



## CITY of NOVI CITY COUNCIL

**Agenda Item 3**  
**June 27, 2016**

**SUBJECT:** Approval of the request of Biltmore Land, LLC for development of Covington Estates, JSP 15-02 for approval of a Residential Unit Development (RUD) Plan, as revised, and the associated RUD Agreement. The subject property is located on 48.83 acres in Section 31 north of Eight Mile Road and West of Garfield Road in the RA, Residential Acreage District. The applicant is proposing a 38 unit single-family development. The proposed RUD Plan includes, in addition to the improvements previously considered by City Council, a temporary relocation of the emergency access drive to extend along the north property line as an alternate to the proposed emergency access drive connection from the neighboring property to the east, which is being proposed in the event easements are not acquired.

**SUBMITTING DEPARTMENT:** Community Development Department - Planning *Ba*

**CITY MANAGER APPROVAL:** *[Signature]*

### **BACKGROUND INFORMATION:**

The applicant is proposing a Residential Unit Development (RUD) on a 48.83 acre parcel at the north of Eight Mile Road and West of Garfield Road in order to construct 38 unit single-family residential gated community. The applicant has proposed features to enhance the site including preserved and enhanced open areas with trails to provide passive and active recreation for residents.

The ordinance states that an RUD shall include detached one-family dwelling units, which is what the applicant proposes. The overall density of the site (based on gross site acreage per Section 3.29.3 of the Zoning Ordinance) generally must not exceed the density permitted in the underlying zoning district, and the proposed density is 0.78 units per acre, which is consistent with the Residential Acreage (RA) zoning of the site.

### **Previous Planning Commission and City Council Actions**

The RUD development appeared for public hearing with the Planning Commission on August 12, 2015. The Planning Commission voted to recommend approval to City Council.

The RUD concept plan was then presented to City Council on September 14, 2015. The City Council tentatively approved the RUD concept plan and directed the applicant to work with the attorney on the RUD agreement.

An Alternate RUD Plan was submitted by the applicant, who appeared for another public hearing before the Planning Commission on March 9, 2016. As initially proposed, the emergency access for Covington was proposed to be through the adjacent street network of the approved Ballantye development to the east. The revised RUD Plan proposed an alternate location for the emergency access in the event that the Ballantye development is not constructed prior to Covington commencing construction.

The alternate plan provides an additional 20 foot wide emergency access drive near the north property line, from the proposed Covington Drive cul-de-sac to Garfield Road (gated at both ends). A water main connection to Garfield Road is proposed in the same area. Minor modifications to units 18 through 20 were also required and have been shifted to accommodate the width of the proposed emergency access and sidewalk. If approved as submitted on the revised RUD Plan, the applicant would have a means to construct Covington Estates regardless of the timing of Ballantyne.

At the March 9<sup>th</sup> public hearing, the Planning Commission decided to postpone its recommendation to the City Council in order to allow the applicant and adjacent property owner time to explore the option of an easement for emergency access instead of the alternate location near the north property line.

Following that meeting, the applicant approached the owner of the Ballantyne property (Singh Development) and explored the option of a temporary easement for emergency access. Singh Development declined the request. The applicant then proposed an 8-foot path with 6-foot wide gravel shoulders to accommodate pedestrians and the occasional need for secondary emergency access. To further accommodate the residents' concerns to the north, the path has now been moved approximately 80 feet south of the northern boundary of Covington Estates. In addition, the applicant is proposing to plant 170 6-foot tall arbor vitae trees along the North boundary of the proposed site to provide screening. As proposed, the temporary emergency access will terminate on completion of the development of the Ballantyne property, when the emergency access between lots 12 and 13 in Covington Estates becomes active and permanent.

The revised RUD Plan appeared for consideration of the Planning Commission on April 27, 2016. The Planning Commission voted to recommend approval to City Council. Other than the change for the temporary emergency access, the RUD Plan remains as tentatively approved by Council in August, 2018—the attached proposed RUD Agreement has been reviewed by both the City staff and the City Attorney's office.

#### **RECOMMENDED ACTION:**

The following **two motions** are recommended.

1. To approve of the **Residential Unit Development Plan for the Covington, as initially approved by th City Council on September 14, 2015, and as modified on the revised RUD Plan.** This motion is based on the following findings, lot size modifications, building setback reductions and conditions:

Determinations (Zoning Ordinance Section 3.29.8.A):

- a. The site is zoned for and appropriate for the proposed single-family residential use;
- b. Council is satisfied that with the proposed pathway and sidewalk network and added open space, the development will not have detrimental effects on adjacent properties and the community;
- c. Council is satisfied with the applicant's commitment and desire to proceed with construction of 38 new homes as demonstrating a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of 20.67 acres (or 42 percent) of the proposed development area as open space;
- e. Council is satisfied that the applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;
- f. Factors evaluated (Zoning Ordinance Section 3.29.8.B):

1. Subject to the lot size modifications and building setbacks reductions, all applicable provisions of the Zoning Ordinance, including those in Section 3.29.8.B and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;
  2. Council is satisfied with the adequacy of the areas that have been set aside in the proposed RUD development area for walkways, parks, recreation areas, and other open spaces and areas for use by residents of the development;
  3. Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  4. Based on and subject to the recommendations in the traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
  5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
  6. The RUD will provide for the preservation and creation of approximately 39 percent of the site as open space and result in minimal impacts to provided open space and the most significant natural features;
  7. The RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;
  8. The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is outweighed by benefits occurring from the preservation and creation of the open space that will result from the RUD;
  9. Any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space that will result from the RUD;
  10. Council is satisfied that the proposed reductions in lot sizes are the minimum necessary to preserve and create open space and to ensure compatibility with adjacent and neighboring land uses;
  11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  12. Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. Modification of proposed lot sizes to a minimum of 21,766 square feet and modification of proposed lot widths to a minimum of 120 feet is hereby approved with this approval based on and limited to the lot configuration shown on the concept plan as last revised, as the requested modification will result in the

preservation of open space for those purposes noted in Section 3.29.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;

- h. Reduction of permitted building setbacks consistent with the proposed reduction in lot size and width;
- i. City Council variance from Appendix C Section 4.04(A) (1) of Novi City Code for not providing a stub street to the subdivision boundary along subdivision perimeter;
- j. City Council variance from Section 11-194(a)(7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access; and
- k. This approval is subject to all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 4 and 5, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.
- l. This approval is subject to the finalization and execution by the City and Applicant of the RUD Agreement.

2. To grant approval of the **Residential Unit Development Agreement for Covington**, with any changes and/or conditions as discussed at the City Council meeting, and any final minor alterations required in the determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final agreement.

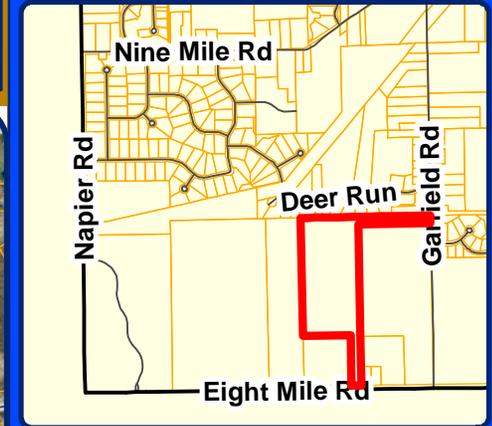
	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

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

Maps  
Location  
Zoning  
Future Land Use  
Natural Features

# JSP 15-02 Covington Estates

Location



City of Novi

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

Map Author: Sri Komaragiri  
Date: 08/06/15  
Project: JSP15-02 Covington Estates  
Version #: 1



1 inch = 417 feet

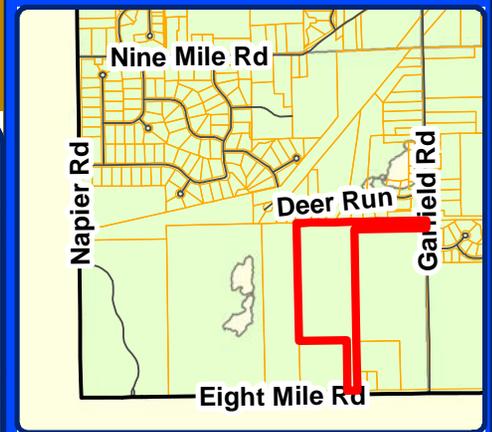
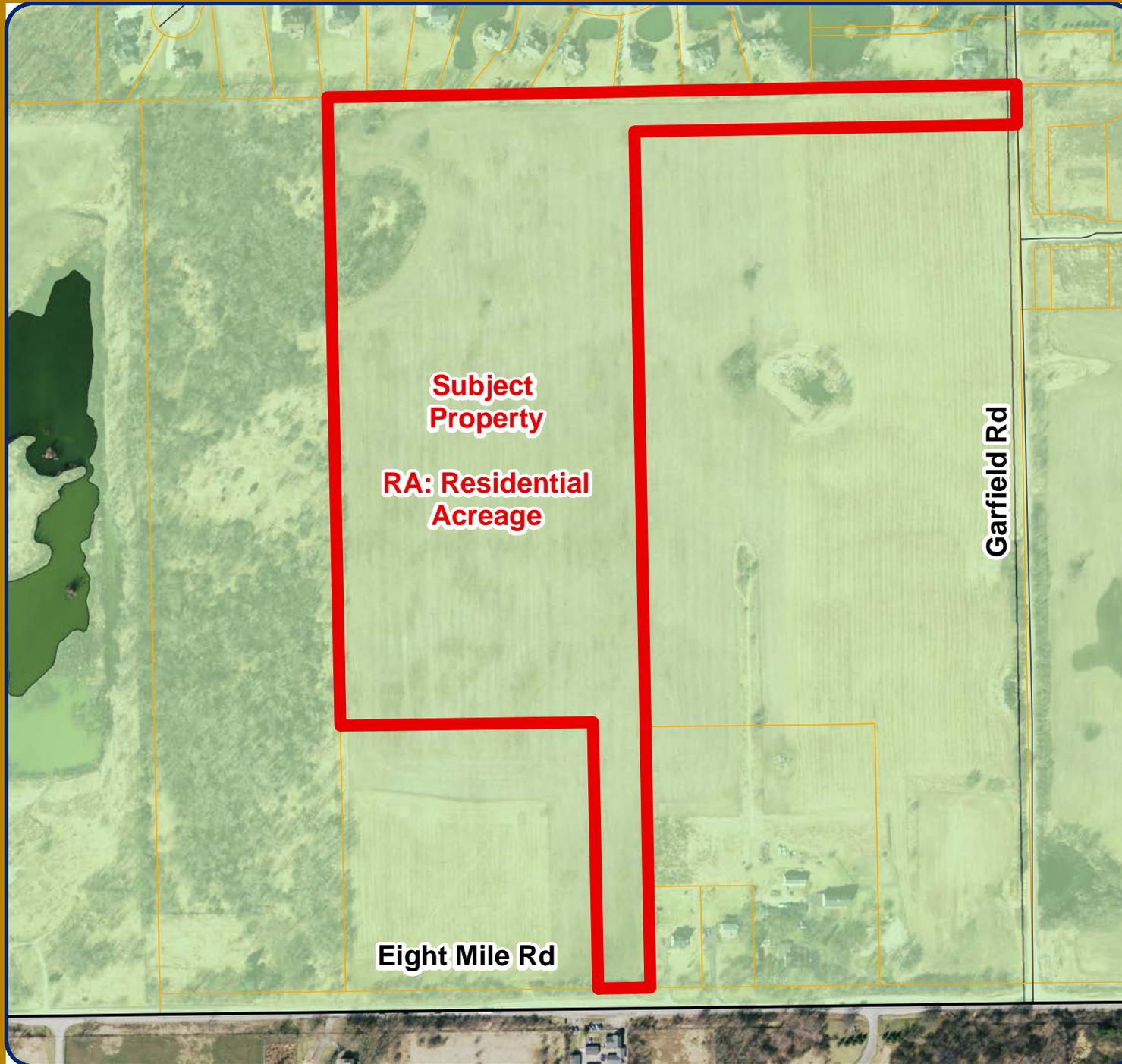


#### MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

# JSP 15-02 Covington Estates

Zoning



## Legend

 R-A: Residential Acreage



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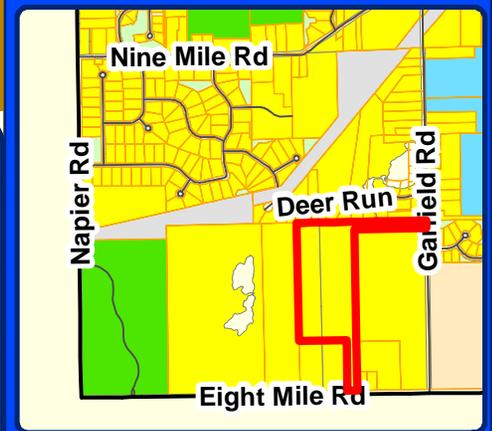
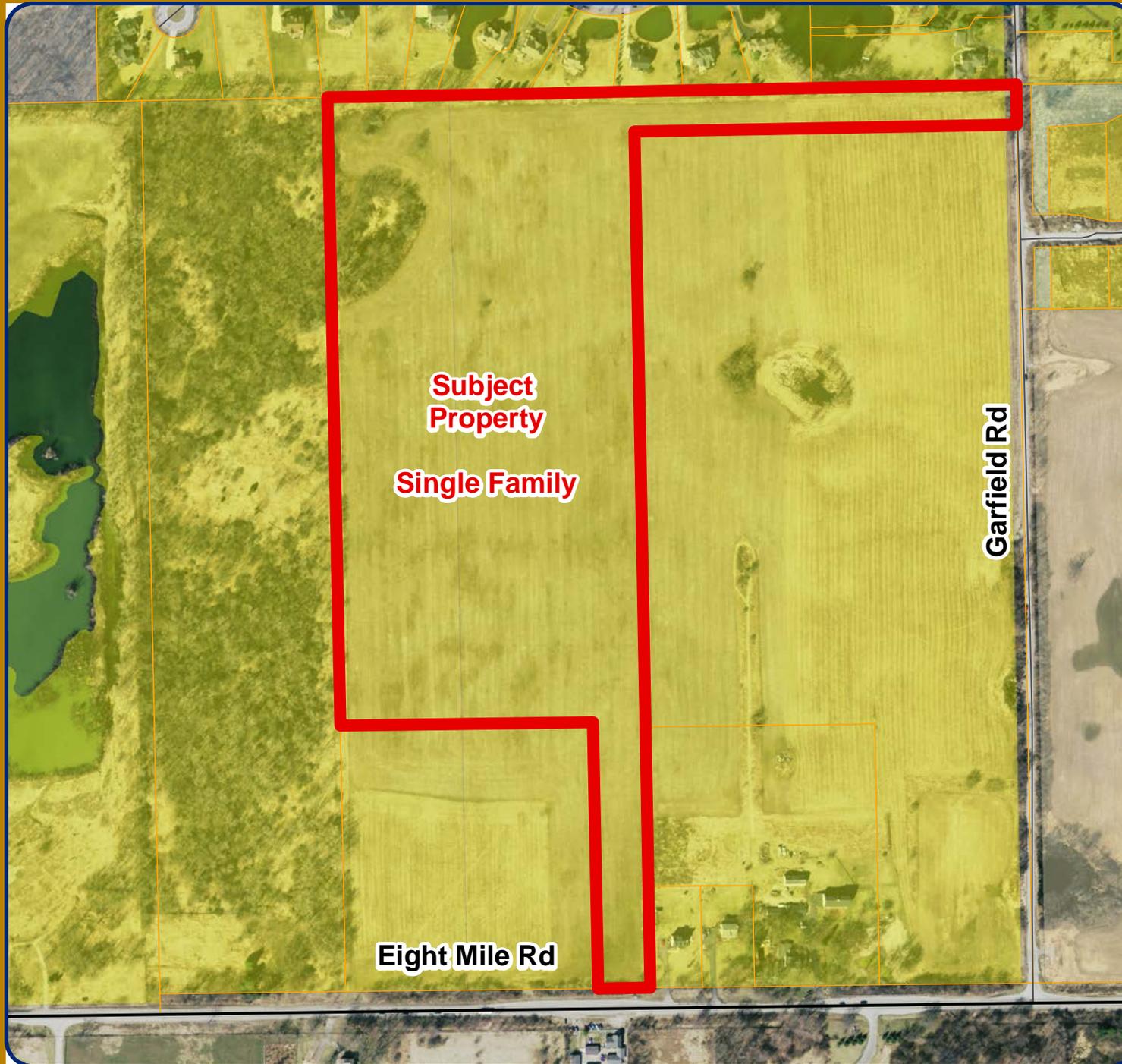


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# JSP 15-02 Covington Estates

