

cityofnovi.org

## CITY of NOVI CITY COUNCIL

Agenda Item 1  
December 8, 2014

**SUBJECT:** Consideration of the request of Foresta Architects, LLC to amend the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment to allow the construction of two single-family homes on two separate parcels to be created on the northwest side of Novi Road, south of Thirteen Mile Road within the Vistas PUD.

**SUBMITTING DEPARTMENT:** Community Development Department - Planning <sup>Ben S</sup>

**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 property is part of the Vistas of Novi Planned Unit Development (PUD), which was approved in the late 1990s. The Vistas PUD Phasing Plan dated September 16, 1998, identifies the property as "Phase 10 Church/Cemetery Site."

The property is also governed by a Consent Judgment arising from the *Sandstone Associates Limited Partnership v. City of Novi* litigation involving the entire PUD. The June 25, 2002 "Agreement for Entry of Consent Judgment" did not change the PUD use of the property authorized under the PUD, so it remains approved only as a church/cemetery site. While the *Sandstone* Consent Judgment gave the City the **option** to acquire the property for park and open space purposes, the City declined to do so. Eventually, the property was acquired by a successor owner through tax foreclosure, and the new owner is now looking to do something with the property other than a church or cemetery.

#### 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 has sent letters (sample attached) to all property owners within 400 feet of the property as a courtesy. The public has been invited to contact the Community Development Department with any comments or questions and written responses received thus far are attached. A public hearing notice appeared in the Novi News on November 13, 2014.

#### Previous and Next Actions

The City Council set the public hearing on November 10, 2014 and relevant meeting minutes are attached. The City Council is now asked to hold the public hearing for consideration of an amendment to the Consent Judgment. The public hearing that the

Council will hold at this meeting is intended to provide the same notice to nearby property owners that they would get if the request for the new use were made under the zoning ordinance as opposed to under the Consent Judgment. In response to the public hearing notices that were mailed out to property owners within 400 feet of the subject property, a total of 15 responses were received to date: six indicated support and nine registered an objection.

One question that the City and the property owners seeking relief would have to address if City Council were interested in amending the Sandstone Consent Judgment is to determine *who* exactly has the authority to enter into an amendment to the Judgment on the property owners' side (it has not been amended before). At the time the Consent Judgment was entered into, all of the property affected was owned by the original Plaintiff in the case, Sandstone Associates Limited Partnership-A. However, the properties have been sold over time.

If Council determines to proceed, then, its action would be to direct the City Attorney's office to work with the property owner and its attorney to draft an appropriate amendment to the Consent Judgment and determine the proper method for entry of that amendment with the Oakland County Circuit Court. Since the process for doing that has yet to be determined, the City Council may wish to stipulate that the cost to the City of securing the amendment will be borne by the property owner.

**RECOMMENDED ACTION:** Direct the City Attorney's office to work with the property owner draft an amendment 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, and to determine the appropriate procedure for entry of the amendment with the Court, all costs to the City related to such amendment to be borne by the property owner.

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

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

MAPS  
Location  
**Natural Features**

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# Tortora Lot Split JR14-208

Location



## 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  
Project: JR14-208 Tortora Lot Split  
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.

# Tortora Lot Split JR14-208

Natural Features



## Map Legend

Tax Parcels selection



**City of Novi**  
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**Applicant's Materials**

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Land Owner  
Patrick Tortora

# PROPOSAL

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

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## 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

- We are presenting the attached proposal for the city council's preliminary review 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
- School District: Novi Community Schools
- Proposed Site Size: 2.82 acres
- Plan 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.

