



SUBJECT: Consideration of the request to amend the Maples of Novi Planned Unit Development (PUD) Agreement and Area Plan at the request of JMSS Novi, LLC, for IXL Learning Center of Novi, JSP21-03. The site is on approximately 30.32 acres east of Novi Road, and south of Fourteen Mile Road in Section 2. The applicant is proposing to repurpose a clubhouse into an education center with a capacity limit of 120 children, improvements to the parking lot, and the addition of an outdoor play area with visual screening. The applicant has indicated that they will, at a minimum, maintain the existing golf course as open space.

SUBMITTING DEPARTMENT: Community Development Department - Planning

BACKGROUND INFORMATION:

The request is part of the Maples of Novi Planned Unit Development (PUD), and consists of 30.32 acres of land located on the south of Fourteen Mile Road and east of Novi Road. The site currently has a golf course, maintenance building, and clubhouse. The applicant is proposing to repurpose the entire clubhouse into an education center for children. The plan for this development indicates that the hours of operation will be from 7am to 6pm and will serve a maximum of 120 children on a daily basis. The plan shows improvements to the existing parking lot, and the removal of the existing swimming pool to add an outdoor play area screened with a five-foot tall vinyl fence, eight-foot tall spruce and six-foot tall arborvitae plantings.

At this time, the applicant is seeking to amend the Maples of Novi PUD Agreement and Area plan to allow the change in use of this site from a golf course and clubhouse to a daycare center. Although the PUD Section of the Zoning Ordinance was removed in 1997 (Ordinance 97-18), the ordinance remains in place to address any proposed changes to the existing PUDs within the City. Per Article 27, Section 9, "a developer may request an amendment to an approved area plan [...]." Also, "any amendment to an approved preliminary or final site plan which results in a major change in the approved area plan, as defined in this Section, shall require an amendment to the approved area plan."

It is the Planning Commission's determination that the applicant is requesting a major change the Maples of Novi (PUD) Agreement and Area Plan as defined in the ordinance, since modifying the clubhouse to be used for a learning center, and changing the golf course to grassy open space are both *a change in concept of the development and a change in use or character of the development*. Under the ordinance, the process for consideration is for an application to be made for consideration of the change, and if the Planning Commission determines that the change is considered a minor change, the Planning Commission is authorized to approve the change. The burden shall be on the applicant to show the reasons for any requested change owing to changed physical or economic factors, or consumer demand. Major changes are considered for approval by the City Council.

June 9, 2021 Public Hearing

This request initially went before the Planning Commission on June 9, 2021, as a public hearing. Following considerable comment and discussion, the matter was postponed by the Planning Commission and the applicant was asked to meet with the community members and develop a revised plan addressing a number of concerns including traffic, noise, and the status of the golf course. See attached minutes from the June 9 meeting.

Modifications from the initial submittal

The plan for the IXL Learning Center has gone through a number of changes since the initial submittal: the daily use of the education center has increased from 67 children to a maximum of 120 children per day (per attached correspondence and notes below), the applicant has offered to enter into an agreement to cut and maintain the open space grass, all references to "future development" on the Property Use Plan have been removed from the plan, sectional views have been added to show sight lines and the visual relationship between the playground screening and the nearby residences, the applicant has indicated a willingness to create a disc golf course if it is in the interest of parties involved, and the applicant has met with a number of members within the Maples of Novi community regarding the project.

January 26, 2022 Public Hearing

The applicant made a revised submitted in November 2021 addressing a number of the concerns raised at the initial public hearing. The applicant increased the capacity to 200 children in the learning center. Staff and consultants provided review letters for the revised submittal and sent public hearing notices to all of the homes in the Maples of Novi, as requested by the Planning Commission at the earlier public hearing. The applicant appeared before the Planning Commission on January 26, 2022 for a second public hearing. See attached minutes from the January 26 meeting.

Following further input and discussion, the Planning Commission determined that the request was a major change to the approved PUD Agreement and Plan as noted below:

1. The requested amendment constitutes a major change to the PUD Agreement and Area Plan because the modification proposed includes a change in use and character of the development as indicated by Article 27, Section 9, Subheading C, specifically, as a:
 - a. Change in the concept of the development, since the applicant is changing the use from a golf course and clubhouse to open space and a learning center facility, and
 - b. Change in use and character of the development, since the applicant is proposing a change in use from a golf course and clubhouse to open space and a learning center facility.
2. The application does not constitute a minor change to the PUD Agreement and Area plan since it does not meet the following criteria that are typical of a minor change:

Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:

- a. A change in residential floor area;
- b. A change in nonresidential floor area of five percent or less;

- c. Minor variations in layout which do not constitute major changes; and or
- d. A change in lot coverage and FAR of the entire PUD of one percent or less.

Further, the Planning Commission recommended denial to the City Council of the amendment to the PUD Agreement and Area Plan, for the following reasons:

- i. The proposed daycare center use exceeds more than 120 children on a daily basis, which is not an allowable use within the Residential Acreage (RA) Zoning District.
- ii. A Traffic Impact Statement has not been provided, which is currently required for the number of children indicated on the latest submittal (200).
- iii. The request for amendment does not clearly state the reasons or conditions for the requested change, such as the following: changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or reasons mutually affecting the interests of the City and developer, such as technical causes, site conditions, state or Federal projects and installations, and statutory revisions.
- iv. The Planning Commission is not able to make a finding such that the submitted reasons and requests are reasonable and valid.
- v. The Applicant has not established that the change in use will not adversely affect adjacent property owners, given the increase in traffic and noise attendant to the proposed new use and the change in the nature of the overall use of the site, as a whole.

During or following the January Public Hearing

Upon initial review, the City's Traffic Consultant determined that based on the usage of the site and the initial count of 67 children, that the trip generation did not exceed the amount required for a traffic study. When the applicant revised the submittal to allow a capacity of 200 children, a new traffic review determined that the number of daily (one-directional) trips triggered the need for a traffic study. This was noted at the Planning Commission meeting on January 26, 2022, and the lack of the required traffic study was stated as a reason for the Planning Commission's recommendation for denial.

The applicant has now revised the request to reduce the capacity to serve up to 120 children. This would fall below the threshold for requiring the preparation of a traffic study. The applicant recently explained (in the attached email) the decision to limit the number of children, and the ability to assure that a maximum number of children would be met: *The decision was based on the current ordinance of not allowing more than 120 children and IXL Kids will enforce this rule similar to all of their other locations.*

Regarding the traffic concerns noted by staff and by the residents of the Maples of Novi community, the applicant was asked to indicate if any alternatives (such as adding an access drive) have been explored. The applicant recently explained the following: *We have inquired with the Oakland County Road commission about adding another access point directly into the Clubhouse parking lot. The OCRC does not currently recommend an additional access point and we would need to provide further information and studies for them to consider changing their position.*

The current owner of the property has stated that the existing golf course will no longer operate as a golf course, so the applicant has offered to preserve the existing golf course as open space maintained in a manner as described as "regularly and consistently mowed". The applicant recently clarified what this meant in the attached email: *JMSS Novi, LLC will agree to cut the grass of the golf course once a week during the peak season of cutting season and bi-weekly at the beginning and end of the cutting season.*

If approved by the City Council, the applicant's attorney will need to work with the City Attorney to determine the appropriate language for the amendment to the PUD Agreement and Area Plan, to return to Council for final approval, followed by Preliminary Site Plan review by the Planning Commission, and administrative Final Site Plan review. More information about the Maples PUD history and documents can be found starting on page 183 of the document found here: [Planning Commission Meeting - January 26, 2022 - Public Hearing 1 - JSP21.03 - IXL Learning Center of Novi \(cityofnovi.org\)](#)

RECOMMENDED ACTION:

Two options presented for consideration

- 1. Denial** of the request of JMSS Novi, LLC, JSP21-03 IXL Learning Center of Novi, to amend the Maples of Novi Planned Unit Development Agreement and Area Plan for the following reasons:
 - a. The Planning Commission correctly determined that the proposed amendment constitutes a major change to the PUD Plan and Agreement.
 - b. The request for amendment does not clearly establish the need for the specific proposed amendment and new use as required by Section 2700.9.b of the PUD Ordinance, because the proposed use is not a beneficial improvement to the existing PUD development and the surrounding area as compared to other potential permitted uses.
 - c. The proposed new use does not represent a recognizable and substantial benefit to the residents and users of the PUD and to the City, because the proposed use does not appear to be intended to serve the residents or other members of the PUD or the immediately surrounding area.
 - d. The proposed new use would not be compatible with or would adversely affect adjacent property owners, given the noise attendant to the proposed new use, the change in use from a golf course to an open space without adequate plans being provided for the long-term use and maintenance of the open space.
 - e. The Applicant has not shown that there would be no unreasonable economic impact on the surrounding property values in the immediate area, including within the existing PUD.
 - f. The proposed mix of uses with the proposed new use would not be advantageous or beneficial to the overall PUD development, as the use is neither residential nor commercial and does not appear to be intended to serve the existing uses in the area.
 - g. The proposed new use is permitted in a residential district only upon approval of a special land use, and several of the criteria for such a use under Section 6.1 of the zoning ordinance would not be met including incompatibility with adjacent uses of land (which are residential) due to the size of the use, noise attendant to the use,

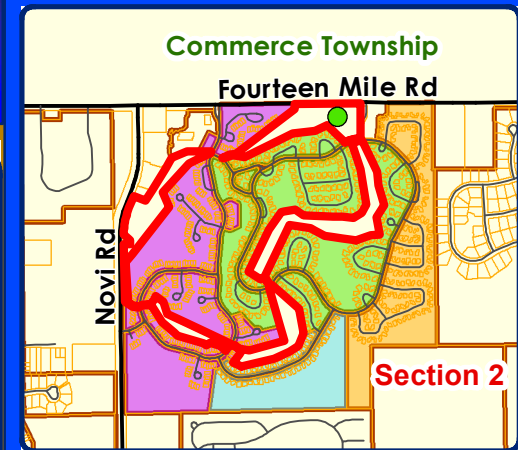
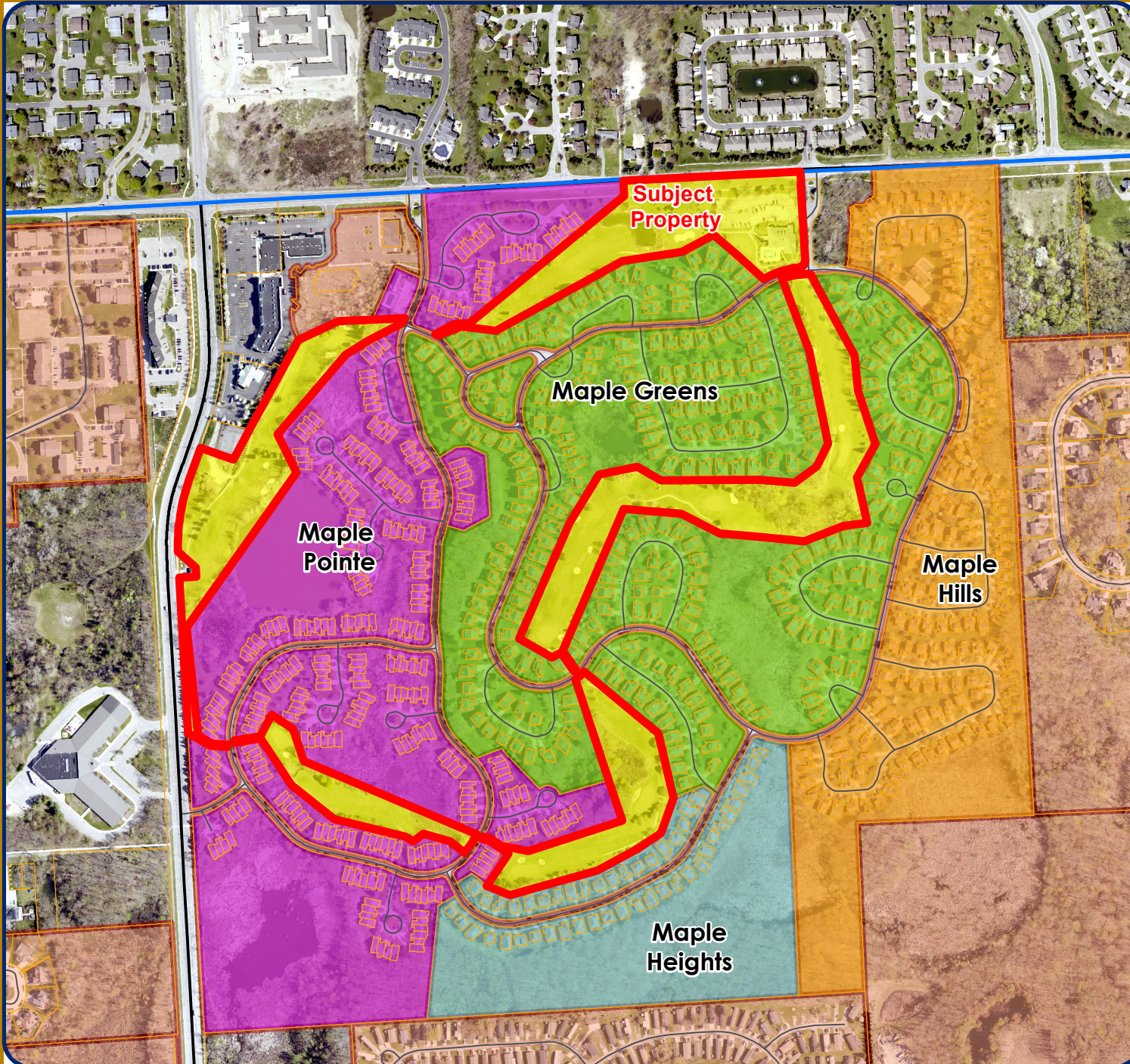
and traffic considerations resulting from the use of neighborhood streets at peak periods; and whether the proposed use promotes the use of land in an economically and socially desirable manner, given the other existing uses in the PUD and the purpose and intent of the PUD.

-OR-

2. **Tentative approval** of the request of JMSS Novi, LLC, JSP21-03 IXL Learning Center of Novi, to amend the Maples of Novi Planned Unit Development Agreement and Area Plan, subject to the submittal of the required amended PUD Plan and the Agreement being drafted by the City Attorney's office and applicant's attorney to return to the City Council for final consideration, because the Applicant has demonstrated a change in economic conditions that necessitate a change in use to the golf course and the proposed new use, while a major change to the PUD Plan and Agreement is compatible with the adjacent uses and other uses in the PUD and the area, subject to the following:
 - a. Approval of a revised PUD Agreement and/or other appropriate documentation that is acceptable to the City and that guarantees that the open space of the golf course will be appropriately maintained, including regular mowing of grass areas, in a manner determined by or acceptable to the City. The preparation and signature of such document(s) is made a condition of this approval.
 - b. Traffic into and out of the site shall be further assessed by the submittal of a traffic study with the Preliminary Site Plan, including the requirement that any recommendations of the traffic study, as determined reasonable and appropriate by the City's Traffic Engineering Consultant, shall be completed by the applicant as a part of the development.
 - c. A noise impact statement shall be prepared by the applicant's sound engineering consultant with the next submittal, and any required noise mitigation will be addressed as a part of the Preliminary Site Plan Review.
 - d. The review comments in the staff and consultant's review letters being addressed at the time of Preliminary Site Plan review.

MAPS
Developments
Location
Zoning
Future Land Use
Natural Features

JSP21-03 IXL LEARNING CENTER OF NOVI DEVELOPMENTS



LEGEND

Maples of Novi Homeowner's Associations

	Maple Greens
	Maple Heights
	Maple Hills
	Maple Pointe
	Subject Property

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

Map Author: Christian Carroll
 Date: 6/4/21
 Project: IXL LEARNING CENTER OF NOVI
 Version #: 1

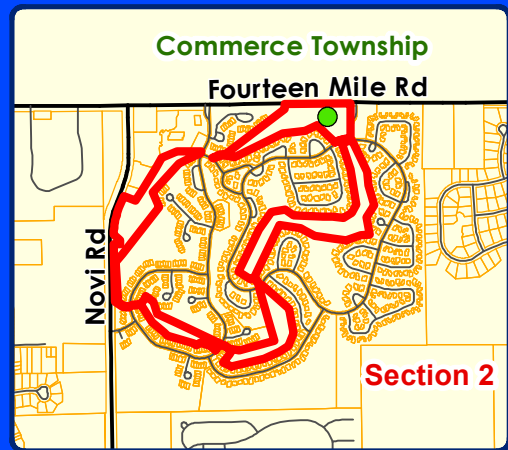
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 1 inch = 561 feet

MAP INTERPRETATION NOTICE

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JSP21-03 IXL LEARNING CENTER OF NOVI

LOCATION




LEGEND

 Subject Property

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

Map Author: Christian Carroll
Date: 6/4/21
Project: IXL LEARNING CENTER OF NOVI
Version #: 1

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1 inch = 420 feet

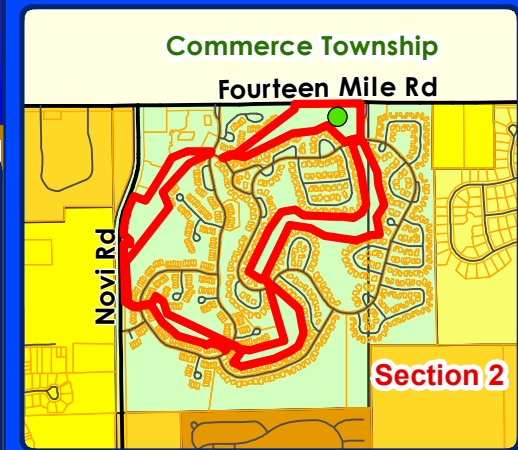
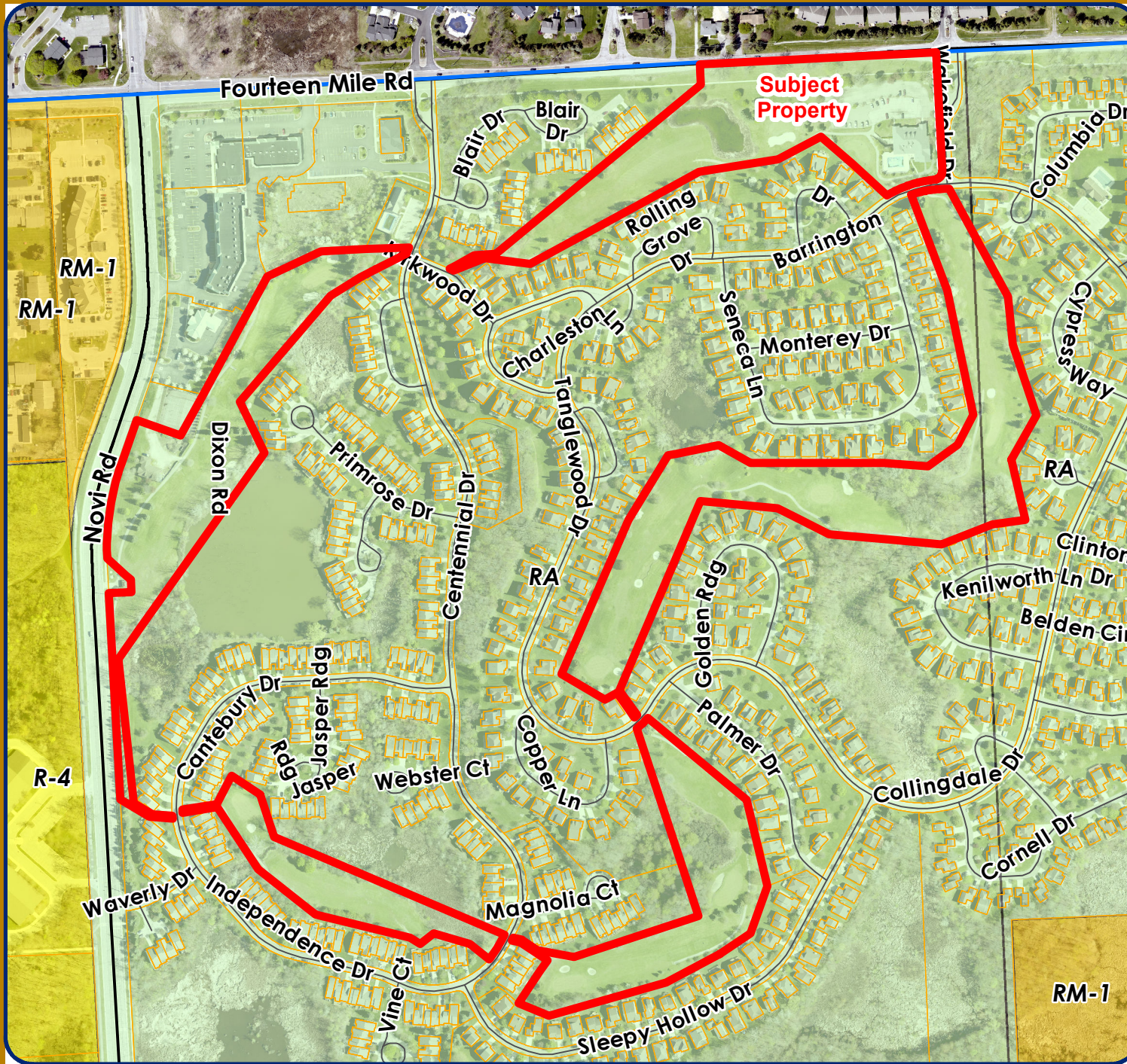


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JSP21-03 IXL LEARNING CENTER OF NOVI

ZONING



LEGEND

- R-A: Residential Acreage
- R-2: One-Family Residential
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- MH: Mobile Home District
- Subject Property

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

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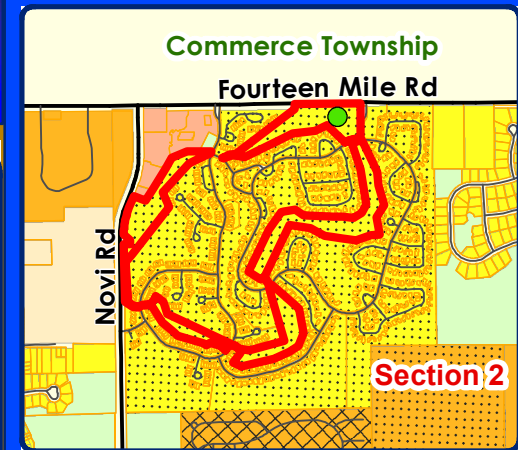
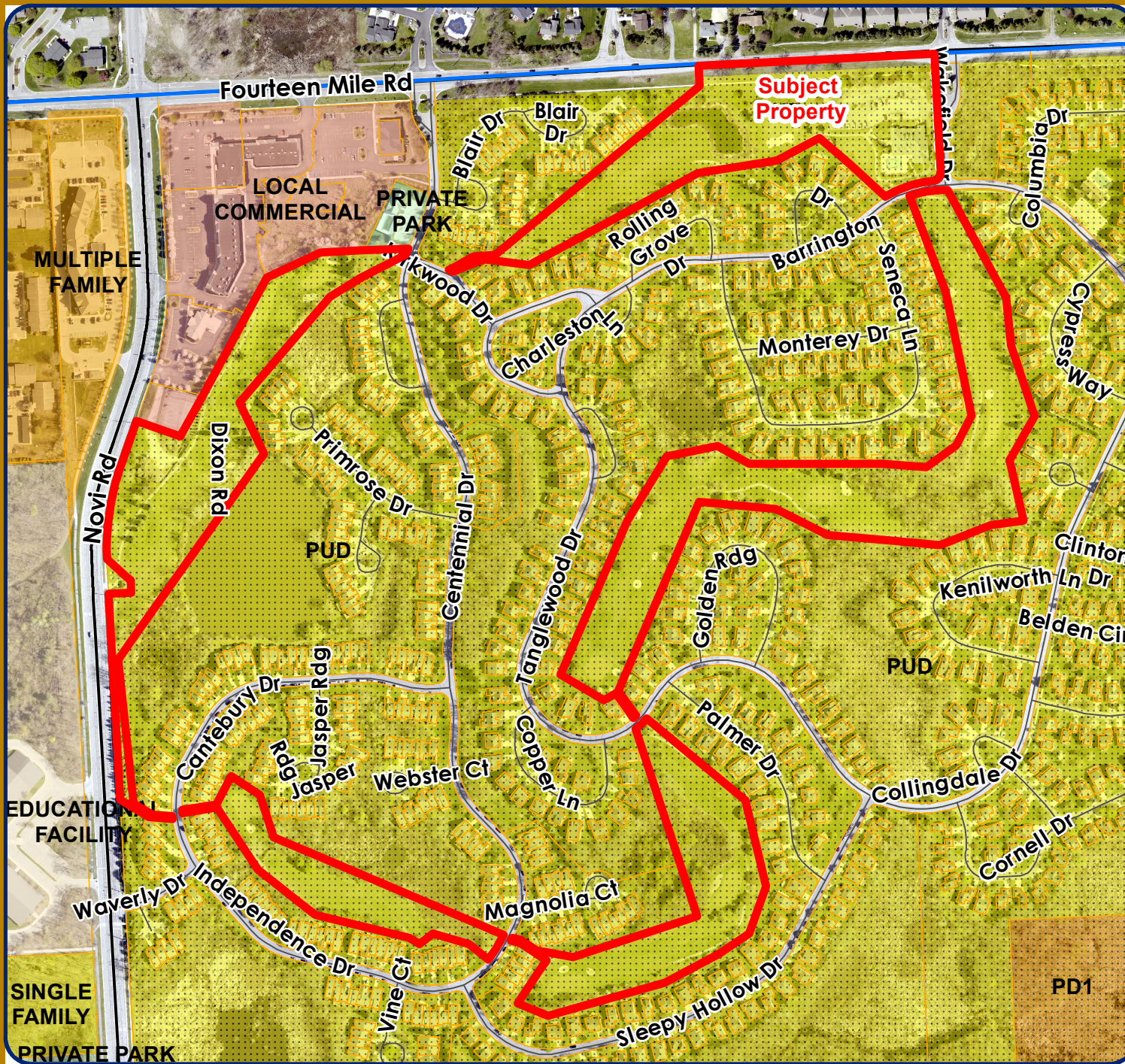
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JSP21-03 IXL LEARNING CENTER OF NOVI

FUTURE LAND USE



LEGEND

- Single Family
- PUD
- Multiple Family
- PD1
- Mobile Home Park
- Local Commercial
- Educational Facility
- Private Park
- Subject Property

City of Novi
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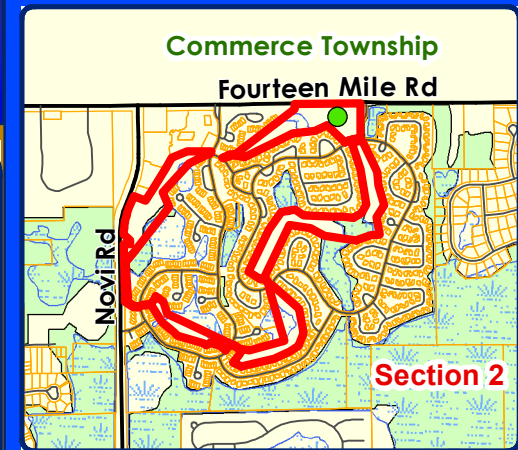
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MAP INTERPRETATION NOTICE



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JSP21-03 IXL LEARNING CENTER OF NOVI

NATURAL FEATURES




LEGEND

-  WETLANDS
-  WOODLANDS
-  Subject Property

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

Map Author: Christian Carroll
 Date: 6/4/21
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0 90 180 360 540 Feet
 1 inch = 420 feet



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SITE PLAN

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



IXL LEARNING CENTER
± 2.35 ACRES

INDEX OF DRAWINGS

- PAP1.1 AREA PLAN
- P1.1 CONCEPT SITE PLAN
- P2.1 CONCEPT FLOOR PLANS
- P4.1 EXISTING ELEVATIONS
- L-1.0 CONCEPT LANDSCAPE PLAN

IXL LEARNING CENTER

NOVI, MICHIGAN

MICHIGAN

OWNER/DEVELOPER:

IXL LEARNING CENTER

PROPERTY USE PLAN
SCALE: 1" = 200'-0"

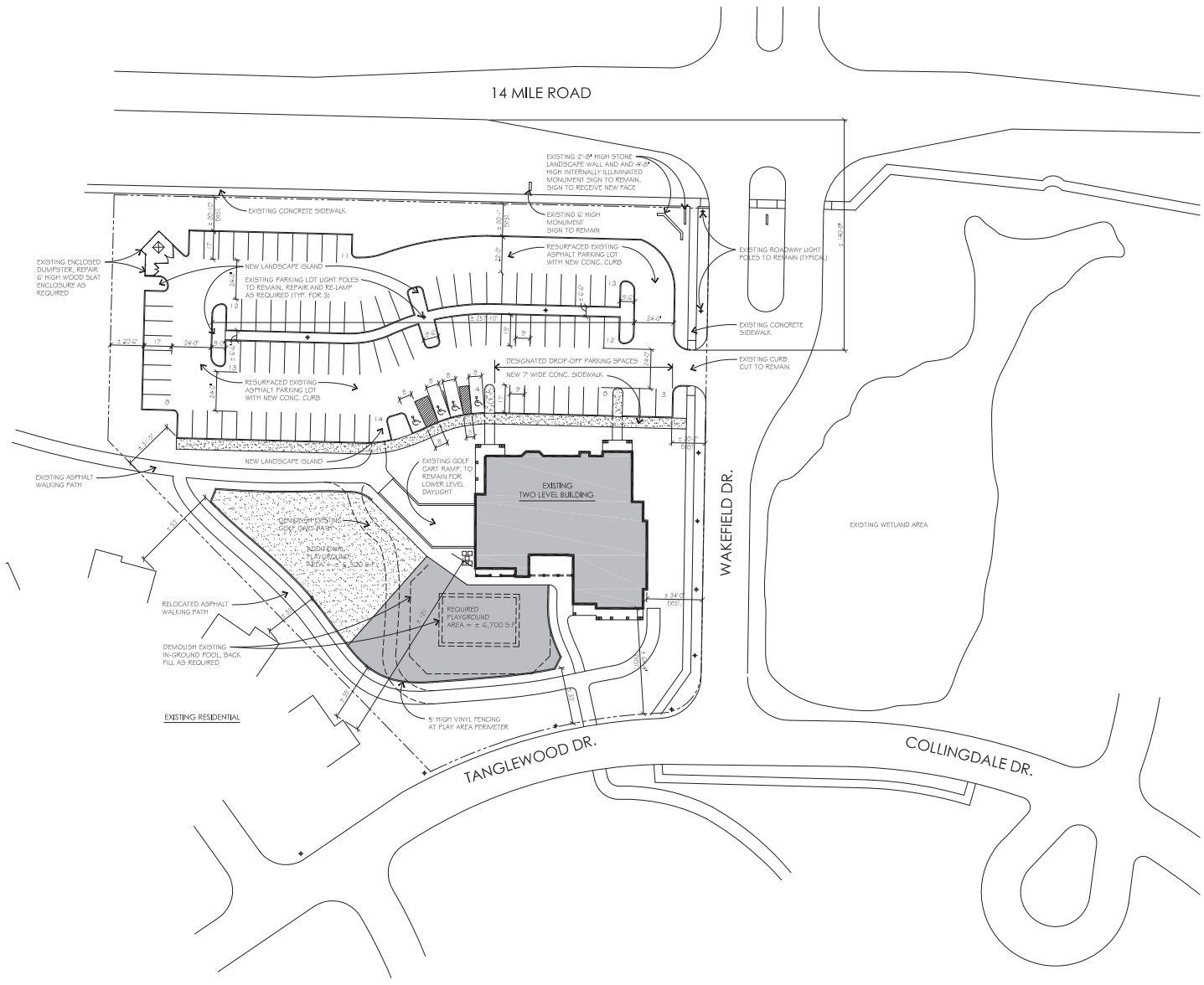


WAH YEE ASSOCIATES
ARCHITECTS & PLANNERS
42400 GRAND RIVER AVENUE, SUITE 200
NOVI, MICHIGAN 48375
PHONE 248.489.9160
PROJECT NO. 5134

ISSUED:
PREAPPLICATION
SUBMITTAL
JAN. 26, 2021
PUD AMEND. SUB.
APRIL 1, 2021
REVISED PUD
AMEND. SUBMITTAL
DEC. 3, 2021

PRELIMINARY
NOT FOR CONSTRUCTION
PAP1.1

CAD DWG PAP1.1 19-021.DWG



DEVELOPMENT CALCULATIONS:

IXL LEARNING CENTER LAND AREA:
= 2.35 ACRES

BUILDING AREA:
FIRST FLOOR = 7,706 S.F. G.B.A. = 5,023 S.F. USABLE
LOWER LEVEL = 7,706 S.F. G.B.A. = 4,928 S.F. USABLE
TOTAL AREA = 15,412 S.F. G.B.A. = 9,951 S.F. USABLE

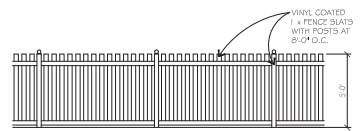
PARKING REQUIRED:
1 SPACE PER 350 S.F. USABLE AREA + 1 PER EMPLOYEE
= 9,951 / 350 = 28 CUSTOMER PARKING SPACES
+ 28 EMPLOYEE PARKING SPACES
= 56 TOTAL PARKING SPACES

PARKING PROVIDED = 58 SPACES
INCLUDING 11 DESIGNATED DROP-OFF SPACES

PLAYGROUND AREA:
100 S.F. REQUIRED PER 67 CHILDREN = 6,700 S.F.
= 13,000 S.F. PROVIDED

NOTES:

- SEE SHEET P2.1 FLOOR PLANS FOR DELINEATION OF USABLE AREA.
- 67 CHILDREN BASED ON ± 200 TOTAL CHILDREN WITH MAX. OF 33% OUTDOORS AT THE SAME TIME.
- ALL EXISTING ROADWAY AND PARKING LOT LIGHT POLES TO REMAIN. REPAIR AND RE-LAMP EXISTING PARKING LOT LIGHT POLES AS REQUIRED, WITH INTENTION TO NOT CHANGE EXISTING SITE PHOTOMETRICS - NO NEW LIGHT POLES TO BE ADDED.
- ALL EXISTING CONDITIONS MUST BE FIELD VERIFIED.
- HOURS OF OPERATION TO BE 7:00 AM TO 6:00 PM MONDAY THROUGH FRIDAY, WITH TYPICALLY NO WEEKEND HOURS.



VINYL FENCE CONCEPT

SCALE: 1/4" = 1'-0"

NOTE:
AT PERIMETER OF PLAYGROUND AREA. SEE LANDSCAPE PLAN L-1.0 FOR PROPOSED LANDSCAPE CONCEPT.

CONCEPT SITE PLAN
SCALE: 1" = 35'-0"



IXL LEARNING CENTER

NOVI, MICHIGAN

OWNER/DEVELOPER:
IXL LEARNING CENTER



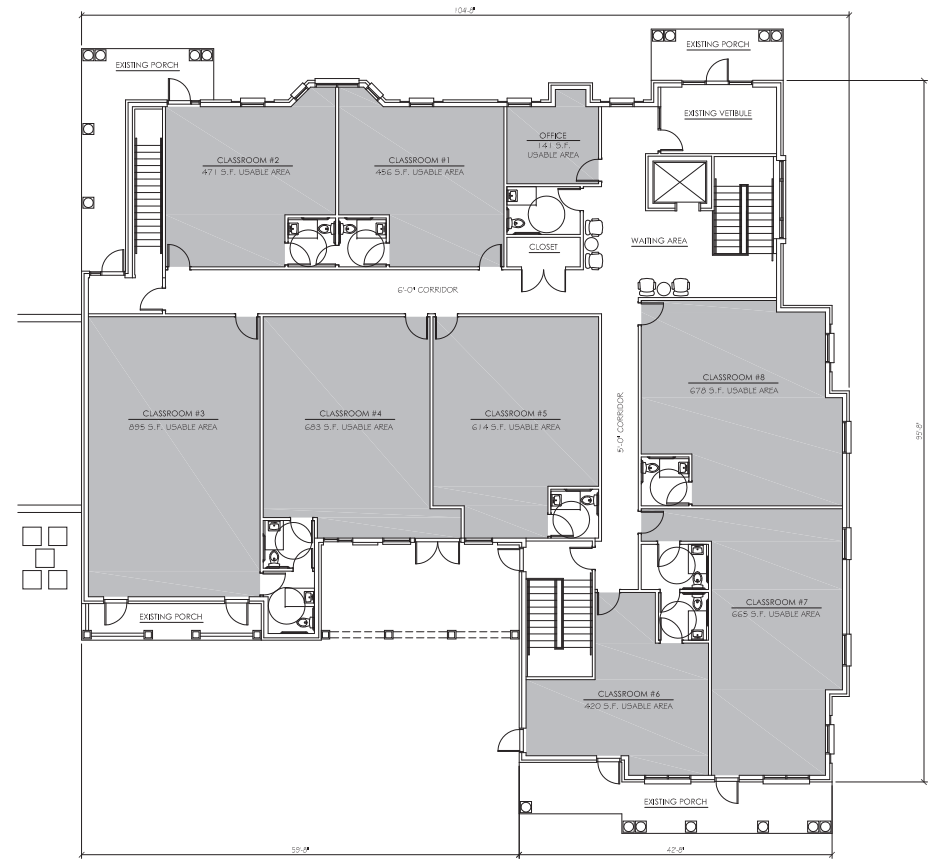
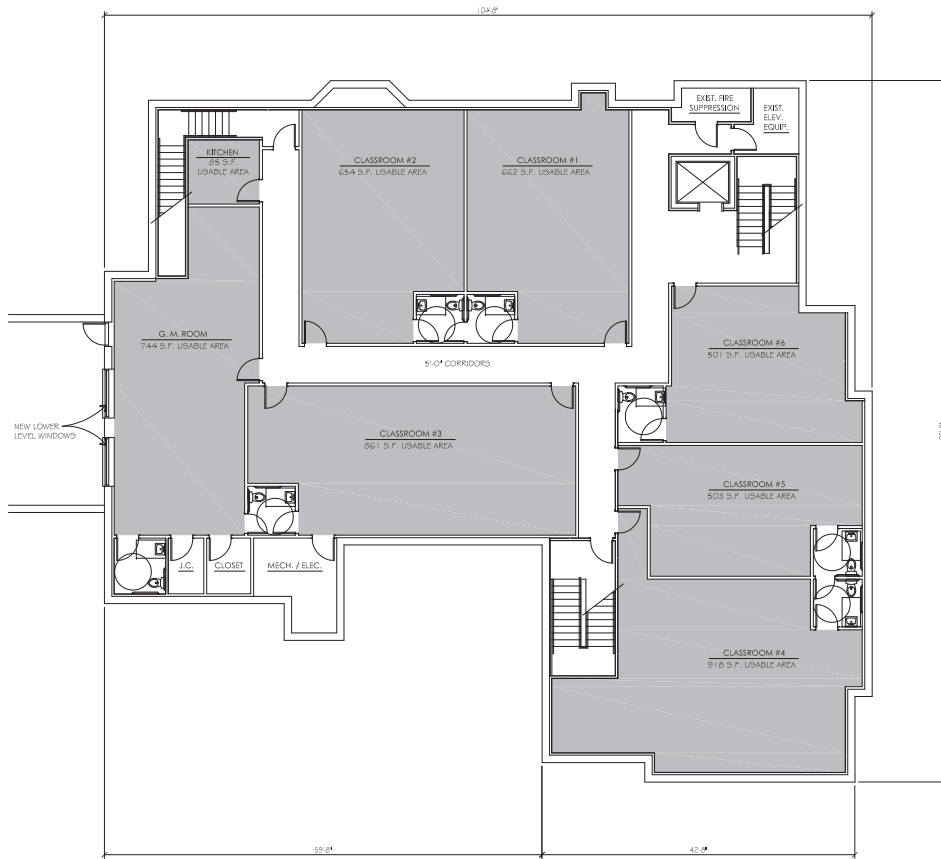
WAH YEE ASSOCIATES
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PHONE 248.489.9140
PROJECT NO. 5134

ISSUED:
PRE-APPLICATION SUBMITTAL
JAN. 28, 2021
SUBMITTAL
FEB. 18, 2021
REVISED FUD
APRIL 1, 2021
ANSW. SUBMITTAL
DEC. 3, 2021

PRELIMINARY
NOT FOR CONSTRUCTION



CAD DWG P1-1 12421.DWG



IXL LEARNING CENTER

NOVI, MICHIGAN

OWNER/DEVELOPER:
IXL LEARNING CENTER



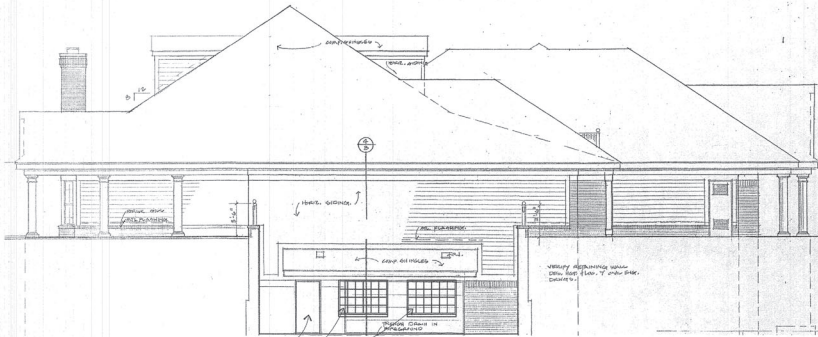
WAH YEE ASSOCIATES
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PHONE 248.489.9140
PROJECT NO. 5134

ISSUED:
PREAPPLICATION SUBMITTAL
JAN. 28, 2021
FUD APPROV. SUB.
APRIL 1, 2021
REVISED FUD
ANSWER SUBMITTAL
DEC. 3, 2021

PRELIMINARY
NOT FOR CONSTRUCTION

P2.1

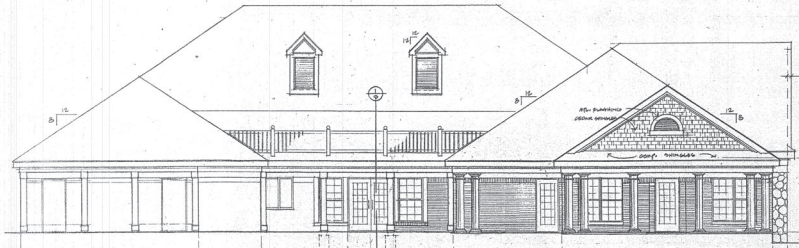
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EXISTING LOWER LEVEL DOOR
NEW LOWER LEVEL WINDOWS

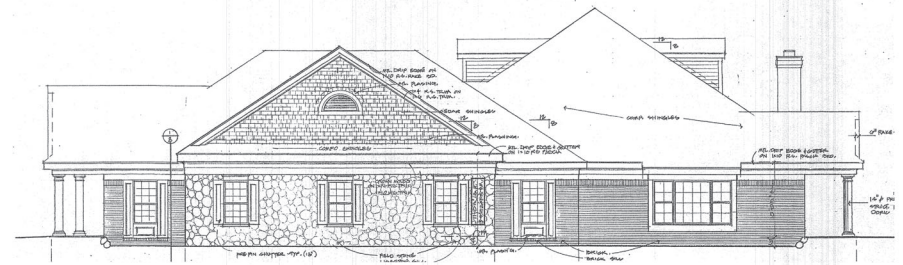
EXISTING WEST ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED.