Future Landuse



## Legend

-  SINGLE FAMILY
-  EDUCATIONAL FACILITY
-  PUBLIC
-  PUBLIC PARK
-  PRIVATE PARK
-  UTILITY



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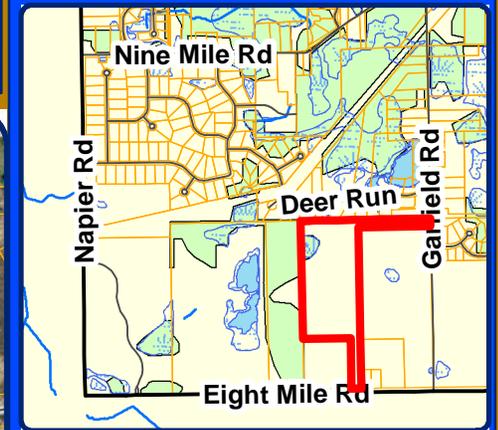
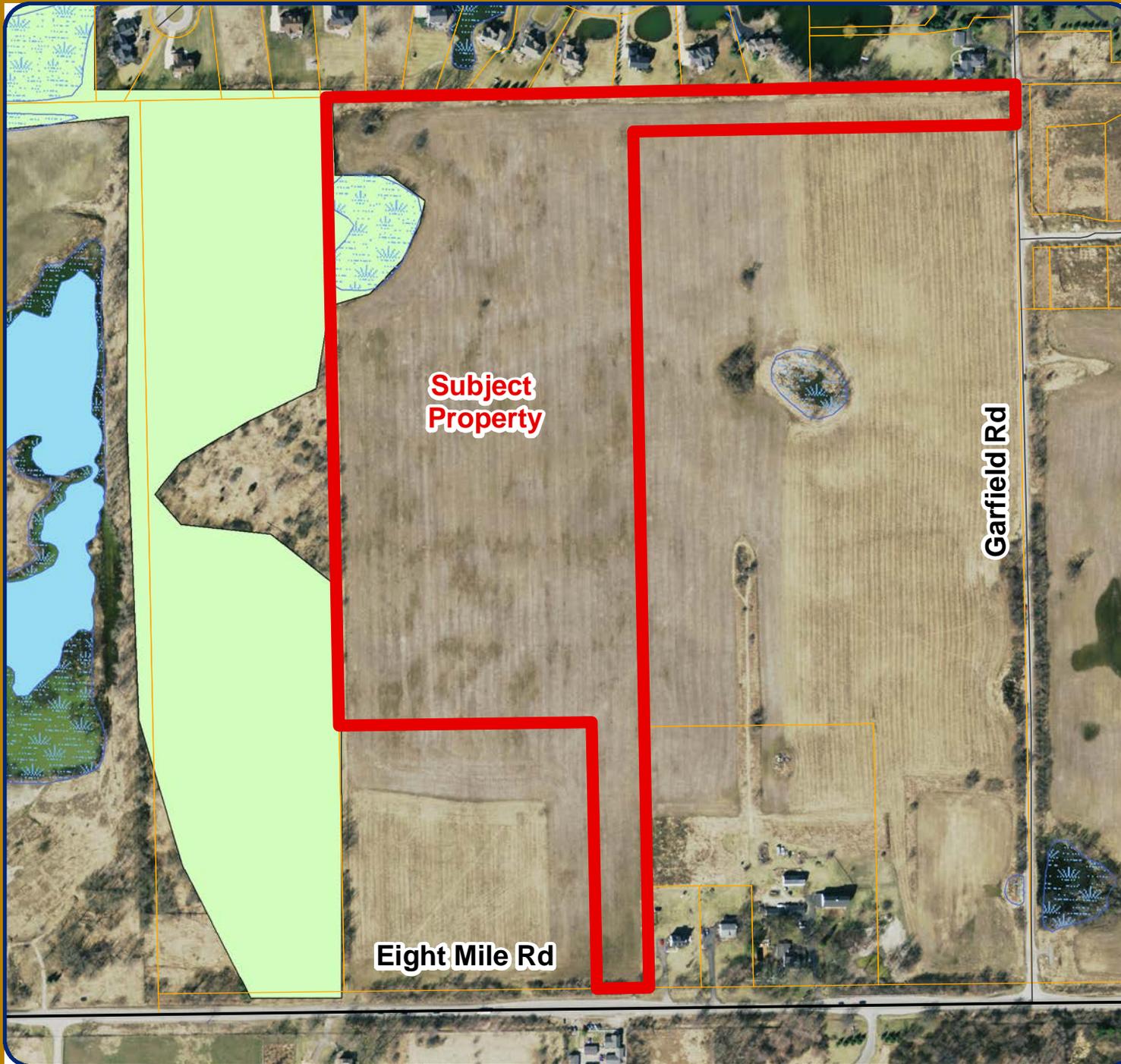


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# JSP 15-02 Covington Estates

## Natural Features



### Legend

-  Wetlands
-  Woodlands



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## CONCEPT PLAN

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

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**COVINGTON ESTATES**  
PART OF THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST,  
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN  
**RESIDENTIAL UNIT DEVELOPMENT**



**PROPERTY DESCRIPTION**  
A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 31; THENCE N89°55'04"W 1100.00 FEET ALONG THE SOUTH LINE OF SECTION 31; THENCE N00°15'46"W 60.00 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING N89°55'04"W 534.92 FEET ALONG THE NORTH RIGHT OF WAY LINE OF EIGHT MILE ROAD (60'-1/2 WIDTH); THENCE N00°22'42"W 764.60 FEET; THENCE N89°55'04"W 341.83 FEET; THENCE N00°22'42"W 1805.49 FEET TO THE EAST-WEST 1/4 LINE OF SECTION 31; THENCE N89°43'21"E 1981.92 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 31 TO THE EAST 1/4 CORNER OF SECTION 31; THENCE S00°15'46"E 115.00 FEET (RECORDED) 115.19 FEET (MEASURED) ALONG THE EAST LINE OF SECTION 31; THENCE S89°43'21"W 1099.98 FEET; THENCE S00°15'46"E 2460.40 FEET TO THE POINT OF BEGINNING. CONTAINING 48.847 ACRES OF LAND.

SOUTHEAST 1/4 CORNER, SECTION 31, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MI

SUBJECT TO THE RIGHTS OF THE PUBLIC IN EIGHT MILE ROAD AND GARFIELD ROAD.  
ALSO SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY RECORDED OR OTHERWISE.

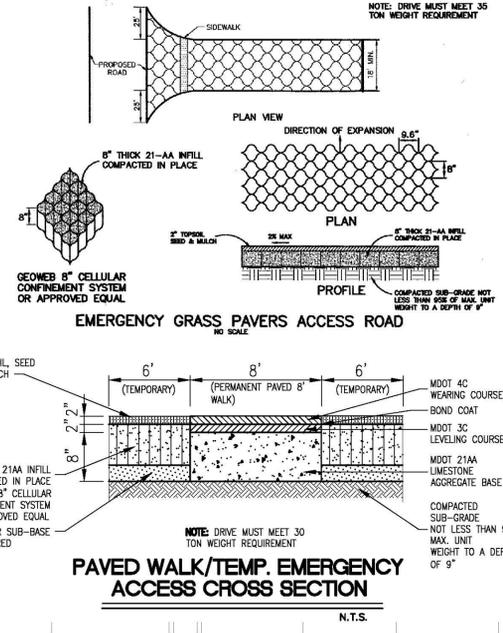
**UNIT SUMMARY**

UNIT NO.	UNIT SF	UNIT WIDTH
1	22800.00	120.00
2	24475.63	135.70
3	22063.13	122.00
4	21960.00	122.00
5	23071.28	120.00
6	23278.43	120.00
7	23266.85	120.00
8	21766.28	120.00
9	24501.02	150.91
10	24520.06	151.80
11	22435.15	131.43
12	23332.55	120.13
13	23214.01	130.66
14	22802.13	120.03
15	24089.81	120.02
16	25573.27	120.00
17	33690.82	120.00
18	34758.70	120.00
19	22171.98	120.00
20	24063.16	120.58
21	24004.13	137.89
22	24884.85	140.00/194.62
23	28822.58	120.00
24	35018.76	120.00
25	24697.73	121.79
26	30698.89	132.50/193.33
27	26425.17	161.29/130.69
28	28301.21	120.00
29	40743.40	120.00
30	36339.56	120.00
31	26507.52	120.00
32	31113.04	142.76/227.66
33	27891.10	158.06
34	28481.42	145.24
35	25023.46	120.00
36	24599.99	120.01
37	23502.35	120.12
38	22800.00	120.00

**RESIDENTIAL UNIT DEVELOPMENT OPTION**  
EX. ZONING: R-A  
TOTAL NUMBER OF UNITS: 38  
PR. MINIMUM UNIT SIZE: 21,780 FT<sup>2</sup> (0.50 ACRES)  
(CONSISTENT WITH R-1)  
PR. MINIMUM UNIT WIDTH: 120 FT  
(CONSISTENT WITH R-1)

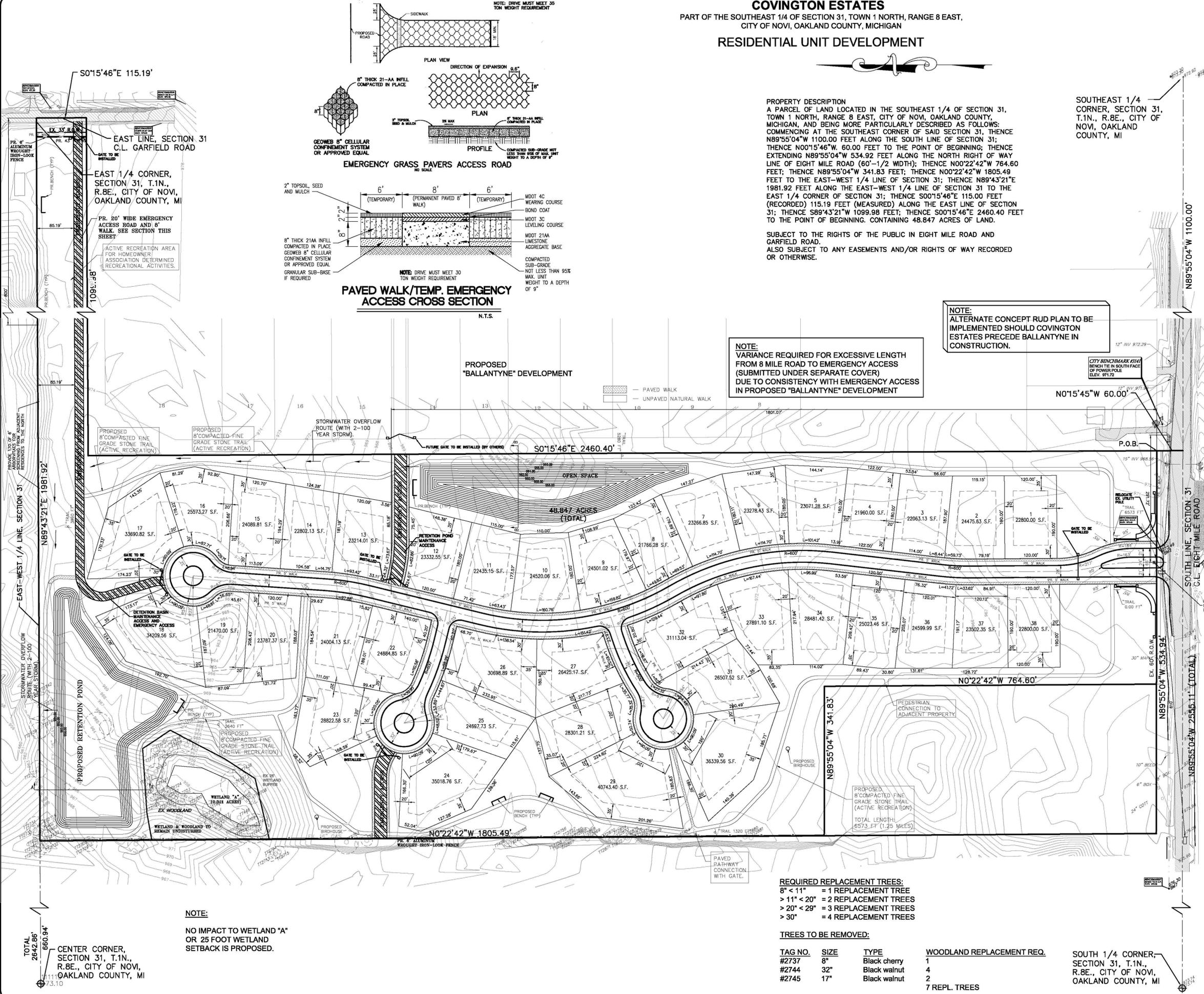
**AVERAGE DENSITY CALCULATION:**  
SITE AREA: 48.85 AC.  
AREA OF RIGHT OF WAY: 0.0 AC.  
REGULATED WETLAND AREA (BY PART 301/303 OF NREPA, OR CHAPTER 12, ARTICLE 5 OF NOVI CODE OF ORDINANCES): 0.0 AC.  
NET SITE AREA: 48.85 AC.  
NUMBER OF UNITS: 38  
DENSITY: 38 UNITS/48.85 ACRES = 0.78 UNITS/ACRE

**NOTE:**  
THE PERMANENT PRESERVATION OF THE WOODLAND AND WETLAND (NATURAL FEATURES), AS WELL AS THE MAINTENANCE AND PRESERVATION OF THE REMAINING OPEN SPACE WILL BE ADDRESSED IN THE MASTER DEED AND BYLAWS OF THE DEVELOPMENT. THE MAINTENANCE OF THE OPEN SPACES WILL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION, AND WILL BE OUTLINED IN THE MASTER DEED AND BYLAWS.



**NOTE:**  
VARIANCE REQUIRED FOR EXCESSIVE LENGTH FROM 8 MILE ROAD TO EMERGENCY ACCESS (SUBMITTED UNDER SEPARATE COVER) DUE TO CONSISTENCY WITH EMERGENCY ACCESS IN PROPOSED "BALLANTYNE" DEVELOPMENT

**NOTE:**  
ALTERNATE CONCEPT RUD PLAN TO BE IMPLEMENTED SHOULD COVINGTON ESTATES PRECEDE BALLANTYNE IN CONSTRUCTION.



**REQUIRED REPLACEMENT TREES:**  
8" < 11" = 1 REPLACEMENT TREE  
> 11" < 20" = 2 REPLACEMENT TREES  
> 20" < 29" = 3 REPLACEMENT TREES  
> 30" = 4 REPLACEMENT TREES

**TREES TO BE REMOVED:**

TAG NO.	SIZE	TYPE	WOODLAND REPLACEMENT REQ.
#2737	8"	Black cherry	1
#2744	32"	Black walnut	4
#2745	17"	Black walnut	2
			7 REPL. TREES

SOUTH 1/4 CORNER, SECTION 31, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MI

**NOTE:**  
NO IMPACT TO WETLAND "A" OR 25 FOOT WETLAND SETBACK IS PROPOSED.

TOTAL 2642.96'  
660.94'  
CENTER CORNER, SECTION 31, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MI

CALL MISS (800) 772-72 HOURS (6 WORKING DAYS) 4-530-216 REVISED PER REVIEW COMMENTS 3-31-2016 PER PLANNING COM. 3-30-2016  
CALL 811 (TOLL FREE) CALL 811.COM (TOLL FREE)

REVISIONS

**COVINGTON ESTATES**  
PART OF THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

**FAZAL KHAN & ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
4379 SCHEENERS STERLING HEIGHTS, MI 48313  
PHONE (586) 739-9007 FAX (586) 739-6994  
WWW.FAZALKHAN.COM

**ALTERNATE CONCEPT RUD PLAN**

PROJECT NO. FIELD BOOK 14-031 XXXX  
DATE 12-19-2014  
DRAWN BY O.P.  
CHECKED BY C.T.

CLIENT BILTMORE LAND LLC  
SCALE 1" = 100'

SHEET NO. PRELIMINARY CONSTRUCTION AS-BUILT  
**3A**

RESIDENTIAL UNIT DEVELOPMENT AGREEMENT DRAFT

**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI**

**COVINGTON ESTATES  
RESIDENTIAL UNIT DEVELOPMENT (RUD) AGREEMENT**

THIS AGREEMENT FOR RESIDENTIAL UNIT DEVELOPMENT (referred to herein as the "Agreement") made effective the \_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF NOVI, Oakland County, Michigan, herein called the "City", 45175 Ten Mile, Novi, Michigan, 48175, and BILTMORE LAND LLC, a Michigan limited liability company, 89 Lake Shore Road, Grosse Pointe Farms, Michigan 48236, and its successors and assigns, herein called the "Developer."

**RECITATIONS**

A. Developer is the owner of a parcel of real property (the "Property") within the City proposed for development as a residential site condominium community to be known as "Covington Estates" (generally referred to hereafter as the "Project"). The legal description of the Property is attached as **Exhibit A**.

B. Developer is pursuing approval of the Project as a Residential Unit Development ("RUD") pursuant to Section 3.29 of the City of Novi Zoning Ordinance, Residential Unit Development (the "RUD Ordinance"). The intent of the RUD Ordinance is to permit an optional means of development flexibility in the RA district and in the R-1 through R-4 districts, which allows a mixture of various types of residential dwelling units (one-family, attached one-family cluster). It is further the intent of this Section to permit permanent preservation of valuable open land, fragile natural resources, and rural community character that would be lost under conventional development. Final approval of Developer's RUD Plan, attached as **Exhibit B**, has been tentatively approved pursuant to the RUD Ordinance, subject to certain terms and conditions, by the City Council, following recommendation by the Planning Commission.

C. Section 3.29.9 contemplates the preparation of a contract setting forth the conditions upon which the approval of the final RUD Plan has been granted, which in turn serves as the basis for site plan approval, and thereafter for the development, use, and maintenance of the Project. City Council approval of the contract is required, and the contract is to incorporate and attach an RUD plan.

D. Set forth below are the terms and conditions of the contract for the Project, which is to be recorded with the Register of Deeds for the County of Oakland following execution by

the parties.

E. Developer will organize and create a Michigan non-profit corporation to administer the affairs of the condominium project in accordance with Act 78, P.A. 1978, as amended, to be known as the "Covington Estates Homeowners Association," hereinafter called the "Association." The Association shall be subject to all of the terms of this Agreement.

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

**I. GENERAL PROJECT DESCRIPTION**

The proposed Project consists of an approximately 48.83-acre parcel of property located in the southwest portion of the City. The Project includes 38 single-family home sites within the Covington Estates community to be established as part of a site condominium, designed to fit and complement character of the existing and surrounding neighborhood, together with site infrastructure improvements (potable water, sanitary sewer, storm sewer). Each of the home sites will be referred to in this Agreement as a "lot" or "unit." Approximately 28.16 acres of the Property will be developed with home sites; the remaining approximately 20.67 acres will be permanently restricted for use as passive and active open space for the benefit of the Condominium. The Project provides benefits from the preservation and creation of open space and the establishment of park facilities that would not occur with conventional residential development.