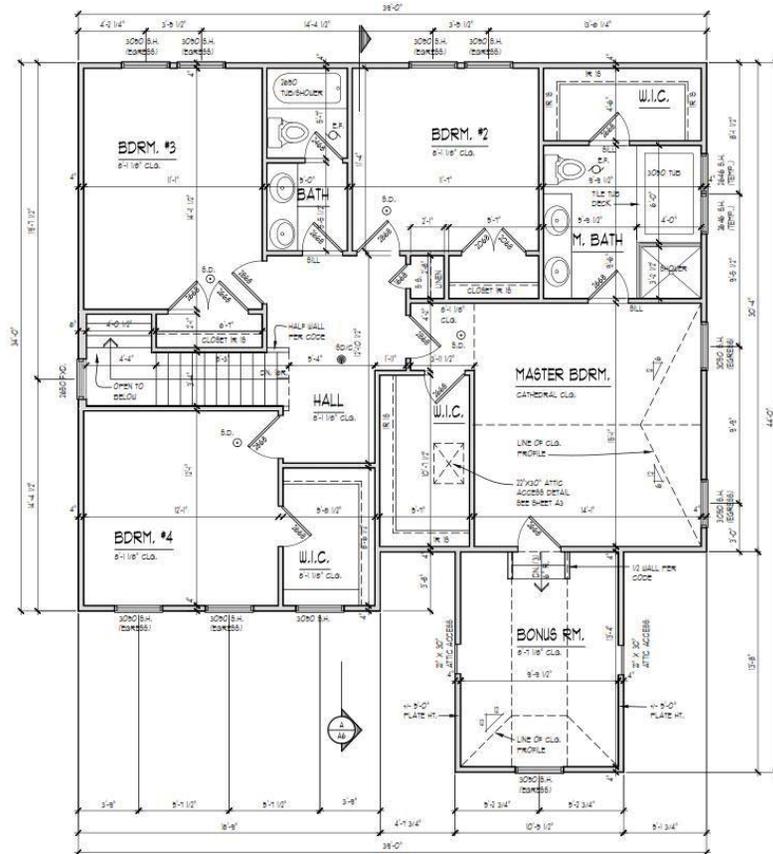
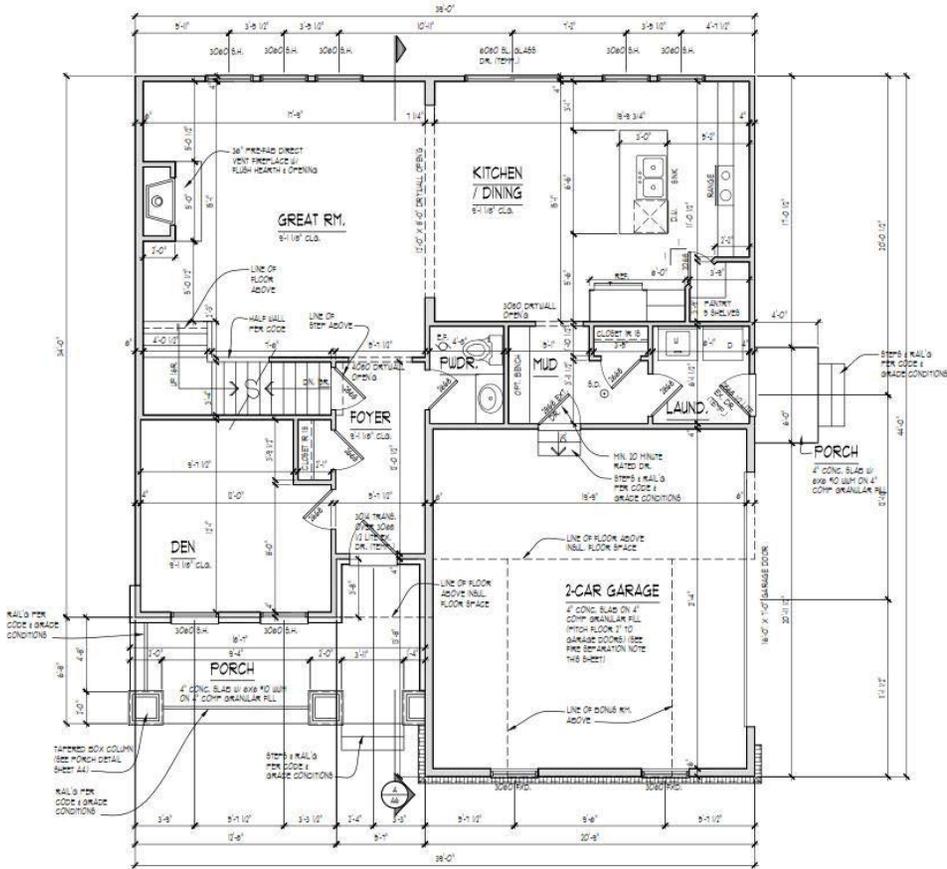