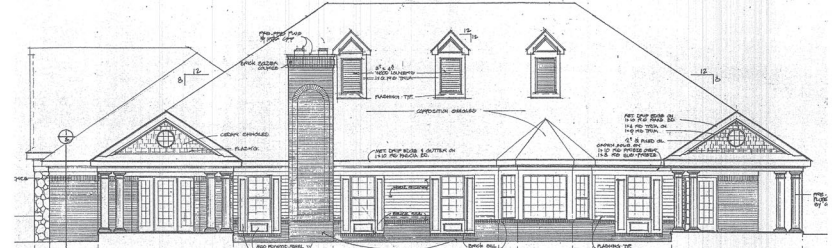
EXISTING SOUTH ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED.



EXISTING EAST ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED.



EXISTING NORTH ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED.

IXL LEARNING CENTER

NOVI,

MICHIGAN

OWNER/DEVELOPER:

IXL LEARNING CENTER



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PROJECT NO. 5134

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ISSUED:
PRE-APPLICATION
SUBMITTAL
JAN. 28, 2021
PUD AMEND. SUB.
APRIL 1, 2021
REVISED PUD
AMEND. SUBMITTAL
DEC. 3, 2021

PRELIMINARY
NOT FOR CONSTRUCTION

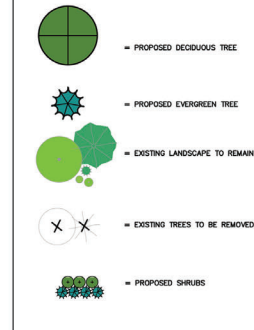
P4_1

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W 14 MILE RD



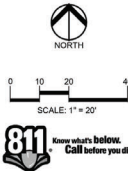
KEY:



EXISTING TREES

TREE #	CALLER	COMMON NAME
1	12	Silver Maple
2	12	Silver Maple
3	11	Silver Maple
4	8	Crabapple
5	6	Crabapple
6	30' H.	Colorado Blue Spruce
7	30' H.	Colorado Blue Spruce
8	30' H.	Colorado Blue Spruce
9	30' H.	Colorado Blue Spruce
10	18	Silver Maple
11	11	Norway Maple
12	11	Crabapple
13	11	Crabapple
14	15	Black Oak
15	20' H.	Colorado Blue Spruce
16	11	Littleleaf Linden
17	17	Cottonwood
18	13	Littleleaf Linden
19	15	Norway Spruce
20	12	Norway Maple
21	12	Norway Maple
22	20' H.	Colorado Blue Spruce
23	11	Littleleaf Linden
24	20' H.	Colorado Blue Spruce
25	8	Littleleaf Linden
26	4	Littleleaf Linden
27	10	Norway Maple
28	10	Norway Maple
29	8	Norway Maple
30	4	Norway Maple
31	20' H.	Colorado Blue Spruce
32	20' H.	Colorado Blue Spruce
33	11	Callery Pear
34	4'x4	Amar Maple
35	3'x3	Amar Maple
36	15' H.	Mission Arborvitae
37	15' H.	Green Giant Arborvitae
38	25' H.	Colorado Blue Spruce
39	20' H.	Douglas Fir
40	15' H.	Douglas Fir
41	15' H.	Douglas Fir
42	15	Littleleaf Linden
43	11	Honeylocust
44	5	Callery Pear
45	8	Littleleaf Linden
46	8	Littleleaf Linden
47	10	Littleleaf Linden
48	9	Crabapple
49	9	Crabapple
50	11	Crabapple
51	20' H.	Norway Spruce
52	20' H.	Norway Spruce
53	20' H.	Norway Spruce
54	10	Crabapple
55	20' H.	Norway Spruce
56	7	Crabapple
57	25' H.	Norway Spruce
58	10	Black Oak
59	9	Black Oak
60	11	Black Oak
61	12	Bald Cypress
62	9	Crabapple
63	6	Norway Maple
64	6	Norway Maple
65	5	Norway Maple
66	6	Norway Maple
67	6	Norway Maple
68	6	Norway Maple
69	6	Crabapple
70	15' H.	Douglas Fir
71	20' H.	Colorado Blue Spruce

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811 Know what's below. Call before you dig.

CAUTION!
 THE EXISTENCE AND LOCATION OF EXISTING UNDERGROUND UTILITIES IS NOT GUARANTEED BY THIS PLAN. ANY UTILITIES NOT SHOWN ON THIS PLAN ARE THE RESPONSIBILITY OF THE USER. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES BEFORE ANY CONSTRUCTION OR DISTURBANCE OF THE GROUND IS INITIATED.

CLIENT
JMSS NOVI, LLC
 1725 CHESTER ROAD
 NOVI, MI 48240-1553

PROJECT TITLE
IXL LEARNING CENTER
 31260 WAKEFIELD DR.
 CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

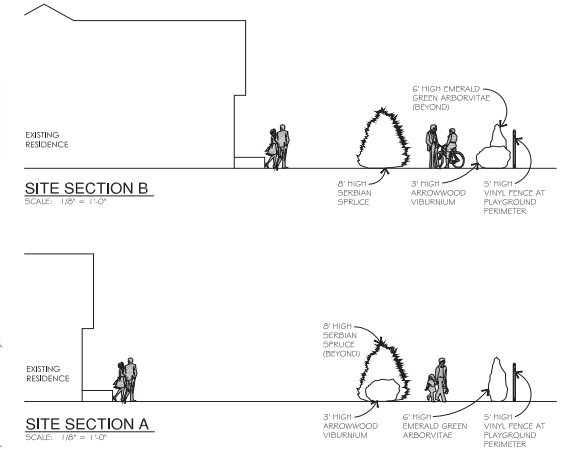
REVISIONS

NO.	DESCRIPTION

ORIGINAL ISSUE DATE:
 APRIL 1, 2021
 DRAWING TITLE
LANDSCAPE CONCEPT PLAN

PEA JOB NO. 2021-0095

P.M.	JS
DN.	CR
DES.	CR
DRAWING NUMBER:	



NOT FOR CONSTRUCTION L-1.0

3/20/2021 10:00:00 AM. LANDSCAPE CONCEPT PLAN. IXL LEARNING CENTER. NOVI, MI. 1725 CHESTER ROAD. CLIENT: JMSS NOVI, LLC. DRAWING NUMBER: L-1.0. SCALE: 1/8" = 1'-0".

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

Planning Review

IXL LEARNING CENTER OF NOVI

JSP 21-03

January 19, 2022

PETITIONER

JMSS Novi, LLC

REVIEW TYPE

Revised Request for Amendment to a Planned Unit Development (PUD) Agreement & Area Plan

PROPERTY CHARACTERISTICS

Section	2	
Site Location	East of Novi Road, South of Fourteen Mile Road; 22-02-200-039	
Site School District	Walled Lake Consolidated School District	
Current Site Zoning	RA: Residential Acreage (with PUD)	
Adjoining Zoning	North	R-2: Attached Residential, R-1B: One Family Residential, RM*: Multiple Family Residential (*conditional)(Commerce Township)
	East	RA: Residential Acreage (with PUD)
	West	RA: Residential Acreage (with PUD)
	South	RA: Residential Acreage (with PUD)
Current Site Use	Restaurant/Clubhouse	
Adjoining Uses	North	Residential
	East	Single-Family Residential
	West	Single-Family Residential, Commercial
	South	Single-Family Residential
Site Size	30.32 acres	
Plan Date	December 3, 2021	

PROJECT SUMMARY

The subject property, referred to as the Maples of Novi Golf Course and Clubhouse, is located east of Novi Road and south of Fourteen Mile Road in Section 2 of the City of Novi. The property totals approximately 30.32 acres and includes the current golf clubhouse, the current golf course, and the clubhouse pool. The applicant is proposing to repurpose the entire clubhouse into an education center for children. The plan for this development indicates that the hours of operation will be from 7am to 6pm and will serve 125-175 children on a daily basis with the capacity to serve up to 200 children. Improvements to the parking, visual screening (landscape and 5 foot tall vinyl fence), and an outdoor play area are proposed with this development.

The revised request, submitted on December 7, 2021, includes the following clarifications and revisions: the daily use of the education center has increased from 67 children to 125-175 children per day, the applicant has offered to enter into an agreement to cut and maintain the open space grass, all references to "future development" on the property use plan have been removed, site sections have been added to show the visual relationship between the playground area fence/screening and the nearby residences, the applicant has indicated a willingness to create a disc golf course if it is in the interest of parties involved, and the applicant has met with a number of

members within the Maples of Novi community regarding the project. The development is still proposed to be accessed off Wakefield Drive (private street) and is part of the Maples of Novi Planned Unit Development. The applicant is requesting an amendment the Maples of Novi Planned Unit Development (PUD) area plan and related PUD Agreement to seek the necessary approvals to allow this change in use.

SITE HISTORY

The Maples of Novi was developed in the early 1990s with the structure proposed for redevelopment becoming the clubhouse for the golf course and events. This use has continued to be in existence with the addition of a restaurant use ancillary to the primary use being reintroduced in the mid-2010s until damage to the kitchen area occurred. Currently, the clubhouse is used as a pro shop. The PUD Area Plan, which was originally approved on July 20, 1989, designates this parcel as part of Phase 1 of the overall development.

CONDITIONS OF REQUEST FOR PUD AMENDMENT

Although the City Council removed the Planned Unit Development Section of the Zoning Ordinance in 1997 (Ordinance 97-18), the ordinance remains in place to address any proposed changes to the existing PUDs within the City. Per Article 27, Section 9, "a developer may request an amendment to an approved area plan [...]." Also, "any amendment to an approved preliminary or final site plan which results in a major change in the approved area plan, as defined in this Section, shall require an amendment to the approved area plan." The procedure and conditions for requesting an amendment to the PUD is as follows:

- Under the PUD Ordinance, for Amendment and Revision, "All amendments shall follow the procedures and conditions herein required for original submittal and review, in full."
- A request for amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefor.

The applicant provided a written request for amendment with clearly stated reasoning on April 7, 2021, and has since submitted a revised request for amendment on December 3, 2021. The revised reasoning provided by the applicant is listed below.

- "The applicant requests to be placed on the January Planning Commission agenda for a continued hearing, and opportunity for the applicant to make its presentation to the Planning Commission and a recommendation by the Planning Commission to City Council."

Staff has put this item on an upcoming agenda for the Planning Commission with the earliest tentative date available as January 26, 2022.

- The Planning Commission, upon finding such reasons and requests reasonable and valid, shall so notify the applicant in writing.

The applicant shall present this item to the Planning Commission and has provided a revised narrative, which will be included in the Planning Commission packet.

- If the approved plan is to be amended, the Planning Commission shall immediately notify City Council.

As with other amendments to the area plan in this development, following review by the Planning Commission, the amended plan shall go before the City Council.

MODIFICATIONS CONSIDERED TO BE MAJOR/MINOR

Per Article 27, Section 9, Subheading G, "the Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section." Listed below are the conditions that constitute an amendment to be considered major or minor:

- **Minor Amendment**
 - A change in residential floor area;
 - A change in nonresidential floor area of five (5) percent or less;
 - Minor variations in layout which do not constitute major changes; and or
 - A change in lot coverage and FAR of the entire PUD of one (1) percent or less
- **Major Amendment**
 - Change in concept of the development;
 - **Change in use or character of the development;**
 - Change in type of dwelling unit as identified on the approved area plan;
 - Change in the number of dwelling units;
 - Change in nonresidential floor area of over five (5) percent;
 - Change in lot coverage and FAR of the entire PUD of more than one (1) percent;
 - Rearrangement of lots, blocks, and building tracts;
 - Change in character or function of any street;
 - Reduction in land area set aside for common open space or the relocation of such area(s); or
 - Increase in building height.

RECOMMENDATION

Planning does not recommend approval of the Revised Request to Amend the Maples of Novi Planned Unit Development Agreement & Area Plan as the request does not conform to a number of the requirements of the Zoning Ordinance. **In particular, the revised request indicates that the daily number of children ranges from 125 to 175, which exceeds the allowable amount of 120 children within the Residential Acreage (RA) Zoning District.** However, the proposed change in use from a clubhouse to a daycare center could be viewed as a reasonable alternative for the existing building and parking lot if the number of children were to be reduced, subject to a number of conditions including providing a noise impact statement with the preliminary site plan, providing draft language of the proposed maintenance agreement, and with any deviations noted below.

Staff's reading of the ordinance is that the request would be considered a major amendment to the PUD given that it would change the use from a golf course clubhouse to a daycare center, and although there are only a few changes to the proposed site, it would change the character of the development, and the request shall be presented to the Planning Commission for review and recommendation to the City Council. All reviewers, except **Planning**, recommend approval of the Request to Amend the Maples of Novi Planned Unit Development Agreement & Area Plan.

ORDINANCE REQUIREMENTS

This project was reviewed for compliance with the Zoning Ordinance, with respect to Article 3 (Zoning Districts), Article 4 (Use Standards), Article 5 (Site Standards), Article 27 (Planned Unit Development) (Retracted – only applicable for this site since it is existing) and any other areas of the ordinance, as noted. The plans show general compliance with ordinance requirements. Please address the items in **bold** with the next submittal and any *italicized* items as part of the Preliminary Site Plan Submittal.

1. Uses Permitted (Sec. 3.1.1. & PUD Agreement): A child day care center is currently not a permitted use in the Maples of Novi PUD Area Plan for this site. **A minor or major amendment to the PUD Agreement & Area Plan shall be requested and approved by the Planning Commission and City Council to allow this proposed change in use.**

- a. The revised narrative has not indicated if the requested change is a minor change or major change. **Staff believes this proposal is a major change as it would change the character of the development.**
2. Day Care Centers (Sec. 4.12.1.C): The revised submittal has indicated that 125-175 children will be on-site per day with the physical capacity to hold 200 children. **Staff would like clarification to determine when and how often 200 children are expected.** In addition, per Section 4.12.1.C of the Zoning Ordinance, Section 4.12.1.C only applies to "day care centers exceeding fifty (50) children, but not more than one-hundred and twenty (120) children." **Therefore, this revised request is not an allowable use within the Residential Acreage (RA) Zoning District unless the number of children is reduced a maximum of 120 children per day.**
3. Abutting Zoning Districts (Sec. 4.12.1.C.ii): Currently, the site does not abut any of the required zoning districts that would normally be required for a commercial daycare of this capacity. Per Section 4.12.1.C.ii, "the parcel must abut land zoned only NCC, EXPO, OS-1, OSC, TC, TC-1, RC, FS, I-1, P-1, C, and OST." **Even though the use may not meet the ordinance as far as location, under the PUD ordinance, a mixing of uses is allowed, even where the approval would allow a change of use from the underlying zoning or would not meet all the requirements of the ordinance as to location.**
4. Noise Impact Statement (Sec. 4.12.1.C.v): The proposed daycare use could potentially generate additional noise as compared to the current clubhouse use of the site. The applicant has provided additional landscape and visual screening on the southwest portion of the site to provide a buffer for the nearby residents. In addition, the applicant has indicated that the outdoor play area will be in operation from 9:30am to 12pm and 3:30pm to 6pm with a structured number of classrooms using the space. **Per Section 4.12.1.C.v of the Zoning Ordinance, a noise impact statement is required.** *Please provide a noise impact statement with the Preliminary Site Plan.*
5. Golf Course & Green Space: The applicant has indicated that the existing open space consisting of a nine hole golf course will not be developed and will be cut and maintained as open space. The applicant has also indicated a willingness to develop the golf course into a disc golf course if it is the wish of parties involved. In addition, the applicant has offered to sign an agreement that will guarantee that the grass will be cut on a regular basis. **A draft of this agreement should be provided with the next submittal and/or it shall be made a condition of the recommendation.**
6. Traffic: As the proposed traffic calculations have changed due to the revised submittal, the proposed project now exceeds the generally allowable amount of traffic for a site without the submittal of a traffic impact statement. **Please submit a traffic impact statement with the next submittal or reduce the maximum number of children permitted.**
7. Curb Height (Sec. 5.3): Please indicate the curb height to verify parking space dimension compliance. *This item may be addressed as part of the Preliminary Site Plan Submittal.*
8. Barrier Free Signs (Barrier Free Design Graphics Manual): Barrier free parking signs have not been indicated on the site plan. *Please provide this signage with the Preliminary Site Plan Submittal.*
9. Dumpster Requirements (City Code Sec. 21-145): Details of the dumpster enclosure on-site have not been provided. *Please provide these details as part of the Preliminary Site Plan Submittal.*

10. Bicycle Parking Facilities (Sec. 5.16.1): Currently, no bicycle parking spaces have been indicated. Please provide a bicycle parking facility with a minimum of two spaces as part of the Preliminary Site Plan Submittal.
11. Project & Street Naming Committee: A project name will be required for this project. Please submit a project name application at the time of Preliminary Site Plan Submittal.
12. Site Lighting (Sec. 5.7): If any changes are proposed to the current lighting of the site, please provide a photometric plan at the time of Preliminary Site Plan Submittal.
13. Planning Chart: Please refer to the attached **Planning Chart** for additional comments to address in this submittal.

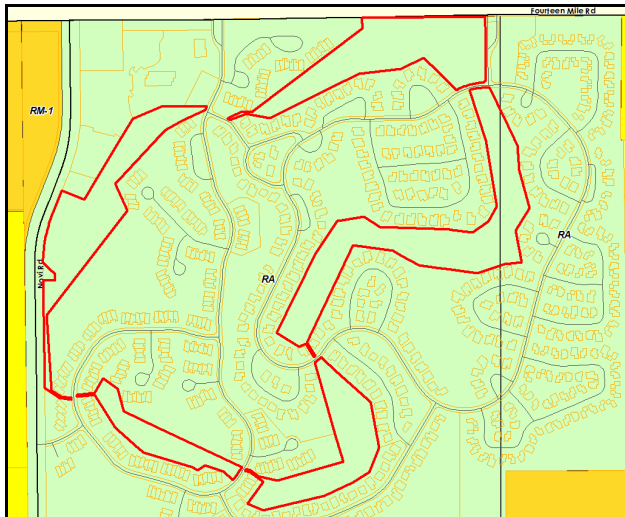
OTHER REVIEWS

- a. Engineering Review: Engineering is recommending **approval** of the Request to Amend the Maples of Novi PUD Agreement and Area Plan with comments to be addressed as part of the Preliminary Site Plan Submittal.
- b. Landscape Review: Landscape is recommending **approval** of the Request to Amend the Maples of Novi PUD Agreement and Area Plan with comments to be addressed as part of the Preliminary Site Plan Submittal.
- c. Traffic Review: Traffic is recommending **approval** of the Request to Amend the Maples of Novi PUD Agreement and Area Plan with comments to be addressed as part of the Preliminary Site Plan Submittal and a Traffic Impact Statement to be provided.
- d. Fire Review: Fire is recommending **approval** of the Request to Amend the Maples of Novi PUD Agreement and Area Plan.

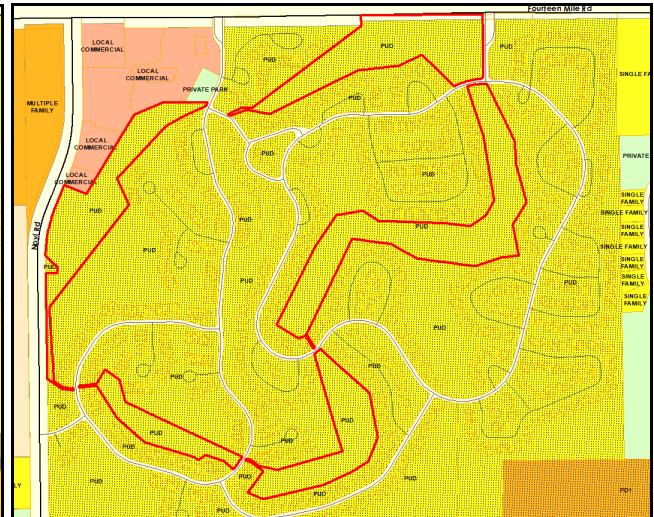
LAND USE AND ZONING: FOR SUBJECT PROPERTY AND ADJACENT PROPERTIES

The following table summarizes the zoning and land use status for the subject property and surrounding properties.

EXISTING ZONING



FUTURE LAND USE



	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Property	RA: Residential Acreage (with PUD)	Clubhouse/Restaurant/ Golf Course	Single Family Residential with Planned Unit Development (PUD)

Northern Parcels (Commerce Twp.)	R-2: Attached Residential, R-1B: One Family Residential, RM*: Multiple Family Residential (*conditional)	Single Family & Multiple Family Residential	Single Family & Multiple Family Residential
Eastern Parcels	RA: Residential Acreage (with PUD)	Single-Family Residential	Single Family Residential with Planned Unit Development (PUD)
Western Parcels	RA: Residential Acreage (with PUD)	Single-Family Residential	Local Commercial
Southern Parcels	RA: Residential Acreage (with PUD)	Single-Family Residential	Single Family Residential with Planned Unit Development (PUD)

Compatibility with Surrounding Land Use

The subject property is located along the northern boundary of the City of Novi, east of Novi Road, and south of Fourteen Mile Road. Commerce Township is located north of the property. This property is surrounded by single-family residential development and current serves as a golf course, clubhouse, and restaurant. The current use of the site was approved with the original PUD Agreement and Area Plan. The majority of the surrounding properties have been developed. The applicant has proposed redeveloping this clubhouse as a learning center for children. Staff is of the opinion that the proposed use could be consistent with the surrounding existing uses if the number of children were to be reduced below 120 children, if a noise impact statement is provided with the preliminary site plan, and if draft language of the proposed maintenance agreement is provided. According to the property owner, the previously-approved golf course use of the property, while presumably a central feature of the PUD as originally contemplated, arguably has not been kept up and may no longer have the financial support of the immediately surrounding uses.

2016 MASTER PLAN FOR LAND USE: GOALS AND OBJECTIVES

The proposed use is recommended by the 2016 Master Plan for Land Use. The following objectives as listed in the Master Plan are applicable for the proposed development.

1. General Goal: Quality and Variety of Housing

a. Provide residential developments that support healthy lifestyles. Ensure the provision of neighborhood open space within residential developments. The applicant has indicated that the open space will be maintained as “the applicant has offered to maintain the golf course property as open space for use exclusively by the residents of the Maples.” Also, the change in use from a clubhouse to a learning center for children will provide the surrounding residents with a resource for education nearby.

2. General Goal: Environmental Stewardship

a. Protect and maintain the City’s woodlands, wetlands, natural water features, and open space. The applicant has indicated that the open space will be maintained as “the applicant has offered to maintain the golf course property as open space for use exclusively by the residents of the Maples.” In addition, “the applicant is willing to sign a guarantee agreement with both The Maples and the City of Novi regarding cutting the grass and maintaining the golf course property.”

3. General Goal: Economic Development/Community Identity

a. Retain and support the growth of existing businesses and attract new businesses to the City of Novi. As previously noted in the initial application, the applicant has provided Economic Impact Information indicating that the project will employ an estimated 45 full-time/part-time caregivers and is anticipated to cost \$1.2 million and create an estimated 20-30 construction jobs.

NEXT STEP: PLANNING COMMISSION MEETING

This Request for Amendment to a PUD is scheduled to go before the **Planning Commission on January 26, 2022**, as a Public Hearing. Please provide the following via email or hand-delivery by **January 21, 2022**:

1. Site Plan submittal in PDF format (maximum of 10MB). **NO CHANGES MADE.**
2. A response letter addressing ALL the comments from ALL the review letters.
3. A color rendering of the Site Plan.
4. A list of names, emails, phone numbers, and titles for those planning on attending the Planning Commission Meeting on behalf of the project.

CITY COUNCIL MEETING

If the Request for Amendment to the PUD is approved by the Planning Commission, the materials shall be submitted to the City Council for review and approval. Additional documentation and materials will be requested if necessary.

SITE PLAN PROCESS

If the Request for Amendment to the PUD is approved by the Planning Commission and City Council, the project may be reviewed as part of the typical site plan review process. Please refer to the [Site Plan & Development Manual](#) for additional information.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or ccarroll@cityofnovi.org.



Christian Carroll, Planner



PLANNING REVIEW CHART: PUD (Planned Unit Development) w/ RA (Residential Acreage)

Review Date: January 19, 2022

Review Type: Revised Request for Amendment to PUD Review

Project Name: JSP 21-03 IXL Learning Center of Novi
31260 Wakefield Drive, East of Novi Rd, South of 14 Mile Rd

Plan Date: December 3, 2021

Prepared by: Christian Carroll, Planner

E-mail: ccarroll@cityofnovi.org **Phone:** (248) 735-5607

Items in **Bold** need to be addressed by the applicant with next submittal. Underlined items need to be addressed as part of the Preliminary Site Plan Submittal. *Italicized* items are to be noted.

Item	Required Code	Proposed	Meets Code	Comments
Zoning and Use Requirements				
Master Plan	Planned Unit Development	No change		
Zoning	Residential Acreage	No change		
Uses Permitted (Sec 3.1.1, PUD Agreement)	Uses permitted listed in Section 3.1.1 and listed in PUD Agreement. Special Land Use in Residential Acreage (RA).	Child day care center	TBD	Planning Commission and City Council approval needed for minor/major amendment to PUD Agreement.
RA District Required Conditions (Sec. 3.7)				
Off-Street Parking (Sec. 3.7.4)	All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.	Complies	Yes	
Max. Building Height (Sec. 3.1.1, PUD Ordinance 27-2, g)	35 ft. or 2.5 stories, whichever is less	Complies	Yes	
Max Lot Coverage % (Sec. 3.1.1)	25% (by all buildings)	Complies	Yes	
Min. Building Setbacks (Sec. 3.1.1, Sec. 3.6.2, PUD Ordinance)				
Front (North)	45 ft	~170 ft	Yes	
Exterior Side (East)	45 ft	~31 ft	No	<i>Existing Building. No revisions necessary.</i>
Interior Side (West)	20 ft	~146 ft	Yes	
Rear (South)	50 ft	~55 ft	Yes	
Min. Parking Setbacks (Sec. 3.1.1)				
Front (North)	-		NA	
Exterior Side (East)	-		NA	
Interior Side (West)	-		NA	
Rear (South)	-		NA	
Day Care Center (50-120 Children) Use Standards (Sec. 4.12.1.C)				
Minimum Parcel Size (Sec. 4.12.B.ii)	The minimum parcel size for a Day Care Center or Adult Day Care Center shall be one (1) acre.	Parcel size is 30.32 acres.	No	The revised request indicates 125-175 children on a daily basis, which exceeds the allowable number of children within this section.

Abutting Zoning Districts (Sec. 4.12.C.ii)	The parcel must abut land zoned only NCC, EXPO, OS-1, OSC, TC, TC-1, RC, FS, I-1, P-1, C, and OST.	Does not comply	TBD	If the change of use is approved as part of the Request for Amendment, this condition will be satisfied.
Hours of Operation (Sec. 4.12.C.iii)	The hours of operation shall be limited to the period between 6 a.m. and 7 p.m.	7am to 6pm	Yes	
Facade Combability with Surrounding Residential (Sec. 4.12.C.iv)	The exterior building facades shall comply with Section 5.15. Additionally, the City's Facade Consultant shall review the proposed architectural style of the structure to ensure the residential character of the neighborhood is maintained with regard to design and facade elements. The following materials shall be allowed up to a maximum of twenty five (25) percent of the building facade, with a finding that these materials will be compatible with the adjacent residential areas: wood siding, painted siding, tongue and groove siding, batten siding, vinyl siding and aluminum siding. These materials are subject to footnote 11 of the Schedule Regulating Facade Materials, in Section 5.15.	Complies – no changes to the facade are proposed.	Yes	
Noise Impact Statement (Sec. 4.12.C.v)	A noise impact statement is required subject to the standards of Section 5.14.10.B.	A noise impact statement has not been provided.	No	A noise impact statement is required with the preliminary site plan.
PUD Regulations (formerly Article 27) (Attached) – Only applicable sections noted				
District Regulations (Sec. 27-2, a)	All uses, structures, and properties shall comply with all regulations in Article 24 (former), Schedule of Regulations, and requirements of Ordinance No. 84-18, as amended, except as provided in this Section.	Complies	Yes	
Minimum PUD Area (Sec. 27-2, b)	The minimum PUD area to be developed under the regulations of this Section shall	Complies	Yes	

	<p>- The preceding yard requirements [...] may be modified or waived when approved by the City Council upon recommendation of the Planning Commission.</p> <p>- Common areas shall be maintained</p>	Complies – may apply for any future commercial development		
Distances between Buildings (Sec. 27-2, f)	See ordinance	~121 ft - complies	Yes	
Circulation and Access (Sec. 27-2, h)	See ordinance	Complies	Yes	
Utilities (Sec. 27-2, i)	See ordinance	Complies	Yes	
Open Space Regulations (Sec. 27-2, j)	See ordinance	Complies	Yes	The applicant has offered to enter into an agreement to routinely cut the open space. Please provide a draft of this agreement.
Phasing (Sec. 27-2, k)	See ordinance	Complies	Yes	
Off-Street Parking and Loading/Unloading Requirements (Sec. 27-2, l)	[...] The number of spaces required may be reduced in a PUD if approved by the City Council upon recommendation of the Planning Commission, as part of the area plan.		NA	
Compliance with Area Plan and Site Plans (Sec. 27-2, m)	A parcel of land that has been subject of PUD approval shall not thereafter be developed or used except in accordance with the approved area plan and all preliminary and final site plans approved subsequent thereto [...]	Will comply, if approved	TBD	
Construction (Sec. 27-2, n)	See ordinance	Will comply	Yes	
Amendment and Revisions (Sec. 27-9, a)	A developer may request an amendment to an approved area plan, an approved preliminary site plan, or an approved final site plan. Any amendment to an approved preliminary or final site plan which results in a major change in the approved area plan, as defined in this section, shall require an amendment to the approved		NA	

	area plan. All amendments shall follow the procedures and conditions herein required for original submittal and review, in full.			
Request for Amendment (Sec. 27-9, b)	A request for amendment shall be mad in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in layout of design features, unforeseen difficulties, or reasons mutually affecting the interests of the City and developer, such as technical causes, site conditions, state or Federal projects or installations, and statutory revisions. The Planning Commission, upon finding such reasons and requests reasonable and valid, shall so notify the applicant in writing. Following payment of the appropriate fee as required for the original submittal, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the City Council.	Provided	Yes	
Major Amendment Conditions (Sec. 27-9, c)	Modifications to be considered major changes, for which amendment is required, shall include one or more of the following: 1. Change in concept of the development; 2. Change in use or character of the development; 3. Change in type of dwelling unit as identified on the approved area plan;	This project will be determined a major or minor amendment by the Planning Commission.		

	<ol style="list-style-type: none"> 4. Change in the number of dwelling units; 5. Change in nonresidential floor area of over 5%; 6. Change in lot coverage and FAR of the entire PUD of more than 1%; 7. Rearrangement of lots, blocks, and building tracts; 8. Change in the character or function of any street; 9. Reduction in land area set aside for common open space or the relocation of such area(s); or 10. Increase in building height. 			
<p>Minor Amendment Conditions (Sec. 27-9, e)</p>	<p>Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among similar modifications, the following:</p> <ol style="list-style-type: none"> 1. A change in residential floor area; 2. A change in nonresidential floor area of 5% or less; 3. Minor variations in layout which do not constitute major changes; and/or 4. A change in lot coverage and FAR of the entire PUD of 1% or less. 	<p>This project will be determined a major or minor amendment by the Planning Commission.</p>		
<p>Planning Commission Role (Sec. 27-9, d, g)</p>	<p>[...] The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show the reasons for any requested change owing to changed physical or economic factors, or consumer demand.</p> <p>This project will be determined a major or minor amendment by the Planning Commission.</p>	<p>The applicant was initially of the position that the requested change is a minor change for the following reasons:</p> <p>- The Area Plan, Paragraph 13, page 26, specifically provides that one of the approved uses is "childcare." Therefore, childcare is an approved use in the existing PUD.</p>	<p>TBD</p>	<p>Staff is of the opinion that the request would be considered a major amendment to the PUD given that it would change the character of the development.</p>

		<p>- None of the items included in the definition of "major change" are included in this PUD amendment request.</p> <p>- Section 2700.9.e defines "minor change" as "minor variations in layout which do not constitute major changes." No changes are requested with respect to the golf course, open space, wetland, or woodland. No change in size or dimensions of the use at this location as requested.</p>		
Note to District Standards (Sec. 3.6.2)				
<p>Area Requirements (Sec 3.6.2.A)</p>	<p>Pursuant to the definition contained in Section 2.2, lot width shall be measured between the two points where the front setback line intersects the side lot lines. Within the residential districts, where a main building is placed behind the front setback line, the distance between the side lot lines shall not be reduced below ninety (90) percent of the required minimum lot width at any point between the front setback line and such main building. The purpose of this amendment is to protect against the creation within the city of irregularly-shaped flag lots.</p>	<p>Complies/No change</p>	<p>Yes</p>	
<p>Building Setback (Sec. 3.6.2.B)</p>	<p>For all uses permitted other than single-family or two-family residential, the building or structure setback shall at least equal to: (1) the height of the main building; (2) seventy-five (75) feet; or (3)</p>	<p>Complies/No change</p>	<p>Yes</p>	

	the setback required in the Development Standards of Section 3.1 of this Ordinance, whichever is greater. However, the minimum building setback from access streets may be reduced to fifty (50) feet for fire department structures where quick access to the street network is required.			
Exterior Side Yard Abutting a Street (Sec 3.6.2.C)	All exterior side yards abutting a street shall be provided with a setback equal to front yard.		NA	
Wetland/Watercourse Setback (Sec 3.6.2.M)	A setback of 25ft from wetlands and from high watermark course shall be maintained		NA	
Parking & Loading Standards				
Number of Parking Spaces (Sec. 5.2.12.B)	Nursery schools, day nurseries or childcare centers: 1 space for each 350 sf of useable floor area (UFA) + 1 for each employee 12,330 sf UFA/350 sf = 35 spaces 28 employees = 28 spaces Total required: 63 spaces	95 spaces proposed (11 drop-off spaces, 4 barrier-free spaces), 63 required	Yes	
Parking Space & Maneuvering Lane Dimensions (Sec. 5.3)	90° spaces: 9 ft. x 19 ft. parking spaces with 24 ft. drives 9 ft. x 17 ft. parking spaces along 7 ft. interior sidewalks, provided a 4 in. curb at these locations & along landscaping	9 ft x 17 ft and 9 ft x 19 ft spaces with 24' access aisles. Curb height not indicated.	Yes?	<u>Please provide curb height with the Preliminary Site Plan Submittal.</u>
Barrier Free Spaces (ADA standard)	4 barrier free spaces required (1 van accessible)	Complies	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8 ft. wide with 5 ft. wide access aisle for standard accessible; 8 ft. wide with 8 ft. wide access aisle for van accessible	8 ft wide with 5 ft wide access aisle	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	1 barrier free sign per space	Not provided	No	<u>To be provided as part of the Preliminary Site Plan Submittal.</u>

<p>Loading Spaces (Sec. 5.4)</p>	<p>No standards in the RA Zoning District</p>	<p>NA</p>	<p>NA</p>	
<p>Sidewalks (City Code Sec. 11-256 & 11-276 & Non-Motorized Plan)</p>	<p>5 ft sidewalk required along 14 Mile Rd Building exits must be connected to sidewalk system or parking lot</p>	<p>Existing sidewalk along 14 Mile Rd. All building exits appear to be connected.</p>	<p>Yes</p>	
<p>Dumpster Requirements (City Code Sec. 21-145)</p>	<p>Screening of not less than 5 ft. on 3 sides of dumpster required, interior bumpers or posts must also be shown. Screening should be 1 foot taller than dumpster</p>	<p>Dumpster enclosure proposed, details not provided.</p>	<p>No</p>	<p><u>To be provided as part of the Preliminary Site Plan Submittal.</u></p>
<p>Accessory Structure Setback- Dumpster (Sec. 4.19.2.F)</p>	<p>Located in the rear or interior side yard Min. 10 ft. from any building unless structurally attached & setback the same as parking from all property lines</p>	<p>Complies</p>	<p>Yes</p>	
<p>Bicycle Parking Facilities (Sec. 5.16.1)</p>	<p>Minimum 2 spaces</p>	<p>Not provided - provide a bicycle parking facility with a minimum of 2 spaces.</p>	<p>No</p>	<p><u>To be provided as part of the Preliminary Site Plan Submittal.</u></p>
<p>Bicycle Parking Facilities (Sec. 5.16)</p>	<p>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 with a 6 ft. parking space width & a depth of 2 ft. for single spaces & 2.5 ft. for double spaces</p>	<p>Not provided</p>	<p>No</p>	<p><i>Comply with these requirements when designing the bicycle parking facility.</i></p>
<p>Woodlands (City Code Ch. 37)</p>	<p>Replacement of removed trees</p>	<p>No regulated woodlands appear to be impacted by this proposed project.</p>		

Wetlands (City Code Ch. 12, Art. V)	Mitigation of removed wetlands at ratio of 1.5:1 emergent wetland, 2:1 for forested wetlands	No regulated wetlands appear to be impacted by this proposed project.		
Economic Impact	Total cost of the proposed building & site improvements Number of anticipated jobs created (during construction & after building is occupied, if known)	Provided	Yes	IXL Learning Center of Novi will employ an estimated 45 full-time/part-time caregivers. The anticipated cost of the project is \$1.2 million and will create an estimated 20-30 construction jobs.
Development/ Business Sign	Signs are not regulated by the Planning Division or Planning Commission	Not indicated	Contact Maureen Underhill at 248.735.5602 or munderhill@cityofnovi.org for information	
Project and Street Naming Committee	Some projects may need approval from the Street & Project Naming Committee	<u>Required with Preliminary Site Plan Submittal.</u>	Contact Ben Peacock at 248.347.0579 or bpeacock@cityofnovi.org for more information	
Lighting and Photometric Plan (Sec. 5.7)				
Intent (Sec. 5.7.1)	Establish appropriate minimum levels, prevent unnecessary glare, reduce spillover onto adjacent properties & reduce unnecessary transmission of light into the night sky	A lighting and photometric plan is not provided	TBD	<u>Provide Lighting and Photometric Plan with the Preliminary Site Plan Submittal if site lighting is proposed. Requirements are listed within this section.</u>
Lighting Plan (Sec. 5.7.A.i)	Site plan showing location of all existing & proposed buildings, landscaping, streets, drives, parking areas & exterior lighting fixtures			
Building Lighting (Sec. 5.7.2.A.iii)	Relevant building elevation drawings showing all fixtures, the portions of the walls to be illuminated, illuminance levels of walls and the aiming points of any remote fixtures.			
Lighting Plan (Sec.5.7.A.2.ii)	Specifications for all proposed & existing lighting fixtures			
	Photometric data			
	Fixture height			
	Mounting & design			
	Glare control devices (Also see Sec. 5.7.3.D) Type & color rendition of			

	lamps			
	Hours of operation			
	Photometric plan illustrating all light sources that impact the subject site, including spill-over information from neighboring properties			
Required Conditions (Sec. 5.7.3.A)	Height not to exceed maximum height of zoning district (or 25 ft. where adjacent to residential districts or uses			
Required Conditions (Sec. 5.7.3.B)	<ul style="list-style-type: none"> - Electrical service to light fixtures shall be placed underground - Flashing light shall not be permitted - Only necessary lighting for security purposes & limited operations shall be permitted after a site's hours of operation 			
Security Lighting (Sec. 5.7.3.H) Lighting for security purposes shall be directed only onto the area to be secured.	<ul style="list-style-type: none"> - All fixtures shall be located, shielded and aimed at the areas to be secured. - Fixtures mounted on the building and designed to illuminate the facade are preferred 			
Required Conditions (Sec.5.7.3.E)	Average light level of the surface being lit to the lowest light of the surface being lit shall not exceed 4:1			
Required Conditions (Sec. 5.7.3.F)	Use of true color rendering lamps such as metal halide is preferred over high & low pressure sodium lamps			
Min. Illumination (Sec. 5.7.3.k)	Parking areas: 0.2 min			
	Loading & unloading areas: 0.4 min			
	Walkways: 0.2 min			
	Building entrances, frequent use: 1.0 min			
	Building entrances, infrequent use: 0.2 min			
Max. Illumination adjacent to Non-Residential (Sec. 5.7.3.K)	When site abuts a non-residential district, maximum illumination at the property line shall not exceed 1 foot candle			

<p>Cut off Angles (Sec. 5.7.3.L)</p>	<p>When adjacent to residential districts:</p> <ul style="list-style-type: none"> - All cut off angles of fixtures must be 90° - maximum illumination at the property line shall not exceed 0.5 foot candle - No direct light source shall be visible at the property line (adjacent to residential) at ground level 			
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NOTES:

1. This table is a working summary chart and not intended to substitute for any Ordinance or City of Novi requirements or standards.
2. The section of the applicable ordinance or standard is indicated in parenthesis. Please refer to those sections in Article 3, 4 and 5 of the zoning ordinance for further details
3. Please include a written response to any points requiring clarification or for any corresponding site plan modifications to the City of Novi Planning Department with future submittals.

ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

December 27, 2021

Engineering Review

IXL Learning Center
JSP21-0003

Applicant

IXL Learning Center

Review Type

rPUD Amendment with Concept Plan

Property Characteristics

- Site Location: South of Fourteen Mile Road, West of Wakefield Drive
- Site Size: 2.35 acres redeveloped (30.32 acres total)
- Plan Date: 12/03/2021
- Design Engineer: Wah Yee Associates – Architect

Project Summary

- Remodel of an existing 9,951 square-foot building and reconstruction of existing parking lot. Site access would be provided via Wakefield Drive (private drive).
- No modifications to the existing water and sanitary sewer services are currently proposed.
- No modifications to the current storm water management plan are currently proposed.