**II. EFFECT OF RUD AGREEMENT**

A. This Agreement consists of this text, along with the attached and incorporated Final RUD Plan, consisting of Preliminary Site Plan dated 11/18/15, Alternative Concept RUD Plan dated 3-31-16, Utility Plan dated 11/18/15, Alternative Utility Plan dated 3-31-16, Boundary and Topographical Survey dated 11/18/15, and Preliminary Landscape Plan dated 11/18/15 (full-sized original of the Final RUD Plan on file in the City Clerk's office), and all conditions and requirements made part of the approved Final RUD Plan. This Agreement is intended to serve as the contract contemplated under Section 3.29.9 of the Zoning Ordinance, and establishes the fundamental terms and provisions of subsequent final approval, construction, use, and maintenance of the Project. The preliminary site plan for the Project submitted for Planning Commission approval shall substantially conform to the Final RUD Plan, subject to and in accordance with the text of this Agreement, and as contemplated by Section 35-135.G of the Zoning Ordinance.

B. Approval of this Agreement authorizes Developer to pursue approval of a site plan in accordance with Section 3.29.20.C of the Zoning Ordinance, as amended, and any and all other applicable laws, ordinances and regulations, and with this Agreement and any conditions imposed with its approval.

C. This Agreement shall be binding upon and benefit the City and Developer, as well as their respective successors, assigns, and transferees, and shall run with the land.

D. Physical development of the Project shall be in accordance with the final site plan, and shall not be commenced until after the final site plan has been approved by the City, subject to

and in accordance with applicable procedures.

E. Consistent with the City's ordinances and resolutions, including but not limited to Chapter 26.5 of the City of Novi Code, as amended from time-to-time, the City shall require Developer to provide financial guarantees for the completion of improvements, including without limitation, roads, water mains, sanitary sewers, pump stations, storm drains, pathways and landscaping.

### **III. USES PERMITTED**

Uses permitted within the Project shall consist of single-family, detached residences, located on site condominium units or lots as shown on the Final RUD Plan, subject to the terms of this Agreement, and in accordance with the approved final site plan.

The underlying zoning of the Property is RA, Residential Acreage. In accordance with the Final PUD Plan, the single-family homes shall be situated on lots generally conforming with the R-1, Residential District, regulations of the Zoning Ordinance as provided in the Final RUD Plan and this Agreement. All development and use shall be in accordance with this Agreement, applicable laws, regulations, and ordinances not inconsistent with this Agreement.

### **IV. DENSITY**

The Project shall consist of 38 residential units or lots. The proposed density is 0.8 units per acre consistent with the RA, Residential Acreage zoning of the site.

### **V. LOT AREA AND LOCATION**

Reduction in allowable lot sizes is conditioned upon providing the lot configuration shown in the Final RUD Plan and in accordance with the approved final site plan. Minimum lot area shall be approximately 21,766 sq. ft. with a minimum width of 120 ft., which is a deviation from the 1 Acre lot area and width of 150 ft. required by the Zoning Ordinance.

### **VI. YARD SETBACKS/ENCROACHMENTS**

Yard setbacks and lots shall conform to the R-1 regulations.

### **VII. TRAFFIC CIRCULATION/PRIVATE ROADS**

The streets within the Development shall remain private. Boulevard access from Eight Mile Road shall be provided substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The entrance to Covington Estates shall be gated and will connect to a series of internal roadways and cul-de-sacs substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The internal streets shall be designed as local residential streets with 60-foot rights-of-way. No residence shall have direct driveway access from or to Eight Mile Road.

Traffic calming features have been planned and designed into the development by the utilization of curvilinear streets, and by avoiding "straightaway" street design. Further

consideration shall be given to the use of additional traffic-control devices to be determined by the City during final site plan review, and also following construction, drawing upon experiences as they occur in the use of the development.

A deviation from City Ordinance standards set forth in Section 11-194(a)(7) of the City of Novi Code has been granted to allow the Development to exceed the maximum distance between Eight Mile Road and: (A) the proposed emergency access to connect with the approved access in the adjacent "Ballantyne" development to the east ("Ballantyne Emergency Access Connection"); and (B) the proposed alternate emergency access from the north end of Covington Drive east to Garfield Road, which includes a 20' wide secondary access route consisting of grass pavers, as shown on the approved site plan, on each side of an 8' paved pathway ("Garfield Road Alternate Emergency Access"). The Ballantyne Emergency Access Connection and the Garfield Road Alternate Emergency Access shall be constructed in accordance with the City of Novi standard detail plan for "Emergency Access Drive" as approved by the City Engineer and in accordance with the approved Engineering Plans dated\_\_\_\_\_. The Ballantyne Emergency Access Connection and the Garfield Road Alternate Emergency Access are referred to below as the "Emergency Access Drives."

The Garfield Road Alternate Emergency Access shall only be installed if the Ballantyne Project has not commenced and the Ballantyne Emergency Access has not been constructed prior to the preconstruction meeting for the Project. If the Garfield Road Alternate Emergency Access is installed, Developer shall also install 170 six-foot arbor vitae along the north boundary of the Property in areas where there is no existing tree line. If the Garfield Road Alternate Emergency Access is not installed, Developer shall have no obligation to grant install the 170 six-foot arbor vitae or the fire department access gates or Emergency Access Easements associated with the Garfield Road Alternate Emergency Access. The 8' paved pathway shall be installed even if the Garfield Road Alternate Emergency Access is not installed.

The Ballantyne Emergency Access Connection shall in all events be installed as part the Project and shall consist of an all-weather emergency access drive, and pedestrian access, installed adjacent to the north end of the retention basin connecting to the adjacent proposed Ballantyne development to the east.

Developer shall grant the necessary Emergency Access Easements to allow police, fire and all other emergency service providers to access the Emergency Access Drives as needed for ingress to and from the Development. The Emergency Access Easements shall be included within the Master Deed for the Development in a form acceptable to the City of Novi. All keys or codes to access the gated entry shall be provided to the Fire Department, and final design of the gated entranceway will be approved with the Final Site Plan.

The Emergency Access Easement for the Garfield Road Alternate Emergency Access shall automatically terminate at such time as the Ballantyne RUD is constructed and the Ballantyne Emergency Access Connection becomes operative.

Additionally, a variance from Appendix C Section 4.04(A) (1) of Novi City Code has also been granted for not providing a stub street to the subdivision boundary along subdivision perimeter. In connection with the variance, Developer shall construct an additional emergency access drive and pedestrian connection to the parcel to the west, in the location shown in, and in accordance

with the approved Engineering Plans dated\_\_\_\_\_. The emergency access drive shall be constructed in accordance with the City of Novi standard detail plan for "Emergency Access Drive" and as approved by the City Engineer. Developer shall grant the necessary Emergency Access Easement to allow police, fire and all other emergency service providers to access the Emergency Access Drive as needed for ingress to and from the Development. The Emergency Access Easement shall be included within the Master Deed for the Development in a form acceptable to the City of Novi. All keys or codes to access the gated entry shall be provided to the Fire Department, and final design of the gated entranceway will be approved with the Final Site Plan.

All road improvements shall be in accordance with the design and construction standards of the City at the time of final Site Plan approval.

### **VIII OPEN SPACE**

The preservation of open space is a primary consideration of the project design. Approximately 20.67 acres, or 42 percent of the total site area, shall be dedicated to open space, including wetland areas, woodland areas, storm water basins, parks and other internal green space areas. The areas of open space shall be substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The majority of the preserved open space acres will be available to residents for passive and active recreation. An approximately 2.90 acre open park area, which extends to Garfield Road along the north property line will be provided. This open park area is intended for both active and passive recreation and specific uses can be determined by the Association. All such areas shall be constructed and maintained by Developer and/ after transition of control, the Association.

The open space shall be permanently preserved as required by Section 3.29.10.C of the RUD Ordinance. Developer shall provide a schedule for the completion of portions of the open space so that it coincides with completion of dwelling units. The mechanism to assure the permanent preservation and maintenance of open space areas, RUD amenities and common areas shall be in the Master Deed and shall be subject to review and approval by the City Attorney as provided in Article XV below. The mechanism shall permit, in the event of the failure of the property owners to preserve and maintain areas, the City to perform maintenance and preservation functions and to assess the cost of such performance to the property owners.

### **IX. PEDESTRIAN CIRCULATION**

Developer will construct an 8 foot sidewalk along the Eight Mile Road and Garfield Road frontage of the Property. 5 foot sidewalks will be constructed along both sides of internal streets. A paved pathway connection will be provided through the open space park area connecting to Garfield Road, which shall be constructed at the time of street construction, and prior to the City Engineering Division granting the "Acceptable for Service" approval for the Project, and in all events prior to the issuance of the first building permit. Such pathway will encourage further active pedestrian and bicycle recreation and a larger pathway loop. The proposed pathways will further connect with the existing and planned pathways in Garfield

Road.

A proposed 8,940-foot (1.69 miles) walking trail, with both natural features and other amenities will be provided within the open space area to provide active recreation for the residents. The trail will be constructed of compacted fine grade stone. Other amenities that will encourage active recreation on the trail will be provided including benches, bird houses, and quarter-mile marker signage. Pedestrian connections to the adjacent properties shall be provided as shown on the RUD Plan. Walking trail and pedestrian connections shall be constructed at the time of street construction, and prior to the issuance of the first building permit.

## **X. NATURAL RESOURCE PRESERVATION**

### **A. Wetlands**

The existing wetland areas on the site, comprising approximately 0.311 acres, shall be preserved, as shown on the RUD Plan, as part of the overall "open space," as set forth in Section IX, above.

Any disturbance and/or restoration of the wetland area shall be undertaken in accordance with applicable laws and ordinances, the approved final RUD Plan and any wetland permit issued for the Development, as may be required.

### **B. Woodlands**

Regulated woodlands are located in the northwest portion of the site near existing wetlands. Woodland Replacement credits will be provided as required in accordance with the City's Woodlands Ordinance. The Applicant is required to provide preservation/conservation easements for any areas of remaining woodland and any areas containing woodland replacement trees, if applicable, in accordance with the preservation requirements set forth in Section IX, above.

A tree planting and fence maintenance financial guarantee, along with woodlands inspection fees, shall be paid, with the amounts to be determined at the time of the Final Woodlands Engineering Review. Approved protective fencing shall be established prior to construction of subdivision improvements, including any clearing or grubbing.

## **XI. ON AND OFF-SITE IMPROVEMENTS**

It is understood that certain on-site and off-site (if any) infrastructure improvements may be required for the Project, to be set forth in the final site plan and engineering plans, including improvements for storm water management, sanitary sewer, and public water, and that Developer shall be solely responsible for all costs and expenses of and associated with such improvements. The City has no obligation to construct or provide in any way for such improvements, and the City has made no guarantees, assurances, or representations with regard to the viability of any such improvements. All off-site easements required for the

construction of Project improvements shall be submitted in draft form at the time of final site plan submittal. All off-site easements must be, (1) in final format; (2) executed by all required property owners; and, (3) submitted to and approved by the City prior to the issuance of final stamping sets of the final approved site plans.

## **XII. STORM WATER MANAGEMENT**

Storm water shall be retained on the Property in a manner to be approved by the City as part of final site plan review. Subject to Developer securing the appropriate easements at its sole cost and expense, and subject to appropriate review and approval, storm water would be collected by a single storm sewer collection system and retained in two on-site retention ponds. The storm water and drainage conveyance facilities shall be designed and constructed by Developer, and approved and inspected by the City, in accordance with the approved final site plan, and all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations and laws. The drainage conveyance facilities, which shall constitute a part of the overall storm water management system for the Development, shall be operated and maintained on a permanent basis by the Developer until the transition of control to the Association and the Association thereafter, in accordance with the terms and conditions of applicable City ordinance and the approved final site plan.

## **XIII. WATER AND SANITARY SEWER**

Sanitary sewer and water are available to the Property subject to completion of off-site sanitary sewer improvements by the adjacent property owner to the east, or alternatively, by the City. SAD 170 was approved in 2003 in accordance with the Agreement for the Finance of Sanitary Sewer Improvements and Creation of Special Assessments on Properties, dated September 23, 2003, and First Amendment thereto, dated December 21, 2005 (the "SAD 170 Agreements"), and provides for the construction of an extension of the public sanitary sewage disposal system to serve the Property and surrounding developments. Although the Property was not subject to the SAD 170 Agreements and was not assessed any cost of constructing SAD 170, all Phases of the SAD 170 Improvements must be completed and operational to allow for the Development to receive service from the public sanitary sewage disposal system. To date, Phases I and II of SAD 170 have been completed. Phase III of SAD 170 still requires the installation of certain electrical and mechanical components necessary in order for the lift station to service the Property. Phase III of SAD 170 is for the direct benefit of, and is proposed to be completed in connection with, the Ballantyne RUD immediately to the east of the Development. In the event that the Phase III lift station improvements have not been completed in connection with the Ballantyne RUD prior to the preconstruction meeting for the Project, the Developer shall notify the City's Engineering Division in writing regarding its intent to initiate construction and shall provide at least 90-days' notice to allow the City adequate time to seek bids for the completion of the SAD 170 Phase III Improvements. The City will pursue construction of the remaining Phase III improvements in a reasonably expeditious manner in accordance with the provisions of the SAD 170 Agreements. In all events, including but not limited to Developer's inability to provide at least 90-days' notice as set forth above, the City shall not be responsible for, and the Developer hereby indemnifies and holds harmless the City, for any delay in initiating construction of the Development or delay in obtaining a connection to public sanitary sewer

service attributable to the construction of the remaining SAD 170 improvements.

Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems. Such improvements shall be designed and constructed in accordance with the Final RUD Plan and the approved final site plan, and all applicable City, State and County standards, codes, regulations, ordinances, and laws, including the requirements of the City engineer.

In the event that Developer initiates construction of the Development prior to completion of the water system improvements for the proposed Ballantyne RUD, Developer shall loop the Project water system improvements by installing a connection to the existing water main along Garfield Road across the north end of the Project property. If Ballantyne is constructed before the Project, then Developer shall have no obligation to connect to the existing water main along Garfield Road across the north end of the Project property.

All water and sanitary sewer service facilities necessary to serve the Development, including any on-site and off-site facilities, extensions, and easements to reach the area to be served, shall be provided by and at the sole expense of Developer, and shall be completed, approved, dedicated to, and accepted by the City in accordance with applicable laws and ordinances. Prior to connecting to the City's public water and/or sanitary sewage disposal systems, the Developer and/or the ultimate unit owner shall pay all applicable availability fees, as well as the "user connection" fees or "tap" fees required to "tap-in" to the City's public water and sanitary sewer system. This amount is set by Ordinance, as amended from time to time, and is subject to increase on an annual basis.

The City shall not be responsible for any delay or inability to connect to public water and sewer facilities related to Developer's failure to obtain the necessary easements to loop the water main to Garfield Road, and/or to complete the necessary lift station facilities.

#### **XIV. MECHANISM FOR PRESERVATION, REGULATION, MAINTENANCE AND FINANCE OF COMMON ELEMENTS, AREAS, AND IMPROVEMENTS**

As part of final site plan review and approval, Developer shall submit to the City proposed covenants, restrictions, including, but not limited to covenants and restrictions requiring permanent preservation and maintenance of open space, woodland and wetland areas, within the master deed and by-laws to be recorded for Covington Estates. Before submitting the Master Deed to the City for approval, Developer shall create the Association referred to herein.

The Master Deed shall be subject to review and approval by the City Attorney as part of final site plan approval.

As part of such Master Deed, there shall be provisions obligating Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, and then all future successor owners of lots or units within the Development and the Association to maintain, repair and preserve common areas, pathways, landscaping, signage, storm drainage, private roads, sidewalks, and any other common elements and improvements in and for Covington Estates. Such maintenance, repair, and preservation shall be to a high standard of care.

The Master Deed shall additionally provide that, in the event Developer or successor owners of the Property and/or the Association shall at any time fail to carry out one or more responsibilities or obligations relative to maintenance, repair, and/or preservation, the City shall have the right to serve written notice upon Developer or successor owners (through the Association), setting forth the deficiencies in maintenance, repair and/or preservation. The notice may also set forth a demand that such deficiencies be cured within a stated reasonable period of time, and further state a date, time and place of hearing before the City Council or other board, body or official delegated by the City Council, for the purpose of allowing Developer or successor owners to be heard as to why the City should not proceed with the maintenance, repairs and/or preservation which had not been undertaken. At the hearing, the City may take action to extend the time for curing the deficiencies, and the date of the hearing may itself be extended and/or continued to a date certain. If, following the hearing, the City shall determine that the maintenance, repairs and/or preservation have not been completed within the time specified in the notice, as such time may have been extended by the City, the City shall thereupon have the power and authority, but not the obligation, to enter upon the Property, or cause its agents and/or contractors to enter upon the Property, and perform such maintenance, repairs and/or preservation as found by the City to be appropriate. The cost and expense of making and financing such maintenance, repairs and/or preservation, including the cost of all notices and hearing, including reasonable attorneys' fees, plus a reasonable administrative fee, shall be paid by Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, and then the successor owners and the Association, and such amounts shall constitute a lien on all taxable portions of the Property. The City may require the payment of such monies prior to the commencement of any work.

If such costs and expenses have not been paid within thirty (30) days of a billing to Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, or successor owners, through the Association, all unpaid amounts may be

placed on the delinquent tax roll of the City as regards the taxable portions or the Property (allocated among the several units or lots), and shall accrue interest and penalties, and shall be collected in the manner made and provided for the collection of delinquent real property taxes in the City. In the discretion of the City, such costs and expenses may also be collected by suit initiated against Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, and then successor owners and the Association, and in such event, Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, the successor owners and the Association, as the case may be, shall pay all Court costs and reasonable attorneys' fees incurred by the City in connection with such suit if the City obtains relief in such action.