## CONCEPT PLAN

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

## ALTERNATIVE A – Pet Cemetery

- 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 GUIDELINES

## 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.

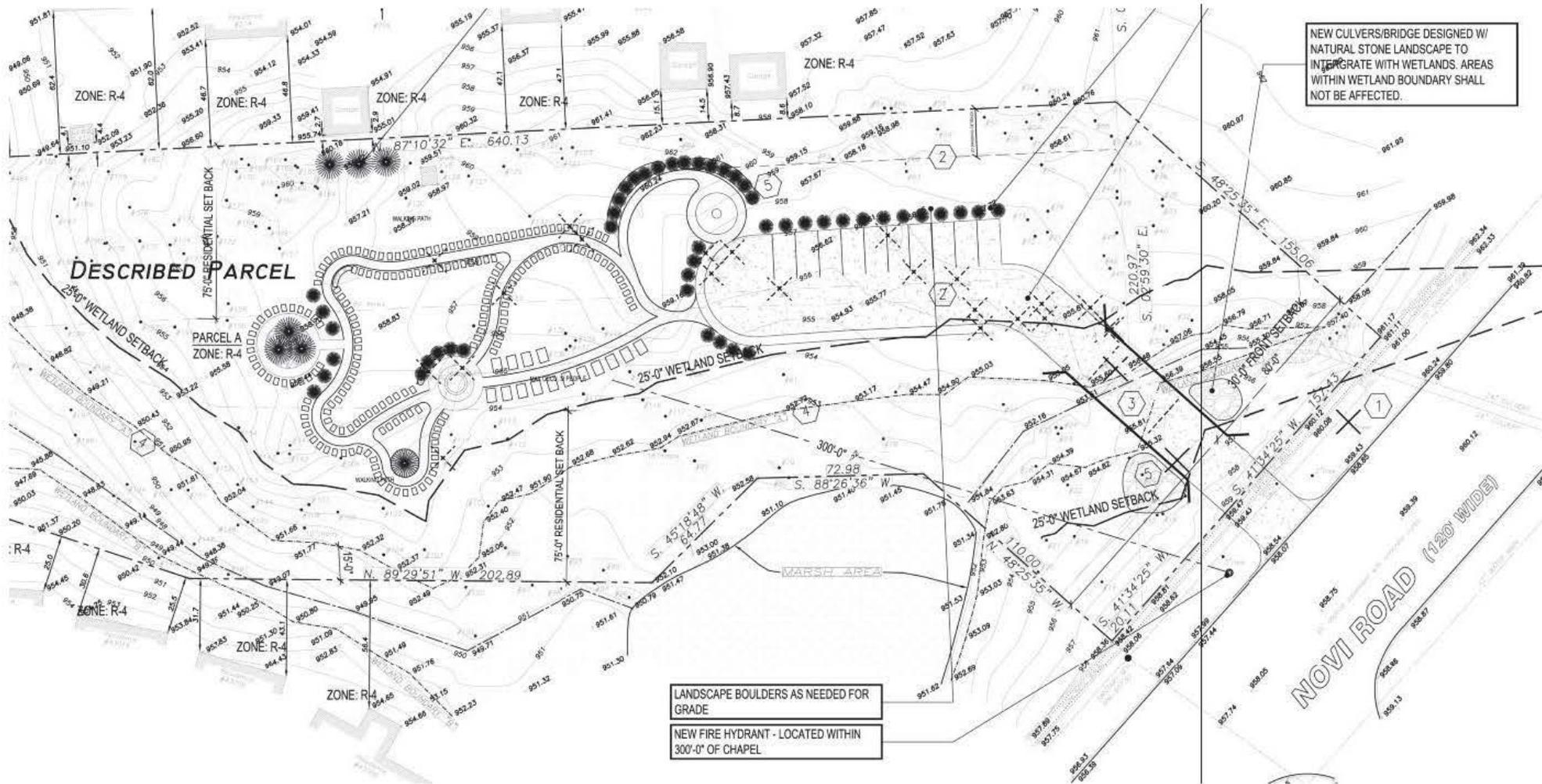
## Composting

For composting requirements, contact Dale Rozeboom, Ph.D. at 517-355-8398 or [rozeboom@msu.edu](mailto:rozeboom@msu.edu), or to access the Composting Operational Standards at [www.michigan.gov/mdard](http://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