Recommendation

Approval of the rPUD Amendment with Concept Plan is recommended for approval with additional comments to be addressed with the Preliminary Site Plan submittal.

Comments:

The Concept Plan meets the general requirements of the design and construction standards as set forth in Chapter 11 of the City of Novi Codified Ordinance, the Storm Water Management Ordinance and the Engineering Design Manual with the following items that must be addressed at the time of Preliminary Site Plan submittal:

General

1. Provide a note on the plans stating that all work shall conform to the current City of Novi standards and specifications.
2. Provide a minimum of two ties to established section or quarter section corners.
3. Provide at least two reference benchmarks at intervals no greater than 1,200 feet. At least one referenced benchmark must be a City-established benchmark, which can be found on the City's website at this location: <https://novi.maps.arcgis.com/apps/webappviewer/index.html?id=5ce841f86197461c9f146e1330330bcf>
4. Show and label the master planned 60-foot half width right-of-way for Fourteen Mile Road. The dedication of the master-planned half width right-of-way is requested for this project.
5. 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 and addressing each of the comments in this review.

Utilities

6. Show the existing utilities on the plans and any proposed connections or adjustments necessary.
7. Provide the original development's storm water management plan that indicates the ultimate outlet of the existing storm sewer.

Paving & Grading

8. Provide existing topography and 2-foot contours extending at least 100 feet past the site boundary. Any off-site drainage entering this site shall be identified.
9. Indicate any changes to existing grades.
10. Specify the surface material for the playground and provide a legend for different shading/layers.
11. The end islands shall conform to the City standard island design, or variations of the standard design, while still conforming to the standards as outlined in Section 2506 of Appendix A of the Zoning ordinance (i.e. 2' minor radius, 15' major radius, minimum 8' wide, 3' shorter than adjacent 19' stall).
12. Add note that all paving shall conform to City Paving standards, attach a copy of the City paving standards to plans.
13. Specify the height of the concrete curbs on the site plan and a grading plan.
 - a. 17-foot parking stalls shall have 4-inch curb with a 2-foot vehicle overhang and 19-foot parking stalls shall have 6-inch curb.

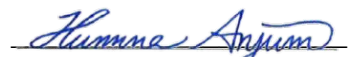
14. Dimension the width of the relocated asphalt walking path.
15. Provide a traffic control sign table listing the quantities of each **permanent** sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards.

The following must be provided at the time of Preliminary Site Plan submittal:

16. A letter from either the applicant or the applicant's engineer must be submitted with the Preliminary Site Plan, highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.
17. An itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and shall not include any costs associated with construction of the building or any demolition work. **The cost estimate must be itemized** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

To the extent this review letter addresses items and requirements that require the approval of/or a permit from an agency or entity other than the City, this review shall not be considered an indication or statement that such approvals or permits will be issued.

Please contact Humna Anjum at (248) 735-5632 with any questions.



Humna Anjum, Project Engineer

cc: Christian Carroll, Community Development
Ben Croy, PE; Engineering
Victor Boron, Engineering

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT
December 16, 2021
IXL Learning Center of Novi
Revised PUD Amendment Request - Landscaping

Review Type

Revised PUD Amendment Landscape Review

Job #

JSP21-0003

Property Characteristics

- Site Location: 31260 Wakefield Dr.
- Site Acreage: 2.35 ac.
- Site Zoning: RA
- Adjacent Zoning: North: Commerce Twp, East, South, West: RA
- Plan Date: 12/3/2021

Ordinance Considerations

This project was reviewed for conformance with Chapter 37: Woodland Protection, Zoning Article 5.5 Landscape Standards, the Landscape Design Manual and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed and incorporated as part of the Preliminary Site Plan submittal, and underlined items must be addressed no later than the Final Site Plan submittal. Please follow guidelines of the current Zoning Ordinance and Landscape Design Guidelines. This review is a summary and is not intended to substitute for any Ordinance.

Recommendation

This project is **still recommended for approval for the PUD amendment request**. The revisions noted need to be addressed on the Preliminary and Final Site Plans.

When the Preliminary and Final Site Plans are developed (by a professional landscape architect), please use the most current landscape ordinance and landscape design manual. They can be found here:

Landscape Ordinance:

<https://www.cityofnovi.org/Reference/Code-of-Ordinances-and-City-Charter/Ordinance-18-293.aspx>

Landscape Design Manual:

<https://www.cityofnovi.org/Reference/Code-of-Ordinances-and-City-Charter/LandscapeDesignManual.aspx>

Ordinance Considerations

Existing and proposed overhead and underground utilities, including hydrants. (LDM 2.e.(4))

1. Not provided
2. **Please show all existing and preliminary overhead and underground utility lines, utility structures and light poles, on the landscape plan.**

Existing Trees (Sec 37 Woodland Protection, Preliminary Site Plan checklist #17 and LDM 2.3 (2))

1. All existing trees appear to be shown on the plan and a tree chart is provided.
2. **Please make the existing tree numbers more legible on the Preliminary Site Plans.**
3. Six existing interior parking lot trees and some others scattered around the site appear be slated for removal. **Please only remove existing trees in the parking lot that are in poor condition or must be removed for construction of the new interior islands.**
4. There are no regulated woodlands or wetlands on the site.
5. **Please indicate on the tree chart which trees will be removed.**

Adjacent to Residential - Buffer (Zoning Sec. 5.5.3.A.ii and iii)

1. The project is adjacent to residentially-zoned property. As such, the ordinance requires a 4.5-6 ft high landscaped berm between the uses. No berm is provided.
2. A mix of large deciduous shrubs and evergreen trees and shrubs have been provided between the residences to the west of the site and a line of deciduous shrubs is also proposed along the south edge of the play area.
3. A 5 foot vinyl fence is now also provided along the edge of the play area.
4. It appears that that sufficient screening is proposed, especially since there won't be much noise except during weekdays.
5. **Please use taller shrubs than Arrowwood Viburnum along the borders to provide better screening. This can be done on the Preliminary Site Plans.**
6. *This deviation from the ordinance would be supported by staff as significant visual buffering is proposed and the noise from the proposed use will be less than the use as a swimming pool.*

Adjacent to Public Rights-of-Way – Berm/Wall, Buffer and Street Trees (Zoning Sec. 5.5.3.B.ii, iii)

1. Based on the proposed commercial use of the property, a 20-foot wide greenbelt, a berm in front of the parking areas, and a combination of canopy/large evergreen trees and subcanopy trees are required in each of the three greenbelts the site has, as well as street trees. Significant existing landscaping exists along all three frontages.
2. **Please provide calculations for the required landscaping on all three frontages per the current ordinance and include counts of what landscaping will be provided for each requirement (existing to remain plus any new plantings)**
3. **If there are any shortages, the required trees and berms will need to be provided. If the applicant desires to not completely meet the requirements, a landscape waiver will be required for any deficiencies and justification for the waiver(s) must be provided.**
4. *The existing landscaping is sufficient to have staff support for the PUD amendment request but additional landscaping may need to be proposed on Preliminary Site Plans.*

Parking Lot Landscaping (Zoning Sec. 5.5.3.C.)

1. One interior canopy tree must be provided per 200 sf of required interior landscape area, and all islands and corners must have a deciduous canopy tree.
2. **One deciduous canopy tree per 35 lf of parking lot perimeter must be provided. Greenbelt trees within 15 feet of the parking lot may be double-counted toward the perimeter requirement.**
3. **Please provide calculations for the interior and perimeter required trees per the current ordinance.**
4. **If there are any shortages, the required trees need to be provided. If the applicant desires to not completely meet the requirements, a landscape waiver will be required for any deficiencies and justification for the waiver(s) must be provided. Staff would determine whether the waiver would be supported at that time.**
5. **The islands must be 10 feet wide as measured at the backs of curbs.**
6. *The existing landscaping is sufficient to have staff support for the PUD amendment request. Additions may be required on Preliminary Site Plans.*

Building foundation Landscaping (Zoning Sec 5.5.3.D)

1. The building should have foundation landscaping equal to 8 x the building perimeter, and at least 60% of each frontage facing a road must be landscaped.
2. **Please provide calculations for the building foundation landscaping requirement per the current ordinance and provide the required landscaping. Existing foundation can count toward the requirement.**
3. **If there are any shortages, the required landscaping will need to be provided. If the applicant desires to not completely meet the requirements, a landscape waiver will be required for any deficiencies and justification for the waiver(s) must be provided.**
4. *The existing landscaping is sufficient to have staff support for the PUD amendment request but may require a landscape waiver if all requirements aren't met.*

Plant List (LDM 4)

1. Not provided.
2. **Please provide a plant list on the Preliminary Site Plans.**
3. **At least 50% of the species provided must be native to Michigan, and the tree diversity must meet the requirement of Landscape Design Manual section 4.**

Planting Notations and Details (LDM)

1. Not provided
2. Please provide all planting details and notes as required for the proposed landscaping. Standard City of Novi details and notes are available upon request.

Storm Basin Landscape (Zoning Sec 5.5.3.E.iv and LDM 3)

If the site's storm water detention system does not need to be modified for this project, then no detention basin landscaping is required. If it does, please add the required landscaping for the modified portions of the pond.

Irrigation (LDM 1.a.(1)(e) and 2.s)

1. The proposed landscaping must be provided with sufficient water to become established and survive over the long term.
2. Please provide an irrigation plan or note how this will be accomplished if an irrigation plan is not provided on Final Site Plans. An actual irrigation plan would need to be provided in the Final Site Plans. That plan would need to conform to city standards.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5621 or rmeader rmeader@cityofnovi.org.



Rick Meader – Landscape Architect

TRAFFIC REVIEW



AECOM
 27777 Franklin Road
 Southfield
 MI, 48034
 USA
 aecom.com

Project name:
 JSP21-03 – IXL Novi Revised PUD Amendment
 with Concept Site Plan Traffic Review

To:
 Barbara McBeth, AICP
 City of Novi
 45175 10 Mile Road
 Novi, Michigan 48375

From:
 AECOM

Date:
 January 7, 2022

CC:
 Lindsay Bell, Madeleine Daniels, Victor Boron,
 Christian Carroll, Humna Anjum

Memo

Subject: JSP21-03 – IXL Novi Revised PUD Amendment with Concept Site Plan Traffic Review

The revised concept site plan was reviewed to the level of detail provided and AECOM recommends **approval** for the applicant to move forward as long as the comments provided below are adequately addressed to the satisfaction of the City.

GENERAL COMMENTS

1. The applicant is proposing repurposing an existing 2 story building into a day care center.
2. The site is located on the southwest corner of 14 Mile Road and Wakefield Drive. 14 Mile Road is under the jurisdiction of Oakland County and Wakefield Drive is a private road.
3. The site is currently zoned RA (Residential Agerage).
4. There are no traffic-related waivers/variances required at this time.

TRAFFIC IMPACTS

1. AECOM performed an initial trip generation based on the ITE Trip Generation Manual, 11th Edition, as follows.

ITE Code: – 565 (Day Care Center)
 Development-specific Quantity: 200 Students
 Zoning Change: N/A

Trip Generation Summary				
	Estimated Trips	Estimated Peak-Direction Trips	City of Novi Threshold	Above Threshold?
AM Peak-Hour Trips	140	83	100	No
PM Peak-Hour Trips	134	71	100	No
Daily (One-Directional) Trips	759	N/A	750	Yes

2. The City of Novi generally requires a traffic impact study/statement if the number of trips generated by the proposed development exceeds the City’s threshold of more than 750 trips per day or 100 trips per either the AM or PM peak hour, or if the project meets other specified criteria.

Trip Impact Study Recommendation	
Type of Study:	Justification
TIS	Greater than 750 trips per day with projected capacity of 200 students. Unless student capacity is reduced, a TIS is required.

TRAFFIC REVIEW

The following table identifies the aspects of the plan that were reviewed. Items marked O are listed in the City’s Code of Ordinances. Items marked with ZO are listed in the City’s Zoning Ordinance. Items marked with ADA are listed in the Americans with Disabilities Act. Items marked with MMUTCD are listed in the Michigan Manual on Uniform Traffic Control Devices.

The values in the ‘Compliance’ column read as ‘met’ for plan provision meeting the standard it refers to, ‘not met’ stands for provision not meeting the standard and ‘inconclusive’ indicates applicant to provide data or information for review and ‘NA’ stands for not applicable for subject Project. The ‘remarks’ column covers any comments reviewer has and/or ‘requested/required variance’ and ‘potential variance’. A potential variance indicates a variance that will be required if modifications are not made or further information provided to show compliance with the standards and ordinances. The applicant should put effort into complying with the standards; the variances should be the last resort after all avenues for complying have been exhausted. Indication of a potential variance does not imply support unless explicitly stated.

EXTERNAL SITE ACCESS AND OPERATIONS				
No.	Item	Proposed	Compliance	Remarks
1	Driveway Radii O Figure IX.3	No changes indicated	N/A	Indicate if changes to existing are to be made.
2	Driveway Width O Figure IX.3	No changes indicated	N/A	Indicate if changes to existing are to be made.
3	Driveway Taper O Figure IX.11			
3a	Taper length	No changes indicated	N/A	Indicate if changes to existing are to be made.
3b	Tangent	No changes indicated	N/A	Indicate if changes to existing are to be made.
4	Emergency Access O 11-194.a.19	No changes indicated	N/A	Indicate if changes to existing are to be made.
5	Driveway sight distance O Figure VIII-E	No changes indicated	N/A	Indicate if changes to existing are to be made.
6	Driveway spacing			
6a	Same-side O 11.216.d.1.d	No changes indicated	N/A	Indicate if changes to existing are to be made.
6b	Opposite side O 11.216.d.1.e	No changes indicated	N/A	Indicate if changes to existing are to be made.
7	External coordination (Road agency)	No changes indicated	N/A	Indicate if changes to existing are to be made.
8	External Sidewalk Master Plan & EDM	No changes indicated	N/A	Indicate if changes to existing are to be made.

EXTERNAL SITE ACCESS AND OPERATIONS				
No.	Item	Proposed	Compliance	Remarks
9	Sidewalk Ramps EDM 7.4 & R-28-J	No changes indicated	N/A	Indicate if changes to existing are to be made.
10	Any Other Comments:	No changes to external access appear to be proposed. The applicant should provide demolition plans to show changes.		

INTERNAL SITE OPERATIONS				
No.	Item	Proposed	Compliance	Remarks
11	Loading zone ZO 5.4	Not indicated	Met	Not required for RA Zoning.
12	Trash receptacle ZO 5.4.4	No change	N/A	
13	Emergency Vehicle Access	Not indicated	Inconclusive	As internal parking lot changes proposed, emergency vehicle turning movements should be provided.
14	Maneuvering Lane ZO 5.3.2	24' and 22'	Met	The applicant could consider widening the 22' lanes to 24'.
15	End islands ZO 5.3.12			
15a	Adjacent to a travel way	Not indicated	Not Met	End islands should be 3' shorter than adjacent parking spaces. Islands appear shorter, but length is not dimensioned. Outer radius should be 15'.
15b	Internal to parking bays	Not indicated	Inconclusive	Provide dimensions for length. Internal islands do not have to be 3' shorter than spaces.
16	Parking spaces ZO 5.2.12	20'10" setback to curb	Met	RA Zoning does not have a setback requirement.
17	Adjacent parking spaces ZO 5.5.3.C.ii.i	<=15 spaces adjacent without an island	Met	
18	Parking space length ZO 5.3.2	17' and 19'	Met	Applicant should ensure that curb heights are included. 19' spaces require 6" curb, 17' spaces require 4" curb and 2' clear overhang, which should be indicated.
19	Parking space Width ZO 5.3.2	9'	Inconclusive	Provide dimensions in future submittals.
20	Parking space front curb height ZO 5.3.2	Not indicated	Inconclusive	Provide dimensions in future submittals.
21	Accessible parking – number ADA	4 spaces	Met	
22	Accessible parking – size ADA	8' wide, 17' long	Met	Length allowable for 4" curb, indicate curb height.
23	Number of Van-accessible space ADA	By dimension, 2	Inconclusive	Include signage to indicate van accessible spaces.
24	Bicycle parking			
24a	Requirement ZO 5.16.1	Not indicated	Inconclusive	2 spaces required for day care center.

INTERNAL SITE OPERATIONS				
No.	Item	Proposed	Compliance	Remarks
24b	Location ZO 5.16.1	Not indicated	Inconclusive	
24c	Clear path from Street ZO 5.16.1	Not indicated	Inconclusive	Applicant should note the 6' clear path may not include the 2' clear overhang for 17' parking spaces.
24d	Height of rack ZO 5.16.5.B	Not indicated	Inconclusive	
24e	Other (Covered / Layout) ZO 5.16.1	Not indicated	Inconclusive	
25	Sidewalk – min 5' wide Master Plan	7'	Met	
26	Sidewalk ramps EDM 7.4 & R-28-J	Ramp not indicated	Not met	
27	Sidewalk – distance back of curb EDM 7.4	Flush to curb along parking lot	Inconclusive	Integrated along parking lot, provide offset for non-parking lot sidewalks.
28	Cul-De-Sac O Figure VIII-F	N/A		
29	EyeBrow O Figure VIII-G	N/A		
30	Minor/Major Drives ZO 5.10	N/A		
31	Any Other Comments:	Applicant should provide additional dimensions in PSP.		

SIGNING AND STRIPING				
No.	Item	Proposed	Compliance	Remarks
32	Signing: Sizes MMUTCD	Not included	Not Met	
33	Signing table: quantities and sizes	Not included	Not Met	
34	Signs 12" x 18" or smaller in size shall be mounted on a galvanized 2 lb. U-channel post MMUTCD	Not included	Not Met	
35	Signs greater than 12" x 18" shall be mounted on a galvanized 3 lb. or greater U-channel post MMUTCD	Not included	Not Met	
36	Sign bottom height of 7' from final grade MMUTCD	Not included	Not Met	
37	Signing shall be placed 2' from the face of the curb or edge of the nearest sidewalk to the near edge of the sign MMUTCD	Not included	Not Met	
38	FHWA Standard Alphabet series used for all sign language MMUTCD	Not included	Not Met	

SIGNING AND STRIPING				
No.	Item	Proposed	Compliance	Remarks
39	High-Intensity Prismatic (HIP) sheeting to meet FHWA retro-reflectivity MMUTCD	Not included	Not Met	
40	Parking space striping notes	Not included	Not Met	
41	The international symbol for accessibility pavement markings ADA	Not included	Not Met	
42	Crosswalk pavement marking detail	N/A	N/A	
43	Maintenance of Traffic Plans	N/A	N/A	
44	Any Other Comments:			

Note: Hyperlinks to the standards and Ordinances are for reference purposes only, the applicant and City of Novi to ensure referring to the latest standards and Ordinances in its entirety.

Should the City or applicant have questions regarding this review, they should contact AECOM for further clarification.

Sincerely,

AECOM



Patricia Thompson, EIT
Traffic Engineer



Paula K. Johnson, PE
Senior Transportation Engineer



Saumil Shah, PMP
Project Manager

FIRE REVIEW



December 16, 2021

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Laura Marie Casey

Hugh Crawford

Justin Fischer

Brian Smith

Ericka Thomas

City Manager
Peter E. Auger

City Clerk
Cortney Hanson

**Director of Public Safety
Chief of Police**
David E. Molloy

Fire Chief
Jeffery R. Johnson

Assistant Chief of Police
Erick W. Zinser

Assistant Chief of Police
Scott R. Baetens

Assistant Fire Chief
John B. Martin

TO: Barbara McBeth - City Planner
Lindsay Bell - Plan Review Center
Christian Carroll - Plan Review Center
Madeleine Daniels - Planning Assistant

RE: IXL Learning Center

PSP# 21-0023 Revised PUD Amendment

Project Description:

Remodel an existing building at 31260 Wakefield Dr.

Comments:

Meets fire department standards.

Recommendation:

Approved

Sincerely,

Mike Orlando – Acting Fire Marshal
City of Novi – Fire Dept.

cc: file

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

cityofnovi.org

**PLANNING COMMISSION MEETING MINUTES EXCERPT
JANUARY 26, 2022**

complies with all the applicable requirements of the Novi Zoning Ordinance and/or any other code or ordinance regulating and controlling the use. It is staff's opinion that this use is not permitted in the TC District and does not comply with the requirements of the TC District.

Chair Avdoulos said before we take the roll call vote, I think there were a lot of good points made by my fellow Commissioners. The biggest thing I had an issue with was the requested property for the parking is not next to the building it would be supporting. That makes this a difficult use to approve. I think perhaps if it was next to the existing Carvana lot, we could have had a better discussion. Also, the way we looked at this project when it originally came in was as a retail center rather than a used car business. That was one of the reasons it was attractive to this particular development, so I will also be supporting the motion.

ROLL CALL VOTE TO DENY THE PROJECT JZ21-39 CARVANA EXPANSION LOT MADE BY MEMBER RONEY AND SECONDED BY MEMBER LYNCH.

Motion to deny the project JZ21-39 Carvana Expansion Lot. Motion carried 4-0.

PUBLIC HEARINGS

1. IXL LEARNING CENTER OF NOVI JSP21-03

Public Hearing at the request of JMSS Novi, LLC for a request to amend the Planned Unit Development (PUD) Agreement & Area Plan for the Maples of Novi. The subject property contains 30.32 acres and is located in Section 2, on the south side of Fourteen Mile Road, east of Novi Road. The applicant is proposing to repurpose the entire clubhouse into an education center for children and will, at a minimum, maintain the existing golf course as open space. Improvements to the parking, visual screening, and an outdoor play area are also proposed with this development.

Before giving the floor to Planner Carroll, Acting Chair Avdoulos informed the public hearing attendees to feel free to make themselves comfortable in the atrium where chairs and a TV had been set up for anyone felt too warm in the chambers.

Planner Carroll said before you tonight is the IXL Learning Center of Novi. The proposed site for a daycare center is located south of Fourteen Mile Road and east of Novi Road. It is zoned Residential Acreage with a Planned Unit Development. The subject of this request is the Clubhouse located on the eastern portion of the property, at the southwest corner of 14 Mile and Wakefield Drive. The property also contains a golf course that winds throughout, and it is outlined in red on the image displayed before you. The current access to and through the development is provided at two locations on 14 Mile Road, and one drive on Novi Road. Commerce Township is to the north with mostly residential neighborhoods on the north side of 14 Mile Road, including Walden Pond, which is directly across from the Wakefield Drive entrance. This image provides an overview of the different homeowners' associations in the area: Maple Pointe is shown in purple, Maple Greens is shown in green, Maple Hills is shown in orange, and Maple Heights is shown in blue. The land is zoned RA Residential Acreage throughout the development, and the Future Land Use map indicates Single-Family with a PUD for the entirety of the property. The surrounding area consists of mostly of residential with commercial at the corner of Novi Road and Fourteen Mile Road. The subject property does contain regulated wetlands and woodlands, but the proposed project is not proposing any impact any of the existing natural features. The applicant is before you this evening seeking to amend the PUD Agreement & Area Plan to allow for the use of a daycare center on this site. This request previously came before the Planning Commission on June 9, 2021, and it was tabled. The applicant was asked by the Planning Commission to meet with the residents of the Maples of Novi community and to submit a revised proposal that took into consideration

concerns of the residents and clarified the use of the current golf course.

Planner Carroll went on to say in this revised request, there are a number of items that have been modified:

- The number of children at the daycare center has increased from 67 children with capacity for 200 children for special events, which was the number of children indicated in the previous submittal, to 125-175 children with capacity for 200 children.
- On the previous submittal, the golf course portion of the site was only indicated that it would be maintained as open space. The applicant has clarified on the revised submittal that the grass will be routinely cut and maintained and is willing to provide an agreement indicating that the site will be maintained properly. In addition, the current golf course will not be in operation and the current path will be turned into a walking trail that is for exclusive use of the Maples of Novi residents. The applicant has also indicated that if the community is interested in a disc golf course being placed on the site, they would be willing to install such facilities.
- All references to future development on the site plan have been removed. It is not the applicant's intent to develop any other portion of the site.
- On the landscape plan, site sections have been added to show the visual relationship between the playground area fence/screening and the nearby residences.
- The applicant has also met with a number of community members and the HOA Presidents since the last submittal.

Ultimately, the applicant is seeking to amend the PUD Agreement & Area Plan and staff is of the opinion that there are a number of items that need to be addressed. These items include:

- The revised submittal has indicated that 125-175 children will be on-site per day with the physical capacity to hold 200 children. Staff would like clarification to determine when and how often 200 children are expected.
- In addition, per Section 4.12.1.C of the Zoning Ordinance, Section 4.12.1.C only applies to "day care centers exceeding fifty (50) children, but not more than one-hundred and twenty (120) children." Therefore, this revised request is not an allowable use within the Residential Acreage (RA) Zoning District unless the number of children is reduced a maximum of 120 children per day.
- In the Traffic Review, the proposed increase in the number of children also triggered the requirement for the applicant to complete and submit a Traffic Impact Statement, and the report notes that this would need to be provided. If the capacity of the building were to be reduced to the maximum allowable number of 120 children, this zoning ordinance requirement for a Traffic Impact Statement will no longer be required.
- A Noise Impact Statement is required with the Preliminary Site Plan submittal as the proposed daycare use could potentially generate additional noise as compared to the current clubhouse use of the site. This was noted on previous reviews, but I wanted to bring it up again now to note it for the future.
- The applicant has offered to sign an agreement that will guarantee that the grass will be cut on a regular basis. A draft of this agreement should be provided with the next submittal and/or it shall be made a condition of the Planning Commission's recommendation to the City Council when the Planning Commission's motion is made.

In addition, there may still be items that the applicant would like to address separately with the homeowner's associations that are outside the purview of the Zoning Ordinance standards. The Planning Commission should note that the applicant provided a response letter to the staff and consultant's review letters that mostly addressed the concerns related to the concept plan. The applicant indicated that other items from the staff and consultants' review letters, such as whether the number of children being cared for the daycare center would be adjusted to be consistent with the maximum number as allowed by the ordinance, the traffic impact statement, and the noise impact statement will be addressed with a later submittal. The

applicant will provide some clarification on these items during their presentation at tonight's meeting.

Planner Carroll concluded by saying although the PUD Ordinance was retracted many years ago, the ordinance remains in place for Novi's existing PUDs, and provides a process for requesting changes to the existing developments, which - from the City's standpoint - includes review by the Planning Commission with a public hearing. That is what is scheduled for this evening. To summarize, the staff report indicates the request should be considered a major change to the PUD Agreement & Area Plan as the project proposes a change in use, character, and concept of the development. The report also highlights that the revised submittal has increased the number of children from 67 that 125-175 children daily. Therefore, staff is of the opinion that at this time, the Planning Commission recommend denial to the City Council of the request due to the lack of compliance with the number of items just mentioned. The Planning Commission is asked tonight to hold the public hearing on this matter and consider making one of the two suggested motions as provided in the packet. There are several people representing the project here tonight, including Jennifer Moss, Applicant, and David Landry, Attorney for the Applicant. Staff is available for any questions you may have.

David Landry, Attorney on behalf of JMSS Novi, LLC and the IXL Learning Center, said I would like to begin with a matter of perspective. We are requesting an amendment to a PUD as an existing member of that PUD. The applicant has a property interest, and we have a contract to purchase the property. Therefore, we stand in the shoes of the golf course. Any member cannot just come before this body and request a rezoning in the area unless they have a property interest. We do. It is as if the golf course is standing before as a member of the Maples, requesting an amendment. However, we are not asking for a change to any other part than the part that we own. This PUD has existed for 30 years. Has anything changed in Novi in 30 years? Of course, it has. We've learned that we must keep up with the changes or cities will stagnate. The city administration originally reviewed our application last May. Planning recommended approval, engineering recommended approval, landscape recommended approval, traffic recommended approval, and the fire department recommended approval. On June 9, we had a public hearing, and several residents objected - which is certainly their right to do so. However, the role of the Planning Commission and, ultimately, the City Council is to analyze the objections to determine if they are substantiated. Is there evidence to back them up? This is a PUD, and the nature of PUDs stems from someone coming before the city, after an ordinance has already been implemented, and asks to develop property outside of those restrictions. The first the question the city will ask is: what benefit would the city receive from allowing you to create this PUD? That was the overriding principle in 1992 when the PUD was first passed, and it is the overriding principle in 2022 - what is in the best interest of the city for this PUD?

Mr. Landry continued to say when we appeared in June, we heard questions about the golf course and that the residents did not want to lose the golf course. We also heard that it will increase traffic and increase noise. Some were confused overall as to what an IXL Learning center was and asked question about that. There was also a complaint that we had not met with them. As a result, the Planning Commission tabled it and instructed us to meet with the members of the Maples. There are four or five Maples communities, including us, and then there is a General Board of Directors. We contacted the General Board and said that we would like to meet with the members; we will meet you at the Maples, so you don't have to go very far. We also provided a letter that responded to many of the issues raised, and we politely asked them to distribute it through email so residents would have some context before our meeting. They responded by saying they did not want a meeting because near 100 people could attend. Our response was that was the entire point of the meeting. We wanted to meet with their residents. Then they said they wanted to rewrite our letter and take certain parts out. Part of our

letter said that we would give the golf course to the members of the Maples, but the board was adamant that we should not include that. Obviously, we cannot let them tell us what information to provide to the members. The General Board initially agreed to meet with us, but then they retracted that offer. Then, we contacted each individual Board of Directors for each community in the Maples. We asked them to send our letter out through their email system, and they refused to do that or organize a meeting. We did all we could do. We had a Zoom meeting in December, using social media, and we provided information and answered questions. We presented a PowerPoint where we restated some of the language, so the residents knew that we heard them and that we wanted to address their concerns. The major concern is the golf course. It is important to understand that regardless of the approval of this project, there will not be a golf course there next year. You have heard from the owner, and I believe you will hear it again tonight, there will not be a golf course. The golf course closed from 2011 to 2014. It was reopened, the restaurant closed a second time, and the current owner has said he is going to close the golf course in writing. There were also concerns about affected property values. With respect to the golf course, we are not going to change the clubhouse building; we are going to refurbish it. We are not going to change the topography of the course or affect the wetlands. We are not going to build any building on the golf course; it will remain as open space.

Mr. Landry went on to say an IXL Learning Center is an early childhood learning and development center. It is an established business, and it has been in business since 2004. Its owner, Jennifer Moss, has community ties with the City of Novi. She was raised in the Novi-Northville area, and she is married to a Novi firefighter. She is a member of this community wanting to open her business in this community. Probably the most ironic point of this whole issue is that a childcare center was one of the uses originally contemplated in the PUD. It wasn't contemplated in this precise location. Nevertheless, it was contemplated, so we are not asking for something that was not considered within the original PUD documents. The number of students was mentioned as an issue. We never indicated that there would only be 67 students; there must have been a lack of communication. The space would accommodate 208 students. There is an IXL learning center in Howell with the exact same square footage, and it has the capacity for 208 students. The maximum student count on the facility's busiest day is 128 students. Square footage allows maximums, but that is not actually the maximum that would occupy this Maples property. Intensity of the use was also brought up. This is actually a less-intense use than a golf course, a restaurant, or a bar. The IXL Learning Center is only open Monday through Friday, unlike a golf course. When the golf course closes, the restaurant and bar open and it is open until 2 in the morning. People are drinking, and they are coming and going. Our business is a 7am to 6pm business, it is not open on weekends, and it is closed on the holidays. Therefore, this is a less intense use than a restaurant, bar, and golf course.

Mr. Landry continued, saying with respect to noise, the administrative review from the City indicated that this use will not generate additional noise compared to the clubhouse use. We will also be required to submit a noise study to meet the City Ordinance. Noise, as a matter of evidence, is not going to be any greater than it was previously. There was also concern about how we would keep the children within the bounds of the playground. We will have a fence, a 6-foot arborvitae, 8-foot Serbian Spruce trees, and evergreen trees. We've shown site lines where you will not be able to see into it. We've added that since the last time we were here. Regarding traffic concerns, the drop-off times are typically 7:00 am to 9:00 am and the pickup times are 3:30 pm to 6:00 pm. In fact, displayed before you is a hypothetical scenario where each dot shows a car. That is about how many cars will come in the drop off and pick up times. There will not be 100 to 200 cars showing up at any time. With respect to the golf course property, we have indicated that it will be kept as open space. We will only allow the member of the Maples to use it. Right now, it is a public golf course that anyone can use. We will guarantee that we will mow the grass every week by entering agreements with the City and with the Maples that we will take care of and preserve the property. We would open it up for activities

such as trail hiking, disc golf, foot golf, snow shoeing, and cross-country skiing. One or two residents asked if the city could own the golf course, but they cannot because they specifically prohibit the city ownership of a golf course. We heard some people ask if the Maples could own the golf course. They stated that if the golf course were a competent business, then it should make money. We will give it to the residents if they want it, or we can maintain it. It costs approximately 500 dollars per week to maintain; we'd also give them the commercial lawnmower if they would like it. We are willing to give it to them. This is a photograph of Independence Green in Farmington Hills, which is a former par 3 golf course. This is how it's maintained today with disc golf: it's cut weekly, it's manicured, and it's exactly what we would do with the Maples property. Some were concerned that their property value would decrease since they bought into a golfing community and now the golf course will be gone. We did some research; the golf course was closed from 2011 to 2014, and the market value of the houses went up. We have market evidence that property values will not decrease. Currently, you have a golf course that has twice failed on this property, a restaurant and lounge that has twice failed, and there will be either a vacant golf course or a less intense use on this property.

Mr. Landry went on, saying I would also like to address the two identical letters from the same lawyer sent to the city raising a legal issue. This lawyer claims that any attempt to change this PUD would require approval of every single owner in the Maples. The claim is that the PUD is a contract and cannot be changed without the approval of everybody. In the letters, the lawyer says, "Any amendment without approval of all property owners within the Maples of Novi is invalid and unenforceable". Think about this statement for a moment; let's say part of the property in this PUD becomes unmarketable, nobody wants to live there, and it becomes unkept and unsafe. Does that mean that the city can not ever alter any part of this PUD without every single homeowner's approval? That just simply is not the law. This isn't just a general contract between two people. This is a PUD, which is somewhat like a contract, but it is authorized by the Michigan Zoning and Enabling Act. The Act ordains that the power to control the growth and development through zoning is a municipal police power. The best example of why the permission of every member is not needed to change it is right here in Novi. There was a lawsuit a few years ago called Sandstone vs the City of Novi. In Sandstone, the original developer came to the city for a PUD with several areas: single family in one area, duplexes in another area, and apartments in another area. Eventually, the original developer sold three of these areas: one to a company called Brownstone, one to a company called Toll Gate, and one to a company called Manchester.

Mr. Landry detailed the court case and related it back to the Maples PUD situation. Overall, the ruling in the court case signified that an expectation by the PUD members is not the equivalent to a right. The court emphasized that it is unrealistic to expect that the use or rezoning of a property would never change.

Mr. Landry concluded by saying the city received a letter, and it essentially said if you approve this you will be sued. Realistically, this is a piece of property that two businesses have failed on, and there is an argument that there is no viable use as zoned. If there is any lawsuit, it will not be by the Maples. I'm not threatening to sue anybody, but anybody can claim they are going to file a lawsuit. This is a piece of property that is no longer viable is. We are simply asking to change our portion of the PUD to make it viable, and the crazy thing is, we aren't going to change any of it other than the clubhouse portion. We will stand by for any questions.

Acting Chair Avdoulos reminded the public hearing participants of the rules and time constraints for the public hearing before inviting those members of the audience to approach the podium.

Mike Wood, 41311 Cornell Drive, said asked who are the current owners of the 30 acres? That is my only question.

Acting Chair Avdoulos reminded the audience that the public hearing is not a back-and forth discourse, and that the Planning Commission hears all the comments and addresses them after everyone has spoken.

Laura Miller, 41940 Canterbury Drive, said I am happy that there is green space and that there will not be development in the open spaces. My children attended a childcare service such as this and I currently provide special education services in another city. We had two entrances into the parking lot. If you have 14 rooms, most times you will have two adults and administrative staff. This could be up to 20 adults, so 20 of the parking spots will be for staff. My main issue is that this center only has one entrance, and it is on our entrance road rather than on the main road. This could cause traffic back-ups and safety issues. We already see the congestion on Novi Road with the traffic from the elementary school across the road. It is almost impossible to make a left turn out of our property. I do not know how you did a traffic stud because that road has been torn up for two years. Sometimes you can wait for 5 minutes holding up traffic trying to turn left into the neighborhood from 12 Mile because it only has two lanes. I hope that the Commission can reconsider the traffic study.

Teresa Renaud, 30857 Centennial Drive, said I want to thank you for your consideration. I know this has been a long-haul going on for about a year now, so I appreciate it. I know that one of the top priorities for Planning Commissions to reconsider a PUD is need. I did a study, and I'm not sure if this has been done, but in Novi's three zip code areas we have 25 daycares and childcares already. The total capacity of these facilities is 2,969 with 85 percent capacity left open. I'm not sure there is need for another daycare center in our community. Also, looking at the demographics of our neighborhood, we are an aging population where childcare is not in high demand. We also do not have an increase in childbirths in our area. My request tonight is to consider the need of not just the entire Novi community, but our part of that community. I know that we are somewhat on the northeastern border of the city with Walled Lake and Commerce Township, but as our representative, please consider this.

Ross Barranco, 31247 Barrington Drive, said my property is 'Site A' on your site plan map. I want to let you know that the scale on the horizontal depiction is off. It shows that the footpath is going to be 40 feet wide when it is only going to be 10 feet wide. It shows the distance between me home and the shrubbery will be 80 feet, but it will only be 20 feet at the most. I will be able to see over the screen when I am standing on my back porch. On the site plan, it shows an area to southeast – that is playground. IXL is proposing to double the size of the maximum size of the allowed playground. The lawyer just mentioned that they will keep the topography the same. However, there is currently a putting green in the area where the playground will be and a mound behind it. I assume that they plan to bulldoze that mound and level to grade. They're going to destroy the putting green and half of the golf path. There is sufficient room to the north and south of the golf path for the playground. There is no need to be on the other side of the path from where it is today. If the current entrance on Wakefield were blocked off and a new entrance on 14 Mile just east of the garbage bin was put in, you would shift the traffic congestion away from the area. Otherwise, the Waldon Pond neighborhood will be trapped either in or out of their neighborhood due to traffic. The pickup times for the center line up directly with rush hour, the busiest times for cars to be exiting the nearby neighborhoods. It does not seem that many people would be rushing to and from a golf course at rush hour.

Todd Skowronski, attorney representing Maple Hills and Maple Pointe associations, said I am the attorney that was reference earlier. I am raising the same objection again. It may not surprise you that attorneys disagree amongst themselves to advance their clients causes. It is our position that, under Novi Zoning Ordinance and PUD ordinance, a developer has the right to amend a PUD. IXL is one of multiple stakeholders that are successors to the developer. They

don't have the right to come in unilaterally advancing this amendment without the approval of all the other stakeholders approving. I did not write the PUD ordinance, but that is what it says. While IXL may not like the way the ordinance was structured, that is the law we must live with. In my prior objection, I also noted that this would violate the Zoning Ordinance aside from the PUD issues. The proposed usage is for 125 to 175 students, and, as staff pointed out, the local ordinance does not allow daycare centers over 120 students. Even so, when there are between 50 and 120 students, the center can not abut an RA zone, which it would in this case. I will leave the rest to my written submission.

Greg Fiorido, attorney representing the Maple Greens association, said I am here tonight to state the Board of Directors' strong objection to the change in the PUD, as well as the objection of many members of the association. I would like to mention a few legal points. This is a major change in the use or character in this community. This is a community with many elderly people who bought into this project on the reliance that the community would remain similar, and the golf course would still be there. I don't think there is any question whether it is a major change. As brother counsel, Mr. Skowronski, mentioned, the revised submittal does not comply with the Residential Acreage zoning limit of 120 children. I also want to remind everybody that the burden is on the applicant to prove a change in circumstance, economy, or consumer demand. It is not on the surrounding communities to prove the opposite. The applicant will have to meet that burden, and I would suggest that should be a very high burden given the significant change this will bring to the community. This is a golf course community, and there is no question that was the intent. Even if the land is used for open space, it is still a major change to where the residents thought they would be living. Mr. Landry, with respect, somewhat pushed away the idea that you may need more if not all community members to consent. However, this is a legitimate legal question. I'm looking at the old ordinance, and I cannot find anything in there that justifies the request that has been made. In Section 27, it states that you must own all the property if you would like to apply for a PUD. Why would that not be the same requirement for someone who wants to amend the PUD? Maybe it is in the ordinance somewhere in a different section, and I missed it. I was looking at section 27 of the 1997 ordinance, but I did not see anything. At the very least, I think it is a legitimate question that should be answered from a legal perspective. I think the residents at least deserve to understand the mechanism because it can be confusing even for attorneys. There was a 1997 ordinance, now there is a new ordinance, but we still must follow the rules of the old ordinance – they might be confused with what the process is overall. I think many of the residents are confused and feel disenfranchised because of that confusion. Why should one member of the five be able to request a unilateral change? The offer to cut the grass seems underwhelming to me; with such a major change as this, we would need more information as to what that entails. To sum everything up, putting a daycare center in the middle of communities that have many elderly residents does not make much sense to me. It is going to change the type of people that want to buy into the community because it has a daycare and not a golf course.

Janine McKay, 30742 Tanglewood Drive, said I am also speaking on behalf of Tony Sippicchio who is not here today – he is on our board, but he is out of town. His lives at 31138 Seneca Lane, and I will try to combine both of our comments into the time allowed. Tony had said that IXL states that there will be less than 120 students, so will the traffic study still be necessary? Does that include the 45 potential employees? How is the city going to monitor that and the overall population of the center? Mr. Sippicchio also states that on page 23 of the document that was sent to everyone, it states that the city's goal is to provide residential development that provides healthy lifestyles. Looking at the audience members: this is the demographic of this community – we don't have children; we may have grandchildren that occasionally visit us. On page 43, landscaping states that noise from a swimming pool is greater than the noise from the daycare. Tony is asking what is this study based on and who assumed this to be the case? It is probably a false assumption. On page 46, the AECOM traffic study does not make any sense. It does not

factor in the employees, the contractors, the residents, or residents on the other side of 14 Mile Road. There was no reply to the legal challenge that was sent to the city. Mr. Landry did address that tonight, but nothing was included in any of the documents discussing this.