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

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

#### **XV. LANDSCAPING AND SIGNAGE**

Landscaping and signage shall be provided as set forth in the Final RUD Plan, and in accordance with the approved final site plan.

#### **XVI. PHASING**

The project shall be developed in a single phase.

#### **XVII. GENERAL PROVISIONS**

A. The Zoning Board of Appeals shall have no jurisdiction over the approval of the RUD or this Agreement or the application of this Agreement. Upon completion of the development, the Board of Appeals may exercise jurisdiction over the Property in accordance with its authority under the Zoning Ordinance, in a manner not inconsistent with this Agreement.

B. Except as may be specifically modified by this Agreement, the City Code and all applicable regulations of the City shall apply to the Property. Any substantial violation of the City Code by Developer and/or any successor owners or occupants with respect to the Property shall be deemed a breach of this Agreement, as well as a violation of the City Code.

C. A breach of this Agreement shall constitute a nuisance per se which shall be abated. Developer and the City therefore agree that, in the event of a breach of this Agreement by Developer or the successor owners or the Association, the City, in addition to any other relief to which it may be entitled at law or in equity, shall be entitled under this Agreement to relief in the form of specific performance and an order of the court requiring abatement of the nuisance per se. In the event of a breach of this Agreement, the City may notify Developer or the

successor owners or the Association of the occurrence of the breach and issue a written notice requiring the breach be cured within thirty (30) days; provided, however, that if the breach, by its nature, cannot be cured within thirty (30) days, Developer or the successor owners or the Association shall not be in the breach hereunder if Developer or the successor owners or the Association, as the case may be, commences the cure within the thirty (30) day period and diligently pursues the cure to completion. Failure to comply with such notice shall, in addition to any other relief to which the City may be entitled in equity or at law, render Developer or the successor owners or the Association as the case may be liable to the City in any suit for enforcement for actual costs incurred by the City including, but not limited to, attorneys' fees, expert witness fees and the like.

D. This Agreement may not be amended except in writing signed by the parties and recorded in the same manner as this Agreement. In the event Developer desires to propose an amendment, an application shall be made to the City's Community Development, which shall process the application in accordance with the procedures set forth in the Zoning Ordinance.

E. Both parties understand and agree that if any part, term, or provision of this Agreement is held by a court of competent jurisdiction, and as a final enforceable judgment, to be illegal or in conflict with any law of the State of Michigan or the United States, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term, or provisions held to be invalid.

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

G. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. A delay in enforcement of any provision of this Agreement shall not be construed as a waiver or estoppel of the City's right to eventually enforce, or take action to enforce, the terms of this Agreement. All remedies afforded in this Agreement shall be taken and construed as cumulative; that is, all remedies afforded in this Agreement are in addition to every other remedy provided by law.

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

I. This Agreement shall run with the land described herein as the Property and bind the parties, their heirs, successors, and assigns. This Agreement shall be recorded in the Oakland County Register of Deeds by the City. The parties acknowledge that the Property is subject to changes in ownership and/or control at any time, but that heirs, successors, and assigns shall take their interest subject to the terms of this Agreement, and all references to "Developer " in this Agreement shall also include all heirs, successors, and assigns of Developer. The parties also acknowledge that the members of the City Council and/or the City Administration and/or its departments may change, but the City shall nonetheless remain bound by this Agreement.

J. Developer hereby represents and warrants that it will become the owner in fee simple of the Property described on the attached Exhibit A.

K. Developer has negotiated with the City the terms of the Final RUD Plan and this Agreement, and such documentation represents the product of the joint efforts and mutual agreements of Developer and the City. [Duplicative see next paragraph:]Developer and the City agree that this Agreement and its terms, conditions, and requirements are lawful and consistent with the intent and provisions of local ordinances, state and federal law, and the Constitutions of the State of Michigan and the United States of America. Developer has offered and agreed to proceed with the undertakings and obligations as set forth in this Agreement in order to protect the public health, safety, and welfare and provide material advantages and development options for the Developer, all of which undertakings and obligations Developer and the City agree are necessary in order to ensure public health, safety, and welfare, to ensure compatibility with adjacent uses of land, to promote use of the Property in a socially, environmentally, and economically desirable manner, and to achieve other reasonable and legitimate objective of the City and Developer, as authorized under applicable City ordinances and the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.*, as amended.

Developer fully accepts and agrees to the final terms, conditions, requirements, and obligations of this Agreement, and Developer shall not be permitted in the future to claim that the effect of this Agreement results in an unreasonable limitation upon use of all or any portion of the Property, or to claim that enforcement of this Agreement causes an inverse condemnation or taking of all or any portion of such property. It is further agreed and acknowledged that the terms, conditions, obligations, and requirements of this Agreement are clearly and substantially related to the burdens to be created by the development and use of the Property under the approved Final RUD Plan, and are, without exception, clearly and substantially related to the City's legitimate interests in protecting the public health, safety and general welfare.

L. Developer acknowledges that, at the time of the execution of this Agreement, Developer has not yet obtained site plan and engineering approvals for the Project. Developer acknowledges that the Planning Commission and Engineering Consultant may impose additional conditions other than those contained in this Agreement during site plan reviews and approvals as authorized by law; provided, however, that such conditions shall not be inconsistent with the Final RUD Plan or documents and shall not change or eliminate any development right authorized thereby. Such conditions shall be incorporated into and made a part of this Agreement, and shall be enforceable against Developer.

M. None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between Developer and the City.

N. The recitals contained in this Agreement and all exhibits attached to this Agreement and referred to herein shall for all purposes be deemed to be incorporated in this Agreement by this reference and made a part of this Agreement.

O. This Agreement is intended as the complete integration of all understandings between the parties related to the subject matter herein. No prior contemporaneous addition, deletion, or other amendment shall have any force or effect whatsoever, unless embodied herein in

writing. No subsequent notation, renewal, addition, deletion or other amendment shall have any force or effect unless embodied in a written amendatory or other agreement executed by the parties required herein, other than additional conditions which may be attached to site plan approvals as stated above.

P. The parties intend that this Agreement shall create no third-party beneficiary interest except for an assignment pursuant to this Agreement. The parties are not presently aware of any actions by them or any of their authorized representatives which would form the basis for interpretation construing a different intent and in any event expressly disclaim any such acts or actions, particularly in view of the integration of this Agreement.

Q. Where there is a question with regard to applicable regulations for a particular aspect of the development, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the Final RUD Plan and this Agreement which apply, the City, in the reasonable exercise of its discretion, shall determine the regulations of the City's Zoning Ordinance, as that Ordinance may have been amended, or other City Ordinances that shall be applicable, provided that such determination is not inconsistent with the nature and intent of the RUD Documents and does not change or eliminate any development right authorized by the RUD documents. In the event of a conflict or inconsistency between two or more provisions of the Final RUD Plan and/or this Agreement, or between such documents and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of the City, shall apply.

R. Both parties acknowledge and agree that they have had the opportunity to have the Final RUD Plan, and this Agreement, reviewed by legal counsel.

S. Notwithstanding the foregoing, Developer retains the right at any time prior to commencement of construction of the improvements contemplated by the Final RUD Plan and this Agreement to terminate the RUD subject to and in accordance with the requirements of the Zoning Ordinance applicable to such a termination.

CITY OF NOVI

By: \_\_\_\_\_  
Robert J. Gatt, Mayor

By: \_\_\_\_\_  
Maryanne Cornelius, Clerk

STATE OF MICHIGAN )  
                                  ) SS

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2016, by Robert J. Gatt, Mayor, and Maryanne Cornelius, Clerk, on behalf of the City of Novi, a Municipal Corporation.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

**BILTMORE LAND LLC,**  
a Michigan limited liability company

By: \_\_\_\_\_  
David J. Stollman, its Manager

The foregoing instrument as acknowledged before me in Oakland County, Michigan, on this \_\_\_\_ day of \_\_\_\_\_, 2016, by David J. Stollman the Manager of BILTMORE LAND LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, MI  
Acting in Oakland County  
My Commission Expires: \_\_\_\_\_

Drafted by:  
Thomas R. Schultz  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331-3550

And when recorded return to:  
Maryanne Cornelius, City Clerk  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48375

PREVIOUS PLANNING COMMISSION MEETING MINUTES  
August 12, 2015  
(First Public Hearing for the RUD Concept Plan)



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**AUGUST 12, 2015 7:00 PM**

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

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Anthony, Member Baratta, Member Lynch, Chair Pehrson

**Absent:** Member Greco (excused), Member Giacometti (excused), Member Zuchlewski (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner; Rick Meader, Landscape Architect; Jeremy Miller, Engineer; Gary Dovre, City Attorney; Chris Gruba, Planner

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Anthony:

**Motion to approve the August 12, 2015 Planning Commission Agenda. Motion carried 4-0**

## AUDIENCE PARTICIPATION

No one in the audience wished to participate and the audience participation was closed.

## CORRESPONDENCE

There was no correspondence

## COMMITTEE REPORTS

There were no committee reports

## COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth introduced Christopher Gruba, who started work with the Plan Review Center last week. Chris is a native of Novi and graduated from Novi High School. He attended the University of Michigan and then transferred to Eastern Michigan University where he received a bachelor's degree in Urban and Regional Planning. Chris has worked as a city planner for about nine years. He most recently worked as an urban planner for Delta Township, outside of Lansing. Prior to that he worked as a planner in Coral Springs Florida, and before that he worked for Bloomfield Township. Chris has already started working on site plan reviews and will be making presentations to the Planning Commission very soon. We hope you will join us in welcoming him to the City of Novi.

The Planning Commission welcomed Planner Gruba to the City.

## CONSENT AGENDA - REMOVALS AND APPROVAL

## **PUBLIC HEARING**

### **1. COVINGTON ESTATES JSP15-0002**

Public hearing at the request of Biltmore Land, LLC for recommendation to City Council for approval of a Residential Unit Development (RUD) Plan. The subject property is located in Section 31 north of Eight Mile and West of Garfield in the RA, Residential Acreage District. The applicant is proposing a Residential Unit Development (RUD) on a 48.83 acre parcel to construct 38 single-family residential units.

Planner Komaragiri stated that the subject property is located west of Garfield and north of Eight Mile Road in Section 31. The property is zoned Residential Acreage and is surrounded by the same zoning on all sides. The current plan is proposing the Residential Unit Development option to develop the subject property. The Future Land Use map indicates Single Family Residential for the subject property and the surrounding properties. There are regulated wetlands and woodlands on the property.

The applicant is proposing a 38 unit single family Residential Unit Development (RUD) on 48.85 acres. The purpose of the Residential Unit Development Option is to permit an optional means of development with flexibility in the RA district and in the R-1 through R-4 districts. It allows a mixture of various types of residential dwelling units and to permit permanent preservation of valuable open land, fragile natural resources, and rural community character that would be lost under conventional development.

The current plan is proposing a variety of lot sizes with four lots conforming to the underlying zoning district RA requirements. The rest of the lots conform to R-1 requirements. The proposed density is 0.8 units per acre consistent with the RA, Residential Acreage zoning of the site. The current plan proposes to preserve the natural features of the site and provides active recreation for the residents such as a trail with additional features. Thirty-nine percent of the site is intended to be open space. A paved pathway connection is proposed from the trail to Garfield road, which provides opportunities for active or passive recreation. The applicant is proposing a gated community.

The plan is in general conformance with the code except for few deviations as identified in the review letters.

Planning recommends approval of the current plan provided City Council approves the modification to lot sizes and building setback reductions per the RUD ordinance. Engineering also recommends approval with additional comments to be addressed with the next submittal. Engineering identified two DCS variances that would be required. One, to be able exceed the maximum allowed distance of 1500 feet between Eight Mile Road to the emergency access. Two, to allow absence of vehicle connection to the property on the west. Landscape and Traffic recommend approval of the Concept Plan with additional comments to be addressed with the next submittal.

The current plan does not propose any impacts to wetlands. It is proposing removal of three regulated woodland trees and would require a City of Novi Woodland permit. Woodlands and Wetlands recommend approval of the Concept plan. Fire also recommends approval with additional comments to be addressed with the next submittal.

The Planning Commission is asked tonight to hold a public hearing and to make a recommendation to City Council to approve the RUD Plan.

The applicant David Stollman is here tonight with his Engineer Carol Thurber to answer any questions you may have.

Carol Thurber from Fazal, Khan and Associates addresses the Members. Ms. Thurber stated that the main reasons that they went with the RUD concept was to preserve the few natural features on the site. There is a wetland and a woodland on the northwest portion of the site which will have no impact proposed. They also proposed quite a bit of active recreation space with the trail. The trail is over 1.5 miles and goes around the entire property with benches and birdhouses proposed to promote a very active community.

Chair Pehrson said this is a Public Hearing and asked if anyone had any comments on this particular subject.

No one in the audience wished to participate. Chair Pehrson asked if there was any correspondence.

There was correspondence from Ed and Caryn Bartone at 49651 Deer Run, Northville, MI. The letter stated that, "when this was discussed before we were approached by lawyers because the water table would dip and lower our already shallow pond, thus reducing our property level. Water draining to Deer Run ponds will be affected. There will be more fertilizer flowing into the ponds". They object to this project.

There was no other correspondence, and Chair Pehrson closed the Public Hearing. He turned the topic over the Planning Commission members for consideration.

Member Anthony asked Planner Komaragiri, when we look at this development exceeding the 1500 foot variance for the distance from the main road through the subdivision how far does that exceed the maximum?

Planner Komaragiri said that the reason that they exceed the maximum is that they are trying to align with the access on the adjacent property, the Ballantyne RUD. I think that it is exceeding the maximum by 200 or 300 feet.

Member Anthony asked if the purpose of that shorter distance is for time response for emergency vehicles.

Planner Komaragiri responded yes, and also for the fire trucks to be able to maneuver. There are two cul de sacs to the south so fire was okay with that.

Deputy Director McBeth said that the emergency access proposed in Covington Estates will align with the proposed access in the Ballantyne development, which was recently approved.

Member Anthony stated concerns that without that being made very clear to the residents who purchase those lots, that with the development coming in later, residents will say "I wouldn't have purchased that lot if I had known that a road was going to be there". Member Anthony asked what can be done to ensure that prospective buyers would be aware of future changes?

Planner Komaragiri responded that the emergency access will have a fire gate so everyone will know that it is only for emergency access.

Member Anthony asked if the hatched area on the plan will not be developed until Ballantyne is developed. Homeowners that buy the property need to be informed of the future development.

Staff Engineer, Jeremy Miller responded that they have to put this emergency access in with this development. Secondary access is required whether Ballantyne has developed or not. If Ballantyne is not yet developed they have to come up with some alternative to connect. It is not just grass, it will be grass pavers, so it is very clear to homeowners that there is something there and not just lawn. There is a visual marker.

Member Anthony asked about stub streets.

Staff Engineer Jeremy Miller responded that the subdivision ordinance requires a stub street every 1200 feet. They want to have a gated community here so they don't want to connect so they are asking for a variance from that requirement.

Member Anthony asked whether cul de sac's don't qualify as a stub street. Would the hatched area where the street is intended once it connects with Ballantyne be considered a stub street?

Engineer Miller responded that a stub street is supposed to be a full access street to connect to future developments. The hatched area is for emergency access only and is not a full street for the public.

Deputy Director McBeth stated that this is proposed to be a gated community so these roads will be private.

Member Anthony questioned whether the plan reviewers feel that the developer has presented a strong

argument in support of an RUD development.

Planner Komaragiri stated that it is staff's opinion that most of the concerns have been addressed.

Member Anthony asked if there was any consideration for a hard surface and widening the walk areas?

Planner Komaragiri said, yes it was addressed in the response letter and they wanted to keep it as natural and easy to maintain as possible. That is why they preferred the wood chip trail.

Ms. Thurber responded with the statement that actually, it was more of a hard-packed limestone. She also made one more clarification on the stub to the west. That area to the west is almost all woodlands. The emergency access is intended to be connected to Ballantyne.

Member Anthony asked that with this being a gated community it looked like anyone can use these paths and walk through the neighborhood. Is this correct?

Ms. Thurber responded, that is correct. The trail also connects over to Garfield Road.

Member Anthony asked if all of the path would be the crushed limestone?

Ms. Thurber responded that the only place where that is proposed is where the path goes around backs of the lots. Through the entire development there will be concrete sidewalks. The connections to that path will be concrete also. This is intended to be less intrusive. The goal would be to discourage bicycles and encourage walking.

Member Baratta asked if the stub to the west is the emergency access hatched area?

Carol Thurber responded, that there is a stub to the east that is capable of supporting the fire trucks. To the west there is a walking path but there is no stub.

Member Baratta asked, since the emergency access will not be paved at this time, what type of material will be used?

Ms. Thurber responded that she believes that brick pavers are proposed.

Member Lynch asked to confirm that the paths will be for non-motorized vehicles?

Ms. Thurber responded that the paths will be for non-motorized vehicles and pedestrians.

Member Baratta asked about the direction of the site's drainage.

Ms. Thurber responded that the site drains into the wetlands.