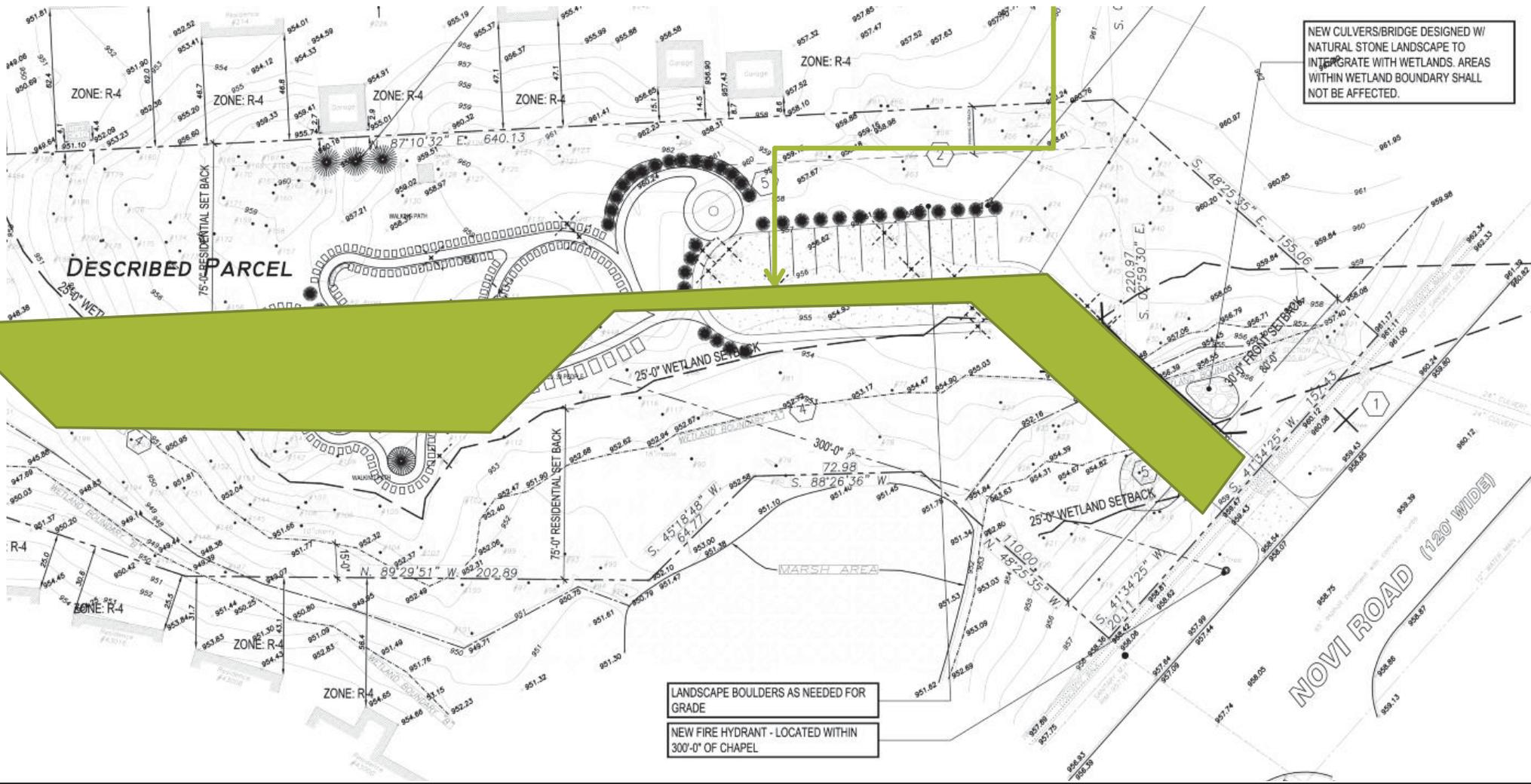


## ALTERNATIVE B – Place of Worship

- 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. The 75'-0" yard setback for commercial to 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.

# PROPOSED ALTERNATE B

# BUILDABLE AREA (75'-0" SETBACK LIMITS BUILDABLE AREA)



NEW CULVERS/BRIDGE DESIGNED W/ NATURAL STONE LANDSCAPE TO INTEGRATE WITH WETLANDS. AREAS WITHIN WETLAND BOUNDARY SHALL NOT BE AFFECTED.

LANDSCAPE BOULDERS AS NEEDED FOR GRADE  
NEW FIRE HYDRANT - LOCATED WITHIN 300'-0" OF CHAPEL

**Public Hearing Notice Letter  
and Responses**

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# SAMPLE

November 7, 2014

Re: Tortora Lot Split Request

To Whom it may concern:

**CITY COUNCIL**

**Mayor**  
Bob Gatt

**Mayor Pro Tem**  
Dave Staudt

Andrew Mutch

Wayne Wrobel

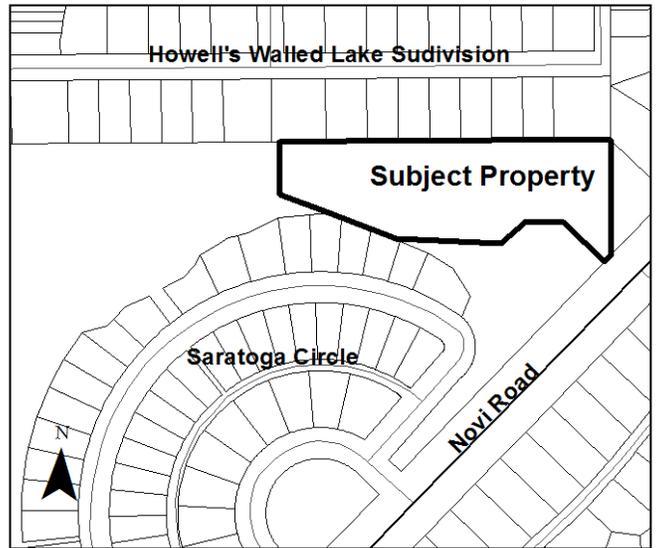
Laura Marie Casey

Gwen Markham

**City Manager**  
Peter E. Auger

**City Clerk**  
Maryanne Cornelius

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 Vistas of Novi Planned Unit Development Phasing Plan identifies these parcels as "Phase 10 Church/Cemetery Site." A use other than a church or cemetery (i.e. single-family homes) requires an amendment to the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment.



The City Council will hold a public hearing on Monday, December 8, 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, December 8, 2014.