Ms. McKay continued by saying within the original PUD on page 174 of the document sent to us, number 5G, states the applicant "demonstrates the proposed PUD represents a recognizable and substantial benefit to the users of the PUD". If IXL is to amend this PUD, they must tell us how their presence will be a recognizable and substantial benefit to the users in the area. What they state on page 23 of the documents the change provides the surrounding residents with a resource for education nearby. Again, this does not appeal to the demographic that resides within the Maples. Also, there is a 11,000 square foot Goddard center being developed within a mile away. There are already at least 41 daycare centers in the Novi area.

Denise Fekaris, 30923 Copper Lane, said I was able to look up other IXL centers in Michigan, and five came up. They all already closed. None of these centers were in a residential area, and they do not have a very high success rate. Additionally, I am concerned that the building is not safe for children. The roof has been leaking for a long time, and we know there is asbestos there. There are probably animal droppings there since the roof was not kept up for so long. I'm concerned about proximity of wildlife because of the wetlands that are there. I'm concerned about the stagnant water where we can't spray for mosquitos because they're regulated wetlands. I don't think this a good place for kids to be. This is a sick building. I am a mom and a grandmother, and when I walk past that building, I think that I wouldn't even put criminals in there.

President of the Maple Hills Association, Don Jorgenson, 41396 Belden Circle, said the Maples Hills consists of four condo associations which have a total of about 750 residential units. Honestly, I think we all would like a business in that place. Unfortunately, I don't think we should accept the first and only business to come forward so far by trying to fit a square peg in a round hole. The city did send out voting documents to all residents within the 300-foot radius, and I have been tracking most of them for my condo association. According to the city notes as of a few days ago, and I know it went up from there, there were an overall 132 responses. There were 5 that voted they approved, but I do not think two of them should be counted because no address information was given. According to my associations vote count, 130 said no. Those are the people out here today that want their voice heard. Regarding the Zoom meeting on December 9, it consisted of around 80 people. However, all the cameras except those of the applicant were blacked out and we were muted. We were able to voice concerns and ask questions only through the chat. At the end of the meeting, my belief was they cherry picked a couple responses, and that was all. According to the notes they provided to the Commission, they said there was an overall positive response. We are contesting that. Regarding parking, there are 85 spots in that lot. Originally, they said 65 kids would be coming, but now they are saying 175. That is about a 300 percent increase. This is not enough space considering most children come in individual cars and the time it takes to drop a child off is not fast enough for the spots to turn over efficiently. That is also a lot of cars coming and going on a private road. Since the traffic will be so heavy, I am sure that it will not be long before people realize that they can cut through the Maples neighborhoods from Novi Road to avoid that traffic and get to the front of the line.

Shirley Kest, 31004 Tanglewood Drive, my only direct access to my home's street is Wakefield, which is a private drive. We maintain those roads, and we create the curbs on those roads. I want to point out that in the January 10th City Council Minutes, the zoning ordinance is discussed. In number 4a.1 it says the applicant shall present all ownership of land in a PUD. The residents are the majority owners of the land in the PUD. The clubhouse building is a minor portion of it. Regarding home market values, the house directly across from the Birmingham IXL business,

which is in an old church, took 2 years to sell their house. They had to come down 10.6 percent in their asking price to get the house sold. I do think the homes immediately adjacent to the playground will be affected by that. In the Maples, there are over 700 residences. If there are at least two people in each home, that is a voting base of around 1,400 people who pay their taxes to the City of Novi. That does not include our neighbors across 14 Mile Road in Waldon Pond. If they would like to be a good neighbor and coexist in a residential community, then they need an exclusive access directly into your parking lot.

Corey Byron, Owner of the Maples Golf Club, said I know IXL learning centers across the state are still open; whoever printed those sheets off probably did so when they were closed for business hours after 6pm. Our building is completely safe; I spend 300 days per year there, and it works very well. I would like to discuss the responses that were submitted about traffic and noise. During the summer, we have 5 camps for children on Thursday mornings. There are 32 kids, 7 coaches, and typically 5 parents that stay around. That's about 45 people on a putting green, and we have never once had a noise complaint. I believe that when IXL takes kids outside, there might be 30 kids max out at once. Thursday night is our busiest night. We have 40 cars come in from 4:45pm to 5:20pm, and the kids camp ends at 4pm. That is 80 cars overall – we never received a traffic complaint. Now I'd like to discuss real estate, which I do know a good deal about. The best thing is, there is a lot of demand and no supply. Values aren't going down; they continue to go up. When I close this golf course, and I maintain the grass to whatever is required by Novi, what damage does that do to a property value compared to all the open space renovations IXL plans to do? What would you rather have: a beautiful park in your backyard, or possibly 8 inches of grass growing with mosquitos? Most significantly, when the PUD formed, as stated on page 284 of the packet received this evening, it states the clubhouse will only serve the Golf Villas, which is Maple Greens and the golf course. Maple Greens residents were originally paying dues. When the Maples filed for bankruptcy around 10 to 13 years or so ago, they severed that relationship with the clubhouse and golf course. When they severed that agreement, there was no longer any correlation between the golf course clubhouse and any condo association in that complex. If it is true that you can't amend the PUD without consent of all members, then the residents of Maple Greens owe a lot of money to a lot of business owners over the last 13 years. I have met with John and Scott, and they are legitimate in what they say they will do. They have done everything they said they were going to do.

Mary Kramer, 30919 Savannah Court, said I haven't picked apart the ordinance and the PUD, but I left my home of 45 years and gambled on Novi. I just bought recently, but I worked for the city I used to live in. I imagine that 30 years ago, Novi's City Council and Planning Commission were very excited about the project. Someone of the residents have been here since it was created. Perhaps the golf course is failing, but this should not only be looked at as one building on 14 Mile; it is a large property weaving in between our neighborhood. Once that sells, what happens if that business closes? What happens to that property overall? You should be loyal to what the development was unless it was really failing, and it is not. The community is beautiful. The development was intended for the people who lived there and to attract people to Novi. Why is Novi entertaining anything different now?

An unidentified resident of the Maples said the current owner of the clubhouse and the golf course has complained that the property had not been supported by the associations. We no longer had a clubhouse when this current owner bought the property. The restaurant that we'd walk to has been taken away from us. It is very difficult to hear the current owner say we did not support him because he did not meet our needs either. Also, there is a wonderful building on 10 Mile just down the road from here that would be perfect for this business.

Karen Smith, 41779 Independence Drive, said I have been a resident in the Maples since it

opened. When it first opened, the golf course was part of the community. We paid a one-time fee of about 5,000 dollars to be a part of that golf community, and we never received a reimbursement for that. My major concern is the traffic. Our roads are private roads. They are narrow and do not have the capacity for that level of traffic. I am concerned that people will be coming in and out of our community using our roads – are they going to pay for a part of them? If this business is to be allowed, I think they should be required to have a separate access drive and not allow them to have any access to our private community roads. 120 children is a high number, and it would require a lot of employees. Therefore, there may be up to 20 employees. We do not want to have the liability of property destruction around our community.

Jane Taylor-Liston, 41772 Independence Drive, said I echo many others' concerns about traffic, the putting green, and the tennis courts. I do have to comment on property values because I am new; I only moved in about a year ago. I was told I paid a higher price for my condo because it is on a golf course. I realize the golf course is going away, and that is not an issue. However, this is what I was told at the time of purchase. The property values that were discussed by IXL were from 2011 to 2015. I sold my house in Plymouth in 2013 to move out of state, and I guarantee that the property values at that time all over metro Detroit were going up no matter what. Just because the property values of the Maples were going up at that time does not mean it was caused by the golf course or the lack thereof.

Seeing that nobody else wished to participate in the public hearing, Acting Chair Avdoulos closed the public hearing.

Acting Chair Avdoulos said I wanted to indicate that we did receive many public hearing responses. In total, there were 377 responses: 357 objected, 17 were in support, and 3 were undecided. All the comments written here have been included in the public record. With that, we will turn it over to the Planning Commission for discussion.

Member Becker said I'd like to muse on a couple things that the IXL attorney brought up at the beginning of the hearing. I found it interesting that the traffic issue was presented by studying the Northville IXL facility, which is about half the size of the one proposed for Novi. I am also interested as to why they did not do a similar study on the Howell facility that is almost exactly the same size as the one proposed for Novi. It was also mentioned that the applicant would give the golf course to the residents but without a club house. The other remark was, with or without this PUD, there is not going to be a golf course. To me, the issue isn't whether the PUD can be changed – it is whether this is the right project to change it. I read many of the concerns expressed by the citizens. To me, there is one issue that rises above all the others, and it needs our careful consideration. In the interest of time, I will forgo my opinions about the other concerns express. My concern is about the one issue I believe to be unavoidable, and that is traffic and public safety. As a parent a grandparent, I have some experience with what occurs at a childcare facility during their peak drop off and pick up times. The process usually consists of unloading 1 to 2 children, sometimes from both sides of the vehicle. This process also will sometimes require setting up a stroller to get the younger children into the building. In short, this process is neither quick nor very safe. What I noticed on the traffic map is that the applicant provided a measurement from the entrance to the property off Wakefield to 14 Mile is about 140 feet. However, that is from the center of 14 Mile. If you measure from the cut in that starts to allow a right turn onto southbound Wakefield Drive, then it is more like 100 feet to the parking lot. Please note that the applicant designed 11 parking spaces for drop off and pick up, and they are immediately inside the only entrance into the property, directly in front of oncoming traffic. This will mostly block the path of incoming and outgoing vehicles, and it will block up traffic onto Wakefield, and eventually onto 14 Mile. For parents leaving the parking lot and turning west onto 14 Mile, it will be problematic at the least. The residents of the area surrounding this facility would have to deal with this congestion twice a day, 5 days a week, 52 weeks a

year. The traffic flow study done by the City's consultant indicates peak hour vehicle traffic for the facility is between 71 and 83, per a manual listing rule of thumb. I cannot determine if 14 Mile Road will have more than one lane in each direction by the time the work on the road is finished. Even so, it would not alleviate the back up of traffic on Wakefield or 14 Mile, but it would still make it more hazardous for people trying to turn left from the north or south of 14 Mile. Looking at the proposed parking lot design, it does not maximize the safety of parents and children and it greatly increases the risk of traffic accidents. I found no comfort in limiting the applicant's customer base to 120 children. When the property was a golf course, most customers did not show up or leave in the same 90-minute window. In Michigan, golf courses do not operate year-round, but childcare centers do. I think that a use without the many traffic concerns that are seen here would be perfect to the proposed building use. In my Commission tenure, I rarely descended to well though out applicants. In my humble opinion, this use for the subject property is a really bad idea due to one major issue: traffic and public safety. I urge the property owner to seek out other potential buyers, and we will have a use for the property that is much more suitable than the one proposed.

Member Lynch said the neighborhood is a beautiful area, and it is a shame that the golf course closed. Looking at what was presented to me on Friday, there were four signatories on this PUD agreement: the city, Maple Group, Classic Construction, and Manufacturers National Bank. However, there still seems to be confusion. Until the issue of who has a right to this PUD is resolved, I am not sure what right we have to make a recommendation. I can give my opinion and recommendation to the City Council, but I don't see this getting any further until that issue is resolved.

City Attorney Schultz said it is the Commission's prerogative to make the decisions on items such as these. If it comes before the Commission, then the Commission is poised to make a decision on that item.

Member Lynch said I agree with my fellow Commissioner that the traffic situation is not great. The PUD, from the city's perspective, is typically used to preserve natural resources. They wanted to use the golf course as a method of protecting these resources. If I am looking for a house, and look in the Maples, I would see that development is must comply with the area plan for the PUD. The other purpose of the golf course was to provide a visual amenity to the residents. My concern is, if the golf course is not going to be there, we need to protect the integrity of what the PUD was originally intended for: preservation of visual amenities and natural resources. My recommendation to Council is to return that area to its natural state. I believe that this is a major change to the PUD. We can't force someone to run a business that isn't viable, but we can protect the intent of the PUD. My recommendation, and Council does not need to heed this, but my recommendation is to return the environment to the natural state. That could be achieved within 3 years at a reasonable cost. The clubhouse use is outside the ordinance, and to be honest, I am not willing to consider another use on this site until we figure out what to do with the golf course portion of the property. The city attorney will need to advise me, but I believe that the city, as a signatory, has the right to request that the course be returned to a natural state since the golf course business shut down. I don't think an unkept or lightly mowed open area meets the intent of the original PUD to provide visual amenities to the same degree. Therefore, I cannot support this proposed use.

City Attorney Schultz clarified by saying a PUD is essentially the same as a PRO. We do not have the ability to require that golf course to operate. We can't require much besides minimal things, such as cutting the grass. We don't have the ability to direct the owner of the golf course to return the area to its natural state or into a prairie mix or anything of that sort. You do have the ability to treat the PUD as a PRO and provide some reasonable conditions they must meet under the city's ordinance and the Zoning Enabling Act. We have no interest in having an unfixable

piece of land because it is part of a PUD or PRO. Therefore, the Commission would have to come up with a set of reasonable conditions for the property owner to adhere to.

Member Roney said in my mind, there are three parts: the golf course, the clubhouse, and the 700 residents that live in the community. It sounds like the golf course is not going to be there, and I have no idea what it will or should become. I'm not sure I agree with making it into a prairie state. One thing I thought of was my neighborhood where we have a common space with a park; something like that could work here. Then, there's the question of the clubhouse: is this a viable use? The applicant is asking to have more children in the building than we can accommodate per the ordinance. Overall, this is clearly a major change to the use and the character of this community. It is the only golf community in Novi that I'm aware of, so it is a shame the golf course is closing. At this point, I am not prepared to vote in favor of anything. I would like to hear about more options and see what other alternatives are.

Acting Chair Avdoulos I know most of you have a vested interest in this, so appreciate you all coming forward tonight. While we appreciate and consider all the comments brought before us, but we also have the zoning ordinance and PUDs and PROs we must look at; everything follows a process. One question that continues to come up with some of these developments is: why is the city contemplating this project? We don't pick the projects; they come to us. Then, we go through a process to evaluate whether they're appropriate and whether they will work. For me, I have no issues with the IXL Learning Center for what it is. It is interesting that childcare was a contemplated use when the PUD was originally drafted, but it turned out to be a clubhouse and golf course. This changes the way the building and the community is designed. The way that the clubhouse is nestled in on a side road off 14 Mile will cause safety issues. It also does not meet the requirements for the RA zoning district. Therefore, I cannot support this proposal.

Jennifer Moss, applicant for the project, said I am sorry that I have uprooted your lives so much. I just want to clarify a few things. Mr. Becker mentioned that the traffic study from the Northville location provided was not relevant to this lot because of the size differential. I did have another slide showing a larger location as well, but Mr. Landry passed over it. I just want to clear that up, so you don't think I cherry picked the information. Also, in the respect of safety and dropping off, I have been in the business for a long time. I understand how these things work, and I plan for that for parking and pickup and drop off times – I understand how my business works. This is the process, and I am not the villain that many people have made me out to be. If the Commission decides to not approve this proposal, then I am fine with that. It is the cost of doing business.

Motion made by member Roney and seconded by Member Lynch.

In the matter of IXL Learning Center of Novi, JSP21-03, motion to recommend to City Council denial of the request to amend the Maples of Novi Planned Unit Development Agreement and Area Plan as follows:

- a. The requested amendment constitutes a major change to the PUD Agreement & Area Plan because the modification proposed includes a change in use and character of the development as indicated by Article 27, Section 9, Subheading C, specifically, as a**
 - i. Change in the concept of the development, since the applicant is changing the use from a golf course and clubhouse to open space and a learning center facility, and**
 - ii. Change in use and character of the development since the applicant is proposing a change in use from a golf course and clubhouse to open space and a learning center facility.**

- b. The application does not constitute a minor change as described in the ordinance to the PUD Agreement and Area plan since it does not meet the following criteria: Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:
 - i. A change in residential floor area;
 - ii. A change in nonresidential floor area of five (5) percent or less;
 - iii. Minor variations in layout which do not constitute major changes; and or
 - iv. A change in lot coverage and FAR of the entire PUD of one (1) percent or less
- c. The Planning Commission recommends denial of the amendment to the PUD Agreement and Area Plan for the following reasons:
 - i. The proposed daycare center use exceeds more than 120 children on a daily basis, which is not an allowable use within the Residential Acreage (RA) Zoning District.
 - ii. A Traffic Impact Statement has not been provided, which is currently required for the number of children indicated on the latest submittal (200).
 - iii. The request for amendment does not clearly state the reasons or conditions for the requested change, such as the following: changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or reasons mutually affecting the interests of the City and developer, such as technical causes, site conditions, state or Federal projects and installations, and statutory revisions.
 - iv. The Planning Commission is not able to make a finding such that the submitted reasons and requests are reasonable and valid.
 - v. The Applicant has not established that the change in use will not adversely affect adjacent property owners, given the increase in traffic and noise attendant to the proposed new use and the change in the nature of the overall use of the site as a whole.

ROLL CALL VOTE TO RECOMMEND DENIAL OF THE REQUEST TO AMEND THE MAPLES OF NOVI PUD AGREEMENT AND AREA PLAN TO CITY COUNCIL MADE BY MEMBER RONEY AND SECONDED BY MEMBER LYNCH.

Motion to recommend denial of the amendment of the Maples of Novi PUD agreement and area plan. Motion carried 4-0.

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE JANUARY 12, 2022 PLANNING COMMISSION MINUTES

Motion made by member Lynch and seconded by Member Roney.

ROLL CALL VOTE TO APPROVE THE JANUARY 12, 2022 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion to approve the January 12, 2022 Planning Commission Meeting Minutes. Motion carried 4-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth said I believe I received a document that has some additional training opportunities. I will send that out. I think I also mentioned at the last meeting that we are

**PLANNING COMMISSION MEETING MINUTES EXCERPT
JUNE 9, 2021**

2. IXL LEARNING CENTER OF NOVI JSP21-03

Public Hearing at the request of IXL Learning Center for a request to amend the Planned Unit Development (PUD) Agreement & Area Plan for the Maples of Novi. The subject property contains 30.32 acres and is located in Section 2, on the south side of Fourteen Mile Road, east of Novi Road. The applicant is proposing to repurpose the entire clubhouse into an education center for children and will, at a minimum, maintain the existing golf course as open space.

Chair Pehrson said before we get into the Public Hearing, for those that are a part of the Zoom audience, we have received upwards of 160 correspondence of some sort or another. We will not be reading all the correspondence, it's not that your voice does not warrant to be heard, it is important, and it will be part of the permanent record going forward. Also, the applicant may propose some type of postponement until a future date. That's on the table if the Planning Commission chooses to do so at this point in time, we will still hold the Public Hearing. There will be a second Public Hearing should this come back to us as is the requisite of any meeting held by the Planning Commission.

This meeting is a little bit different being on Zoom, but we will go through the same painstaking efforts that we can to bring anyone that wants to speak to the Planning Commission. If you would like to speak, you will need to raise your hand, unmute your microphone, and state your name and address. When you are done, please go back on mute. At a maximum, you'll be given three minutes to address the Planning Commission, if at that time I deem that your time has run out, I will simply ask you to summarize, and I would ask that you respect that time limit based upon the number of people that may want to speak to us tonight. We like to hear everybody. We will also hear not only from the applicant on this particular matter and the City, but I've also asked our City Attorney to provide a bit of an outline relative to the PUD that is in place right now. This is about as unique as an opportunity that's come in front of the Planning Commission at this point in time, maybe, as we will ever have. There are many opinions both pro and con that we have received, and we will do our due diligence as best as we can to take all of this input into account. With that being the ground rules, I will turn it over to Christian.

Planner Carroll said before you tonight, we have IXL Learning Center of Novi. The site is located south of Fourteen Mile Road and east of Novi Road. It is zoned RA, Residential Acreage, with a Planned Unit Development (PUD). The subject of this request is the Clubhouse located at the southwest corner of 14 Mile and Wakefield Drive, and the golf course that winds through the Maples of Novi development. The current access to and through the development is provided at two locations on Centennial Drive and Wakefield Drive off Fourteen Mile Road, and Waverly Drive off Novi Road. Commerce Township is directly to the north across Fourteen Mile Road with mostly residential neighborhoods on the north side of the road.

Just to provide a little context, the map on the screen identifies the four homeowner associations that exist within the Maples of Novi. You have the Maple Greens, which is shown in green, there's the Maple Pointe shown in purple, Maple Hills is shown in orange, and Maple Heights is shown in blue. The subject property including the golf course is outlined in yellow. If you are a resident of this community this kind of provides you with a little bit of background where you're located in context with the proposal.

Now, looking at the site, the future land use indicates Single-Family with a PUD for the entirety of the property. The surrounding area consists of mostly of residential with commercial at the corner of Novi Road and Fourteen Mile Road. The subject property does contain regulated wetlands and woodlands, but the proposed project is not proposing any impact to the existing natural features. The applicant is before you this evening seeking to amend the PUD Agreement & Area Plan to allow for

the use of a daycare center on this site.

Planner Carroll continued to say as indicated on the site plan, the applicant is proposing to repurpose the existing clubhouse fronting on Fourteen Mile Road at Wakefield Drive into a learning center for young children. In the application to the City, the applicant indicated that the building is intended to serve sixty-seven children on a daily basis with capacity for up to 200 children. In addition, the applicant is proposing improvements to the parking lot, landscaping, and is proposing to fill in the existing pool to create a fenced-in play area for the children. The remainder of the site, which is currently a golf course, is proposed to be maintained as open space at this time. The applicant may be able to expand on their request after this report. Ultimately, the applicant is seeking to amend the PUD Agreement & Area Plan and staff is of the opinion that there are a number of items still to be clarified and or addressed before the matter moves forward. There may be additional items that the applicant would like to address separately with the homeowner's associations.

Although the PUD Ordinance was retracted many years ago, the ordinance remains in place for Novi's existing PUDs, and provides a process for requesting changes to the existing developments, which - from the City's standpoint - includes review by the Planning Commission with a public hearing. That is what is scheduled for this evening.

As required by the City's Zoning Ordinance and by State Statute, notice of this public hearing was sent out to properties located within 300 feet of the site as shown on the buffer map on the screen. A total of 579 notices were mailed. The map shows that homes surrounding the golf course, and those surrounding the north clubhouse are included in mailing of the notice.

With that, the staff report does indicate the following: the request should be considered a major change to the PUD Agreement and Area Plan as the project proposes a change in use, character, and concept of the development; the response letter provided by the applicant did not provide the requested additional information regarding how the open space will be used and maintained, it did not contain draft PUD Amendment language which would clarify the intent of the proposed changes, and had not provided any representations or documentation showing any agreements with the Homeowner Associations on the use and maintenance of the golf course and clubhouse property. Therefore, staff is of the opinion that the item be postponed to allow the applicant the opportunity to clarify a number of outstanding items as identified in the review.

Planner Carroll continued to say the Planning Commission is asked tonight to hold the public hearing on this matter and consider making one of the three suggested motions as provided in the packet. There are a number of people representing the project tonight, including Jennifer Moss, Owner of IXL Learning Center, Scott Seltzer, Project Manager, David Landry, Matt Niles, Senior Project Designer, and Peter Noonan. The City Attorney also has a brief statement about the PUD Ordinance that she would like to make at this time.

Beth Saarela, City Attorney, said the Zoning Ordinance was amended some years ago to take the PUD Ordinance out and replace it with other types of discretionary development options. What a PUD is, is a discretionary development option similar to what we have now in the Zoning Ordinance as a Planned Zoning Overlay, PRO. It generally is a proposal to develop a parcel or various parcels together in a way that deviates from the strict requirements of the Zoning Ordinance. It's a specialized development that will require Planning Commission and City Council to consider allowing it despite the fact that it doesn't meet all other requirements of the Zoning Ordinance for that location. Requirements could range from setbacks, density, type of use, various different types of deviations from the Zoning Ordinance would be considered under a PUD. In this case, the PUD was put in place and there is a PUD agreement of record. The PUD Agreement adopts the approved PUD Plan for the project and the PUD agreement and plan get recorded with Oakland County Records.

This would be similar to the way we currently do a Planned Rezoning Overlay, which is the current type of discretionary development that Planning Commission and City Council may consider. In this case, in respect to any other PUD's that are out there in the City, a developer or successor to the developer comes in to propose a change, or amendment to the PUD Site Plan or overall PUD, they have to go through the process that that PUD Ordinance put in place at the time to amend the PUD so our current Zoning Ordinance did retain the ability to refer back to the repeal provisions of the PUD Ordinance in cases such as this where we're looking at a proposal to amend a PUD Site Plan, which is part of a PUD Agreement which would also have to be amended if City Council and Planning Commission decide that the Amendment makes sense.

Chair Pehrson said would the applicant like to address the Planning Commission at this time?

David Landry, Applicant's Representative, said the applicant has been dealing with the City Administration on this proposal since February. We've gone through the normal pre-application process submissions, review letters and responses and it's been a very positive experience and in fact, as of May 7, we received positive recommendations from every single division of the City: engineering, planning, traffic. Then, of course, the next step is the public hearing in front of the Planning Commission. The City sent out the requisite notices and made its obligation to notify the people according to the state statute. Just last Monday, I checked on the city's website to look at the agenda and in the packet I saw all of the objections and letters that were submitted to the city. I think there's a lot of misunderstanding about this project. I think there's some misinformation and we want to clear that up. We want to be a member of this community. In looking at the objections, I think most of them center around two things: the golf course and concerns about traffic. With the golf course, we've said we'll keep it as open space were going to maintain it and cut the grass. People want to know what that means and that's natural, I can understand that. With traffic, will it increase? Will we contribute to maintain the roads? They're private roads, so yes, of course, we have to do that under the Master Deeds. We have an obligation and that's spelled out, but we certainly want an opportunity to present more information to the people that are concerned.

Our request tonight is that the Planning Commission table this matter, allow us to meet with the residents of the Maples. We would be happy to set up one or more meetings with different folks or everyone at once. Apparently, some attorneys have been retained and we're happy to meet with the attorneys and provide some additional information and perhaps some changes can be made. Perhaps some of these concerns can be assuaged. We're not asking to cancel the public hearing, we're here and we're happy to listen to the comments, but in fairness to everybody, I think that an opportunity to meet, discuss the concerns, see if we can make some changes that will satisfy those would be in everybody's best interest. Some people may think that their legal rights are violated. Maybe they're correct, maybe they're not. That's certainly not going to get resolved tonight. Before anybody goes down that kind of road, we really should have an opportunity to sit down and meet and see if we can make some changes, tweak this plan, do this or that because there may be a solution that everybody's satisfied with. So tonight, we're asking the Planning Commission to hold the public hearing, table the matter, let us meet with these folks, let us make a resubmission, tweak it, make some changes, come back again, there could be another public hearing and consider it at a later time. The only other thing is the current owner of the golf course, Mr. Corey Byron, is here tonight and he would like to make just a very brief statement if possible, regarding the golf course.

Corey Byron, Golf Course Owner, said I just want to read a quick email that I sent Barb to forward to the Commission regarding the golf course for next year: "Barb, thank you for the note and sorry for the delayed response. As of right now, the course is open, but next year will be different. The buyers of our property are aware of our intentions for next year so I feel the building commission should be aware of them as well. Our current thought is to not open the course going forward. We have twenty-one members from within the Maples community. We have less than a 5% participation rate from

within the community, yet most residents want to use the course as a dog park, walking path, or kids play area. The property is a standalone golf facility is not viable. As you are aware of the contract with Maple Greens complex has been discontinued for many years and from that moment on each owner has struggled to make it profitable. I will gladly hop on a quick call and discuss privately before the building commission meets. Please let me know if you have any questions for me and thank you for your time."

Chair Pehrson said I wanted to make it clear that for those that aren't surrounding the Maples you are a private entity that owns this, not associated with The Maples anymore. So, you are a business owner trying to run a business?

Corey Byron said yes.

Chair Pehrson said some just to be very clear, as per the requirement for those that received the notice, it's my understanding that per the Ordinance, those that live within 300 feet from the property, as indicated that Christian had shown, had been mailed the documentation about this particular hearing. Whether or not everybody responded or threw it away immediately that could be the case, but just to be clear the City followed a process that is part of the practice to insure that everybody is notified within that limit. We've discussed that should this be postponed and we go forward with this, there will be another attempt to further and maybe expand the notification process for those that are in that particular area because we do also have to notify those in neighboring cities when were on a boundary area like this. To Mr. Landry's point about meeting with the community, those that live in the area, I think is welcome news. Let's just call it what it is, a pretty emotional issue, for those that have lived in that area and have bought into that particular association thinking that there would be this golf course here forever probably is not the case. I would beg that those that are online, those that have written to the City or to the Planning Commission take heed in what was just said by the developer that they are willing to sit down at any point in time and with any number of groups have the discussion, talk about the issues. I will go on record and say that you're dealing with one of the finest people that has lived with inside the City of Novi and if you can't find common ground with Mr. Landry, I dare say there might be something wrong, and not with Mr. Landry. There is nothing that in this proposal, that can't be found a solution for, but we need to pay attention to what's being asked of, what's being requested of and try to take the emotion out of the fact that what you just heard the business owners say is there's likely not to be a golf course next year, the chances are pretty high, if not a hundred percent, ninety-nine percent. If this development doesn't go through and I'm not advocating for this development or the next development, we can pretty much be assured that there won't be a golf course in this particular area next year. That's the business owner's decision. There's much, much work to be done relative to as Beth pointed out, going through the PUD and having to restructure that and re-look at that. It's not a simple process that is going to be undertaken by anyone. Nor are there any shortcuts going to be taken. So, with that being the case, I will turn this over to the public now.

Chair Pehrson said if anyone in the audience wishes to address the Planning Commission on this particular matter you may do so now.

Mary Kay Kramer, 30919 Savannah Court, said in all do regards to Mr. Landry's statement, I find it interesting that until they've had a lot of pushback from residents that they haven't tried to talk to us prior to this. To me, that's weak, that they're just waiting until they see they have a lot of problems with residents upset about this. We just bought our condo a few months ago on the golf course and we are very upset about this. I think that the golf course regardless if it remains a golf course or not, that something relevant to the majority of the residents that live here should be put there, not a daycare. I think most of the residents, I don't know if its factual are beyond daycare use. It may be the equivalent of putting an assisted living facility inside a starter home complex. Something that is

more relevant to the residents that live here, even if it's at cost is something that makes more sense and to speed it up, I'm very concerned about their plans on the open space. What is their financial motivation to maintain that? It has nothing to do with their school. So, will they maintain it? That I would really like to know. How are they going to maintain it and if they do not maintain it then what are the consequences? I hope the City of Novi is going to look out for the resident's interest here.

Kathy Thompson, 41366 Cornell Drive, said one of my concerns is that you mentioned the notification letters that went out are in a 300-foot radius of the clubhouse. I'm probably not within 300-feet, but I am still impacted with what will be going on there because we all use the same common entrance and we will all try to come in off of Fourteen Mile Road. I don't know what went into that decision to say were only going to send notification to people within 300 feet, but I think it really needs to be sent to everyone within the community because, again, we are all impacted. My other point is I understand there's a new daycare currently being built as we speak on Thirteen Mile and M-5 so, the business case for putting one in a residential community, I think, needs to be elaborated on a little more. One of the other things that was mentioned was the private road that we do pay for. The builder said they will help pay for that, but it's not just a private road, because there are three entrances we may have increased traffic from all three entrances with parents coming to pick up their children depending on what entrance they're the closest to and drive through our property to get to the daycare. There could be safety concerns, we have people that walk dogs on the street and kids that ride their bikes and we have a lot of walkers so there's a lot of foot traffic within the community and if you add an abundance of cars trying to get to this one location, there could be safety concerns. There will be concerns about noise. If you have a playground then you're going to have kids that are making noise. Also, it's not just the road, it's the traffic coming in from Fourteen Mile Road. It's a one lane going each way and the elementary school is on Novi Road and sometimes coming home when elementary school is let out there's a bit of congestion even there so if were talking about people coming in to pick up their children at that entrance then again, the increased traffic, the noise, the property values of where we live. Again, it's advertised and has been advertised as a golf community and so I'm sure the people that actually live on the course paid a premium to have that view and because that's being taken away, I think the impact is a lot larger than what is being led to believe. Like the woman who previously spoke, we're not a young family, child care type community and so people from outside the community will be dropping their kids off and that's my personal opinion, but when you factor in everything that went into this and the fact that we were never notified- I found out last week and so we were scrambling trying to get information and trying to look at plans and trying to get our voices heard and we need our voices heard so, if anything, I agree and understand to postpone this matter, but you must extend that 300-foot radius of when the next public hearing is.

Brooke Jordan, Maple Greens Attorney, said this association is a member of the Maples of Novi Community Association, who is a party to the PUD that was executed in 1989 with the city. At this time, the Association objects to the request to amend the PUD. It's current use, the golf course, was thoughtfully and strategically designed to wind around the wetlands and wooded area of this beautiful community. The clubhouse and pool still serve the goals that were sought to be achieved by the city in 1989 with this PUD. Mainly providing housing for an elderly population and preserving that natural environment. There's an additional goal of providing a visual amenity to the residents of the Maples of Novi Community Association and as a member of the Maples of Novi Community Association, the applicant and on his behalf Mr. Landry should have presented this plan to the Maples of Novi Community Association before presenting it to the City. It should have given this community to support or oppose it before this was even presented to the City. The proposed use of the childcare center does not serve the goals of the PUD. It quite possibly adversely impacts the value of the homes in this golf course community, which the previous commenters have said. These people have paid a premium to live there and have these amenities and additionally it does increase traffic and noise so at this time we object and do wish that Mr. Landry would have presented an opportunity for the

community itself to discuss this before it was presented in this formal manner before the Planning Commission.

Fred Lebowitz, 41813 Primrose, said I would like more details on what a learning center is. Is it a preschool? Is that a charter school? What is the staffing ratio is going to be? What the hours of operation are? It's a very nebulous concept, a learning center. I would like the developer to present a lot more details about what a learning center is.

Todd Skowronski, Maples Point Attorney, said this association objects to this proposal to amend the PUD. Obviously, we share the previously expressed sentiments about the changing character of the neighborhood, the manner in which his proposals brought to the city, and the lack of coordination, but more importantly, we have a legal objection. We've submitted a written objection that lays this out. The bottom line is IXL is assuming that they're the developer under the prior Zoning Ordinance and therefore they have the right to come and seek amendment of this PUD. That's not correct. The developer who formed this PUD initially was the Maple Group in 1989. At that time, the Maple Group owned all the property that eventually was subjected to the PUD. And thereafter that developer once a PUD was approved, established the separate condominium complexes as well as the golf course parcel and eventually sold those all off to new buyers and left the picture. The developer left in 2001 so there has not been a developer for twenty years. IXL is no different than any other property owner in this entire complex. They have no special rights to come in and change the PUD for their own benefit to the detriment of any other property owner. As the City's Attorney mentioned at the beginning, the PUD is a recorded Document. It expressively says it runs with the land and binds all the heirs, successors, and subsequent owners of the property. All the owners in this complex had vested property rights granted by this PUD that are akin to deed restrictions. They're enforceable in court. So, our objection is, even if the city grants IXL's proposal, it would be invalid because IXL has no right to amend the PUD and has no right to deprive all the other owners, landowners in this development of their vested property rights without their approval. Now, if IXL can get unanimous consent of all the parties to amend the PUD, then it would be viable, but again, IXL is just one of apparently five or six stakeholders, at least just going based on the condominium associations. Arguably, every individual owner is a successor to the developer with equal standing, as IXL would have to seek a lead from this PUD. So, again, our objection is that the Planning Commission, even if it granted this would be a fait accompli and it'd be objectionable and chargeable in court and it would likely fall because all the owners have a vested property interest that cannot be taken away without their mutual assent. Otherwise, I'll stand on our written submission. If the PUD cannot be amended, the City's already pointed out that the zoning in place currently would not allow this daycare center and therefore I think this project is a non-starter.

Karen Smith, 41779 Independence Drive, said I have several concerns. The packet I briefly looked at indicates that this would be a childcare facility with up to 210 children. The information that I see is that in order for this facility to be viable they would need the 210 children and that's unacceptable. I agree with one of the previous speakers that it would increase the traffic flow within the community and we do have a lot of people that walk, I'm one of them. The roads are not wide enough and we have parking issues as well. When we originally purchased this property, which was back in 1992 when the complex was originally developed, there was a membership fee to the golf course of \$5,000 and that was a lifetime membership for the clubhouse and access to the golf course. That went by the wayside and \$5,000 lost and at this point I'm not happy about it. I'm concerned that the learning center would have no use for a golf course area and therefor have no interest in maintaining it. If this were to proceed, my objection would be that they do not use the entrance to the complex, a separate entrance onto Fourteen Mile Road should be required. We do not want anyone coming into our complex. We have no control of those children and if there's 210 there's no guarantees that there would be a limited number of children. They could be running around the complex. If you want to wall it off and build a brick wall around the facility to keep the children in one area, that

would be another item that I would require. It's just not conducive to this area, there are plenty of daycare centers in the immediate area and those should be utilized.

Frank Liegghio, 31049 Collingdale Dr, said my property is on a common roadway between two condo associations. One of concerns is that Tanglewood and Collingdale, which run all throughout the complex, would become a de facto throughway and grant access to parents and others who need to access this daycare facility. We already have a speed issue on this road that we have tried to address. This is one more hazard that would be introduced and liability issues as well as the fair number of walkers and other residents who use the roadway. The Wakefield entrance is one of the main entrances to the community and using that would be a disaster. I'm about 500-700 ft away from the property and 200 children occupying this center at any time would generate a noise hazard, let alone all the other issues my fellow community members shared. Myself and my wife are relatively new owners here in the community, we moved in a little more than a year ago, again, with the same understanding as I'm sure most everyone in this complex we were moving into a golf community. Instead, were notified about 10 days ago of a plan to overlay the PUD Agreement. We might as well bring Walled Lake Amusement Park back. It would essentially make as much sense as bringing a daycare. I have yet to hear positive feedback from any member of the community.

Darrell Fecho, 41685 Magnolia Ct, said I do live on the golf course. I am a retired municipal manager for 27 years, I was also a private planning consultant in numerous communities for eight more years and I want to address the fact that this is not a simple rezoning as the staff tried to point out, it involves the PUD agreement and a condominium backing that agreement in the beginning, there were two parties to it, the city and a developer. As was mentioned, the developer is now long gone. All of his ownership passed to his successors, which is each one of the individual condominium co-owners and basically, the agreements and also the master deed on file with Oakland County specifies a golf course by description as a major part of this action. So, at the time the city approved this there were two participants and now there's about 600 participants that are involved in this project. I would point out to the chairman who set the record and made a glowing recommendation on the applicant. However, it appears that the applicant is not an appropriate person to even make this application to the city because he is not an owner and because he is not a developer and has no right to do so. The agreement with the 600 participants is something that will have to be changed, but back in the days, in the late eighties, when this was developed and the golf course was specifically mentioned as a part of the PUD, I'm sure the Planning Commission at that time reviewed it and the City Council also looked through it along with Mayor Quinn and Clerk Step signed the agreement knowing that going forward, Planning Commissions and City Councils would hold the users of the property and the owners of the property to that agreement. I would hope that this Planning Commission and the City Council would do that and do it very strongly on behalf of the 600 Participants and owners in this PUD. The other thing I understand is that if the rezoning goes through there will never, under any circumstances except through Special action of the city, be a golf course located there again. And I would rather take the chance of having the golf course shut down for a year or two and be able to come back as a stated in the PUD as was originally approved. Also, on the staff report I would find fault with a couple of the recommendations. The staff reports deal with economic development, they don't talk about the devaluation of the individual properties and the traffic pattern is again, another problem, which cannot be solved for daycare.

Jane Taylor Liston, 41772 Independence Dr, said I'm new to the community as well. I'm on the golf course and I was aware that the golf course may not always be here, but I am concerned about property values. I think that the representative for the learning center talked about the road commission, but can we verify that the road commission has looked at the plans and think s that its ok to have all these cars on Fourteen Mile Road. The third concern we have is because we are on the golf course, it's going to be maintained as an open area, but I'd like more specifics on that.

Ross Barranco, 31247 Barrington Dr, said any action should be delayed until residents have a chance to digest the 469-page PDF just recently provided. When I requested information, all I received was a three plat PDF. There's no legal access for vehicles on to and off the property currently or in the proposal. Vehicles must trespass on privately owned roads, again, ingress and egress to the property. This issue demands immediate remedy. The current owner of the proposed property provides no support of private road required for ingress and egress to his property. Wakefield Drive is owned and totally maintained by Maples of Novi associations. The owner of the proposed property refuses to contribute to its maintenance, but he and his customers affect the wear and tear on the road while illegally trespassing onto the private road. Although, on page one of the 469-page document states that the golf course will not be affected but maintained as an open space. The photo of page one of the three plat PDF shows the nineteenth whole green and wetlands covered up and labeled future commercial development. Also, page 10 of the 469-page PDF states the practice green open space destroyed like the swimming pool and replaced by a huge playground more than twice the area required for the school. How is that keeping the golf course as an open area? The plan destroys two golf greens covering one with commercial development, drawing additional traffic and the other into a playground with an intrusive five-foot white plastic fence and also destroys the current wetland at the ninth hole when no wetlands or woods are to be affected. How can you not see the hypocrisy here? Pages twelve to eighteen of the 469-page PDF is signed by Mr. Christian Carroll. Page one of seven states there will be no impact on open space, which is categorically not true. Hole number nine, wetlands, the practice screens, and probably part of the whole nine fairway will be destroyed. Page two of seven states less intense use and hours. Less hours compacts the period everyone is trying to get in and out of the facility, which is more intense, not less intense. With forty-five caregivers and up to 210 parents trying to enter and exit at practically the same two times of the day both at rush hour, how can one claim as the traffic input claimed that the traffic will be no issue. That's a potential 255 vehicles joined by the facility, when has the golf course had 255 vehicles trying to get in and out at the same time? it's never happened. How can anyone say with a straight face that there will be less impact on the golf course? Page three of seven admits change of use or nature as a major deviation but overlooks change of concept. The concept for a golf club house to a multiple room school is quite far apart and the type of dwelling as well is significantly different. Who in their right mind would go to a school anticipating being able to play golf? The changes are far from being minor when you destroy two greens, part of a fairway, a wetland, and a swimming pool. If those changes aren't major, what is major? He mentioned that the access will be the three entries into the maples and those were all private roadways and private entrances.

