CITY of NOVI CITY COUNCIL



Agenda Item 1 March 23, 2015

SUBJECT: Consideration of the request of GR Meadowbrook LLC for consideration of a Special Development Option Concept Plan. The subject property is 26.62 acres in Section 23 of the City of Novi and located on the south side of Grand River Avenue, west of Meadowbrook Road in the GE, Gateway East District. The applicant is proposing a 210 unit multiple-family gated community.

SUBMITTING DEPARTMENT: Community Development Department - Planning Division

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

The petitioner is requesting approval of a 210 unit multiple-family gated community on a 26.62 acre parcel on the south side of Grand River Avenue west of Meadowbrook Road using the Special Development Option (SDO) under the Gateway East (GE) District. The applicant has a mix of two- and three-bedroom units resulting in a density of 7.89 units per acre. Landscape amenities are proposed along with a clubhouse and pool.

In general, the Special Development Option is intended to "...provide greater flexibility for the achievement of the objectives of the GE District by authorizing use of Special Development regulations with the view of: permitting quality residential development and facilitated mixed use developments including multiple family residential, office and limited commercial; encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features; encouraging innovation in land use planning; providing enhanced housing, cultural, and recreational opportunities for the people of the City; and bringing about a greater compatibility of design and use between and among neighboring properties."

An SDO Concept Plan and Agreement showing a mixture of residential (225 multiplefamily units), office (40,692 square feet), retail (24,771 square feet) and restaurant (4,965 square feet) uses was previously approved for the site and the subject property was cleared for development. A detention basin and wetland mitigation were also constructed. That approval has expired, although there is still an SDO Agreement recorded for the property. The previous Agreement is included in the packet. A new owner has acquired the property. The applicant is seeking to revoke and/or revise the previous SDO approval for the property.

Staff and Consultant Comments and Recommendations

Staff and consultants have completed a review of the concept plan and **all reviews are** recommending tentative approval, subject to a final SDO Agreement. There are several variances and waivers required as detailed below.

Ordinance Deviations Requested

Per Section 904G.1, consistent with the Special Development Option concept, and toward encouraging flexibility and creativity in development, departures from compliance with the standards provided for an SDO project, may be granted in the discretion of the

City Council as part of the approval of a SDO project in a GE District. Such departures may be authorized on the condition that there are recognized and specific features or planning mechanisms deemed adequate by the City Council designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.

The deviations requested are the following:

- 1. <u>Clubhouse Loading Space:</u> Staff supports the requested deviation for the deficient clubhouse loading area (940 sq. ft. required, 480 sq. ft. provided) as the applicant has demonstrated that large deliveries will not take place at this location.
- 2. <u>Light Fixtures:</u> The applicant has provided street lighting for the proposed internal street that is decorative in nature. Staff would support a deviation to permit lighting fixtures that are not full cut-off adjacent to residential zoning.
- 3. <u>Landscape Waivers:</u> Staff supports waivers for a decorative fence along Grand River Avenue in lieu of the required berm, evergreen trees in place of canopy trees and the lack of large shrubs around the existing detention basin.
- 4. <u>Building Materials:</u> Staff recommends a Section 9 waiver be granted for the underage of brick and the overage of asphalt shingles as the design is consistent with the intent and purpose of the Zoning Ordinance.

Public Hearing and Planning Commission Recommendation

A public hearing for the request was held by the Planning Commission on February 25, 2015. At that meeting, the <u>Planning Commission recommended approval</u> of the Huntley Manor Special Development Option Concept Plan JSP 14-56. Relevant minutes from the Planning Commission meeting are attached.

City Council Action

Per Section 3.12.6.B.i.d of the Zoning Ordinance, the City Council shall conduct a public hearing as part of the consideration of the concept plan. Following the public hearing, if the City Council is inclined to approve the concept plan request at this time, the City Council's motion would be to indicate tentative approval and direct the City Attorney to prepare an SDO Agreement to be brought back before the City Council for final approval.

RECOMMENDED ACTION:

In the matter of the request of GR Meadowbrook LLC for Huntley Manor JSP14-56 motion to tentatively **approve** the Special Development Option Concept Plan and direct the City Attorney's Office to work with the applicant on the preparation of the Special Development Option Agreement for submission to the Council in connection with a final approval. The Agreement should include the following ordinance deviations:

- a. Deviation for the deficient loading area (940 sq. ft. required, 480 sq. ft. provided);
- b. Waiver to permit a decorative fence in lieu of the required berm along Grand River Avenue;
- c. Waiver to permit the use of evergreen trees in lieu of the required canopy trees as required building foundation landscaping;
- d. Waiver for the installation of large shrubs around the existing detention basin; and
- e. Section 9 façade waiver for the overage of Asphalt shingles and underage of brick.

The Applicant's compliance with the conditions and items listed in the staff and consultant review letters should be a requirement noted in the Special Development Option Agreement.

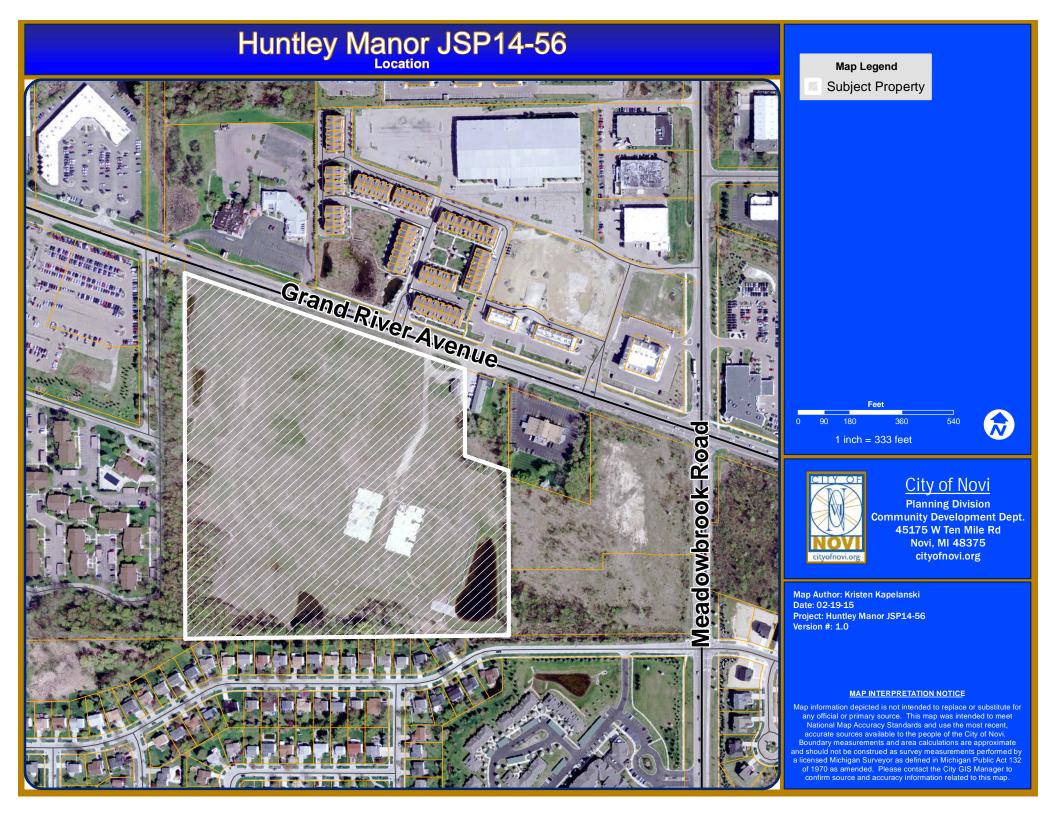
This motion is made based on the following findings:

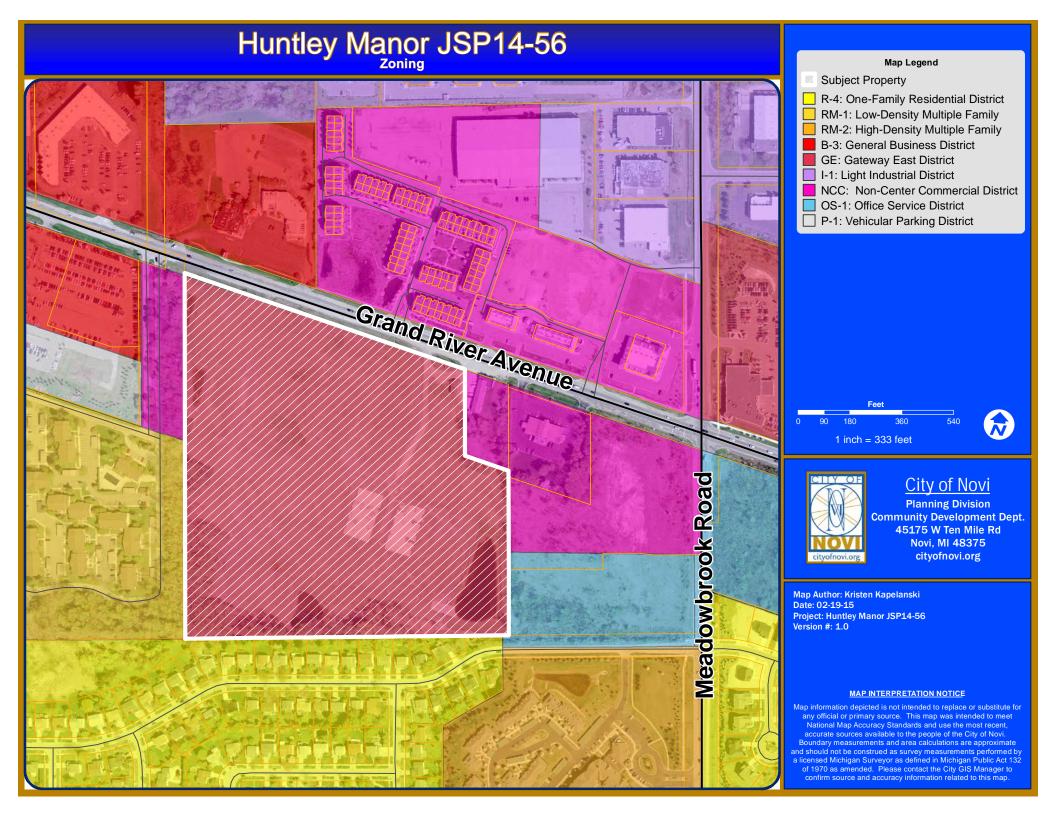
- a. The project results in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development;
- b. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.B the proposed type and density of development does not result in an unreasonable increase in the use of public services, facilities and utilities, and does not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment;
- c. Based upon proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the Special Development Option project will result in a material enhancement to the area of the City in which it is situated;
- d. The proposed development does not have a materially adverse impact upon the Master Plan for Land Use of the City, and is consistent with the intent and spirit of this Section;
- e. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.B, the proposed development does not result in an unreasonable negative economic impact upon surrounding properties;
- f. The proposed development contains at least as much useable open space as would be required in this Ordinance in relation to the most dominant use in the development;
- g. Each particular proposed use in the development, as well as the size and location of such use, results in and contributes to a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City;
- h. The proposed development is under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance;
- i. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service;
- j. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area;
- Relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats;
- Relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood;
- m. Relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- n. Relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner; and
- o. Relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

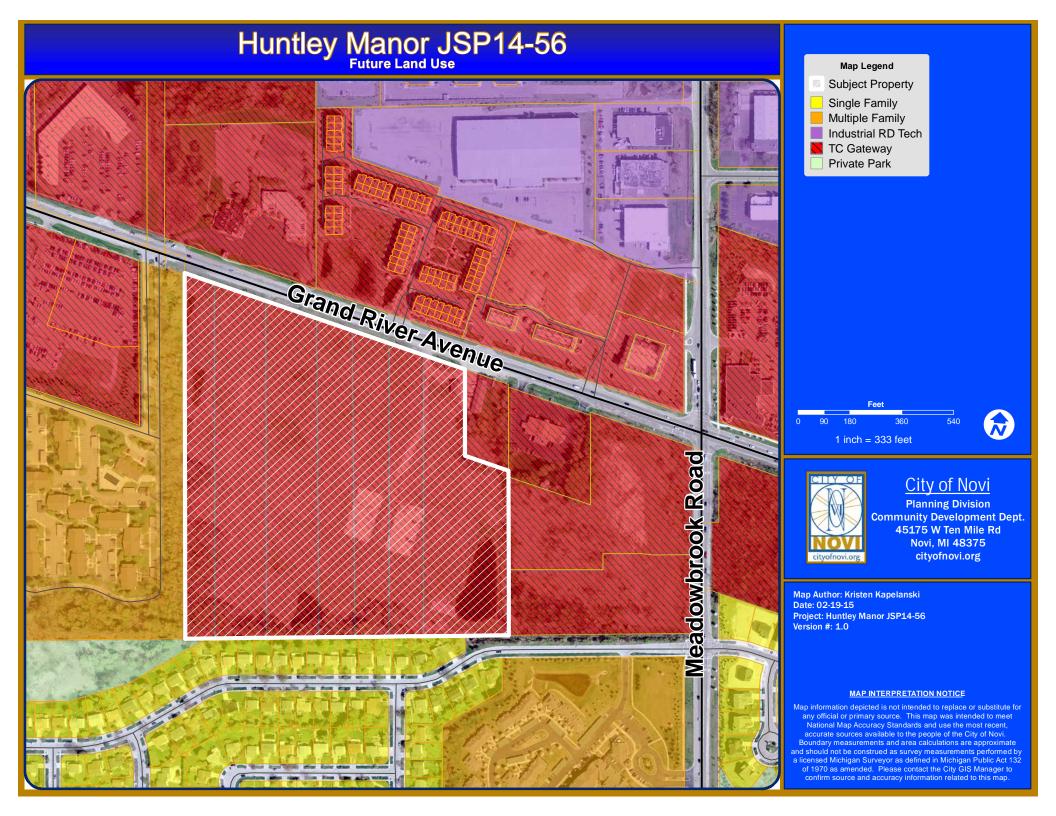
	1	2	Y	Ν
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

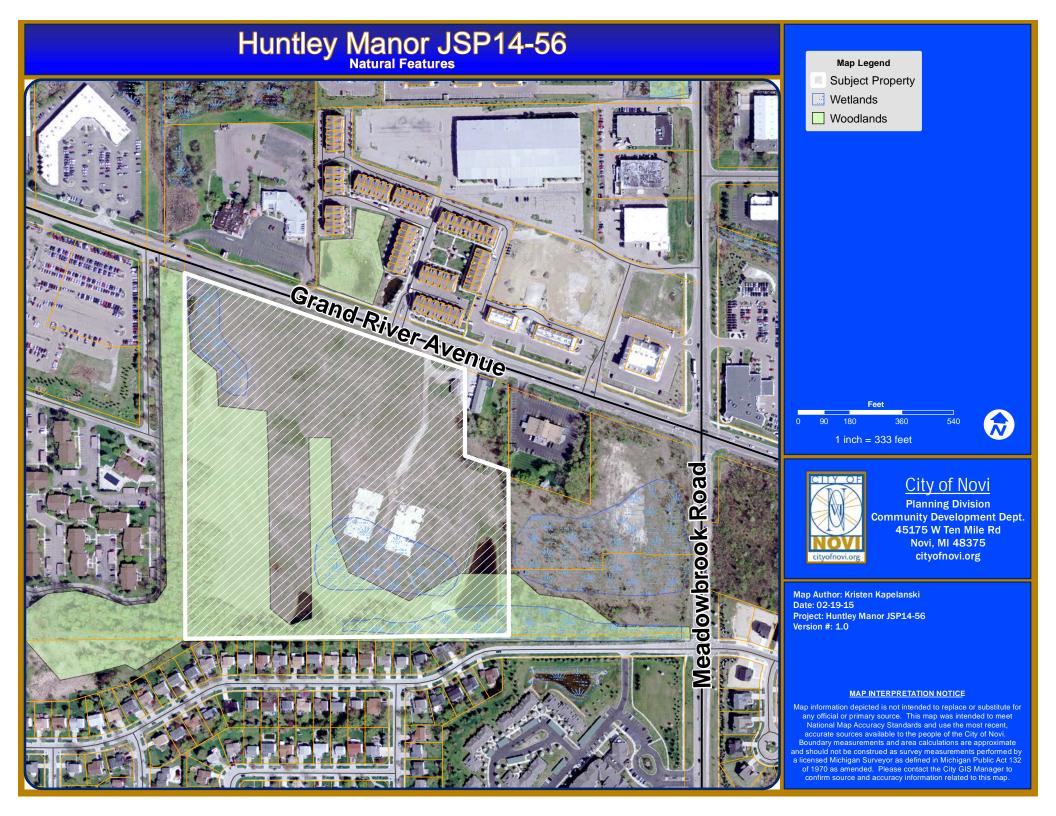
	1	2	Y	N
Council Member Mutch				
Council Member Poupard		_		
Council Member Wrobel				

<u>Maps</u> Location Zoning Future Land Use Natural Features









Concept Plan (Full plan set available for viewing at the Community Development Department.)



Planning Commission **Draft** Meeting Minutes Excerpt – February 25, 2015



PLANNING COMMISSION MINUTES

CITY OF NOVI Regular Meeting FEBRUARY 25, 2015 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile (248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Giacopetti, Member Greco, Chair Pehrson, Member Zuchlewski

Absent: Member Anthony (excused), Member Lynch (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Jeremy Miller, Engineer; Brian Coburn, Engineering Manager; Rick Meader, Landscape Architect; Gary Dovre, City Attorney.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Giacopetti and seconded by Member Greco:

VOICE VOTE TO THE AMEND AGENDA APPROVAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER GRECO:

Motion to amend the February 25, 2015 Planning Commission agenda to include item #2 and #3 (Neptune Center JSP14-10 and Text Amendment 18.274) under Matters for Consideration on the Consent Agenda and approval of the Amended Agenda. *Motion carried 5-0.*

PUBLIC HEARINGS

2. Huntley Manor JSP14-0056

Public Hearing at the request of GR Meadowbrook LLC for Planning Commission's recommendation to City Council for consideration of a Special Development Option Concept Plan. The subject property is 26.62 acres in Section 23 of the City of Novi and located on the south side of Grand River Avenue, west of Meadowbrook Road in the GE, Gateway East District. The applicant is proposing a 210 unit multiple-family gated community.

Planner Kapelanski stated that the applicant is proposing a 210 unit multiple-family gated community on the subject property. To the north of the property on the opposite side of Grand River Avenue there are existing commercial uses. To the east are the Fountain Park apartments. To the west is vacant land and to the south is the existing Meadowbrook Glens residential development. The subject property is currently zoned GE, Gateway East with B-3 and NCC zoning to the north, NCC and RM-1 zoning to the east, NCC and OS-1 zoning to the west and R-4

zoning to the south. TC Gateway uses are planned for the subject property and properties to the north and east with multiple-family uses planned for the west and single-family uses planned to the south. The site previously contained a significant number of regulated natural features that were removed as part of a previous development plan. A small amount of regulated woodlands still remains along the border of the property and there is a significant wetland area along the southern property line.

The applicant is proposing a mix of two and three bedroom rental units with a density of 7.89 units per acre in a gated community setting. Landscape amenities are proposed along with a clubhouse and pool. The site was previously cleared for development and a wetland mitigation area and stormwater detention basin have already been constructed. The previous approval and the current proposal both utilize the Special Development Option of the Gateway East District. This option is intended to allow greater flexibility in ordinance standards in order to meet the objectives noted in the GE District. The applicant is seeking approval of a new Special Development Option concept plan which would supersede the previously approved plan and agreement. The planning review recommends approval of the plan noting ordinance deviations are required for the deficient loading area and to allow lighting fixtures that are not full cut-off. Staff supports these deviations which can be included in the SDO Agreement. The landscape review recommends approval noting waivers are required to allow a decorative fence in lieu of the required berm along Grand River Avenue, to allow evergreen trees in place of canopy trees and for the lack of large shrubs around the existing detention basin. Staff recommends all landscape waivers be included in the SDO Agreement. The façade review recommends approval of the required Section 9 waiver for the overage of asphalt shingles and underage of brick as the design meets the intent of the ordinance. The engineering, traffic, wetlands, woodlands and fire reviews all recommend approval with items to be addressed on the Preliminary Site Plan submittal. An Authorization to Encroach into the Natural Features Setback and a Woodland Permit would be considered as part of the Preliminary Site Plan review. The Planning Commission is asked to recommend approval of the Special Development Option Concept Plan this evening.

Mark Kassab, GR Meadowbrook LLC for Huntley Manor, was present to address the board. He has been working on this project with the city for the last year and is happy to answer any questions that the board or public may have.

Chair Pehrson opened the case to the public and asked anyone that wished to speak to address the board.

Jay Brody, an owner of the Fountain Park Apartments, is in support with an objection on a minor basis. He is concerned about the traffic flow up and down Grand River Avenue. There is boulevard access between the planned development and the Marty Feldman Chevrolet Kia which is a narrow strip to access the community for ingress and egress. The residents complain on a regular basis that as you go through the entrance and exit, when you look to the east, there is a hill and it is a blind turn onto Grand River Avenue. Back in 2004 or 2006 it was recommended that a traffic light be placed at their entrance in order to address the safety concerns in respect to traffic flow into the community and along Grand River Avenue. The City of Novi approved the traffic light; however Oakland County Road Commission stated that if that was the case, the city would have to pay for the traffic light. He would like to request a traffic light be installed.

Brandy Morrow, a Meadowbrook Glens Resident, has a home that backs up against the proposed property. She has concerns about the traffic, especially during rush hour, and adding

additional traffic to an already congested area. She is also concerned about encroachment on the wetlands and marsh areas and how far back they will want to come onto their land. She values the quietness of her property and would like to keep the trees as a barrier against the noise from construction and vehicles.

Chair Pehrson closed audience participation since there was no one else wanting to speak.

Member Greco stated that there was correspondence. Steven Davis, 42101 Fountain Park Drive North, is in objection to the project primarily due to the traffic. An increase of over 200 homes would result in an additional 700 vehicles in an already congested area. Daniel Magee, 41925 Cherry Hill Road, is opposed because the area is already congested. Adding homes will make it worse and approval should not be given. Richard William Antuna, 41728 Cherry Hill Road, does not believe there is not enough of a setback. The only house you can see from Grand River is his home. He does not want to stop expansion but would like a better buffer zone. Melissa Cheladyn, 41956 Cherry Hill Road, is in objection because she does not want to see added traffic to the area. Betty and Gary Dinser, 41872 Cherry Hill Road, are in objection because there will be a decrease of privacy and there will be a decrease in their property values. Some residents do not have fenced in yards and there is already a lot of congestion in the area.

Chair Pehrson closed the public hearing and turned the discussion over to the board.

Member Greco stated that there are concerns related to traffic and added congestion to the area. The project does not look like one that does not fit into the area. The traffic consultant reviewed the project and recommends approval with some conditions. He asked the staff about the traffic light and for the status of a potential light being installed.

Brian Coburn, City Engineer, stated that a traffic light would have to be approved by the Road Commission since Grand River is under their jurisdiction. When looking for a location for a traffic light you have to look at the cross street traffic and how much volume you have versus the gaps that are available on Grand River Avenue. If the traffic warrants are not there, the Road Commission will not support installation of a road signal.

Member Greco asked Mr. Coburn if the entrances were shared, if he believes it would generate enough traffic to merit a light.

Mr. Coburn stated he could not say without knowing the numbers or having the Traffic Consultant review it. The increased side street traffic would be beneficial to their case.

Member Greco asked what the approximate cost of a traffic light would be.

Mr. Coburn stated it would probably be approximately \$250,000-\$300,000.

Member Greco asked if this is a cost that could be incurred by the developer.

My. Coburn stated that if the Road Commission approved a traffic signal, the developer could volunteer to fund it. He is not sure if we could require him to pay for it. He is also not aware of previous requests for a signal.

Member Greco asked if we should obtain an updated traffic study.

Mr. Coburn stated that if there is a problem, staff could do a review and see if there is a warrant for it, which could be brought before the Road Commission. They would also need a letter from the property owner requesting it. He went on to explain that a signal is not always a good thing. At Cherry Hill Road and Meadowbrook Road they had numerous requests for a light and there was a marginal warrant for a signal. Once it was installed they were constantly receiving complaints because it stops the cross street traffic from turning when they could have turned before without the signal. A lot of money was spent to install the traffic light and now it is left in blink mode and only operates two hours of the day during peak hours.

Member Greco thinks it is worth looking at and they should get an agreement stating so if one is needed.

Mr. Coburn commented that the traffic light at Meadowbrook Road and Grand River Avenue is in the process of being upgraded with a new signal. The Road Commission is funding the project. It will be integrated with the rest of the system and hopefully the issues they were having will be resolved.

Member Greco asked if an adjustment on the timing of the lights would make a difference.

Mr. Coburn stated that some of it is the timing. It will be reviewed along with the flow of traffic and the city can do this review.

Member Greco stated that based upon the plan and the area, it looks approvable and acceptable. With respect to the motion, the board could add that the City Council considers whether or not a traffic light in the area should be installed.

The applicant stated that a traffic study was submitted as part of the submission and there has already been conversation with the Road Commission. As the engineer stated, they are proposing to upgrade the Grand River and Meadowbrook lighting. The challenge with the site is the Road Commission has required them to line up the boulevard they have with the boulevard across the street from Grand River. It is difficult because it has to be moved to the west or east so many feet to line up exactly. Tying into Fountain Park is not an option because they have a wetland and woodland conservation easement that they are protecting. They will not be removing a single tree from the property and the plan will far exceed the landscape plan requirements.

Member Baratta inquired about the buffer and asked what the distance is between the building to the south and the homes.

The applicant said he believes it is approximately 800 feet.

Member Baratta asked about the dark green area on the plan and whether that is what they would be planting.

The applicant confirmed that the blue to the west and south and the dark green to the south is the existing conservation easement. They will not be adding any landscaping. It will be left in its natural state.

Member Giacopetti stated that the one thing he likes about the plan is that it adds high density residential options along the Grand River corridor which makes it consistent with the downtown development initiatives that the city has been undertaking. The development needs people in

proximity to the downtown area. His concern with the decorative fence is that it minimizes the walkability in and out of the development causing a resident on one side to have to walk all the way around.

The applicant stated that this has already been brought to their attention and there are sidewalk connections that will tie into the Grand River sidewalk on the far west portion of the property and boulevard to the east portion of the property. They want to avoid people walking between buildings so they strategically placed the sidewalk connections. It is a decorative fence and the rents in this community will probably start at \$2,000 per unit. They are not looking to build a barrier around the property. It will be highly landscaped along the frontage with a gated entranceway and sidewalk connections along Grand River and three spots along the frontage.

Member Giacopetti asked if there was a pathway to the southern connection of the sub.

The applicant stated that the city wanted them to connect to the subdivision to the south through the right-of-way to the subdivision. There is no connection to the subdivision to the west due to the conservation easement.

Moved by Member Baratta and seconded by Member Greco:

ROLL CALL VOTE ON THE MOTION TO RECOMMEND APPROVAL OF THE CONCEPT PLAN MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:

In the matter of the request of GR Meadowbrook LLC for Huntley Manor JSP14-56 motion to recommend approval to the City Council of the Special Development Option Concept Plan. The recommendation shall include the following ordinance deviations:

- a. Deviation for the deficient loading area (940 sq. ft. required, 480 sq. ft. provided);
- b. Waiver to permit a decorative fence in lieu of the required berm along Grand River Avenue;
- c. Waiver to permit the use of evergreen trees in lieu of the required canopy trees as required building foundation landscaping;
- d. Waiver for the installation of large shrubs around the existing detention basin;
- e. Section 9 façade waiver for the overage of Asphalt shingles and underage of brick; and
- f. The City Council consider the need for a traffic light on Grand River Avenue near the existing Fountain Park Apartments and the timing of the existing signals at Grand River Avenue and Meadowbrook Road.

If the City Council approves the request, the Planning Commission recommends the Applicant be required to comply with the conditions and items listed in the staff and consultant review letters as a requirement noted in the Special Development Option Agreement. It is also requested that the City Council consider the installation of a traffic light and consider the timing of the traffic light on Grand River Avenue.

This motion is made based on the following findings:

- a. The project results in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development;
- b. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.B the proposed type and density of development does not result in an

unreasonable increase in the use of public services, facilities and utilities, and does not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment;

- c. Based upon proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the Special Development Option project will result in a material enhancement to the area of the City in which it is situated;
- d. The proposed development does not have a materially adverse impact upon the Master Plan for Land Use of the City, and is consistent with the intent and spirit of this Section;
- e. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.B, the proposed development does not result in an unreasonable negative economic impact upon surrounding properties;
- f. The proposed development contains at least as much useable open space as would be required in this Ordinance in relation to the most dominant use in the development;
- g. Each particular proposed use in the development, as well as the size and location of such use, results in and contributes to a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City;
- h. The proposed development is under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance;
- i. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service;
- j. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area;
- k. Relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourse and wildlife habitats;
- I. Relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood;
- m. Relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- n. Relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner; and
- o. Relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Motion carried 5-0.

Traffic Signal Staff Follow-Up

From:	Coburn, Brian
To:	
Cc:	McBeth, Barb; Kapelanski, Kristen; Miller, Jeremy; Hayes, Rob
Subject:	Grand River Traffic
Date:	Monday, March 09, 2015 9:43:40 AM
Attachments:	2006 Signal Study-Grand River Fountain Park.pdf

I am writing in response to your February 24, 2015 letter to the Community Development Department regarding the Huntley Manor site plan. In your letter, you requested the construction of a traffic signal at Grand River and Fountain Park and provided some information in that regard. Additionally, Jay Brody spoke during the public hearing and echoed the concerns in your letter.

Following the Planning Commission meeting on February 25, I contacted the Road Commission for Oakland County to inquire about the previous traffic signal study and recommendations. The attached report was provided and concludes that the intersection of Grand River and Fountain Park <u>did not</u> meet any of the warrants for the installation of a traffic signal. The Road Commission for Oakland County will not allow the installation of a traffic signal unless it is warranted.

Since the study is several years old, I reviewed current crash and traffic data to determine if an updated study is needed. The traffic counts in the area indicate that while daily traffic volumes on Grand River have generally decreased, the peak hour on Grand River is still 1,200 vehicles per hour, which was the case in 2006. Since there has not been additional units added to the development, I would anticipate the traffic volumes on Fountain Park to be consistent 2006. The report indicated that there was one crash in the 3 years preceding the study. I checked the crash data for the past five years and found only one crash attributable to the intersection, which is below the threshold to meet warrants.

In conclusion, it does not appear that the conditions have changed since 2006 such that any of the warrants for a traffic signal would be met.

Please feel free to contact me with any questions.

Brian

Brian T. Coburn, P.E. | Engineering Senior Manager City of Novi | Department of Public Services Field Services Complex | 26300 Lee BeGole Drive | Novi, MI 48375 desk: 248.735.5632 office: 248.347.0454

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CITY COUNCIL

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45175 W. Ten Mile Novi, MI 48375 (248) 347-0460 (248) 347-0577 Fax www.ci.novi.mi.us October 31, 2006

ASSIGN Wixen

M0.919 A 1

Mr. Dylan Foukes, P.E. Road Commission for Oakland County 2420 Pontiac Lake Road Waterford, MI 48328

Re: Grand River and Fountain Park Traffic Signal Warrant Study

Dear Mr. Foukes:

A traffic signal study was recently conducted by Orchard, Hiltz & McCliment, Inc., for the Grand River Avenue and Fountain Park Drive intersection. Although the study did not warrant a traffic signal, it did recommend the installation of a warning sign east of the intersection to notify westbound drivers of the intersection. A copy of OHMs study is attached for your review.

In an effort to enhance safety at this location, we would appreciate the County installing this sign at its earliest convenience. Thank you for your assistance, and if you have any questions, please contact me directly at (248) 343-1155.

