

CITY of NOVI CITY COUNCIL

Agenda Item K November 10, 2014

SUBJECT: Approval to set a public hearing for the December 8, 2014 City Council meeting for the request of Foresta Architects, LLC to amend the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment to allow the proposed Tortora lot split to construct two single-family homes on the northwest side of Novi Road, south of Thirteen Mile Road.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Foresta Architects, LLC has proposed to create two residential lots for two detached single-family homes on the northwest side of Novi Road, south of Thirteen Mile Road in between the Saratoga Circle and Howell's Walled Lake Subdivision neighborhoods. The improvements require an amendment by the City Council to the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment since this area had been planned for a church or cemetery site.

The Vistas of Novi PUD Phasing Plan dated September 16, 1998, identifies these parcels as "Phase 10 Church/Cemetery Site." The June 25, 2002 "Agreement for Entry of Consent Judgment" allowed authorization relative to the PUD in Section 5. Section 5B of the Agreement further indicates that the subject property be dedicated in fee by Sandstone to the City for passive park purposes. This apparently has not happened and a new owner is in possession of the property.

Staff Review

Plan Review Center Staff reviewed the proposal and have noted that wetland and woodland permits would be required if the Consent Judgment is amended and the applicant proceeds with the eventual construction of two single-family homes. The layout of each of the units and proposed drives as well as the design details of the proposed bridge would be evaluated as part of the review of the proposed construction documents.

Public Notice

As part of the public notice, staff will be sending letters (sample attached) to all property owners within 400 feet of the property as a courtesy. The public will be invited to contact the Community Development Department with any comments or questions. A public hearing notice will appear in the Novi News as well.

Next Action

The City Council is asked to set the public hearing for consideration of an amendment to the Consent Judgment for December 10, 2014. If the proposed amendment is tentatively approved by the City Council, the City Attorney's Office will be asked to work with the applicant to modify the terms of the existing Consent Judgment. A draft would be presented to the City Council for their consideration at a subsequent meeting.

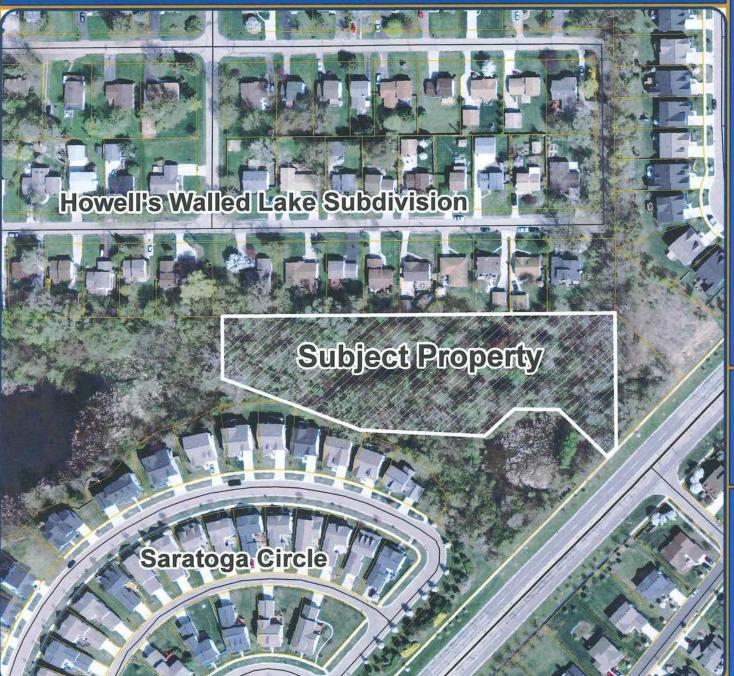
RECOMMENDED ACTION: Approval to set a public hearing for the December 8, 2014 City Council meeting for the request of Foresta Architects, LLC to amend the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment to allow the proposed Tortora lot split to construct two single-family homes on the northwest side of Novi Road, south of Thirteen Mile Road.