Kevin Goulet, 31057 Collingdale Dr, said my concern is increased traffic of some 200 vehicles trying to access in the morning and evening during rush hour, which will still have backups on Fourteen Mile Road. My major concern is increased traffic throughout the subdivision from Novi Road and the other entrances off Fourteen Mile and will cause increased traffic on Collingdale and Tanglewood. We already have a severe speeding issue for pedestrian safety and the police department is well aware of and this is just going to add on to this issue. Filling in the swimming pool and adding a playground is not only a major noise concern for the homes that are adjacent to that but within ten to fifteen feet of that property but also for homes that are within a few blocks of that. Right now, it's a peaceful environment and were going to be hearing the children having fun on the playground throughout the whole day. It changes our environment. This is an adult community, a 55 and up community and the loss of the golf course and the pool and this is the only pool that is accessible for the Maples of Novi and the golf course is a public course used by the community. I assume that's where a majority of the clients that come from are outside if the Maples of Novi. So, this is an impact to the surrounding community for the use of the golf course and the pool. As we know, this is not only going to greatly decrease the value of the homes that are on the golf course, but for the whole community and therefore our home values and taxable rate. This is just not the proper location to place a daycare center in an adult community. With having 30 acres attached to. It is just the wrong property to use. There's plenty of available properties, as we all know, commercial properties, available in the city of

Novi in the surrounding areas and this is not just the right location for it. We rather, if we have to, if the course has to shut down, we prefer to wait for a proper owner that's going to develop the golf course and then develop the clubhouse. We'd rather do that than forever lose these assets and amenities in our community. So, we strongly oppose this rezoning request.

Janet Thomas, 41541 Belden Circle, said I'm an original owner. I actually have the newspaper articles for when the PUD was approved. It was granted a greater housing density in exchange for community areas that included swimming pools golf courses and clubhouses. Many of those things are the things that made people move here. Turning the Novi Club, which they call that area, into a learning center does not protect the value and desirability of the properties. That's actually in the Master Deed showing that if this property was to be sold, it would need to be set forth with purpose of protecting the value and desirability of such and doing this would not do that. My other concern is the roads in this community. As it was talked before, we've had problems here. The owners of the clubhouse pay for maintaining, repairing, replacing, or plowing the roads and so that's been adapted by the other associations because we have to maintain the roads. This will cause a traffic issue, especially at peak hours. Again, I foresee people coming through the complex. For those people who were here years ago, the house across the street from me, had a car go through the sidewalk at the corner of Belden and Collingdale. The house on the other side had a car jump and end up down in the backyard. Another house had someone go through a garage door. We've had multiple speeding problems on our roads, but these roads are not policed because they're private roads so they can't help us with that. Also being private roads, they're narrower roads than the rest of the community. Just yesterday when I drove home there was a man in the middle of the street with his walker walking. Which is good, you know, just a stretch from the hospital that's what somebody wants to see their patients out walking, but we have elderly people out here walking and I've also seen people out walking their dogs. These roads are not set up for that, especially if we have people coming through them. I do not support this proposal, but if it was to come back, they need to add their own entrance off Fourteen Mile Road and close off access to Wakefield Drive or make it just an emergency access only.

Jaclyn Hendricks-Moore, 31092 Arlington Circle, said I just wanted to reiterate a couple of points already made. One, the traffic would definitely be an issue. We did just pay for an assessment earlier, I believe it was last year, to have the roads redone so, looking at the entrance, especially because I live on Arlington Circle, which would mean that the people coming in on Centennial Drive would be coming through Tanglewood Drive. It would definitely impact the quality of the roads. Again, I'm a dog walker along with some of the other people that I see in the community. This is a senior and retiree community. This is the reason why a lot of people moved to the area. There are some families, but not many families. The learning center would just not be something that would be good for our community. Not to mention that even reading the proposal, they talk about maintaining the golf course. They don't say what they're going to do. You can't let those go. You've got wildlife, not to mention rodents that we know live there so if you don't maintain them, this tall grass and things that would come with that will also increase different rodents that, again, would affect the property, not to mention that it will affect our property values. Again, we talk about the noise, you're going to have noise, not just from the traffic, but you're also going to think about the quality of life, think about the quality of air now that we're going to have with all of these vehicles driving through the subdivision and I agree, if they are going to do that they need to have their own interests off of Fourteen Mile Road, not private roads that we actually have in this community.

Tony Cipicchio, 31138 Seneca Lane, said I am the president of the Maple Greens Association. I speak for the other associations: The Maple Hills and The Maple Point and also the Waldon Pond Association across from Fourteen Mile, which will also be affected. We have 703 residents in these three associations plus 62 in Waldon. We strongly object to this. I would just like to make a few points. Mr. Landry stated that all the departments had approved their proposal yet no traffic study or noise study

was ever conducted to back up them being able to handle 200 people coming in and out plus the employees. Also, you insulted me quite frankly, and everyone else when you said, if we don't agree with Mr. Landry, we must be the problem. I don't think so. You don't have an open mind if you make statements of that matter. Traffic would seriously affect Waldon Pond, which is north of here. They basically are directly across from Wakefield. They have emergency vehicles coming in and out of there at all times. They have trouble getting out of there as it is. Commerce Township was unaware of this project, and they're impacted by that. Our property values will be significantly decreased. People that live on a golf course spent \$10,000 premium in 1989 and 1990 for the pressure of being on this golf course. Our golf course, which you may or may not be aware of, was shut down for five years. It then was sold, and a restaurant was put in. The gentleman that bought it now bought it as a warehouse and the golf course happened to come along with it and he chose no longer to do as the warehouse, so the golf course probably doesn't pay for itself. We'd rather have it shutdown than have a daycare there. We've had it shut down before, we'll get a new owner someday who wants a golf course and wants a restaurant. In their proposal, they talk about a healthy lifestyle. How can increased traffic and noise add to a healthy lifestyle? How would you, the members of the board, like to have this next to your home, the daycare with hundreds of young children and I expect they're going to make noise. We feel very strongly that the Planning Commission should reject this outright now. I don't think there needs to be additional conversations. This plan was made without any input from the residents of the Maples. As our lawyers have both pointed out, our PUD does not permit this to occur without us being a participant.

Denese Ennis, 41450 Cornell Dr, said I'd like to approach this a little different, Chairman. I was interested about your comment about there not being a golf course next year. I'm the director of member engagement and academics for a Michigan Association of CPA's and last fall, I had a conversation with an insurance manager, Plante Moran, which is a large accounting firm and he was talking about how golf courses had a stellar year. I was really surprised when the owner of the golf course was talking about the hardship and not enough people or members being there. Looking at the real estate market that is today, I can't help but wonder if he's selling to the highest bidder in hopes of a zoning change. I know a lot of the members are passionate about the golf course as I am myself. I just think that there's a better option and I'm so thankful for the Planning Committee here so that you look at all the different possibilities of where this is coming at, because I can't understand why this golf course didn't survive when other courses had stellar opportunities.

Laura Miller, 41940 Canterbury Dr, said I just heard about this last night and I did read the 469 pages. One concern is I work in special education, and I support preschool age students, which this facility would have. Then looking at the parking lot, if they're going to have forty staff members and they're going to have for instance, a hundred students there, there could be fifty to one hundred cars at the preschool. It doesn't look like that parking lot can support that kind of parking and then the entrance and egress, I'm concerned about also. I live at the corner of Canterbury and Centennial and people run that stop sign all the time. Almost every time I pull out of my driveway, I'm going to get hit because people drive so fast and that's without a school here. Maybe it's coming from the Walled Lake Elementary School, I'm not sure, but I'm supposed to report to work at nine, and I have a lot of trouble getting out at Waverly and Novi Road because at the left, the crossing guards stop the traffic for all the walkers there and then all the traffic coming out has the right of way with the right-hand turn. I can sit there for up to six lights. So now I do exit out through Fourteen Mile, but with all that construction, there's been times the road is only one way and you're sitting there in traffic too. I'm also concerned about all this road traffic on Fourteen Mile, and it was closed for a while, one way, and now they're going to probably have to repave the road. So, all those impact this and I wonder if the city considered owning the golf course and running it. I know Farmington Hills and Redford Township own a golf course. There are probably others, I don't even golf and I know that so there's probably other cities that own golf courses to make it a positive experience for the property owners here at the Maples.

Amy Frawley, 30836 Palmer Dr, said we are across the street from access to the golf course and we are in agreement with what's been said from our neighbors and fellow residents. I just want to say before I go into what's important to us, is that I agree with two other speakers, Mr. Chairman's personal comments about Mr. Landry felt inappropriate and showed a bias. This is a matter that's very close to a lot of our hearts and we should be able to rely on a board that has an unbiased view to do the right thing. What's important to us at our house is the traffic, the potential de-valuing of our home, the desirability of somebody to move into the community, you know, if there was a childcare center and the noise level. There's six IXL Centers in the Metro Detroit area that are not located in residential settings, and we can't figure out what is so desirable about a retirement type community for a daycare center. I liked what one of the other speakers said about putting an assisted living in a new development for young families. We feel that that matched how we, how we personally feel about this development. The other thing that appears frustrating to us is that this is the first forum for discussion. It shows a lack of respect and disregard for our residents in the community, by the developer not to come to our community to any one of the associations for an open forum. I believe I feel that it's a little too late to now start an open forum with the developer. It shouldn't have been this way. It should have been coming to a public hearing last, not first. We'd rather have the golf course close for a few years, rather than a childcare facility or any other business that does not complement our community.

Curtis Peck, 41626 Sleepy Hollow Dr, said I believe I'm the first one speaking for Maple Heights. I agree with everybody that's been speaking before, out of the four associations. I think the traffic is a significant impact. We've had a problem where cars have been trying to circumvent the stoplight at Fourteen Mile on Novi Road, where they come down Collingdale and zoom through the subdivision to try to beat the red light and not have to make a left-hand turn on to Novi Road. We ended up putting in speed bumps on our street years ago, that was trying to slow down some of the speeding that went through our subdivision so that's a huge issue for us. I also think the traffic is going to be significant peak hours where people are coming in through the Waverly entrance and the Independence entrance trying to get into the facility at peak hours with 200 cars. The person that spoke a few moments ago about the parking space issue is a significant issue for me. If you have 40 to 60 staff people with individual cars and 200 cars coming in to pick up and drop off children, I don't see how the subdivision or the parking spaces on the road surfaces can support that. Also, with a two-lane blacktop on Fourteen Mile Road coming in the east and westbound direction turning into the subdivision is going to be a blockage for both turning into east and westbound, trying to get into the facility. That's going to also disrupt the traffic patterns for all the other people traveling on Fourteen Mile Road. So, you're talking 200 cars at peak hours blocking entrances and exits into the subdivision for Waldon Pond across the street, as well as the Maples of Novi significantly. My other point is that I think there are other options to keep the golf course viable by reaching out to the individual associations to see if there's a way to support the club house as a community, as opposed to selling it and closing it down for a commercial building. I agree with the person who spoke a moment ago that a commercial childcare center in a retirement community is contradictory to what the original planned unit development was facilitated for.

Arlene Johnson, 41378 Cornell, said I'll try to touch on things that may have not been touched on yet. I have, and maybe I have heard it wrong, but once the land is purchased and rezoned, they can do whatever they want. I have heard a commercial building is in future plans so that would require that they then fill in that pond that's over there. There's 10% of wetlands left in Oakland county. We see more and more of our open spaces being gobbled up by developments going in. That's why I can't tell you how many people I personally know who have left Novi because this isn't what they signed up for here. I do believe that there is nothing that we could be sure of with regard to maintaining any green spaces or the roads. It's just words that are said so they can do whatever they want once they get the property and so getting that property is what we are all speaking and trying to keep from

happening in the first place. I'd like to mention something else a neighbor said to me about golfing because she says that even though there aren't a lot of members, there are so many people playing that golf course and you have to pay to play and it's always busy. There's been times she couldn't even get on the golf course so I agree with, I believe it was Denise who said that de don't understand how the golf course wasn't viable unless of course there was no effort being put into making it viable. I also believe that we would all chip in to try to make it a viable, both for the clubhouse and the golf course. Just to keep that in our community because it is a huge positive to drive up and see golf course and restaurant too, which hasn't been there for a while, either and by the way, the owner has not taken very good care of that green space in the meantime, it's been just a mess. Fourteen Mile badly needs to be repaved as it is. I can't imagine putting more traffic on it without it being fixed. So preserving our wetlands, filling in the pond is, is a non-starter. I agree with a lot of the comments that were already stated. I just don't agree that the comments made were both pro and con sounds to me like the comments made and sent it to the city are basically con. I love the idea of the city possibly taking over and making it a public golf course.

Ameya Sontakke, 30820 Gordon Ridge, said most of the members have already spoken about most of the concerns, but just for the record I just want to say that I strongly object having that center here. One of the comments about traffic I support that they should have their own entrance, but that's that is not going to stop people from entering through the community. So maybe that business can pay for putting, putting in gates for all the other entrances. I also want to make sure the decision is going to be unbiased.

Joshua Keyes, 41500 Belden Circle, said I am not directly on the golf course. My wife and I have lived here for over 10 years. We actually rented from a family member for the first few years and fell in love with the quiet, nice area. We are probably the minority in all of these associations, we are in our early forties, and have young children that would probably benefit from this educational center, however, putting it in front of a multiple subdivisions is just radically preposterous. Everybody's already mentioned the road issues. The construction issues made it worse this year, so we could see how bad it was when things did happen on Fourteen Mile Road. I, again, agree with everybody else. I strongly object to this. I think there's better places in the city of Novi to find for this kind of center.

Salene Riggins, Parks Recreation and Cultural Services Commissioner, 31175 Livingston Drive, said I just want to say I strongly object to the request to amend the PUD agreement because a daycare center would be a major change and the PUD states only minor changes are recommended. Everything else has really been said already as far as the traffic, which would be a concern I definitely agree with and that our property values would be decreased.

Deanne Daugherty, 30996 Tanglewood, said in addition to the traffic, which everybody has mentioned, my concern is with the open space liability. Will there be continued insurance on those 30 acres throughout the facility? What if someone gets hurt or injured? The homeowner's not going to be responsible for those injuries. Is the developer prepared to insure that area? The traffic with the construction, I'm sure as everybody has heard, is overwhelming. There are people in this community that work and have to be to work in a timely fashion. We leave at peak hours and need that entrance and exit clear. Also, in evaluating the other facilities that IXL has they've always gone into the community saying we need X amount of spaces and within two years, they've bumped it up 50 to 60 more children. So, what is to prevent them to go over 200? I just feel that there was bias stated when we were told that if we don't agree with Mr. Landry that we we're the problem, which is unfair and is bias.

Shirly Kest, 31004 Tanglewood Dr, said I am directly on the fairway and I would gladly take a hit to my house from a golf ball then to have IXL become an unwelcomed neighbor. We don't need a marketing presentation from them to understand. I want to understand how their business plan can

support paying the taxes on open space and whether there's any plans to reduce those taxes with a sweetheart deal between the City of Novi and this applicant. The traffic is horrific on Fourteen Mile Road. When you currently go out Fourteen Mile Road during school hours, the police are there to give tickets to anyone who doesn't obey the reduced speeds so in addition to the increased volume of cars coming off a single lane and additional HOA's on each side of that road you're now going to have reduced speeds, which only complicate getting in and out of that entrance. And the proposed future land usage being unknown is such a red flag. Down the road five years from now we don't know who's going to move in there. I find this unacceptable and object vehemently.

Terri Pearce, 31097 Columbia Dr, said I've been a property owner in Novi since 1982 and an owner in the Maples of Novi for the last 25 years. A lot of things have already been said and a great amount of people from within the community have been discussing this. I just found out on Friday about this information. Living for here for as long as I have, I have received numerous notifications for different changes too property for expanding for the senior center at 13 Mile to the church that is at Thirteen Mile and M-5, but I didn't receive a notification for this. I was appalled and that's putting it very, very mildly. Anybody that did the research or should have, would have seen that everyone in this community had a right that was violated because they did not let everyone in the community know so that we could plan and have even more factual information of why this is so wrong for our community. The other part was when this community was originally developed it was for empty nesters, it was for retirees, and it actually was for first time home buyers all as well because it's a condo and not a home. I decided to stay in Novi because I appreciated the city and I also decided to move here out of any place else because of the community, the golf course, the club houses, and the pools and putting a daycare facility when the majority of the people who live here don't have children is absolutely insane. I am a business consultant and there is no way on earth that I would recommend to any client that they invest in and rebuild a clubhouse to put a daycare in a community that doesn't have children or the amount is so minimal that it's not even worth the investment. The other thing that pushed me right over the edge last Friday was reading the first page of the items that had been approved and they did a traffic study in the middle of COVID with the road shut down. Somebody please explain to me how that happened. There were so many things that were done wrong here if they were considering this property, they should have come to the community, they should have come to it at least each of the association board of directors. They did none of that. When you look at this type of thing, and nobody getting the notifications, but certain people, there's something wrong.

Nancy Morey, 30987 Tanglewood Dr, said I just want to be on record to say we strongly object to this. We bought here for the golf course and for the quiet community and we live on Tanglewood, which is one of the main roads and there are no sidewalks so people who walk like myself and everyone else in this neighborhood have to walk on the street with our dogs and it's unsafe and having more traffic is just not going to be a good thing. I think the City of Novi can plan this a lot better by keeping it a golf course community. Again, I just want to say we strongly object and we think that there's some sketchy stuff that has gone on with the City of Novi and this community and we're very hurt and upset by it and you work for us so I think you need to plan better and respect us as homeowners and as a community.

Corey Byron said thank you for giving me another a minute to catch up. I just wanted to put some additional information out there. I think a lot of people are obsessed with a restaurant called Bottles that was there and what no realizes is that the restaurant actually wasn't authorized, it's not zoned commercial. There was never supposed to have been a restaurant there. There will not be a restaurant there again and I think there's just some confusion on how it happened, and I think the one question I have is for all the people that are worried about walkers, why weren't they worried about walkers when a restaurant was serving alcohol? The last thing is, yes, golf courses did excel. They did really well last year. I own another one that's done very well. There are three facets to golf courses:

there's an 18-hole golf course facility, there's a 9-hole golf course facility, and there's an executive golf course facility. Maples of Novi is an executive golf course facility. It's 1,800 yards. A typical regulation golf course that excels is 6,500 yards. They're catching a premium; their revenue is roughly around \$700,000 a year. Maples of Novi did \$120,000. There isn't a municipality that wants a golf course that does \$120,000 and yes, we were extremely busy, but you are limited by restrictions of land, space, yardage, and access. It was great. It was as busy as it's ever been, and it was not busy enough. So, for someone to say, we didn't try, and we didn't care, I think you can hear it my voice that I care probably more than any owner has ever cared at the Maples before. I'm one of the founding board members of the First Tee, Detroit. I care more about running a game of golf and less about closing golf courses. Well, there's a time and a place to say we'll wait two years for another golf course owner to come in and develop it. No one in their right mind is going to develop a golf course at \$120,000 a year and I don't think the people that live there realize it's an executive golf course. I looked at my tee sheet tomorrow and besides the seniors that are playing in the morning, I have one tee time. I think I've heard about 72 people speak today about how they support the golf course. I think there's a great lack of communication going on and it's very transparent. I understand what they're saying, but at the same point they're not understanding what an executive golf course is and I just wanted the Commission to know that.

Susan Silversides, 31239 Barrington Dr, said my home is directly behind at the proposed playground. I appreciate everything that our community has said tonight. I am totally opposed to this Amendment. I'm not going to comment on everything that was already mentioned but I do want to bring up a couple points. One of our homeowners mentioned that if this facility does move forward, that they build a wall around it again, I am directly within 25 feet of this playground and I'm not the only one. First of all, our property values are going to be significantly impacted by this change if this occurs. I have been in the mortgage industry for 30 years. The largest detriment to property value is noise, traffic, congestion, and commercial usage so I just want to also go on the record that I am totally opposed to this amendment and I support the same feelings of our residents, as far as the traffic, the danger, the use of our private roads, and the abuse of our quiet, peaceful, community and the disruption of any wetlands or open spaces that will occur.

Erin Suminski, 41482 Cornell Dr, I've been a resident of this neighborhood for the past almost seven years. I moved here from an area called White Lake. I'm not sure if anyone is familiar with that area, but it's quiet, has lots of land and that's what drew me to this subdivision: the quietness, the kindness of the residents, the golf course, even though I don't personally live on the golf course. I used to love when Bottles was there. It was family oriented. I have two children and I'm nearing 40 so, again, a minority and this is really disheartening. Besides what everybody else has mentioned, I find the comment of no one in their right mind would acquire a course like this and invest in it, that's not being respected on the resident side. If it is shutdown, I would much rather see the associations absorb the golf course land and perhaps put in walking trails or preserve the wildlife and the wetlands and make it still valuable to our community.

Diana Pintar, 31040 Eagle Dr, said when he purchased it, he knew it was an executive golf course and so just personally, I'm sorry that it wasn't financially a success for him, but it is an executive golf course and we've been here since 1992 and there was a time when it was a membership, and it did have in the beginning a liquor license and a very successful restaurant that the whole community enjoyed. Again, sorry for your financial loss, it doesn't need to be our problem as a community. I really appreciated Erin's comment about turning it into walking trails and those kinds of things and waiting for someone who is willing to in the future, purchase it as a golf course, but in the meantime, just let it sit there and let us use it as a community.

Chair Pehrson asked for the written correspondence.

Planning Assistant Daniels said approximately 288 comments have been received and 273 of those comments were objections all of which show concern that we have addressed already tonight. There were 10 letters received in support all of which mention the change of use would be good for an underused building. Some of the comments that have not been part of the record yet are: Brenda Anderson, 30680 Vine Court, supports. James Garrigan, 31187 Livingston, objects. Gretchen Goulet, 31057 Collingdale, objects. Miriam Hill, 30796 Golden Ridge, objects. Joseph and Teresa Horenkamp, 30843 Centennial, objects. Bob and Maragret Kime, 41654 Kenilworth, objects. Marlene Lukas, 30850 Centennial, objects. Nancy Preble, 41697 Kirkwood, objects. Laura Miller, 41940 Canterbury, objects. Darren & Amy Murray, 41370 Cornell, objects. Veronica Jones, 30808 Centennial, objects.

Chair Pehrson said we will close the public hearing on this particular matter at this time and turn it over to Planning Commission for their consideration.

Member Avdoulos said I want to thank the residents that participated and expressed their concerns. This is the forum for the public to speak and as one of the residents indicated they felt kind of late to do so, but to be honest with you, the Planning Commission just received this package on Friday so this is the first time we're looking at this and reviewing it. We are required to review these projects. We don't make them up. They come to us. The developer has a due right to bring forward a project and we go through the process to one, see if it makes sense and two, see if it meets the ordinance. This project in particular, being a PUD, is obviously different and a little bit complicated. There are so many open issues that have been brought forward by the residents, I think that there are major concerns with traffic and that particular amenity that everybody bought into, and how is it going to be maintained? Is that going to be a hardship to the surrounding community? There's just a lot of questions that are unanswered and I do think that it would have been much easier if this was presented to the community or at least to the heads of each one of the communities so that it wouldn't be so surprising. Therefore, because there are so many open issues, I think that this project does require a tabling or postponing. So, I'm going to make a motion and then we could discuss a little further.

Motion made by Member Avdoulos and seconded by Member Dismondy.

In the matter of IXL Learning Center of Novi, JSP21-03, motion to postpone the request to amend the Maples of Novi Planned Unit Development Agreement and Area Plan to allow the applicant the opportunity to address the comments and concerns received at the Planning Commission's public hearing, and the remaining items that staff had requested.

Member Dismondy said this is the open forum segment. We are seeing this for the first time, over the last few days as well and we are volunteers working on this Commission for the City. I think there's a lot of misinformation out there and it sounds like everyone is on board to clear that up. I think that was the outcome and purpose of this.

Member Lynch said I agree with the postponement. It sounds like there's some legal issues, but I'm not an attorney. Who has the right to do what and who owns what, I think that needs to be wrapped up. I think it would be best that we at least give the parties a chance to discuss it and if they can't come to some agreement or some arrangement, then bring it back to the Planning Commission. We'll review the project as this, but my hope is that the developer and the homeowners both succeed in whatever they agree on, but I think it would be prudent to resolve the conflict before coming back to the Planning Commission, so I support the postponement.

Member Roney said I agree with the postponement as well. I appreciate everybody in the audience giving us their feedback. Obviously, there's a lot of concern about this and if I lived there, I'd be concerned as well. I think the postponement and the opportunity to communicate more about

what's being planned and what the circumstances are is reasonable and I'm in favor of that.

Member Verma said I agree with the owner's representative. Mr. Landry said that the homeowner's association would like to meet with them, and I think they should go. Today, we found out there were so many objections made. Let them talk to each other first and resolve the issues. I agree at this time we should table the motion.

Motion made by Member Avdoulos and seconded by Member Dismondy.

ROLL CALL VOTE TO POSTPONE PROJECT JSP21-03 IXL LEARNING CENTER OF NOVI TO AMEND THE MAPLES OF NOVI PLANNED UNIT DEVELOPMENT AGREEMENT AND AREA PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER DISMONDY.

In the matter of IXL Learning Center of Novi, JSP21-03, motion to postpone the request to amend the Maples of Novi Planned Unit Development Agreement and Area Plan to allow the applicant the opportunity to address the comments and concerns received at the Planning Commission's public hearing, and the remaining items that staff had requested. Motion carried 6-0.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

Chair Pehrson said I would like to congratulate Member Lynch and Member Verma for being reappointed to the Planning Commission.

AUDIENCE PARTICIPATION

Ross Barranco, 31247 Barrington Dr, said again, the development is right in my backyard also like Susan, and I noticed in the 469-page packet it says that the developer contacted the residents and the associations, and that is not true. I'm as close as you can get to the clubhouse and I was never contacted until just about a week or two ago and not by the developer. They never sought any input from the residents or the associations. That statement in the packet is incorrect.

Karen Smith, said when you say table this process, how does that work and what happens next? Because them meeting with us, you know, they can say whatever they want and not consider our input and just go forward with you and I want to know if there will be another hearing. What is the next step? I also would like to make a comment that this is an issue of our property values and the City of Novi will experience an on slot of property assessment appeals. So, I just want to make you aware of that.

Chair Pehrson said there will be a next step. This will most likely, if it goes forward, come back to the Planning Commission depending upon what it comes back on and there will be additional public hearings at that time as well.

Jennifer Moss, IXL Learning Center, said I actually did speak to two of the presidents of the associations and they were supportive so, when I keep hearing that I reached out to nobody, I felt like I needed to respond. It's unfortunate that they didn't come forward and say that I did speak to them months ago, but I would like to say that out loud and I won't call anyone's name out because I don't want to throw them under the bus, but I did reach out to a couple of presidents of the board.

Derell Fecho said I have a request to the Planning Commission and of yourself. Would you ask the supposed applicant if they are willing to withdraw at this time?

Chair Pehrson said that's not an option that we have the ability to entertain at this time.

Ross Barranco said Ms. Moss said that she contacted the association presidents, but the document says and residents. My residence is the closest one to the clubhouse and I was not contacted. How does that work?

Susan Silversides said I already spoke a few minutes ago. Ross, who just spoke is my next-door neighbor, the two of us are the most effected and I do also want to just comment that I received no notification from this developer in regard to this amendment.

Shirley Kest said I'm very concerned about the disrespect that I'm hearing from both the applicant and the Chair and quite frankly, first impressions, you never have another chance to do those again. Why was the question dismissed when Darrell asked, "Can the applicant be asked to withdraw" and then he asked, "why not," and you just dismissed that. I don't think we heard a viable explanation and I think we're entitled to one as late as it is.

Chair Pehrson said we had already voted on the motion on the table and that's the only motion that's been proposed, that's the only motion that we have right now.

ADJOURNMENT

Moved to adjourn made by Member Lynch seconded by Member Verma.

Motion to adjourn the June 9, 2021 Planning Commission Meeting. Motion carried 6-0.

The meeting was adjourned at 9:57 PM.

REVISED APPLICANT NARRATIVE & REQUEST

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D. B. LANDRY
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December 15, 2021

VIA EMAIL ONLY: bmcbeth@cityofnovi.org

City of Novi
Attn: Barbara McBeth,
Planning Dept. Director
Planning and Community
Development Department
45175 10 Mile Road
Novi, MI 48375

RE: Project Name: JSP 21-03 IXL Novi
Applicant/Property Owner: JMSS Novi, LLC
Property: 31260 Wakefield Dr., East of Novi Road, South of 14 Mile Road

Dear Ms. McBeth:

As a supplement to the Revised Request for Amendment of Maples of Novi PUD and my accompanying letter of December 3, 2021, I would like to report that the applicant has met with members of The Maples of Novi via Zoom on December 9, 2021. As stated in my letter of December 3, 2021, the various boards of directors of The Maples refused to meet with us in person and refused to forward our letter providing responses to the questions raised by certain members of The Maples at the public hearing held by the Planning Commission. Accordingly, we had no alternative but to use whatever means we could to meet with the members of The Maples. We advertised that a meeting would be conducted via Zoom and invited the members to attend. We advertised on several social media sites and on the site Next Door.

The meeting with the members of The Maples took place on December 9, 2021 at 7:00 p.m., via Zoom. Approximately 80 residents of The Maples attended. We provided a power point presentation (see copy attached) addressing each of the questions raised at the public hearing. Various attendants posed questions via the "chat" option on Zoom and those questions were answered. There were negative comments made by members of The Maples and there were also positive comments made.

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The Planning Commission specifically tabled our request for an amendment of the PUD to allow us to address the questions raised and to meet with members of The Maples. We have done that to the best of our ability.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

LANDRY, MAZZEO & DEMBINSKI, P.C.



David B. Landry

DBL/rhr

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D. B. LANDRY
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December 3, 2021

VIA HAND DELIVERY

City of Novi
Attn: Barbara McBeth,
Planning Dept. Director
Planning and Community
Development Department
45175 10 Mile Road
Novi, MI 48375

RE: Project Name: JSP 21-03 IXL Novi
Applicant/Property Owner: JMSS Novi, LLC
Property: 31260 Wakefield Dr., East of Novi Road, South of 14 Mile Road

Dear Ms. McBeth:

REVISED REQUEST FOR AMENDMENT OF MAPLES OF NOVI PUD

I. Summary of Application for Amendment of Maples PUD and City Administration Review

On April 7, 2021, the applicant submitted the Application for Amendment of Maples of Novi PUD. The city administration conducted a detailed review of the application and on May 7, 2021 issued its review letters concluding as follows:

- Planning recommends approval of the Request to Amend The Maples of Novi Planned Unit Development Agreement and Area Plan.
- Engineering is recommending approval of the Request to Amend the Maples of Novi PUD Agreement and Area Plan.
- Landscape is recommending approval of the Request to Amend The Maples of Novi PUD Agreement and Area Plan.
- Traffic is recommending approval of the Request to Amend The Maples of Novi PUD Agreement and Area Plan.

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- Fire is recommending approval of the Request to Amend The Maples of Novi PUD Agreement and Area Plan.

On June 9, 2021 at public hearing was conducted by the Planning Commission. At that public hearing, numerous members of the Maples of Novi appeared and commented on the application. The concerns raised by the members of Maples of Novi included the following:

- Concerns regarding the golf course property, its maintenance and continued availability to the members of The Maples.
- Questions regarding the nature of the IXL Learning Center.
- Questions concerning traffic.
- A concern that ceasing operations of a golf course may decrease market values in The Maples.
- A concern about what was depicted as Future Commercial Development on the site plan.
- Concerns regarding noise.
- Concern that the applicant did not meet with the members of The Maples of Novi to discuss the proposal and did not provide enough information.

On June 9, 2021, the Planning Commission voted to table the Request to Amend the PUD to allow the applicant to meet with the members of The Maples of Novi and address their concerns.

II. Response of the Applicant to Concerns Expressed and the Applicant's Attempts to Meet with the Members of The Maples of Novi.

As directed by the Planning Commission, and in response to several members of The Maples who spoke at the Public Hearing, the applicant has attempted to provide specific responses to each of the concerns expressed at the Public Hearing. However, in surprising fashion, the board of directors of The Maples have refused to meet with the applicant! On November 1, 2021, the applicant contacted The Maples of Novi general board of directors and attached a letter specifically responding to each of the concerns expressed by the members at the public hearing. The applicant asked The Maples board of directors to please forward, via their email, that letter to all of the members of

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The Maples so that each member of The Maples would receive the specific responses to the concerns expressed at the Public Hearing. A copy of that letter is attached hereto as Exhibit A. In addition, the applicant requested a meeting with the residents of The Maples to further respond to their concerns and present answers to any of their questions. The applicant offered to meet with the members of The Maples at The Maples clubhouse on November 30, 2021 to provide additional information and answer any of their questions. In response, The Maples board of directors wanted the applicant to meet only with the members of the board of directors and not with the general membership of The Maples. Attached hereto as Exhibit B is the email correspondence between the applicant and The Maples board of directors concerning the applicant's attempts to meet with the members of The Maples. In an email dated November 11, 2021, the applicant was told by the board of directors "we do not want a Town Hall style meeting with the co-owners. We can easily have 100-200+ show up for this kind of event, given the subject matter." (See Exhibit B, email of November 11, 2021). Of course, a Town Hall style meeting is exactly what the applicant wanted and is the applicant's understanding of what the Planning Commission suggested the applicant do, i.e., meet with the members of The Maples. This was quite surprising to the applicant. After members of The Maples expressed concern at the Public Hearing that the applicant had not met with them, after the Planning Commission directed the applicant to meet with the members, the applicant was told by the Maples board of directors that they did not want the applicant meeting with the members. At the Public Hearing, certain members of The Maples expressed concern over the golf course property and whether it could be given to the members. In the letter, which the applicant wanted to be sent to each member of The Maples, the applicant offered to gift the golf course property to The Maples, free of charge. Again, surprisingly, the board of directors instructed the applicant "we would not want this to be presented to the co-owners." (See Exhibit B, email of November 11, 2021). Moreover, The Maples board of directors wanted to edit the applicant's letter to limit the information which the applicant was presenting to the members in response to their numerous concerns. Obviously, that is not acceptable. The applicant has an obligation to present as much information as possible and that was direction from the Planning Commission.

The board of directors offered to meet with the applicant in person. The applicant agreed to do so and in addition offered to set up a zoom link so any of the individual members of The Maples could participate via zoom and ask any questions at that time. In response, the applicant was told "I regret we must cancel this tentative event for the 30th." . . . I will ask you to please deal with each association directly, moving forward." (Exhibit B, email of November 22, 2021). Thus, the board of directors of The Maples refused to meet with us.

With the general board of directors refusing to meet with the applicant and refusing to send our letter to all of the members of The Maples, the applicant sent emails to each of the individual boards of directors of The Maples asking each individual board to forward our letter providing additional information which was requested at the

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Planning Commission. Again, to our surprise, every single board of directors refused to forward our letter. (See Exhibit B). We were told "I will not forward your letter through our Association communications. You will have to use another avenue to distribute any information you would like to share with our co-owners." (See attached Exhibit B, email of November 24, 2021).

With the board of directors refusing to meet with the applicant, and refusing to distribute additional information via email to each of the members, the applicant has no other alternative but to try to communicate with the members as best we can. Accordingly, the applicant has scheduled a zoom meeting for December 9, 2021 at 7:00 p.m. The applicant is sending out invitations to any member of The Maples to attend this general information meeting, by sending that invitation out via Next Door and other social media. The applicant only has limited email addresses and the board of directors will not share the emails, nor will they forward our letter to each of their members. Thus, the applicant can do no more in an attempt to provide complete information and responses to the concerns made at the public hearing.

It is indeed regrettable when any applicant is criticized at a Public Hearing for not providing enough information and, thereafter, when that applicant offers to provide the requested information, they are given a deaf ear and the additional information is refused. Under those circumstances, the applicant has done all it can possibly do to follow the direction of the Planning Commission and provide additional information to the members of The Maples.

Attached as Exhibit A, is the letter to the members of The Maples addressing each of the concerns expressed at the Planning Commission Public Hearing. Moreover, attached as Exhibit C, is a copy of the power point presentation which will be presented at the zoom meeting of December 9, 2021. The letter and the power point presentation provide very specific responses to each and every one of the concerns expressed at the Public Hearing. The information is provided in a format in which the applicant begins by restating the concerns expressed at the Public Hearing. This allows the members of The Maples to understand that the applicant heard their concerns because the applicant is restating those concerns before it addresses each and every one specifically.

In its letter to the members of The Maples (Exhibit A) and in the power point presentation (Exhibit C) the applicant explains in detail what an IXL Learning Center will be. The applicant has pointed out that an IXL Learning Center would be open fewer days of the week and less hours of the day than a golf course. The applicant has responded to the traffic concerns, in addition to the fact that the City's traffic consultant approved this request. While people utilizing the IXL Learning Center will enter off 14 Mile Road, it is only 140-feet from the center of 14 Mile Road to the driveway entrance

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December 3, 2021

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to the IXL building. Despite the fact that customers of the IXL Learning Center will utilize only 140-feet of Wakefield Dr., the applicant will pay, per the PUD Agreement, its requisite percentage of the maintenance for the roads in The Maples. The applicant is not seeking to avoid paying its share of road maintenance as the golf course is currently obligated to pay.

Attached hereto as Exhibit D, is the applicant's revised site plan sheets. On sheet PAP 1.1, the applicant has eliminated the "Future Development" areas. Sheet P 1.1 shows a Concept Site Plan Design and includes the distance 140.8-feet from the middle of 14 Mile Road to the entrance driveway to the IXL building. No change will be made to the exterior façade of that building. The landscape plan is attached as sheet L-1.0. You will note that the outdoor play area is completely fenced-in with a five-foot tall vinyl fence. Concern was expressed at the Planning Commission that children would somehow stray from the property. There is a five-foot high fence surrounding the outdoor area. In addition, significant landscaping is provided around the perimeter of the outdoor play area. On the landscape sheet, there are two site-line depictions showing that a six-foot tall person will not be able to see through the fence and the extensive landscaping and thus the outdoor play area will be completely screened.

Exhibits A and C address concerns regarding the golf course property. With respect to the golf course property, the applicant has offered to maintain the golf course property as open space for use exclusively by the residents of The Maples. The applicant is willing to install disc golf on the former golf course property. The applicant is willing to sign a guarantee agreement with both The Maples and the City of Novi regarding cutting the grass and maintaining the golf course property. Attached hereto as Exhibit E are photographs of a former Par-3 nine-hole golf course at Village Green Apartments in Farmington Hills. Like The Maples golf course, that Par-3 golf course went out-of-business. The property is now maintained by cutting the grass and a creation of a disc golf course. The applicant has agreed to maintain The Maples golf course property in the same fashion.

The applicant has offered to limit the use of the golf course property to only residents of The Maples and their guests. Please note, that property is now open to the general public. Maples' members will be able to use this open space property for walking, jogging, cross-country skiing, snow shoeing, dog walking and disc golf. In the alternative, the applicant has offered to gift the golf course property to The Maples *free of charge* and donate the industrial lawnmower which comes with the property.

There is nothing further the applicant can do with respect to the golf course property. Attached hereto as Exhibit F, is a letter from the current owner of the golf course stating explicitly - as he did at the public hearing - that the golf course will not continue to operate. Given that the property will not operate as a golf course, the best anyone can hope for is that the property will be maintained as open space for use by The Maples' members. The applicant has agreed to do all of that.

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A concern was expressed at the public hearing that the loss of the golf course could possibly result in a decrease in property values at The Maples. First of all, the golf course will not operate next year, whether this PUD Amendment is approved or not. However, attached hereto as Exhibit G is a chart depicting data of the history of the property values in The Maples area from 2011 through 2021. You will note that the property values have increased each year – specifically, the property values rose in the years 2011 through 2014, when the golf course was closed and not operating. Therefore, rather than speculate on what affect the closure of the golf course would have on property values, the applicant has presented evidence that it will not negatively affect the property values. This in addition to the fact that the closure of the golf course is a given regardless of whether the PUD Amendment is approved.

Attached at Exhibit H is a specific letter from Jennifer Moss of IXL Learning Centers, specifically explaining the proposed IXL use of the building, as requested by the city.

Attached hereto as Exhibit I is the proposed language of an Amendment to the PUD Agreement to provide for the IXL Learning Center and the golf course property to be maintained as open space for members of The Maples and their guests.

Change is always difficult. The Maples of Novi has been in existence for over 30-years. While the initial vision of The Maples community included a golf course, we have all seen through the years that a golf course is not sustainable on this property. Accordingly, to maintain the initial vision of the PUD, the golf course property should be maintained as open space for use by members of The Maples. The applicant has offered to maintain it as open space. None of the wetlands will be disturbed. The applicant will maintain the grass and will guarantee such maintenance. In fact, the proposal by the applicant offers more use opportunities for the golf course property than the current single-use as a golf course. This amenity will be improved by this PUD Amendment. When the golf course closed previously, a restaurant attempted to operate in the building. It was not successful. Currently, the building is used as storage facility for the golf course owner's separate business on the internet. The pool is not operational, nor is the clubhouse. It is a deteriorating facility. The applicant provides an opportunity to improve the facility and limit the hours of operation and days of use to the benefit of the member of The Maples.

The original vision for The Maples of Novi also included several tennis courts along 14 Mile Road. However, recently, at the November 17, 2021, Planning Commission meeting, a Public Hearing was conducted at the request of a different developer to amend the PUD Agreement and Area Plan for The Maples of Novi to remove the tennis courts and construct a commercial building. Recommendation for

LANDRY, MAZZEO & DEMBINSKI, P.C.

December 3, 2021

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approval was voted unanimously by the Planning Commission, with the City Administration also recommending approval. Indeed, The Maples is not immune to change. What is important to keep in mind is that fear should not overcome prudence. While it is certainly understandable to want to look out onto a golf course, however, that golf course is not going to continue to exist in The Maples, regardless of this PUD Amendment. What will be an improvement to The Maples is the continued maintenance of that open space for numerous recreational uses. And the occupancy of what will be a vacant building at the very entrance of the Maples by an ongoing business with fewer operational hours than the golf course.

The applicant requests to be placed on the January Planning Commission agenda for a continued hearing, and opportunity for the applicant to make its presentation to the Planning Commission and a recommendation by the Planning Commission to City Council.

Please feel free to contact the undersigned if there is any additional information which is required. Thank you.

Very truly yours,

LANDRY, MAZZEO & DEMBINSKI, P.C.