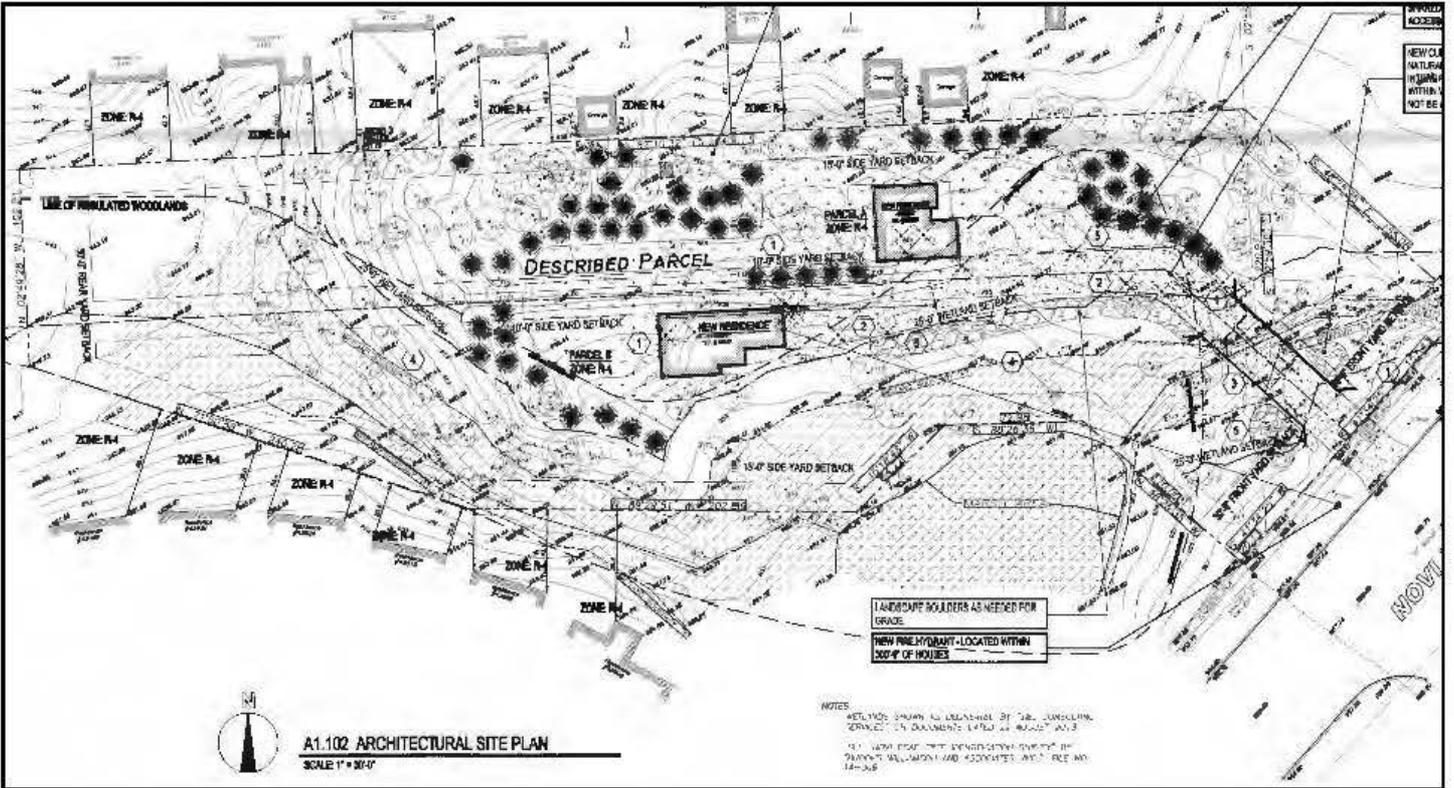
Questions and comments can be directed to Barbara McBeth (248.347.0587 or [bmcbeth@cityofnovi.org](mailto:bmcbeth@cityofnovi.org)) or Kristen Kapelanski (248.347.0586 or [kkapelanski@cityofnovi.org](mailto:kkapelanski@cityofnovi.org)) in the City of Novi Community Development Department.

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

[cityofnovi.org](http://cityofnovi.org)

Sincerely,

Kristen Kapelanski



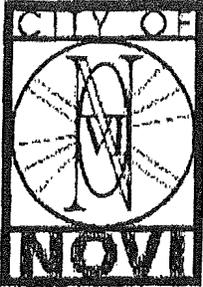
**A1.102 ARCHITECTURAL SITE PLAN**  
 SCALE: 1" = 30'-0"

NOTES:  
 1. UTILITIES SHOWN AS EXISTING BY THE SURVEYING SERVICE ON DOCUMENTS DATED AS SHOWN ON 3.  
 2. ALL WORK SHALL BE THE RESPONSIBILITY OF THE CLIENT. ALL WORK SHALL BE ACCORDING TO ALL APPLICABLE CODES AND REGULATIONS.  
 3. ALL WORK SHALL BE ACCORDING TO ALL APPLICABLE CODES AND REGULATIONS.

LANDSCAPE BOLLARDS AS NEEDED FOR GRADE.  
 NEW FINEST QUALITY - LOCATED WITHIN 500'-0" OF HOUSES.

NEW OR  
 NATURAL  
 WOODLAND  
 WITHIN  
 100'-0"  
 NOT BE

NOV 11 2011



cityofnovi.org

# CITY OF NOVI RESPONSE FORM

RECEIVED  
NOV 17 2014  
CITY OF NOVI  
COMMUNITY DEVELOPMENT

**THE CITY COUNCIL FOR THE CITY OF NOVI WILL HOLD A PUBLIC HEARING ON MONDAY, DECEMBER 8, 2014 AT 7:00 P.M. IN THE NOVI CIVIC CENTER, 45175 WEST TEN MILE RD, NOVI MI TO CONSIDER TORTORA LOT SPLIT JR145-208, FOR AN AMENDMENT TO THE SANDSTONE ASSOCIATES LIMITED PARTNERSHIP V. CITY OF NOVI CONSENT JUDGEMENT. THE SUBJECT PROPERTY TOTALS 2.82 ACRES AND IS LOCATED ON THE NORTHWEST SIDE OF NOVI ROAD, SOUTH OF THIRTEEN MILE ROAD IN SECTION 11. THE APPLICANT IS PROPOSING 2 SINGLE FAMILY DETACHED HOMES. PLANS ARE AVAILABLE FOR REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT IN THE NOVI CIVIC CENTER.**

### YOUR COMMENTS:

You are invited to attend the meeting and voice your support or objection. If you are unable to attend, you may use this form to reply by mail or fax. Returning this form by mail or fax has as much validity as verbal comments. Information regarding the project is available the Saturday before the meeting date at