	1	2	Υ	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				

	1	2	Υ	Ν
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

MAPS Location Natural Features

Tortora Lot Split JR14-208



Map Legend

Tax Parcels selection





City of Novi

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

Map Author: Kristen Kapelanski Date: 11-03-14 Version #: 1.0



Map Legend

Tax Parcels selection



1 inch = 150 feet

City of Novi Planning Division Community Development Dept.

45175 W Ten Mile Rd Novi, MI 48375

Map Author: Kristen Kapelanski Date: 11-03-14 Project: JR14-208 Tortora Lot Split Version #: 1.0

MAP INTERPRETATION NOTICE



Land Owner Patrick Tortora

PROPOSAL

A REQUEST FOR APPROVAL OF PROPOSED USE ON PARCEL ID 22-11-127-015 & 22-11-107-002

ATTACHMENTS

- PRE-APPLICATION PLAN REVIEW LETTERS
- SURVEY: DATED 04.11.2014
- PRE-APPLICATION SITE PLAN: DATED 07.21.2014

BACKGROUND

- The land owner, Patrick Tortora, has successfully developed and re-developed several sites in Novi (some in partnership with others). These sites include Bellagio subdivision (lot sites only partnering with Mark and Eric Guidobono), 3 sites in Turnberry subdivision (build only), and currently has two sites being built on 13 mile / Old Novi across from the new park with Matt Thurber. Patrick had hopes to build the two houses herein referenced simultaneously with the two that Matt and he have just begun.
- Patrick purchased the property in this proposal from Oakland County in October, 2011 at their annual tax foreclosure auction with the intention of building 5 or 6 single family residences on the site. Shortly after the purchase his partner, Matt Thurber (Evergreen Construction), Rick (Perlongo excavating), and Patrick met with various Novi city personnel At that meeting they presented a rough site plan detailing their intentions and inquiring as to the next step necessary to proceed. At this meeting the city explained that there would be too many obstacles to overcome to build to this density (water loop needed, lot sizes and setbacks, etc.), and instructed Patrick to investigate further.
- Over the past several months Patrick has had the wetlands surveyed, the trees tagged and identified, and the property boundaries noted. He also hired a wetlands consultant, an engineer (Brooks-Williamson), and an architect (Foresta Architects, llc), and a surveyor to perform the studies and continue the process toward building the houses being proposed.
- Once the land, surveys, and planning comments were reviewed, it has become apparent
 that this property can be developed with variances. It has become apparent that the
 original proposed uses(pet cemetery or church) for the land are unfeasible, undesirable,
 and/or do not make economic sense.



SITE LOCATION

REQUEST FOR CHANGE OF PERMITTED USE

- and approval to permit the owner to re-parcel the (2) existing lots and allow the (2) single family homes to be built on the property. If the council expresses interest in this development, we will refine the plan and present this development in a public hearing and request the city council to approve the proposed use on this property.
- Patrick had the property, trees, & wetlands, surveyed this year. Once the survey was reviewed, it became apparent that this property could be developed with variances.

Property Characteristics

Site Location: South of Thirteen Mile Rd. on the west side of Novi Rd. (Section 11)

• Site Zoning: R-4 One-Family Residential and RA, Residential Acreage District

WITH CONSENT JUDGMENT

Adjacent Zoning: North, South & West: RA; East: R-A; ALL WITH CONSENT JUDGMENT

Current Site Use(s): Vacant

And the second to the first that the second term of the second terms of the second ter

School District: Novi Community Schools

Proposed Site Size: 2.82 acresPlan Date: 05-23-14

Project Summary

The applicant is proposing to combine two parcels, and then split them to create two lots for single family home development. The site is located on the northwest side of Novi Road, south of Thirteen Mile in between the Saratoga Circle and Camden Court neighborhoods. The improvements require an amendment by the City Council to the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment since this area had been planned for a church or cemetery site.

EXISTING SITE CONDITIONS (SEE SURVEY ATTACHED)



PROPOSED SITE (REFER TO FULL SIZED PROPOSED SITE PLAN ATTACHED)



ADVANTAGES

- Proposed use is consistent with the adjacent properties.
- The proposed houses are set back within the wooded areas to reduce impact on surrounding properties.
- Natural screening is provided around the site to reduce impact on surrounding properties.
- The surrounding properties want their neighboring woodlands to remain, and building two residences will be the least intrusive solution.
- Home sizes and design are consistent with surrounding area homes.