David B. Landry

DBL/rhr
Encl.

EXHIBIT A

EXHIBIT A

EXHIBIT A



November 1, 2021

Dear Residents of The Maples of Novi:

JMSS Novi, LLC has applied to the City of Novi for approval to amend The Maples of Novi PUD to allow an IXL Learning Center to occupy the former golf course clubhouse/restaurant which is currently vacant. A public hearing was conducted by the City of Novi Planning Commission on June 9, 2021 regarding our application. At the public hearing, the owner of the golf course stated clearly that the golf course will be closed after this season. It will not operate as a golf course thereafter. We have proposed to the City the operation of an IXL Learning Center at the site of the former clubhouse/restaurant and that we will maintain the golf course property as open space. Comments were received from residents of The Maples at the Public Hearing. We listened to your concerns. We understand you have questions about how the golf course property will be maintained and how an IXL Learning Center would operate at this site.

We understand that there will be varying opinions regarding our proposed use of the property. We respect all viewpoints. Change is always difficult. However, what is important, is that with every change as much information as reasonably possible is shared openly. Often viewpoints, either pro or con, are based on incorrect or incomplete information. We want to provide as much information as we can to each of you and work with you to assuage your concerns.

At the Public Hearing on June 9, 2021, we heard the following concerns expressed:

GOLF COURSE:

- How would the golf course property be maintained?
- How will proper maintenance of the golf course property be guaranteed?
- Who would have access to the golf course property?
- Could the property be used by Maples Residents?
- Could the property be used as walking trails?

- Could the property be used for disc golf?
- Could The Maples of Novi obtain ownership of the golf course property?
- Could the City of Novi purchase and operate the golf course on the golf course property
- What are the costs to maintain the property?
- Will the wetlands currently existing on the golf course property be Preserved?

IXL LEARNING CENTER:

- What is an IXL Learning Center?
- How many children would be attending each day?
- What days of the week will the IXL Learning Center be operating?
- What are the hours of operation each day?
- How will the children be prevented from leaving the IXL Learning Center?
- During what times of the day will the children be outside?
- How much noise will this use generate?

TRAFFIC CONCERNS:

- What is the level of the traffic which will be generated by an IXL Learning Center?
- At what times of day and days of the week will this traffic occur?
- What entrance will be used to the IXL Learning Center by vehicle traffic?
- Will the IXL Learning Center pay for street maintenance in The Maples of Novi?

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MARKET VALUE:

- How will an IXL Learning Center affect the value of our homes?

Since the Public Hearing, we have obtained additional feedback from those who oppose and those who support our proposal. We would like to schedule a face-to-face meeting with the residents of The Maples of Novi to provide answers to your questions and concerns. We want to provide you with as much information as possible. All we ask is that you keep an open mind. Please keep in mind that an IXL Learning Center would become part of The Maples Community and will have a substantial investment, just like each of you, in the future success of The Maples Community.

Below is some general information regarding some of your concerns. Again, we want to meet with you personally to discuss this information in detail with you.

AN IXL LEARNING CENTER

An IXL Learning Center (IXL) is an innovative community of child care centers that embodies love, trust, and exceptional care for infants through early elementary age children. While this particular location may have the physical capacity of accommodating up to 200 children, it is likely to have between 125 and 175 children daily. There are many reasons for this. First, IXL provides both full-time and part-time enrollment. With children attending part-time, often schedules don't line-up perfectly resulting in classrooms that are not at capacity each day. Secondly, we design our classrooms to have extra square footage, creating a higher allowable capacity. Instead of using this higher capacity for additional children, it provides for additional space and comfort in the classroom area. Also, the enrollment process is such that we must leave space in older classrooms so that children can transition to the next room as they grow and develop. Finally, we offer a gross motor room for the children to play indoors when weather is inclement. This area must be licensed with a capacity, but it is only used for "gym" and is unoccupied for much of the day.

Our days of operation are Monday through Friday. Our hours of operation are between 7:00 a.m. and 6:00 p.m. Thus, there would be no children during the weekends and no traffic or children after 6:00 p.m.

TRAFFIC CONCERNS:

The location is at the corner of 14 Mile and Wakefield Dr. Families bringing their children to the IXL Learning Center will enter off of 14 Mile Rd. They would travel only a few feet on Wakefield and immediately turn into the IXL parking lot. There would be no reason for a family to enter off of Novi Road and drive through the entirety of The Maples. This situation would be no different than the existing golf course or the former restaurant which accompanied this site.

Also, we want to share that the flow of traffic of a child care center is different from a traditional school. In a traditional setting, there is a singular designated drop-off and pick-up time. IXL's drop-off and pick-up occurs over a two-and-a-half-hour period each morning and evening. On average, drop-off occurs between 7:00 and 9:30 a.m. and pick-up from 3:30 p.m. to 6:00 p.m. From our experience in operating IXL Learning Centers, it can be expected with a center of 150 children, with many of our families having multiple children, between 10 and 15 vehicles would be present at any given time for drop-off and pick-up purposes. Thus, there would not be an occasion where a great number of cars would ever be parked in this parking lot. In fact, less vehicles would be in the parking lot at one time than a restaurant operating at full capacity.

NOISE:

The area around the existing building and the former swimming pool would be used for outside activity by the children. Our Learning Centers typically have three playgrounds. One is for infants and toddlers, another for preschool and pre-K children and the third place base for school agers. Our outdoor playtime is scheduled and follows a structured daily routine. Following this routine, all the classrooms will not be using the playgrounds at the same time. The children occupy the playground areas from each weekday morning from 9:30 a.m. to 12:00 p.m. and in the afternoon from 3:30 p.m. until 6:00 p.m. Thus, the outdoor play areas would be totally vacant after 6:00 p.m. and during the weekends.

THE GOLF COURSE PROPERTY:

As we all heard, the current owner of the golf course will be shutting it down after this golf season. Indeed, this has occurred in the past at The Maples. Currently, we have been informed that only ten residents have memberships to this golf course. Accordingly, it is open to the public. However, it is an "executive course" which means it is merely a par-three course and not a regulation nine-hole golf course. Therefore, it does not garner much play. This has resulted in a lack of profitability and the closing of the existing golf course.

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Currently, the golf course property is not a shared common area. Technically, it is not available for every member of The Maples to use at any time. Moreover, as a space open to the public who wish to play the course, there are many people from outside of The Maples Community on the property. We want to share with you our plans for the golf course property and hear any suggestions you may have. We would agree to maintain the property as open space and allow all members of The Maples to utilize it as open space. We will cut the grass. We are willing to enter into an agreement with the City of Novi whereby we guarantee that the grass would be cut.

One of the suggestions raised at the Public Hearing was that the City of Novi obtained title to the golf course property and operate it as a golf course. That can't happen because the City of Novi City Charter prohibits the City from owning a golf course without a vote of the people of Novi at a general election. Accordingly, the City cannot obtain title to the property and operate it as a golf course.

We are certainly open to suggestions on how the golf course property could be maintained and utilized by the residents of The Maples. One suggestion would be for the golf course to be utilized as a disc golf course and/or "Foot-Golf". This could include some but not all of the current nine-holes and remaining portion could remain available as open space for walking and hiking.

We would consider gifting the majority of the golf course property to The Maples. If The Maples accepts title to the property, then The Maples could maintain the property and utilize it as a majority of the residents see fit. The average cost of cutting the grass on a weekly basis would be approximately \$500 per week during the growing season. We would be willing to donate the riding mower that comes with the sale of the property.

We understand the cost is a sensitive subject to condo associations who have annual budgets. We feel the limited annual cost of mowing shared amongst the 4 associations would not cause a huge strain on these budgets. The benefit of owning this land and having the control to pursue future uses would be of greater value than the proposed annual costs.

If The Maples chooses not to be gifted the majority of the golf course, ownership may keep it private in the future. This would depend on us deciding a good future activity that makes sense both economically and for the City of Novi and surrounding communities per current allowed uses.

We are certainly open to suggestions regarding how the golf course property could be maintained and utilized.

Page

COMMENTS:

The benefit of our proposal is to have this building benefit the larger community who desire and can utilize the services provided by an IXL Learning Center. Please keep in mind, this is a privately owned property and any new ownership will need to have an ongoing economically reasonable use in order to survive. The golf course has not survived, the clubhouse has not survived and restaurants have not survived. An IXL Learning Center can provide a successful occupant of this building, maintain the building, upkeep the property, and provide children and families of the greater Novi community with a reliable, safe and loving option for childcare. Moreover, the golf course property can remain open space available only to the members of The Maples of Novi and be maintained as attractive open space.

In a follow-up to this letter, we will be hosting a Zoom Call open to all condo owners of The Maples. This Zoom Call will take place on Thursday December 9 at 7:00pm. Below are the details to log onto the call:

<https://us02web.zoom.us/j/89308195310?pwd=WXZGTzVBcFFXbEV5djByeHV4Y3N5QT09>

Meeting ID: 893 0819 5310
Passcode: 103394

We look forward to this upcoming meeting to help clarify and answer any remaining questions that may come up.

Sincerely,

Jennifer Moss – Partner JMSS Novi, LLC

EXHIBIT B

EXHIBIT B

EXHIBIT B

David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Monday, November 01, 2021 1:29 PM
To: William Barnes; nbpbenefits@gmail.com; Wendy Weiss; agcivicchio@yahoo.com
Cc: Jennifer Moss; David Landry; Corey Byron
Subject: Letter to Maples Residents
Attachments: Letter to Maples of Novi Residents - 11.01.2021.doc

Hi Bill,

Thanks for getting Jen and I in organized communication with you and the other Maples Association Presidents.

Please find attached our letter that we ask all of you to forward on to all the Residents of your particular association at The Maples.

Jen and I will reach out this week to coordinate a place to meet in person with residents of The Maples. The purpose of this meeting is to expand our communication and do a presentation about the Vision for IXL Learning Centers at this location. That will also be a good opportunity to address anything that needs additional clarification.

We look forward to continuing a good dialogue with everyone at The Maples as we continue with this process.

Thanks,

Scott Seltzer – Partner JMSS Novi, LLC

November 1, 2021

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Please accept our invitation to attend an Open House, as we would like to meet the residents of The Maples in-person. We will review with you our plans and continue the dialog in a respectful manner. We will be in touch soon regarding a date/location and look forward to meeting soon.

David Landry

From: William Barnes <wbarnes345@gmail.com>
Sent: Thursday, November 11, 2021 8:24 PM
To: Scott Seltzer; nbpbenefits@gmail.com; Wendy Weiss; agcipcchio@yahoo.com; queenmarla@aol.com
Cc: Jennifer Moss; David Landry; Corey Byron
Subject: Re: Letter to Maples Residents

Hi Scott,

Thank you for the letter you sent. Members of the various boards attended a zoom meeting tonight to review your letter and are not in agreement with the content and would not be sending this to our Co-Owners . However, we would like to take you up your offer to meet, but with the board members ONLY, on the date and time you specified below, to discuss matters further. We can host it at the Maple Pointe clubhouse on Centennial. We have the tables and chairs to accommodate all BOD attendees.

We do not want a Town Hall style meeting with the co-owners. We can easily have 100-200 + people show up for this kind of event, given the subject matter. I am confident this could get out of hand very easily. We ONLY want a written factual correspondence going out to the co-owners. Nothing more. We can work on what that draft would be, between now and the meeting.

Your letter has sparked some concerns with the BoD presidents and board members. We are not interested in any gifting of the golf course property, but appreciate the gesture . None of the associations want to take on the maintenance cost burden and tax liability. There are association bylaws that are also an obstruction to doing this. We would not want this to be presented to the co-owners.

Please reply to all, letting us know if you are willing to meet with the BoD members at 7 PM on November 30th at the Maple Pointe Clubhouse.

Please note Maple Greens has a new BoD president:
Marla Roberson
queenmarla@aol.com
248-669-3541

Best Regards,

Bill Barnes
+1 734-502-0041

From: Scott Seltzer <scott@coreseniorcare.com>
Date: Monday, November 8, 2021 at 1:19 PM
To: William Barnes <wbarnes345@gmail.com>, "nbpbenefits@gmail.com" <nbpbenefits@gmail.com>, Wendy Weiss <wweiss@highlandergroup.net>, "agcipcchio@yahoo.com" <agcipcchio@yahoo.com>
Cc: Jennifer Moss <jennifer@ixlkids.com>, David Landry <dlandry@lmdlaw.com>, Corey Byron <coreybyron@gmail.com>
Subject: RE: Letter to Maples Residents

Hi Bill,

We would like to host the Maples Association Presidents and Residents of the Maples to further communicate our letter and provide a Presentation to our vision with buying the Clubhouse and renovating it into an IXL Learning Center.

Here are the details:

- When Tuesday, November 30
- Time 7:00 – 8:00pm
- Where At the clubhouse

Corey believes the Clubhouse can accommodate up to 40 people.

After our brief presentation, there will be time for a Q&A period to clarify anything or answer any follow-up questions.

We look forward to continuing our communication with you and the Maples Residents.

Thanks,
Scott Seltzer – Partner JMSS Novi, LLC

From: William Barnes <wbarnes345@gmail.com>
Sent: Monday, November 1, 2021 2:49 PM
To: Scott Seltzer <scott@coreseniorcare.com>; nbpbenefits@gmail.com; Wendy Weiss <wweiss@highlandergroup.net>; agcipcchio@yahoo.com
Cc: Jennifer Moss <jennifer@ixlkids.com>; David Landry <dlandry@lmdlaw.com>; Corey Byron <coreybyron@gmail.com>
Subject: Re: Letter to Maples Residents

Scott,

Thank you for sharing this information. We will review it with our respective BoD's and get back with you.

Best Regards,

Bill Barnes
+1 734-502-0041

From: Scott Seltzer <scott@coreseniorcare.com>
Date: Monday, November 1, 2021 at 1:28 PM
To: William Barnes <wbarnes345@gmail.com>, "nbpbenefits@gmail.com" <nbpbenefits@gmail.com>, Wendy Weiss <wweiss@highlandergroup.net>, "agcipcchio@yahoo.com" <agcipcchio@yahoo.com>
Cc: Jennifer Moss <jennifer@ixlkids.com>, David Landry <dlandry@lmdlaw.com>, Corey Byron <coreybyron@gmail.com>
Subject: Letter to Maples Residents

Hi Bill,

Thanks for getting Jen and I in organized communication with you and the other Maples Association Presidents.

Please find attached our letter that we ask all of you to forward on to all the Residents of your particular association at The Maples.

Jen and I will reach out this week to coordinate a place to meet in person with residents of The Maples. The purpose of this meeting is to expand our communication and do a presentation about the Vision for IXL Learning Centers at this location. That will also be a good opportunity to address anything that needs additional clarification.

We look forward to continuing a good dialogue with everyone at The Maples as we continue with this process.

Thanks,

Scott Seltzer – Partner JMSS Novi, LLC

David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Tuesday, November 16, 2021 8:10 AM
To: Jennifer moss
Cc: David Landry
Subject: FW: Letter to Maples Residents
Attachments: Letter to Maples of Novi Residents V2.doc

Good Morning,

Attached is the suggested letter from Bill Barnes (much different than ours) and below is his response when I asked what his and others positions are as of now:

Hi Scott,

My read is the BoD Presidents and boards want what is best for the community and there property value. I do not know the other board members well at all. There are some hostile members on some of the boards that will take exception. They will need to be persuaded. I find your proposal to be reasonable. When it comes to the BoD Members and community, having opinions without facts is no way to make a decision. Hence my desire for shared information with the Maple BoD's. I think the modifications to the letter might make it clean and simple and create less resistance overall from the BoD's and community. If we have the BoD's meeting on the 30th, you will find out where you stand.

It is best if you don't try to sell us on the transaction, but instead tell us what you intend to do, and let the opinions fall where they may. I think you will get far less resistance if you do.

I'm tied up for most of the day today but available today to talk and strategize. Does 11am work for everyone for a call tomorrow?

One idea I have is to keep our meeting with the President and Board Members on the 30th in person and have any other residents be able to zoom in. Something for us to think about and gameplan for on our call.

Thanks,

Scott Seltzer

Chester Street Residence
1725 Chester Road
Royal Oak, Michigan 48073
(248) 752-3535
www.chesterstreetresidence.com





 Please consider the environment before printing this e-mail

Thank you for being environmentally responsible!

From: William Barnes <wbarnes345@gmail.com>
Sent: Monday, November 15, 2021 8:46 PM
To: Scott Seltzer <scott@coreseniorcare.com>
Subject: Re: Letter to Maples Residents

Scott,

See the simplified communication attached and let me know what you think.

Best Regards,

Bill Barnes
+1 734-502-0041

From: Scott Seltzer <scott@coreseniorcare.com>
Date: Monday, November 15, 2021 at 4:12 PM
To: William Barnes <wbarnes345@gmail.com>
Subject: RE: Letter to Maples Residents

Hi Bill,

I'm touching base to see if you are able to get me your feedback on our letter today or tomorrow.

Thanks,

Scott Seltzer – Partner JMSS Novi, LLC

From: William Barnes <wbarnes345@gmail.com>
Sent: Monday, November 1, 2021 2:49 PM
To: Scott Seltzer <scott@coreseniorcare.com>; nbpbenefits@gmail.com; Wendy Weiss <ww Weiss@highlandergroup.net>; agcipicchio@yahoo.com
Cc: Jennifer Moss <jennifer@ixlkids.com>; David Landry <dlandry@lmdlaw.com>; Corey Byron <coreybyron@gmail.com>
Subject: Re: Letter to Maples Residents

Scott,

Thank you for sharing this information. We will review it with our respective BoD's and get back with you.

Best Regards,

Bill Barnes
+1 734-502-0041

From: Scott Seltzer <scott@coreseniorcare.com>

Date: Monday, November 1, 2021 at 1:28 PM

To: William Barnes <wbarnes345@gmail.com>, "nbpbenefits@gmail.com" <nbpbenefits@gmail.com>, Wendy Weiss <wweiss@highlandergroup.net>, "agcivicchio@yahoo.com" <agcivicchio@yahoo.com>

Cc: Jennifer Moss <jennifer@ixlkids.com>, David Landry <dlandry@lmdlaw.com>, Corey Byron <coreybyron@gmail.com>

Subject: Letter to Maples Residents

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Jen and I will reach out this week to coordinate a place to meet in person with residents of The Maples. The purpose of this meeting is to expand our communication and do a presentation about the Vision for IXL Learning Centers at this location. That will also be a good opportunity to address anything that needs additional clarification.

We look forward to continuing a good dialogue with everyone at The Maples as we continue with this process.

Thanks,

Scott Seltzer – Partner JMSS Novi, LLC

November 15, 2021. DRAFT v2

MAPLES BOARD OF DIRECTORS RE-WRITE OF IXL LETTER

Dear Residents of The Maples of Novi:

As you are probably aware, JMSS Novi, LLC has applied to the City of Novi for approval to amend The Maples of Novi PUD to allow an IXL Learning Center to occupy the former golf course clubhouse/restaurant which is currently vacant. A public hearing was conducted by the City of Novi Planning Commission on June 9, 2021 regarding our application. It is our intent to move forward with the PUD modification process to facilitate this sale. We would like to present some information that may help your understanding of the proposed transaction.

WHAT IS AN IXL LEARNING CENTER?

An IXL Learning Center (IXL) is an innovative community of child care centers that embodies love, trust, and exceptional care for infants through early elementary age children. <http://www.ixlkids.com/> IXL is well established and currently operates learning centers in, Berkley, Birmingham, Hamburg, Howell, Northville, South Lyon, and Troy. While this particular proposed location may have the physical capacity of accommodating up to 200 children, it is likely to have between 125 and 150 children daily. IXL provides both full-time and part-time enrollment. With children attending part-time, often schedules don't line-up perfectly resulting in classrooms that are not at capacity each day. Secondly, we design our classrooms to have extra square footage, creating a higher allowable capacity. Instead of using this higher capacity for additional children, it provides for additional space and comfort in the classroom area. Also, the enrollment process is such that we must leave space in older classrooms so that children can transition to the next room as they grow and develop. Finally, we offer a gross motor room (play activity room) for the children to play indoors when weather is inclement. This area must be licensed with a capacity, but it is only used for "gym" and is unoccupied for much of the day. The current Maples Golf property under consideration is ideal for this type of learning environment.

Our days of operation are Monday through Friday. Our hours of operation are between 7:00 a.m. and 6:00 p.m. Thus, there would be no children during the weekends and no traffic or children after 6:00 p.m.

WHAT ABOUT THE GOLF COURSE?

At the public hearing, on June 9th the owner of the Maples golf course stated clearly that the golf course will be closed after this season. Why? The golf course, as a par 3 executive style course is not profitable and self-sustaining. It will not operate as a golf course thereafter. We have proposed to the City the operation of an IXL Learning Center at the site of the former clubhouse/restaurant and that we will maintain the golf course property as open space. The golf course will continue to be maintained, not as a public golf course, but as "open space", for "park-like" use for Maples Association residents and IXL Learning Centers. IXL Learning Centers will maintain the open space, maintain the grass with scheduled cuttings, maintain the trees and shrubbery, and current bridges for pedestrian use.

TRAFFIC CONCERNS.

The location is at the corner of 14 Mile and Wakefield Dr. Families bringing their children to the IXL Learning Center will enter off of 14 Mile Rd. They would travel only a few feet on Wakefield and immediately turn into the IXL parking lot. This situation would be no different than the existing golf course or the former restaurant which accompanied this site.

Also, we want to share that the flow of traffic of a child care center is different from a traditional school. In a traditional setting, there is a singular designated drop-off and pick-up time. IXL's drop-off and pick-up occurs over a two-and-a-half-hour period each morning and evening. On average, drop-off occurs between 7:00 and 9:30 a.m. and pick-up from 3:30 p.m. to 6:00 p.m. From our experience in operating IXL Learning Centers, it can be expected with a center of 150 children, with many of our families having multiple children, between 10 and 15 vehicles would be present at any given time for drop-off and pick-up purposes. Thus, there would not be an occasion where a great number of cars would ever be parked in this parking lot.

NOISE CONCERNS AND PLANNED IMPROVEMENT

The area around the existing building and the former swimming pool (to be filled in) would be used for outside activity by the children. Our Learning Centers typically have three playgrounds. One is for infants and toddlers, another for preschool and pre-K children and the third-place base for school agers. Our outdoor playtime is scheduled and follows a structured daily routine. Following this routine, all the classrooms will not

be using the playgrounds at the same time. The children occupy the playground areas from each weekday morning from 9:30 a.m. to 12:00 p.m. and in the afternoon from 3:30 p.m. until 6:00 p.m. Thus, the outdoor play areas would be totally vacant after 6:00 p.m. and during the weekends.

IXL Learning Centers plans to make immediate improvements to the parking lot, building, and landscaping around the building. Details would be provided to the City of Novi.

FINAL COMMENTS

Change is never easy. Sometimes it can be very rewarding and the right thing to do. The benefit of our proposal is to have this building benefit the larger community who desire and can utilize the services provided by an IXL Learning Center. An IXL Learning Center can provide a successful occupant of this building, maintain the building, upkeep the property, and provide children and families of the greater Novi community with a reliable, safe and loving option for childcare. Moreover, the golf course property can remain open space available to the members of The Maples of Novi and be maintained as attractive open space. Both events have the ability to help maintain the property value of the affected condo associations and respective co-owners

Please keep in mind that an IXL Learning Center would become part of The Maples Community and will have a substantial investment, just like each of you, in the future success of The Maples Community.

David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Monday, November 22, 2021 8:33 AM
To: William Barnes; nbpbenefits@gmail.com; Wendy Weiss; agcipcchio@yahoo.com
Cc: Jennifer moss; David Landry; Corey Byron
Subject: Letter to Maples Residents
Attachments: Letter to Maples of Novi Residents - 11.01.2021.pdf

Hello Maples Association Presidents,

Based on my conversation with Bill last week, we kindly ask that you forward the original letter from November 1 to all owners in your respective associations.

As I explained to Bill, we feel the Planning Commission specifically requested that we address the comments raised during that meeting and communicate to all condo owners of The Maples.

Meeting on Tuesday, November 30 @ 7:00pm

Our plan is for our team to meet in person with the Board Members of all 4 Maples Association at the Maple Pointe Clubhouse on Centennial.

Please forward the zoom link and login information below for the remaining condo owners so they can connect as well:

<https://us02web.zoom.us/j/89308195310?pwd=WXZGTzVBeFFXbEV5djByeHV4Y3N5QT09>

Meeting ID: 893 0819 5310

Passcode: 103394

Meeting Agenda

We appreciate everyone making the time to meet with us in person. Our agenda will be very similar to our letter and we will have a power point presentation that everyone in person and on zoom will be able to see and follow along. The presentation is merely to explain our vision for this property and address concerns that owners raised during our prior meeting with the Planning Commission.

Our goal is not to sell anyone but to communicate and clarify the best we can to help people be more informed.

Everyone who logs in will be muted and we will ask people to use the Chat Room to ask any clarifying questions after our presentation.

We look forward to seeing everyone next week as we move through this process.

Thanks,

David Landry

From: William Barnes <wbarnes345@gmail.com>
Sent: Monday, November 22, 2021 9:47 PM
To: Scott Seltzer
Cc: Jennifer moss; David Landry; Corey Byron
Subject: Re: Letter to Maples Residents

Hi Scott,

I did not say that anything in your original letter was not factual. I did say I desired a simple factual letter. Hence my revision.

Best Regards,

Bill Barnes
+1 734-502-0041

From: Scott Seltzer <scott@coreseniorcare.com>
Date: Monday, November 22, 2021 at 9:35 PM
To: William Barnes <wbarnes345@gmail.com>
Cc: Jennifer moss <jennifer@ixlkids.com>, David Landry <dlandry@lmdlaw.com>, Corey Byron <coreybyron@gmail.com>
Subject: RE: Letter to Maples Residents

Hi Bill,

What in our letter do you find to be not factual?

Thanks,

Scott Seltzer – Partner JMSS Novi, LLC

From: William Barnes <wbarnes345@gmail.com>
Sent: Monday, November 22, 2021 9:33 PM
To: Scott Seltzer <scott@coreseniorcare.com>; nbpbenefits@gmail.com; Wendy Weiss <wweiss@highlandergroup.net>; agcipcchio@yahoo.com; queenmarla@aol.com
Cc: Jennifer moss <jennifer@ixlkids.com>; David Landry <dlandry@lmdlaw.com>; Corey Byron <coreybyron@gmail.com>
Subject: Re: Letter to Maples Residents

Hi Scott,

Thank you for the email, but I want to clarify that the outcome of our discussion last week was for me to contact the other associations and explain our conversation. Which I have done. Each individual association has to review what I shared, including my own.

As I mentioned before, all associations we are not in agreement with the content of the original letter and you are not in agreement with my revised draft version. What started out as a simple request to share factual information about your pending transaction has morphed into something totally different.

The associations are not in agreement with the original letter. If this is the letter and communication you want to share with the Maples Community, you will need to do so on your own, without our BoD's involvement.

One of the associations has communicated back to me that they are not interested in a meeting on the 30th and any zoom participation with their co-owners. I regret we must cancel this tentative event for the 30th. This does not prevent you from organizing a meeting of your own, and soliciting the co-owners directly.

As I mentioned before it was my intent to get simple factual information, via written communication, about your potential purchase of the Golf Course. My effort to coordinate with the other associations, given your need for a different approach has failed. I am no longer putting forth any effort to coordinate communications with the other board presidents. You have every BoD president's contact information. I will ask you to please deal with each association directly, moving forward.

Best Regards,

Bill Barnes
+1 734-502-0041

From: Scott Seltzer <scott@coreseniorcare.com>

Date: Monday, November 22, 2021 at 8:33 AM

To: William Barnes <wbarnes345@gmail.com>, "nbpbenefits@gmail.com" <nbpbenefits@gmail.com>, Wendy Weiss <wweiss@highlandergroup.net>, "agcivicchio@yahoo.com" <agcivicchio@yahoo.com>

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We look forward to seeing everyone next week as we move through this process.

Thanks,

Scott Seltzer – Partner JMSS Novi, LLC

From: Scott Seltzer

Sent: Monday, November 1, 2021 1:29 PM

To: William Barnes <wbarnes345@gmail.com>; nbpbenefits@gmail.com; Wendy Weiss <wweiss@highlandergroup.net>; agcipicchio@yahoo.com

Cc: Jennifer Moss <jennifer@ixlkids.com>; David Landry <dlandry@lmdlaw.com>; Corey Byron <coreybyron@gmail.com>

Subject: Letter to Maples Residents

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We look forward to continuing a good dialogue with everyone at The Maples as we continue with this process.

Thanks,

Scott Seltzer – Partner JMSS Novi, LLC



David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Wednesday, November 24, 2021 2:38 PM
To: Corey Byron
Cc: Jennifer moss; David Landry
Subject: Letter to Owners of The Maples
Attachments: Letter to Maples of Novi Residents - 11.01.2021 v2.pdf

Hi Corey,

We appreciate you reaching out about sending our letter of communication to any contacts you have at The Maples. Please find it attached along with the latest update and strategy below:

We recently sent an individual email to Bill Barnes and the other Presidents of the Associations making another request to kindly email our letter to the homeowners in their Association. In addition to you sending it out to your contacts, we are also going to send it to certain individuals who have reached out to us in support of this project and ask them to circulate it as best they can as well.

There is also a thread that started on the app NextDoor related to our first meeting with the City. It is filled with many speculations and inaccuracies. I will share with you the link that a friend just sent me the other day. If you are comfortable, you can share the letter on that thread and possibly comment on the inaccuracies.

Our goal is to get this out to as many homeowners as possible in preparation for Zoom only Call on Thursday December 9 @ 7pm.

Unfortunately, Barb McBeth relayed to us a few weeks ago through our attorney that the City was not prepared to put us on the December 8 Planning Commission Agenda. Given that they are going to try and communicate to more Owners than they normally do, they wanted us to on the January agenda. We were fully prepared to send in our package for them to review but Barb indicated that it would not matter as the City would still not want us on the December agenda. Barb sent this via an email to Dave Landry. I did not lay down easily on this as we both wanted to be on the agenda in December. However, we are fully enthralled in local city politics and it frustrating but we are fully committed to doing everything on our part and spending money to get us to the finish line.

We are going to submit our fully revised package to the City and formally request to be on the January agenda which Barb has indicated we would be.

I understand that nobody is happy about our timing and going to Planning in January. My goal is to stay focused on the outcome which is approvals from the City so we can close on this property.

Thanks,

Scott Seltzer

Chester Street Residence
1725 Chester Road
Royal Oak, Michigan 48073

David Landry

From: Wendy Weiss <wweiss@highlandergroup.net>
Sent: Wednesday, November 24, 2021 4:42 PM
To: Scott Seltzer
Cc: Jennifer moss; David Landry
Subject: Re: Letter to Owners in Your Association

Scott:

While I understand you've been communicating with Bill, we in the Heights agree with the thoughts that he has shared with you. Therefore, I will not forward your letter through our Association communications. You will have to use another avenue to distribute any information you would like to share with our co-owners.

Respectfully,

Wendy Weiss

Sent from my iPhone

On Nov 24, 2021, at 2:15 PM, Scott Seltzer <scott@coreseniorcare.com> wrote:

Hello Wendy,

My name is Scott Seltzer and I am partner's with Jennifer Moss on the proposed IXL Learning Center.

In previous communications, Bill Barnes has been our contact person helping coordinate our communications with the Presidents of each Association at The Maples.

We do understand that Bill would like us to send a more simple letter but we feel compelled to communicate all the issues in our Letter per the request of the Planning Commission.

We kindly ask that you please forward this communication to the Owners of your association. It would be greatly appreciated.

Thanks,
Scott Seltzer – Partner JMSS Novi, LLC

<Letter to Maples of Novi Residents - 11.01.2021 v2.pdf>

David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Wednesday, November 24, 2021 2:18 PM
To: agcipicchio@yahoo.com; queenmarla@aol.com
Cc: Jennifer moss; David Landry
Subject: Letter to Owners in Your Association
Attachments: Letter to Maples of Novi Residents - 11.01.2021 v2.pdf

Hello,

My name is Scott Seltzer and I am partner's with Jennifer Moss on the proposed IXL Learning Center.

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Thanks,
Scott Seltzer – Partner JMSS Novi, LLC

David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Wednesday, November 24, 2021 2:16 PM
To: Wendy Weiss
Cc: Jennifer moss; David Landry
Subject: Letter to Owners in Your Association
Attachments: Letter to Maples of Novi Residents - 11.01.2021 v2.pdf

Hello Wendy,

My name is Scott Seltzer and I am partner's with Jennifer Moss on the proposed IXL Learning Center.

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Thanks,
Scott Seltzer – Partner JMSS Novi, LLC

David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Wednesday, November 24, 2021 2:14 PM
To: nbpbenefits@gmail.com
Cc: Jennifer moss; David Landry
Subject: Letter to Owners in Your Association
Attachments: Letter to Maples of Novi Residents - 11.01.2021 v2.pdf

Hello,

My name is Scott Seltzer and I am partner's with Jennifer Moss on the proposed IXL Learning Center.

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Scott Selzer – Partner JMSS Novi, LLC

David Landry

From: Scott Seltzer <scott@coreseniorcare.com>
Sent: Wednesday, November 24, 2021 2:10 PM
To: William Barnes
Cc: Jennifer moss; David Landry
Subject: Letter to Owners in Your Association
Attachments: Letter to Maples of Novi Residents - 11.01.2021 v2.pdf

Hi Bill,

I want to thank you for coordinating past communication with you and Presidents of the other Maples Associations.

I do understand you would like us to send a more simple letter but we feel compelled to communicate all the issues in our Letter per the request of the Planning Commission.

Per your last email, you did not wish to send our letter out but I thought I would kindly ask again. It would be greatly appreciated.

Thanks,
Scott Selzer – Partner JMSS Novi, LLC

EXHIBIT C

EXHIBIT C

EXHIBIT C



IXL Learning Center

Proposed Novi Location

Information for
Maples Condominium Association Residents

PROPOSAL TO AMEND THE MAPLES PUD TO:

1. Allow an IXL Learning Center at the former location of The Maples restaurant/clubhouse.
2. Repurpose the golf course by maintaining it as open space for use by residents of The Maples.

HISTORY OF THE GOLF COURSE AND CLUBHOUSE BUILDING

- 2011-2014** Golf course closed, and bank took over property.
- 2014** Golf course was reopened and the restaurant opened.
- 2016** Restaurant closed.
- NOW** Current owner acquired the golf course & clubhouse.
The clubhouse is used to operate the owner's online business.

Currently the golf course has only 20 members.

CURRENT OWNER OF THE GOLF COURSE, COREY BRYON, HAS ANNOUNCED HE WILL NOT REOPEN THE COURSE IN 2022

To Whom it May Concern:

We are not planning on opening the Maples Golf Course next year (2022).

Sincerely,
Corey Byron
On behalf of CKC LLC

--
Corey Byron
President

Current property view of Maples Golf Course and Country Club located at 31260 Wakefield



IXL LEARNING CENTER
±2.35 ACRES

INDEX OF DRAWINGS

- PAP1.1 AREA PLAN
- P1.1 CONCEPT SITE PLAN
- P2.1 CONCEPT FLOOR PLANS
- P4.1 EXISTING ELEVATIONS
- L-1.0 CONCEPT LANDSCAPE PLAN

IXL LEARNING CENTER

0001, 00000000

OWNER/DEVELOPER:

IXL LEARNING CENTER

PROPERTY USE PLAN
SCALE: 1" = 200' 0"



JUNE 6, 2021 PLANNING COMMISSION PUBLIC HEARING

The Maples Condominium Residents expressed concerns regarding:

- What is an IXL Learning Center
- Traffic concerns
- Concerns regarding the future of the existing golf course property
- Concerns regarding the effect on market value of residents' homes.

**THE FOLLOWING INFORMATION
IS IN RESPONSE TO THE
QUESTIONS & CONCERNS OF
THE MAPLES RESIDENTS**

CLUBHOUSE EXTERIOR APPEARANCE

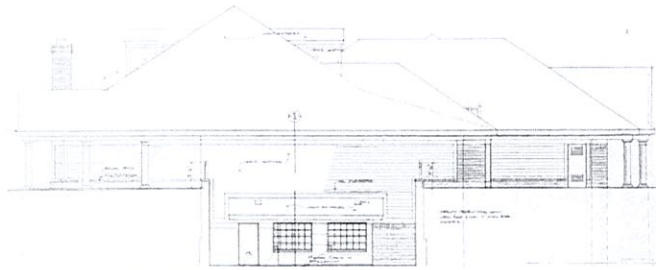
The existence of IXL Learning Center in this space will require no change in the exterior appearance.

- The golf course clubhouse façade will remain the same.
- No changes in the property of the golf course:
 - No change in wetlands
 - No change in topography of the land

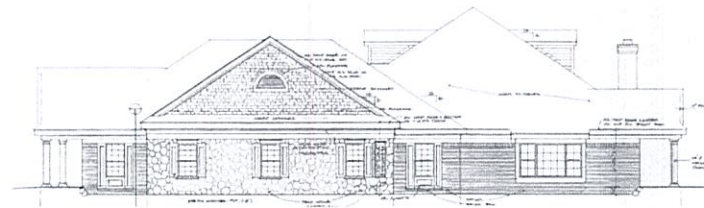
Current Clubhouse Frontage and Elevation



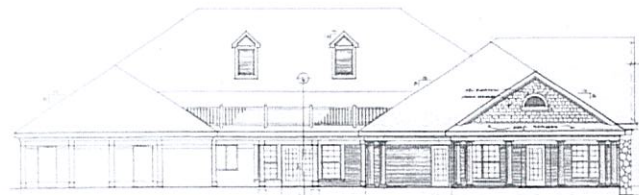
Proposed IXL Plans Show Existing Frontage and Elevation



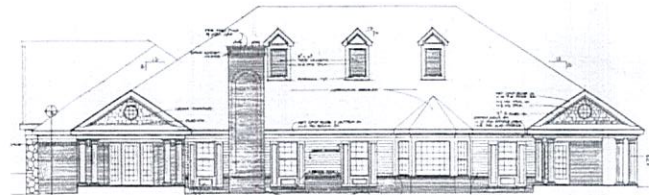
EXISTING WEST ELEVATION



EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING NORTH ELEVATION

IXL LEARNING CENTER

ARCHITECT

OWNERS/CLIENTS
IXL LEARNING CENTER

IXL

Learning Center

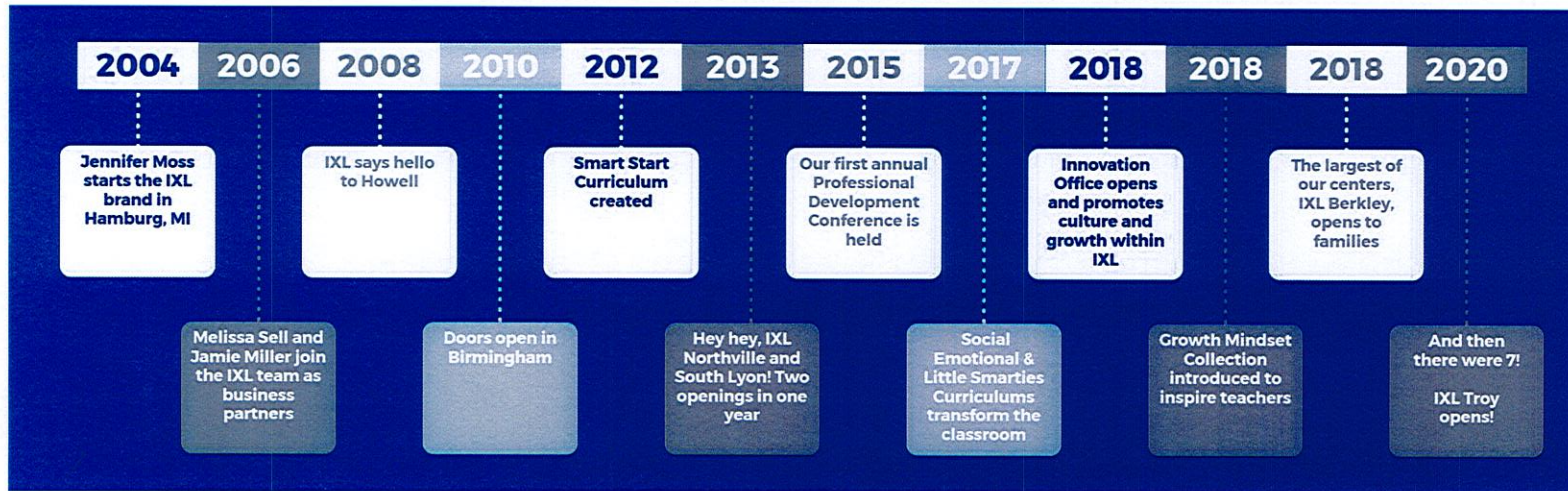
IXL Learning Center

Love, Trust & Exceptional Care



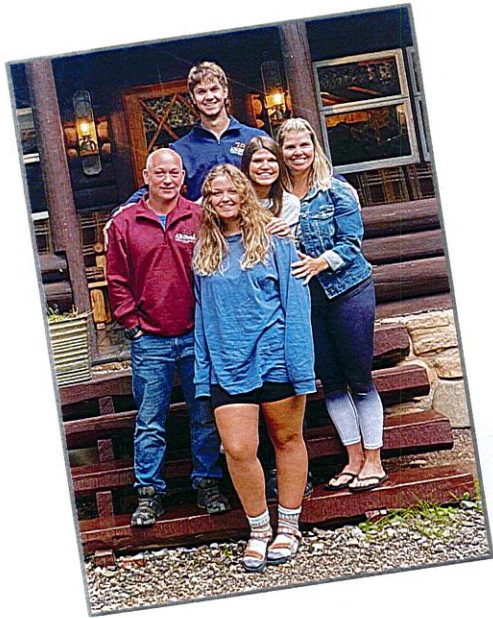
IXL Learning Center is an innovative community of childcare centers that embodies love, trust and exceptional care. Our committed team provides children with opportunities for growth and purposeful play through a wide variety of social and developmental experiences. We strive to create strong relationships with our children, families and teachers to build a solid early childhood foundation and a love of learning.

A brief history of IXL Learning Center



IXL began in 2004 when Jennifer Moss purchased the first location in Hamburg, MI. Since then, we have expanded to a current total of 7 locations across southeastern Michigan. With a community of over 900 families and over 250 early childhood professionals, we serve the communities of Berkley, Birmingham, Hamburg, Howell, Northville, South Lyon, and Troy.