<http://cityofnovi.org/Resources/Library/Minutes/MinutesArchiveFrameset.htm>

Plans are available for viewing during normal business hours at the Community Development Department and also on the table outside the City Council Chambers approximately one hour prior to the Planning Commission meeting. Signed comments will be added to the record of the meeting. Unsigned or anonymous comments WILL NOT be considered. Please return this form prior to 4:00 PM on the day of the meeting to:

Community Development Department  
45175 W. Ten Mile, Novi, Michigan 48375  
248-347-0475 (Main) 248-735-5633 (Fax)

I SUPPORT  I OBJECT

TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

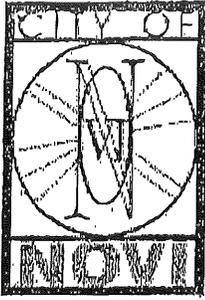
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: John Kucish

PRINT NAME: JOHN KUCISH

ADDRESS: 43049 EMERSON WAY, NOVI MI 48375

\*\*\*IN ACCORDANCE WITH MCL 125.3103, THE MANAGER OR OWNER OF A SINGLE STRUCTURE CONTAINING MORE THAN 4 DWELLING UNITS OR OTHER DISTINCT SPATIAL AREAS OWNED OR LEASED BY DIFFERENT PERSONS, IS HEREBY REQUESTED TO POST THE NOTICE AT A PRIMARY ENTRANCE TO THE STRUCTURE(S).\*\*\*



cityofnovi.org

# CITY OF NOVI RESPONSE FORM

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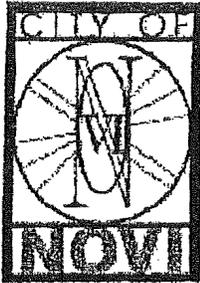
I SUPPORT     I OBJECT

TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

*This property can be best used by building two high-end residential homes like those currently around there.*

SIGNATURE: Mike Abraham  
PRINT NAME: Mike Abraham  
ADDRESS: 44790 Roundview 48375

\*\*\*IN ACCORDANCE WITH MCL 125.3103, THE MANAGER OR OWNER OF A SINGLE STRUCTURE CONTAINING MORE THAN 4 DWELLING UNITS OR OTHER DISTINCT SPATIAL AREAS OWNED OR LEASED BY DIFFERENT PERSONS, IS HEREBY REQUESTED TO POST THE NOTICE AT A PRIMARY ENTRANCE TO THE STRUCTURE(S).\*\*\*



# CITY OF NOVI

## RESPONSE FORM

RECEIVED

NOV 14 2014

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I SUPPORT  I OBJECT

### TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

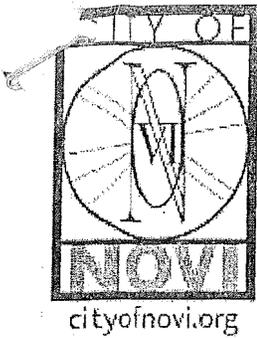
As an owner of several rental properties in close proximity of the subject land I'm in great favor of adding a couple nice homes to our community and feel that land is better used for housing than a church/cemetery site. Home values and nearby residents will certainly benefit more by adding a couple homes.

SIGNATURE: [Signature]

PRINT NAME: Scott Menser

ADDRESS: 40679 Village Wood, Novi MI 48375

\*\*\*IN ACCORDANCE WITH MCL 125.3103, THE MANAGER OR OWNER OF A SINGLE STRUCTURE CONTAINING MORE THAN 4 DWELLING UNITS OR OTHER DISTINCT SPATIAL AREAS OWNED OR LEASED BY DIFFERENT PERSONS, IS HEREBY REQUESTED TO POST THE NOTICE AT A PRIMARY ENTRANCE TO THE STRUCTURE(S).\*\*\*



# CITY OF NOVI

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RECEIVED

NOV 13 2014

CITY OF NOVI  
COMMUNITY DEVELOPMENT

I SUPPORT     I OBJECT  
TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

*I would like to see these properties developed into single family homes, similar to ones that are near by. The city needs the property tax dollars.*

SIGNATURE:

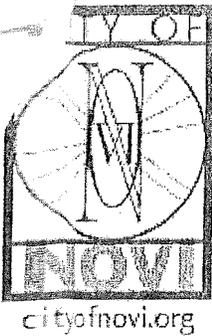
PRINT NAME:

*Amy Abraham*

ADDRESS:

*44790 Roundview Drive, Novi, MI 48375*

\*\*\*IN ACCORDANCE WITH MCL 125.3103, THE MANAGER OR OWNER OF A SINGLE STRUCTURE CONTAINING MORE THAN 4 DWELLING UNITS OR OTHER DISTINCT SPATIAL AREAS OWNED OR LEASED BY DIFFERENT PERSONS, IS HEREBY REQUESTED TO POST THE NOTICE AT A PRIMARY ENTRANCE TO THE STRUCTURE(S).\*\*\*