Sincerely,

MCCurker

William McCusker, Ibirector Public Works Department

Attachment

C: Clay Pearson, City Manager Parn Antil, Assistant City Manager Maryanne Cornelius, City Clerk Rob Hayes, City Engineer

Adequate Site distance exists for this Apartment Complex entrance. With the existing Center Left torn Lane on Grand River AVE NO Intersection Warning Signs are reccommended at this Counting. <u>J.P.</u> 560' TO EAST 1,000' + TO WES "Enhancing Novi's quality of life"



ORCHARD, HILTZ & MCCLIMENT, INC.

34000 Plymouth Road Livonia, MI 48150

p: (734) 522-6711 f: (734) 522-6427 www.ohm-eng.com

October 19, 2006

Mr. Benny McCusker City of Novi 26300 Delwal Drive Novi, MI 48375

Subject: Grand River and Fountain Park Traffic Signal Warrant Study

Dear Mr. McCusker:

Orchard, Hiltz & McCliment, Inc. (OHM) is pleased to submit this traffic signal warrant analysis for the intersection of Fountain Park and Grand River. Our analysis indicates that this location does not meet any of the warrants for the installation of a traffic signal. The following represents a summary of the procedures used for our analysis and the results compared to the warrants contained in the 2005 edition of Michigan Manual of Uniform Traffic Control Devices (MMUTCD).

Roadway Description

The major road, Grand River, is generally a 50 mph, three-lane road with one lane for each direction of travel and a center left turn lane. At the Fountain Park intersection, deceleration and acceleration tapers exist. A number of vertical curves exist along this portion of Grand River including a significant crest vertical curve just east of this intersection.

Fountain Park is generally a two-lane boulevard with one lane for each direction. The warrants associated with a one-lane approach to a major road were used in this analysis. The intersection of Fountain Park and Grand River is a T intersection.

Traffic Data Collection

The data used in this analysis was provided by the City of Novi. A 48-hour speed study was preformed beginning on August 17, 2006. Data from this speed study was used to determine the volume of vehicles using this intersection. The peak period for traffic on Fountain Park is between the hours of 9:00 and 10:00 am. During this time 63 vehicles used northbound Fountain Park to approach Grand River. During the same period, traffic on Grand River number approximately 1,200 vehicles per hour.

Traffic Signal Warrants

Overview of Traffic Signal Warrants

The traffic data was evaluated against the various warrants, or criteria, for the installation of a traffic signal. Traffic signals should not be considered for installation unless one or more of the signal warrants defined in the MMUTCD are met. The warrants and how this location compared are as follows:

Warrant 1 – Eight Hour Vehicular Volume

The Minimum Vehicular Volume warrant is satisfied when traffic volumes of any eight hours of an average day meet the minimum volumes. This warrant has two conditions, satisfying the requirements of either of the conditions indicates that the warrant has been met. These requirements depend on the number of lanes of both the major and minor streets as well as applicable reductions for size of community or speed of the major street. The criteria for this intersection can be found in the table below.

WARRANT 1 - MINIMUM VEHICULAR VOLUMES						
Condition	Number of Lanes for Moving Traffic on Each ApproachVehicles per Hour on Major St.Major StreetMinor Street			Vehicles per Hour on Higher Volume Minor Street Approach		
[One Direction Only			
A	1	1	350	105		
В	1	1	525	70		

Notes: 70% column has been used due to the high speed of Grand River.

From the data available, we note that at no point does the Fountain Park volume exceed the minor street thresholds. Warrant 1 is not met for signalization.

Warrant 2 – Four Hour Vehicular Volume

The four hour vehicular volume warrant is only satisfied when traffic volumes of any four hours of an average day meet the minimum volumes required to plot above the threshold line on a provided figure. The minimum volume required for the minor street is 60 vehicles per hour.

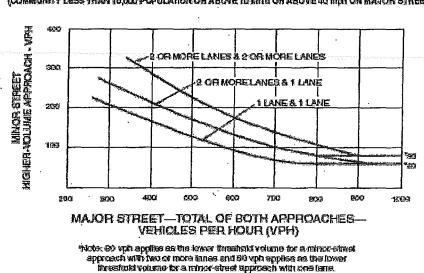


Figure 4C-2. Warrant 2, Four-Hour Vehicular Volume (70% Factor) (COMMUNITY LESS THAN 18,000 POPULATION OF ABOVE TO have 01 ABOVE 40 mph ON MAJOR STREET)

Fountain Park only meets this requirement for two hours (8:00-9:00 a.m. and 9:00-10:00 a.m.) of the required

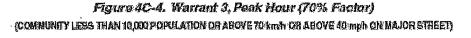
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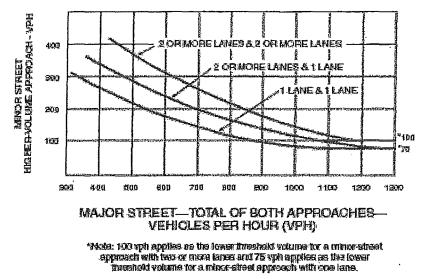
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four. Therefore, Warrant 2 is not met for signalization.

Warrant 3 - Peak Hour

The peak hour warrant is only satisfied when traffic volumes during the peak hour of an average day meet the minimum volumes required to plot above the threshold line on a provided figure. The minimum volume required for the minor street is 75 vehicles per hour.





Fountain Park does not meet this requirement at any point during the day.

The peak hour warrant can also be satisfied if traffic on the minor approach during the peak hour of the day experiences four or more vehicle-hours of delay. The intersection volume must exceed 650 vehicles per hour for all approaches and the minor approach volume must be at least 100 vehicles. Due to the minor street volume requirements this intersection does not meet Warrant 3.

Warrant 4 – Pedestrian Volume

A traffic signal may be warranted when the pedestrian volume crossing the major street during an average day is 100 or more for any four hours or 190 or more during any one hour of an average day and few gaps in traffic flow provide adequate time to cross the street. Pedestrian traffic at this intersection is a rare occurrence. Thus, this intersection does not meet the requirements of Warrant 4.

Warrant 5 - School Crossing

The School Crossing warrant involves the evaluation of the frequency and adequacy of gaps in the vehicle traffic stream, related to the number and size of school pedestrians at the crossing. This is not an area where school children dross the street. Therefore, Warrant 5 is not met.

Warrant 6 – Coordinated Signal System

Where signals are spaced unreasonably far apart, they no longer effectively provide the necessary degree of vehicle platooning and speed control. The warrant also states that the installation of a signal according to this warrant should not be considered where the resultant signal spacing would be less than 1000 feet. This area has numerous signals and vehicle platooning appears to be adequate. This intersection doe not meet the requirements of Warrant 6.

Warrant 7 – Crash Experience

The Crash Experience warrant is satisfied when five or more reported crashes have occurred within a 12-

3

month period, where those crashes were susceptible to correction by a traffic signal. Further, there has to exist a volume of vehicular traffic no less than 80% of the requirements specified in the 8 Hour Vehicular Volume warrant (No. 1). We obtained crash data from the Traffic Improvement Association (TIA) of Oakland County. There was only one reported crash over the last 36 months, which is not of a type that may be correctable by signalization. The crash requirement to warrant a signal is not satisfied.

Warrant 8 - Roadway Network

The Roadway Network Warrant may be applicable if the intersection is the junction of two or more major routes that has a total existing or projected entering volume of at least 1000 vehicles during the peak hour, has five year projected traffic volumes that meet one or more of Warrants 1, 2 and 3 during an average day or has a total existing or projected entering volume of at least 1000 vehicles for each of any five hours of a Saturday and/or Sunday. This warrant is not applicable since the intersection under study is not the intersection of two major routes.

Discussion and Recommendations

Based on our current analysis this location does not meet any of the traffic signal warrants. This intersection is not eligible for consideration for signal installation.

The crest vertical curve located just east of this intersection restricts sight distance at this intersection. Also reducing visibility at this intersection is the landscaping including two spruce trees on either side of the Fountain Park approach.

Given the information obtained in this analysis, we make the following recommendations to the City of Novi:

- 1. Remove the spruce trees located within the clear zone at the intersection of Grand River and Fountain Park.
- 2. Install an intersection warning sign (W2-2) east of this intersection alerting westbound drivers to the presence of the intersection.

We hope you find this information useful. Please advise if you have any questions.

Respectfully, Orchard, Hiltz & McCliment

Stephen B. Dearing, P.E., PTOE. Manager of Traffic Engineering



PLAN REVIEW CENTER REPORT

December 30, 2014 Planning Review

Brooktown

JSP14-56

Petitioner

GR Meadowbrook LLC

Review Type

Gateway East Special Development Option Concept Plan

Property Characteristics

- Site Location: South side of Grand River Avenue, west of Meadowbrook Road (Section 23)
- Site Zoning: GE, Gateway East Adjoining Zoning: North (across Grand River): B-3, General Business and NCC, Non-Center Commercial; East: NCC and RM-1, Multiple-Family; West: NCC and OS, Office Service; South: R-4, One-Family Residential Current Site Use: Vacant North: commercial; East: Fountain Park Apartments; West: vacant; South: Adjoining Uses: . Meadowbrook Glens Subdivision School District: Novi Community School District Site Size: 26.62 acres Plan Date: 11-21-14

Project Summary

The applicant is proposing a 210 unit multiple-family gated community on a 26.62 acre parcel on the south side of Grand River Avenue west of Meadowbrook Road using the Special Development Option (SDO) under the Gateway East (GE) District. The applicant has a mix of two and three bedroom units resulting in a density of 7.89 units per acre. Landscape amenities are proposed along with a clubhouse and pool. The site was previously approved for development and cleared. Wetland mitigation has also been constructed. That approval has expired although there is still an SDO Agreement recorded for the property. A new owner has acquired the property. The applicant is seeking to revoke and/or revise the previous SDO approval for the property.

In general, the Special Development Option is intended to "...provide greater flexibility for the achievement of the objectives of the GE District by authorizing use of Special Development regulations with the view of: permitting quality residential development and facilitated mixed use developments including multiple family residential, office and limited commercial; encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features; encouraging innovation in land use planning; providing enhanced housing, cultural, and recreational opportunities for the people of the City; and bringing about a greater compatibility of design and use between and among neighboring properties."

Multiple-family developments are a permitted use in the GE District under the SDO provisions listed in Section 904A of the Zoning Ordinance. An applicant must demonstrate that the conditions listed in Section 904D.2 of the Zoning Ordinance have been met.

Recommendation

Staff generally recommends approval of the Special Development Option Concept Plan to allow for the development of the subject property. However, there a number of items noted in this and other review letters that must be addressed with a revised plan submittal before staff would recommend the plan should proceed to the Planning Commission for consideration. The concept plan and related

Brooktown JSP14-56

SDO Agreement will need to be approved by the City Council after a recommendation from the Planning Commission. If the Concept Plan and SDO Agreement are approved by the City Council, the Preliminary Site Plan, Woodland Permit, Wetland Permit and Stormwater Management Plan will be considered by the Planning Commission.

SDO Eligibility

The Planning Commission and City Council are asked to consider the following when evaluating the proposed SDO concept plan. Staff comments are underlined and bracketed. Items for the applicant to address are highlighted in bold text.

- a) The project will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development. [Amenities have been provided for the residents of the proposed community including landscape features, a clubhouse, pool and open space. The applicant should provide additional information on how the proposed project will benefit the community as a whole.]
- b) In relation to a development otherwise permissible as a Principal Permitted Use under Section 902A, the proposed type and density of development shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. [The proposed density is well within the allowable density for the site and the applicant has proposed preservation of the existing natural features as well as a substantial buffer from the adjacent properties.]
- c) Based upon proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the Special Development Option project will result in a material enhancement to the area of the City in which it is situated. <u>[See the façade and landscape review letters for additional information.]</u>
- d) The proposed development shall not have a materially adverse impact upon the Master Plan for Land Use of the City, and shall be consistent with the intent and spirit of this Section. [The plan is consistent with the Master Plan recommendations for the subject property.]
- e) In relation to a development otherwise permissible as a Principal Permitted Use under Section 902A, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties. <u>[The proposed multiple-family development will pair well</u> with the existing retail uses in the area and provide a different type of housing product that will complement the other residential properties in the immediate area.]
- f) The proposed development shall contain at least as much useable open space as would be required in this Ordinance in relation to the most dominant use in the development. [The applicant has proposed 33.6% open space where a minimum of 25% is required.]
- g) Each particular proposed use in the development, as well as the size and location of such use, shall result in and contribute to a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City.
- h) The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. [A single entity currently owns the site.]

In addition to the provisions noted above, the Planning Commission and City Council should also consider the Special Land Use conditions noted in Section 2516.2.c of the Zoning Ordinance:

• Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress,

Brooktown JSP14-56

acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Project Design Standards

Section 904E of the Zoning Ordinance includes both general project design standards and design standards for residential developments in the Gateway East District as listed below. See the planning review chart for a detailed review of these standards.

- 1. Residential Design Standards
 - a. Innovative planning and design excellence, taking into consideration the review and recommendation of the City's professional staff and/or consultants;
 - b. Relationship to adjacent land uses;
 - c. Pedestrian and/or vehicular safety provisions;
 - d. Aesthetic quality in terms of design, exterior materials and landscaping, including internal compatibility within the development as well as its relationship to surrounding properties; and
 - e. Provisions for the users of the project.
- 2. General Design Standards
 - a. There shall be a perimeter setback and berming, as found to be necessary by the City Council, for the purpose of buffering the development in relation to surrounding properties.
 - b. There shall be underground installation of utilities, including electricity and telecommunications facilities, as found necessary or appropriate by the City.
 - c. The design of pedestrian walkways shall be reviewed with the view of achieving safety, and also considering the objectives and intent of this District.
 - d. Signage, lighting, streetscape, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
 - e. In order to provide efficient circulation and reduce driveways and curb cuts along Grand River Avenue, all development sites fronting on Grand River Avenue shall be constructed to maximize traffic safety and convenience.

Ordinance Requirements

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This project was reviewed for conformance with Article 9A (Gateway East District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant and or Planning Commission/City Council.

- 1. <u>Sidewalks and Pathways:</u> The applicant should add the sidewalks and pathways as noted in the engineering review letter.
- 2. <u>Landscape Amenities:</u> A number of landscape amenities including additional plantings, pavement treatments, etc. have been proposed. The applicant should provide a narrative detailing all proposed amenities.
- 3. <u>Maximum Rooms Permitted:</u> The total number of rooms (excluding kitchen, dining and sanitary facilities)based on ordinance provisions is 725. The applicant should provide the maximum total number of bedrooms, living rooms and offices within the entire development. The plan appears to meet this standard.
- 4. <u>Loading Space</u>: A total of 940 sq. ft. of loading space is required for the proposed clubhouse and 480 sq. ft. is proposed. The applicant has indicated that a small delivery truck is the largest vehicle is anticipated at the clubhouse and staff would support a deviation from this requirement.
- 5. <u>Wetland and Woodland Review Letters:</u> There are a number of outstanding issues noted in the wetland and woodland review letters that should be addressed before the plan proceeds to the Planning Commission.
- 6. <u>Master Deed and By-laws</u>: The Master Deed and By-laws must be submitted for review with the Final Site Plan submittal.
- 7. <u>Lighting</u>: The hours of operation should be added to the photometric plan. The applicant should also add additional lighting around the clubhouse entrances and loading area to comply with the minimum illumination standards detailed in the lighting review chart. Light fixtures adjacent to residential districts must be full cut-off. The applicant has proposed decorative lighting throughout the site that will complement the site design and provided amenities. Staff would support a deviation from the ordinance requirements since a united lighting theme is provided throughout the development.
- 8. <u>Signage:</u> Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

Ordinance Deviations

Per Section 904G.1, consistent with the Special Development Option concept, and toward encouraging flexibility and creativity in development, departures from compliance with the standards provided for an SDO project, may be granted in the discretion of the City Council as part of the approval of a SDO project in a GE District. Such departures may be authorized on the condition that there are recognized and specific features or planning mechanisms deemed adequate by the City Council designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.

The following are deviations from the Zoning Ordinance and other applicable ordinances shown on the concept plan:

- 1. A deviation for the deficient loading area for the proposed clubhouse (940 sq. ft. required, 480 sq. ft. provided);
- 2. A deviation to permit lighting fixtures that are not full cut-off adjacent to residential zoning;
- 3. Landscape waivers for the following items:
 - a. A decorative fence along the Grand River Avenue frontage has been provided in lieu of the required berm;
 - b. Evergreen trees have been proposed in place of canopy trees required for each residential unit; and
 - c. The applicant has elected to request a waiver for the lack of large shurbs around the

existing detention basin.

Site Addressing

JSP14-56

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at <u>www.cityofnovi.org</u> under the forms page of the Community Development Department.

Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

Street and Project Name

Staff understands a new project name will be proposed. Street names and the project name have not been considered and approved by the Street and Project Naming Committee. The applicant should contact Richelle Leskun at <u>rleskun@cityofnovi.org</u> or 248-347-0579 to arrange an application to the Street and Project Naming Committee.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is required prior to consideration by the Planning Commission and with the next plan submittal.

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 <u>kkapelanski@cityofnovi.org</u>.

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Kristen Kapelanski, AICP, Planner Attachments: planning and lighting review chart

Planning Review Summary Chart

JSP14-56 Brooktown Gateway SDO Concept Plan Review Plan Date: 11-21-14

Bolded items must be addressed

			Meets	
			Require-	
Item	Required	Proposed	ments?	Comments
Master Plan	Town Center Gateway (recommended)	No change	Yes	
Zoning (Article 9A)	GE, Gateway East	GE, Gateway East	Yes	
Use (Section 902A and 904A)	Office Uses, Restaurants, Publicly Owned Parks, Retail Business Uses, Retail Business Service Uses, Funeral Homes, Post Office, Uses determined to be similar, or customarily incident to above uses. Section 904A Special Development Option (SDO) Uses: Multiple Family Uses, Non- Residential Use not otherwise allowed	Multiple-family	Yes	Revision to approved SDO Agreement required The plan shall be evaluated per the criteria noted in Section 904D.2 and Section 904G.2.a(2)
Floor Area Ratio (Section 903A.2.a)	Maximum Floor Area Ratio (ratio of gross square feet of building area to gross land area of site less existing ROW) shall be 0.275. With the SDO option the FAR can be increased to .50	0.34 FAR	Yes	
Building Height (Sec. 903A.2.b and c, footnotes (k) and (o) of the Schedule of Regulations)	35' maximum (50' for SDO) 2 stories maximum (3 stories maximum for SDO) Any structure within 300 feet of a one-family residential district shall be <u>limited to a maximum</u> height of 35 feet	Approximately 28'	Yes	
Maximum floor area (Section	No individual retail sales or personal service	NA	Yes	

ltem	Required	Proposed	Meets Require- ments?	Comments
903.A.2.d)	establishment shall exceed 20,000 sq ft of total GFA			
	ks (Section 903A.6.a)	1	1	
Front Yard abutting a major thoroughfare (North)	<u>Maximum: 90 feet</u> from centerline of major thoroughfare. City Council may alter & approve variance with approval of the SDO Plan <u>Minimum: 70 feet</u> from centerline of major thoroughfare	Buildings are <u>located 90 feet</u> <u>from the</u> <u>centerline</u> of Grand River.	Yes	
Interior Side Yard (East)	0 feet minimum	69 feet +\-	Yes	
Interior Side Yard (West)	0 feet minimum	55 feet +\-	Yes	
Rear Yard (South)	30 feet minimum	81 feet +\-	Yes	
Setbacks fron	n Private Drives (Section 903)	A.6.a)		
Front	10 feet minimum	All buildings appear to meet this standard	Yes	
Side	0 feet minimum	All buildings appear to meet this standard	Yes	
Rear	0 feet minimum	All buildings appear to meet this standard	Yes	
Parking Setback	(Sec. 903A.7)			
Front Yard (North)	No front yard parking is permitted.	None proposed	Yes	
Side yard parking adjacent to a front yard (South)	Side yard parking adjacent to a front yard shall be setback from the front building façade line by a minimum of 5 feet.	No side yard parking lots proposed	N/A	
Side Yard (West)	10 feet minimum	More than 10 ft	Yes	
Side Yard (East)	10 feet minimum	11 feet	Yes	
Rear Yard (North)	10 feet minimum	More than 10 feet	Yes	
Parking lot screening from all major thoroughfares	Parking lots shall be screened from all major thoroughfares. Screening may be accomplished	Decorative fence with brick piers and supplemental	Yes	

Planning Review Summary Chart Brooktown JSP14-56 Page 2 of 13

			Meets	
			Require-	
Item	Required	Proposed	ments?	Comments
(Section 903A.7.b)	 through the provision of any combination of the following: 2.5 foot high ornamental brick or stone wall with landscape breaks. Plantings with certain opacity standards. Existing natural vegetation augmented to achieve opacity standards. 	plantings proposed		
Number of Parking Spaces (Section 2505.14.d.(2) and 2505.14. c.(17)	2 bed.units - 2 spaces per unit req. (168 units * 2 = 336 spaces required) 3 bed.units - 2.5 spaces per unit req. (42 units * 2.5 = 105 spaces required) 441 spaces required for living units Pool and community building (private swim club) 1 space for each 4 member families 210/4 = 53 spaces <u>Total spaces required for Residential uses - 494</u> <u>spaces</u>	 756 spaces provided for living units Community building and pool – 12 spaces Mailbox station (near Bldg. 4) – 7 spaces Add' parking (near Bldg. 14) – 9 spaces Add' parking (near Bldg. 19) – 4 spaces 	Yes	
Off street parking (Section 903A.3)	Off-street parking shall be provided within the building, with a parking structure physically attached to the building, or in a designated off- street parking area within 300 feet of the building.	Parking proposed in off- street parking lots within 300 feet of the buildings, in residential garages and in residential driveways	Yes	
Parking space, lane dimensions (Sect. 2506.2 and 2514.1.B)	9' x 19' parking space dimensions for 90 degree spaces	9' x 19' parking space dimensions for 90 degree spaces adjacent to private drive	Yes	

Planning Review Summary Chart Brooktown JSP14-56 Page 3 of 13

			Meets	
Item	Required	Proposed	Require- ments?	Comments
		Driveway spaces 9' x 19'	ments :	Comments
		Garage spaces appear adequate		
Barrier Free Spaces (Barrier Free Code)	1 van accessible barrier free space required at clubhouse	3 barrier free spaces proposed all van accessible	Yes	Provide barrier free signage for each barrier free space
Open Space (Section 903A.8)	A minimum of 25% of the gross area of each development site shall be comprised of open space, such as permanently landscaped open spaces, plazas, pocket parks, internal walkways and similar features <u>accessible</u> to non-residential occupants.	33.6% open space	Yes	
Sidewalks and Bicycle Paths (Section 903A.10, City Code Section 11-278 and Barrier Free Code)	Sidewalks and/or bike paths required along streets. Sidewalks along Grand River shall be 8' wide 5' wide internal pedestrian connections	8' wide path along Grand River. 3' to 5' internal sidewalks and entrance paths	No	See engineering review letter for additional information
	Sidewalks shall be provided between parking areas and pedestrian entrances Cross walks should be placed at 90 degrees	in some areas Sidewalks provided from all pedestrian entrances to sidewalks or parking areas Crosswalks and ramps provided		
Adjacency (Section 903A.16)	Council may impose conditions to ensure compatibility with/between adjacent	on site		<u>Conditions may be</u> <u>considered as part of</u> <u>the revised SDO</u> <u>Agreement</u>

Planning Review Summary Chart Brooktown JSP14-56 Page 4 of 13

			Meets	
			Require-	
Item	Required	Proposed	ments?	Comments
	properties: a. The establishment of landscaping, berm or wall if there is a demonstrated need, applying accepted planning and noise attenuation principles. b. The use of compatible site improvements, such as signage, lighting, etc.			
General Design Standards: Perimeter setback and berming (Section 904E.3. (a))	There shall be a perimeter setback and berming, as found to be necessary by Council to buffer the development from surrounding properties. Items to be taken into consideration are the uses adjacent to the development, the relative topography of the land, the height of the structures.	Perimeter setbacks meet or exceed ordinance standards Existing topography shown plan	Yes	<u>Conditions may be</u> <u>considered as part of</u> <u>the revised SDO</u> <u>Agreement</u>
General Design Standards: <u>Underground</u> <u>utilities</u> (Section 904E.3. (b))	Underground installation of utilities required, including electricity & telecommunications facilities, as found necessary/ appropriate by the City.	Underground utilities proposed	Yes	
General Design Standards: exterior consistent with character of the community (Section 904E.3. (d))	Signage, lighting, streetscape, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. The Grand River Corridor Plan design features shall be	Grand River Landscape wall, light fixtures, plant material, and building façade details provided. <u>Narrative details</u> <u>not provided for</u> <u>proposed</u> <u>landscape</u> <u>amenities</u>	Yes	Applicant should provide a narrative description of landscape amenities (i.e. decorative paving, tree grates, benches, bike racks, planters, pathway signs, etc.)

Planning Review Summary Chart Brooktown JSP14-56 Page 5 of 13

			Meets	
Item	Required	Proposed	Require- ments?	Comments
	incorporated, as is	110p000d	inontor	
Cananal	reasonable.	Devileveral	Vee	
General Design Standards: Traffic circulation (Sec 904E.3. (f))	Efficient traffic circulation and reduction of driveways is encouraged. Specific standards provided in this section for shared <u>rear access drives</u> Drives encouraged to be located <u>behind</u> the buildings. Minimum of 300 feet, and maximum of 650 feet from centerline of Grand River.	Boulevard access drive on Grand River Avenue. Access drives are located in front and behind buildings, Front access drive is approx. 225 feet from centerline of Grand River.	Yes	
Required conditions for SDO: minimum acreage (Sec. 904F.2)	Minimum acreage for a project is 5 acres unless varied by City Council.	Site size is 26.62 acres	Yes	
Required conditions for SDO: road frontage (Sec. 904F.3)	Minimum public road frontage is 300 feet along a single thoroughfare unless varied by City Council.	Grand River Avenue: over 500 feet	Yes	
Maximum Rooms Permitted (Sec. 904F.5 (a))	The total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 1,600. Permitted rooms = 725 ((26.62 ac X 43,560 sq. ft.)/1600)	Total rooms proposed unknown	Yes?	Applicant should provide total number of bedrooms, living rooms and offices in entire development
Required conditions for SDO: <u>Trash</u> <u>receptacles</u> (Section 904F.5 (b))	All trash receptacles and trash collection areas shall be screened from view and shall not be placed within 10 feet of any wall of a dwelling structure which contains openings involving living	Waste removal plan for curb side pick up of containers from individual residential units and clubhouse	Yes	Provide draft language in the Master Deed restricting the storage of waste to inside of buildings except for trash pick-up days and prohibiting the placement of

Planning Review Summary Chart Brooktown JSP14-56 Page 6 of 13

			Meets	
			Require-	
Item	Required	Proposed	ments?	Comments
	areas Additional dumpster locations throughout the property (particularly in the residential areas), or a residential waste removal plan acceptable to the City Council, shall be determined by the City Council at the time of Site Plan approval.			containers in driveways, sidewalks and streets
Loading Spaces (Section 2507.2)	Within the GE Districts, loading space shall be provided in the rear yard at a ratio of 10 sq ft for each front foot of building. In the case of a double frontage lot, loading-unloading, as well as trash receptacles may be located in an interior side yard beyond the minimum side yard setback requirement of the district. 940 sq. ft. of loading space required	480 sq. ft. loading zone proposed west of clubhouse	Νο	Consistent with the Special Development Option concept, and toward encouraging flexibility and creativity in development, departures from compliance with the standards provided for an SDO project, may be granted in the discretion of the City Council as part of the approval of a SDO project in a GE District. Such departures may be authorized on the condition that there are recognized and specific features or planning mechanisms deemed adequate by the City Council designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.

			Meets	
			Require-	
Item	Required	Proposed	ments?	Comments
				use
Dumpster (Section 16-20 of City Code)	Screen wall or fence required for all dumpsters, must be at least five feet in height, and provided on three sides.	No dumpsters proposed	N/A	
Dumpster Enclosure (Sections 2503.2.F and 2520.1)	Dumpster enclosure to be located in rear yard, and set back from property line a distance equivalent to the parking lot setback. It is to be located as far from barrier free spaces as possible.			
	Enclosure to match building materials and include internal bumpers to protect the enclosure Gate should be non- transparent wood or metal matching the building			
Exterior Lighting (Sect. 2511)	Photometric plan and exterior lighting details needed at time of Preliminary Site Plan Review	Plan submitted	See lighting review chart	
	A residential development entrance light must be provided at the entrance to the development off of Grand River Ave.			
Residential Density (Section 904F.5 (f) footnote 6)	For all residential development, residential density shall be calculated for the net site area of the development	7.89 units per acre proposed	Yes	
	2 bedroom units/net site acre – 9.07 units/acre permitted			
	3 bedroom units/net site acre – 6.81 units/acre permitted			

Planning Review Summary Chart Brooktown JSP14-56 Page 8 of 13

			Meets	
ltom	Dequired	Droposod	Require-	Commonto
Item Residential Density (Section 904F.5 (f) footnote 7)	Required For interior buildings within a site, buildings with a front-to front relationship shall have a minimum separation of 30 feet. All other interior buildings shall have a minimum separation of 15 feet (30 feet for buildings 30 feet or more in height).	Proposed All buildings separated by at least 30 feet	Yes	Comments
Phasing of construction (Section 904G.1.c)	Upon completion, <u>each</u> <u>phase</u> , considered together with other completed phases, <u>shall</u> <u>be capable of standing</u> <u>on its own in terms of the</u> <u>presence of services</u> , <u>facilities</u> , <u>and open</u> <u>space</u> , and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned gateway development and the residents and property in the surrounding area.	21 phases proposed Phase 1: roadways, infrastructure, clubhouse & pool and Building 1 Subsequent phases to occur one building with related driveways and landscaping	Yes	
Bicycle Parking Facilities (Sec. 2526)	1 space for each 5 dwelling units=42 spaces required Located along the building approach line & easily accessible from the building entrance Max. 120 ft. from entrance being served or the nearest auto parking space to that entrance Be accessible via a paved 6 ft. route & separated from auto facilities 4 ft. maneuvering lane	44 bicycle parking spaces distributed throughout site	Yes	

			Meets Require-	
Item	Required	Proposed	ments?	Comments
	with a 6 ft. parking space			
	width & a depth of 2 ft.			
	for single spaces & 2.5 ft. for double spaces			
Economic	Total cost of the	Estimated		
impact	proposed building & site	project value		
	improvements	\$17,000,000 with estimated tax		
	Expected sales price of	revenue of		
	new homes	\$447,830		
		+ · · · /		
	Number of jobs created	Est. 320 jobs		
	(during construction, and	created during		
	if known, after a building	construction with		
	is occupied)	12 jobs to provide		
		continued		
		employment		
		upon completion		
Residential	Signs are not regulated	Signage appears		ntial entryway sign is
Entryway Signs	by the Planning Division or	to be indicated		, contact Jeannie Niland
(Chpt. 28)	Planning Commission		at 248.347	
			informatic	<u>ityofnovi.org for</u> o <u>n</u>
Legal	Conservation easement			nd and woodland review
Documents	revisions may be required			arding conservation
	Master Deed must be		easement	i(S)
	Master Deed must be submitted with Final Site			
	Plan review			

Lighting Review Summary Chart Brooktown JSP14-56 Concept Plan Review Plan Date: 12-01-14

Item	Required	Meets Requirements?	Comments
Intent (Section 2511.1)	Establish appropriate minimum levels, prevent unnecessary glare, reduce spillover onto adjacent properties, reduce unnecessary transmission of light into the night sky	Yes	
Lighting plan (Section 2511.2.a.1)	Site plan showing location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures	Yes	
Lighting Plan (Section 2511.2.a.2)	 Specifications for all proposed and existing lighting fixtures including: Photometric data Fixture height Mounting & design Glare control devices Type and color rendition of lamps Hours of operation Photometric plan 	No	Hours of operation should be indicated
Required conditions (Section 2511.3.a)	Height not to exceed maximum height of zoning district (30 feet) or 25 feet where adjacent to residential districts or uses.	Yes	
Required Notes (Section 2511.3.b)	 Electrical service to light fixtures shall be placed underground No flashing light shall be permitted Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation. 	Yes	

Planning Review Summary Chart Brooktown JSP14-56 Page 11 of 13

		Maata	
ltom	Poquirod	Meets Poquiromonts?	Commonts
Item Required	Required Average light level of	Requirements? Yes	Comments
conditions	the surface being lit to	res	
(Section	the lowest light of the		
2511.3.e)	surface being lit shall		
2011.3.e)	not exceed 4:1.		
Required	Use of true color	Yes	
conditions	rendering lamps such	163	
(Section 2511.3.f)	as metal halide is		
(0001101120111011)	preferred over high		
	and low pressure		
	sodium lamps.		
Minimum	- Parking areas- 0.2 min	No	Additional lighting appears
Illumination	- Loading and		to be needed at the
(Section 2511.3.k)	unloading areas- 0.4		clubhouse entrances and
``´´`	min		loading areas
	- Walkways- 0.2 min		J. J
	- Building entrances,		
	frequent use- 1.0 min		
	- Building entrances,		
	infrequent use- 0.2 min		
Maximum	When site abuts a	Yes	
Illumination	residential district,		
adjacent to Non-	maximum illumination		
Residential	at the property line		
(Section 2511.3.k)	shall not exceed 0.5		
	foot candle		
Cut off Angles	All cut off angles of	Decorative lighting	Consistent with the Special
(Section	fixtures must be 90	without full cut-off	Development Option
2511.3.1(2))	degrees when	proposed	concept, and toward
	adjacent to residential		encouraging flexibility and
	districts		creativity in development,
			departures from compliance
			with the standards provided
			for an SDO project, may be
			granted in the discretion of the City Council as part of
			the approval of a SDO
			project in a GE District. Such departures may be
			authorized on the condition
			that there are recognized
			and specific features or
			planning mechanisms
			deemed adequate by the
			City Council designed into
			the project for the purpose
			of achieving the objectives
			intended to be
			accomplished with respect
		1	to each of the regulations

ltem	Required	Meets Requirements?	Comments
			from which a departure is sought.
			Staff would support a deviation for lack of full cut- off fixtures given the nature and design of the use

Prepared by Kristen Kapelanski, AICP kkapelanski@cityofnovi.org

(248) 347-0586

Planning Review Summary Chart Brooktown JSP14-56 Page 13 of 13 **Engineering Review**

MEMORANDUM



TO:	BARBARA MCBETH; COMMUNITY DEVELOPMENT
FROM:	JEREMY MILLER, E.I.T.; STAFF ENGINEER
SUBJECT:	JSP14-0056 HUNTLEY MANOR CONCEPT PLAN UPDATES
DATE:	JANUARY 30, 2015

This memo is to provide an updated review of the concept plan for Huntley manor. Engineering issued a concept plan review letter on January 5, 2015 that reviewed the plan that was submitted for this site and did not recommend approval of the concept plan. There were two comments in the letter that identify the reason for staff's recommendation for denial. The applicant has provided additional information to address those comments. We are issuing this memo to update our recommendation as detailed below.