CONCEPT PLAN

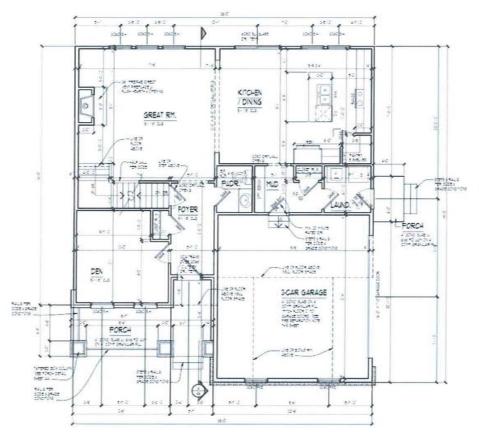
Residences shall comply with the similar/dissimilar requirements of the Novi Zoning Ordinance. Example of neighboring houses are below.







CONCEPT PLAN





PLANS BY TK DESIGN & ASSOCIATES SOUTH LYON, MI

- We explored development of the site for a pet cemetery.
- Site requires multiple zoning variances for parking. Wetland and woodland permits are still required.
- State guidelines limit the amount of graves and/or mass grave sizes to 100 per acre or 5,000 lbs /acre.
- Side setbacks are more restrictive for a commercial use adjacent to a residential use, adding to the complexity of the Site.
- Because state guidelines restrict the number of graves on a site, long term revenue is limited. The maintenance of the property can be difficult to sustain. There is a high risk of pet cemeteries being closed or abandoned due to the limited revenue sustained by the business.

STATE GUIDLINES

Proper Disposal of Animal Carcasses in Michigan

The Bodies of Dead Animals Act, Public Act 239 of 1982, as amended, establishes guidelines for the proper disposal of dead animals, to protect human, animal and environmental health. This brochure explains the proper methods for the safe and legal disposal of dead animals in Michigan. The information in this brochure refers to the disposal of dead animals that are not intended for human food.

Approved Disposal Methods

In general, all dead animals must be disposed of within 24 hours after death. The following methods of disposal are allowed by law: burial, burning, composting or rendering. Alternatively, you can contact your local landfill to see if they accept dead animals.

Burial of Animal Carcasses

Burial of animal carcasses is permitted under the following conditions:

- All body parts must be buried at least two feet beneath the natural surface of the ground, and in accordance with local ordinances.
- Animal carcasses may only be buried with the landowner's permission.
- Buried animal carcasses must not come in contact with the Great Lakes or any surface bodies of water (including inland lakes, streams, rivers, open drains), or groundwater.
- Animal graves must not be located within 200 feet of any existing groundwater well used to supply potable drinking water.

Animal carcasses may be buried in individual graves or common graves under the following conditions:

Individual Graves

- No more than 100 individual graves per acre are allowed, with a total combined weight of no more than five tons per acre.
- Individual animal graves must be separated by a minimum of 2-1/2 feet.

Common Graves

- The total animal carcass weight in a common grave cannot exceed 5,000 pounds per acre.
- If there is more than one common grave per acre, each common grave within that acre must be separated by a minimum of 100 feet.
- Animal carcasses in a common grave must be covered with at least one foot of soil within 24 hours of burial.
- A common grave cannot remain open for more than 30 days and must receive at least two feet of soil as final cover.