# CITY OF NOVI

## RESPONSE FORM

THE CITY COUNCIL FOR THE CITY OF NOVI WILL HOLD A PUBLIC HEARING ON MONDAY, DECEMBER 8, 2014 AT 7:00 P.M. IN THE NOVI CIVIC CENTER, 45175 WEST TEN MILE RD, NOVI MI TO CONSIDER TORTORA LOT SPLIT JR145-208, FOR AN AMENDMENT TO THE SANDSTONE ASSOCIATES LIMITED PARTNERSHIP V. CITY OF NOVI CONSENT JUDGEMENT. THE SUBJECT PROPERTY TOTALS 2.82 ACRES AND IS LOCATED ON THE NORTHWEST SIDE OF NOVI ROAD, SOUTH OF THIRTEEN MILE ROAD IN SECTION 11. THE APPLICANT IS PROPOSING 2 SINGLE FAMILY DETACHED HOMES. PLANS ARE AVAILABLE FOR REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT IN THE NOVI CIVIC CENTER.

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RECEIVED

Community Development Department  
45175 W. Ten Mile, Novi, Michigan 48375  
248-347-0475 (Main) 248-735-5633 (Fax)

NOV 13 2014

CITY OF NOVI  
COMMUNITY DEVELOPMENT

I SUPPORT     I OBJECT  
TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

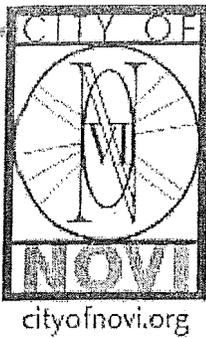
I would like to see these properties <sup>developed</sup> into single family homes. The city needs the property tax dollars

SIGNATURE: Kristen Shank

PRINT NAME: Kristen Shank

ADDRESS: 45012 Lightway Dr, Novi, MI 48275

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NOV 13 2014

I SUPPORT     I OBJECT

CITY OF NOVI  
COMMUNITY DEVELOPMENT

TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

*As a "top payer of taxes" but living in Northville, I would hope that the 20 lots up for rezoning would be rezoned. I feel 2 single homes would be a much better than a pet cemetery or a synagogue considering surrounding properties are all residential. Thank you!*

SIGNATURE: Mary Catherine Tortora

PRINT NAME: MARY CATHERINE TORTORA

ADDRESS: 47985 RAVELLO CT. NORTHVILLE, MI 48167

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# CITY OF NOVI

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I SUPPORT  I OBJECT  
TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

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SIGNATURE: Lisa Stone

PRINT NAME: Lisa Stone

ADDRESS: 234 Linkhart St Novi MI 48375

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I SUPPORT  I OBJECT

*The notice says*

### TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

- Told when purchased home property behind would not be developed; supposed to be dedicated to city for passive park or zoned for church / art center (clearly some confusion there)
- Significant environmental impact (numerous deer - wild life) + pond stream
- proposed dan puts a home DIRECTLY behind mine w/ zero to no buffer between
- purchased home due to natural buffer / woods / privacy

SIGNATURE:

*Kelly A. Hoxit-Breen*

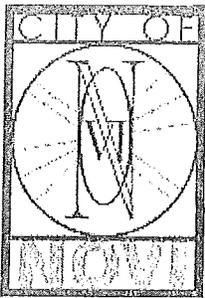
PRINT NAME:

KELLY A. HOXIT-BREEN MATTHEW BREEN

ADDRESS:

242 LINHART ST, NOVI 48377 (734) 673-4413

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I SUPPORT     I OBJECT

TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

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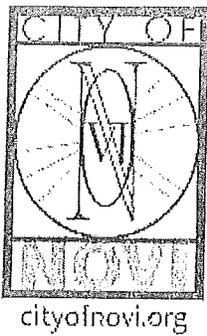
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SIGNATURE: Colleen M. Steven

PRINT NAME: Colleen M Steven

ADDRESS: 227 Linhart

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SIGNATURE:

*Riyadh*

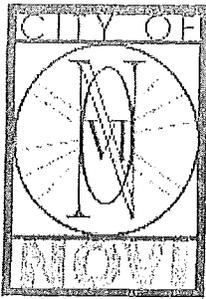
PRINT NAME:

Riyadh Naoum

ADDRESS:

251 Linhart St. NOVI, MI 48377

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I SUPPORT  I OBJECT

TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

No Way ↓  
♥

SIGNATURE: \_\_\_\_\_

*Donna Westerman*

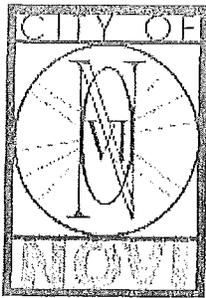
PRINT NAME: \_\_\_\_\_

Donna Westerman

ADDRESS: \_\_\_\_\_

248 Lakert Novi MI 48377

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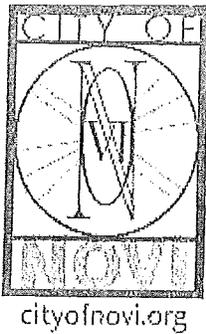
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SIGNATURE: 

PRINT NAME: EVAN BERRY

ADDRESS: 2411 Linhart St, Novi, MI 48377

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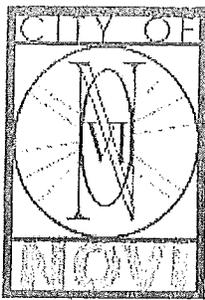
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SIGNATURE: Wade Clay