IXL's reputation as an exemplary educational setting has resulted in waitlists for care and showcasing the continuing need for additional high quality child care facilities in our local community. IXL continues to go above and beyond in the formation of it's curriculums and its adherence to the standards of State of Michigan Licensing (LARA).



IXL's ties to the Novi community extend beyond providing care to the young children who live locally and providing employment opportunities to loving early childhood educators.

Jennifer Moss will be the owner of the center located in Novi on the property of the Maples Golf Course. Jennifer has deep ties to the community, she has lived in Novi and Northville for all of her life, and raised her family here. Her husband has been a Novi firefighter for 5 years.

CHILD CARE USE IS INCLUDED IN THE ORIGINAL PUD AREA PLAN FOR NON-RESIDENTIAL USES

“The development of the non-residential areas will be coordinated with that of the housing areas and their immediate environs. The development will include 60,000 square feet of convenience commercial, 20,000 square feet of office, health and fitness, adult and *childcare* functions necessary to service the needs of the community.”

Original PUD Area Plan, pg. 36

HOW MANY CHILDREN WILL ATTEND IXL LEARNING CENTER?

While the physical space can accommodate up to 200 children, it is likely to include 125 to 175 children.

There are several reasons for this:

- IXL provides both full time and part time enrollment. With children attending part time, classrooms are not at capacity every day.
- We must leave space in older classrooms so that children can transition to the next room as they grow and develop
- We have a “gross motor room”, which is used as an indoor gym and is unoccupied most of the day.



WHAT DAYS OF THE WEEK AND HOURS OF THE DAY WILL IXL LEARNING CENTER OPERATE?

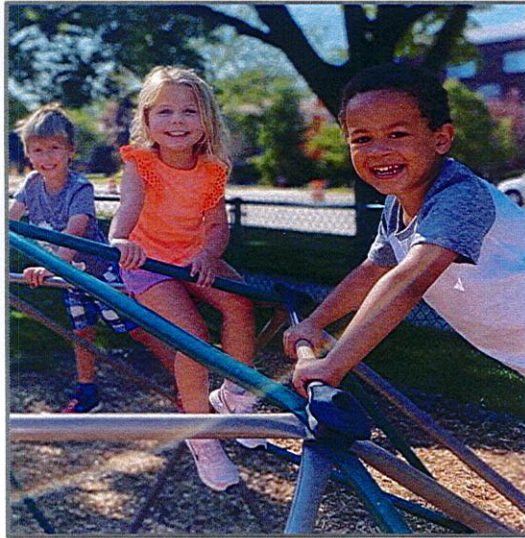
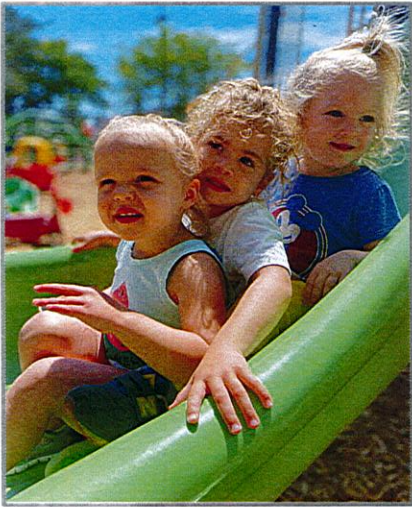
- IXL Learning Center is open Monday through Friday from 7:00 a.m. to 6:00 p.m.
- After hours activities are limited to staff trainings such as quarterly staff meetings, CPR or curriculum trainings, etc.
- IXL Learning Center will be closed weekends.

IXL LEARNING CENTER IS CLOSED FOR THE FOLLOWING HOLIDAYS:

- New Year's Day
- Memorial Day
- July 4th
- Friday before Labor Day
- Labor Day
- Thanksgiving
- Friday following Thanksgiving
- Christmas Eve
- Christmas
- New Year's Eve



DURING WHAT TIMES OF DAY WILL CHILDREN BE OUTSIDE?



- Typical schedules would be:
 - 10:00 a.m. to 12:00 noon
 - 3:00 p.m. to 5:30 p.m.
- Playground and outside times are staggered by age groups and limited by maximum group sizes.
 - Not all children are outside at once.

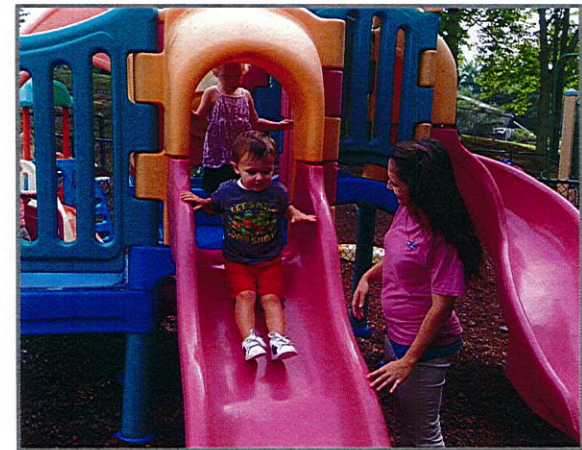
HOW MUCH NOISE WILL IXL LEARNING CENTER GENERATE?



- City of Novi’s Administrative Review concluded “the proposed daycare use will not generate any additional noise as compared to the current clubhouse use of the site.”
- We will be required to abide by the City of Novi noise ordinance requirements and satisfy that with a noise study.

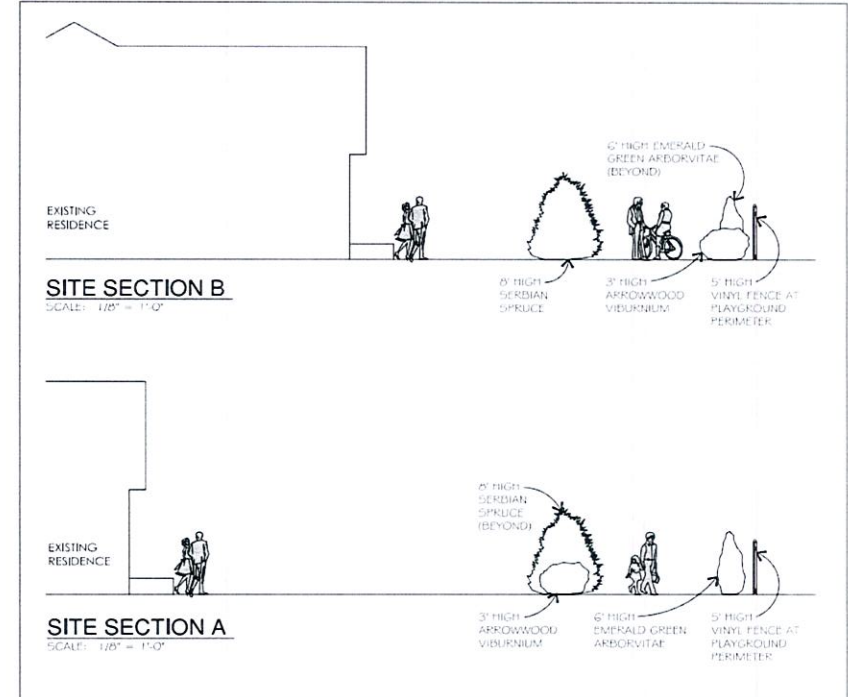
HOW WILL CHILDREN BE PREVENTED FROM WANDERING OFF THE IXL LEARNING CENTER PREMISES?

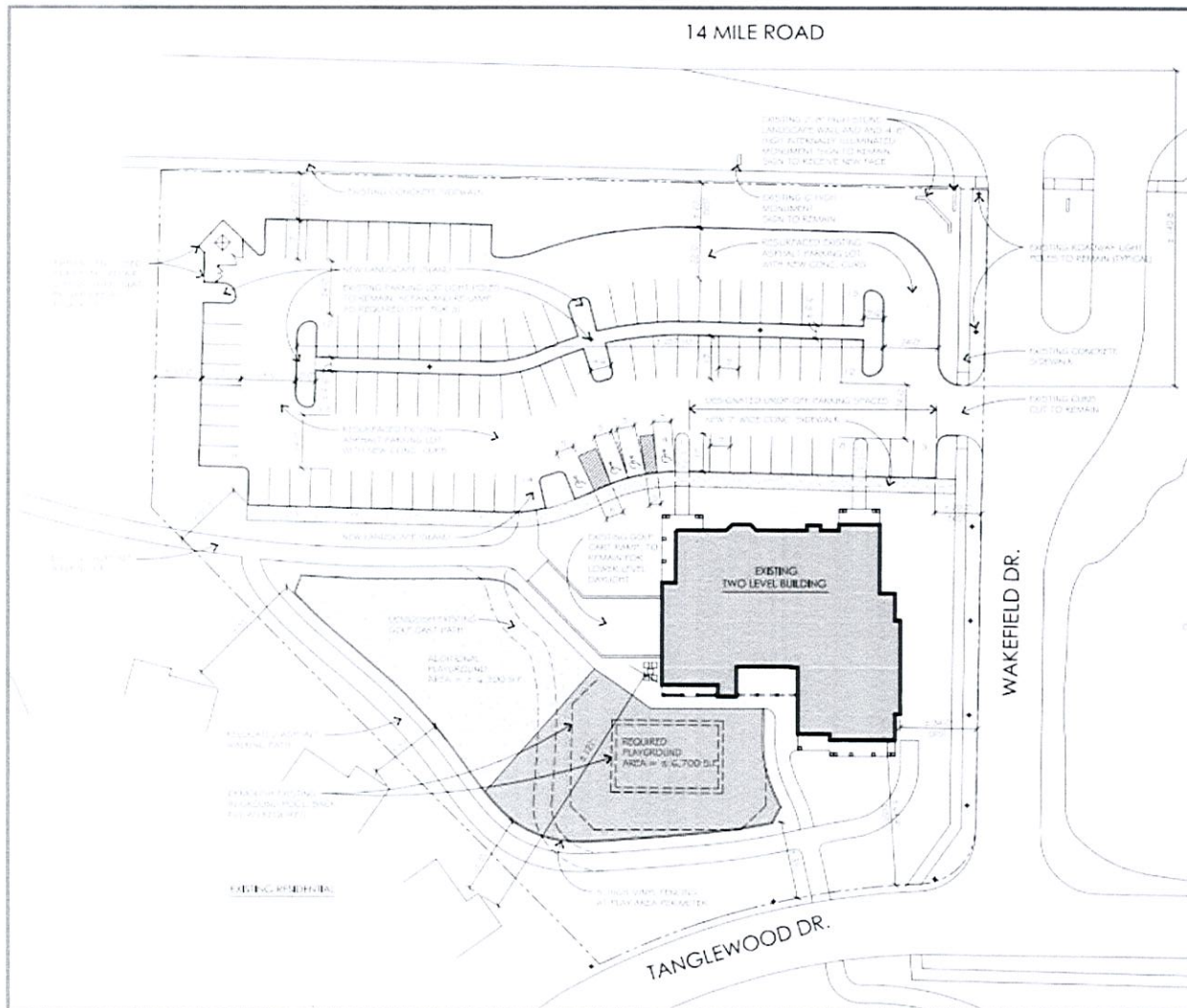
- Children's activities outside are always monitored.
- A 5 foot high vinyl fence will surround the outside play area.



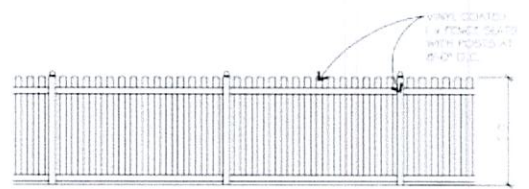
HOW WILL THE OUTSIDE PLAY AREA BE SCREENED FROM VIEW?

- Five-foot vinyl fence around the play area.
- Six-foot arborvitae.
- Eight-foot Serbian Spruce trees
- Evergreen Trees





SITE PLAN



VINYL FENCE CONCEPT

SCALE: 1/4" = 1'-0"

NOTE:
 1. PERIMETER OF PLAYGROUND AREA SET
 LANDSCAPE PLAN L-13 FOR PROPOSED
 LANDSCAPE CONCEPT.

TRAFFIC CONCERNS

- Drop off times are typically 7:00 a.m. to 9:00 a.m.
 - Pick up times are typically 3:30 p.m. to 6:00 p.m.
 - Not all children are dropped off or picked up at once.
 - Many families have multiple children. Our experience with existing IXL Learning Centers is that approximately 10-15 vehicles are present at once.
 - The City of Novi traffic study concluded that the number of trips generated during peak hours do not exceed the City's threshold.
 - Entrance to the IXL Learning Center parking lot is approximately 140 feet from 14 Mile Road on Wakefield Drive.
 - JMSS LLC will contribute to the Maples road fund in the percentage required by the current PUD.
-



Golf Course Property

GOLF COURSE PROPERTY

- Will be maintained entirely as open space- entire 31.3 acres
- No change in topography.
- No change in wetlands.



HOW WILL GOLF COURSE PROPERTY BE MAINTAINED?

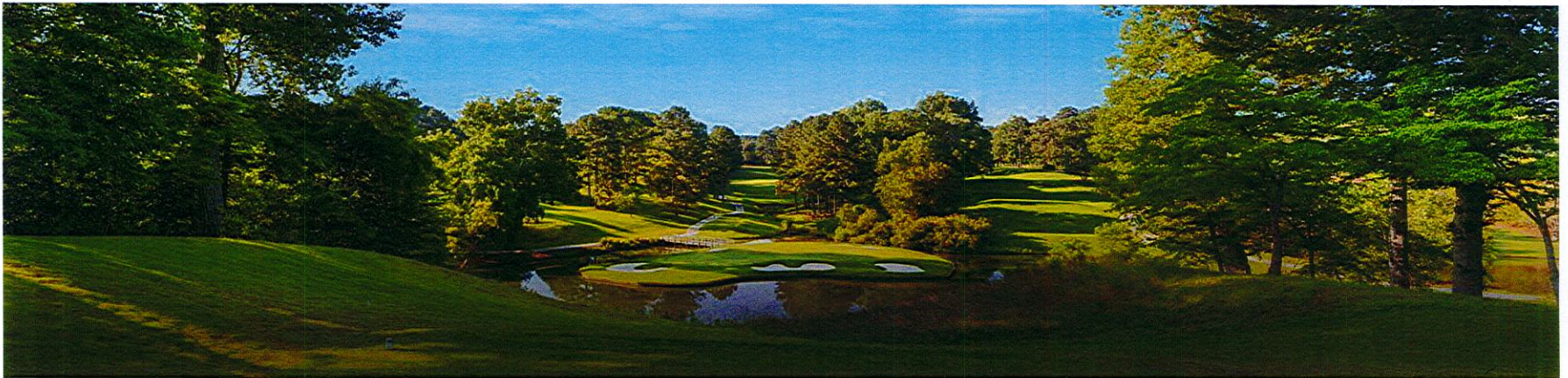
- Grass will be cut weekly.

HOW WILL PROPERTY MAINTENANCE OF THE GOLF COURSE BE GUARANTEED?

- JMSS LLC will enter into an agreement with the City of Novi whereby JMSS LLC guarantees that the grass will be cut.
-

WHO WILL HAVE ACCESS TO THE PROPERTY?

- Residents of The Maples of Novi will have property access.



WHAT TYPES OF USE COULD THE GOLF COURSE PROPERTY HAVE?

- Walking/Hiking Trails
- Disc golf
- Foot golf
- Snow shoeing/cross-country skiing

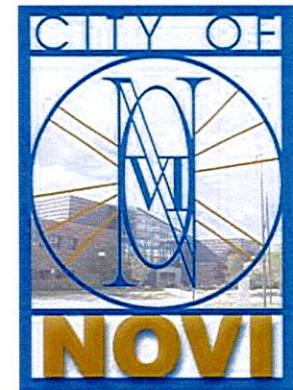
WILL THE EXISTING WETLANDS BE PRESERVED?

- YES
- No destruction or alteration of the wetlands will occur



COULD THE CITY OF NOVI OBTAIN OWNERSHIP OF THE GOLF COURSE PROPERTY AND OPERATE A GOLF COURSE?

- No. The City of Novi Charter prohibits the City from owning/operating a golf course without prior vote of the Novi residents to amend the charter.



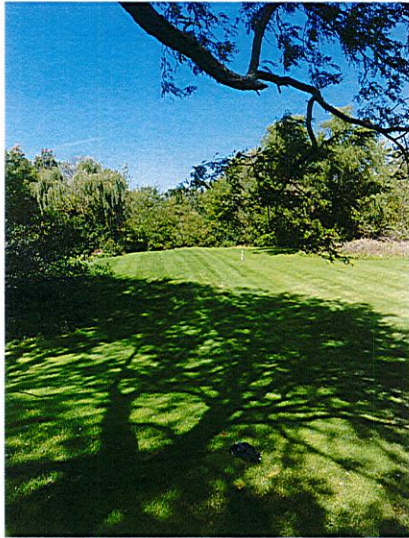
COULD THE MAPLES OF NOVI OBTAIN OWNERSHIP OF THE GOLF COURSE PROPERTY?

- YES.
- JMSS LLC is willing to gift a large portion of the golf course to The Maples of Novi at no cost.

WHAT ARE THE MAINTENANCE COSTS OF THE GOLF COURSE PROPERTY?

- Approximately \$500 per week to cut the grass during the growing season.
- JMSS LLC is willing to donate to The Maples the riding lawnmower that comes with the property.

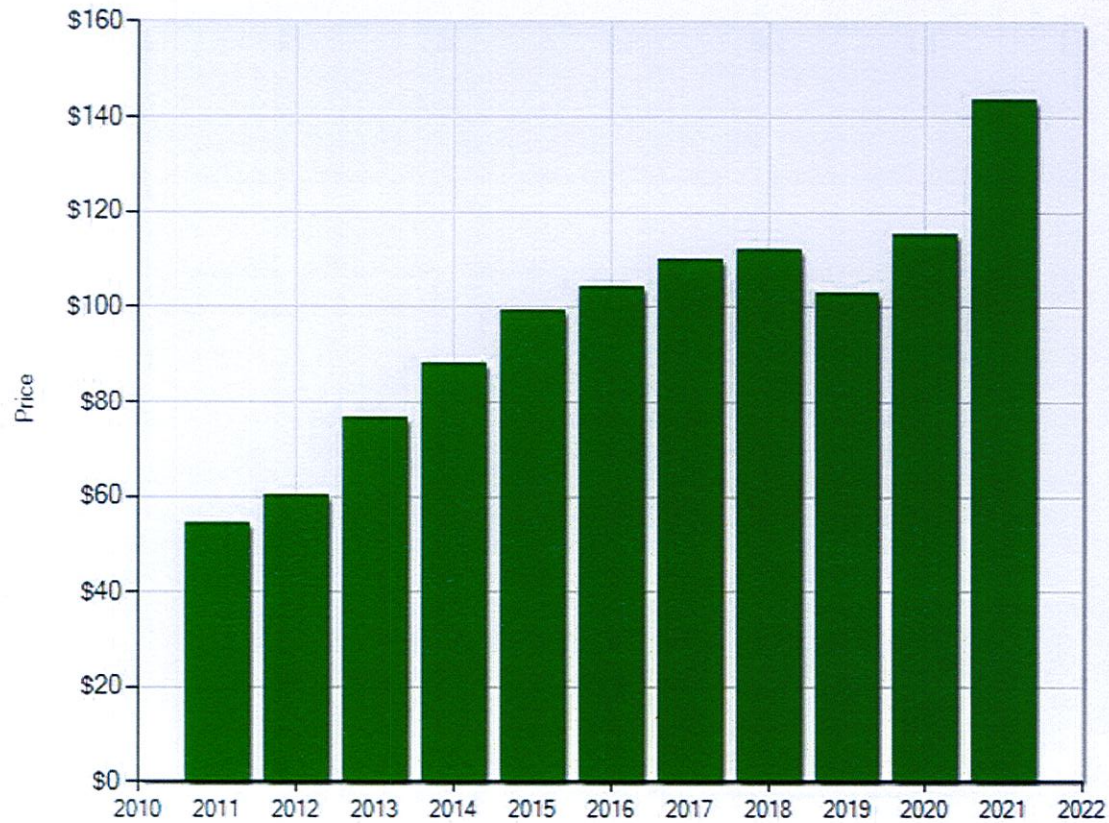
Options for Golf Course Usage



**WILL THE MARKET VALUE OF THE
HOMES IN NOVI BE NEGATIVELY
IMPACTED BY THE ABSENCE OF AN
OPERATING GOLF COURSE?**

- No.

Sale Price by Sq Foot Ratio



■ Sale Price by Sq Ft Ratio

Time frame is from Jan 2011 to Oct 2021
Latitude, Longitude is around 42.52, -83.46

Results calculated from 724 listings

The Maples golf course was closed between 2011-2014

WITH THE PROPOSED PUD AMENDMENT

- **GOLF COURSE PROPERTY:**
 - To remain open space.
 - Lawn will be mowed appropriately according to the seasons.
 - No alteration of the topography.
 - No alteration of the wetlands.
- **FORMER CLUBHOUSE:**
 - No change in façade.
 - Hours of operation limited.
 - Days of the week operations limited.

QUESTIONS?

EXHIBIT D

EXHIBIT D

EXHIBIT D



IXL LEARNING CENTER
± 2.35 ACRES

INDEX OF DRAWINGS

- PAP1.1 AREA PLAN
- P1.1 CONCEPT SITE PLAN
- P2.1 CONCEPT FLOOR PLANS
- P4.1 EXISTING ELEVATIONS
- L-1.0 CONCEPT LANDSCAPE PLAN

IXL LEARNING CENTER

NOVI, MICHIGAN

OWNER/DEVELOPER:

IXL LEARNING CENTER

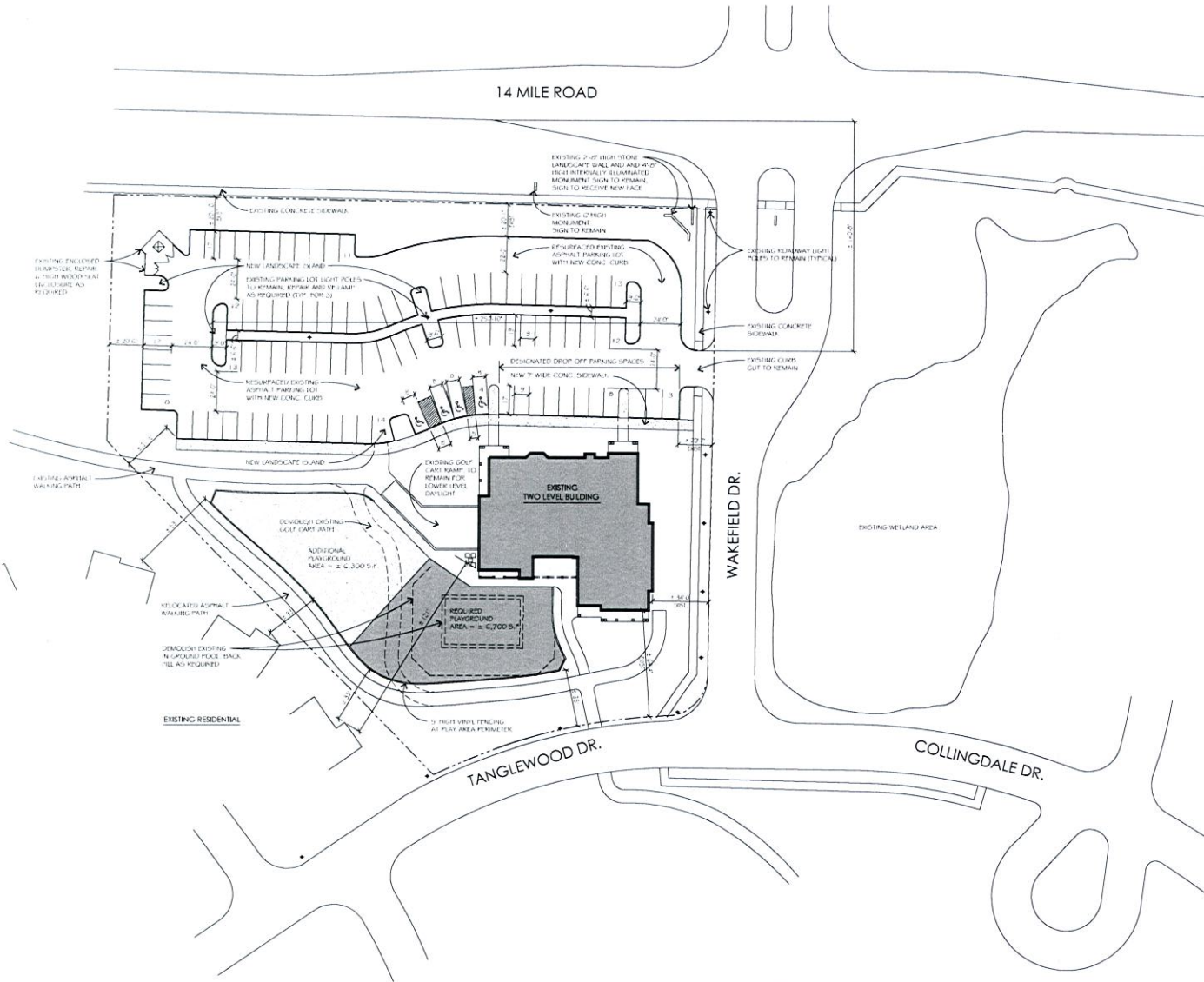
PROPERTY USE PLAN
SCALE: 1" = 200' LT



WAH YEE ASSOCIATES
ARCHITECTS & PLANNERS
42400 GRAND RIVER AVENUE, SUITE 200
NOVI, MICHIGAN 48375
PHONE: 248-489-9150
PROJECT NO.: 3134

ISSUED:
PRE-APPLICATION
SUBMITTAL
JAN. 28, 2021
PERMITS SUB
APRIL 1, 2021
REVISED PUD
ANNEX SUBMITTAL
DEC. 3, 2021

PRELIMINARY
NOT FOR CONSTRUCTION
PAP1.1
CAD DWG PAP1.1 125-21.DWG



DEVELOPMENT CALCULATIONS

NET LEARNING CENTER LEASD AREA:
 ± 2.30 ACRES

BUILDING AREA:
 FLOOR FLOOR = 7,700 S.F. G.B.A. = 3,025 S.F. USABLE
 LOWER LEVEL = 7,700 S.F. G.B.A. = 4,025 S.F. USABLE
TOTAL AREA = 15,412 S.F. G.B.A. = 9,050 S.F. USABLE

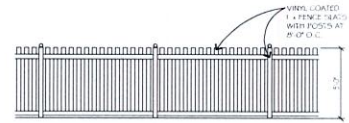
PARKING REQUIREMENTS:
 1 SPACE PER 350 S.F. USABLE AREA = 1 PER EMPLOYEE
 = 3,025 / 350 = 26 CUSTOMER PARKING SPACES
 + 50 EMPLOYEE PARKING SPACES
 = 56 TOTAL PARKING SPACES

PARKING PROVIDED = 56 SPACES
 INCLUDING 11 DESIGNATED DROP-OFF SPACES

PLAYGROUND AREA:
 100 S.F. REQUIRE PER 67 CHILDREN = 6,700 S.F.
 ± 13,000 S.F. PROVIDED

NOTES:

1. SEE SHEET P02 FOR ELEVATIONS OF USABLE AREA.
2. 67 CHILDREN PARKED ON ± 200' TOTAL CHILDREN WITH MAX. OF 35% OUTDOORS AT THE SAME TIME.
3. ALL EXISTING ROADWAY AND PARKING LOT LIGHT POLES TO REMAIN, REPAIR AND RE-ALIGN EXISTING PARKING LOT LIGHT POLES AS REQUIRED, WITH INTENTION TO NOT CHANGE EXISTING SITE PHOTOGRAPHICS. NO NEW LIGHT POLES TO BE ADDED.
4. ALL EXISTING CONDITIONS MUST BE FIELD VERIFIED.
5. HOURS OF OPERATION TO BE 7:00 AM TO 6:00 PM MONDAY THROUGH FRIDAY, WITH TYPICALLY NO WEEKEND HOURS.



VINY FENCE CONCEPT

SCALE: 1/4" = 1'-0"

NOTE:
 27' PERIMETER OF PLAYGROUND AREA. SEE LANDSCAPE TABLE L-10 FOR PROPOSED LANDSCAPE CONCEPT.

CONCEPT SITE PLAN
 SCALE: 1" = 32' 0"



IXL LEARNING CENTER

NOVIL MICHIGAN

OWNER/DEVELOPER:
 IXL LEARNING CENTER

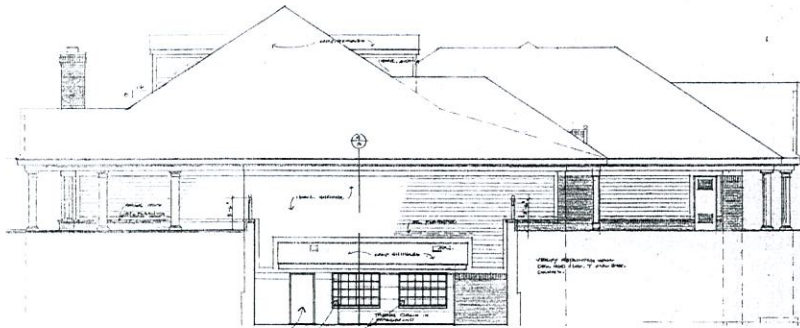
WAH YEE ASSOCIATES
 ARCHITECTS & PLANNERS
 42400 GRAND RIVER AVENUE, SUITE 200
 NOVIL, MICHIGAN 48375
 PHONE: 248-469-9160
 PROJECT NO: 5134



ISSUED:
 PRELIMINARY APPLICATION SUBMITTAL
 JAN. 28, 2021
 PRELIMINARY SUBMITTAL
 APRIL, 2021
 REVISED PRELIMINARY SUBMITTAL
 DEC. 3, 2021

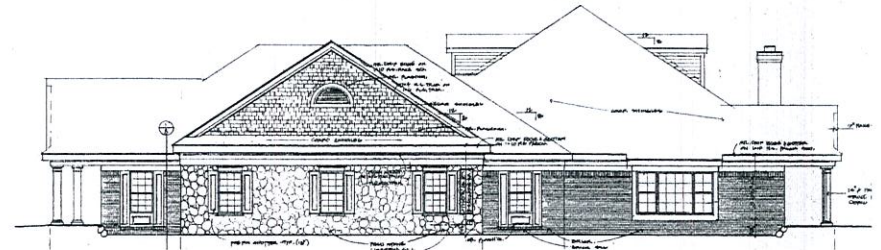
PRELIMINARY
 NOT FOR CONSTRUCTION

PH1
 CAD/DWG/P: 114-21.DWG



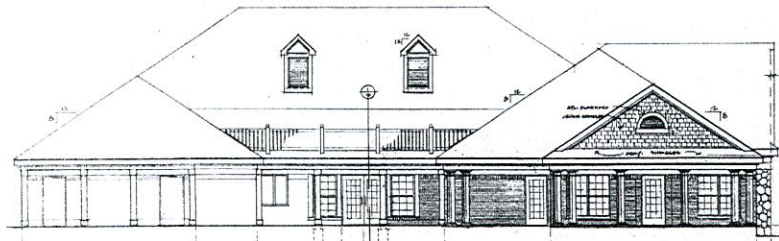
EXISTING WEST ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED



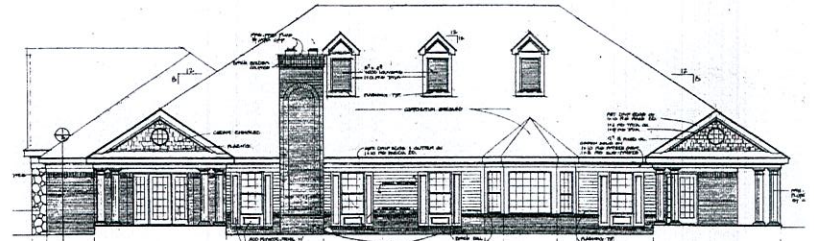
EXISTING EAST ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED



EXISTING SOUTH ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED



EXISTING NORTH ELEVATION

SCALE: 1/8" = 1'-0"
NOTE: ALL EXISTING CONDITIONS
MUST BE FIELD VERIFIED

IXL LEARNING CENTER

HOWI,

MICHIGAN

OWNER/DEVELOPER

IXL LEARNING CENTER



WAH YEE ASSOCIATES
ARCHITECTS & PLANNERS
42400 GRAND RIVER AVENUE, SUITE 200
HOWI, MICHIGAN 48875
PHONE: 248.489.5140
PROJECT NO. 5134

ISSUED:
PRE APPLICATION
SUBMITAL
JAN. 28, 2021
REVISED PLOD
AMEND. SUBMITAL
APRIL 1, 2021
REVISED PLOD
AMEND. SUBMITAL
DEC. 3, 2021

**PRELIMINARY
NOT FOR CONSTRUCTION**

PA-1

CADWG-PA-1 12.3.21 DWG

EXHIBIT E

EXHIBIT E

EXHIBIT E





INDEPENDENCE GREEN

Disc Golf Course



PAR 3
225'

Tips, Tricks, & Notes

Funnel your drive through the narrow approach onto the green, but avoid the low hanging willow limbs.

The creek lines the entire back side of the green.

Next tee up the hill to the right along side the parking lot.



Designed By:
Watch It Bend



INDEPENDENCE GREEN

Disc Golf Course



PAR 3
250'

Tips, Tricks, & Notes

Throw over the creek onto the green.

The preferred route is to the left of the tall trees.

You may be able to

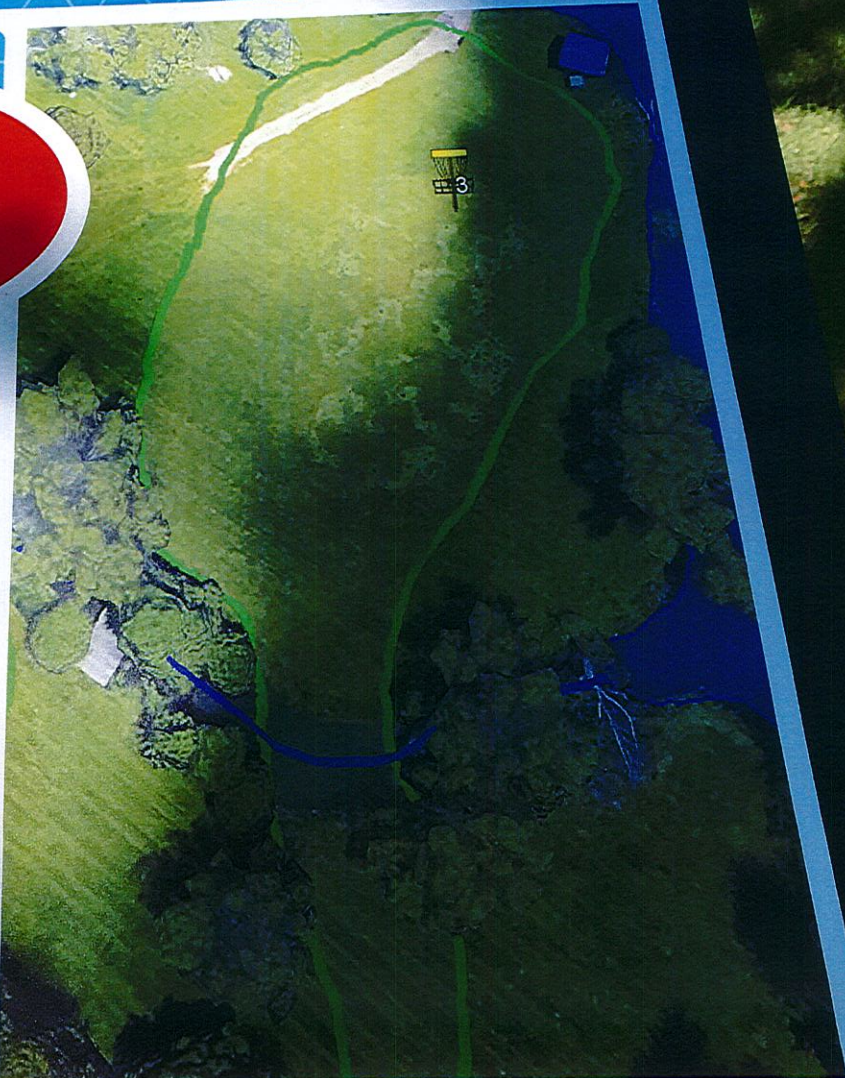




EXHIBIT F

EXHIBIT F

EXHIBIT F

To Whom it May Concern:

We are not planning on opening the Maples Golf Course next year (2022).

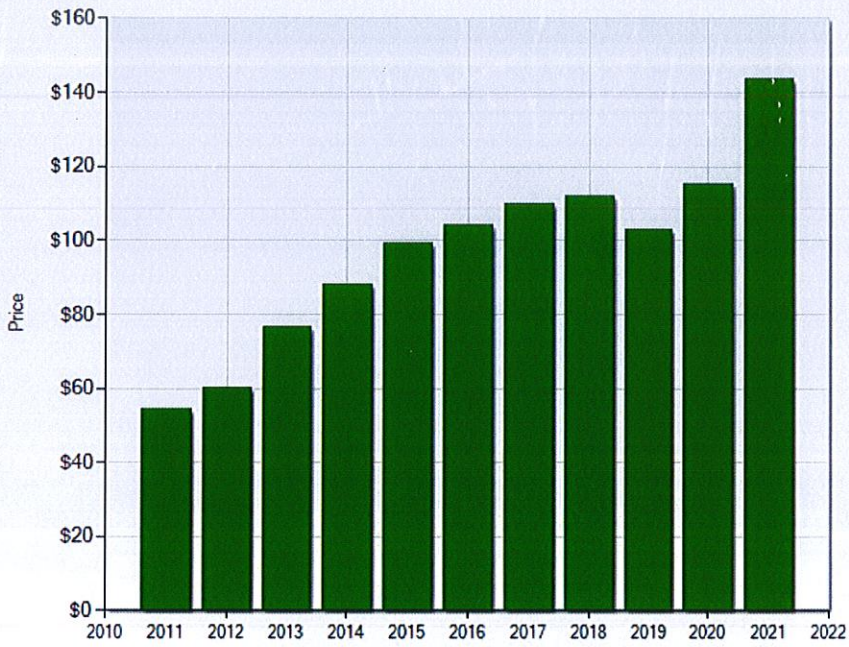
Sincerely,

Corey Byron
On behalf of CKC LLC

EXHIBIT G

EXHIBIT G

EXHIBIT G



■ Sale Price by SqFt Ratio

Time frame is from Jan 2011 to Oct 2021
Latitude, Longitude is around 42.52, -83.46

Your search has been modified to fit the selected preset.

Results calculated from 724 listings

EXHIBIT H

EXHIBIT H

EXHIBIT H

Novi IXL Learning Center

To the City of Novi and the Planning Commission:

During our last meeting in June, you requested to learn more about IXL Learning Center. This letter will hopefully give you more insight into our company.

An IXL Learning Center (IXL) is an innovative community of child care centers that embodies love, trust, and exceptional care for infants through early elementary age children. While this particular location may have the physical capacity of accommodating up to 200 children, it is likely to have between 125 and 150 children daily. There are many reasons for this. First, IXL provides both full-time and part-time enrollment. With children attending part-time, often schedules don't line-up perfectly resulting in classrooms that are not at capacity each day. Secondly, we design our classrooms to have extra square footage, creating a higher allowable capacity. Instead of using this higher capacity for additional children, it provides for additional space and comfort in the classroom area. Also, the enrollment process is such that we must leave space in older classrooms so that children can transition to the next room as they grow and develop. Finally, we offer a gross motor room for the children to play indoors when weather is inclement. This area must be licensed with a capacity, but it is only used for "gym" and is unoccupied for much of the day.

Our days of operation are Monday through Friday. Our hours of operation are between 7:00 a.m. and 6:00 p.m. Thus, there would be no children during the weekends and no traffic or children after 6:00 p.m.

The location is at the corner of 14 Mile and Wakefield Dr. Families bringing their children to the IXL Learning Center will enter off of 14 Mile Rd. They would travel only a few feet on Wakefield and immediately turn into the IXL parking lot. There would be no reason for a family to enter off of Novi Road and drive through the entirety of The Maples. This situation would be no different than the existing golf course or the former restaurant which accompanied this site.

Also, we want to share that the flow of traffic of a child care center is different from a traditional school. In a traditional setting, there is a singular designated drop-off and pick-up time. IXL's drop-off and pick-up occurs over a two-and-a-half-hour period each morning and evening. On average, drop-off occurs between 7:00 and 9:30 a.m. and pick-up from 3:30 p.m. to 6:00 p.m. From our experience in operating IXL Learning Centers, it can be expected with a center of 150 children, with many of our families having multiple children, between 10 and 15 vehicles would be present at any given time for drop-off and pick-up purposes. Thus, there would not be an occasion where a great number of cars would ever be parked in this parking lot. In fact, less vehicles would be in the parking lot at one time than a restaurant operating at full capacity.

The area around the existing building and the former swimming pool would be used for outside activity by the children. Our Learning Centers typically have three playgrounds. One is for infants and toddlers, another for preschool and pre-K children and the third-place base for school agers. Our outdoor playtime is scheduled and follows a structured daily routine. Following this routine, all the classrooms will not be using the playgrounds at the same time. The children occupy the playground areas from each weekday morning from 9:30 a.m. to 12:00 p.m. and in the afternoon from 3:30 p.m. until 6:00 p.m. Thus, the outdoor play areas would be totally vacant after 6:00 p.m. and during the weekends.

We currently have 7 IXL Learning centers located in Berkley, Birmingham, Hamburg, Howell, Northville, South Lion and Troy. IXL's first location was opened in 2004 and we pride ourselves on the service we provide and being good neighbors in our communities.