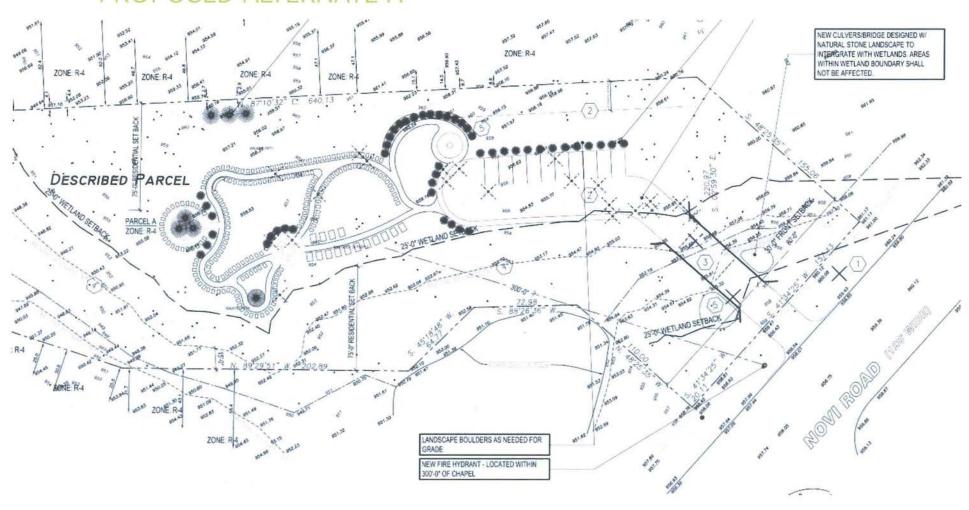
Composting

For compositing requirements, contact Dale Rozeboom, Ph.D. at 517-355-8398 or rozeboom@msu.edu, or to access the Composting Operational Standards at www.michigan.gov/mdard, click on "Disposal of Dead Animals" under the "Animal Health" tab.

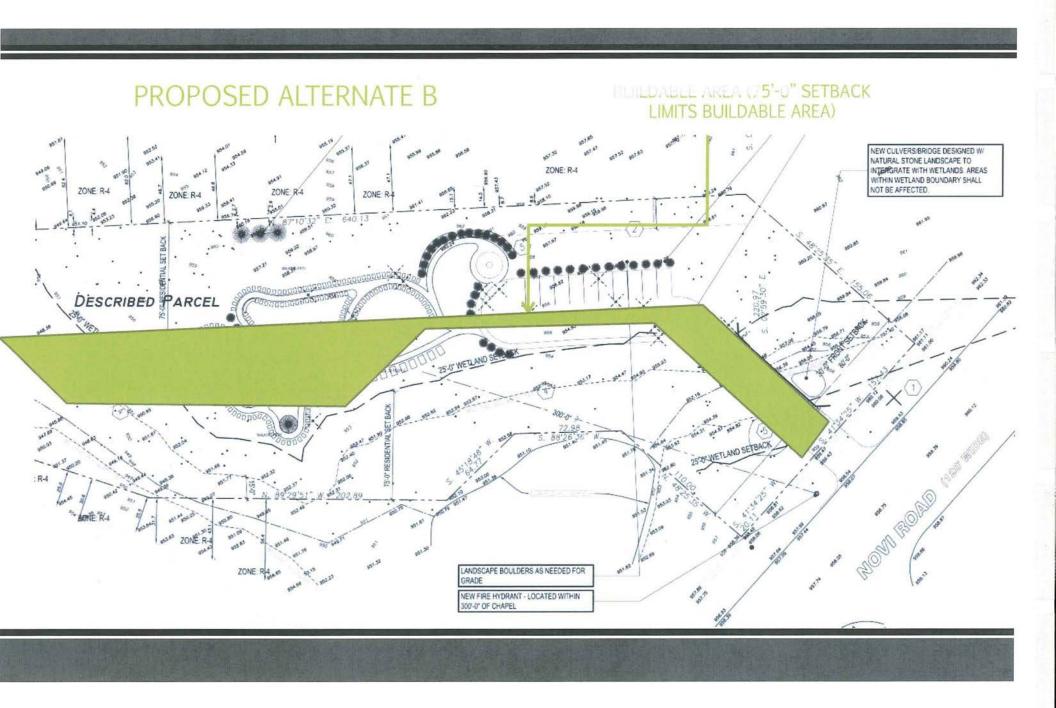
Exemptions

An owner may request an exemption to the total number of individual or common graves per acre or the total weight of carcasses in an individual or common grave. Exemptions may be granted by the director of the Michigan Department of Agriculture and Rural Development (MDARD) upon concurrence with the director of the Michigan Department of Environmental Quality (MDEQ).