Motion by Member Anthony and seconded by Member Lynch:

**ROLL CALL VOTE ON THE APPROVAL OF THE RESIDENTIAL UNIT DEVELOPMENT (RUD) MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH.**

**In the matter of Covington Estates, JSP15-02, motion to recommend approval of the Residential Unit Development (RUD) Plan subject to and based on the following findings:**

- a. The site is appropriate for the proposed use;
- b. The development will not have detrimental effects on adjacent properties and the community;
- c. The applicant has clearly demonstrated a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;
- e. The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;

- f. Relative to other feasible uses of the site:
  1. All applicable provisions of Section 3.29.8.B of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;
  2. Adequate areas have been set aside for all walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development and the Planning Commission is satisfied that the applicant will make provisions that assure that;
  3. Traffic circulation features within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  4. The proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
  5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
  6. The RUD will provide for the preservation and creation of open space and result in minimal impacts to provided open space and natural features;
  7. The RUD will be compatible with adjacent and neighboring existing and planned land uses;
  8. The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the RUD;
  9. There will not be an increase in the total number of dwelling units over that which would occur with a conventional residential development;
  10. The proposed reductions in lot sizes are the minimum necessary to preserve and create open space, to provide for park sites, and to ensure compatibility with adjacent and neighboring land uses;
  11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and will add to the City tax base;
  12. The Planning Commission is satisfied that the applicant will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. The Planning Commission is satisfied that the applicant will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. City Council modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet as the requested modification will result in preserving and creating open space and recreational area as noted in Section 3.29.8.B.x of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;
- h. City Council reduction of permitted building setbacks consistent with the proposed reduction in lot size and width;
- i. City Council variance from Appendix C Section 4.04(A) (1) of Novi City Code for not providing a stub street to the subdivision boundary along subdivision perimeter;
- j. City Council variance from Section 11-194(a)(7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0*

#### MATTERS FOR CONSIDERATION

##### 1. PLANNING COMMISSION 2016 CALENDAR

Motion by Member Anthony and seconded by Member Lynch:

**ROLL CALL ON THE 2016 PLANNING COMMISSION CALENDAR APPROVAL MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH**

Motion to approve the Planning Commission 2016 Calendar. *Motion carried 4-0*

2. APPROVAL OF THE JULY 22, 2015 PLANNING COMMISSION MINUTES

Motion by Member Lynch and seconded by Member Baratta:

**ROLL CALL ON THE JULY 22, 2015 APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BARATTA**

**Motion to approve the July 22, 2015 Planning Commission minutes. *Motion carried 4-0***

**MATTERS FOR DISCUSSION**

There were no matters for discussion.

**SUPPLEMENTAL ISSUES**

There were no Supplemental Issues.

**AUDIENCE PARTICIPATION**

No one in the audience wished to speak.

**ADJOURNMENT**

Motion to adjourn by Member Lynch and seconded by Member Baratta:

**Motion to adjourn the August 13, 2015 Planning Commission meeting. *Motion carried 4-0.***

The meeting was adjourned at 7:30 PM.

Transcribed by Richelle Leskun

Date Approved: September 9, 2015

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Richelle Leskun, Planning Assistant  
Signature on File

PREVIOUS CITY COUNCIL MEETING MINUTES  
September 14, 2015  
(Tentatively approved the RUD Concept Plan)

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, SEPTEMBER 14, 2015 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Markham, Mutch, Poupard, Wrobel

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

**APPROVAL OF AGENDA:**

**CM 15-09-129 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented.**

**Roll call vote on CM 15-09-129**                      **Yeas: Staudt, Casey, Markham, Mutch,  
Poupard, Wrobel, Gatt**  
**Nays: None**

**PRESENTATIONS:**

1. Proclamation in recognition of Nancy Cassis' Service to the Community

Mayor Gatt presented a proclamation and a special Novi Pewabic tile to Nancy Cassis for her many years of dedicated service to the Community. Ms. Cassis thanked Mayor Gatt, City Council, and husband Victor Cassis. She introduced those who were in attendance and spoke about memories of her political career.

**PUBLIC HEARING:**

1. To Receive Comments on Wetland Mitigation at Novi Promenade Shopping Center

Public hearing opened at 7:22 p.m. No audience comment, closed at 7:23 p.m.

**REPORTS:**

1. MANAGER/STAFF – None
2. ATTORNEY – None

**AUDIENCE COMMENT:**

Robert Moreillon, 21671 Welch Rd., felt there was a communication issue between the City and citizens regarding trash pickup. He noted there were informational meetings

3. Approval of the request of Biltmore Land, LLC for development of Covington Estates, JSP 15-02 as a Residential Unit Development (RUD) and approval of the RUD Plan. The subject property is located on 48.83 acres in Section 31, north of Eight Mile Road and west of Garfield Road in the RA, Residential Acreage District. The applicant is proposing a 38 unit single-family development. The approval would be subject to entry into an RUD Agreement between the City and the applicant.

Assistant City Manager Cardenas said this new development is in the southwestern portion of the Community. It will feature preserved and enhanced open areas with trails that provide passive and active recreation for residences. The homes will have a minimum square footage size of 3,200 square feet with the expected homes' sales prices to be between \$800,000 and \$1.1 million.

Member Mutch asked to clarify the change in plans. He noted the size of the lots that are proposed is generally less than one acre per the RUD ordinance allowing offsetting the lot size for open space. He noticed that there are 4 lots that are one acre in size and asked if they intended to do it. Carol Thurber, Fazal Khan and Associates, said she felt they were required to do it by the ordinance. He asked if she would prefer to have them less than one acre. She said they would prefer it to provide more open space. Member Mutch asked about the material intended for the recreational trails. Ms. Thurber clarified that it will be a crushed fine stone pathway and cited other trails that were similar. She said she believed they were 8 feet. Member Mutch asked if they will provide a finished pathway to the sidewalk. She confirmed that they will. Member Mutch asked if they would provide connectivity if the parcel to the west is developed and asked for a paved path. She agreed to it. Member Mutch thought this was the type of development he had been looking for because the applicant is using the ordinances to provide open space. They are protecting most of the natural resources on the site.

**CM 15-09-133            Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:**

To grant preliminary approval of the Residential Unit Development Plan for the Covington. This preliminary approval is subject to and conditioned on Council's final approval of the RUD Agreement to be provided and approved at a future meeting. This motion is based on the following findings, lot size modifications, building setback reductions and conditions:

Determinations (Zoning Ordinance Section 3.29 .8.A):

- a. The site is zoned for and appropriate for the proposed single-family residential use;
- b. Council is satisfied that with the proposed pathway and sidewalk network and added open space, the development

will not have detrimental effects on adjacent properties and the community;

- c. Council is satisfied with the applicant's commitment and desire to proceed with construction of 38 new homes as demonstrating a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of 19 acres (or 39 %) of the proposed development area as open space;
- e. Council is satisfied that the applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;
- f. Factors evaluated (Zoning Ordinance Section 3.29.8.8):

- 1. Subject to the lot size modifications and building setbacks reductions, all applicable provisions of the Zoning Ordinance, including those in Section 3.29.8.8 and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;
- 2. Council is satisfied with the adequacy of the areas that have been set aside in the proposed RUD development area for walkways, parks, recreation areas, and other open spaces and areas for use by residents of the development;
- 3. Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
- 4. Based on and subject to the recommendations in the traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
- 5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
- 6. The RUD will provide for the preservation and creation of approximately 39% of the site as open space and result in minimal impacts to provided open space and the most significant natural features;
- 7. The RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;
- 8. The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is

- outweighed by benefits occurring from the preservation and creation of the open space that will result from the RUD;
9. Any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space that will result from the RUD;
  10. Council is satisfied that the proposed reductions in lot sizes are the minimum necessary to preserve and create open space and to ensure compatibility with adjacent and neighboring land uses;
  11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  12. Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. Modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet is hereby approved, based on and limited to the lot configuration shown on the concept plan as last revised, as the requested modification will result in the preservation of open space for those purposes noted in Section 3.29.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;
- h. Reduction of permitted building setbacks is approved as it is consistent with the proposed reduction in lot size and width;
  - i. City Council variance from Appendix C Section 4.04(A) ( 1) of No vi. City Code for not providing a stub street to the subdivision boundary along subdivision perimeter is granted;
  - j. City Council variance from Section 11-194( a)(7) of the No vi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access is granted; and

- k. This approval is subject to all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 4 and 5, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.

The applicant will be allowed to reduce the lots to make them consistent throughout the site. The applicant will provide the pedestrian pathway connection to the western property line that will be determined by staff. The applicant will incorporate all the determinations.

Mayor Pro Tem Staudt said the development looks like an excellent addition to the City. This may allow the connection to Mayberry Park through the trail system.

Member Markham said this development took advantage of the natural features on the property and treated them as an asset. She asked if bicycles would be allowed on these pathways. Ms. Thurber said they will be allowed. The crushed limestone mix is a good versatile mix that has less maintenance and is stable. They would discourage any motorized vehicles. Member Markham was concerned about the 2.9 acre park that will be handed over to the homeowners association because she had a bad experience where the same thing happened. She felt the homeowners association has difficulty raising money to improve a park. She would like to see some thought to improve the park for the homeowners. Ms. Thurber said they had a lot of thoughts on that issue, but were afraid if it went unused, it would be unwanted maintenance.

**Roll call vote on CM 15-09-133**

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

**Nays: None**

4. Consideration to adopt Resolution regarding dissolution of Southwest Oakland Cable Commission (SWOCC).

Assistant City Manager Cardenas explained that SWOCC is made up of Farmington, Farmington Hills, and Novi. For 32 years, it has been a successful partnership providing local television content to residents in the 3 communities. The consumption of media has changed and has brought about change to dissolve the collaborative union.

Mayor Pro Tem Staudt has been the Council's representative to SWOCC for four years. In the last several years. He noted the funding had been reduced which made it difficult to make capital improvements to the facilities to reduce costs. They reduced as much as possible, but impossible to keep up with the improvements. Also, the decision by Brighthouse to go with the Public Act which prohibited negotiations forced the dissolution. There have been discussions with the School District for possible collaboration partners. The City has a state of the art small operating studio in the

PREVIOUS PLANNING COMMISSION MEETING MINUTES  
March 09, 2016  
(Second Public Hearing for the RUD Concept Plan-Alternate)

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

March 9, 2016

Proceedings taken in the matter of the PLANNING  
COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi,  
Michigan, on Wednesday, March 9, 2016

BOARD MEMBERS

Mark Pehrson, Chairperson

David Greco

Tony Anthony

Robert Giacobetti

Ted Zuchlewski

David Baratta

ALSO PRESENT: Barbara McBeth, Director of Community Development  
Rick Meader, Landscape Architect, Kirsten Mellem, Planner, David  
Gillam, City Attorney, Jeremy Miller, Staff Engineer  
Certified Shorthand Reporter: Jennifer L. Wall

1                   correspondence and it is related to the  
2                   public hearings.

3                   CHAIRPERSON PEHRSON: Very good.  
4                   Any committee reports, community development?

5                   MS. MCBETH: Good evening.  
6                   Nothing to report this evening.

7                   CHAIRPERSON PEHRSON: Brings us  
8                   to our first public hearing then.

9                   Item No. 1 is Covington  
10                  Estate, JSP 15-02. It's a public hearing at  
11                  the Request of Biltmore Land, LLC for  
12                  recommendation to City Council for approval  
13                  of a residential unit development RUD plan  
14                  alternate.

15                  The subject property is  
16                  located in Section 31, north of Eight Mile  
17                  and West Garfield in the RA residential  
18                  acreage district.

19                  The applicant is proposing a  
20                  residential unit development RUD on 48.83  
21                  acre parcel to construct 38 single family  
22                  residential units.

23                  The applicant is proposing  
24                  possible relocation of the emergency access  
25                  drive along the north property line from

1 Garfield to an alternate, to the current  
2 proposed emergency personal access drive  
3 location to the neighboring property to the  
4 east in the event easements are not acquired.

5 Now it's your turn.

6 MS. MELLEM: So the parcels in  
7 question are located west of Garfield Road  
8 and north of Eight Mile Road in Section 31 in  
9 the City of Novi. The property totals 48.83  
10 acres. The current zoning is RA residential  
11 acreage. The zonings to the north, east and  
12 west are also RA and to the south is  
13 Northville Township and Maybury State Park.

14 The future land use map  
15 indicates single family residential for the  
16 subject property and the surrounding  
17 properties. There are a few regulated  
18 wetlands and woodlands on the property.

19 The applicant has proposed a  
20 38 unit single family residential unit  
21 development on 48.85 acres. The purpose of  
22 the RUD option is to permit an optional means  
23 of development, flexibility in the RA through  
24 our four residential districts, which allows  
25 the mix of various residential dwelling units

1 and to permit permanent preservation of  
2 valuable open land, gradual natural resources  
3 and rural community character that would be  
4 lost under conventional development.

5 The current plan is proposing  
6 a variety of lot sizes, with four lots  
7 conforming to the underlying zoning district  
8 RA requirements, and the rest of the lots  
9 conforming to the R1 requirements.

10 The proposed density is 0.8  
11 units, which is consistent with the RA zoning  
12 of the site. The current plan proposes to  
13 preserve the natural features of the site and  
14 provides active recreation for the residents  
15 with 42 percent of the site intended for open  
16 space.

17 A paved pathway connection is  
18 proposed from the trail to Garfield Road, and  
19 provides opportunities for active or passive  
20 recreation along the sides in the future.

21 The applicant is also  
22 proposing a gated community.

23 So this submittal is to  
24 provide an alternate RUD plan, in the event  
25 that the Ballantyne development, which is to

1 the east of the property, is not constructed  
2 prior to commencing construction of this  
3 site.

4 The plans have been prepared  
5 to illustrate an alternate plan which  
6 includes an additional 20-foot wide asphalt  
7 emergency access drive, along the northern  
8 property line, to the -- from the proposed  
9 Covington Drive cul-de-sac connecting to  
10 Garfield Road, which both sides will be gated  
11 and a water main connection to Garfield Road  
12 in the same area. Minor modifications to  
13 units 18 through 20 are proposed and shifted  
14 to accommodate the width of the proposed  
15 emergency access road and sidewalk.

16 If approved, the applicant  
17 would have a means to construct Covington  
18 Estates regardless of the timing of  
19 Ballantyne.

20 So the original site plan was  
21 approved by the Planning Commission on  
22 August 15, 2015 and was approved by City  
23 Council on September 14, 2015.

24 The plan is in general  
25 conformance with the code except for a few

1 deviations identified in the review letters.

2 Planning is recommending  
3 approval of the current plan provided the  
4 City Council approves the modification to the  
5 lot sizes and building setback reductions,  
6 which was like the previous plan.

7 Engineering is recommending  
8 approval of the revised RUD plan with  
9 additional comments to be addressed with the  
10 next submittal. Engineering identified two  
11 DCS variances that would be required. One to  
12 be able to exceed the maximum distance of  
13 1,500 feet between Eight Mile and both  
14 emergency accesses. Two, to not provide a  
15 sub-straight to the subdivision boundary at  
16 intervals not to exceed 1,300 feet along the  
17 subdivision perimeter.

18 Landscaping, fire recommend  
19 approval of the revised RUD plan with  
20 additional comments to be addressed next  
21 submittal.

22 Traffic, wetlands and  
23 woodlands did not see this review since there  
24 was no changes to those parts of the plan.

25 So the Planning Commission is

1 asked tonight to hold a public hearing and to  
2 make a recommendation to City Council to  
3 approve the RUD alternate for the Covington  
4 Estate site.

5 The applicant representatives  
6 are here tonight to answer any questions you  
7 may have.

8 As always, I am happy to  
9 answer questions that you have of me. Thank  
10 you.

11 CHAIRPERSON PEHRSON: Thank you,  
12 Kirsten.

13 Does the applicant wish to  
14 address the Planning Commission at this time?

15 MS. THURBER: Good evening. I'm  
16 Carol Thurber with Fazal Kahn and Associates.  
17 We are the engineers for Biltmore Land, LLC.

18 I really have nothing to add  
19 only one minor item. It was mentioned at the  
20 very beginning that four units were going to  
21 conform to the original RA requirements, and  
22 at the City Council meeting, we were asked to  
23 make all of the units the same, rather than  
24 to have four units conforming to the original  
25 RA. So we did make that change, that

1 request.

2 CHAIRPERSON PEHRSON: Thank you.  
3 Appreciate it.

4 MS. THURBER: And it provided  
5 more open space.

6 CHAIRPERSON PEHRSON: If you want  
7 to have a seat.

8 If there is anyone in the  
9 audience right now that wishes to address the  
10 Planning Commission on this particular  
11 matter, please step forward.

12 As you do, please come to the  
13 podium, if you could also please speak  
14 loudly, and give us your name and address so  
15 our court reporter, Ms. Jennifer, can make  
16 sure you're on the record. Thank you.

17 MR. COROTNI: Hello. My name is  
18 James Corotni. I live at 49531 Deer Run, on  
19 the north boundary of the proposed change and  
20 would like to highlight concerns that I have  
21 on this change for whoever is making the  
22 decisions.

23 I have read through all the  
24 material and there is a number of comments  
25 about not having a detrimental affect on

1 adjacent property and findings, having a  
2 demonstrated need for proposed use,  
3 maintaining the naturalness of the site and  
4 blend of the use, within the site and its  
5 surroundings.

6 Applicant has provided a  
7 clear, explicit and substantial and  
8 ascertainable benefits to the city as a  
9 result, and consistent with the surrounding  
10 areas, not injurious to the natural features  
11 and resources of the property and surrounding  
12 area.

13 So, if you will bear with me  
14 for a moment, I just want to give a couple of  
15 comments and thoughts.

16 I do have an overarching  
17 concern that we are talking putting a road in  
18 that impacts us Deer Run residents and  
19 particularly those that live adjacent to  
20 this. I'm not sure I fully understand why  
21 that's the only option and why something that  
22 is a permanent change in a road that impacts  
23 us heavily, of course, we live there.

24 You know, there aren't other  
25 options that are being laid out. I don't

1 fully comprehend all the other situations  
2 that have gone into it, the agreements,  
3 disagreements, things that are going on,  
4 schedule-wise between Ballantyne and  
5 Covington. But that is a concern of mine,  
6 that there are not options that I can look at  
7 and understand and see.

8 There is somewhat of an  
9 increase and safety concern for our children.  
10 Of course, we should keep them in the yard  
11 and all of that stuff, but a concern that we  
12 wouldn't have otherwise.