Comment 1—Sidewalks on Private streets

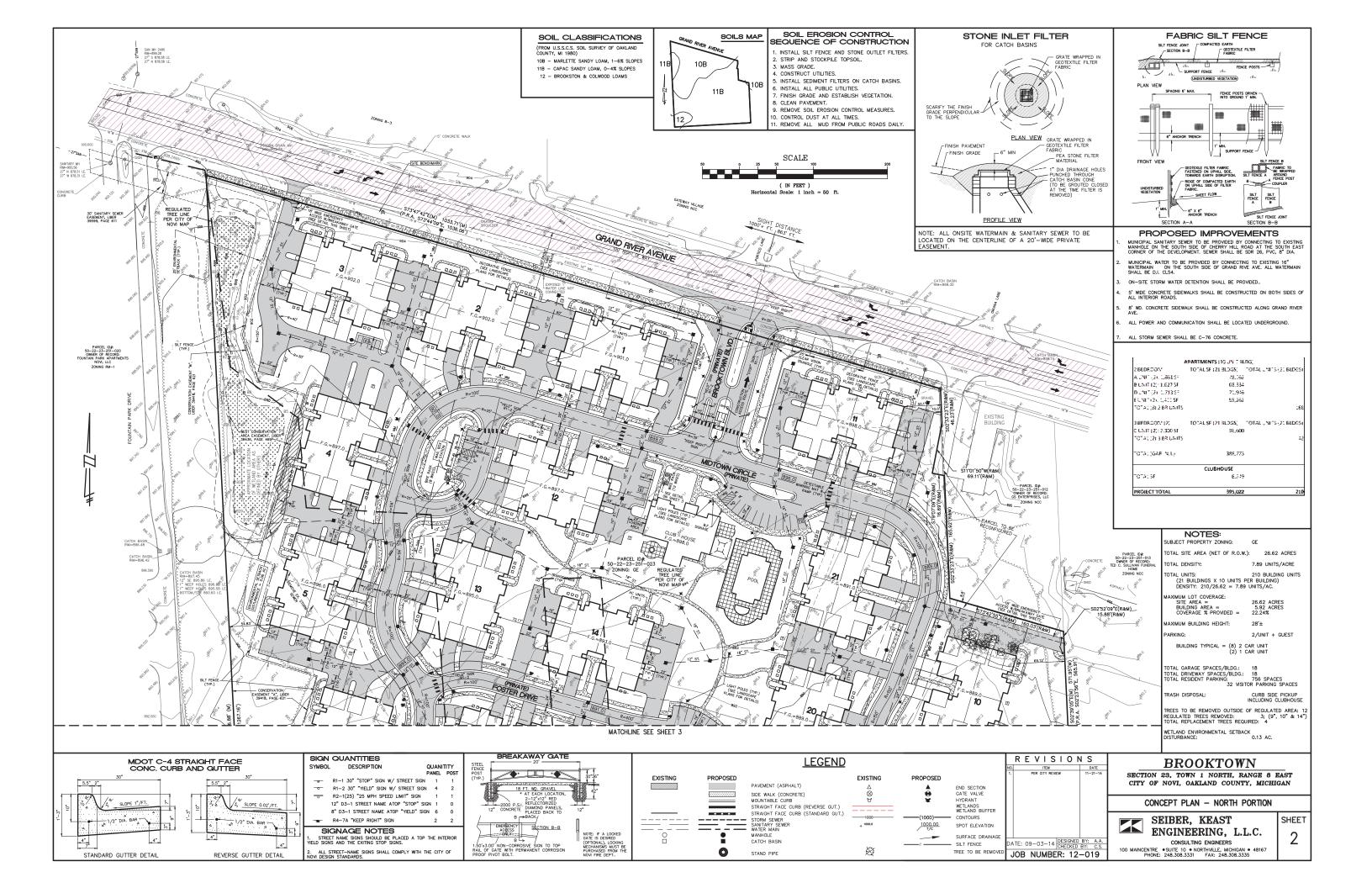
The applicant has revised the plans to show the required sidewalk on both sides of the proposed private street.

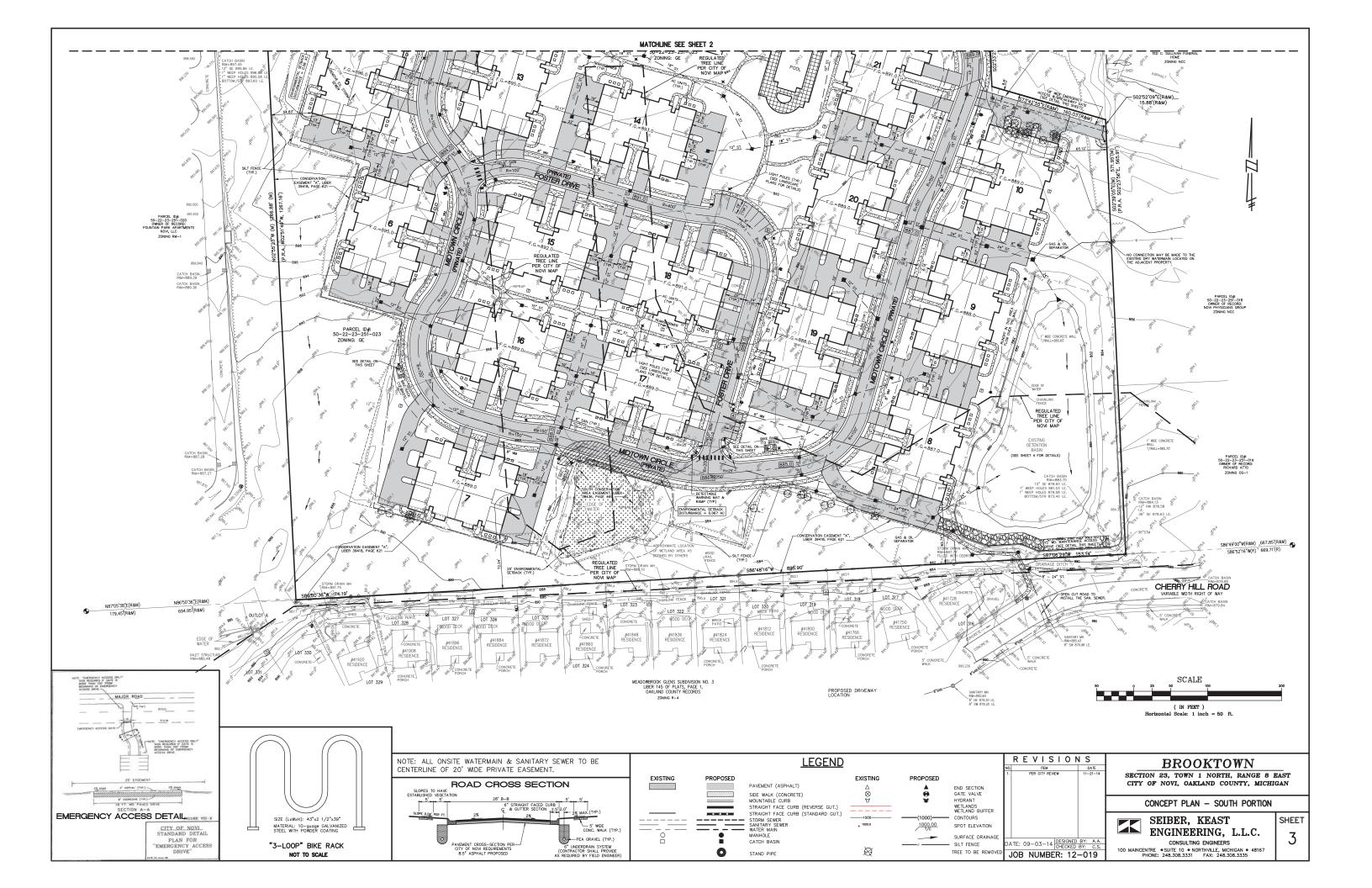
Comment 2—Pathway Connections

The applicant has revised the plans to show the required pathway connections to Grand River, Cherry Hill Road and to the parcel to the east.

Engineering can recommend approval of the revised concept plan subject to the conditions listed above.

cc: Brian Coburn, Engineering Manager Kristen Kapelanski, Planner







PLAN REVIEW CENTER REPORT

January 5, 2015

Engineering Review

Brooktown JSP14-0056

<u>Applicant</u>

GR MEADOWBROOK LLC

<u>Review Type</u>

Concept Plan

Property Characteristics

- Site Location:
- S. of Grand River Ave. and W. of Meadowbrook Road 26.62 acres
- Site Size:Plan Date:
- 11/21/14

Project Summary

- Construction of an approximately 21 building multi-family development and associated roads and parking. Site access would be provided by private roadways off of Grand River Avenue.
- Water service would be provided by an 8-inch extension from the existing 16-inch water main along the south side of Grand River Ave., along with 9 additional hydrants.
- Sanitary sewer service would be provided an 8-inch extension from the existing 8inch sanitary sewer to the south east connecting on the south side of Cherry Hill Road.
- Storm water would be collected by a single storm sewer collection system and detained in an existing on site basin.

Recommendation

Approval of the Concept Plan is NOT recommended.

Comments:

The Preliminary Site Plan does not meet the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and/or the Engineering Design Manual. The following items must be addressed prior to resubmittal:

- 1. In accordance with the new pathway ordinance, a sidewalk shall be provided on both sides of the proposed private streets.
- 2. Additionally pathway connections shall be made between this development and the adjacent properties. Pathway connection should be provided to Cherry Hill and to the vacant parcel to the east.

Additional Comments (to be addressed prior to the Final Site Plan submittal):

<u>General</u>

- 3. A full engineering review of the plans was not completed based on the limited information provided in this conceptual plan. The Engineering Division reserves the right to add comments to future plans when additional information is provided for review.
- 4. Provide a traffic control sign table listing the quantities of each sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards.
- 5. Provide a traffic control plan for the proposed road work activity (City roads).
- 6. Provide a construction materials table on the Utility Plan listing the quantity and material type for each utility (water, sanitary and storm) being proposed.
- 7. Provide a utility crossing table indicating that at least 18-inch vertical clearance will be provided, or that additional bedding measures will be utilized at points of conflict where adequate clearance cannot be maintained.
- 8. 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.
- 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>Water Main</u>

- 10. Note that a tapping sleeve, valve and well will be provided at the connection to the existing water main.
- 11. Provide a profile for all proposed water main 8-inch and larger.
- 12. Provide a water main stub for future connection to the east.
- 13. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

<u>Sanitary Sewer</u>

- 14. An open cut of Cherry Hill Road will not be permitted. The applicant must use bore and jack instead.
- 15. Provide a sanitary sewer basis of design for the development on the utility plan sheet.
- 16. The Oakland County Water Resource Commission IWC form for non-domestic sites must be submitted prior to Final Stamping Set approval.
- 17. Provide a sanitary sewer basis of design for the development on the utility plan sheet.
- 18. Note on the construction materials table that 6-inch sanitary leads shall be a minimum SDR 23.5, and mains shall be SDR 26.
- 19. Provide a note on the Utility Plan and sanitary profile stating the sanitary lead will be buried at least 5 feet deep where under the influence of pavement.
- 20. For 8-inch and larger extensions Provide a testing bulkhead immediately upstream of the sanitary connection point. Additionally, provide a temporary 1-foot deep sump in the first sanitary structure proposed upstream of the connection point, and provide a secondary watertight bulkhead in the downstream side of this structure.
- 21. Seven (7) sealed sets of revised utility plans along with the MDEQ permit application (11/07 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. Also, the MDEQ can be contacted for an expedited review by their office.

Storm Sewer

- 22. Provide a 0.1-foot drop in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs.
- 23. Match the 0.80 diameter depth above invert for pipe size increases.
- 24. Storm manholes with differences in invert elevations exceeding two feet shall contain a 2-foot deep plunge pool.
- 25. Provide a four-foot deep sump and an oil/gas separator in the last storm structure prior to discharge to the storm water basin.
- 26. Label the 10-year HGL on the storm sewer profiles, and ensure the HGL remains at least 1-foot below the rim of each structure.
- 27. Provide a schedule listing the casting type and other relevant information for each proposed storm structure on the utility plan. Round castings shall be provided on all catch basins except curb inlet structures.
- 28. Show and label all roof conductors, and show where they tie into the storm sewer.

Storm Water Management Plan

- 29. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
- 30. Provide release rate calculations for the three design storm events (first flush, bank full, 100-year).
- 31. Provide a soil boring in the vicinity of the storm water basin to determine soil conditions and to establish the high water elevation of the groundwater table.

Paving & Grading

- 32. Provide more direct pathway connections between buildings 1, 2, 3, and 11 and the existing pathway along Grand River Avenue.
- 33. The right-of-way sidewalk shall continue through the drive approach. If like materials are used for each, the sidewalk shall be striped through the approach. The sidewalk shall be increased to 6/8-inches thick along the crossing or match the proposed cross-section if the approach is concrete. The thickness of the sidewalk shall be increased to 6/8 inches across the drive approach. Provide additional spot grades as necessary to verify the maximum 2-percent cross-slope is maintained along the walk.
- 34. Provide top of curb/walk and pavement/gutter grades to indicate height of curb adjacent to parking stalls or drive areas.

Please contact Jeremy Miller at (248) 735-5694 with any questions.

A Midle

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

Traffic Review



January 14, 2015

Barbara McBeth, AICP Deputy Director of Community Development City of Novi 45175 W. 10 Mile Road Novi, MI 48375

SUBJECT: BROOKTOWN, Traffic Review for Conceptual Plan JSP#14-0056

Dear Ms. McBeth,

URS has completed our review of the conceptual site plan submitted for the above referenced development. Our comments are as follows:

1. General Comments

- a. The applicant, GR Meadowbrook, LLC, is proposing the development of a 26.62 acre parcel on the south side of Grand River Avenue, approximately ¹/₄ mile west of Meadowbrook Road.
- b. The proposed development is a 210-unit (21 building) multi-family apartment complex.

2. Potential Traffic Impacts

- a. The development is expected to generate more than 100 vehicles per peak hour and more than 750 trips per day; therefore, a Traffic Impact Assessment (TIA) is required. Fleis & VandenBrink completed a TIA in November 2014, which indicated that:
 - i. The Brooktown Boulevard and Portico Lane approaches would operate at a Level of Service E or F during the peak periods, but the 95th percentile queue will only be 3 or 4 vehicles.
 - ii. A right turn taper only is required on Grand River Avenue at the Brooktown Boulevard approach. The right turn taper shown on the concept plan is in compliance with the City of Novi Code of Ordinances.
- 3. External Site Access and Operations The site access, provided along Grand River Avenue is in general compliance with the City of Novi Code of Ordinances. URS offers the following comments.
 - a. Driveway spacing is in compliance.
 - b. The applicant should provide additional details regarding the placement and design of the island at the entrance to the development, specifically the location and length, so that URS can review compliance with Figure IX.3 of the City of Novi Design and Construction Standards.
 - c. The applicant should consider providing further analysis of the left-turning interactions to and from the site along Grand River Avenue and the

URS Corporation

27777 Franklin Road, Suite 2000 Southfield, Michigan 48034 Tel: 248.204.5900 Fax: 248.204.5901 www.urs.com



potential for left-turn locking with those vehicles entering/existing Portico Lane on the north side of Grand River Avenue.

4. Internal Site Access and Operations -

- a. Throughout the site, there are parking stall locations where the depth of the space is only 17'. The applicant should provide further details regarding the curb and sidewalk design at these locations to review compliance with Section 2509.3c(2)(c) of the City of Novi Code of Ordinances.
- b. The Notes section on sheet 2 calls for 32 visitor parking spaces and after counting the parking spaces labeled on the site, there are 42 visitor spaces with three (3) of those marked for handicap parking. The applicant should revise the Notes section.
- c. While bicycle parking is provided throughout the site and the quantity provided is in compliance with the City of Novi Code of Ordinances Section 2526.2a, details regarding space depth and width are not provided. The applicant should provide such details prior to URS conducting a thorough review.
- d. Section 5.10.1.B.iv of the City of Novi Zoning Ordinance states that "for major and minor private drives, the minimum centerline radii shall be one-hundred (100) feet;" however, adjacent and on-street parking shall be limited near curves with less than two-hundred thirty (230) feet of centerline radius. The applicant should consider providing details to indicate where on-street parking will and will not be permitted throughout the site, specifically near those curves with less than two-hundred thirty (230) feet of centerline radius.

5. Signing and Pavement Marking

- a. The applicant should provide details regarding the barrier free parking signing proposed.
- b. The applicant should provide details as to why a yield sign would be necessary at the gated entrance.
- c. The applicant should provide details regarding the crosswalk markings proposed.
- d. The thru arrow shown at the exit of Brooktown Boulevard should be hollow if it is to demonstrate traffic flow and not a pavement marking.

6. Bicycle and Pedestrian Master Plan

- a. The applicant should provide more details for the sidewalk stub and ramp designs.
- b. While the applicant is proposing to add sidewalk along the south side of Grand River Avenue, within the site boundaries, sidewalk does not exist to the east of the site along the south side of Grand River.
 - i. On the north side of Grand River Avenue, just east of Portico Lane, exists a small commercial development that may draw pedestrian traffic from the Brooktown development.
 - ii. Because no sidewalk exists to connect the pedestrians from the site to a safe crossing at Meadowbrook Road, the applicant could consider the pedestrian interactions that may occur at Grand River Avenue and Brooktown Boulevard and the potential for unsafe crossing of Grand River Avenue.

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The concept plan was reviewed to the level of detail provided and additional information may be required to complete the review of traffic-related elements. URS **recommends approval** of the concept plan as submitted, with the condition that the applicant provides additional detail and/or a narrative to address the aforementioned comments included in this review letter.

Sincerely,

URS Corporation Great Lakes

Matthew G. Klawon, PE Manager, Traffic Engineering and ITS Engineering Services

URS Corporation 27777 Franklin Road, Suite 2000 Southfield, Michigan 48034 Tel: 248.204.5900 Fax: 248.204.5901 www.urs.com Landscape Review



PLAN REVIEW CENTER REPORT

December 30, 2014 <u>Concept Plan Review</u> Brooktown

Petitioner

GR Meadowbrook LLC

Review Type

Gateway East Special Development Option Concept Plan

Property Characteristics

- Site Location: South side of Grand River Avenue, west of Meadowbrook Road (Section 23) GE, Gateway East Site Zoning: Adjoining Zoning: North (across Grand River): B-3, General Business and NCC, Non-Center Commercial; East: NCC and RM-1, Multiple-Family; West: NCC and OS, Office Service; South: R-4, One-Family Residential Current Site Use: Vacant Adjoining Uses: North: commercial; East: Fountain Park Apartments; West: vacant; South: Meadowbrook Glens Subdivision Site Size: 26.62 acres
- Site size. 20.02 acre
 Plan Date: 11-21-14

The proposed use is a multifamily residential development. This review is based upon requirements of multifamily developments, as well as Ordinance requirements for the Gateway East District.

<u>Recommendation</u> Approval of the Concept Plan for Brooktown is recommended.

Ordinance Considerations

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

- 1. The project area is adjacent to Grand River Avenue. A 34' wide greenbelt is required. No parking or buildings are within this greenbelt. Please depict the greenbelt on the plan. One canopy tree or large evergreen per 35 L.F. is required within the buffer. This requirement has been met.
- 2. One sub-canopy tree per 25 l.f. is required. This requirement has been met.
- 3. A 4' high berm with a 4' wide crest is typically required. The Applicant has proposed a decorative fence instead. This will require a waiver from the Ordinance provisions. Staff would support this waiver.

Street Tree Requirements (Sec. 2509.3.b.)

- 1. One street tree is required per 35 L.F. of Grand River frontage. This requirement has been met.
- 2. One street tree is required per 35 L.F. of interior road frontages. This requirement has been met.

Parking Landscape (Sec. 2509.3.c.)

1. Parking lot islands are required such that no parking area has more than 15 contiguous parking spaces. No large parking areas are proposed. This requirement has been met.

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

1. No major parking areas are proposed. Small guest/visitor parking areas are landscaped with canopy trees required under the street and unit count requirements and have been adequately landscaped. This requirement has been met.

Building Foundation Landscape (Sec. 2509.3.d.)

- 1. A 4' wide landscape bed is required at the foundations of the proposed buildings. This requirement has been met.
- 2. Three (3) canopy trees are required for each proposed unit. Two hundred fifty two (252) trees are required. This required count has been met. However, the Applicant is proposing the use of evergreens to reach the required count. The Ordinance only allows canopy trees and the applicant has requested a waiver to permit the use of evergreen trees.
- 3. Typical building foundation plantings have been provided for each of 4 different residential building exposures.
- 4. The proposed clubhouse has been landscaped per Ordinance requirements.
- 5. Please also note that the Entry Drive has been landscaped appropriately and that 5' decorative screen walls are proposed.
- 6. Exterior utility equipment must be screened with landscape. This requirement appears to have been met.

Plant List (LDM)

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

Planting Notations and Details (LDM)

1. Planting Details and Notations meet the requirements of the Ordinance and the Landscape Design Manual.

Storm Basin Landscape (LDM)

1. A storm basin exists that will be utilized for the proposed development. The Applicant has proposed adding canopy trees above the high water line. This will be a good addition as there are no trees in this area at this time. Please also note that this basin is sunken low and is behind a large retaining wall to the west. It is fenced and well screened from the majority of the site. Typically large shrubs would be required. These were not installed with the original construction of the plan. Due to the fact that this basin must be indefinitely maintained, and because it has a single point of access, installation of large shrubs is not practical. Access must be maintained around the basin. The purpose of planting large shrubs around a basin is geese control. Because the basin is sunken and fenced, no problem currently exists with geese occupying the pond. The Applicant has chosen to seek a waiver for the installation of large shrubs around the basin.

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

1. An Irrigation Plan and Cost Estimate have been provided.

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

Concept Plan Brooktown JSP14-56 Landscape Review

requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification.

Reviewed by: Kristen Kapelanski

Wetlands Review



January 6, 2015

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

Re: Brooktown (JSP14-0056) Wetland Review of the Concept Plan (PSP14-0209)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Concept Plan for the proposed Brooktown project prepared by Seiber, Keast Engineering, L.L.C. dated November 21, 2014. The Plan was reviewed for conformance with the City of Novi Wetland and Watercourse Protection Ordinance and the natural features setback provisions in the Zoning Ordinance. ECT most recently visited the site on October 29, 2014 for the purpose of a woodland and wetland verification.

The proposed development is located on approximately 26.62 acres (Parcel ID# 50-22-23-251-023) south of Grand River Avenue and west of Meadowbrook Road in Section 23. The Plan appears to propose the construction of 21 multi-family residential buildings (with 10 units per building), associated roads and utilities, pool, clubhouse as well as a storm water detention basin (existing). The proposed project site contains several areas of City-Regulated Wetlands (see Figure 1).

Development of the property has so far been limited to two (2) building pads, a storm water detention basin and two (2) wetland mitigation areas.

Onsite Wetland Evaluation

As noted above, the proposed development site contains two (2) wetland mitigation areas. Previously, impacts to 0.39-acre of wetland were authorized by permits issued by the City of Novi and the Michigan Department of Environmental Quality (MDEQ). As compensation, 0.57-acre of new wetland was to be constructed (a ratio of 1.5 to 1). Half of the mitigation acreage was designed to be emergent wetland, and half scrub-shrub wetland. The permits required that the new wetland be monitored annually for five (5) years, and that a report summarizing the status of the wetlands be submitted no later than January 31 of the following year. The Applicant submitted the 4th of 5 wetland mitigation monitoring reports in 2014.

The wetland mitigation areas were constructed and planted in 2008, along the southern and western property boundaries. The western wetland mitigation area is elongate, with its northern and southern areas connected by a narrow channel. The southern wetland mitigation area is somewhat triangular in shape and located along the southern property boundary. After construction, the margins of the wetlands were planted with five species of shrubs.

2200 Commonwealth Blvd., Suite 300 Ann Arbor, MI 48105

> (734) 769-3004

FAX (734) 769-3164 Brooktown (JSP14-0056) Wetland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 2 of 6

Environmental Consulting & Technology, Inc. visited this site on October 29, 2014 in order to observe the progress of the wetland mitigation. ECT has also received and reviewed the latest wetland mitigation monitoring report (*2013 Wetland Mitigation Monitoring Report*) prepared by King & MacGregor Environmental, Inc (KME). The wetland mitigation areas appear to have been built according to plan and wetland hydrology is clearly established. Vegetative cover appears to have established to an acceptable level. ECT has confirmed that adequate wildlife habitat structures and organic soils are evidently in place. Mallard ducks were observed in the South wetland mitigation area at the time of our site visit. Conservation Easement signs have been installed. All of the wetland mitigation area is of moderate quality. ECT has verified that the wetland boundaries appear to be accurately depicted on the Plan.

What follows is a summary of the wetland and wetland buffer impacts associated with the proposed site design.

Wetland & Wetland Buffer Impact Review

While no direct impacts to wetland areas are proposed as part of the Plan, a total wetland buffer disturbance of 0.13-acre has been proposed. A section of the 25-foot buffer/setback associated with both the western and the southern wetland mitigation areas are proposed to be impacted. A portion of the west mitigation area buffer (0.06-acre), adjacent to proposed Buildings 4 and 5 will be impacted as a result of site construction. Approximately 0.07-acre of wetland buffer associated with the southern wetland mitigation area will be impacted for the construction of Midtown Circle (adjacent to proposed Building 7 and 17).

The following table summarizes the existing wetland setbacks and the proposed wetland setback impacts as listed on the *Planned Rezoning Overlay Plan*):

Tuble1. Floposed Wetland Dujjer inipacts				
Wetland Setback/Buffer Area	Wetland Buffer Area (acres)	Impact Area (acre)		
Southern	Not	0.067		
Mitigation Area	Provided	0.007		
Western	Not	0.06		
Mitigation Area	Provided	0.00		
TOTAL		0.127		

Table1. Proposed Wetland Buffer Impacts	Table1.	Proposed	Wetland	Buffer	Impacts
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Permits & Regulatory Status

All of the wetlands (i.e., wetland mitigation areas) on the project site appear to be considered essential and regulated by the City of Novi and any impacts to wetlands or wetland buffers would require approval and authorization from the City of Novi. All of the wetlands appear to be considered essential by the City as they appear to meet one or more of the essentiality criteria set



Brooktown (JSP14-0056) Wetland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 3 of 6

forth in the City's Wetland and Watercourse Protection Ordinance (i.e., storm water storage/flood control, wildlife habitat, etc.).

Each of the wetland mitigation areas are regulated by the MDEQ as they were a requirement of the wetland permit previously issued by the Agency. Impacts to 0.39-acre of wetland were authorized by permits issued by the City of Novi and the Michigan Department of Environmental Quality (MDEQ). As compensation, 0.57-acre of new wetland was to be constructed (a ratio of 1.5 to 1). While the 25-foot wetland setback is not specifically regulated by the MDEQ, this buffer area is regulated by the City of Novi.

The City of Novi regulates wetland buffers/setbacks. Article 24, Schedule of Regulations, of the Zoning Ordinance states that:

"There shall be maintained in all districts a wetland and watercourse setback, as provided herein, unless and to the extent, it is determined to be in the public interest not to maintain such a setback. The intent of this provision is to require a minimum setback from wetlands and watercourses".

The project as proposed will require an *Authorization to Encroach the 25-Foot Natural Features Setback.* This authorization is required for the proposed impacts to regulated wetland setbacks.

<u>Comments</u>

ECT recommends that the Applicant address the items noted below in subsequent site plan submittals:

- 1. As noted above, The City of Novi regulates wetland buffers/setbacks ECT encourages the Applicant to avoid impacts to on-site wetlands and wetland setbacks. As such, the Applicant should consider modification of the proposed limits of disturbance in order to preserve all existing wetland mitigation buffer areas.
- 2. The Applicant should demonstrate that alternative site layouts that would avoid impacts to wetlands and wetland setbacks have been reviewed and considered.
- 3. The Applicant is encouraged to provide wetland conservation easements for any areas of remaining wetland or 25-foot wetland buffer, if not already in place. It appears as if the applicant may be currently proposing permanent wetland impacts to the 25-foot wetland buffers that are located within the existing Conservation Easement Areas for wetland mitigation.
- 4. The overall areas of the existing wetland buffers should be indicated on the Plan. The Plan indicates the acreage of proposed permanent disturbance to the wetland buffers but does not list the acreage of the existing wetland buffer areas themselves. The Plan should be reviewed and revised as necessary.



Brooktown (JSP14-0056) Wetland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 4 of 6

5. As noted in Item No. 1 above, the City of Novi regulates 25-foot wetland buffers/setbacks. A plan to replace or mitigate for any permanent impacts to existing wetland buffers should be provided by the Applicant. In addition, the Plan should address how any temporary impacts to wetland buffers shall be restored, if applicable.