PROPOSED ALTERNATE A



- We explored development of the site for a church use.
- Site requires multiple zoning variances. Wetland and woodland permits are still required.
- Side setbacks are greater for a commercial use adjacent to a residential use, adding to the complexity of the Site.
 residential limits the size of buildable area.
- Limited building size and space limitations will not permit development of useful worship space.
- The site will be held to additional landscape, lighting, utilities, storm retention and other site standards which will require additional clear cutting of the site and disturbance to the wetlands in order to comply with the Zoning ordinance
- The neighboring residences may be more objective to a commercial use than a residential use because there will be much higher traffic, noise, lighting, and open space created by the large amount of tree removal.



Letter to be Sent to Surrounding Property Owners - DRAFT



CITY COUNCIL

Mayor Bob Gatt

Mayor Pro Tem Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

City Manager Peter E. Auger

City Clerk Maryanne Cornelius

City of Novi 45175 W. Ten Mile Road Novi, Michigan 48375 248.347.0460 248.347.0577 fax

cityofnovi.org

DRAFT

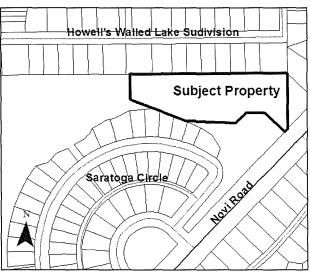
October 27, 2014

Re: Tortora Lot Split Request

To Whom it may concern:

Foresta Architects, LLC has proposed to create two residential lots for

two detached single-family homes on the northwest side of Novi Road, south of Thirteen Mile road in between the Saratoga Circle and Howell's Walled Lake neighborhoods. Subdivision The Vistas of Novi Planned Unit Development Phasing Plan identifies these parcels as "Phase Church/Cemetery Site." use other than a church or cemetery (i.e. single-family homes) requires amendment to the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment.



The City Council will hold a public hearing on Monday, November 24, 2014 at 7:00 P.M. in the Novi Civic Center, 45175 W. Ten Mile Road, Novi, MI to consider the above referenced amendment to the existing Consent Judgment. The subject property totals 2.82 acres and the applicant is proposing two single-family detached homes, as indicated in the concept plan on the back page of this correspondence. Detailed plans and additional information are available to review at the Community Development Department in the Novi Civic Center.

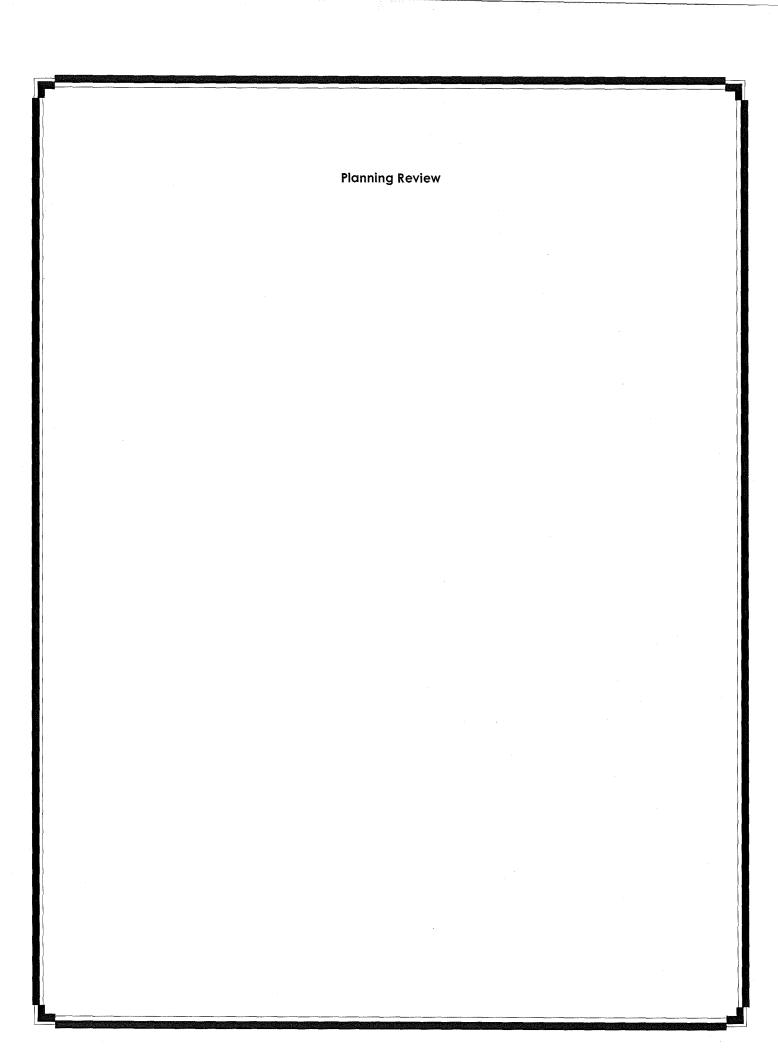
All interested persons are invited to attend the public hearing. Verbal comments may be heard at the hearing and any written comments may be made to the Community Development Department during the City's regular business hours, Monday thru Friday, from 8:00 A.M. to 5:00 P.M. and must be received by 4:00 P.M. Monday, November 24, 2014.