13 Two primary concerns, being at  
14 a lower elevation, approximately 10 feet down  
15 from where that berm is, and where the walk  
16 path is again, the proposed road. Privacy,  
17 number one, and that particular elevation  
18 down, we lose the opportunity that I would be  
19 asking for landscaping, of course, that would  
20 help with that, what have you, a road going  
21 there, alongside the walk path, is going to  
22 mean there is less opportunity for  
23 landscaping, building up a berm or thinking  
24 that also is going to help with that. Also  
25 noise levels, also reduced, same reasons.

1                   Of course, I'm concerned about  
2                   my property value, and selling price.  
3                   Anybody that's there is going to see a road  
4                   there, is going to be less likely to want to  
5                   purchase my house at a price that I will be  
6                   looking for, and I have no idea if this is a  
7                   concern to anybody else, but we do have a  
8                   significant white tail deer herd in the area  
9                   that constantly is moving across both the  
10                  full width of Ballantyne, Covington and  
11                  generally quite often in that north boundary,  
12                  and they are going to be less likely to be  
13                  able to do that, or for us to be able to  
14                  enjoy them, if there is a road there in  
15                  addition to a walk path.

16                   So those are some of the  
17                  concerns I have as a resident living right  
18                  along that boundary. Thank you.

19                   CHAIRPERSON PEHRSON: Thank you.  
20                  Anyone else? Just for the audience, there is  
21                  a three minute time limit, so if you would be  
22                  brief, I would appreciate it.

23                   MR. STEVENS: For the record, my  
24                  name is Gary Stevens, 49551 Deer Run. I am a  
25                  newcomer to the area. My wife and I just

1 moved here in July.

2 With some experience in land  
3 planning, I obviously took note to this what  
4 I would term a flag lot, which runs directly  
5 behind my property, and relied upon the  
6 planning department -- the Planning  
7 Commission's other guidance that this flag  
8 lot was to be used for a pervious surface,  
9 nature trail, and not for a paved roadway.

10 When I looked into where this  
11 emergency access was originally planned and  
12 approved by the Commission, it demonstrated  
13 to be sound land planning and that you were  
14 combining two residential subdivisions and  
15 using emergency access that would be shared  
16 through both of these developments.

17 I see no reason to change that  
18 plan other than to sue the developers either  
19 timing to market, which should not be my  
20 concern, or otherwise the developer did not  
21 acquire these private property rights to  
22 traverse Ballantyne via easement.

23 I don't see any overriding  
24 reason why my property rights should be  
25 impinged with a permanent paved pathway. I'd

1 also like to point out that there is a  
2 clearly marked 16-inch high pressure gas line  
3 within this strip, that may make this entire  
4 hearing technically unfeasible since no one  
5 seems to know really about that easement and  
6 its potential impact on the ability to  
7 relocate to this area.

8 I have other comments that I  
9 submitted in writing for the record.

10 CHAIRPERSON PEHRSON: Thank you,  
11 sir. Anyone else?

12 (No audible responses.)

13 No one else wishes to address  
14 the Planning Commission, I think we have some  
15 correspondence? Possible?

16 MR. GRECO: Yes, we do. We have  
17 a letter dated March 9 from Jason and Polly  
18 Kenison, voicing concerns regarding the  
19 alternate plans proposed for the Covington  
20 Estates development. They are residents of  
21 Deer Run, and the backyard directly abuts  
22 where Covington is proposing an emergency  
23 access road. They do not agree with the road  
24 being placed there. They object because also  
25 there is no landscaping being proposed along

1 the border of our yards, and the development,  
2 and even without the emergency access road,  
3 they will have people walking and riding  
4 bikes along the top ridge of their yard.  
5 This is concerning because they have small  
6 children.

7 Just for the record, I'm  
8 summarizing the correspondence.

9 Next is a letter dated  
10 March 9, 2016, by Mr. Stevens, which in  
11 addition to his public comments, he has  
12 submitted, which he objects to the placement  
13 of the road, he opposed the proposed change,  
14 and reviewed the plans, characterizes it as a  
15 flag lot connection. Was previously  
16 satisfied with the review by the Planning  
17 Commission. And understands that this change  
18 has been made because there's been more  
19 wishes to commence construction on Covington  
20 earlier than Ballantyne, the neighboring  
21 development. Believes that the earlier  
22 placement was adequate.

23 The proposed relocation flies  
24 in the face of Planning, the only reason  
25 being given for the change is to expedite the

1 developer's time to market.

2 Also points out as he pointed  
3 out during his public comments about this  
4 16-inch high pressure gas line, clearly  
5 marked throughout the area. Has concerns  
6 with that and generally objects to the  
7 repositions of the road.

8 Next, we have a letter from  
9 Tyler Wells dated February 27. Objecting,  
10 general tenor of the letter, to this change,  
11 which may adversely affect the residents in  
12 the neighborhood.

13 Again, objects to the  
14 placement of the road and believes that the  
15 alternative road now being proposed may  
16 adversely affect property value.

17 Her understanding was that the  
18 green belt is an easement for utility and gas  
19 lines which she never imagined would be  
20 developed in any way, and believes that this  
21 change that she objects to is a material  
22 change from the original plan. That  
23 concludes.

24 CHAIRPERSON PEHRSON: Very good.  
25 We will close the public hearing on this

1 particular matter and turn it over to the  
2 Planning Commission for their consideration.  
3 Would you like to start?

4 Member Zuchlewski.

5 MR. ZUCHLEWSKI: Yes, my first  
6 question is for Carol Thurber.

7 Carol, a couple of instances,  
8 I've heard a delay in market time to project  
9 time to market.

10 What type of time frame are we  
11 talking about here? Is there any ideas, at  
12 three months, six months, a year type of time  
13 to market we are talking about?

14 What's the value of that  
15 statement? Can you tell me?

16 MS. THURBER: There really -- the  
17 statement was indicating that there was a  
18 delay in our time frame because of this, and  
19 the statement really for us is that the  
20 Ballantyne development is uncertain. We  
21 don't know when it would be developed. And  
22 so it was requested to find an alternate  
23 emergency access, in the event that we cannot  
24 make the access through to Ballantyne as  
25 originally planned.

1 MR. ZUCHLEWSKI: Barb, can you  
2 help me out with kind of what's going on with  
3 the other project?

4 MS. MCBETH: Yes, from what I  
5 understand, and what Ms. Thurber said is that  
6 timing is uncertain with Ballantyne. We have  
7 talked with the applicant for that project as  
8 well, and they're not exactly certain as to  
9 when that development will commence. So the  
10 proposed alternate that's being proposed is  
11 that another location for the emergency  
12 access that would lead out to Garfield Road,  
13 provide two means of access in case of an  
14 emergency.

15 This could be considered  
16 something that, you know, could be temporary  
17 in nature, wouldn't necessarily have to be a  
18 permanent access point as soon as the  
19 Ballantyne project develops, and then the  
20 connection is made through. It's possible  
21 that the other connection along the north  
22 property line could be abandoned.

23 And we have had brief  
24 discussions about that, to see if that may be  
25 feasible, and the Planning Commission thought

1 that was a positive recommendation, you could  
2 make that recommendation to council.

3 MR. ZUCHLEWSKI: So the road  
4 could be paved gravel, would that work?

5 MS. MCBETH: It would need to be  
6 able to support a fire truck, so it's got  
7 have a certain capacity. It could either be  
8 grass pavers potentially, or maybe even use  
9 the nature of the bike path that's proposed,  
10 although the north side, that had been  
11 proposed, too. With an extension on either  
12 side of that with the pavers, or some other  
13 that would be able to support a fire truck,  
14 could be a solution, we haven't talked  
15 completely with the applicant about those,  
16 but perhaps something like that could be  
17 done.

18 MR. ZUCHLEWSKI: Barb, the other  
19 question I have, would be for you.

20 There is this discussion about  
21 this large gas main. Is it true that nobody  
22 knows where it is, there is no records of an  
23 easement?

24 MS. MCBETH: Ms. Thurber knows  
25 about that, she has that on the drawings as

1 well.

2 MS. THURBER: It is shown on the  
3 drawings, picked up from the gas markers that  
4 we encountered in the field when we were  
5 doing our survey. So it is shown in its  
6 accurate location.

7 MR. ZUCHLEWSKI: What is the  
8 depth of that?

9 MS. THURBER: We don't know the  
10 depth. When we get further into design, we  
11 will coordinate that with the utility  
12 company.

13 MR. ZUCHLEWSKI: What is it, just  
14 a contact with Michcon to find out where that  
15 is?

16 MS. THURBER: Yes, it's Consumers  
17 actually.

18 MR. ZUCHLEWSKI: Consumers, okay.

19 Would there be -- on the  
20 developer's part, if we were going to put in  
21 a temporary road, crushed gravel or whatever  
22 that support fire trucks, what would the  
23 likelihood be that we could get a line of  
24 shrubs that go along the north side of that  
25 easement or that -- you know, what would the

1 chance of that be, is there a likelihood that  
2 we could --

3 MS. THURBER: I think there would  
4 be a likelihood for that and that we could  
5 work that with landscape, find something that  
6 would be more screening.

7 MR. ZUCHLEWSKI: Those are the  
8 only two questions that I have.

9 CHAIRPERSON PEHRSON: Thank you,  
10 sir. Anyone else? Member Baratta?

11 MR. BARATTA: Carol, just a  
12 couple other questions, as long as we have  
13 you up there.

14 What is the distance between  
15 this proposed road and the edge of the  
16 property? Do you know that offhand?

17 MS. THURBER: The proposed road  
18 as it's shown right now is on the southern  
19 edge of the -- call it the strip, which is  
20 100 feet wide. So there is -- you're  
21 actually closer from the walk to the property  
22 line, but there is still about 55 feet to  
23 60 feet at least.

24 MR. ZUCHLEWSKI: 55 to 60. And  
25 do you know what the elevation of that road

1 is?

2 MS. THURBER: We have not done  
3 any grading yet on the road. We would have  
4 to coordinate that with the Ballantyne  
5 grading, too, when we get to that point.

6 MR. BARATTA: What else did I  
7 have here.

8 And do you anticipate any  
9 issues with the -- maybe this is before you  
10 get your engineering done, what concerns me  
11 is this gas line. And you're going -- you  
12 want to put a temporary there. I understand  
13 that's for emergency vehicles and it's not  
14 going to be used frequently, et cetera,  
15 et cetera, hopefully.

16 But that gas line being there,  
17 you're going to have to have a certain  
18 elevation of road if you're going to have a  
19 certain elevation of the gas line.

20 Do you think that that's  
21 posing a problem, that would prevent you from  
22 putting that road?

23 MS. THURBER: It does not. The  
24 gas line is closer to the north property  
25 line.

1 MR. BARATTA: Where was your road  
2 before, was it the one right in the middle  
3 there?

4 MS. THURBER: It's actually still  
5 shown there.

6 MR. BARATTA: Between 13 and 12,  
7 is that where it is?

8 MS. THURBER: Yes.

9 MR. BARATTA: Why would we not be  
10 able to construct that temporary road? Could  
11 we not get an easement from the Ballantyne  
12 project to let you do that?

13 MS. THURBER: We would have to  
14 get an easement all the way through the  
15 Ballantyne project.

16 MR. BARATTA: Would they allow  
17 that or have you approached that?

18 MS. THURBER: We had approached  
19 them initially about that. It's because they  
20 are uncertain of their time frame.

21 MR. BARATTA: That would prevent  
22 them from giving you that easement?

23 MS. THURBER: I believe so.

24 MR. BARATTA: Thank you very  
25 much.

1 CHAIRPERSON PEHRSON: Thank you,  
2 Member Baratta.

3 Member Giacometti?

4 MR. GIACOPETTI: Are there  
5 representatives here from Ballantyne?

6 CHAIRPERSON PEHRSON: No.

7 MR. GIACOPETTI: Oh, there is.  
8 Were you available for comment.

9 MR. GREWAL: Avi Grewal from  
10 Singh Development.

11 MR. GIACOPETTI: Maybe this is a  
12 question for both. If you could summarize  
13 just the nature of your discussions between  
14 each other to date.

15 To me, the most logical  
16 solutions seems like a temporary easement  
17 through the property, so that it -- so this  
18 development can proceed, if it's on a  
19 schedule that's quicker than the Singh  
20 development. Can you answer that --

21 MR. GREWAL: We are happy to open  
22 up that discussion. That's fine with us.

23 MR. GIACOPETTI: You're okay with  
24 that?

25 MR. GREWAL: Opening the

1 discussion, I think we would have to know  
2 more specifics about it, with us and  
3 Biltmore.

4 MR. GIACOPETTI: I'm sorry,  
5 through the chair, Barb, what is Ballantyne,  
6 if you can refresh my memory, that's an RUD  
7 also, or --

8 MS. MCBETH: Yes, that is an RUD  
9 as well.

10 MR. GIACOPETTI: And when does  
11 that agreement expire?

12 MR. GREWAL: That agreement  
13 expires next year, 2017.

14 MS. MCBETH: It's got another --  
15 it's been recorded, I believe, with the  
16 county, so it's got sometime left on it.

17 MR. GIACOPETTI: Approximately a  
18 year?

19 MS. MCBETH: I'm sorry, I don't  
20 have that answer right now.

21 MR. GREWAL: I recall sometime  
22 next year, sometime in 2017. I don't know  
23 the exact date or month, but --

24 MR. GIACOPETTI: There is nothing  
25 we can do to reopen that until it expires,

1 correct?

2 MS. MCBETH: Correct.

3 MR. GIACOPETTI: Those are all my  
4 questions.

5 MR. BARATTA: I have follow-up.  
6 So obviously the parties were looking to  
7 develop two housing developments.

8 There is an easement here for  
9 emergency easement, obviously. Would there  
10 be an objection on your part, you see -- your  
11 part you see what they want to do to go back  
12 and see if we can put that easement into  
13 Ballantyne? Because it seems to be a waste  
14 in my mind. To build a new access easement  
15 at a different size of the property, when  
16 inevitably you're going to construct  
17 something. And it makes absolutely sense to  
18 have connectivity.

19 Why would we not -- and I  
20 don't want to disturb -- what you're  
21 proposing, but if there were a temporary  
22 easement here for this emergency, it seems  
23 like it would be a benefit to your group and  
24 the applicant's group. Why would we not  
25 consider that today?

1 MR. GREWAL: This is the first  
2 I'm hearing of it, to be honest with you, so  
3 before reading the packet last night, that's  
4 the first time I have heard of this option of  
5 putting emergency access at the north end of  
6 my property, so I haven't had -- I have to  
7 have some discussion with my internal group  
8 on what we want to do. But I see what your  
9 point is.

10 MR. BARATTA: You are inevitably  
11 going to need something from this group, and  
12 we all have to play nice together, so --

13 MR. GREWAL: Quite honestly, we  
14 put that emergency access connection early on  
15 in our original proposal, we offered that up  
16 originally, it wasn't something that was  
17 required by us, I don't think. So knowing  
18 that there would be the another group to the  
19 west of us that would need that access, so --

20 MR. BARATTA: Thank you very  
21 much.

22 CHAIRPERSON PEHRSON: Member  
23 Greco?

24 MR. GRECO: Yes, which all of  
25 this discussion leads me to the -- have there

1           been discussions or there have not been  
2           discussions?

3                       MR. GREWAL: No. Like I said,  
4           this is the first time I am hearing about it.

5                       MR. GRECO: But somebody had  
6           discussions with the applicant and you're  
7           just hearing about it now or there have not  
8           been discussions?

9                       MR. GREWAL: To my knowledge,  
10          there has not been any discussions.

11                      MR. GRECO: Fair enough. I  
12          thought it was represented that there were  
13          some discussions and could not be obtained?

14                      MR. BARATTA: That's what I  
15          understood initially.

16                      MR. GRECO: I'd like to speak  
17          with the applicant, Ms. Thurber.

18                               Have there been discussions?

19                      MS. THURBER: I was under the  
20          impression that my client had already  
21          contacted Singh about that.

22                      MR. GRECO: I guess, my initial  
23          comments both -- well, primarily to the  
24          Planning Commission, you know the access or  
25          the new access road, it doesn't bother me

1 that much because it's not really a road with  
2 traffic. It's an access road for emergency,  
3 I guess, on the south side of a path there.

4 With that being said, it  
5 sounds like through our inquiry and  
6 discussion here that perhaps there is an  
7 alternative that would satisfy the residents  
8 that hasn't been fully explored.

9 So I mean, that would be my  
10 comment, I mean, it seems like this is a  
11 solution as Member Baratta correctly points  
12 out it's going to be necessary for both lots.  
13 This access road on the north may not be not  
14 only necessary, but optimal and it should be  
15 something that should be explored between the  
16 parties.

17 MR. BARATTA: I would agree.

18 MR. GRECO: To get this done.

19 CHAIRPERSON PEHRSON: If I might,  
20 Barb, relative to the access on any given  
21 parcel, given that that road is going into  
22 Ballantyne, that is not developed at this  
23 point in time, we don't require the access to  
24 be functional, just be available so that we  
25 can in future times have that availability of

1 an emergency access, is that correct?

2 MS. MCBETH: Yes, in the past we  
3 have wanted these emergency access connection  
4 points to match up, adjacent pieces of  
5 property. In other cases we have said, it  
6 may be sometime before there is a connection  
7 made and we would like to see another  
8 location for a temporary emergency access,  
9 that's what happening in this case.

10 We are not sure of the timing,  
11 so we are looking for a temporary other  
12 location or a permanent alternate location.

13 CHAIRPERSON PEHRSON: So for the  
14 sake of this particular development, if that  
15 roadway were made along the strip to serve as  
16 that emergency access until the point in time  
17 in which the Ballantyne property is  
18 developed, in which case that other access  
19 could be utilized in the original access  
20 could then be removed, replanted whatever, is  
21 within the discretion of the Planning  
22 Commission to make a recommendation at this  
23 point in the time?