Recommendation

The Conceptual Plan is **Approved as Noted** for Wetlands. ECT recommends that the Applicant address the concerns noted in the *Comments* sections above in subsequent plan submittals.

If you have any questions regarding the contents of this letter, please contact us.

Respectfully submitted,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

tettill

Pete Hill, P.E. Senior Associate Engineer

cc: Kristen Kapelanski, AICP, City of Novi Planner Sri Komaragiri, City of Novi Planner Valentina Memcevic, City of Novi Customer Service

Attachments: Figure 1 & Site Photos



Brooktown (JSP14-0056) Wetland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 5 of 6



Figure 1. City of Novi Regulated Wetland & Woodland Map (approximate property boundary shown in red). Regulated Woodland areas are shown in green and regulated Wetland areas are shown in blue).



Brooktown (JSP14-0056) Wetland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 6 of 6



<u>Site Photos</u>

Photo 1. Looking east at south wetland mitigation area (ECT, October 2014).



Photo 2. Looking northwest at west wetland mitigation area (ECT, October 2014).



Woodlands Review



January 6, 2015

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

Re: Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Concept Plan for the proposed Brooktown project prepared by Seiber, Keast Engineering, L.L.C. dated November 21, 2014. The Plan was reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37. ECT most recently visited the site on October 29, 2014 for the purpose of a woodland and wetland verification. The purpose of the Woodlands Protection Ordinance is to:

- 1) Provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in the city in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat. In this regard, it is the intent of this chapter to protect the integrity of woodland areas as a whole, in recognition that woodlands serve as part of an ecosystem, and to place priority on the preservation of woodlands, trees, similar woody vegetation, and related natural resources over development when there are no location alternatives;
- 2) Protect the woodlands, including trees and other forms of vegetation, of the city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character of geological, ecological, or historical significance; and
- *3) Provide for the paramount public concern for these natural resources in the interest of health, safety and general welfare of the residents of the city.*

The proposed development is located on approximately 26.62 acres (Parcel ID# 50-22-23-251-023) south of Grand River Avenue and west of Meadowbrook Road in Section 23. The Plan appears to propose the construction of 21 multi-family residential buildings (with 10 units per building), associated roads and utilities, pool, clubhouse as well as a storm water detention basin (existing).

Development of the property has so far been limited to two (2) building pads, a storm water detention basin and two (2) wetland mitigation areas.

2200 Commonwealth Blvd., Suite 300 Ann Arbor, MI 48105

> (734) 769-3004

FAX (734) 769-3164 Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 2 of 10

Onsite Woodland Evaluation

ECT has reviewed the City of Novi Official Woodlands Map and completed an onsite Woodland Evaluation on October 29, 2014. An existing tree list does not appear to have been included with this concept plan. Sheets 2 and 3 (Concept Plan – North Portion and Concept Plan – South Portion, respectively) appear to indicate the location of the Regulated Woodland Boundary as shown on the City of Novi Regulated Woodland Map (see Figure 1). It appears as if the Plan indicates the location and the diameter of several of the existing trees along the south side of the proposed development/Regulated Woodland Boundary.

Per the City of Novi Woodland Ordinance (Section 37.28), the applicant shall provide the locations based upon actual field survey of all existing trees by tag number, size, condition and species. For all woodland areas in which development is proposed, the woodland survey plan shall be accompanied by a separate key identifying by location all trees eight (8) inches diameter-at-breast-height (DBH) and greater, by size, common name, genus/species names and condition. This information shall be provided by a registered landscape architect, certified arborist, or registered forester. For all trees proposed to remain, a topographic elevation at the base of the trunk shall be indicated. The dripline of the affected trees shall be clearly indicated on the plan. All such trees shall be identified in the field by the painting of the identifying numbers in nontoxic paint of a white, yellow, or orange color, or by a tree identification tag affixed loosely with a single nail. This will allow ECT to compare the existing tree diameters in the field with those provided on the Plan.

The entire site is approximately 27 acres with regulated woodland mapped across a portion of the property, generally located along the western and southern property boundaries (see Figure 1). The majority of the site contains disturbed/cleared land associated with previous development efforts on the property. The majority of the site has been cleared for development.

In terms of habitat quality and diversity of tree species, the remaining woodland areas on the project site are of good quality. The majority of the remaining woodland areas consist of relatively-mature growth trees of good health. This wooded area provides a relatively high level environmental benefit, however the subject property is surrounded by existing residential and commercial use. In terms of a scenic asset, wind block, noise buffer or other environmental asset, the woodland areas proposed for impact are considered to be of good quality. The current plan does not propose to significantly impact the existing trees that remain on this site.

As the Plan does not appear to include a Tree List, it is not clear if the proposed site contains trees that meet the minimum caliper size for designation as a specimen tree. As the Plan appears to propose the removal of fifteen (15) existing trees, the Applicant should be aware of the City's Specimen Tree Designation as outlined in Section 37-6.5 of the Woodland Ordinance. This section states that:

"A person may nominate a tree within the city for designation as a historic or specimen tree based upon documented historical or cultural associations. Such a nomination shall be made upon that form provided by the community development department. A person may nominate a tree within the city as a specimen tree based upon its size and good health. Any



Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 3 of 10

> species may be nominated as a specimen tree for consideration by the planning commission. Typical tree species by caliper size that are eligible for nomination as specimen trees must meet the minimum size qualifications as shown below:

Common Name Species DBH 16″ Arborvitae Thuja occidentalis 24″ Ash Fraxinus spp. American basswood Tilia Americana 24″ 24" American beech Fagus grandifolia 24″ American elm Ulmus americana 18" Birch Betula spp. 12" Black alder Alnus glutinosa 12" Black tupelo Nyssa sylvatica 24″ Black walnut Juglans nigra White walnut Juglans cinerea 20″ 18" Buckeye Aesculus spp. 14" Cedar, red Juniperus spp. 12" Crabapple Malus spp. 18" Douglas fir Pseudotsuga menziesii 14" Eastern hemlock Tsuga Canadensis 10" Flowering dogwood Cornus florida Ginkgo biloba 24" Ginkgo 24" Hickory Carya spp. 24″ Kentucky coffee tree *Gymnocladus dioicus* 14" Larch/tamarack Larix laricina (eastern) Locust Gleditsia triacanthos/Robinia 24" pseudoacacia 24" Platanus spp. Sycamore 24" Maple Acer spp. (except negundo) 24″ Oak Quercus spp. 24" Pine Pinus spp. Sassafras Sassafras albidum 16" 24″ Spruce Picea spp. Tulip tree Liriodendron tulipifera 24″ 24" Wild cherry Prunus spp.

Specimen Trees Minimum Caliper Size

A nomination for designation of a historic or specimen tree shall be brought on for consideration by the planning commission. Where the nomination is not made by the owner of the property where the tree is located, the owner shall be notified in writing at least fifteen (15) days in advance of the time, date and place that the planning commission will



Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 4 of 10

> consider the designation. The notice shall advise the owner that the designation of the tree as a historic or specimen tree will make it unlawful to remove, damage or destroy the tree absent the granting of a woodland use permit by the city. The notice shall further advise the owner that if he objects to the tree designation the planning commission shall refuse to so designate the tree.

> Absent objection by the owner, the planning commission may designate a tree as an historic tree upon a finding that because of one (1) or more of the following unique characteristics the tree should be preserved as a historic tree: The tree is associated with a notable person or historic figure;

- The tree is associated with the history or development of the nation, the state or the city;
- The tree is associated with an eminent educator or education institution;
- The tree is associated with art, literature, law, music, science or cultural life;
- The tree is associated with early forestry or conservation;
- The tree is associated with American Indian history, legend or lore.

Absent objection by the owner, the planning commission may designate a tree as a specimen tree upon a finding that because of one (1) or more of the following unique characteristics the tree should be preserved as a specimen tree:

- The tree is the predominant tree within a distinct scenic or aesthetically-valued setting;
- The tree is of unusual age or size. Examples include those trees listed on the American Association Social Register of Big Trees, or by the Michigan Botanical Club as a Michigan Big Tree, or by nature of meeting the minimum size standards for the species as shown in the "Specimen Trees Minimum Caliper Size" chart, above;
- The tree has gained prominence due to unusual form or botanical characteristics.

Any tree designated by the planning commission as an historical or specimen tree shall be so depicted on an historic and specimen tree map to be maintained by the community development department. The removal of any designated specimen or historic tree will require prior approval by the planning commission. Replacement of the removed tree on an inch for inch basis may be required as part of the approval".

Proposed Woodland Impacts and Replacements

As shown on Sheet 2 (Concept Plan – North Portion), the Plan appears include the removal of fifteen (15) trees. Of these, three (3) of the trees are considered regulated by the City of Novi. The three (3) regulated trees proposed for removal are located along the southern side of the proposed development and include a 9", 10" and 14" diameter tree. Although the proposed site development will cover the majority of the site, the majority of the site has been previously cleared for development.



Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 5 of 10

The proposed tree removals appear to require a total of four (4) Woodland Replacement Credits. The applicant's engineer (Seiber, Keast Engineering, L.L.C.) has stated in a response letter dated December 4, 2014, that four (4) replacement tree locations and tree types will be provided at the time of Preliminary Site Plan submittal. The trees will be planted in the existing conservation easement.

City of Novi Woodland Review Standards and Woodland Permit Requirements

Based on Section 37-29 (*Application Review Standards*) of the City of Novi Woodland Ordinance, the following standards shall govern the grant or denial of an application for a use permit required by this article:

No application shall be denied solely on the basis that some trees are growing on the property under consideration. However, the protection and conservation of irreplaceable natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, the preservation of woodlands, trees, similar woody vegetation, and related natural resources shall have priority over development when there are location alternatives.

In addition, "The removal or relocation of trees shall be limited to those instances when necessary for the location of a structure or site improvements and when no feasible and prudent alternative location for the structure or improvements can be had without causing undue hardship".

The three (3) regulated trees proposed for removal are all located within close proximity to the limits of project disturbance. It seems feasible that the site design could be modified in order to preserve these regulated trees. However, the applicant appears to be prepared to provide the required Woodland Replacement Credits through on-site tree plantings within the existing conservation easements.

Proposed woodland impacts will require a Woodland Permit from the City of Novi that allows for the removal of trees eight (8)-inch diameter-at-breast-height (d.b.h.) or greater. Such trees shall be relocated or replaced by the permit grantee. All replacement trees shall be two and one-half (2 ½) inches caliper or greater.

<u>Comments</u>

ECT recommends that the Applicant address the items noted below in subsequent site Plan submittals:

1. Per the City of Novi Woodland Ordinance (Section 37.28), the applicant shall provide the locations based upon actual field survey of all existing trees by tag number, size, condition and species. For all woodland areas in which development is proposed, the woodland survey plan shall be accompanied by a separate key identifying by location all trees eight (8) inches diameter-at-breast-height (DBH) and greater, by size, common name, genus/species names and condition.



Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 6 of 10

- 2. All trees eight (8) inches DBH and greater shall be identified in the field by the painting of the identifying numbers in nontoxic paint of a white, yellow, or orange color, or by a tree identification tag affixed loosely with a single nail.
- 3. The Applicant is encouraged to provide preservation/conservation easements for any areas of remaining woodland.
- 4. The Applicant is encouraged to provide woodland conservation easements for any areas containing woodland replacement trees, if applicable.
- 5. A Woodland Permit from the City of Novi would be required for proposed impacts to any trees 8-inch d.b.h. or greater. Such trees shall be relocated or replaced by the permit grantee. All replacement trees shall be two and one-half (2 ½) inches caliper or greater.
- 6. A Woodland Replacement financial guarantee for the planting of replacement trees will be required, if applicable. This financial guarantee will be based on the number of on-site woodland replacement trees (credits) being provided at a per tree value of \$400.

Based on a successful inspection of the installed on-site Woodland Replacement trees, seventy-five percent (75%) of the original Woodland Financial Guarantee shall be returned to the Applicant. Twenty-five percent (25%) of the original Woodland Replacement financial guarantee will be kept for a period of 2-years after the successful inspection of the tree replacement installation as a *Woodland Maintenance and Guarantee Bond*.

- 7. The Applicant will be required to pay the City of Novi Tree Fund at a value of \$400/credit for any Woodland Replacement tree credits that cannot be placed on-site.
- 8. Replacement material should not be located 1) within 10' of built structures or the edges of utility easements and 2) over underground structures/utilities or within their associated easements. In addition, replacement tree spacing should follow the *Plant Material Spacing Relationship Chart for Landscape Purposes* found in the City of Novi Landscape Design Manual.



Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 7 of 10

Recommendation

The Conceptual Plan is **Approved as Noted** for Woodlands. ECT recommends that the Applicant address the concerns noted in the *Comments* sections above in subsequent plan submittals.

If you have any questions regarding the contents of this letter, please contact us.

Respectfully submitted,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

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Pete Hill, P.E. Senior Associate Engineer

cc: Kristen Kapelanski, AICP, City of Novi Planner Sri Komaragiri, City of Novi Planner Valentina Memcevic, City of Novi Customer Service

Attachments: Figure 1 & Site Photos



Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 8 of 10



Figure 1. City of Novi Regulated Wetland & Woodland Map (approximate property boundary shown in red). Regulated Woodland areas are shown in green and regulated Wetland areas are shown in blue).



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Site Photos

Photo 1. Looking southeast towards south lot boundary, wetland mitigation area and area of existing City-Regulated Woodlands (ECT, October 2014).



Photo 2. Looking east near south lot boundary, wetland mitigation area and area of existing City-Regulated Woodlands (ECT, October 2014).



Brooktown (JSP14-0056) Woodland Review of the Concept Plan (PSP14-0209) January 6, 2015 Page 10 of 10



Photo 3. Looking northwest near northern wetland mitigation area. City-Regulated Woodlands located along the western lot boundary (ECT, October 2014).



Photo 4. Looking north from southern wetland mitigation area. In general, development areas of project site have been previously cleared of existing trees (ECT, October 2014).



Façade Review





50850 Applebrooke Dr., Northville, MI 48167

February 17, 2014

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

Attn: Ms. Barb McBeth – Director of Community Development

Re: FACADE ORDINANCE REVIEW – Conceptual Huntley Manor, FKA Brooktown Multifamily Development, PSP14-0209 Façade Region: 1, Zoning District: GE

Dear Ms. McBeth:

The following is our updated Facade Review based on the conceptual drawings dated 2/12/15, prepared by Alexandre V Bogaerts, Architects. The applicant has provided additional elevations indicating the proposed materials on the side and rear facades, which were missing from the prior review. The percentages of materials proposed for each model are as shown in the tables below. The maximum (and minimum) percentages allowed by the <u>Schedule Regulating Facade</u> <u>Materials</u> of Ordinance Section 2520 are shown in the bottom row. Materials that are in non-compliance with the Facade Schedule are highlighted in bold.

Model A (Sheet A-4)	Front	Rear	Right Side	Left Side	Ordinance Maximum (Minimum)
Brick	20%	20%	25%	25%	100% (30% Min)
Horizontal Siding	30%	30%	35%	35%	50% (Note 11)
Asphalt Shingles	40%	40%	30%	30%	25%
Wood Trim	10%	10%	10%	10%	15%

Model B (Sheet A-5)	Front	Rear	Right Side	Left Side	Ordinance Maximum (Minimum)
Brick or Stone	20%	20%	20%	20%	100% (30% Min)
Horizontal Siding	30%	30%	30%	30%	50% (Note 11)
Asphalt Shingles	40%	40%	40%	40%	25%
Wood Trim	10%	10%	10%	10%	15%

Model C (Sheet A-5)	Front	Rear	Right Side	Left Side	Ordinance Maximum (Minimum)
Brick or Stone	20%	20%	20%	20%	100% (30% Min)
Horizontal Siding	30%	30%	30%	30%	50% (Note 11)
Asphalt Shingles	40%	40%	40%	40%	25%
Wood Trim	10%	10%	10%	10%	15%

Clubhouse (Sheet A-6)	Front	Rear	Right Side	Left Side	Ordinance Maximum
					(Minimum)
Brick	20%	30%	30%	30%	100% (30% Min)
Stone	15%	10%	0%	15%	100%
Shake Siding	5%	10%	0%	0%	50% (Note 11)
Horizontal Siding	10%	5%	15%	15%	50% (Note 11)
Asphalt Shingles	40%	35%	35%	30%	25%
Wood Trim, Columns, etc.	10%	10%	20%	10%	15%

As shown above the percentage of Brick is below the minimum amount required by the Ordinance on several models. It is noted that all models have brick or stone extending up to the second floor beltline on all four sides. In this case the minor underage of brick does not significantly reduce the aesthetic value of the facades. The percentage of Asphalt Shingles exceeds the maximum amount allowed by the Ordinance on all models. A Section 9 Waiver would be required for these deviations. The design exhibits well-proportioned massing with strongly delineated and well balanced roof lines. The color samples depicted on sheet A-7 (from prior submittal) indicate carefully coordinated colors and textures of all materials. The applicant has deleted the word "optional" from the features located at the entrance courts including brick piers, walls and gates. It is understood that features will be incorporated on all models.

Recommendation: It is our recommendation that the design is consistent with the intent and purpose of the Zoning Ordinance Section 5.15, the Façade Ordinance, and that a Section 9 Waiver be granted for the overage of Asphalt Shingles and underage of Brick.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely, DRN & Associates, Architects PC

Douglas R. Necci, AIA





December 30, 2014

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

Attn: Ms. Barb McBeth – Director of Community Development

Re: FACADE ORDINANCE REVIEW – Conceptual Brooktown Multifamily Development, PSP14-0209 Façade Region: 1, Zoning District: GE

Dear Ms. McBeth:

The following is the Facade Review of the above referenced project. Our review is based on the conceptual drawings dated 11/21/14 by Alexandre V Bogaerts, Architects. The percentages of materials proposed for each model are as shown in the tables below. The maximum (and minimum) percentages allowed by the <u>Schedule Regulating Facade Materials</u> of Ordinance Section 2520 are shown in the bottom row. Materials that are in non-compliance with the Facade Schedule are highlighted in bold. At the time of this review the drawings lacked precise delineation of materials and the side and rear elevations for certain models were not provided (N.P.). Therefore the percentages listed below are approximate.

Model A (Sheet A-4)	Front	Rear	Right Side	Left Side	Ordinance Maximum (Minimum)
Brick	20%	20%	25%	25%	100% (30% Min)
Horizontal Siding	30%	30%	35%	35%	50% (Note 11)
Asphalt Shingles	40%	40%	30%	30%	25%
Wood Trim	10%	10%	10%	10%	15%

Model B (Sheet A-5)	Front	Rear	Right Side	Left Side	Ordinance Maximum (Minimum)
Brick	20%	N.P.	N.P.	N.P.	100% (30% Min)
Horizontal Siding	30%	N.P.	N.P.	N.P.	50% (Note 11)
Asphalt Shingles	40%	N.P.	N.P.	N.P.	25%
Wood Trim	10%	N.P.	N.P.	N.P.	15%

		_			Ordinance
Model C (Sheet A-5)	Front	Rear	Right Side	Left Side	Maximum
					(Minimum)
Brick	20%	N.P.	N.P.	N.P.	100% (30% Min)
Horizontal Siding	30%	N.P.	N.P.	N.P.	50% (Note 11)
Asphalt Shingles	40%	N.P.	N.P.	N.P.	25%
Wood Trim	10%	N.P.	N.P.	N.P.	15%
					Ordinance
Clubbouse (Sheet A.6)	Front	Rear	Right Side	Left Side	Maximum

Clubhouse (Sheet A-6)	Front	Rear	Right Side	Left Side	Maximum
					(Minimum)
Brick	20%	N.P.	N.P.	N.P.	100% (30% Min)
Stone	15%	N.P.	N.P.	N.P.	100%
Shake Siding	5%	N.P.	N.P.	N.P.	50% (Note 11)
Horizontal Siding	10%	N.P.	N.P.	N.P.	50% (Note 11)
Asphalt Shingles	40%	N.P.	N.P.	N.P.	25%
Wood Trim, Columns, etc.	10%	N.P.	N.P.	N.P.	15%

As shown above the minimum percentage of Brick is not provided on Models A, B and C. The combined percentage of Brick and Stone on the clubhouse (35%) meets the minimum requirement for Brick. The Brick typically extends to the second floor belt line oh front elevations resulting in a minor deviation from the Ordinance (10%). The percentage of Asphalt Shingles exceeds the maximum amount allowed by the Ordinance on all models. A Section 9 Waiver would be required for these deviations. I general, all facades exhibit well-proportioned massing and roof lines and well balanced composition of materials. The color samples depicted on sheet A-7 indicate carefully coordinated colors and textures of all materials. The applicant should clarify whether certain features labeled as "optional" such as the brick piers and wrought iron gates at the entrance courts will be included. We believe that these elements add interest and character to the overall project and the elimination of these features would increase the deviation from the minimum brick requirement. For this reason the inclusion of these features is highly recommended.

Recommendation: At this time we are unable to make a final recommendation due to the conceptual nature of the drawings. The applicant should provide to-scale drawings including the front, sides and rear elevations of all structures. It is anticipated that brick or stone will extend to the second floor belt line on the side and rear elevations to more closely match the Ordinance requirements. We also recommend that the "optional" designation be removed from the aforementioned entrance court features.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely, DRN & Associates, Architects PC

Douglas R. Necci, AIA

Fire Review



CITY COUNCIL

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Assistant Chief of Police Jerrod S. Hart

Novi Public Safety Administration 45125 W. Ten Mile Road Novi, Michigan 48375 248.348.7100 248.347.0590 fax September 16, 2014

December 16, 2014

TO: Barbara McBeth- Deputy Director of Community Development Kristen Kapelanski- Plan Review Center Sri Komaragiri- Plan Review Center

RE: Brooktown (Huntley Manor)

PSP#14-0157 **PSP#14-0209**

Project Description: 21 multi-family buildings on Grand River

Comments:

- 1) For interior fire protection systems a separate fire protection line shall be provided in addition to a domestic service for each building. Individual shutoff valves for interior fire protection shall be by post indicator valve (P.I.V.) or by valve in well and shall be provided within a public water main easement. Show all water mains and fire protection supply lines on plans. (D.C.S. Sec.11-68(a)(9))
- 2) Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access, the connection shall be unobstructed and within 100' of a hydrant. Provide location of FDC on all buildings so hydrant locations can be evaluated. (International Fire Code)
- 3) Fire hydrant spacing shall be measured as "hose laying distance" from fire apparatus. Hose laying distance is the distance the fire apparatus travels along improved access routes between hydrants or from a hydrant to a structure.
- Hydrants shall be spaced approximately three hundred (300) feet apart on line in commercial, industrial, and multipleresidential areas. In cases where the buildings within developments are fully fire suppressed, hydrants shall be no more than five hundred (500) feet apart. (D.C.S. Sec. 11-68 (f)(1)c)

cityofnovi.org

- 5) Fire apparatus access drives to and from buildings through parking lots shall have a minimum fifty (50) feet outside turning radius and an inside turning radius of 30 feet maximum. Turning radius to all driveways needs to be improved.
- 6) Driveway to the west of Bld. #3 exceeds the 150' maximum allowed without an approved turn-around. Provide an approved turn-around for this drive. 12/16/14 Item Corrected
- 7) Fire lanes will be designated by the Fire Chief or his designee when it is deemed necessary and shall comply with the Fire Prevention Ordinances adopted by the City of Novi. The location of all "fire lane – no parking" signs are to be shown on the site plans. (*Fire Prevention Ord.*)
- 8) Entry Gates do not meet the minimum width requirements; The minimum width of a posted fire lane is 20 feet. The minimum height of a posted fire lane is 14 feet. (Fire Prevention Ord.) 12/16/14/ Item Corrected

<u>Recommendation</u>: Approval pending correction of the above items.

Sincerely,

Joseph Shelton- Fire Marshal City of Novi – Fire Dept.

cc: file

Applicant Response Letter

SEIBER KEAST ENGINEERING, LLC ENGINEERING CONSULTANTS

Clif Seiber, P.E. Patrick G. Keast, P.E. Azad W. Awad 100 MainCentre, Suite 10 Northville, MI 48167 Phone No. 248.231.9036 E-mail: cs@seibereng.com

January 26, 2015

Ms. Kristin Kapelanski, AICP, Planner City of Novi 45175 W. Ten Mile Road Novi, MI 48375

Re: Huntley Manor (Formerly Brooktown), City of Novi Project Number JSP 14-0056 Concept Plan Review

Dear Ms. Kapelanski:

In accordance with your consultants and staff review letters issued under your cover letter dated December 30, 2014, the following responses are made to those letters. The comment number shown below corresponds to the comments contained in the consultant or staff review letters where applicable.

PLANNING REVIEW

- 1. SDO Eligibility See attached statement regarding community benefit.
- 2. See attached letter from the architect related to the total room count including offices.
- 3. A waiver is requested for the loading area size at the clubhouse.
- 4. There will be no Master Deed prepared for the project since it will be rental units, not ownership.
- 5. It is noted that the staff will support a deviation from the lighting requirements.
- 6. Barrier free signage will be provided for each barrier free parking space.
- 7. See the landscape architects letter regarding landscape amenities.
- 8. The hours of operation will be indicated on the photometric plan.
- 9. Lighting at the loading area and clubhouse will be reviewed and revised as necessary.
- 10. A deviation for the lack of full cut-off fixtures is requested.

ENGINEERING REVIEW

Sidewalks

- 1. Sidewalks are now proposed as shown on the attached 8-1/2"x11" sketches
- 2. Pathway connections are now shown to Cherry Hill Road as well as next to the secondary emergency access driveways.

Ms. Kristin Kapelanski, AICP, Planner January 26, 2015 Page 2

TRAFFIC REVIEW

1. The note revisions and additional information requested by the traffic engineer will be provided at the time of Preliminary Site Plan review.

LANDSCAPE REVIEW

- 1. See the attached letter from the landscape architect regarding landscape amenities.
- 2. Applicant will seek a waiver for the decorative fence rather than a berm along Grand River Avenue.
- 3. Applicant will seek a waiver to use evergreen trees to achieve the required tree count.
- 4. Applicant will seek a waiver to use large shrubs around the storm water detention basin.

WETLAND REVIEW

- 1. No wetland impacts are proposed. The wetland buffer disturbance of 0.13 acres has been identified.
- 2. Please note that due to the addition of required sidewalks on both sides of the street, some encroachment into the preservation easement will be required in addition to a small amount of wetland fill for the placement of the walkway.
- 3. A table showing the size of the existing wetland buffers will be provided at the time of Preliminary Site Plan submittal.
- 4. No wetland buffer mitigation is proposed.

WOODLAND REVIEW

1. Applicant does not intend to conduct a tree survey of all the trees located within the conservation easement. A table will be provided of the three regulated trees proposed for removal and any trees nearby the area of disturbance.

FAÇADE ORDINANCE REVIEW

1. See the attached letter from the architect regarding the building façade review.

FIRE DEPARTMENT REVIEW

- 1. Separate fire line and domestic services will be provided for each building. PVI's will be located within the water main easements.
- 2. Fire line and FDC locations will be provided at the time of Preliminary Site Plan submittal.
- 3. Hydrant spacing meets maximum hose laying distances.
- 4. All buildings will be fully fire suppressed.
- 5. Turning radii at all of the multi-use driveways will be provided.

Ms. Kristin Kapelanski, AICP, Planner January 26, 2015 Page 3

- 6. The driveway located to the west of Building 3 has been provided with a turn-around area.
- 7. Fire lane signage will be provided per Fire Code requirements.
- 8. The entry lane width has been revised to meet the requirement and approved by the Fire Marshall.

Please place this matter on the February 25, 2015, Planning Commission agenda.

Sincerely,

SEIBER KEAST ENGINEERING, LLC

Kuln >

Clif Seiber, P.E.

Enclosures

Cc: Mark Kassab

A

ALEXANDER V. BOGAERTS & ASSOCIATES, P.C. Architecture Planning Interior Design

2445 Franklin Rd. Bloomfield Hills, MI 48302 248/ 334-5000 fax: 248/ 334-0092

January 21, 2015

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

Re: Huntley Manor (formerly Brooktown) Multifamily Development

Dear Ms Barb McBeth:

AVB is writing this response to DRN & Associates, Architects, PC Review letter dated December 30, 2014 (Facade Ordinance Review)

DRN Associates review letter states that we do not meet the ordinance requirements for material percentages. Just to clarify, we did not intend to have the shingle roof considered a façade; the main front to rear roof pitch will be less than 6/12 on the final construction documents. With the roof excluded our intention was that all of the materials will meet the city's façade ordinance percentage requirements.

The design intent for the project was to create a comprehensive architectural theme, using three different elevations styles for the units and a complementary style for the clubhouse; we've incorporated a variety of materials to add architectural interest to the project. The project as designed will be harmonious with the existing surrounding developments. We believe Huntley Manor will be a wonderful addition to the City of Novi.

We look forward to presenting the project to the Planning Commission.

Sincerely Mark Abanatha

Mark Abanatha, Architect

ALEXANDER V. BOGAERTS & ASSOCIATES, P.C. Architecture Planning Interior Design

2445 Franklin Rd. Bloomfield Hills, MI 48302 248/ 334-5000 fax: 248/ 334-0092

January 26, 2015

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

Re: Huntley Manor (formerly Brooktown) Multifamily Development

Dear Ms Barb McBeth:

- AVB is writing this response to DRN & Associates, Architects, PC Review letter dated December 30, 2014 (Facade Ordinance Review)
- Allowable maximum rooms permitted

DRN Associates review letter states that we do not meet the ordinance requirements for material percentages. Just to clarify, we did not intend to have the shingle roof considered a façade; the main front to rear roof pitch will be less than 6/12 on the final construction documents. With the roof excluded our intention was that all of the materials will meet the city's façade ordinance percentage requirements.

The design intent for the project was to create a comprehensive architectural theme, using three different elevations styles for the units and a complementary style for the clubhouse; we've incorporated a variety of materials to add architectural interest to the project. The project as designed will be harmonious with the existing surrounding developments. We believe Huntley Manor will be a wonderful addition to the City of Novi.

Unit A	Unit B	Unit C	Unit D	Unit E	Total (21 BLDG)
LR (1)	LR (210)				
BR (2)	BR (2)	BR (3)	BR (2)	BR (2)	BR (462)

Allowable max rooms: 725 (26.62 ac x 43,560 sq.ft.)/ 1600 Proposed total rooms: 672 (based on two unit types per bldg.) & (Article 2 - definitions - room at least 80 sq ft)

Sincerely Mark Abanatha

Mark Abanatha, Architect



January 21, 2015

Kristen Kapelanski Planning and Community Development City of Novi 45175 Ten Mile Road Novi, Michigan 48375

RE: Pre-Application Landscape Review GR Meadowbrook L.L.C. Huntley Manor JSP14-56 Grand River at Meadowbrook - Novi, Michigan

Dear Ms. Kapelanski,

The following responses address the comments in your letter of 12/30/2014.

Landscape Amenities will be as follows:

- a. Grand River Avenue the frontage includes brick piers, ornamental metal fencing and street trees.
- b. Project Entrance this area is lined with decorative brick landscape walls, ornamental street lighting, a gate house and project sign.
- c. Club House Area includes a swimming pool with extensive pool deck, ornamental pool fencing, terraces off of the club house, a fire pit and covered patio adjacent to the building.
- d. Site Amenities include a mail station, bike racks, generous open space, walking paths that are "pet-friendly" and that connect the residents in the community for harmonious living
- e. Woodland Conservation Easements span the entire west and south property lines
- f. Southeast Detention Pond includes extensive naturalistic plantings and a fountain water feature to be enjoyed by the residents.

Please contact me with questions.