Thank You,

Jennifer Moss – Owner IXL Learning Center and Partner JMSS Novi, LLC

EXHIBIT I

EXHIBIT I

EXHIBIT I

**SECOND AMENDMENT TO PLANNED UNIT DEVELOPMENT OF THE MAPLES OF
NOVI**

A request for an Amendment of the Planned Unit Development for The Maples of Novi and the accompanying Area Plan having been submitted by JMSS Novi, LLC, pursuant to the Novi zoning ordinance of 1997 (Ordinance 97-18) which remains in place to address any proposed changes to the existing PUDs within the City, and specifically, Article 27 of the said Ordinance, the City of Novi Planning Commission having conducted a Public Hearing and made a recommendation to the Novi City Council and the Novi City Council having approved a Second Amendment to the Planned Unit Development for The Maples of Novi pursuant to Article 27 of Ordinance 97-18:

RECITALS

WHEREAS, the initial Planned Unit Development for The Maples of Novi having an effective date of July 10, 1989;

WHEREAS, the First Amended Planned Unit Development for The Maples of Novi having an effective date of July 24, 1992;

WHEREAS, since the initial Planned Unit Development and the First Amendment, changing social and economic conditions having resulted in that portion of The Maples of Novi Planned Unit Development property initially contemplated and developed as a 9-hole executive golf course being no longer economically viable;

WHEREAS, it remains desirable to maintain the property where the former golf course was designed and developed as open space available for use by all co-owners of The Maples of Novi and their guests as open park space;

WHEREAS, JMSS Novi LLC, having proposed to utilize the former clubhouse for the golf course as an IXL Learning Center for use as a child daycare center/learning center for not more than 200 children;

WHEREAS, JMSS Novi LLC agrees to maintain the former golf course property, keep the vegetation cut, in keeping with the City of Novi Ordinance requirements;

WHEREAS, JMSS Novi LLC agrees to allow the members of The Maples of Novi to utilize the former golf course property as open space/park space, including recreational activities such as disc golf, hiking/walking trails, cross-country skiing, snowshoeing and other similar recreational activities.

NOW THEREFORE, the Planned Unit Development for The Maple of Novi and its accompanying Area Plan are hereby amended as follows:

1. All references in the Area Plan to a “golf course” shall be replaced by the term “former golf course property”.
2. Section 13, Pg. 36 of the Area Plan entitled “NON-RESIDENTIAL (Zone A)” shall be amended to read as follows:

The development the non-residential areas will be coordinated with that of the housing areas and their immediate environs. The development will include 60,000 square feet of convenience, commercial, 20,000 square feet of office, health and fitness, adult and childcare functions necessary to service the needs of the community and an IXL Learning Center in the former golf course clubhouse and adjacent property (not including the former golf course holes) for up to 200 children per the site plan attached hereto as Exhibit A.

3. JMSS Novi LLC agrees to maintain the former golf course property, keeping the grass cut, in keeping with the City of Novi ordinance requirements. No disturbance of the existing wetlands will occur and no change in the topography of the former golf course land shall occur.
4. JMSS Novi LLC agrees to allow the members of The Maples of Novi and their guests to utilize the former golf course property as open space/park space, including recreational activities such as disc golf, walking/hiking trails, cross-country ski trails, snowshoeing and similar activities.
5. The former clubhouse building for the golf course and the adjacent parking lot and adjacent grounds (not including the former golf course property itself, shall be developed and maintained per the site plan attached hereto as Exhibit A, as an IXL Learning Center.
6. All other portions of the Amended Planned Unit Development for The Maples of Novi shall remain in full force and effect.

SECOND AMENDMENT TO PLANNED UNIT DEVELOPMENT OF PROPERTY
KNOWN AS THE MAPLES OF NOVI

A request for an Amendment of the Planned Unit Development for The Maples of Novi and the accompanying Area Plan having been submitted by JMSS Novi, LLC, pursuant to the Novi zoning ordinance of 1997 (Ordinance 97-18) which remains in place to address any proposed changes to the existing PUDs within the City, and specifically, Article 27 of the said Ordinance, the City of Novi Planning Commission having conducted a Public Hearing and made a recommendation to the Novi City Council and the Novi City Council having approved a Second Amendment to the Planned Unit Development for The Maples of Novi pursuant to Article 27 of Ordinance 97-18:

RECITALS

WHEREAS, the initial Planned Unit Development for The Maples of Novi having an effective date of July 10, 1989;

WHEREAS, the First Amended Planned Unit Development for The Maples of Novi having an effective date of July 24, 1992;

WHEREAS, since the initial Planned Unit Development and the First Amendment, changing social and economic conditions having resulted in that portion of The Maples of Novi Planned Unit Development property initially contemplated and developed as a 9-hole executive golf course being no longer economically viable;

WHEREAS, it remains desirable to maintain the property where the former golf course was designed and developed as open space available for use by all co-owners of The Maples of Novi (~~hereinafter The Maples~~) and their guests as open park space;

WHEREAS, JMSS Novi LLC, having proposed to utilize the former clubhouse for the golf course as an IXL Learning Center for use as a child daycare center/learning center for not more than 200 children;

WHEREAS, ~~the IXL Learning Center and~~ JMSS Novi LLC agrees to maintain the former golf course property, keep the vegetation cut, in ~~keeping~~ ^{accordance} with the City of Novi Ordinance requirements;

WHEREAS, JMSS Novi LLC agrees to allow the members of The Maples of Novi to utilize the former golf course property as open space/park space, including recreational activities such as disc golf, hiking/walking trails, cross-country skiing, snowshoeing and other similar recreational activities.

NOW THEREFORE, the Planned Unit Development for The Maple of Novi and its accompanying Area Plan are hereby amended as follows:

1. All references in the Area Plan to a "golf course" shall be replaced by the term "former golf course property".
2. Section 13, Pg. 36 of the Area Plan entitled "NON-RESIDENTIAL (Zone A)" shall be amended to read as follows:

The development the non-residential areas will be coordinated with that of the housing areas and their immediate environs. The development will include 60,000 square feet of convenience, commercial, 20,000 square feet of office, health and fitness, adult and childcare functions necessary to service the needs of the community and an IXL Learning Center in the former golf course clubhouse and property (not including the former golf course holes) for up to 200 children per the site plan attached hereto as Exhibit A.

3. JMSS Novi LLC agrees to maintain the former golf course property, keeping the grass cut, in keeping with the City of Novi ordinance requirements. No disturbance of the existing wetlands will occur and no change in the topography of the former golf course land shall occur.
4. JMSS Novi LLC agrees to allow the members of The Maples of Novi and their guests to utilize the former golf course property as open space/park space, including recreational activities such as disc golf, walking/hiking trails, cross-country ski trails, snowshoeing and similar activities.
5. The former clubhouse building for the golf course and the adjacent parking lot and adjacent grounds (not including the former golf course property itself) shall be developed and maintained per the site plan attached hereto as Exhibit A, as an IXL Learning Center.
6. All other portions of the Amended Planned Unit Development for The Maples of Novi shall remain in full force and effect.

APPLICANT RESPONSE LETTERS

Carroll, Christian

From: Jennifer Moss <jennifer@ixlkids.com>
Sent: Tuesday, March 8, 2022 10:45 AM
To: McBeth, Barb
Cc: Scott Seltzer; Carroll, Christian
Subject: Re: JSP21-03 IXL Learning Center of Novi - Next Steps

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Barb,

Here are the answers. Have a great day!

1. A narrative/draft document describing the maintenance agreement of the golf course open space that was offered as part of the previous submittal (Dated December 3, 2021). **JMSS Novi, LLC will agree to cut the grass of the golf course once a week during the peak season of cutting season and bi-weekly at the beginning and end of the cutting season.**
2. A narrative explaining the decision to limit the number of children to 120 and how it will be enforced. **The decision was based on the current ordinance of now allowing more than 120 children and IXL Kids will enforce this rule similar to all of their other locations.**
3. A narrative addressing the traffic concerns noted by staff and by the residents of the Maples of Novi community. Please also indicate if any alternatives (such as adding an access drive) have been explored. **We have inquired with the Oakland County Road commission about adding another access point directly into the Clubhouse parking lot. The OCRC does not currently recommend an additional access point and we would need to provide further information and studies for them to consider changing their position.**

Sent from my iPhone

On Mar 7, 2022, at 4:53 PM, McBeth, Barb <bmcbeth@cityofnovi.org> wrote:

Good afternoon Scott,

I don't think that I have heard from you about the email below. Do you think that you will have an opportunity to prepare a narrative as described below for staff to review and include in the Council packets?

Thanks,
Barb



Wah Yee Associates
Architects & Planners
Since 1961

January 21, 2022 RE: IXL Learning Center, Revised response to City Planning and Community
Development Review Report

JSP 21-03 IXL NOVI

Christian Carroll
City of Novi Community Development Department
45175 Ten Mile Road
Novi, MI 483375

Planning and Community Development, Christian Carroll : Sept. 27, 2021

1. Note #5, Hours of operation has been added to sheet P1.1.
2. A noise impact statement will be provided at the time of Site Plan Submittal if determined to be necessary.
3. Yard dimensions have been added to sheet P1.1.
4. Setback dimensions from closest residence to IXL building and playground have been added to sheet P1.1
5. Request for amendment has now been provided with this submittal.
6. Parking space and drive aisle dimensions have been added to sheet P1.1.
7. Barrier free parking space dimensions have been added to sheet P1.1.
8. Barrier free parking space signs will be shown at the time of Site Plan Submittal.
9. All building exits directly access sidewalks as shown on sheet P1.1.
10. Dumpster enclosure wall details will be provided at the time of Site Plan Submittal.
11. Bicycle parking spaces will be shown at the time of Site Plan Submittal.
12. An Economic Impact Statement has now been provided.
13. Project name approval will be obtained if determined to be necessary.
14. A full site photometric plan will be provided at the time of Site Plan Submittal if determined to be necessary.

Planning and Community Development, Christian Carroll : Sept. 27, 2021

1. All references to "Future Development" have been removed from sheet PAP1.1, Property Use Plan.
2. The dimension has been added showing the distance from 14 Mile Road to the curb cut into the IXL Learning Center site off of Wakefield Dr. (140'-8") on sheet P1.1, Concept Site Plan.
3. The playground area fence has been highlighted in red on the color Landscape Plan, Sheet L-1.0, Landscape Concept Plan. (11" x 17")
4. Site Sections A and B have been added to sheet L-1.0, Concept Landscape Plan. These sections show the relationship between the new playground area fence, new landscaping shrubs, people and existing residences.





Wah Yee Associates
Architects & Planners
Since 1961

Planning and Community Development, Christian Carroll : Jan. 19, 2022

We will be making the necessary revisions and provide the additional information required per this review letter at the time of Site Plan Submittal.

Engineering, Kate Richardson : Feb. 17, 2021

Engineering items 1 through 14 will be addressed at the time of Site Plan Submittal.

Engineering, Humna Anjum : Dec. 27, 2021

Engineering items 1 through 17 will be addressed at the time of Site Plan Submittal.

Landscaping, Rick Meader : Dec. 16, 2021

We will be making the necessary revisions and provide the additional information required per this review letter at the time of site plan submittal.

Woodlands Review, Emily Hanson : Feb. 5, 2021

No new Woodland letter has been provided due to the determination that no woodland area will be impacted by this development.

Wetlands Review, Douglas Repen : Feb. 16, 2021

No new wetland letter has been provided due to the determination that no regulated wetland area will be impacted by this development.

Traffic Review, Patricia Thompson : Feb. 12, 2021

1. The Trip Generation Summary indicates that the number of trips at all times are under the number of trips that would require a Traffic Impact Study.
2. Traffic Review Items 1 through 44 will be addressed at the time of Site Plan Submittal.

Traffic Review, Patricia Thompson : Jan. 7, 2022

Traffic Review Items 1 through 44 will be addressed at the time of Site Plan Submittal.

Fire Department, Kevin Pierce : Feb. 9, 2021

1. This review recommends approval with no items to be addressed at this time.





Wah Yee Associates
Architects & Planners
Since 1961

Fire Department, Mike Olando : Dec. 16, 2021

This review recommends approval with no items to be addressed at this time.

Prepared by,

A handwritten signature in blue ink, appearing to read "Matt Niles", is written over the text "Prepared by,".

Matt Niles

Wah Yee Associates Architects & Planners



PUD ORDINANCE

See Ord. 91-18,100

ARTICLE 27. PLANNED UNIT DEVELOPMENT (PUD)

Sec. 2700. PUD regulations.

1. *Purpose and Location of a PUD.* The general purpose of a PUD development is to allow innovative and efficient-land use development which will protect the natural environment conserve natural resources and energy, and insure compatibility of proposed PUD development with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. A PUD shall be located in areas of the City designated on the City's Master Plan as suitable and desirable for such development. An application for a PUD district in all other locations shall either follow or proceed simultaneously with an amendment to the Master Plan. If the PUD request is not approved, the underlying zoning district remains in place and the property can be developed pursuant to existing zoning requirements.

2. *District Regulations.*

- a. *General.* All uses, structures, and properties shall comply with all regulations in Section 2400, Schedule of Regulations and with all other regulations and requirements of Ordinance No. 84-18, as amended, except as provided in this Section.
- b. *Minimum PUD Area.* The minimum PUD area to be developed under the regulations of this Section shall be twenty (20) acres, provided, however, that the minimum PUD area may be waived by the City Council if the parcel in question has unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wet lands or poor soil conditions on portions of the property, water courses or utility easements crossing the parcel, unusual shape or proportions, and isolation from other undeveloped or developable lands. In such case, the applicant shall submit information to the City Council to support the request for a waiver of the minimum PUD size requirements. The City Council shall consider the request and act thereon, and shall inform the applicant of the action in writing. The request for a

waiver and the City Council's action shall be made prior to the applicant's submittal of application for a PUD district classification. The City Council shall not consider any request for a waiver in the twenty (20) acre minimum until it has received a recommendation from the Planning Commission on said request.

c. *Mixing of Uses.*

- (1) A residential area, designated on a proposed site plan, may contain one or more types of dwelling units, provided that such combination of dwelling unit types will not interfere with orderly and reasonable platting of an area, if such area is to be platted.
- (2) Single family detached dwelling units shall comprise not less than twenty (20) percent of all dwelling units in a PUD.
- (3) Multiple-family dwelling units may be located in buildings containing, or intended to contain, commercial and/or office activities, provided that commercial uses shall be permitted only on the first, ground, or main floor, however defined. Dwelling units shall not be permitted on any floor on which commercial and/or offices are located or intended to be located.
- (4) Home occupations shall not be permitted in any dwelling unit, including a manufactured housing unit, other than a single-family detached dwelling unit.
- (5) Commercial and/or office uses shall be permitted in such areas and size as are necessary or desirable to serve the residential development of the same PUD district provided such district is at least two hundred (200) acres in size.

d. *Density Regulations.*

- (1) The maximum permitted residential density for a PUD district shall not exceed the average residential density for the area included in the PUD as shown on the City's Master Plan.
- (2) The maximum lot coverage of all uses in the PUD district including accessory buildings shall not exceed twenty-five

- (25) percent. For example, the total "foot print" of all buildings, structures and accessory buildings and structures in a PUD development of one hundred (100) acres could not exceed one million eighty-nine thousand (1,089,000) square feet.
- (3) The maximum floor area ratio (FAR) for all uses in the PUD district shall not exceed 0.35. For example, in an one hundred (100) acre PUD development the maximum floor area for all floors in residential and non-residential buildings could not exceed one million five hundred twenty-four thousand six hundred (1,524,600) square feet.
 - (4) Land areas to be used in calculating gross densities, ground floor coverages, and floor areas as provided in this Section shall each be delineated on the preliminary site plan, the phasing plan and the final site plan, so that the acreage and density computations can be confirmed.
 - (5) The land area used for calculating gross residential density shall include the total residential land area designated on the preliminary site plan or final site plan, less any area within existing public street rights-of-way.
 - (6) The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating gross residential density if fifty (50) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible by residents of the PUD.
 - (7) Lot coverage and FAR calculations for residential structures shall be based upon the acreage designated for gross residential density, lot coverage and FAR calculations for nonresidential uses shall be based upon land areas including acreage for private drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but not including acreage in existing public street right-of-ways.
 - (8) Land once used to provide acreage sufficient to meet density regulations in a project within a PUD shall not again be used to compute density in another project unless the gross and net densities, lot coverage, and FAR of the subject project and all previous projects are maintained at or less than the limits established in the approved area plan.
 - (9) Top decks of underground parking structures may be included in the land area used in density calculations if such area is fully landscaped and is not used for circulation and parking of vehicles.
 - (10) The lot coverage and FAR for the PUD shall include estimated ground floor area and total floor area for the single-family detached dwelling units proposed in the PUD. The applicant shall list such estimated floor areas, and shall provide backup information to justify those estimates.
- e. *Yard Setbacks.*
- (1) A yard setback fifty (50) feet wide shall be provided along the perimeter of the PUD district fronting on a public street.
 - (2) A yard forty (40) feet wide shall be provided along the perimeter of the PUD district not fronting on a public street. Such yard shall be designed and landscaped as a buffer strip; parking lots and driveways shall not be permitted in such yard, except that drives may cross such yard.
 - (3) A yard at least thirty-five (35) feet wide shall be provided along the right-of-way of a collector street proposed within the PUD, and a yard fifty (50) feet wide shall be provided along the right-of-way of a major thoroughfare proposed within the PUD.
 - (4) A landscaped yard at least ten (10) feet wide shall be provided between a parking lot of five (5) or more spaces and a property line within the PUD, and

twenty (20) feet from the perimeter property line of the PUD, except when adjacent to a public street right-of-way line, existing or proposed, in which case the preceding setbacks shall apply.

- (5) A transition strip at least forty (40) feet wide shall be required on any commercial or office site when adjacent to a residential area, school site, park, and similar areas. Such strips shall be landscaped with trees, shrubs, mounds, ground covers, and other materials. The distance between any residential building and a nonresidential building shall not be less than one hundred fifty (150) feet unless waived by the City Council after recommendation by the Planning Commission.
- (6) The preceding yard requirements, except those in Section 2700,2,3 (1) and (2), herein, may be modified or waived when approved by the City Council upon recommendation of the Planning Commission. The modification or waiver shall be justified by the applicant and shall be based upon findings that topographic conditions, existing trees and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards. Such modifications or waivers shall be clearly shown on the approved area plan.
- (7) All required yards shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas as provided in Section 2509.

f. *Distances Between Buildings.*

- (1) Any single-family dwelling structure shall be located at least twenty (20) feet from any other single-family dwelling structure unless structurally attached thereto.
- (2) The location of buildings and uses and the distances between buildings shall be clearly shown on the area plan and

shall control the development and continued use of the property.

- (3) Distances between the buildings other than single family dwelling structures shall conform to the requirements for such uses where first permitted in Ordinance No. 84-18, as specified in Section 2400.
- g. *Height.* Maximum height of buildings in the PUD district shall be thirty-five (35) feet or three (3) stories or as regulated by the FAR, whichever is lower.
- h. *Circulation and Access.*
- (1) Each lot, principal building and principal use within a PUD district shall have vehicular access from a public street. All such streets shall be designed and constructed in accordance with the City of Novi Design and Construction Standards.
 - (2) The City Council, upon Planning Commission recommendation, may permit certain lots, principal buildings or principal uses to maintain vehicular access solely to a private street, provided that (a) such private street is constructed in accordance with the City of Novi Design and Construction Standards and (b) the continued maintenance of such private streets as common areas is provided for in accordance with Subsection 2700-8.
 - (3) The standards for the design and construction of private streets may be modified where strict application of the provisions would result in practical difficulties or undue hardship to the developer, provided that the City Engineers determine that the proposed modification will adequately provide the anticipated service required. Where such modification is permitted, the City of Novi may, as a condition to subsequently proposed dedication of such streets, require the owner to bear the full expense of reconstruction or other action necessary to bring the streets into compliance with the design and construction standards.

- (4) Where deemed necessary by the City Council upon recommendation of the Planning Commission, each lot or principal building in a PUD district shall have pedestrian access from a public or private sidewalk as part of the area plan. All parts of the PUD shall be interconnected by a nonmotorized safety path which will provide for the necessary safe, and convenient movement of the pedestrians. A bicycle path system shall also be provided in the PUD which may be part of the nonmotorized safety path system.
- (5) An individual dwelling unit in any single-family, two-family, townhouse, manufactured housing unit, or similar residential structure shall not have direct access to a major thoroughfare or collector street.
- i. *Utilities.*
- (1) Each principal building in a PUD district shall be connected to public water and sanitary sewer lines.
- (2) Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted by the City Council upon recommendation by the City Engineering Consultant consistent with the City's Stormwater Management Plan.
- (3) Electrical, telephone, and cable television lines shall be underground. Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be landscaped and screened from view.
Location should be flexible and shall impose minimum environmental impact.
- j. *Open Space Regulations.*
- (1) Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therefrom. Any permitted uses shall be designated as being available to the public or Property Owners Association.
- (2) Open space areas shall be conveniently and equitably located throughout the PUD in relation to the location of dwelling units and natural features.
- (3) Open space areas shall have minimum dimensions which, in the Planning Commission's opinion, are usable for the functions intended and which will be maintainable.
- (4) There shall be a concerted effort to create focal points of interest in entry points to the PUD through use of art, civic design, enhancement of natural landscape, and vistas.
- (5) The City Council may require, upon recommendation of the Planning Commission, that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system of the PUD.
- k. *Phasing.* Development within a PUD district may be phased as delineated on the approved area plan. Phasing shall be subject to the following requirements:
- (1) Any phase containing commercial and/or office uses shall have a residential land area containing at least one hundred (100) dwelling units.
- (2) A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, off-street parking, adequate utility services, and open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development of that phase.
- (3) The City Council, upon recommendation of the Planning Commission, may require that development be phased so that City, school districts, and County property tax revenues resulting from such development will generally balance the expenditures required by pub-

lic agencies to properly service that development so that serious overloading of utility services and community facilities will not result, so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a PUD project for recommendation to the City Council with respect to this requirement.

- (4) The Planning Commission may require, as part of a final site plan review of a development phase, that land shown as common open space on the approved area plan be held in reserve as part of a phase to be developed, in order to guarantee that density limits for the entire PUD as shown on the approved area plan will not be exceeded when the subject phase is completed. Such reserved land may be included in subsequent phases if the density regulations will not be exceeded upon completion of that phase or if other land is similarly held in reserve.
- (5) No building permits shall be issued for any commercial or office use in a PUD until building permits have been issued for at least fifty (50) dwelling units or one-quarter ($\frac{1}{4}$) of the total number of units in the approved area plan, whichever is less.

1. *Off-Street Parking and Loading/Unloading Requirements.* Off-street parking and loading/unloading requirements set forth in Section 2505, shall apply except that the number of spaces required may be reduced in a PUD if approved by the City Council, upon recommendation of the Planning Commission, as part of the area plan. Such reduction shall be justified by the applicant and shall be based upon a finding that sufficient parking will be available through

sharing of spaces by different uses, that the parking requirement is excessive for the type of use proposed, that walk-in trade for commercial centers will reduce parking demand, or similar factors.

- m. *Compliance with Area Plan and Site Plans.* A parcel of land that has been the subject of PUD approval shall not thereafter be developed or used except in accordance with the approved area plan and all preliminary and final site plans approved subsequent thereto, absent amendment in accordance with Sec. 2700-9. The approved area plan, preliminary site plans and final site plans shall be binding upon all subsequent owners of the parcel or portions thereof.

- n. *Construction.* No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefor, on a lot with or under application for a PUD classification, until the requirements of this Section have been met.

3. *Pre-Application Conference.*

- a. A potential applicant for a PUD district classification shall request a pre-application conference with City officials prior to filing an application. The request shall be made to the Department of Planning and Community Development which shall set a date and shall inform the Mayor, the City Council and Planning Commission members of the conference and invite their attendance. The Department shall also invite other officials who might have an interest in the proposed development, or who might assist the City in the review process.
- b. The purpose of the meeting is to inform City and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards, and requirements of the City and other agencies in terms of the proposed development. To this end, the applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development.

- c. Statements made in the conference shall not be legally binding commitments.

4. *Area Plan Requirements.*

a. *Procedure for Petition and Area Plan Approvals; Public Hearing Requirement.*

- (1) Application for a PUD district classification shall be for an amendment to the City Zoning Map and approval of an area plan. An application for a PUD district classification for a parcel of land may be made by the owner(s) of record or by any person(s) acting on behalf of the owner(s) of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing for a PUD district classification; said filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership of all land in a PUD, such as legal title or execution of a binding sales agreement, prior to approval of the petition and area plan by the City Council.
- (2) The application shall be filed with the City Clerk who shall transmit the petition and the area plan to the Department of Planning and Community Development. The application must be filed at least three (3) weeks prior to the Planning Commission meeting at which it is first to be considered. Fees shall be paid to the City Treasurer; no transmittals shall be made unless the required fees have been paid in full.
- (3) Upon receipt of the petition and plan from the City Clerk, the Planning Commission shall undertake a study of the same and shall complete said study within ninety (90) days of receipt by the Planning Commission. The Planning Commission shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the regulations and standards of Ordinance No. 84-18.
- (4) The Planning Commission shall, at the meeting at which it receives the petition and area plan from the Clerk, establish a public hearing on the petition and area plan, said hearing to be held within thirty-one (31) days of the date received by the Planning Commission. The Planning Commission shall give notice of the public hearing as required in Section 3006.
- (5) At the public hearing the applicant shall present evidence regarding the following characteristics of the proposed development:
 - (a) general character and substance;
 - (b) objectives and purpose to be served;
 - (c) compliance with regulations and standards;
 - (d) scale and scope of development proposed;
 - (e) development schedules;
 - (f) compliance with the City's Master Plan;
 - (g) demonstration that the proposed PUD represents a recognizable and substantial benefit to the residents and users of the PUD and to the City which would not be feasible or likely occur without the PUD being developed;
 - (h) demonstration that there would be no significant or material adverse effect by the PUD on the City's Master Plan;
 - (i) a showing that there would be no unreasonable impacts by the PUD on public utilities, facilities or services, on surrounding properties, or on the natural environment;
 - (j) a showing that there would be no unreasonable negative economic impact on surrounding property values or for City as a whole;
 - (k) evidence that the basic integrity of required open space, and existing woodlands and wetlands on site are substantially preserved; and
 - (l) status of single ownership or control of PUD such that there is a single person or entity hearing responsibility for completing the PUD

in conformity with the approved plan.

To this end, factual evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models, and other tangible materials, and in the form of testimony by experts such as lawyers, architects, engineers, landscape architects, realtors, professional community planners, and economists as will clearly state for the record the full nature and extent of the proposal. Tangible materials shall be submitted in sufficient quantity for review by the Planning Commission and other officials.

- (6) At the public hearing or within a reasonable time following the public hearing, the Planning Commission shall make its final consideration of the request, and shall recommend to the City Council denial, approval, or approval with conditions, of the request. The Planning Commission shall have prepared a report stating its conclusions on the PUD request, the basis for its recommendations, its recommendations, and any conditions relating to an affirmative recommendation. If an amendment to the zoning ordinance is necessary to permit the proposed PUD, the Planning Commission shall also make a recommendation on the proposed zoning amendment. The public hearing held pursuant to this subsection shall also serve as the public hearing for the proposed zoning amendment.
- (7) The City Council shall be provided with a copy of the Planning Commission's report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the PUD request. Within a reasonable time of the action of the Planning Commission, the City Council shall deny, approve or approve with conditions, the request.
- (8) If the petition and area plan are approved by the City Council, the applicant shall review the petition and area

plan in their approved form. The applicant and all owner(s) of record or the legal representative of the owner(s) of record of all property included within the PUD shall then sign an agreement that the approved petition and area plan, and the conditions of approval, shall be binding upon the applicant and owner(s) of record and upon their heirs, successors, and assigns. The petition and area plan shall not be officially approved nor may the applicant submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until said agreement has been signed as required herein and has been received by the City Clerk.

- (9) Within three (3) days of the official approval of the petition and the area plan by the City Council, the City Clerk shall attest the PUD district designation for the lot in question on the Zoning Map.
 - (10) The approved area plan and signed agreement shall be recorded by the petitioner with the Oakland County Register of Deeds within ten (10) days of the date of approval of the petition and the area plan by the City Clerk. The petitioner shall immediately provide a certified copy of the recorded documents to the City Clerk.
 - (11) The City Council may enforce any or all provisions of the approved area plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns, or agents.
 - (12) Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the City Council at the time of approval of the area plan. Guarantee to assure completion of site improvements shall be provided in accordance with Section 3005,8,c.
- b. (1) An area plan for a PUD consisting of eighty (80) acres or less shall contain all the information required for a preliminary site plan as set forth in Sec-

- tion 2516a and the City's Site Plan Manual, and the following information:
- (a) density of use for each use area of the site;
 - (b) location, size, and uses of common open space and recreation areas;
 - (c) general description of the organization to be established to own and maintain common open space;
 - (d) general description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, by-laws, and articles of incorporation for any home owners' association or cooperative association;
 - (e) description of applicant's intentions regarding selling or leasing of all or portions of land in the PUD and of dwelling units;
 - (f) description of all proposed nonresidential uses, including types of stores and offices;
 - (g) general landscape concept showing woodlands and vegetation to be preserved or added, topography, and similar features;
 - (h) recognition of existing wetlands;
 - (i) delineation of areas to be subdivided; and
 - (j) average initial sales prices of dwelling units for sale and/or average initial rents of rental dwelling units.
- (2) An area plan for a PUD consisting of more than eighty (80) acres shall contain the information as required in Section 2700,4,b(1)(a) through (j), preceding, and the following information:
- (a) location, type, and land area of each land use; density of dwelling units (dwelling units per acre); type of dwelling units;
 - (b) general location and right-of-way width of proposed public streets; general location and surface width of major private streets/drives;
 - (c) general location of proposed parking areas and approximate number of spaces to be provided in each area;
 - (d) general delineation of areas of intended cutting or filling; existing natural features to be preserved or removed; location of existing structures, streets, and drives; location and purpose of existing easements;
 - (e) adjacent land uses;
 - (f) location and area of each development phase; summary of land use information as required in Subsection (a) preceding for each phase; and
 - (g) general description of proposed water, sanitary sewer, and storm drainage systems.
- c. *Standards for Petition and Area Plan Review.* The Planning Commission's report to City Council shall include its determination as to whether the petition and area plan meet the following standards:
- (1) The proposed development shall conform to the City Master Plan or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the Master Plan.
 - (2) The proposed development shall conform to the intent and to all regulations and standards of the PUD district and of Ordinance No. 84.18.
 - (3) The proposed development shall be adequately served by public facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide in a manner acceptable to the City Council, any such facilities and services.
 - (4) The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open and recreation area sys-

- tem with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
- (5) The applicant shall have made provision, satisfactory to the City Council, to assure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provision, satisfactory to the City Council, shall have been made to provide for the financing of any improvements shown on the plan for open space area, and common use areas which are to be included within the development, and that maintenance of such improvements is assured by a means satisfactory to the City Council.
 - (6) The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site and assembly of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, relationship of the proposed project to major thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the neighborhood.
 - (7) The mix of housing unit types and densities, and the mix of residential and nonresidential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
 - (8) Where applicable, the Planning Commission shall determine that noise, odor, light, or other external effects from any source whatsoever, which is connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.
 - (9) The proposed development shall create a minimum disturbance to natural features and land forms.
 - (10) Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
 - (11) Major pedestrian circulation shall be provided for within the site, and shall interconnect all residential areas, community areas, and commercial and other services where applicable. The pedestrian system shall provide a logical extension of pedestrian ways from outside the site and shall provide pedestrian connections to the edges of the site, where appropriate.
- d. *Effect of Approval of Petition and Area Plan.* Approval of the petition and area plan by the City Council shall have the following effects:
- (1) Approval shall confer a right to the applicant, for a period of three (3) years from the date of approval, that existing zoning regulations as they apply to the land included in the petition, and the area plan, shall remain unchanged, provided that required subsequent planning and/or construction are diligently pursued in accordance with the approved area plan within this time period.
 - (2) Approval of an area plan shall indicate the City Council's and Planning Commission's acceptance of uses, building location in the case of a PUD of eighty (80) acres or less in area, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the area plan.
 - (3) Approval of an area plan of eighty (80) acres or less in area shall authorize the applicant to file an application for

final site plan approval for all or any phase of the development shown on the approved area plan. Final site plans shall not be required of any area which is to be platted for single-family detached residential use. Such approval shall also authorize construction to begin onsite improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the City Council gives permission for such construction after recommendation by the Planning Commission. Grading, tree removal, and other changes in the existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this Sub-Section. Construction shall be limited to those elements whose location, size, alignment, and similar characteristics will not require review as part of a final site plan or any plat. Engineering plans and specifications shall be approved, and performance guarantees shall be provided as required by Section 3005,8,c before such construction may commence.

- (4) Approval of an area plan of more than eighty (80) acres shall authorize the applicant to file a preliminary site plan on each phase of the proposed development as delineated on the approved area plan and phasing plan. No construction shall begin within any phase until after a preliminary site plan is approved.
- (5) Approval of an area plan by the City Council shall authorize the applicant to file a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967, as amended), and the City's Subdivision Control Ordinance No. 77-45 [Code of Ordinances, Chapter 32, Article II], as amended, for all or parts of the areas included within the PUD which are to be platted.
- (6) No deviations for the area plan approved by the City Council shall be permitted except as provided in this Section.

5. *Preliminary Site Plan Requirements.* A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan only for PUDs consisting of more than eighty (80) acres of land area. The preliminary site plan shall be submitted and reviewed, and shall meet all provisions of Section 2516. In addition to these provisions, the preliminary site plans shall conform to the approved area plan.

6. *Final Site Plan Requirements.* A final site plan shall be approved for each phase of a PUD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed, and shall meet all provisions of Section 2516. Landscaping plans shall be submitted and be in accordance with the standards set forth in Section 2509. Landscaping within a given phase shall conform to those requirements applicable to the type of development within that phase, i.e., detached single-family development shall conform to the requirements applicable to subdivisions, etc. The Planning Commission shall transmit the approved final site plan to the city Council for its information.

7. *Subdivision Plats.*

- a. A preliminary plat for all or part of a PUD may be submitted for review and approval following approval of the PUD area plan by the City Council.
- b. The City Council shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.
- c. A preliminary or final site plan shall not be required for any parts of a PUD which are to be platted for single-family detached residential development.
- d. Plats in a PUD shall conform to the Act 288, P.A. 1967, as amended, the City Ord-

nance No. 77-45 [Code of Ordinances, Chapter 32, Article III], as amended, the regulations of the PUD district, and the approved area plan.

8. *Common Areas and Facilities.*

- a. The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency if accepted by said agency, shall be clearly identified accordingly on the final site plan(s).
- b. All public areas and facilities which are to be dedicated to and occupied by a public agency shall be so dedicated and accepted by said agency of a final site plan, unless a binding agreement for dedication is provided in lieu of dedication.
- c. Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted to the City Attorney for review as to legal form and effect, and to the City Council or Planning Commission, whichever is applicable, for review, as to the suitability of such areas and facilities for the proposed use. Said legal instrument shall become a part of the approved plat or final site plan, whichever is applicable.
- d. Where Property Owners Associations (POA) are to be used to maintain and preserve common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the POA(s), same to be filed with the area plan application. The provisions shall include, but shall not be limited to the following:
 - (1) A POA shall be established before any homes or businesses in the PUD are sold or leased.
 - (2) Membership in the POA shall be mandatory for each buyer and for any successive buyer and shall be so specified in the covenants.
 - (3) Restrictions shall be permanent.

- (4) The POA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
- (5) Property owners shall pay their pro rated share of the costs and it shall be so specified in the covenants. Assessments levied by the POA can become a lien on the property.
- (6) A POA shall have authority to adjust the assessment to meet changed needs.
- (7) The City Council shall review the proposed by-laws and articles of incorporation of any POA prior to approval of the area plan.

- e. The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency if accepted by said public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved area plan, approved preliminary site plan, where applicable, phasing plan, and final site plan.
- f. Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. If a trustee is utilized, the trustee shall employ a professional manager. The trustee may be a home owners' association, a trust company, or similar organization.
- g. Easements shall be given to each individual owner for the use of such areas and facilities.
- h. Where facilities are to be constructed as part of the common area open space system performance guarantees shall be provided as required by Section 3005,8,5.

9. *Amendment and Revisions.*

- a. A developer may request an amendment to an approved area plan, an approved preliminary site plan, or an approved final site plan. Any amendment to an approved preliminary or final site plan which results

- in a major change in the approved area plan, as defined in this Section, shall require an amendment to the approved area plan. All amendments shall follow the procedures and conditions herein required for original submittal and review, in full.
- b. A request for amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or reasons mutually affecting the interests of the City and developer, such as technical causes, site conditions, state or Federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and requests reasonable and valid, shall so notify the applicant in writing. Following payment of the appropriate fee as required for original submittal, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the City Council.
- c. Modifications to be considered major changes, for which amendment is required, shall include one or more of the following:
- (1) change in concept of the development;
 - (2) change in use or character of the development;
 - (3) change in type of dwelling unit as identified on the approved area plan;
 - (4) change in the number of dwelling units;
 - (5) change in nonresidential floor area of over five (5) percent;
 - (6) change in lot coverage and FAR of the entire PUD of more than one (1) percent;
 - (7) rearrangement of lots, blocks, and building tracts;
 - (8) change in the character or function of any street;
 - (9) reduction in land area set aside for common open space or the relocation of such area(s); or
 - (10) increase in building height.
- d. A developer may request Planning Commission approval of modifications which constitute minor changes, as defined in this Section, in an approved area plan, in an approved preliminary site plan, where applicable, or in an approved final site plan. The Planning Commission shall notify the City Council and any other applicable agency of its approval of such minor changes. The revised drawings as approved shall each be signed by the applicant and the owner(s) of record or the legal representative(s) of said owner(s).
- e. Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:
- (1) a change in residential floor area;
 - (2) a change in nonresidential floor area of five (5) percent or less;
 - (3) minor variations in layout which do not constitute major changes; and/or
 - (4) a change in lot coverage and FAR of the entire PUD of one (1) percent or less.
- [f. Reserved.]
- g. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show the reasons for any requested change owing to changed physical or economic factors, or consumer demand.
10. *Expiration of Plan Approvals.*
- a. An area plan shall expire eighteen (18) months after approval by the City Council unless a final site plan for the first phase of the project, or the entire property in the PUD if development is not to occur in phases, is submitted to the Planning Commission for review and approval. Thereafter the final site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.

- b. A final site plan for the entire area classified as a PUD, or all final site plans for all phases thereof, shall have received approval of the Planning Commission within three (3) years, in the case of PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area, of the date to City Council approval of the area plan. All final plats in the PUD shall have been approved and recorded within the preceding time periods.
- c. Expiration of an approved area plan as set forth in Section 2700,10,a, preceding and failure to obtain approval of final site plans and final plats as provided in Sections 2700,10, a and b, shall authorize the City Council to revoke the right to develop under the approved area plan, after a hearing, unless the developer has requested, and the City Council has approved an extension of time. (See SEC 2700,11.) Where the plan has been revoked the City Council may require that a new area plan be filed and reviewed in accordance with the requirements for the original application. Said expiration shall also authorize the City Council to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the City Council to be appropriate. Expiration of an approved area plan shall be duly noted on the Official Zoning Map, and shall be signed by the Mayor and attested by the City Clerk. The Building Inspector [Official] shall notify the City of the expiration of an approved area plan.
- d. Approval of a final site plan in a PUD shall expire and be of no effect one hundred eighty (180) days after the date of approval of the Planning Commission unless the Building Inspector [Official] shall have issued a building permit for the development authorized by said approved plan. A final site plan in a PUD shall expire and be of no effect five hundred forty-five (545) days after the date of approval by the Planning Commission unless construction is begun and is diligently pursued in accordance with the approved final site plan. Expiration of an approved final site plan shall authorize the Planning Commission to require filing and review of a new final site plan in accordance with the provisions of this Section.
- e. Development shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of the PUD unless the developer has requested and the Planning Commission has approved an extension of time. (See SEC. 2700,11.)
- f. If an approved area plan or an approved final site plan has expired as set forth in this Section, no permits for any development or use of the property included in the PUD shall be issued until the applicable requirements of this Section have been met.
11. *Extension of Time Limits.* Time limits set forth in this Section may be extended upon showing by the developer that changed physical or economic factors, or consumer demand require a time extension, and by written agreement, between the applicant and the City Council, in the case of area plans, and between the applicant and the Planning Commission, in the case of final site plans.
12. *Modifications During Construction.* All site improvements and building construction shall conform to all approved plans required in this Section which authorizes such improvements and construction, and to all approved engineering and architectural plans related thereto. If the applicant or developer makes any changes in the improvements and buildings during construction in relation to such approved plans he shall do so at his own risk, without assurance that the City Council, Planning Commission, or City Official, whichever is applicable, will approve such changes. Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all

such changes. The City Council, Planning Commission, Building Director, or City Consulting Engineer, whichever is applicable, may require the applicant to correct any change made in the field without prior approval so as to conform to the approved plans.

13. *Performance Guarantees.* Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the City Council at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with Section 3005,8,c.

14. *Violations.*

- a. An area plan, preliminary plan, or final site plan approved under the provisions of this Section shall have the full force of the Zoning Ordinance. Any violation of such approved plan shall be grounds for the City Council to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the City Council.
- b. Violations of any plan approved under this Section, or failure to comply with any requirements of this Section, including any agreements and conditions attached to any approved plan, shall be considered a violation of this Ordinance as provided in Section 3800.

(Ord. No. 86-18.28, Pt. I, 11-3-86; Ord. No. 88-18.63, Pt. II, 12-12-88; Ord. No. 90-18.94, Pt. IV, 10-1-90)

ARTICLE 28. RESERVED*

Secs. 2800—2803. Reserved.

*Editor's note—Ord. No. 88-18.59, Pt. I, adopted Sept. 12, 1988, repealed former App. A, Art. 28, §§ 2800—2803, relative to senior citizen housing, which derived from Ord. No. 87-18.41, Pt. I, adopted July 6, 1987, and Ord. No. 88-18.54, Pt. II, adopted April 18, 1988.

Supp. No. 14

ARTICLE 29. GENERAL EXCEPTIONS

Sec. 2900. Area, Height and Use Exceptions.

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

Sec. 2901. Essential Services.

Essential services serving the City of Novi shall be permitted as authorized and regulated by law and other ordinances of the Municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Municipality shall receive the review and recommendation of the Planning Commission to the City Council, and the review and approval, after public hearing, of the City Council. Such a review of the City Council shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.

Sec. 2902. Voting Place.

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Sec. 2903. Height Limit.

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or commercial wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure requires authorization as a conditional use and provided further that the height of any such structure shall not be greater than the distance to the nearest property line.

Sec. 2904. Lot Area.

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district [in] which such lot is located, other than conditional uses for which

**PUD AGREEMENT & AREA PLAN
(SEE LINK TO PLANNING
COMMISSION PACKET IN
MOTION SHEET FOR ADDITIONAL
INFORMATION)**