Questions and comments can be directed to Barbara McBeth (248.347.0587 or bmcbeth@cityofnovi.org) or Kristen Kapelanski (248.347.0586 or kkapelanski@cityofnovi.org) in the City of Novi Community Development Department.

Sincerely,

Kristen Kapelanski

Giste Gum.





PLAN REVIEW CENTER REPORT

August 13, 2014

<u>Planning Review</u>

Tortora House Lot Split JR14-208

Petitioner

Foresta Architects, LLC

Review Type

Consent Judgment Amendment

Property Characteristics

Site Location:

South of Thirteen Mile Rd. on the west side of Novi Rd. (Section 11)

Site Zoning:

R-4 One-Family Residential and RA, Residential Acreage District

WITH CONSENT JUDGMENT

Adjacent Zoning:

North, South & West: RA; East: R-A; ALL WITH CONSENT JUDGMENT

Current Site Use(s):

Vacant

Adjoining Uses:

North: Sam's Club & CZ Trucking; East & South: Vacant; West:

Taraet

School District:

Novi Community Schools

• Proposed Site Size:

2.82 acres

• Plan Date:

07-21-14

Project Summary

The applicant is proposing to combine two parcels, and then split them to create two lots for single family home development. The site is located on the northwest side of Novi Road, south of Thirteen Mile in between the Saratoga Circle and Camden Court neighborhoods. The improvements require an amendment by the City Council to the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment since this area had been planned for a church or cemetery site.

Recommendation

The proposed project cannot proceed until the City Council reviews and agrees to amend the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment after which the applicable consent judgment documents would be amended to reflect the proposed project. The site plan cannot proceed to the Planning Commission for review and approval of the wetland and woodland permits.

Review Standards

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3 (R-A Residential Acreage Districts), Article 4 (R-I through R-4 One-Family Residential Districts), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance in addition to the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment. Please see the items listed below for information pertaining to requirements. Items in bold below must be addressed by the applicant.

Consent Judgment Amendment: Preliminary Review

<u>Use of Property</u>: The Vistas of Novi PUD Phasing Plan dated September 16, 1998, identifies
these parcels as "Phase 10 Church/Cemetery Site." The June 25, 2002 "Agreement for Entry
of Consent Judgment" allowed authorization relative to the PUD in Section 5. Section 5B. of
the Agreement further indicates that the subject property be dedicated in fee by Sandstone
to the City for passive park purposes. This apparently has not happened and a new owner is
in possession of the property.

If the above issues are resolved through action by the City Council, staff has the following comments regarding the proposed plans. The City's attorney is asked to provide guidance regarding how the applicant's request should by reviewed by the City.