Sincerely,

KENNETH WEIKAL LANDSCAPE ARCHITECTURE

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Kenneth S. Weikal - Principal

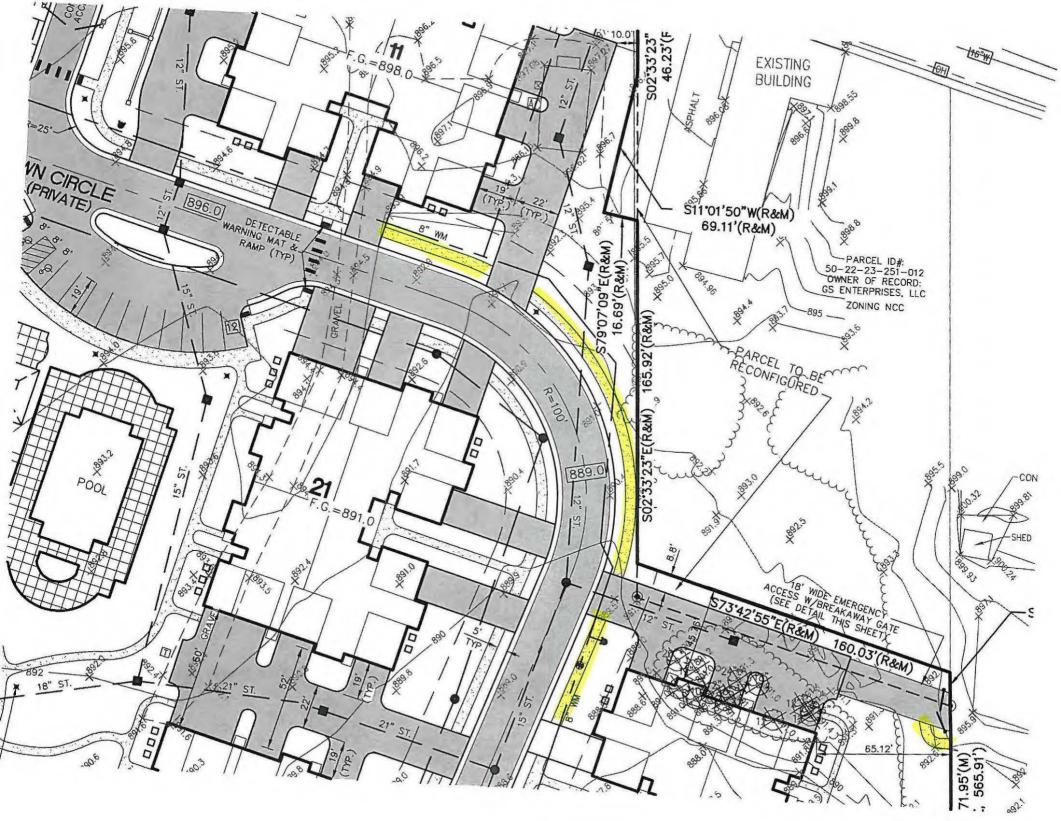
SEIBER KEAST ENGINEERING, LLC ENGINEERING CONSULTANTS

Clif Seiber, P.E. Patrick G. Keast, P.E. Azad W. Awad 100 MainCentre, Suite 10 Northville, MI 48167 Phone No. 248.231.9036 E-mail: cs@seibereng.com

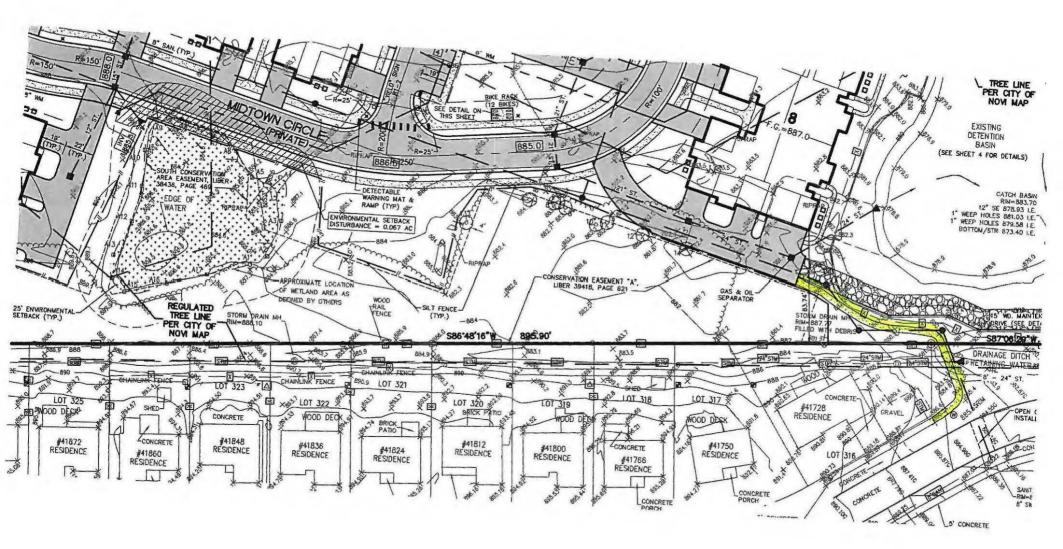
Huntley Manor Statement of Public Benefit

January 26, 2015

- The Huntley Manor (formerly Brooktown) multi-family residential development will
 result in a recognizable benefit to the public due to the upscale nature of the design and
 the enhancement of adjacent property values, similar to the effect of Bellagio and
 Tuscany Reserve. This gated community will contain amenities such as a clubhouse and
 pool for recreation and meetings. The proposed open space area greatly exceeds the
 ordinance requirements by 34 percent.
- 2. Natural features such as woodland and wetland areas will be permanently preserved and dedicated to the public through conservation easements.
- 3. A sidewalk along Grand River Avenue will be provided that connects to the internal walk network. This network will connect to Cherry Hill Road to the south and to the vacant property located to the east.
- 4. The municipal water system will be stubbed to the vacant property located to the east of the site in order to enable future looping of the water system.
- 5. Large natural buffer areas are provided to the adjacent neighbors located to the south and west. These buffers will benefit the neighboring land owners.
- 6. The development of Huntley Manor will enhance the viability of the commercial uses located directly across the street on the north side of Grand River by providing an increase in customer base.







Conceptual Elevations





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+ ERMIS

Bogaerts

7.

Alexander

Associates, P.C.

CONSTRUCTION

REVISIONS SPA 11-21-14 SPA REV. 02-12-15

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NOVI, MICHIGAN





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7. BN

Alexander

Associates, P.C.

PERMITS

EVISIONS SPA 11-21-14 SPA REV. 02-12-15

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CONSTRUCTION

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Alexander

Associates, P.C.

PERMITS

CONSTRUCTION

EVISIONS SPA 11-21-14 SPA REV. 02-12-15

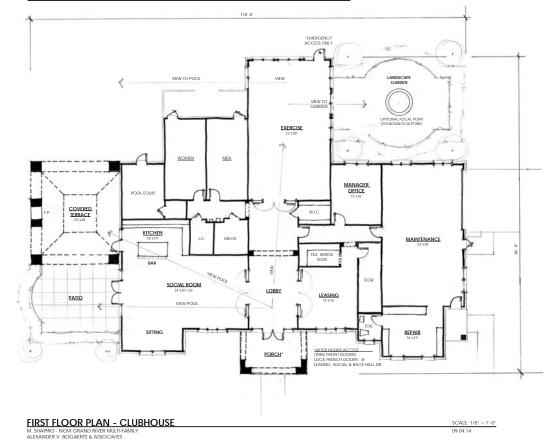
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NOVI, MICHIGAN



FRONT ELEVATION - CLUBHOUSE SCALE: 1/8" = 1'-0"





MAIN SPACES

POOL EQUIP.

COVERED TERRACE

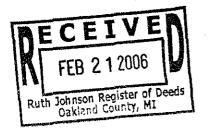
MAINTENANCE GARAGE ± 1358 SF MAINT. OFFICE, REPAIR

± 4029 SF

± 190 SF

<u>E ± 672 SF</u> TOTAL ± 6249 SF Previously Approved Special Development Option Agreement

LIBER 37242 P313



65407 LIBER 37242 PAGE 313 \$166.00 MISC RECORDING \$4.00 REMONUMENTATION 03/14/2006 10:24:21 A.H. RECEIPT: 29678

PAID RECORDED - OAKLAND COUNTY RUTH JOHNSON, CLERK/REGISTER OF DEEDS

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI Proposed (**) BROOKTOWN

SPECIAL DEVELOPMENT OPTION (SDO) AGREEMENT

AGREEMENT, dated January <u>18^{ht}</u>, 2006, by and between the City of Novi, whose address is 45175 West Ten Mile Road, Novi, MI, 48375 (the "City") and Brooktown Village Venture, LLC, whose address is 21600 Novi Road, Suite 700, Novi, MI 48375 (the "**Owner**") and ADCO Group, LLC, whose address is 21600 Novi Road, Suite 700, Novi, MI 48375 (the "**Developer**").

RECITALS:

Α.

* proposed

"Owner" is the owner of a parcel of real property (the "Property") within the City proposed for development as a mixed use development to be known as "Brooktown" (generally referred to hereafter as the "Project"). The legal description of the Property is attached as Exhibit A. The Developer will develop the property and construct the buildings. For purposes of the remainder of this Agreement, "Owner" shall mean both Owners and Developer.

 B. Owner is pursuing approval of the Project as a Gateway East District Special Development Option ("SDO") pursuant to Article 9A of the City of Novi Zoning Ordinance (the "Zoning Ordinance").
 Conceptual Approval of Owner's SDO Plan has been granted pursuant to Article 9A, Section 904G, subject to certain terms and conditions, by the Novi City Council.

O.K.-A.M

- Following Conceptual Approval of an SDO Plan, Article 9A, Section C. 904G contemplates the preparation of an Agreement setting forth the conditions upon which the approval has been granted, which in turn serves as the basis for Site Plan approval, and thereafter the development, use, and maintenance of the Project. City Council approval of the SDO Agreement is required, and following that City Council review and approval of the Site Plan is required.
- D. As part of the application process, Owner has offered and agreed to make the improvements and to proceed with undertakings as described in this Agreement, which Owner and the City agree are necessary and roughly proportional to the burden imposed in order to (i) ensure that public services and facilities affected by the Project will be capable of accommodating increased service and facility loads caused by the protect the natural environment and conserve natural Project; (ii) resources; (iii) ensure compatibility with adjacent uses of land; (iv) promote use of the Property in a socially and economically desirable manner; and (v) achieve other legitimate objectives authorized under the City and Village Zoning Act, MCL 125.381, et seq.
- E. Set forth below are the terms and conditions of the SDO Agreement for the Project, which is to be recorded with the Register of Deeds for the County of Oakland following execution by the parties.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. **GENERAL PROJECT DESCRIPTION**

The Project is to be located on the south side of Grand River Avenue and west of Meadowbrook Road. The site is 26.54 net-acres and is currently zoned Gateway East (GE) District. The project includes a mixture of residential office, retail, and restaurant uses, and includes two 18-unit "live-work" townhouse buildings with units that include a work/retail area on the main floor and residential dwelling(s) on the two top floors. The Project overall comprises 225 multiple family units; 24,771 square feet of gross leasable area for retail use; 4,965 square feet of gross leasable area of restaurant use; and 40,692 square feet of gross leasable area for office use. The architecture and design layout are to meet the exterior material requirements of the Gateway East District ordinance, except as specifically depicted on Exhibits B, pages A1 to A19.

Owner intends to and shall seek, obtain approval for, and use best management practices and efforts with respect to, all wetland, storm water, and soil erosion requirements and measures throughout the Property during the design and construction phases, and

subsequent use of the Property and development contemplated in the Conceptual Plan and Site Plan. In conjunction with the approval of the Site Plan, a conservation easement shall be executed and delivered to the City for recording providing for the preservation of the woodlands as reflected on Conceptual Plan and the approved Site Plan.

Owner agrees to develop and use the Property solely for the approved uses shown on the Conceptual Plan, including residential units, retail use, restaurant use, and office use, subject to and in accordance with all of the specifications in the approved Site Plan. Owner will forebear from developing and/or using the Property in any manner other than as approved as part of the Conceptual Plan and approved Site Plan, with the understanding that, to the extent the requirements therein are more restrictive than City regulations, they supersede any and all inconsistent City regulations.

II. EFFECT OF SDO AGREEMENT

- A. The SDO Documents shall consist of the text of and exhibits to this Agreement, along with the "Conceptual Plan" attached and incorporated as **Exhibit B** (full-sized original of the Plan on file in the City Clerk's office), including sheets C-1 through T-3, which together shall serve as the contract contemplated under Article 904G of the Zoning Ordinance. This Agreement establishes the fundamental terms and provisions of subsequent building reviews and approvals, and all construction, use, and maintenance of the Project. The other relevant and incorporated SDO Documents include City of Novi City Code, including the Zoning Ordinance, the approved Site Plan, and all conditions appended to the Site Plan approval by the City Council.
- B. Approval of this Agreement, together with the attached and incorporated Conceptual Plan (and any conditions thereon) entitles Owner to seek appropriate permits and approvals for construction of the Project in accordance with the SDO Documents and all applicable provisions of the Zoning Ordinance, as amended, and any and all other applicable laws, ordinances, and regulations.
- C. This Agreement is binding upon and benefits the City and Owner, as well as their respective successors, assigns, and transferees, and shall run with the land.
- D. Physical development of the Project shall be in accordance with the attached and incorporated Conceptual Plan and the Site Plan to be approved by the City Council, together with any conditions thereon.
- E. The City shall require Owner to provide reasonable performance and financial guarantees for the completion of improvements, including without limitation, right-of-way improvements, water mains, sanitary

sewers, storm drains, and landscaping activities. Such financial guarantees may include cash deposits, letters of credit, or surety bonds, as determined by the City. Owner acknowledges the need for such performance and financial guarantees given the prominent location of the project and its impact upon the City's Gateway East District.

The City has approved the Conceptual Plan for this Development on the basis that it meets the criteria in Section 904C.l.b of the ordinance for the following reasons:

F.

- 1) That in compliance with the intent of the Special Development Option, the project assembled several small long narrow lots, that the proposal provides shared parking, local commercial and residential uses to provide a mutually supportive transition to Main Street and Town Center.
- 2) That the project includes a residential component, mixed uses, live/work buildings, and innovative planning techniques.
- 3) That the project is generally compatible with the neighboring properties.
- 4) The revised Conceptual Plan adequately considers adjacent land uses, external traffic flow, and access management.
- 5) That the project provides a public facility by virtue of the pathway along Grand River Avenue.
- 6) That the project does not place any substantial burden on the City utilities or services that would not occur using a standard development.
- 7) That an adequate financial impact statement was provided.
- 8) That the Conceptual Plan establishes a material enhancement of the area.
- 9) That the proposal would not have an adverse impact upon the Master Plan.
- 10) That the Plan exceeds the minimum requirements for open space.
- 11) That the project is proposed to be developed by one developer as a condominium project.
- 12) That the density as proposed in the Conceptual Plan is acceptable.
- 13) That the proposed development is less intense and of less mass than Main Street or the Town Center area.
- 14) That the limited amount of local commercial and office uses should provide goods and services to a smaller market area than is served by Main Street or Town Center.
- 15) That the setbacks depicted from the residential uses, including the 75' setback along the south property line, provide adequate protection to those adjacent uses.
- 16) That all utilities are proposed to be underground.

- 17) That the non-residential uses on the site are not adjacent to neighboring residential uses.
- 18) That adequate noise reduction and visual screening provisions have been applied along the southern property line, adjacent to existing single-family residential.
- 19) That shared parking as proposed in the Conceptual Plan meets the intent of the off-street parking provisions of the zoning ordinance.
- 20) That the frontage treatment along Grand River provides "exceptional aesthetic quality" and meets the intent of the district.

These findings are made in reliance upon development in compliance with the Conceptual Plan.

III. USES PERMITTED

The uses permitted within the Project shall consist of multiple-family units, live/work units as further described herein, retail uses, restaurant uses, and office uses as shown on the Conceptual Plan, subject to the terms of this Agreement, and further subject to any modifications required by the City Council at the time of approval of the Site Plan.

The improvements shall be designed and constructed in accordance with the regulations in the Zoning Ordinance, as amended, for the Gateway East District. The parties agree and acknowledge that the proposed uses are authorized under Article 9A of the Zoning Ordinance, as amended. No deviations from the requirements of that Article shall be permitted unless depicted on the Conceptual Plan set forth in this Agreement. All development and use shall be in accordance with this Agreement, and all applicable laws, regulations, and ordinances not inconsistent with this Agreement.

IV. DEVIATIONS FROM ORDINANCE STANDARDS

Pursuant to Sections 904G and 904F, the City Council, as part of its approval of the Conceptual Plan, grants the following departures or deviations from the requirements of the Gateway East District, having determined that such departures or deviations achieve the objectives intended with respect to each of the regulations from which the departure or deviation is sought:

- (1) Variance for front yard parking, which is not permitted in the Gateway East District (Section 903A.7.a);
- (2) Variance for excessive building setback (along Grand River Avenue) (110 feet proposed, maximum of 90 feet permitted);
- (3) Variance for reduced setback along Grand River Avenue (20 feet required, 10 feet proposed);
- (4) Waiver for 2'9" masonry wall along Grand River Avenue, in lieu of required three-foot high berm;

- (5) Waiver to eliminate a six-foot high landscaped berm along the southern property line adjacent to existing single-family residential (subject to additional plantings as described herein);
- (6) Variance from requirement that sidewalks be five (5) feet back from the curb, in the residential areas.

V. LIVE/WORK UNITS

With regard to the live/work units, Owner acknowledges and agrees that the intent of that use, and the requirement of this Agreement and the Conceptual Plan, is to allow residential occupancy of the top two floors of such units, while requiring the ground floor portion to be used solely for non-residential office/commercial purposes, which may include, but are not limited to, professional offices, service industry offices, personal service businesses, and art type studios, local retail, and similar uses; provided that this shall not preclude an office use of the ground floor by the residential user/occupant of the attached residential unit where there are no regular visitors to the office and the office functions as a full-time facility for the provision of office or professional services, with the useable ground floor area dedicated solely to the office (non-residential) use. Owner acknowledges that the ground floor office area shall not be eligible for the principal residence (homestead) exemption. Owner acknowledges that the construction of the units shall comply with the more restrictive requirements of the appropriate non-residential use classification for the entire building, as reasonably determined by the Building Official. Owner further agrees that, in order to promote the appearance and understanding of these units as live/work units, with a non-residential ground floor, a sign designating the non-residential use and including relevant information such as the name of the business entity and hours of operation shall appear in connection with such use and in a location and manner as approved by the City in accordance with applicable ordinances, such signs being both permitted by the ordinance and required by this Agreement.

VI. BUILDING LOCATION

The area, location, and setbacks of the buildings shall be substantially as shown on the Conceptual Plan attached as **Exhibit B**. Setbacks from road rights-of-way and adjacent parcels (together referenced as "perimeter setbacks") shall be as shown on the Conceptual Plan, with the understanding that Owner has offered to, and shall, dedicate to the City the rights-of-way on Grand River Avenue as depicted on the City of Novi Master Plan.

VII. PHASING/CONDOMINIUM LAYOUT

This is a single-phase development. Pursuant to the Conceptual Plan, all public and private infrastructure as set forth on the Conceptual Plan and on the approved site plan shall be constructed in one phase. Any phase line(s) depicted on the Conceptual Plan shall be for purposes of the order of construction of buildings only.

It is assumed that all or a portion of the property will be owned in a condominium form of ownership. The Owner shall propose, and the City Council shall determine, the boundaries of any individual condominium within the Project at the time of Site Plan approval.

VIII. LANDSCAPING AND SCREENING

The minimum landscaping requirements for the Property shall be as provided in the landscaping provisions of the Zoning Ordinance, but shall include as a minimum all landscaping and screening depicted on the attached **Exhibit B**, sheets L-1 through L-5. As part of the City's Conceptual Plan approval, Owner agrees and acknowledges that the condominium trees for the Project shall be spread throughout the Property, and are not required to be place adjacent to related units. Additional parking lot/canopy trees will also be provided. The natural features of the buffer area as shown on Exhibit B, sheets L-2 through L-4 on the south side(s) of the Property shall be enhanced to meet the opacity requirements of the zoning ordinance (80% in winter and 90% in summer within two (2) years after planting). All of these items shall be determined at the time of Site Plan approval.

IX. PARKING AND VEHICLE STORAGE; DUMPSTERS

The minimum parking requirements shall be those as set forth in the Conceptual Plan and as shall be further depicted on the Approved Site Plan.

Additional dumpster locations throughout the property (particularly in the residential areas), or a residential waste removal plan acceptable to the City Council, shall be determined by the City Council at the time of Site Plan approval.

X. OPEN SPACE

Open space shall be as depicted in the Conceptual Plan, which shows approximately 29 percent open space as defined in Section 903A.8. No pathway shall be constructed in the buffer area adjacent to Cherry Hill Road.

XI. WETLAND MITIGATION

Owner shall apply for and secure appropriate wetland permit(s) in connection with Site Plan approval. The parties contemplate that substantial mitigation of wetlands will be required, based upon the improvements shown in the Conceptual Plan. Mitigation of locally-regulated wetlands is to be performed at the ratio of 2 to 1, and shall be accomplished onsite to the extent feasible as determined by the City Council at the time of Site Plan/wetland permit approval. Required mitigation of such wetlands that cannot be completed on site shall be accomplished through a contribution to the City, for its general and unrestricted use relating to wetlands protection, development, or maintenance or for storm water control, maintenance, or improvement purposes, as determined by the City, in an amount based upon a typical mitigation "cost" of \$75,000 per acre, which Owner acknowledges to be a reasonable estimate of the cost of mitigation on this property.

XII. ARCHITECTURE/FACADE

The minimum facade, building material requirements, and architectural elevations for the building proposed for the Property shall be as set forth on attached **Exhibit B**, sheets A-1 through A-19. In the event of an ambiguity, the City Council shall determine whether an alternative proposal fails to meet the "minimum" requirements under this provision.

XIII. BEST MANAGEMENT PRACTICES/CONSERVATION EASEMENT

Owner shall seek, obtain approval for, and use best management practices and efforts with respect to, all wetland, storm water and soil erosion requirements and measures throughout the Property during the design and construction phases, and subsequent use of the Property and development contemplated herein. In conjunction with the approval of the Site Plan, a conservation easement shall be executed and delivered to the City for recording, providing for the preservation of the wetlands and woodlands as determined by Council and reflected on the approved Site Plan.

XIV. ON-SITE AND OFF-SITE IMPROVEMENTS

All on-site and off-site improvements of the Project, including without limitation all roads, drives, entranceways, parking lots, sanitary sewer service system, water service system, storm water drainage system, detention and retention facilities, gas and electric utilities, lighting, signage, landscaping, public safety path, internal private pedestrian walkways with related amenities and improvements, barrier or screening walls, sidewalks, retaining walls, soil erosion and sedimentation controls and any other improvements within or for the Project shall be completely constructed and provided to all buildings within the Project as required and as set forth in the SDO Documents, including the Conceptual Plan and Approved Site Plan, any other approvals or permits granted by the City, and all applicable ordinances, laws, standards and regulations. If Owner proceeds with development of the

Property, the Owner shall be obligated to design and completely construct all such improvements as provided for, and in the order specified, in the SDO. During the construction of the development, Owner shall be obligated to maintain such At the City's request, Owner shall provide financial assurances improvements. satisfactory to the City for completion, preservation and maintenance of such improvements. Such financial assurances shall be in the form of cash, irrevocable letter of credit (with the first \$250,000 in cash or letter of credit, as required under Novi Code of Ordinances, Ch. 26.5) approved by the City and issued by an institution doing business in Oakland County, in an amount equal to 125% of the cost of completing the improvements designated by the City, together with an agreement with the City, approved by the City Attorney, authorizing the City at its option, to complete and maintain such improvements using the funds from the performance bond, letter of credit or cash posted by the Owner, if Owner has failed to complete and/or maintain the improvements within the time specified therein. There shall be no obligation on the part of the City to construct, and the City has made no guarantees, assurances, or representations that it will construct, any such improvements, nor has the City made any guarantee, assurance, or representation with regard to the viability of such improvements.

The streets internal to the development are private. Both the City and the Owner expressly disclaim any intention for such internal streets to be public at any point in the future. The streets shall be built to City of Novi public road standards as determined in the approved final site plan. Owner agrees, on its behalf and on behalf of its successors and assigns, including the successor owners of individual units within the Project and any condominium association(s) hereafter established as part of the Project, to maintain the streets within the Project in good condition and repair and fit for travel in a manner consistent with the standards and requirements for public streets within the City of Novi. At a minimum, "good condition and repair and fit for travel" shall mean assuring the continued structural integrity of the traveled portion of the roadway, repairing pot holes and cracks, assuring adequate drainage for the streets once constructed, undertaking the regular removal of snow, debris, and other obstacles, and undertaking any and all such other activities as are required to ensure that the condition and repair or the streets is comparable to the condition and repair of typical, well-maintained public streets within the City of Novi.

In the event the Owner (or its successors and assigns) fails or refuses to perform or undertake the necessary maintenance of the streets as described in the immediately preceding paragraph, the City may (but shall have no obligation or duty whatsoever to do so) enter upon the property for the purposes of bringing the streets into compliance with the obligations of this Section XIV. Before such entry, the City shall give thirty (30) days notice to Owner (or any known successors or assigns) of its intention to conduct a hearing at which the Owner (or any known successors/assigns) may be heard as to why the City should not proceed with the maintenance not undertaken in accordance with the foregoing.

If following the hearing the City determines that maintenance described herein has not been undertaken, or the obligations of the Owner and its successors and assigns have not been complied with, the City shall have the power and authority (but not the duty or obligation) to enter upon the property, and/or to cause its agents or contractors to enter upon the property, and to perform such maintenance and repair activities as the City deems to be appropriate. The cost and expense of such maintenance and repair activities incurred by the City, plus an administrative fee equal to twenty-five (25%) percent of all such costs and expenses incurred, shall be assessed proportionately to each unit within the Project. If any such assessment is not paid within thirty (30) days of a billing by the City the assessment shall be deemed to be delinquent and shall become and constitute a lien upon each such unit. Such lien may be recorded with the Oakland County Register of Deeds. From the date of delinquency of any such assessment, interest at the highest lawful rate per annum shall be added to the delinquent balance.

The City may bring an action in the Oakland County Circuit Court to collect the assessment and/or indebtedness and/or to foreclose the lien. All costs of such legal action, including actual attorney fees, shall be added to any judgment in favor of the City. Alternatively, the City may, in its discretion, place any delinquent assessment and/or indebtedness upon the City's delinquent tax roll and collect the assessment and/or indebtedness as part of, and as if the indebtedness constituted, a delinquent tax assessment, in which case all interest and penalties applicable to such delinquent tax assessment shall apply in lieu of other interest.

XV. STORM WATER MANAGEMENT

Storm water shall be released from the Project in a manner to be approved by the City as part of final engineering plan review as part of the final Approved Site Plan. It is acknowledged that, in order to control the rate, quantity, and quality of a storm water outlet from the Property, on-site storm water facilities to be constructed by the Owner may be required. In general, the storm water collection, pre-treatment, storage, and transportation facilities shall be included as part of the <u>final</u> engineering plan approved for the Project. The Project shall be constructed to achieve a storm water management system by which the Owner, and the successors of the Owner, and shall assure that the quality and the quantity of storm water shall be in accordance with all applicable ordinances, regulations, and laws.

Any storm water basins and facilities serving the Property shall be designed and constructed by the Owner, and subject to approvals and inspection by the City, in accordance with all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations, and laws. The drainage conveyance facilities, which shall constitute a part of the overall storm water management system on the Property, shall conform with all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations, and laws.

XVI. WATER AND SANITARY SEWER

Sanitary sewer and water are available to the Property. Owner shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems. Such improvements shall be designed and constructed in accordance with the Site Plan and all applicable City, State and County standards, codes, regulations, ordinances and laws. Such water and sanitary sewer service facilities, including any on-site and off-site facilities, extensions, and easements to reach the area to be served, shall be provided by and at the sole expense of Owner, and shall be completed, approved, and dedicated to (as required by the City in its discretion) the City to the extent necessary to fully service all proposed and existing facilities, structures, and uses within the Development to be served thereby, prior to issuance of any building permits for the building in of the Development.

XVII. MECHANISM FOR PRESERVATION, REGULATION, MAINTENANCE AND FINANCE OF OPEN SPACE AND LANDSCAPED AREAS

As part of final engineering plan review and approval, Owner shall submit to the City proposed covenants and restrictions (which may be contained in condominium documents to be approved by the City) to be recorded for The Project (together referred to as "Deed Restriction Documents"). The Deed Restriction Documents shall be subject to review and approval by the City Attorney as part of final engineering approval, and shall be included in or made a part of appropriate documentation (e.g., easements) as determined by the City in its discretion.

As part of such Deed Restriction Documents, there shall be provisions obligating Owner and all future successor owners to maintain, repair, and preserve all open areas, including landscaping, signage, drives, detention and drainage facilities, and any other open elements and improvements in and for the Project. Such maintenance, repair, and preservation shall be to a high standard of care.

The Deed Restriction Documents shall additionally provide that, in the event Owner or successor owners of the Property shall at any time fail to carry out one or more responsibilities or obligations relative to maintenance, repair and/or preservation, the City shall have the right to serve written notice upon Owner or successor owners, setting forth the deficiencies in maintenance, repair, and/or preservation. The notice may also set forth a demand that such deficiencies be cured within a stated reasonable period of time, and further state a date, time, and place of hearing before the City Council, for the purpose of allowing Owner or successor owners to be heard as to why the City should not proceed with the maintenance, repairs, and/or preservation which had not been undertaken.

At the hearing, the City may take action to extend the time for curing deficiencies, and the date of the hearing may itself be extended and/or continued to a date certain. If, following the hearing, the City shall determine that the maintenance, repairs, and/or preservation have not been completed within the time specified in the notice, as such time may have been extended by the City, the City shall thereupon have the power and authority, but not the obligation, to enter upon the Property, and perform such maintenance, repairs, and/or preservation as found by the City to be appropriate. The cost and expense of making and financing such maintenance, repairs, and/or preservation, including the cost of all notices and hearings, including reasonable attorney's fees, plus a reasonable administrative fee, shall be paid by the Owner or successor owners, and such amounts shall constitute a lien on all taxable portions of the Property. The City may require the payment of such monies prior to the commencement of any work.

If such costs and expenses have not been paid within thirty (30) days of a billing to Owner or successor owners, all unpaid amounts may be placed on the delinquent tax roll of the City as regards the taxable portions of the Property, and shall accrue interest and penalties, and shall be collected in the manner made and provided for the collection of delinquent real property taxes in the City. In the discretion of the City, such costs and expenses may also be collected by suit initiated against Owner and/or successor owners, and in such event, Owner or the successor owners, as the case may be, shall pay all Court costs and reasonable attorney fees incurred by the City in connection with such suit if he City obtains relief in such action.

Any failure or delay by the City to enforce any provision of the Covenant and Restrictions shall in no event be deemed or construed, or otherwise relied upon, as a waiver or estoppel of the right to eventually pursue and insist upon strict enforcement.

In all instances in which the City is authorized to pursue maintenance, repairs and/or preservation, as provided above, the City, and its agents and contractors, shall be permitted, and are hereby granted authority, to enter upon all portions of the Property reasonably necessary or appropriate for the purpose of inspecting and/or completing the respective work.

XVIII. SINGLE OWNERSHIP AND/OR CONTROL OF PROPERTY

The undersigned Owner and Developer have represented, and hereby reassert and acknowledge that, for all purposes required under Section 904D.2.h. of the City's Zoning Ordinance, "sole control" of the Property has been and is vested in Brooktown Village Venture, LLC, one of the undersigned parties, and that Brooktown Village Venture, LLC, is fully authorized and empowered to develop the Property in accordance with and pursuant to the SDO Documents, and that Brooktown Village Venture, LLC, is fully authorized to execute all applications, agreements, and recordings applicable to the Project, as any such documents may become necessary or required from time to time. As evidence of the foregoing, the undersigned parties have submitted to

the City certain deeds, dated effective December 21, 2005 representing that by way of said documents Brooktown Village, LLC, has obtained the above authorities and powers. This provision and the deeds may be relied upon and enforced by the City of Novi.