PRINT NAME: Wade Clay

ADDRESS: 235 Linhart Novi MI 48377

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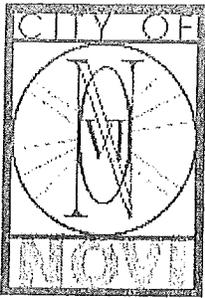
---

SIGNATURE: Magda Kadid

PRINT NAME: Magda Kadid

ADDRESS: 251 Linhart St Novi, MI 48377

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I SUPPORT     I OBJECT

TO THE ABOVE REQUEST FOR THE FOLLOWING REASONS:

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SIGNATURE: William Westerman  
PRINT NAME: William Westerman  
ADDRESS: 248 Linhart Novi MI 48377

\*\*\*IN ACCORDANCE WITH MCL 125.3103, THE MANAGER OR OWNER OF A SINGLE STRUCTURE CONTAINING MORE THAN 4 DWELLING UNITS OR OTHER DISTINCT SPATIAL AREAS OWNED OR LEASED BY DIFFERENT PERSONS, IS HEREBY REQUESTED TO POST THE NOTICE AT A PRIMARY ENTRANCE TO THE STRUCTURE(S).\*\*\*

## Planning Review

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## PLAN REVIEW CENTER REPORT

August 13, 2014

### Planning Review

Tortora House Lot Split

JR14-208

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#### 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: Target
- 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-1 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.

1. Use of Property: 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 be reviewed by the City.

1. 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. Lot Dimensions and Driveway Access: 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 to 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. Housing Design: Single-family homes must be constructed in accordance with the Similar Dissimilar Ordinance (Section 303) in terms of size and appearance.
5. Fire Access: 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](mailto:kkapelanski@cityofnovi.org).



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Kristen Kapelanski, AICP – Planner

## Engineering Review

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## PLAN REVIEW CENTER REPORT

August 12, 2014

### Engineering Pre-Application Review

Tortora Lot Split

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#### 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:

##### 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. 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.

##### Utilities

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-I 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 Chapter 5 of the new Engineering Design Manual (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.

## Landscape Review

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## **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

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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

**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 Police**  
David E. Molloy

**Director of EMS/Fire Operations**  
Jeffery R. Johnson

**Assistant Chief of Police**  
Victor C.M. Lauria

**Assistant Chief of Police**  
Jerrold S. Hart

PSP#14-0095

**PSP#14-0130**

**Project Description:** 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:**

- 1) 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.

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

cityofnovi.org

cc: file

**City Council Draft Meeting Minutes Excerpt  
- November 10, 2014**

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**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, NOVEMBER 10, 2014 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 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, Markham, Mutch, Wrobel

**ALSO PRESENT:** Peter Auger, City Manager  
Victor Cardenas, Assistant City Manager  
Thomas Schultz, City Attorney

**APPROVAL OF AGENDA:**

**CM 14-11-172 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented.**

**Roll call vote on CM 14-11-172**                      **Yeas: Staudt, Casey, Markham, Mutch,  
Wrobel, Gatt**  
**Nays: None**

**CONSENT AGENDA REMOVALS AND APPROVALS (See items A-L):**

**CM 14-11-173 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the Consent Agenda as presented.**

- A. Approve Minutes of:
  - 1. October 20, 2014 – Regular meeting
  
- B. Enter Executive Session immediately following the regular meeting of November 10, 2014 in the Council Annex for the purpose of discussing property acquisition and privileged correspondence from legal counsel.
  
- C. Approval of recommendation from the Consultant Review Committee to award a two-year Traffic Engineering Consulting Services contract to URS (with the option for a one-year renewal) and adoption of revised fee schedule, effective December 15, 2014.
  
- D. Approval of resolution recognizing Giving Songs, Inc. as a non-profit organization for religious, charitable and educational purposes.

- E. Approval of an amendment to the engineering services agreement with URS Corporation for additional design engineering services for the Christina Lane Culvert Rehabilitation Project in the amount of \$14,820.
- F. Approval to award the purchase (including a five year maintenance agreement) of a Mailroom DS-75 Folder/Insert to Neopost USA through the Western States Contracting Alliance (WSCA) cooperative purchasing contract in the amount of \$13,758.
- G. Approval to award Novi Enterprise Asset Management System (NEAMS) mobile device purchase to CDW Government for 20 field tablets and operational accessories through the National Intergovernmental Purchasing Alliance Company (IPA) cooperative purchasing program in the amount of \$40,744.
- H. Approval to dispose of obsolete Turnout Gear with the intention of providing them to the Highland Park Fire Department.
- I. Approval to set a Public Hearing Date on November 24, 2014 for the 2015 Community Development Block Grant Program.
- J. Approval of a Storm Drainage Facility Maintenance Easement Agreement from the Kroger Company of Michigan for the Kroger Office Expansion located at 40393 Grand River Avenue (parcel 22-24-327-010).
- K. 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.
- L. Approval of Claims and Accounts – Warrant No. 927

**Roll call vote on CM 14-11-173**

**Yeas: Casey, Markham, Mutch, Wrobel, Gatt,  
Staudt**

**Nays: None**