LLC, applicant for Brockdale Estates, for a variance from Section 11-276(a) that requires a sidewalk on both sides of public and private streets in unplatted areas of the City. The applicant is proposing a six-unit attached single family residential condominium using the City's One-Family Clustering Option to be located on the west side of Novi Road between Thirteen Mile and Fourteen Mile Roads.

Location Map

Hurwitz Cluster Housing Location Map



Legend

Tax Parcels



CITY OF NOVI PLAN REVIEW CENTER

Created by Mark Spencer
6/9/06
NOVI PLANNING DEPARTMENT
45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
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WWW.CI.NOVI.MI.US



/hurwitzlocation.mxd

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.

Reduced Site Plan