XIX. GENERAL PROVISIONS

A. The terms of this Agreement represent the product of negotiations between Owner and the City, and shall be interpreted as a jointly-drafted agreement.

B. Except as specifically modified by this Agreement, the Code and Regulations of the City shall apply to the Property. Any substantial violation of the City Code by Owner with respect to the Property shall be deemed a breach of this Agreement.

C. The Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement.

D. In the event there is a failure to timely perform any obligation or undertaking required under or in accordance with the SDO Documents, the City shall serve written notice upon Owner setting forth such deficiencies and a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place for a hearing before the City Council, or such other board, body, or official delegated by the City Council, for the purpose of allowing Owner an opportunity to be heard as to why the City should not proceed with the correction of the deficiency or obligation which has not been undertaken or property unfilled. At any such hearing, the time for curing and the hearing itself may be extended and/or continued to a date certain. The foregoing notice and hearing requirements shall not be necessary in the event the City determines in its discretion that an emergency situation exists requiring immediate action. If, following the hearing described above, the City Council, or the other board, body, or official designated to conduct the hearing, shall determine that the obligation has not been fulfilled or failure corrected within the time specified in the notice, or if an emergency circumstance exists as determined by the City in its discretion, the City shall thereupon have the power and authority, but not the obligation, to take any or all of the following actions, in addition to ay actions authorized under City ordinances and/or state laws:

(1) Enter upon the Property, or cause its agents or contractors to enter the Property, and perform such obligation or take such corrective measures as reasonably found by the City to be appropriate. The cost and expense of making and financing such actions by the City, including notices by the City and legal fees incurred by the City, plus an administrative fee in an amount equivalent to twenty-five (25%) percent of the total of all such costs and expenses incurred, shall be paid by Owner within thirty (30) days of a billing to Owner. The payment obligation under this paragraph shall be secured by a lien against the Property as of the date of the initial written

LIBER 37242 P326

notice of deficiency provided to Owner pursuant to this paragraph, or in emergency circumstances, the date at which the City incurred its first cost or expense in taking corrective action. Such security shall be realized by placing a billing which has been unpaid by Owner for more than thirty (30) days on the delinquent tax rolls of the City relative to such Property, to accumulate interest and penalties, and to be deemed and collected, as and in the same manner as made and provided for collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against Owner, and, in such event, Owner shall pay all court costs and attorney fees incurred by the City in connection with such suit if the City prevails in collecting funds thereby.

- (2) Initial legal action for the enforcement of any of the provisions, requirements or obligations set forth in the SDO Documents. Except in emergency circumstances, Owner shall be provided notice of the deficiencies form the City and shall be afforded an opportunity to timely correct. In the event the City obtains any relief as a result of such litigation, Owner shall pay all court costs and attorney fees incurred by the City in connection with such suit.
- (3) The City may issue a stop work order as to any or all aspects of the Project, may deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Project regardless of whether the Owner is the named applicant for such permit or certificate of occupancy, and may suspend further inspections of any or all aspects of the Project.

E. This Agreement may not be amended except in writing signed by the parties and recorded in the same manner as this Agreement. In the event Owner desires to propose an amendment, an application shall be made to the City Planning Department, who shall process the application in the same manner called for in the Zoning Ordinance for an original application, with any required public hearings, and notification of the public to follow then-existing City procedures.

F. It is understood and agreed by the parties that if any part, term, or provision of this Agreement is finally held by the courts to be illegal or in conflict with any law of the State of Michigan or the United States, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term or provision held to be invalid; provided, however, that if the provision, part, or term invalidated is so fundamental to the entire Agreement that the purpose of the Agreement is frustrated, the Agreement is voidable at the option of either party.

G. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.

H. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative; that is, in addition to every other remedy provided by law. Each provision and obligation contained herein shall be considered to be an independent and separate covenant and agreement, and in the event one or more of the provisions and/or obligations shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, all remaining provisions and/or obligations shall nevertheless remain in full force and effect.

I. The signers of this Agreement warrant and represent that they have the authority to sign this Agreement on behalf of their respective principals and the authority to bind each party to this Agreement according to its terms. Further, each of the parties represents that the execution of this Agreement has been duly authorized and is binding on such party.

J. This Agreement shall run with the land and bind the parties, their heirs, successors, and assigns. This Agreement shall be recorded in the Oakland County Records by the City and a recorded copy thereof shall be delivered to Developer forthwith. It is understood that the Property is subject to changes in ownership and/or control at any time, but that successors shall take their interest subject to the terms of this Agreement.

K. In all instances in which the City utilizes the proceeds of a financial assurance given to ensure completion or maintenance of improvements, and at any time throughout the period of development and construction of any part of the Project, the City, and its contractors, representatives, consultants and agents, shall be permitted, and are hereby granted authority, to enter upon all or any portion of the Property for the purpose of inspecting and/or completing the respective improvements, and for purposes of inspecting for compliance with and enforcing the SDO Documents.

L. It is understood that the members of the City Council and/or the City Administration and/or its departments may change, but the City shall nonetheless remain bound by this Agreement.

M. It is agreed that the final terms, conditions, requirements, and obligations of this Agreement represent the mutual understanding and agreement of the parties, and Owner fully accepts and agrees to the terms, conditions, requirements, and obligations contained herein, and shall not be permitted in the future to claim that their effect results in an unreasonable limitation upon the use of all or any portion of the Property, or to claim that enforcement of the terms and provisions of this Agreement cause an inverse

condemnation, due process violation, or taking of all or any portion of the Property. Moreover, it is agreed that the improvements and undertakings described in this Agreement are necessary and roughly proportionate to the burdens created by the Development, and are necessary in order to ensure that public services and facilities necessary for and affected by the Project will be capable of accommodating the Development on the Property and the increased service and facility loads caused by the Project; to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; to promote the use of the Property in a socially, environmentally, and economically desirable manner; and to achieve legitimate objectives authorized under the City and Village Zoning Enabling Act, MCL 125.581, *et seq*.

It is further agreed and acknowledged that all improvements required to be constructed and/or financed by Owner, both on-site and off-site, are clearly and substantially related to the burdens to be created by the Project and/or use of the Property, and all such improvements without exception are clearly and substantially related to the City's legitimate interest in protecting the public health, and general welfare, and are roughly proportionate to such burdens created by the Project. It is further agreed that all fees to be imposed, as contemplated in this Agreement, do not constitute "taxes."

WITNESSES:

OWNER: Brooktown \ illage Venture, LLC dorno Piccinini, Member

STATE OF MICHIGAN))ss. COUNTY OF OAKLAND)

YNONNE M. CANGEMI IOTARY PUBLIC, STATE OF M COUNTY OF OAKLAND MY COMMISSION EXPIRES Oct 10, 2011 ACTING IN COUNTY OF GALLA Notary Public

For parcel numbers 22-23-251-003, 004, 005, 006, 007, 008, and 011

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WITN	VESSES:	í
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QUA Com
STEVON W. Crossy

DEVELOPER:

ADCO GROUP, LLC BX **Adorno Piccinini**

ITS: Member

STATE OF MICHIGAN

COUNTY OF OAKLAND)

On this 18 day of <u>channery</u> _, 2006, before me appeared Adorno Piccinini, who states that he has signed this document of his own free will on behalf of ADCO Group, LLC.

YVONNE M. CANGEMI NOTARY PUBLIC, STATE OF MI COUNTY OF DAKLAND COMMISSION EXPIRES OCI 10, 2011 Gollo ACTING IN COUNTY OF

))ss.

WITNESSES:

Debra Ann Blashfield Debra Ann Blashfield

<u>Debin Ann Blashfield</u> Debra Ann Blashfield

STATE OF MICHIGAN))ss. COUNTY OF OAKLAND)

Notary CITY OF NO B Mavor Maryanne Cornelius, City Clerk

2006 00

On this <u>23</u>rd day of <u>January</u>, 2005, before me appeared David B. Landry, Mayor and Maryanne Cornelius, City Clerk, authorized representatives of the City of Novi, who states that they have signed this document of their own free will on behalf of Owner.

DEBRA ANN BLASHFIELD Notary Public, Oakland County, MI My Commission Expires Feb 21, 2012 Acting in the County of Dakland

Drafted By: Thomas R. Schultz, Secrest Wardle 30903 Northwestern Highway P.O. Box 3040 Farmington Hills, MI 48333

-Blashfield Notary Public

17 When Recorded, Return To: Maryanne Cornelius, City Clerk 45175 W. 10 Mile Rd. Novi, MI 48375

LIBER 37242 PO330

EXHIBIT A

PART OF THE NORTHEAST ¹⁴ OF SECTION 23, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

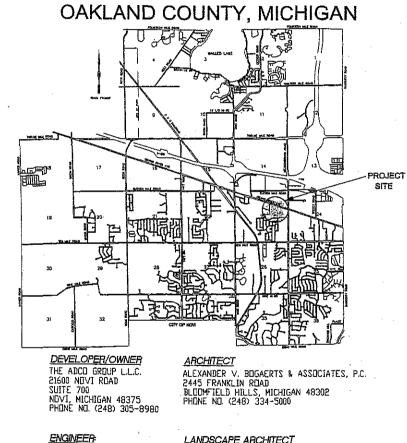
BEGINNING AT A POINT ON THE EAST-WEST ¼ LINE OF SECTION 23 AND THE NORTH LINE OF "MEADOWBROOK GLENS SUBDIVISION NO. 3" AS RECORDED IN LIBER 145 OF PLATS, PAGE 1, OAKLAND COUNTY RECORDS, SAID POINT BEING S86°52'13" W 669.16 FEET FROM THE EAST ¼ CORNER OF SAID SECTION 23; THENCE CONTINUING ALONG SAID LINE S86°52'13" W 1121.62 FEET; THENCE N02°50'52" W 1266.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100' WIDE) THENCE ALONG SAID SOUTH LINE S73°45'16" E 1033.65 FEET; THENCE S01°54'50" E 300.00 FEET; THENCE S73°45'16" E 160.00 FEET; THENCE S02°41'55" E 570.64 FEET TO THE POINT OF BEGINNING. CONTAINING 26.54 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PARCEL NUMBERS 22-23-251-003, 22-23-251-004 22-23-251-005, 22-23-251-006, 21-23-251-007, 21-23-251-008 and 22-23-251-011

754971

Proposed BROOKTOWN

A GATEWAY COMMUNITY **CONCEPT PLAN** NORTHEAST 1/4 SECTION 23 TOWN 1 NORTH, RANGE 8 EAST **CITY OF NOVI**



LANDSCAPE ARCHITECT

108 NURTH CENTER STREET SUITE 204 NURTHVILLE, MICHIGAN 48167 PHONE NO. (248) 374-3222

RUSSELL DESIGN

JCK & ASSOCIATES, INC.

45650 GRAND RIVER AVENUE

NOVI, MICHIGAN 48374 PHONE NO. (248) 348-2680 JAMES K. MORTIMORE

DESCRIPTION COVER SHEET **TOPOGRAPHIC / TREE SURVEY** TREE LIST OVERALL ENGINEERING SITE PLAN

STORM WATER MANAGEMENT

SHEET INDEX

UTILITY PLAN

PHASING PLAN

SHEET NO.

C 1

C 2

C3

C 4

C 5

C 6 C 7

	MULTIFAMILY
A1	14 PLEX FIRST FLOOR PLAN
A2	14 PLEX SECOND FLOOR PLAN
A3	100A FRONT ELEVATION "A"
A4	100A SIDE AND REAR ELEVATION "A"
Aõ	100B FRONT ELEVATION *8"
A6	100B SIDE AND REAR ELEVATION "B"
A7	100C FRONT ELEVATION *C*
A8	100C SIDE AND REAR ELEVATION "C"
A9	100D 7 PLEX-1 ST. AND 2 ND FLOOR PLANS
A10	100D 7 PLEX - FRONT ELEVATIONS
A11	100D 7 PLEX - SIDES AND READ ELEVATIONS
	LIVE / WORK BUILDING
A12	200 FLOOR PLANS
A13	200 FRONT ELEVATION
A14	200 SIDE AND REAR ELEVATION
	RETAIL / OFFICE
A15	300 FRONT AND FRONT ELEVATIONS
A16	300 SIDE AND REAR ELVEATION
	RESTAURANT / RETAIL
A17	400 FLOOR PLAN AND FRONT ELEVATIONS
A18	400 SIDE AND REAR ELEVATIONS
A19	COMMUNITY BUILDING FIRST FLOOR PLAN / ELEVATION
L1 THRU L5	LANDSCAPE PLANS
T1 THRU T3	TREE REPLACEMENT PLANS

SHEET C 1 MARCH 30, 2005

		enteror and a
REVISION	DATE	ENGINEER
GITY REVIEW	05/10/08	
CITY REVIEW	07306405	
CITY COUNCIL REVIEW	10/03/06	
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PROPERTY DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE & EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EP

BEGINNING AT A POINT ON THE EAST-WEST 1/4 LINE OF SECTION 23 AND THE NORTH LINE OF "MEADOWBROOK GLENS SUBDIVISION NO. 3" AS RECORDED IN LIBER 145 OF PLATS, PAGE 1, CAKLAND COUNTY RECORDS, SAID POINT BEING S88'52'13"W 669 18 FEET FROM THE FAST 1/4 CORNER OF SAID SECTION 23: THENCE CONTINUING ALONG SAID LINE S86'52'13'W 1121.52 FEET: THENCE NO2*50'52"W 1268.57 FEET TO A POINT ON THE SOLITH RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100' WIDE) THENCE ALONG SAID SOUTH LINE \$73"45"16"E 1033.65 FEET: THENCE SD1*54'50"E 300.00 FEET; THENCE \$73*45'18"E 160.00 FEET: THENCE S02*41'55*E 570.54 FEET TO THE POINT OF BEGINNING, CONTAINING 28,54 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD

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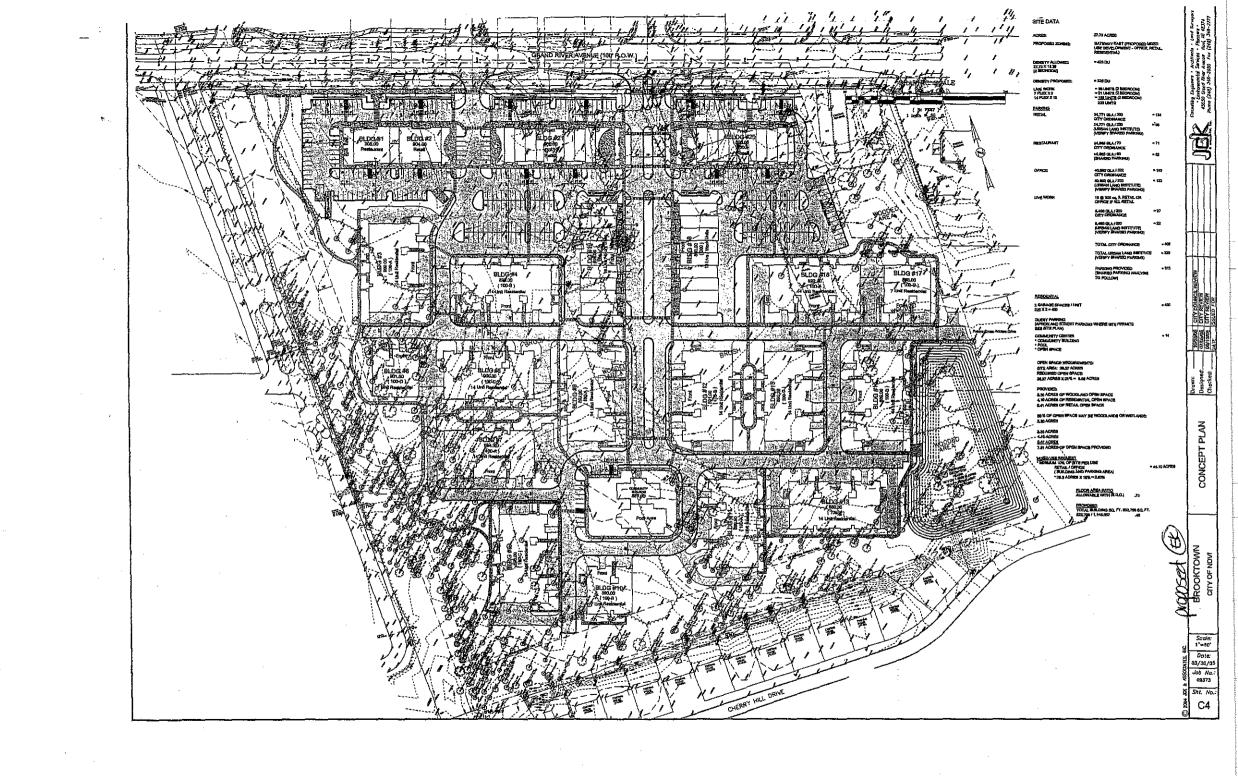
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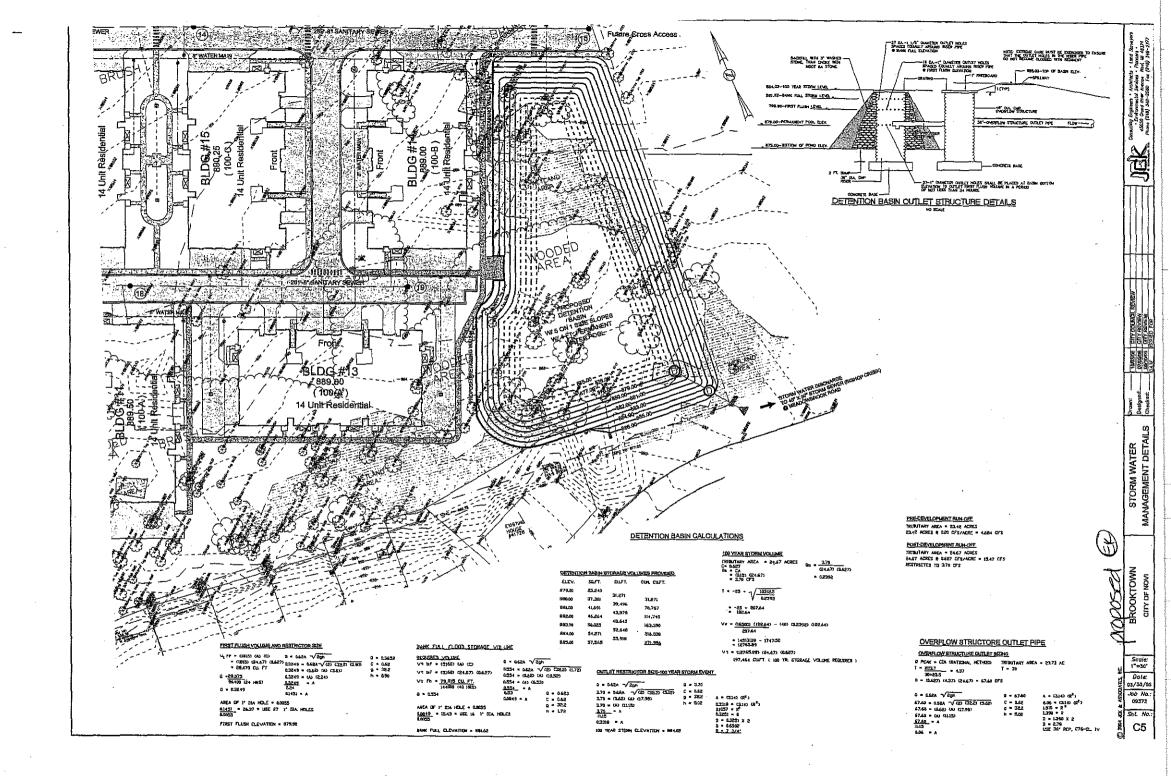
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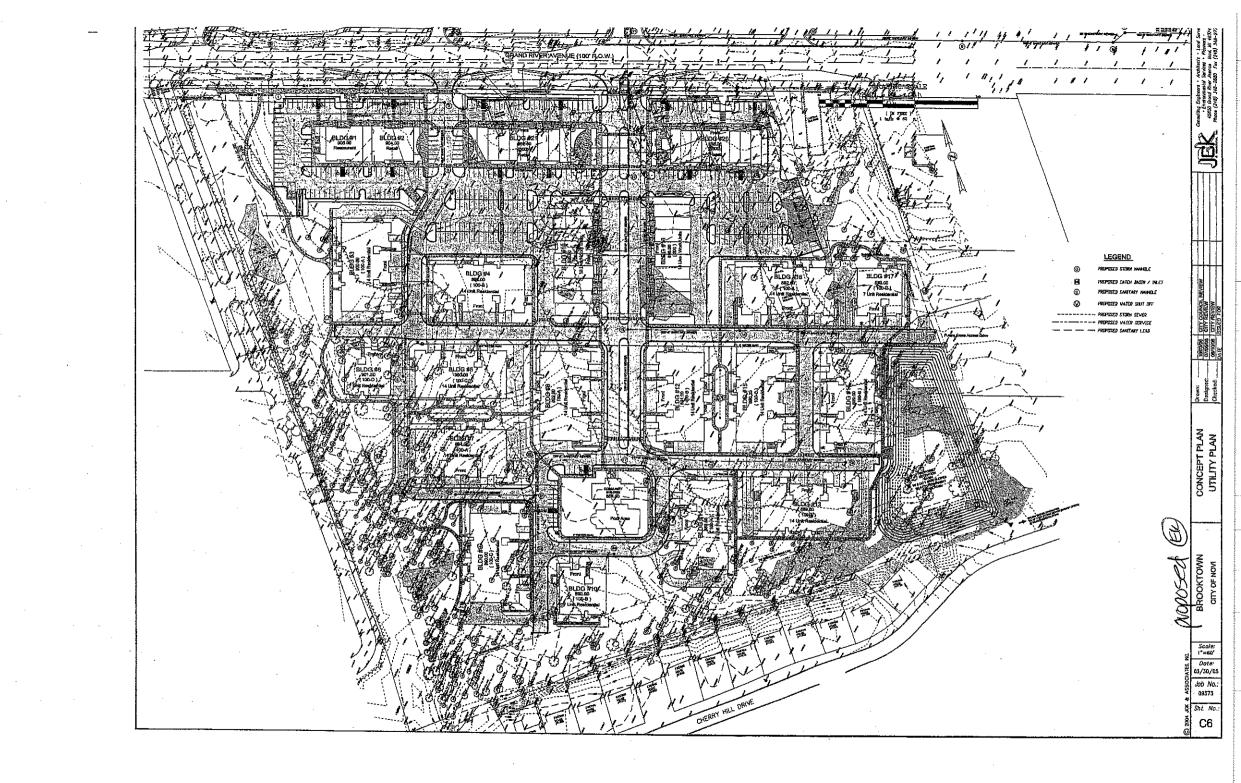


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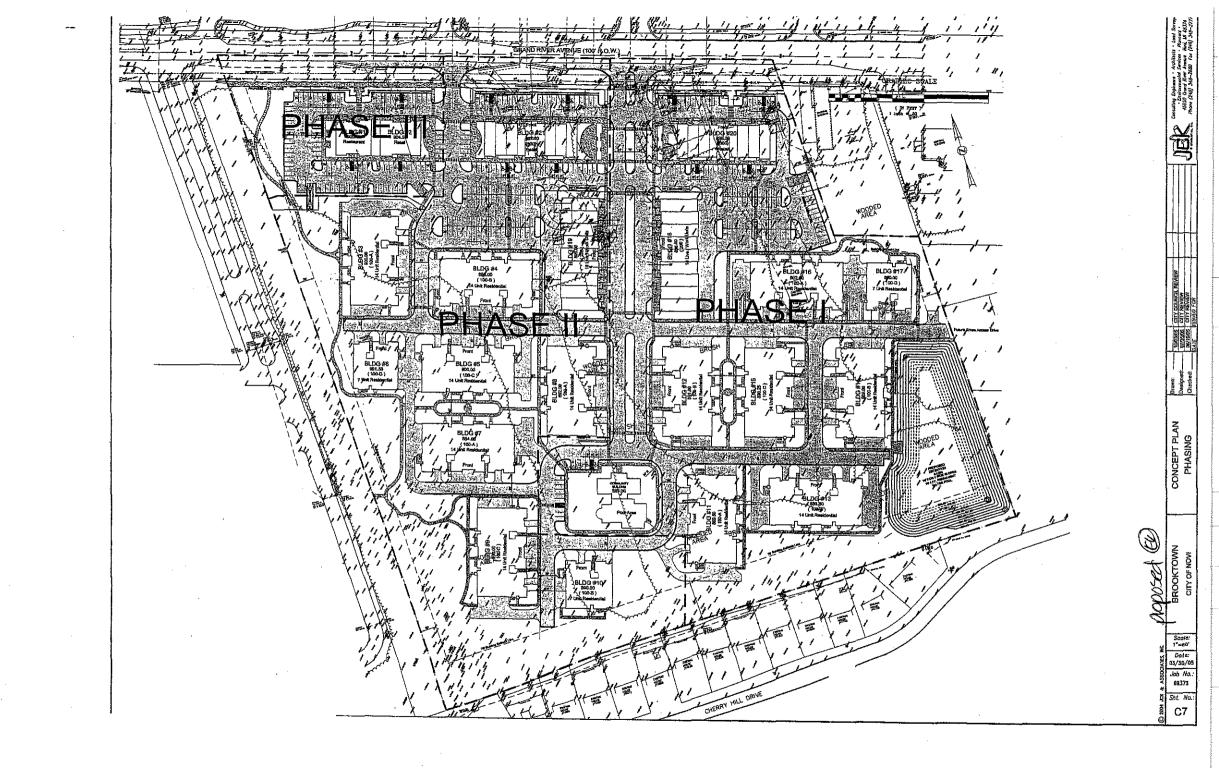
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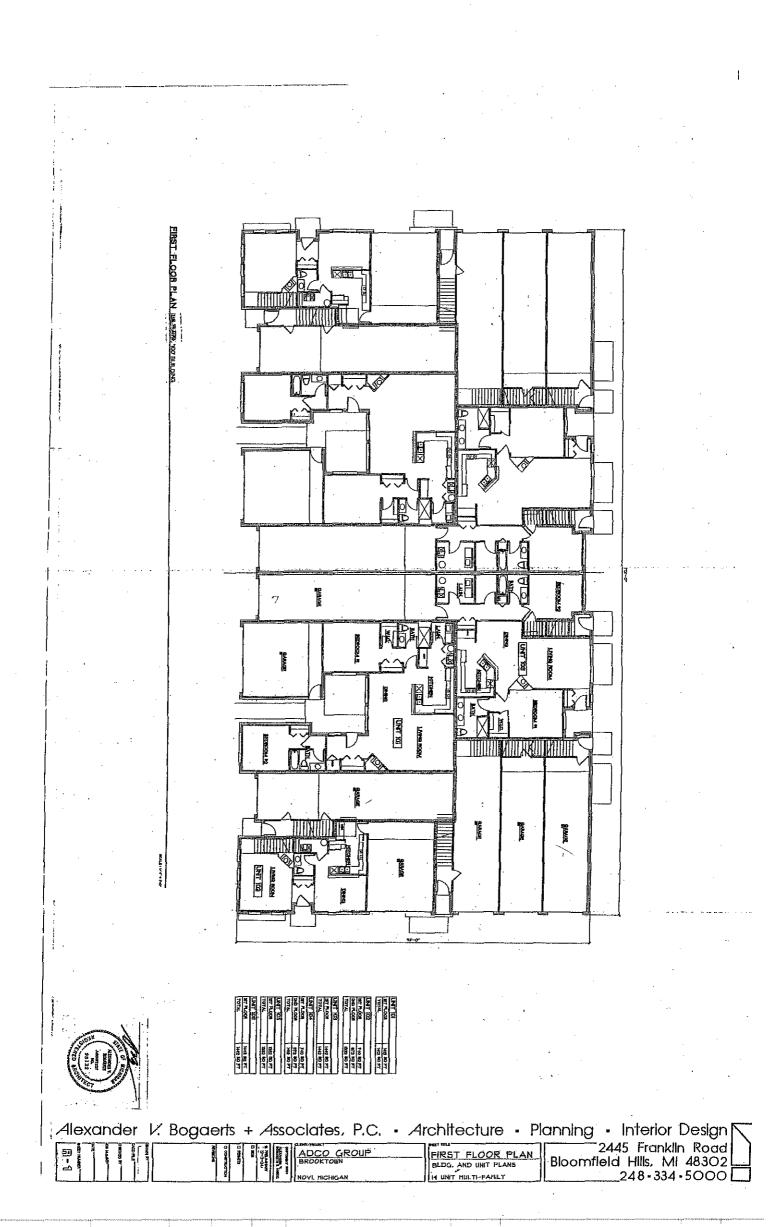
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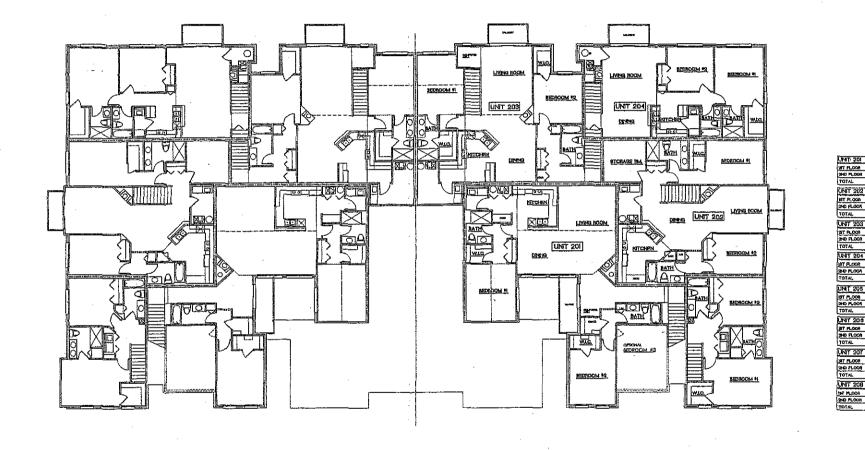


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SECOND FLOOR PLAN 104 PLED 100 BUILDING

BCALE : 1/4' = 1-0"