24 MS. MCBETH: Yes, I think that's  
25 correct.

1 CHAIRPERSON PEHRSON: So my  
2 recommendation is I can't bet on the future,  
3 so I'm not going to bet on Ballantyne being  
4 here next year, or the year after, so I would  
5 suggest that we include the emergency access  
6 to the strip, knowing full well that it will,  
7 can be removed and would be removed in due  
8 time as soon as the development further,  
9 Ballantyne whatever it might be called, is  
10 there and that begins the emergency access.

11 MR. ZUCHLEWSKI: So the emergency  
12 access would in go as it's indicated?

13 CHAIRPERSON PEHRSON: As a  
14 temporary.

15 MR. ZUCHLEWSKI: As a temporary  
16 and then the bike or running path, would that  
17 be removed also or that will remain?

18 CHAIRPERSON PEHRSON: That would  
19 remain.

20 MR. ZUCHLEWSKI: That would  
21 remain, okay.

22 Then the potential is when  
23 Ballantyne does their work, they would be  
24 able to tie into that same road -- that's the  
25 temporary?

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CHAIRPERSON PEHRSON: Yes.

MR. ZUCHLEWSKI: Maybe we can landscape that up real nice.

MR. BARATTA: Mr. Chairperson, I look at a willingness or I'm hearing a willingness from the parties to talk.

I would recommend, I propose a motion to table this for 30 days so the parties can at least discuss it and see if they could put a temporary easement across the property as planned. I think we need to exhaust that issue first.

CHAIRPERSON PEHRSON: I don't want to put this petitioner in harm's way if they had got development timing for 30 days for that fact.

Ms. Thurber, do you have -- is this a green light project, are you ready to start moving earth?

MS. THURBER: We are ready to do cement for our preliminary site planning and engineering, yes.

MR. GIACOPETTI: If you are making a motion, I will second it, because I agree with you. I think it's wasteful.

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CHAIRPERSON PEHRSON: There is a motion on the table then to table for 30 days, motion by Member Baratta seconded by Member Giacometti.

Any other comments?

(No audible responses.)

CHAIRPERSON PEHRSON: Barb, will you call the roll.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Member Giacometti?

MR. GIACOPETTI: Yes.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: No.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MCBETH: Member Anthony?

MR. ANTHONY: No.

MS. MCBETH: Motion passes four to two.

CHAIRPERSON PEHRSON: Okay. Next on the agenda is the Dixon Meadows JSP 14-46 with rezoning 18.709.

PREVIOUS PLANNING COMMISSION MEETING MINUTES  
**April 27, 2016**  
(Consideration of the revised RUD Concept Plan-Alternate)

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

April 27, 2016

Proceedings taken in the matter of the PLANNING  
COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi,  
Michigan, on Wednesday, April 27, 2016

BOARD MEMBERS

David Greco, Acting Chairperson

David Baratta

Michael Lynch

Robert Giacobetti

ALSO PRESENT: Barbara McBeth, Director of Community Development  
Rick Meader, Landscape Architect, Kirsten Mellem, Planner,  
Adrianna Jordan, Planner, David Gillam, City Attorney, Jeremy  
Miller, Staff Engineer

Certified Shorthand Reporter: Jennifer L. Wall

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MS. JORDAN: Lynch?

MR. LYNCH: Yes.

CHAIRPERSON GRECO: Matter passes  
four to zero.

That concludes our public  
hearings. Next we have matters for  
consideration.

Matter number one Covington  
Estates, JSP15-02 consideration at the  
request of Biltmore Land LLC, for  
recommendation to City Council for approval  
of a residential unit development plan  
alternate.

The subject property is  
located in Section 31 north of Eight Mile,  
west of Garfield in the RA residential  
acreage district.

The applicant is proposing an  
RUD and a 48.83 acre parcel to construct 38  
single family residential units.

The applicant is proposing a  
temporary relocation of the emergency access  
drive along the north property line from  
Garfield Road as an alternate to the current  
proposed emergency access drive in the

1 neighboring property to the east and the  
2 event easements are not required.

3 MR. MELLEEM: So Covington Estates  
4 is before you, and the parcels in question  
5 are located west of Garfield Road and north  
6 of Eight Mile Road in Section 31 in the City  
7 of Novi. The property totals 48.83 acres and  
8 the current zoning is RA.

9 The zoning to the northeast  
10 and west is RA, and to the south is  
11 Northville Township and Maybury State park.  
12 The future land use map indicates single  
13 family residential for the subject parcel and  
14 the surrounding properties.

15 Natural features on the site,  
16 there are few regulated wetlands and  
17 woodlands on the property.

18 The applicant has proposed a  
19 38 unit single family residential unit  
20 development, an RUD on 48.85 acres. The  
21 purpose of the RUD option is to permit an  
22 optional means of development, flexibility in  
23 an RA through R4 residential district, which  
24 allows a mix of various residential dwelling  
25 units and to permit permanent preservation of

1 valuable open land, fragile and natural  
2 resources and road community characterize  
3 that would be lost for conventional  
4 development.

5 The current plan is proposing  
6 a variety of lot sizes, with four lots  
7 conforming to the underlying zoning district  
8 RA, the rest of the lots conform to the R1  
9 requirements.

10 The proposed density is 0.8  
11 units per acre, consistent with the RA  
12 zoning of the site.

13 The current plan proposes to  
14 preserve the natural features of the site and  
15 provides active recreation for the residents  
16 with 42 percent of the site intended for open  
17 space. A paved pathway connection is  
18 proposed for a trail to Garfield Road, which  
19 provides opportunities for active or passive  
20 recreational on the site in the future. The  
21 applicant is proposing a gated community.

22 This submittal is to provide  
23 an alternate RUD plan in the event that the  
24 Balatine development is not constructed prior  
25 to commencing construction of the site.

1           The plans have been prepared  
2           to illustrate an alternate plan which  
3           includes a temporary 20-foot wide asphalt and  
4           brick paver emergency access drive along the  
5           north property line from the proposed  
6           Covington Drive cul-de-sac, connecting  
7           Garfield Road, gated on both ends. And a  
8           water main connection to Garfield Road in the  
9           same area.

10           Minor modifications to units  
11           18 through 12 are proposed and shifted to  
12           accommodate the width of the proposed  
13           emergency access road.

14           If approved, the applicant  
15           would have a means to construct Covington  
16           Estates regardless of the timing of  
17           Ballantine.

18           The original site plan was  
19           approved by the Planning Commission on  
20           August 15, 2015 and was approved by the City  
21           Council on September 14, 2015.

22           The plan is in general  
23           conformance of the code except for a few  
24           deviations as identified in the review  
25           letters. Planning is recommending approval

1 of the current plan provided that City  
2 Council provides modification to lot sizes  
3 and building setback reductions.

4 Engineering is recommending  
5 approval of the revised RUD plan with  
6 additional comments to be addressed with the  
7 next submittal.

8 Engineering identified two DCS  
9 variances, design construction variances that  
10 would be required.

11 One is to be able to exceed  
12 the maximum distance of 1,500 feet between  
13 Eight Mile Road and both emergency accesses.  
14 Two is to provide a sub street to the  
15 subdivision boundary and both are not to  
16 exceed 1,300 feet along the subdivision  
17 perimeter.

18 Landscape and fire recommend  
19 approval of the revised RUD plan with  
20 additional comments to be addressed with the  
21 next submittal.

22 Traffic, wetlands and  
23 woodlands did not review since there were no  
24 changes to these parts of the plan.

25 The Planning Commission is

1 asked tonight to make a recommendation to  
2 City Council to approve the RUD alternate  
3 plan for the Covington Estates site. The  
4 applicant representatives are here to address  
5 any questions you might have.

6 CHAIRPERSON GRECO: Very good.  
7 Thank you.

8 MR. BARATTA: Question for the  
9 applicant, if you don't mind.

10 CHAIRPERSON GRECO: Can you  
11 please step up to the podium and identify  
12 yourself.

13 MR. STOLEMAN: David Stoleman  
14 (ph) Biltmore Development, 89 Lake Shore  
15 Road.

16 MR. BARATTA: Thank you,  
17 Mr. Stoleman.

18 At the Planning Commission  
19 meeting, I was very much in favor of your  
20 project. And the only thing I think that  
21 stopped in my viewpoint me voting for it, was  
22 a comment with respect to -- I believe there  
23 was a group who owned the property next-door  
24 that was also in the audience that you were  
25 buying the property from.

1                   It came out that maybe they  
2 weren't going to cooperate or they hadn't  
3 heard about you needing an alterative access.

4                   And at that time, we said,  
5 please, gentlemen, work together see what you  
6 can come up with.

7                   And I had absolutely no  
8 objection to putting that temporary easement  
9 for emergency in the back where you currently  
10 have it proposed, with the exception I  
11 thought it was important for two adjacent  
12 property owners, particularly, you know,  
13 working together, sell the property back and  
14 forth, one to buy, one to sell.

15                   Have we had any discussion  
16 with that, with the sale of your property? I  
17 believe his name is Mr. Grewal, G-r-e-w-a-l,  
18 from Singh.

19                   MR. STOLEMAN: Yes, after the  
20 meeting, per your direction, I spoke with  
21 Singh Development, they considered granting  
22 us a temporary easement and ultimately denied  
23 it. Which I guess isn't -- it's not a  
24 typical request to ask someone for a  
25 temporary easement all the way across the

1 property. So subsequent to that, and per  
2 your direction, we made changes to the plan  
3 in order to deal with the concerns the  
4 residents had. We shifted the bike path as  
5 far south as we could, creating an 80-foot  
6 distance between that and the nearby homes.  
7 We had landscaping requested, you know,  
8 following your direction.

9 MR. BARATTA: Very much. I  
10 appreciate all your work in this project.  
11 And I don't have any other questions. Thank  
12 you very much.

13 CHAIRPERSON GRECO: Thank you  
14 Member Baratta. Anyone else?

15 Go ahead, Member Lynch.

16 MR. LYNCH: Actually we do have  
17 some -- we do have some correspondence here.  
18 This is Covington.

19 I am not going to read it.  
20 It's two pages of emails involving this  
21 access, and I will go ahead and put it into  
22 the record. I'm not going to read the whole  
23 thing.

24 CHAIRPERSON GRECO: We will  
25 accept the note, email or letter into the

1 record.

2 Any other comments by any  
3 other commission members?

4 MR. GIACOPETTI: I think I share  
5 Member Baratta's --

6 CHAIRPERSON GRECO: Member  
7 Giacometti.

8 MR. GIACOPETTI: I mean, I am  
9 disappointed that your neighbor wasn't able  
10 to come to an agreement on a temporary  
11 easement.

12 And I guess there is no  
13 alternative other than not requiring them to  
14 have an access road, is that accurate, Barb?

15 MS. MCBETH: Yes, through the  
16 Chair, I think that's correct.

17 I mean, at this point, they  
18 have the needs to provide the emergency  
19 access along their property. An alternative  
20 would be to not require it at this point.  
21 And since we don't know when the property  
22 next-door might develop, I think our fire  
23 marshal would recommend that we have the  
24 emergency access until that time when the  
25 connection can be made through the adjacent

1 property.

2 MR. GIACOPETTI: Okay.

3 CHAIRPERSON GRECO: Very good.

4 Thank you. Any other comments?

5 MR. LYNCH: Since we have no  
6 other alternative, I'd like to make a motion  
7 in the matter of Covington Estates, JSP15-02,  
8 motion to recommend approval of the  
9 residential unit development plan,  
10 alternative, subject to and based on the  
11 following findings.

12 Findings A through E,  
13 including F, subtext 1 through 14, on motion  
14 sheet, along with items G through J on the  
15 motion sheet.

16 This motion is made because  
17 the plan is otherwise in compliance with  
18 Article 3, Article 4, and Article 5 of the  
19 zoning ordinance and all other applicant  
20 provisions of the ordinance.

21 CHAIRPERSON GRECO: We have a  
22 motion by Member Lynch.

23 MR. BARATTA: Second.

24 CHAIRPERSON GRECO: And a second  
25 by Member Baratta. Call the roll.

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MS. MCBETH: Barrata?

MR. BARATTA: Yes.

MS. JORDAN: Giacobetti?

MR. GIACOPETTI: Yes.

MS. JORDAN: Greco?

CHAIRPERSON GRECO: Yes.

MS. JORDAN: Lynch?

MR. LYNCH: Yes.

CHAIRPERSON GRECO: Motion passes  
four to zero.

MR. STOLEMAN: Thank you.

CHAIRPERSON GRECO: That brings  
us to our next matter for consideration.

All right, our next matter for  
consideration is a thoroughfare master plan  
presentation.

MS. MCBETH: Thank you,  
Mr. Chair. I will provide a brief  
introduction and then our consultant will  
come forward.

CHAIRPERSON GRECO: Thank you.

MS. MCBETH: So the City of Novi  
is in the process of preparing a thoroughfare  
master plan covering the entire city.

The intent of developing a

**APPLICANT COVER LETTER**  
(Summary of changes to the revised RUD Concept Plan-Alternate)

# BILTMORE LAND LLC

89 Lake Shore Road  
Grosse Pointe Farms, Michigan 48236  
248.563.5800 Phone  
248.499.1066 Fax

March 30, 2016

## **Via Email**

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

Re: Covington Estates Residential Unit Development (RUD) Plan – Alternate

Dear Ms. McBeth:

At the March 9 Planning Commission Public Hearing the Planning Commission asked us to reach out to the owners of the adjacent property, approved as the Ballantyne RUD. Specifically, the Planning Commission asked us to approach the owner of the Ballantyne property and explore the option of an easement for emergency access over the Ballantyne property instead of the emergency access route shown on the Alternate RUD Plan. We reached out to the Singh Group, which controls the Ballantyne property, and requested the temporary easement for emergency access. However, the Singh Group denied our request for this temporary easement.

As a result, we revised the Alternate RUD Plan based on your direction and the comments of the Planning Commission at the March 9 public hearing. The specific changes we have made to the Alternate RUD Plan are as follows:

- The paved temporary emergency access road has been removed.
- The paved path amenity for residents of Covington Estates has been moved away from the homes to the North and is further South than the path originally shown on the Council-approved RUD plan.
- The path now follows a straight line, and along each side of the path we have proposed an additional 6 foot wide gravel shoulder on each side of the 8 foot path.
- There is an approximately ten foot grade change from the North boundary of Covington Estates to the yards of the homes to the North. The grade change itself means that the temporary, secondary emergency access is largely hidden from view.
- The site plan for Covington Estates will include, and we will plant, 170 six foot arbor vitae along the North boundary of Covington Estates where there is no existing tree line.
- These changes provide additional buffering, in addition to the significant grade change, to the owners of the homes along the north boundary of the 115' strip.
- The proposed emergency access shall meet the requirements of Novi's Design and Construction Standards (Sec. 11-194(a)(19)) and is designed to support an emergency vehicle of thirty-five (35) tons, shall be designated by landscaping and signage clearly indicating its

## **BILTMORE LAND LLC**

Re: Covington Estates

March 30, 2016

Page 2 of 2

function as a secondary access drive, and shall be mowed and kept clear of snow and ice as necessitated by the weather conditions.

- The temporary emergency access will terminate on completion of the development of the Ballantyne property, when the emergency access between units 12 and 13 in Covington Estates will become active and permanent.
- We moved the asphalt path (and gravel shoulders) as far away as possible from the single family homes to the North. The asphalt path is now located approximately 80 feet from the northern boundary of Covington Estates.

We would appreciate your placing the Covington Estates Alternate RUD Plan on the agenda for the next Planning Commission meeting.

Should you have any questions or comments or need additional information regarding the attached, revised site plan, please let me know.

Very truly yours,

**BILTMORE LAND LLC**

A handwritten signature in blue ink, appearing to read "D. J. Stollman".

David J. Stollman, President

## RUD Narrative

**Covington Estates**  
SE ¼ Section 31  
Parcel Nos. 22-31-400-011  
Project Narrative / Written Statements

Proposed Covington Estates is located north of 8 Mile Road, west of Garfield Road, and is a proposed 38 unit single family Residential Unit Development (RUD) on 48.85 acres. The proposed RUD is consistent with recent and proposed development in the area. The full intent of the developer is to provide a quality upscale development while still preserving the natural features of the site and providing active recreation for the residents.

The 38 units are each a minimum of 0.5 acre in size, with a minimum width of 120 feet, consistent with the requirements. The proposed density is 0.78 units per acre, also consistent with Section 2402 (Residential Unit Developments). The remainder of the site acreage is intended to be open space. The proposed homes are intended to be high-end construction, with a minimum size of 3,200 square feet, and the expected home cost is between \$800,000 and \$1,100,000. The resultant population will consist of a conventional family population, with an anticipated total of 152 people.

A proposed 6,573-foot (1.25 miles) walking trail with features is intended within the open space to provide active recreation for the residents. The trail is to remain unpaved and be constructed of natural materials, consisting of compacted fine grade stone to remain quiet and unobtrusive for the residents. Many of the premier trails of Oakland County are constructed of these materials including the Polly Ann Trail, the Paint Creek Trail, and the Clinton River Trail. Other items that will encourage the active recreation on the trail include benches, bird houses, and quarter-mile marker signage. In addition, the property contains a 115 foot wide by 1,100 foot deep park area (2.90 acre) which extends to Garfield Road along the north property line. This open park area is intended for both active and passive recreation. A paved pathway connection is provided through this park to Garfield Road, which will encourage further active pedestrian and bicycle recreation and a larger pathway loop. The future homeowner's association may wish to consider additional activity-specific areas along the path including badminton or volleyball courts, bocce ball or horseshoe courts, residential garden plots, or a picnic area. Instead of providing amenities that may not be desired by the residents and as a result not properly maintained, it is best that the homeowner's association determine those amenities.

In the event that the adjacent development (Ballantyne) is not constructed, an emergency access from the north end of proposed Covington Drive is provided to the east to Garfield Road. This access will be a 20 foot wide emergency access road. In addition the water main is indicated to loop to the existing water main in Garfield Road.