- Split Zoning: The two existing properties have different zoning, the eastern 0.28 acres are zoned RA Residential Acreage, while the 2.54 acre westernmost property is zoned R-4 One-Family Residential. The proposed parcels will result in both lots with split zoning, with the frontage onto Novi Road predominately being R-A, and the vast majority of the lots being R-4. For purposes of this review, the criteria in the R-4 zoning district were applied. The applicant indicated they could potentially propose a rezoning to address the split zoning, however staff doesn't feel a rezoning would be required.
- 2. <u>Lot Dimensions and Driveway Access:</u> The applicant has shifted the proposed lot lines per staff's recommendation to create a 90' parcel (northerly) and an 87' parcel (southerly). The proposed driveway would be shared.
- 3. Wetlands and Woodlands: The site is predominately covered in regulated woodlands and contains a significant amount of regulated wetlands, both of which will be impacted by the proposed development. The City's environmental consultant recommends both wetland and woodland field evaluation to determine the amount of impact to the site, and to determine which permits would be required. It appears that an MDEQ permit, City of Novi Minor Use Wetland Permit, Authorization to Encroach into the 25 ft. Natural Feature Setback, and woodland permit are likely be required. Refer to the wetland and woodland review letter for additional information. Updated woodland and wetland review letters were not completed as part of this round of comments.
- 4. <u>Housing Design:</u> Single-family homes must be constructed in accordance with the Similar Dissimilar Ordinance (Section 303) in terms of size and appearance.
- 5. <u>Fire Access:</u> The Fire Marshall is concerned about the load capacity of the proposed bridge. The **applicant should include details regarding the bridge's load design**. Refer to the fire review letter for additional information.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.

Gisti Gum

Kristen Kapelanski, AICP – Planner

Engineering Review



PLAN REVIEW CENTER REPORT

August 12, 2014

Engineering Pre-Application Review

Tortora Lot Split

Property Characteristics

• Site Location:

N.W. of Novi Road and S. of 13 Mile Road.

Site Size:

2.82 Acres.

Plan Date:

July 21, 2014

Comments:

<u>General</u>

- 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. This project may be a candidate for combined PSP/FSP review. If the applicant is confident that a complete set of engineering plans can be provide for the next submittal, the plan may be reviewed as a final site plan.
- 3. A right-of-way permit will be required from the City of Novi.
- 4. Driveways must meet City of Novi design standards for paving, grading, and layout.
- 5. The proposed bridge must be able to support AASHTO W-20 loading.
- 6. Revise the plan set to reference at least one city established benchmark. An interactive map of the City's established survey benchmarks can be found under the 'Map Gallery' tab on cityofnovi.org.
- 7. Soil borings shall be provided for a preliminary review of the constructability of the proposed development (roads, basin, etc.). Borings identifying soil types, and groundwater elevation should be provided at the time of Preliminary Site plan.
- 8. Plot plan approvals will be required for each parcel.
- 9. 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.

<u>Utilities</u>

10. Show the existing utilities on the plans and the proposed connection to each.

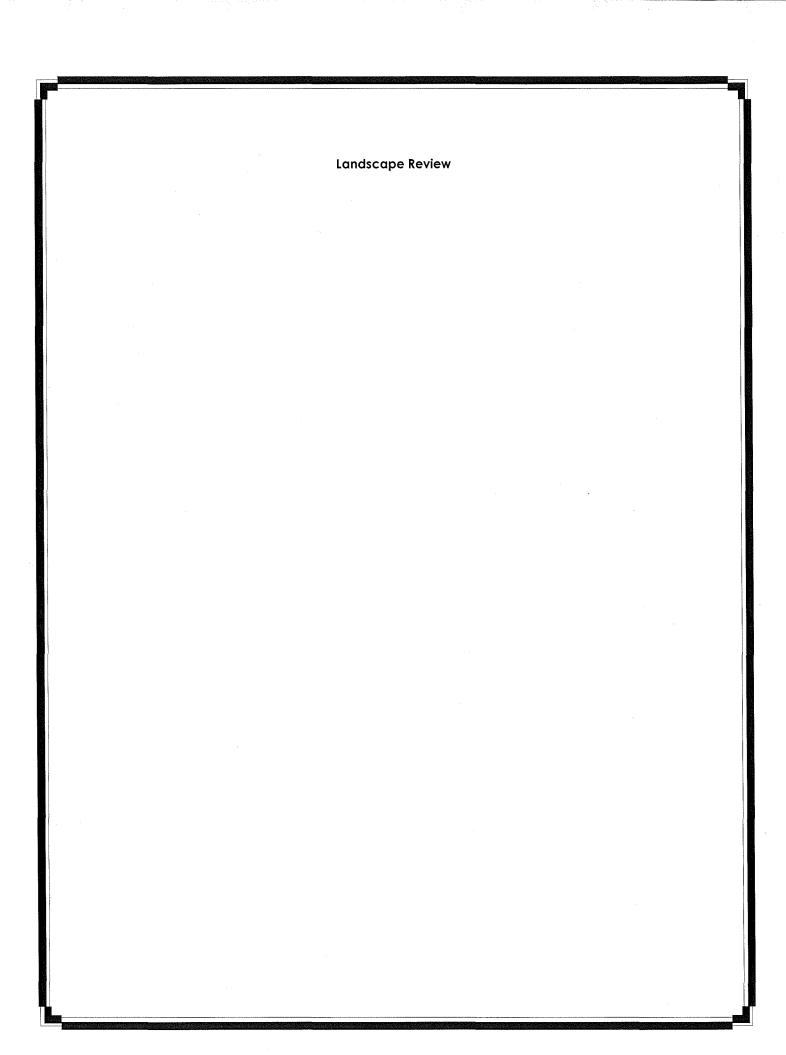
11. Differentiate between existing and proposed utilities on the plans and indicate proposed connections.