Interior Design
 2445 Franklin Road

Planning

•

Architecture

С С

Associates,

-|-

V. Bogaerts

Alexander

90 80 FT 1855 50 FT 1742 84 FT

90 90 FT 1997 80 FT 1467 80 FT

11 50 F7 1628 S0 FT 1739 59 FT

83 90 FT H1 60 FT 1204 80 FT

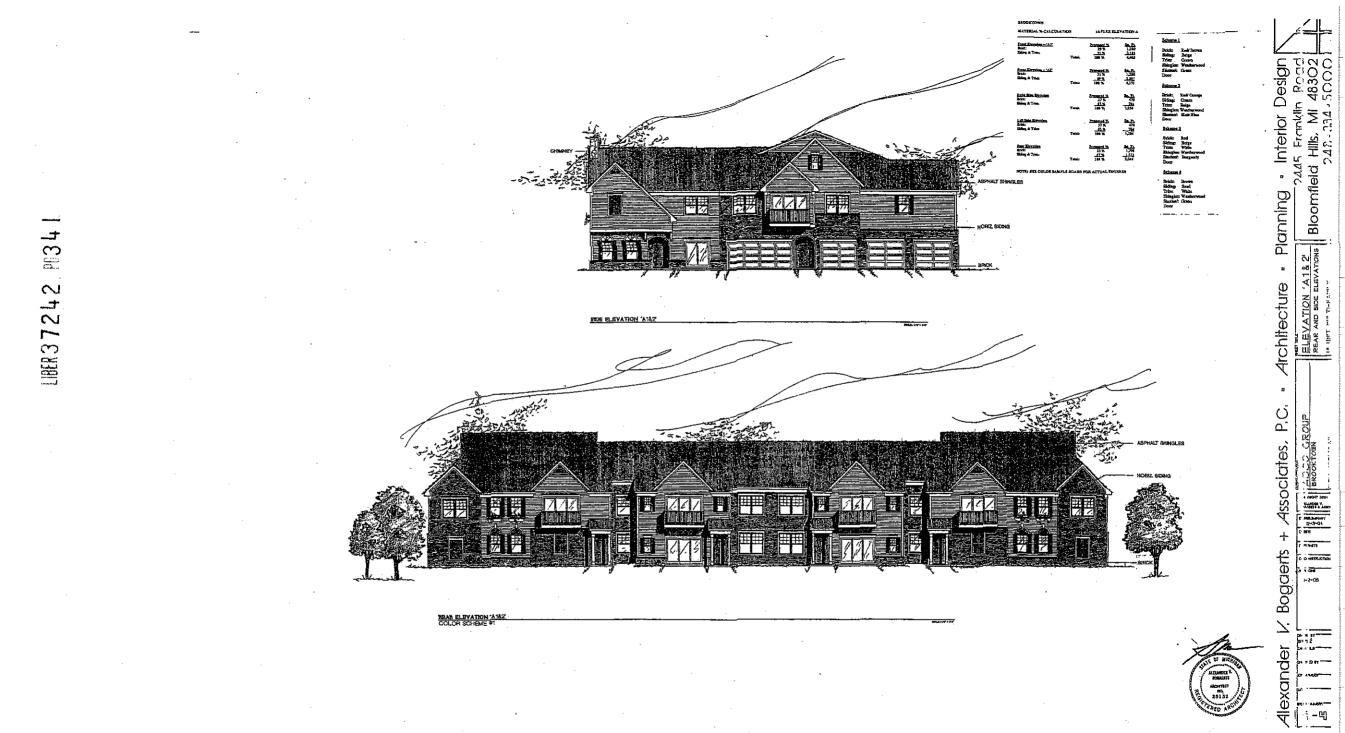
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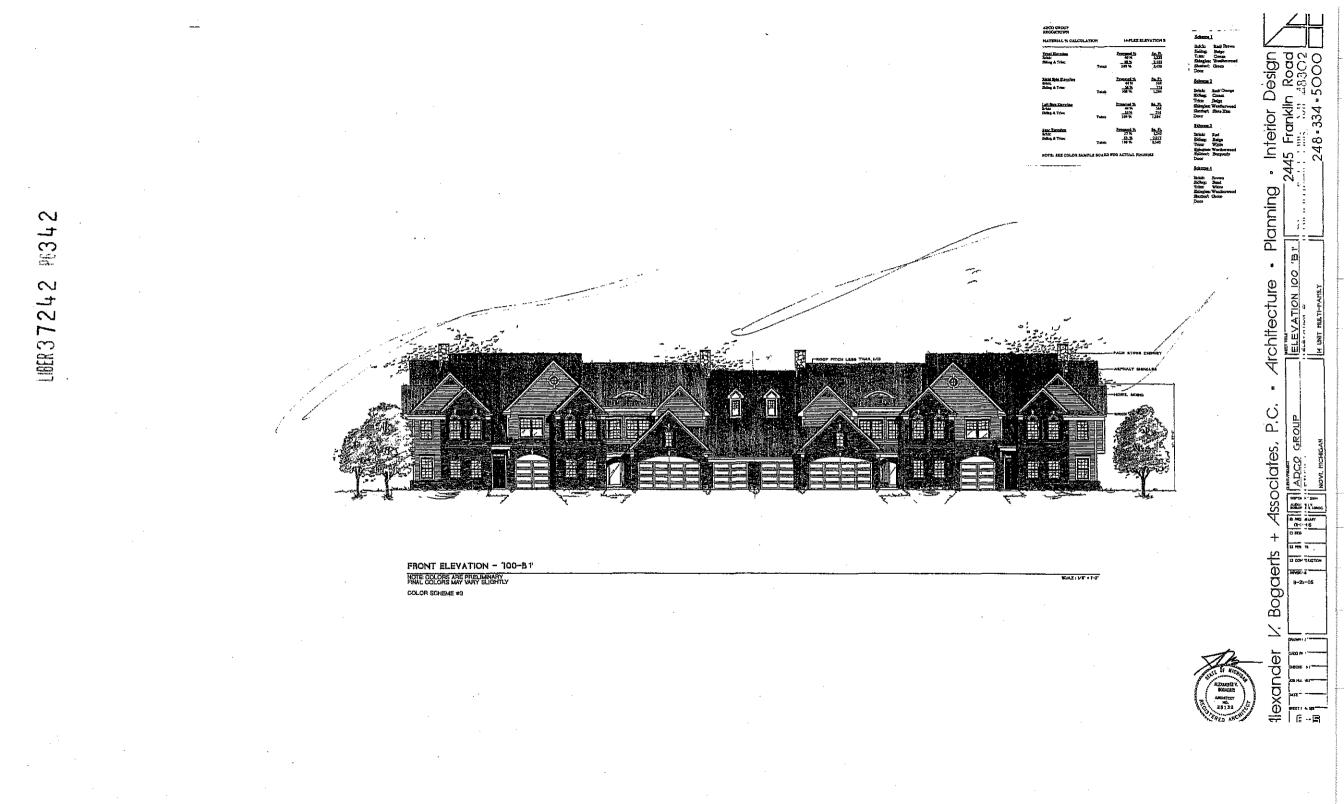
90 80 FT 1997 60 FT 1467 80 FT

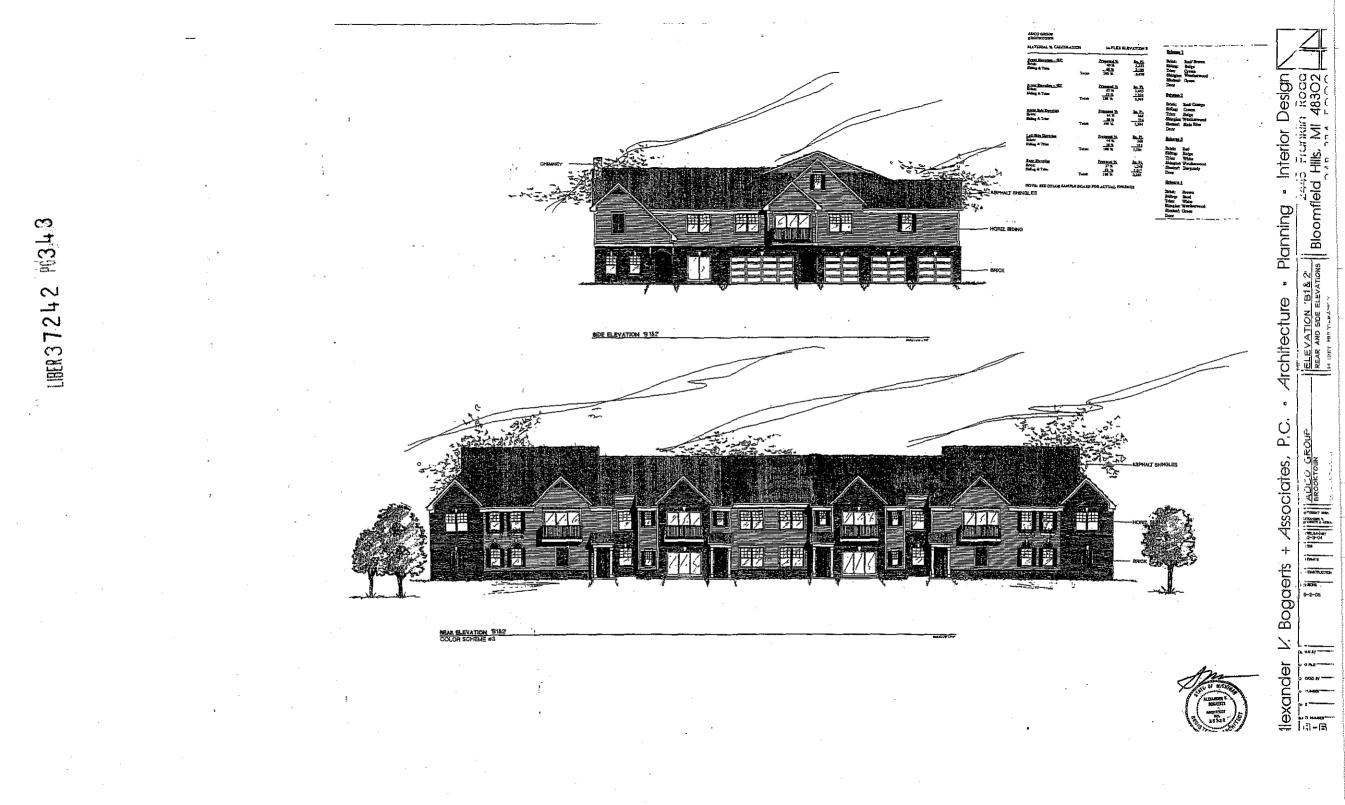
R 80 FT 1622 39 FT 1739 59 FT

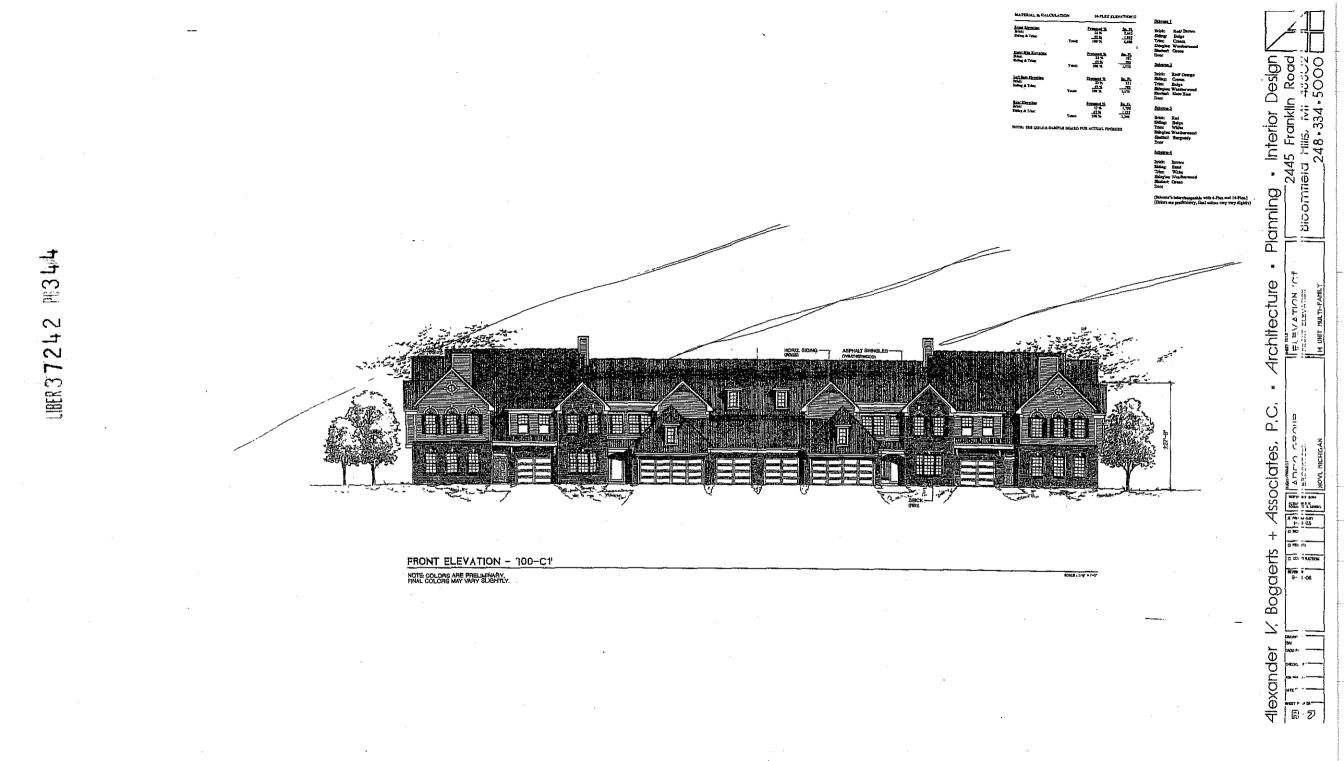
82,80, FT - 143,90, FT 204,90, FT

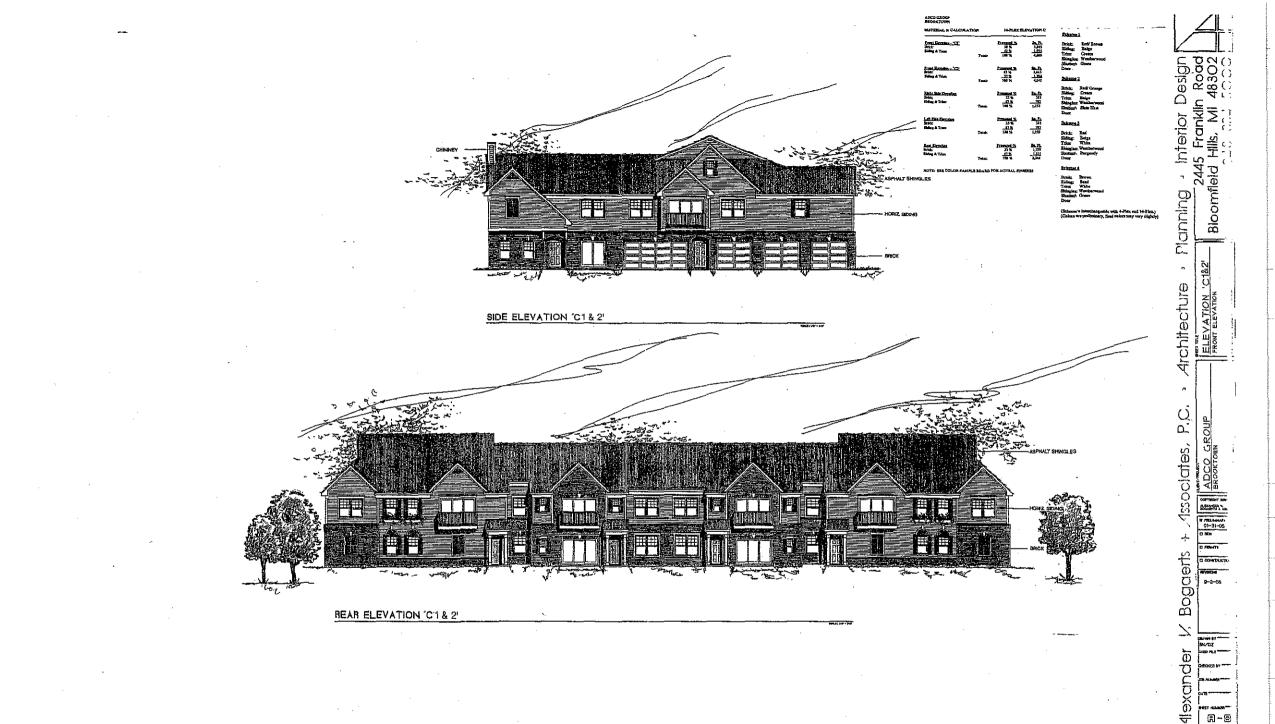








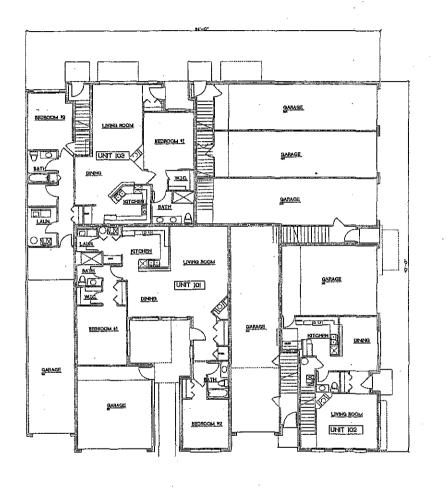


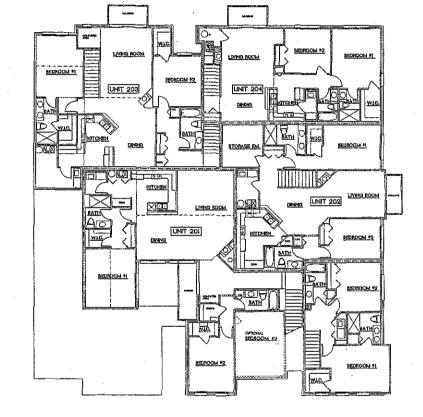


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FIRST FLOOR PLAN - 100-D'

UNIT 101 FIRST FLOOR TOTAL 1412 SQ FT 1412 SQ FT UNIT 102 FIRST FLOOR 740 SO FT SECOND FLOOR 672 SO FT TOTAL 1352 SO FT

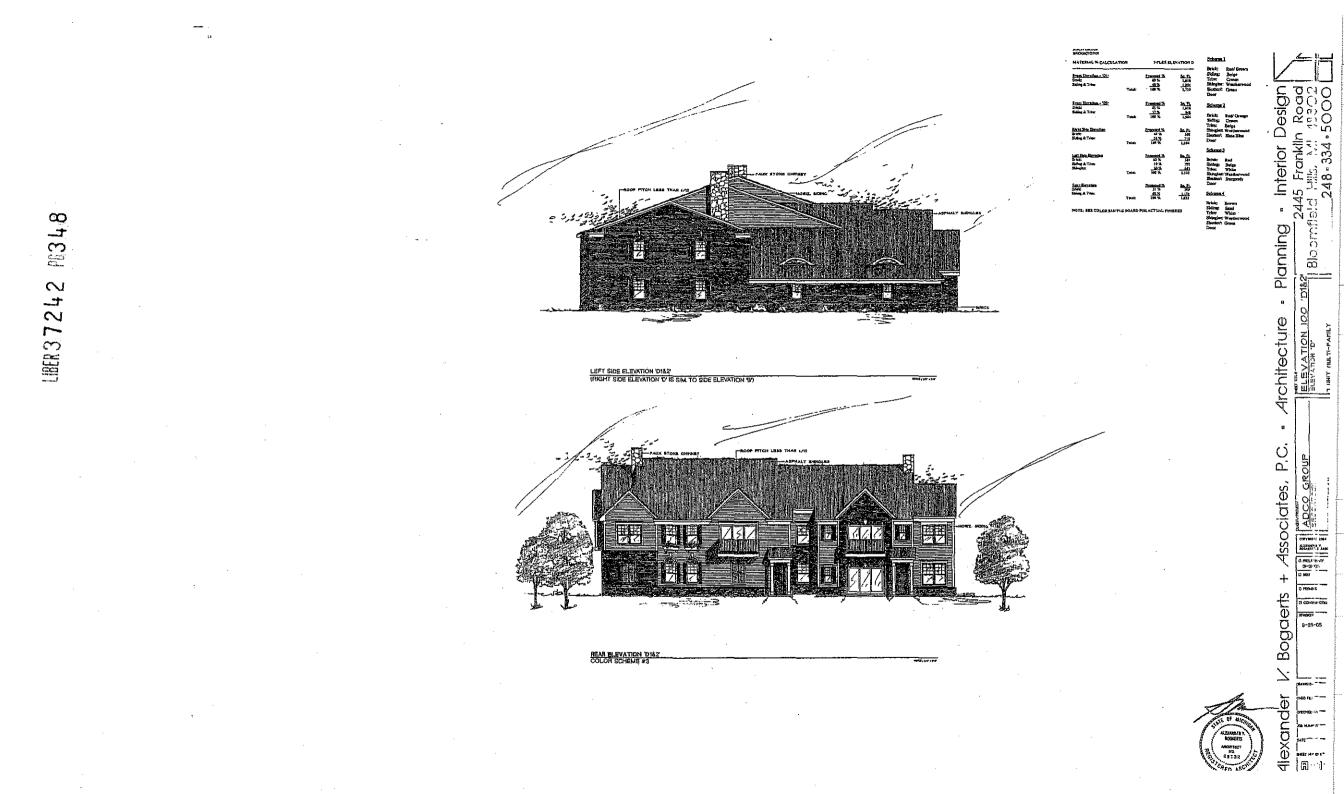
SECOND FLOOR PLAN - 100-D'

UNIT 201 FIRST FLOOR 90 SQ FT SECOND FLOOR 1853 SQ FT TOTAL 1743 SQ FT UNIT 202 FIRST FLOOR 90 SQ FT SECOND FLOOR 1397 SQ FT TOTAL 148 SQ FT

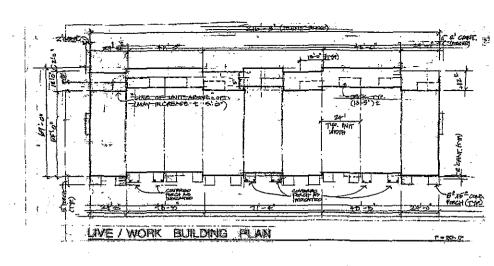
BCALS . 1/8" + T-0"

9CALE | 1/8" = 1-0"





LIBER37242 PE349



Bloomfield Hills, MI 48302

Interlor Design

Planning

R

Architecture

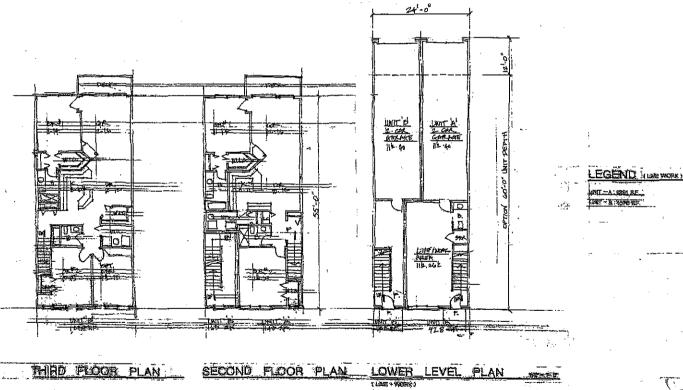
4ssociates, P.C.

Bogaerts

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Alexander

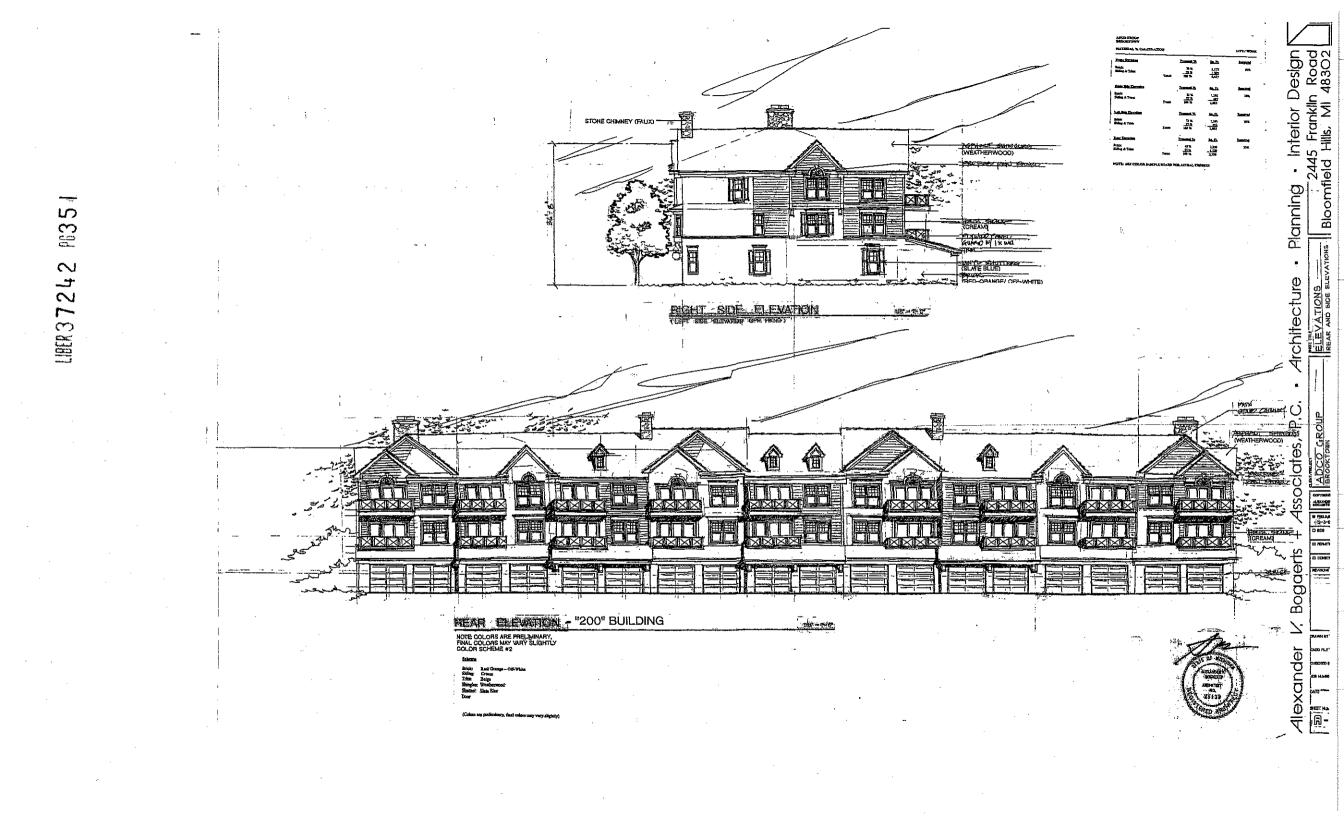
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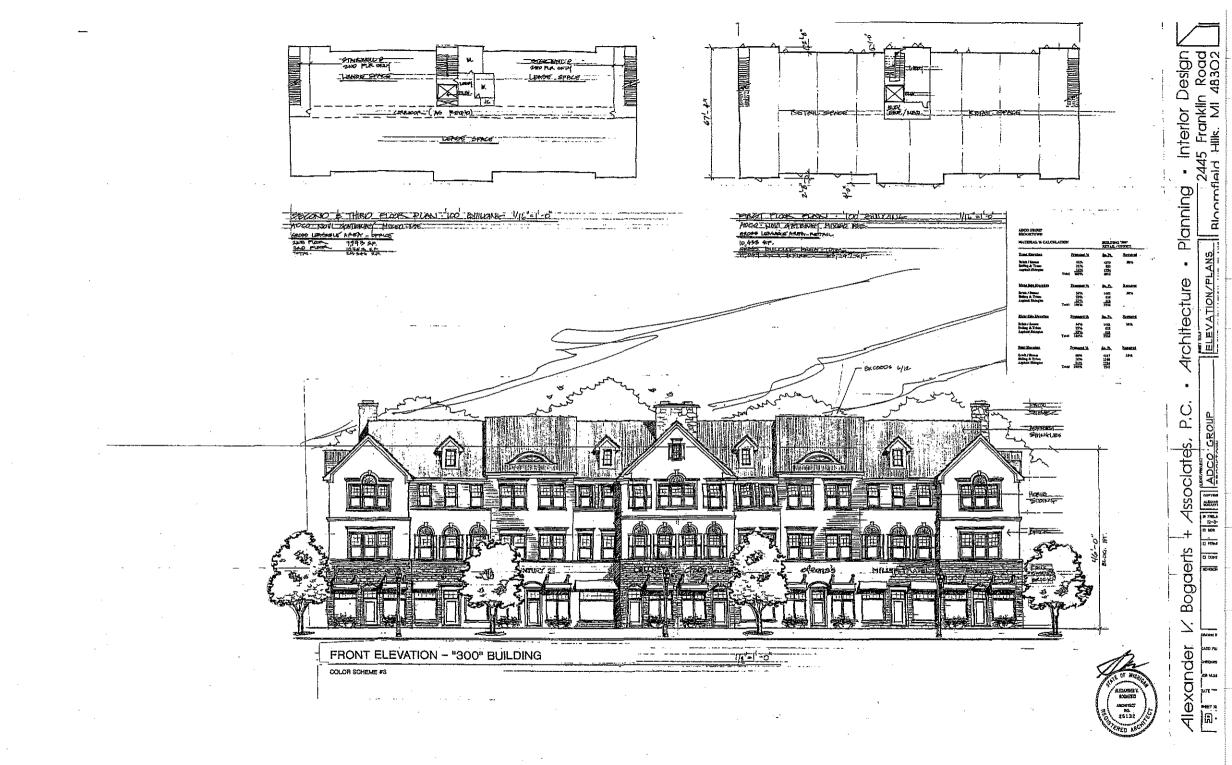