Paving & Grading

- 12. The proposed driveway is defined as a private road under the ordinance. Private roads shall be curbed with a minimum width of 28 feet.from back of curb to back of curb.
- 13. Provide a fire access turn around designed in accordance with figure VIII-1 otherwise a Design and Construction Standards Variance from Section 11-194(a)(20) of the Novi City Code will be required from City Council.

Storm Water Management Plan

- 14. Provide a sheet or sheets titled "Storm Water Management Plan" (SWMP) that complies with the Storm Water Ordinance and <u>Chapter 5 of the new Engineering Design Manual</u> (refer to the runoff coefficients, 1V:4H allowable basin slopes, etc.).
- 15. 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.
- 16. Please contact the Engineering Department to discuss storm water management requirements.





PLAN REVIEW CENTER REPORT

August 5, 2014

Landscape Plan

Tortora House Lot Split

Review Type

Landscape Review

Property Characteristics

Site Location:

Novi Road

• Site Zoning:

R4 – One Family Residential

• Adjacent Zoning: RA & R4

Adjacent Uses:

Single-family Residential

Plan Date:

7/21/2014

Recommendation

Approval of the Tatora Lot split JR14-0208 is recommended.

Ordinance Considerations

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

1. No landscape berm or buffer is required.

Street Tree Requirements (Sec. 2509.3.b.)

1. No street trees are required.

Parking Landscape (Sec. 2509.3.c.)

1. No parking is proposed.

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

1. No parking is proposed.

Building Foundation Landscape (Sec. 2509.3.d.)

1. Only single family homes are proposed. No foundation plantings are required.

Plant List (LDM)

1. No Plant List is required.

Planting Notations and Details (LDM)

1. No Planting Details and Notations are required.

Storm Basin Landscape (LDM)

1. No storm basin is proposed.

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

1. Irrigation is not required on single family properties.

General

1. Please see the Woodland and Wetland reviews for further comments.

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification.

Reviewed by: David R. Beschke, RLA

Fire Review



CITY COUNCIL

Mayor Bob Gatt

Mayor Pro Tem Dave Staudt

Gwen Markham

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

Interim City Manager Victor Cardenas

Director of Public Safety Chief of PoliceDavid E. Molloy

Director of EMS/Fire OperationsJeffery R. Johnson

Assistant Chief of Police Victor C.M. Lauria

Assistant Chief of Police Jerrod S. Hart

July 31, 2014

TO: Barbara McBeth- Deputy Director of Community Development Sara White- Plan Review Center Sara Roediger- Plan Review Center

RE: Tortora House Lot Split

PSP#14-0095 PSP#14-0130

<u>Project Description:</u> Lot split to provide two single family homes.

Comments:

1) Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the code official. (506.3 Fire Prevention Code)

Recommendation:

 Not recommended for approval until details on the bridge's load design meet city standards.

Sincerely,

Joseph Shelton- Fire Marshal 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