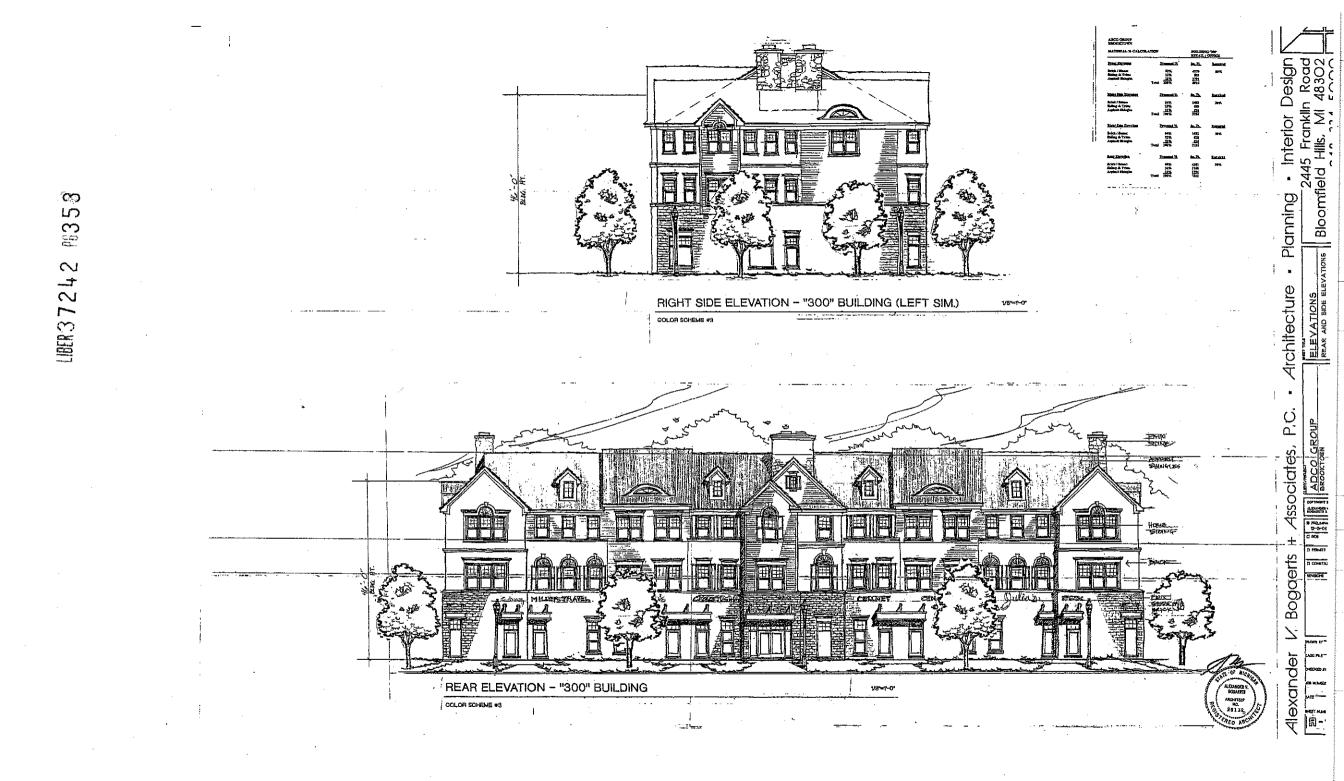
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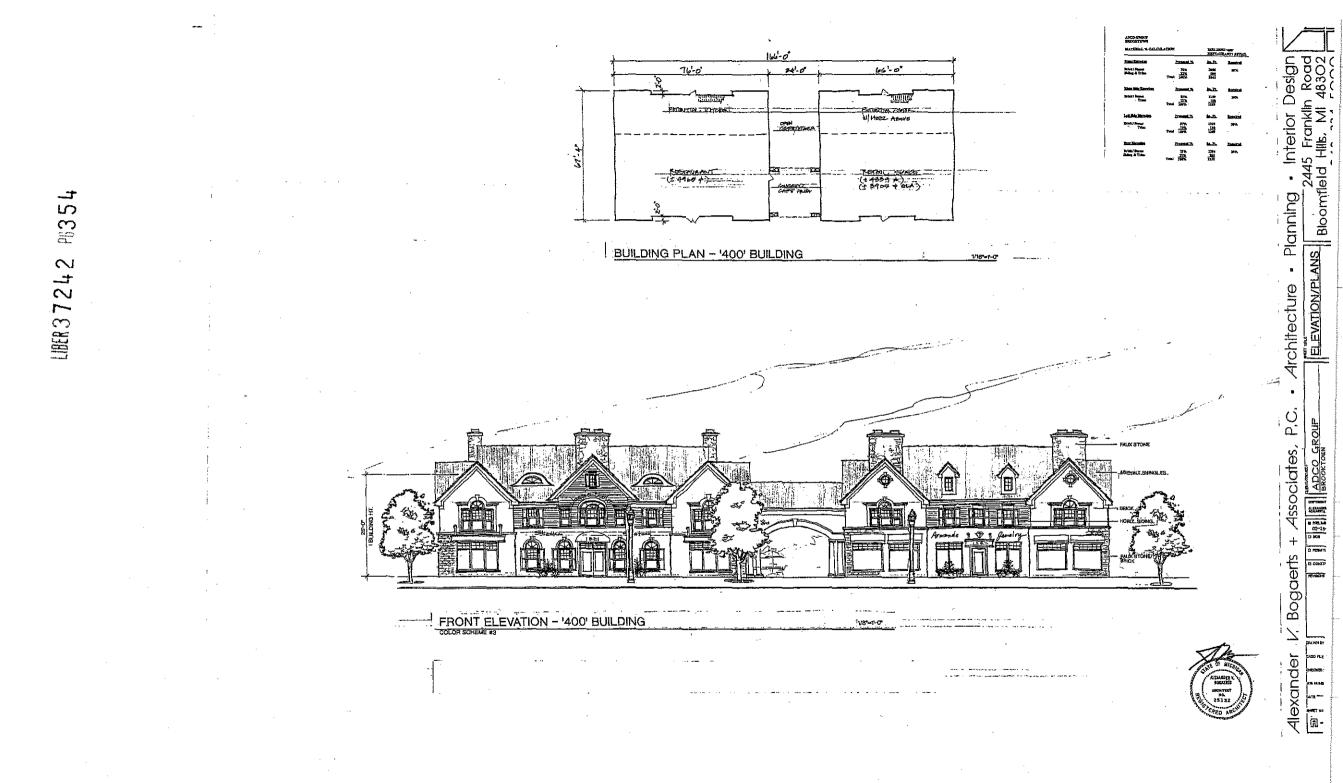
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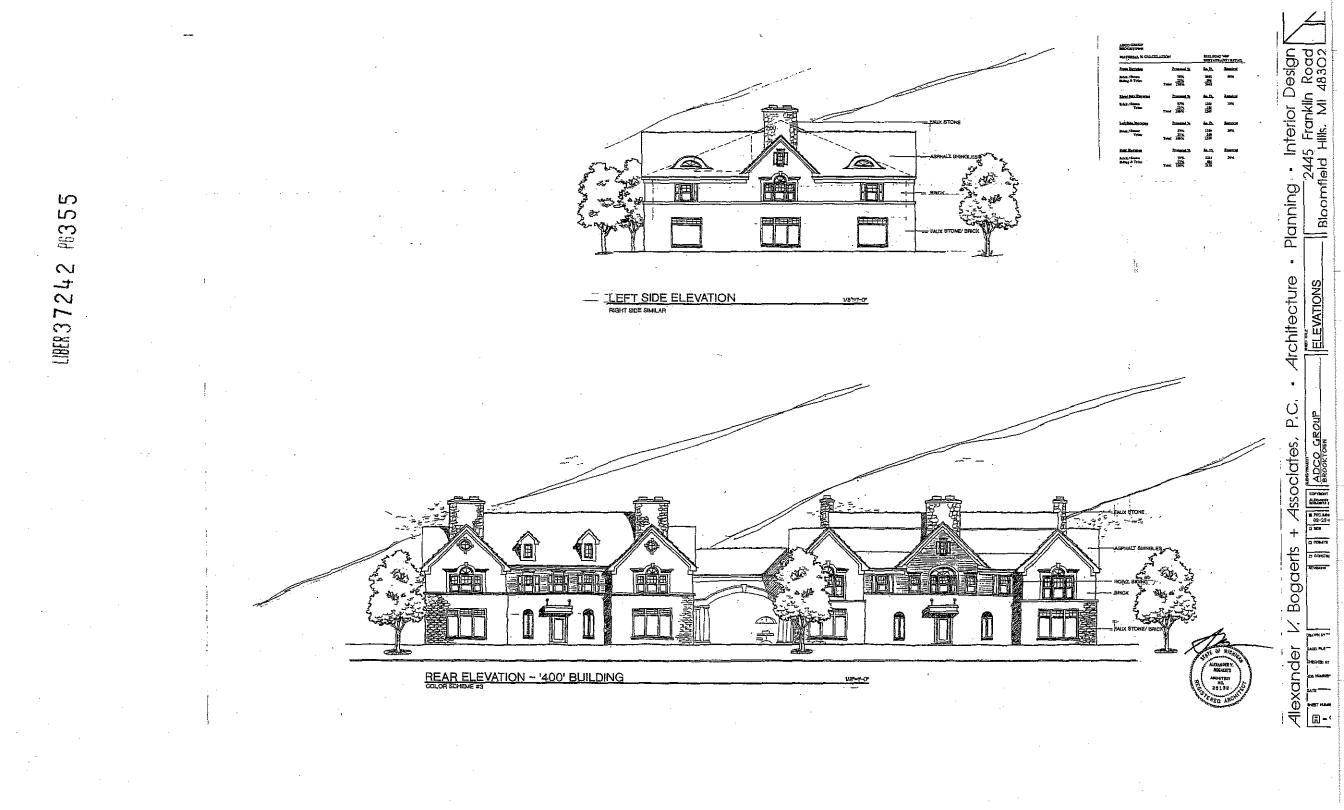


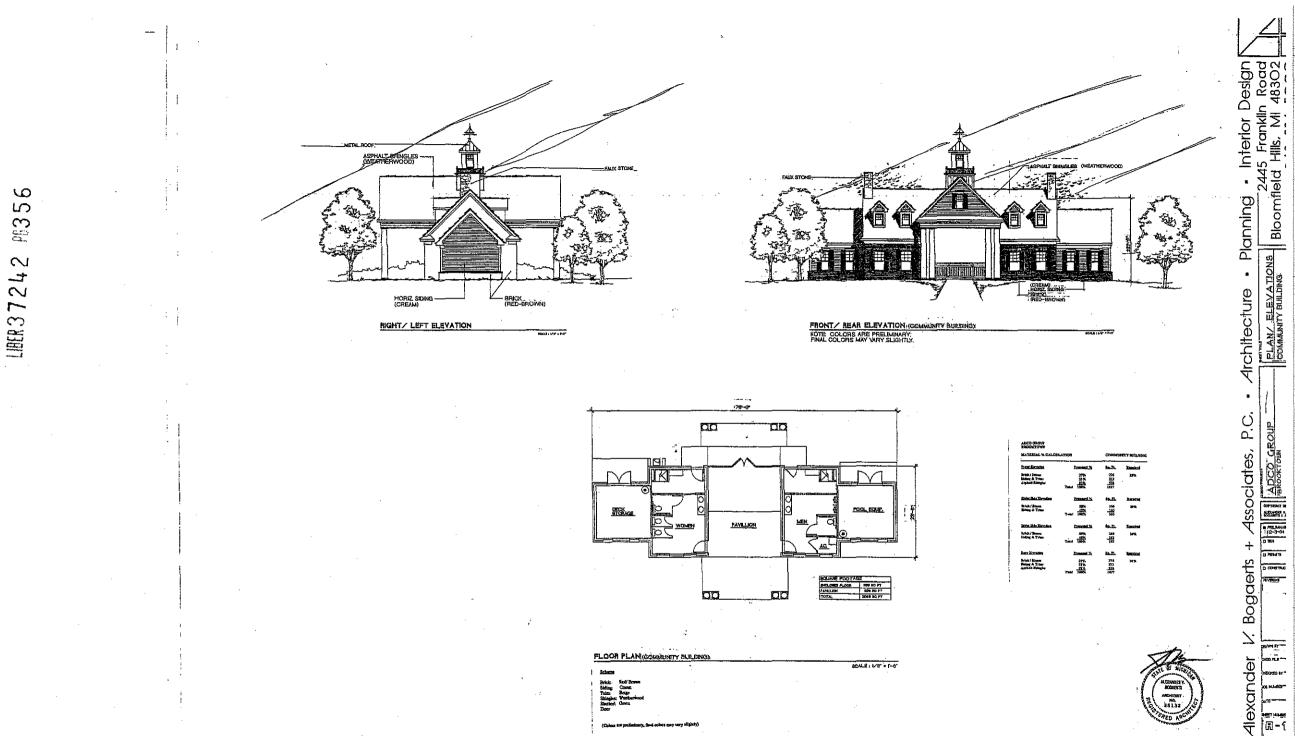


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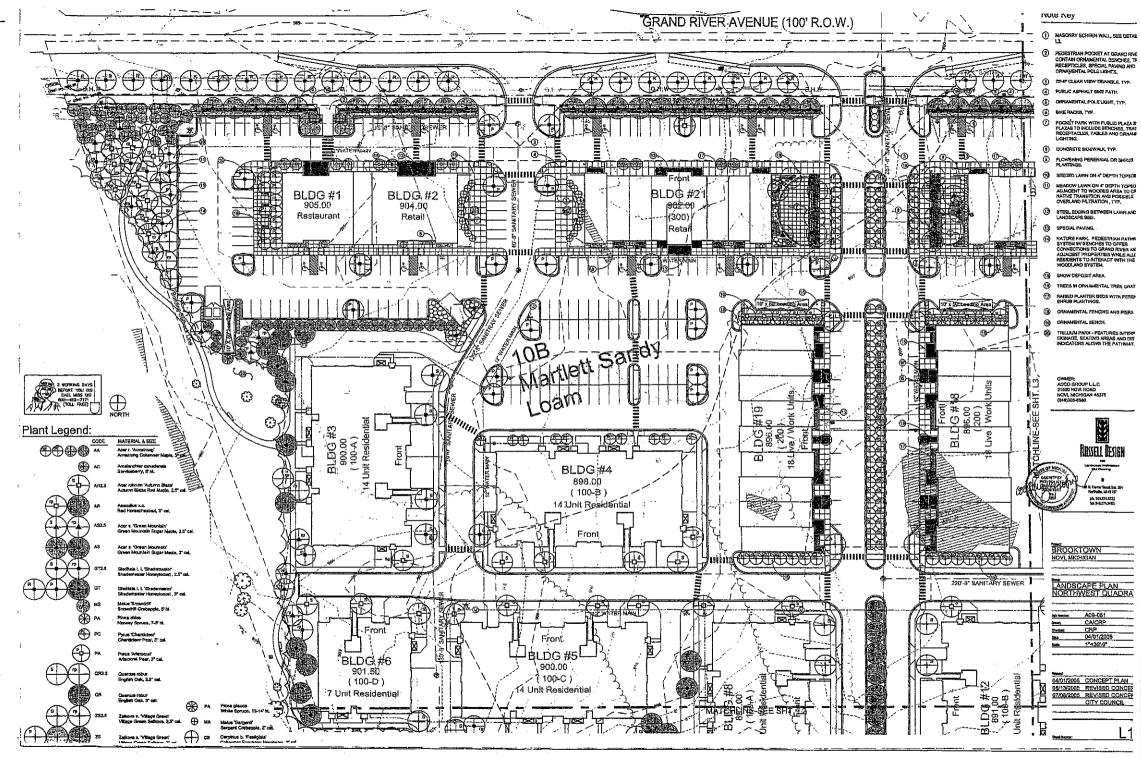








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City of Novi Standard Notes

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ALL PLANT MATERIAL BHALL BE LOCALLY GROWN OR OF THE NORTH MOWEET AMERICAN REGION AND COMFORM TO THE CURRENT AN STANDARDS, LISE NO.1 GRADE PLANT MATERIAL

ALL PLANTINGS SHALL BE INSTALLED NO MORE THAN (33) DAYS AFTER MARCH St IP USE IS READY FOR OCCUPANCY STWAL NOV. 1-MAR. 31

PLANTING PERIOD SHALL BE: APRIL 1-NOV, \$1. ANTICIPATED: 2008-07

SSTARLISHNER'T WITH THE INTERT TO MAINTAIN ALL MATERIAL DI A HEALTY (ARCIMING CONDUCTION FILLE OF THE AND TERMINE DESTINATION OF THE ARCIMIC AND THE ARCIMENT CONTRAL PER VIEWS, JUNE, LALVA, AND THE ARCHIVE GURANTEE PERGOL. ANY FALSING MATERIAL SHALL BE REPLACED WITHIN DOR YEAR, CHT YE BURG MATERIAL SHALL BE REPLACED

ALL LANDSCAPE AREAS SHALL BE BRUGATED BY AN AUTOMATIC PERCATION BY FIEM.

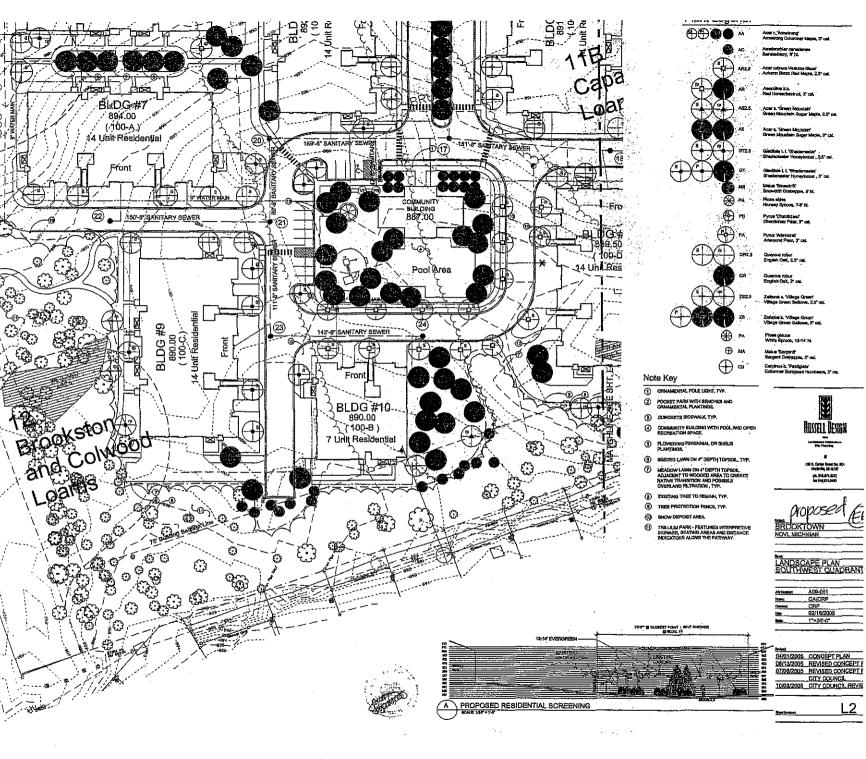
ALL TREE WRAP, STAKES AND GUY SHALL BE REMOVED AFTER ONE WANTER SEASON

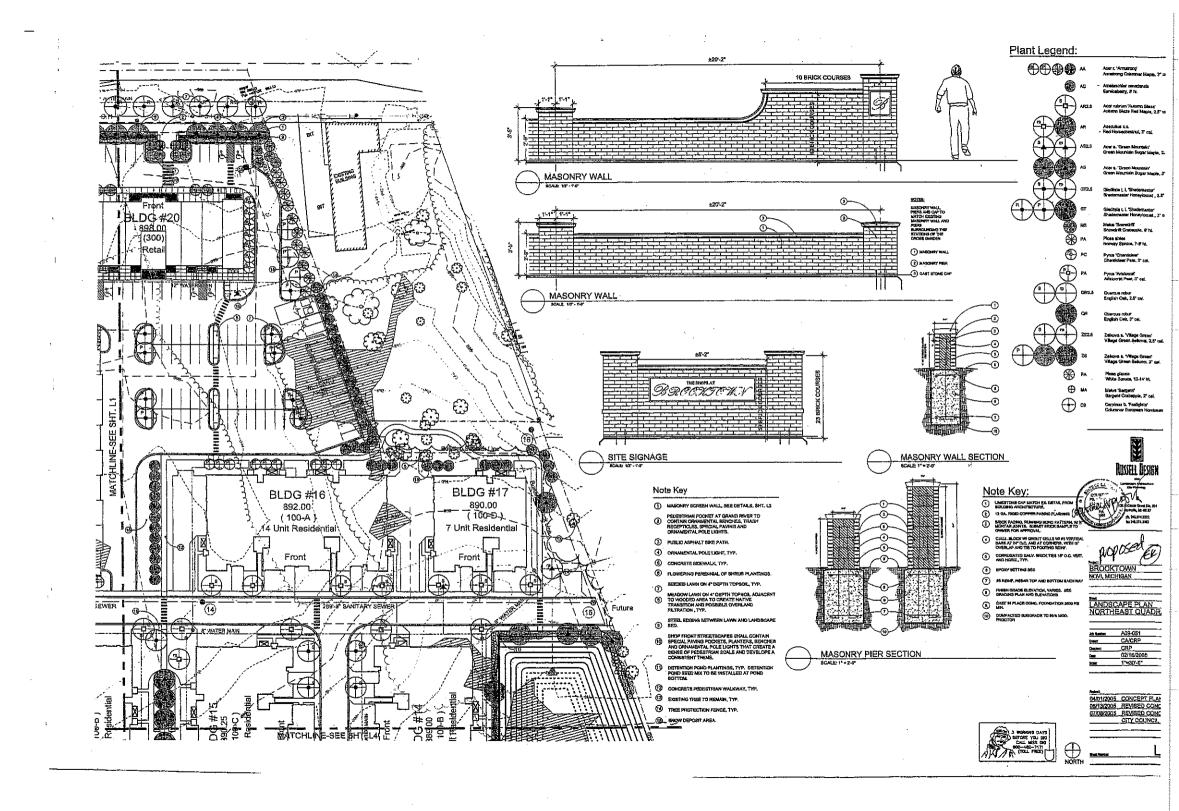
NO PLANTINGS GREATER THAN 12" HIGH SHALL BE PLANTED WITHIN TON (10) PEET OF PIRE HYDRANTS, PLANT MATERIAL SHALL NOT BLOCK VISIBILITY OF HYDRANT.

ANY AND ALL SUBSTITUTIONS OR DEVIATIONS BHALL BE APPROVED BY THE CITY PRIOR TO INSTALLATION.

NATURAL COLOR, FINELY SHREDDED HARDWOOD BARK-825 PLANTING DETAILS FOR DEPTH.







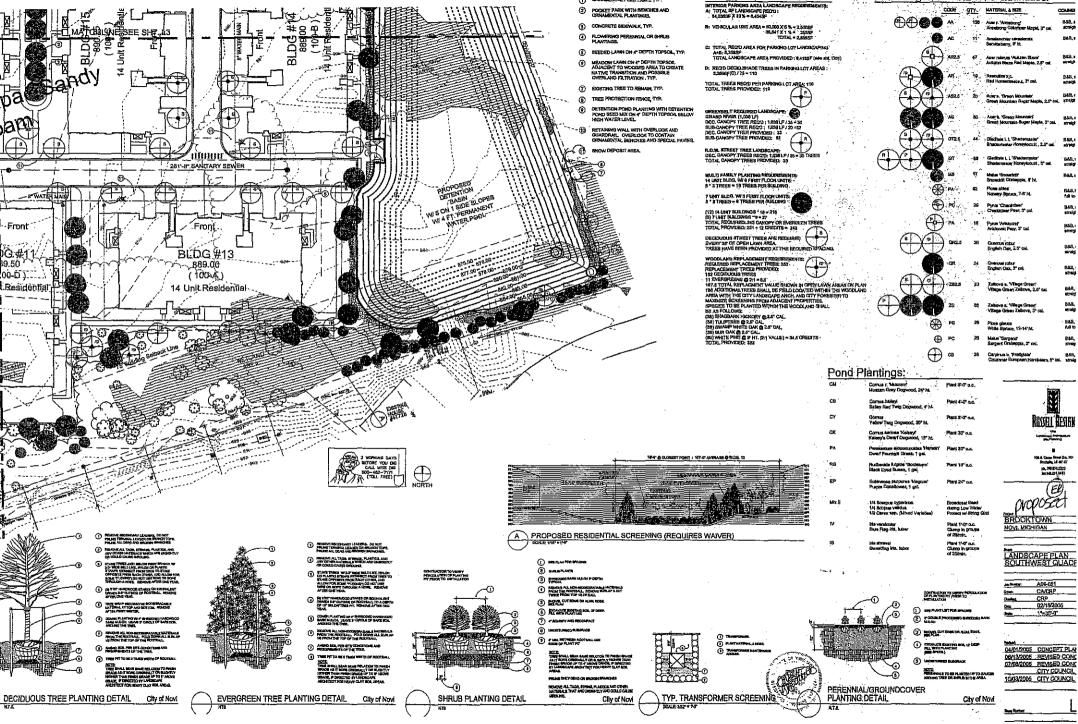
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BLD D õ 🗹 Unit Cđ Fog $\overline{}$ ⎄ $\overline{\mathbf{A}}$ **6** P-15 K FY - & WATER MA 풍· ·· Front 0.DG#11 19.5Ō 100-03. 4 Unit Residential `≶--έ.3 Į 3~ 90 Alacher Bicheley Labourg, Sonat Private Theories, Longer on Parch Tore REPORT ALL TADE, STERING, PARTICL, MC ANY OTHER DESIGNATION AND INCOMPLY ANY OTHER DESIGNATION AND INCOMPLY

17.5



Note Key

() ORNAMENTAL POLE LIGHTS TYP.

Site Landscape Tabulations

Plant Legend / Total Site Quantities:

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888, e

848, s straigh

938, s 2018(5

582, 1 XV (35

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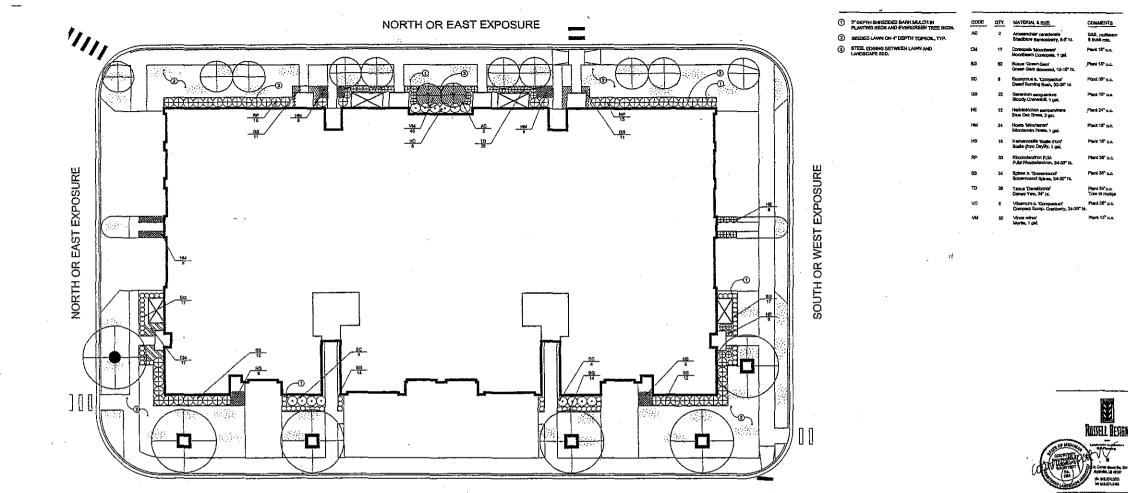
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- 553, Ali to

868, straig

BAR, Norie

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SOUTH OR WEST EXPOSURE

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> OVI. MICHT BUILDING LANDSCAPE P A09-051 CRP 02/16/2005 1*=10/-0*

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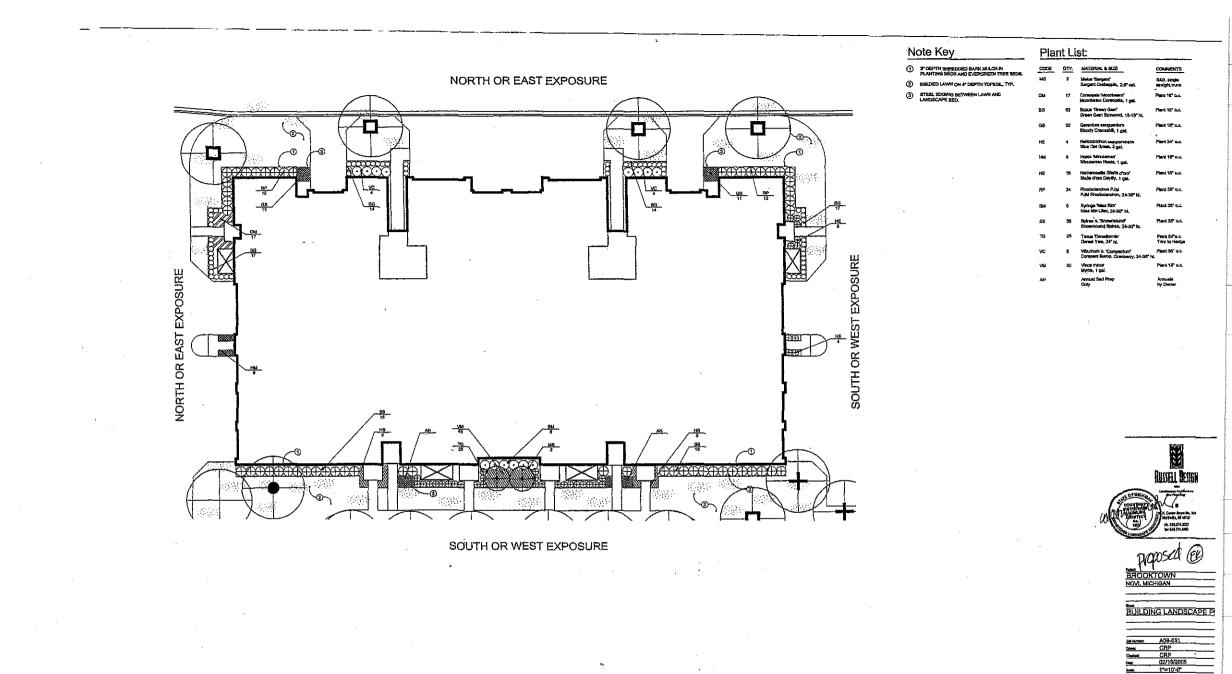
tani 38° o.o

MOL 16" o

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tent 36" o.o.

04/01/2003 CONCEPT PLAN 06/13/2005 REVISED CONCEPT 07/08/2005 REVISED CONCEPT CTTY COUNCIL NORTH 2 MORGING DAYS BEFORE YOU BC CALL MESS DOG CALL MESS DOG L<u>5</u>



04/12/2005 CONCEPT PLAN 04/13/2005 REVISED CONCEPT 07/08/2005 REVISED CONCEPT CTV_COUNCIL

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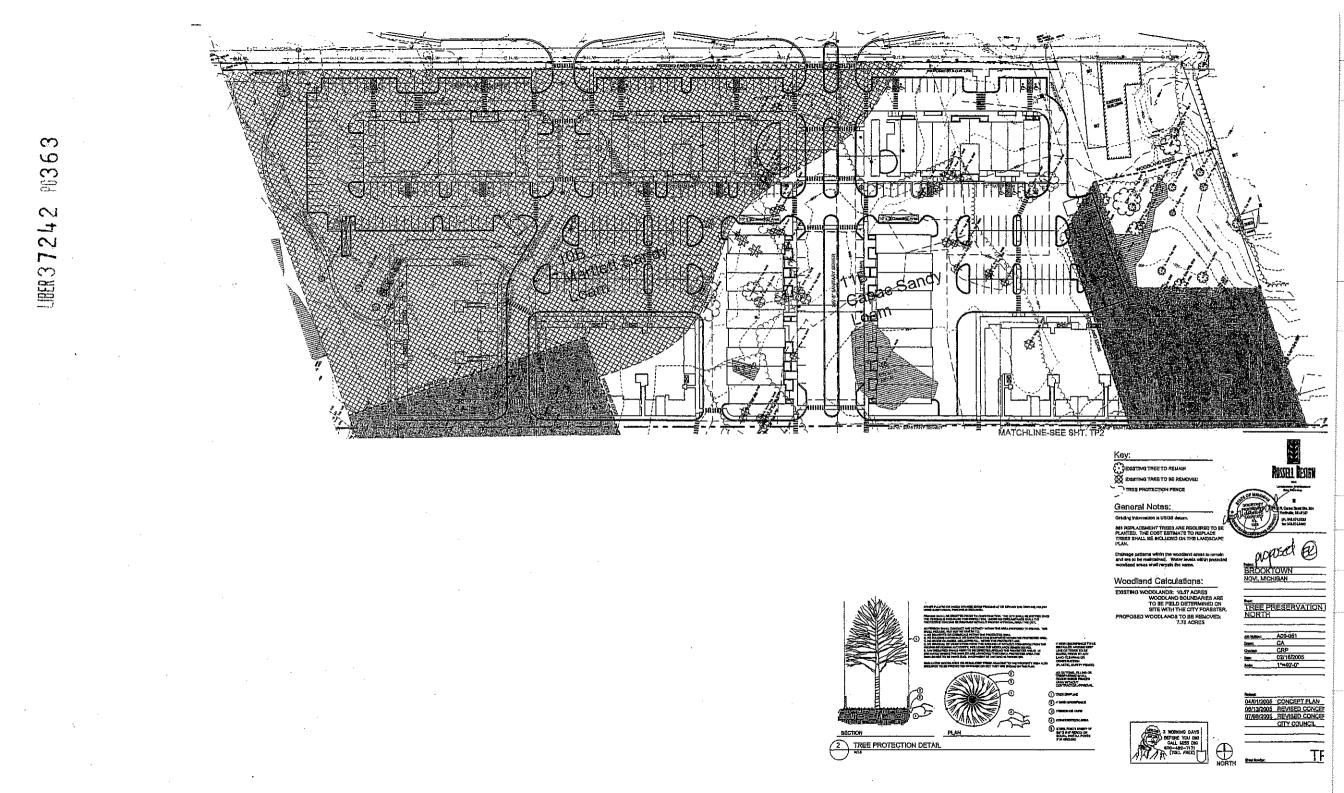
3 KOROCHO DAYS BEFORE YOU DA CALL HISS DA SOD-483-7771

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PG365 LIBER 37242

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General Notes: Set Attended Tree Investmy Island

All yons have been tagged per the City of Novi inte ordinance. Tree inventory by JCK & Association 45660 Grand River Ava. P.C. Sox 759 Novi, Michigan 48376

Grading information is USGS dature.

Netet 04/01/2005 CONCEPT PLAN 06/13/2006 REVISED CONCEPT 07/08/2005 REVISED CONCEPT CTCY COUNCE

ab Muriter -

ACB-051 CA CRP

02/18/2005 N/A

<u>TP</u>