The site is naturally undulating, with grades ranging from elevation 958 to elevation 976. The site is mostly clear, with a small non-regulated wetland, and a small woodland that is contiguous to a woodland on the parcel to the west near the northwest corner of the site.

The wetland and woodland area is to be preserved. The predominant existing onsite soils consist of fox sandy loam.

The developer has analyzed market and development trends in the vicinity, and has determined that the proposed lot sizes and amenities are desired by future residents.

The proposed schedule of development is to complete site planning and engineering in 2016, with construction to begin in late 2016. Home construction would begin in 2017.

The benefit of the proposed RUD over a conventional site plan conforming to the R-A designation is that open space can be provided both for the preservation of the natural features on site, and for the recreation and enjoyment of the residents.

The permanent preservation of the woodland and wetland (natural features), as well as the maintenance and preservation of the remaining open space will be addressed in the Master Deed and Bylaws of the development. The maintenance of the open spaces will be the responsibility of the Homeowner's Association, and will be outlined in the Master Deed and Bylaws.

**APPLICANT RESPONSE LETTER**

---

# **FAZAL KHAN & ASSOCIATES, INC.**

Civil Engineers & Land Surveyors

Fazlullah M. Khan, P.E., MSCE  
Donald H. King, P.S.  
Carol P. Thurber, P.E., CFM  
Shannon L. Filarecki, P.E.  
Thomas R. DeHondt, P.E.

April 20, 2016

City of Novi  
Community Development  
Attn: Kirsten Mellam  
45175 West 10 Mile Road  
Novi, MI 48375

RE: Proposed Covington Estates RUD  
SE ¼ Section 31, 8 Mile Road west of Garfield Road  
FKA Job No. 14-031

Dear Ms. Mellam:

We received your email dated April 14, 2016, regarding the revised Concept RUD to be heard before the Planning Commission on April 27, 2016. As requested in your email of April 18, this letter addresses the comments from staff in their correspondence on April 14. We have the following comments:

Planning comments:

1. The developer will begin coordination with Mr. Miller in the Engineering Division to begin the process of working with the City and DTE on the installation of the proposed entrance light.
2. The following notes will be provided on Sheet 3A: Alternate Concept RUD Plan:
  - a. "The temporary emergency access will terminate on completing of the development of the property to the east, when the emergency access between units 12 and 13 in Covington Estates will become active and permanent".
  - b. "The emergency access drive shall be mowed and kept clear of snow and ice as necessitated by the weather conditions".

Engineering comments:

General:

1. The developer's letter has been revised to refer to the emergency access cross-section shown on the plans of grass pavers and asphalt. A copy is enclosed.
2. A request for a variance from Section 11-194(a) of the Novi City Code is enclosed. The proposed emergency access is indicated to line up exactly with the emergency access drive for the adjacent site (Ballantyne). Placing an emergency access point at another location would result in the emergency access ending at the rear of a unit within the proposed Ballantyne development.

3. A traffic control sign table listing the quantities of each sign type proposed for the development and a note along with the table stating all traffic signage will comply with the current MMUTCD standards will be provided prior to Final Site Plan submittal.
4. A construction materials table on the Utility Plan listing the quantity and material type for each utility (water, sanitary and storm) being proposed will be provided prior to Final Site Plan submittal.
5. A note stating if dewatering is anticipated or encountered during construction a dewatering plan must be submitted to the Engineering Department for review will be provided prior to Final Site Plan submittal.
6. The City standard detail sheets will be provided with the Stamping Set submittal.

Water Main:

7. A profile for all proposed water main 8" and larger will be provided prior to Final Site Plan submittal.
8. The water main stub to the west will terminate with a hydrant followed by a valve in well will be indicated prior to Final Site Plan submittal.
9. Three sealed sets of revised utility plans along with the MDEQ permit application for water main construction and the Streamlined Water Main Permit Checklist will be provided prior to Final Site Plan submittal.

Sanitary Sewer:

10. We understand that the City is working with the County to resolve the sanitary sewer moratorium on sanitary sewer permits.
11. A testing bulkhead immediately upstream of the sanitary connection point, with a temporary 1-foot deep sump in the first sanitary structure proposed upstream of the connection point and a secondary watertight bulkhead in the upstream side of this structure will be indicated prior to Final Site Plan submittal.
12. Seven sealed sets of revised utility plans along with the MDEQ permit application for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Checklist will be provided prior to Final Site Plan submittal.

Storm Sewer:

13. A 0.1 foot drop in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs will be indicated prior to Final Site Plan submittal.
14. The match of 0.80 diameter depth above the invert for pipe size increases will be indicated prior to Final Site Plan submittal.
15. Storm manholes with differences in inverts elevations exceeding two feet will contain a 2-foot deep plunge pool and will be indicated prior to Final Site Plan submittal.
16. A four-foot deep sump and an oil/gas separator in the last storm structure prior to discharge to the storm water basin will be indicated prior to Final Site Plan submittal.
17. A label for all inlet storm structures on the profiles will be indicated prior to Final Site Plan submittal. We understand that inlets are only permitted in paved areas and when followed by a catch basin within 50 feet.

18. A label for the 10-year HGL on the storm profiles will be indicated prior to Final Site Plan submittal. It will be ensured that the HGL will remain at least 1-foot below the rim of each structure.
19. A schedule listing the casting type and other relevant information for each proposed storm structure on the utility plan will be indicated prior to Final Site Plan submittal. Round castings will be provided on all catch basins except curb inlet structures.

#### Storm Water Management Plan

20. The Storm Water Management Plan will be designed in accordance with the Storm water Ordinance and Chapter 5 of the new Engineering Design Manual.
21. An adequate maintenance access route to the basin outlet structure and any other pretreatment structures will be provided (15 feet wide, maximum slope of 1V:5H, and able to withstand the passage of heavy equipment) will be indicated prior to Final Site Plan submittal. It will be verified that the access route does not conflict with proposed landscaping.
22. An access easement for maintenance over the storm water retention system and any pretreatment structures will be provided prior to Final Site Plan submittal. Additionally, an access easement to the retention area from the public road right of way will be indicated prior to Final Site Plan submittal.
23. Supporting calculations for the runoff coefficient determination will be indicated prior to Final Site Plan submittal.
24. A runoff coefficient of 0.35 will be used for all turf grass lawns.
25. There is no proposed permanent water surface elevation provided in the retention basin in response to the previous reviews, so the required 4-foot wide safety shelf one foot below the permanent water surface elevation within the basin cannot be provided.
26. The required 25 foot wide vegetated buffer around the perimeter of the retention basins will be indicated prior to Final Site Plan submittal.

#### Paving and Grading

27. A variance for the stub street to the subdivision boundary at intervals not to exceed 1,300 feet along the subdivision perimeter will be sought. A variance application obtained from Appendix C Section 4.04(A) (1) of the Novi City Code will be submitted under separate cover.
28. Top of curb/walk and pavement/gutter grades to indicate the height of curb will be provided prior to Final Site Plan submittal.
29. The standard Type "M" approach at the 8 Mile Road intersection will be indicated prior to Final Site Plan submittal.
30. A note stating that the emergency access gate is to be installed and closed prior to the issuance of the first TCO in the development will be indicated prior to Final Site Plan submittal.
31. No wood chip pathways are indicated in the development with the RUD plan submittal. As indicated in previous submittals and the Narrative, the non-paved pathways are to consist of compacted fine grade stone.

Landscape Comments:

A preliminary landscape plan is provided for conceptual purposes. The remaining landscape plan comments will be addressed with Preliminary Site Plan submittal as follows:

1. The City of Novi Tree Protection Detail indicated on Sheet L-3 will be revised to show the fencing located at the Critical Root Zone (1 foot outside the dripline).
2. The tree fencing for trees to be preserved will be shown on the removal and grading plans.
3. The proposed berm adjacent to 8 Mile Road will be a minimum of 4' tall. The berm will vary vertically and horizontally. Contour labels will be added to the Grading Plan and the Landscape Plan.
4. Calculations will be provided for all canopy / large evergreen trees and subcanopy trees.
5. It will be identified which plantings are intended to meet which requirements (buffer vs. street trees).
6. A berm cross section detail showing representative height, width and planting will be provided.
7. Street tree calculations will be revised to include the frontage of each side for corner lots.
8. 15 Street trees will be indicated for Eight Mile Road.
9. Trees at street corners will be relocated so that they are no closer than 35 feet from the intersection of the street curb line intersection.
10. It will be indicated which proposed trees are woodland tree replacements, with unique labeling.
11. The high water line for the retention basins will be added and the clusters of shrubs will be located closer to that line.
12. Shrubs will be distributed around the proposed retention basin so that 70-75% of the perimeter is covered.
13. Hydrants and utility boxes (once determined) will be indicated on the landscape plan with required screening landscaping.
14. The dimension of the distance from overhead utilities near the proposed trees will be indicated. It is more likely that there will be no overhead lines, which will be indicated by note on the landscape plan.
15. The Acer Platanoides will be replaced with a difference species from the Novi Street Tree list that isn't as invasive.
16. A note will be added stating that there should be a minimum of 1 cultivation in plated areas in June m July and August for the 2-year warranty period.
17. General note #7 will have "in writing" added.
18. A note is added on the plan near the property lines stating that plant materials should not be planted within 4 feet of the property line.
19. The mulch color will be specified as "natural" in the planting details.
20. The berm contours will be labeled to verify the height of the berms.
21. It is noted that snow cannot be piled in areas of emergency access routes.

Fire Department:

1. The emergency access will follow the standards listed in D.C.S Sec 11-194 (a)(19). It is indicated on the plans that the cross section must be designed to support a vehicle of thirty-five (35) tons. The minimum temporary easement width will be twenty-five (25) feet. A permanent "break-away" gate is indicated at the intersection of the driveway and Garfield Road, and appropriate signage designating the emergency access road for emergency access only is indicated. The drive is separated from the other roadway by a mountable curb.
2. The entrance to the public and private roadways will not have locked gates, cables or barricades that would impede fire apparatus response.

We believe that we have addressed all of the necessary comments pertaining to the RUD from the correspondence dated February 29, 2016 and April 14, 2016.

Sincerely,

FAZAL KHAN & ASSOCIATES, INC.



Carol P. Thurber, PE, CFM

Enclosure(s): Developer's Letter

Cc: David Stollman, Biltmore Land, LLC

G:\2014\14-031\Documents\lt-10 revised RUD 2nd pc submittal.docx

# BILTMORE LAND LLC

89 Lake Shore Road  
Grosse Pointe Farms, Michigan 48236  
248.563.5800 Phone  
248.499.1066 Fax

April 19, 2016

## **Via Email**

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

Re: Covington Estates Residential Unit Development (RUD) Plan – Alternate

Dear Ms. McBeth:

At the March 9 Planning Commission Public Hearing the Planning Commission asked us to reach out to the owners of the adjacent property, approved as the Ballantyne RUD. Specifically, the Planning Commission asked us to approach the owner of the Ballantyne property and explore the option of an easement for emergency access over the Ballantyne property instead of the emergency access route shown on the Alternate RUD Plan. We reached out to the Singh Group, which controls the Ballantyne property, and requested the temporary easement for emergency access. However, the Singh Group denied our request for this temporary easement.

As a result, we revised the Alternate RUD Plan based on your direction and the comments of the Planning Commission at the March 9 public hearing. The specific changes we have made to the Alternate RUD Plan are as follows:

- The paved temporary emergency access road has been removed.
- The paved path amenity for residents of Covington Estates has been moved away from the homes to the North and is further South than the path originally shown on the Council-approved RUD plan.
- The path now follows a straight line, and along each side of the 8 foot path we have proposed turf pavers to provide secondary access in conformance with City Code requirements.
- There is an approximately ten foot grade change from the North boundary of Covington Estates to the yards of the homes to the North. The grade change itself means that the temporary, secondary emergency access is largely hidden from view.
- The site plan for Covington Estates will include, and we will plant, 170 six foot arbor vitae along the North boundary of Covington Estates where there is no existing tree line.
- These changes provide additional buffering, in addition to the significant grade change, to the owners of the homes along the north boundary of the 115' strip.
- The proposed emergency access shall meet the requirements of Novi's Design and Construction Standards (Sec. 11-194(a)(19)) and is designed to support an emergency vehicle of thirty-five (35) tons, shall be designated by landscaping and signage clearly indicating its

## **BILTMORE LAND LLC**

Re: Covington Estates

April 19, 2016

Page 2 of 2

function as a secondary access drive, and shall be mowed and kept clear of snow and ice as necessitated by the weather conditions.

- The temporary emergency access will terminate on completion of the development of the Ballantyne property, when the emergency access between units 12 and 13 in Covington Estates will become active and permanent.
- We moved the asphalt path (with grass and block pavers on each side) as far away as possible from the single family homes to the North. The asphalt path is now located approximately 80 feet from the northern boundary of Covington Estates.

We would appreciate your placing the Covington Estates Alternate RUD Plan on the agenda for the next Planning Commission meeting.

Should you have any questions or comments or need additional information regarding the attached, revised site plan, please let me know.

Very truly yours,

**BILTMORE LAND LLC**

A handwritten signature in blue ink, appearing to read "D. J. Stollman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David J. Stollman, President

## PLANNING REVIEW

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## Plan Review Center Report

April 14, 2016

### Planning Review

Covington Estates RUD

JSP 15-02

---

#### Petitioner

Biltmore Land, LLC

#### Review Type

RUD 2<sup>nd</sup> Revised Concept Plan - Alternate

#### Property Characteristics

- Site Location: West of Garfield Road and North of Eight Mile Road (Section 31)
- Site Zoning: RA, Residential Acreage
- Adjoining Zoning: North, East and West: RA; South (Northville Township) Maybury State Park
- Current Site Use: Vacant
- Adjoining Uses: East and West: Vacant; South: Maybury State Park; North: Single-Family Residential
- School District: Northville Community School District
- Site Size: 48.83 acres
- Plan Date: 2-3-2016

#### Project Summary

The applicant is proposing a Residential Unit Development (RUD) on a 48.83 acre parcel north of Eight Mile and West of Garfield in order to construct 38 single-family residential units. Four of the total units are consistent with the underlying zoning (RA) requirements. The rest are consistent with R-1 requirements. The ordinance states that an RUD shall include detached one-family dwelling units, as proposed. While a variety of housing types is expected in an RUD, the overall density generally shall not exceed the density permitted in the underlying zoning district. The proposed density is 0.8 units per acre consistent with the RA, Residential Acreage zoning of the site. The remainder of the site 20.67(42%) is intended to be open space. The applicant is proposing a gated community.

This submittal is to provide an alternate RUD plan in the event that the Ballantyne development is not constructed prior to commencing construction of this development. The plans have been prepared to illustrate the proposed text in the RUD agreement regarding an alternate plan that provides an additional 20 foot wide emergency access drive along the north property line from the proposed Covington Drive cul-de-sac connecting to Garfield Road (gated at both ends), and a water main connection to Garfield Road in the same area. Minor modifications to units 18 through 20 are proposed and shifted to accommodate the width of the proposed emergency access road and sidewalk. If approved, the applicant would have a means to construct Covington Estates regardless of the timing of Ballantyne.

This revised submittal comes after a request from the Planning Commission to approach the owner of the Ballantyne property (Singh Group) and explore the option of a temporary easement for emergency access. Singh Group denied the request for the temporary easement. Therefore, the applicant is proposing an 8-foot path with 6-foot wide gravel shoulders. The path has been moved away from the homes to the North, roughly 80 feet south of the northern boundary of Covington Estates. In addition, the applicant is proposing to plant

170, 6-foot arbor vitae along the North boundary of the proposed site to provide screening. The temporary emergency access will terminate on completion of the development of the Ballantyne property, when the emergency access between lots 12 and 13 in Covington Estates becomes active and permanent.

### **Planning Commission Findings**

The rezoning and development appeared for public hearing with the Planning Commission on August 12, 2015. The Planning Commission voted to recommend approval to City Council with the following motion:

*In the matter of Covington Estates, JSP15-02, motion to recommend approval of the Residential Unit Development (RUD) Plan subject to and based on the following findings:*

- a. The site is appropriate for the proposed use;*
- b. The development will not have detrimental effects on adjacent properties and the community;*
- c. The applicant has clearly demonstrated a need for the proposed use;*
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;*
- e. The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;*
- f. Relative to other feasible uses of the site:*
  - 1. All applicable provisions of Section 3.29.8.B of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;*
  - 2. Adequate areas have been set aside for all walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development and the Planning Commission is satisfied that the applicant will make provisions that assure that;*
  - 3. Traffic circulation features within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;*
  - 4. The proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;*
  - 5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;*
  - 6. The RUD will provide for the preservation and creation of open space and result in minimal impacts to provided open space and natural features;*
  - 7. The RUD will be compatible with adjacent and neighboring existing and planned land uses;*
  - 8. The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the RUD;*
  - 9. There will not be an increase in the total number of dwelling units over that which would occur with a conventional residential development;*
  - 10. The proposed reductions in lot sizes are the minimum necessary to preserve and create open space, to provide for park sites, and to ensure compatibility with adjacent and neighboring land uses;*
  - 11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and will add to the City tax base;*

12. *The Planning Commission is satisfied that the applicant will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;*
  13. *The Planning Commission is satisfied that the applicant will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and*
  14. *Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.*
- g. *City Council modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet as the requested modification will result in preserving and creating open space and recreational area as noted in Section 3.29.8.B.x of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;*
  - h. *City Council reduction of permitted building setbacks consistent with the proposed reduction in lot size and width;*
  - i. *City Council variance from Appendix C Section 4.04(A) (1) of Novi City Code for not providing a stub street to the subdivision boundary along subdivision perimeter;*
  - j. *City Council variance from Section 11-194(a)(7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access;*

*This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.*

The RUD Plan – Alternate appeared for public hearing on March 9, 2016. The Planning Commission voted to postpone action with the following motion:

*In the matter of Covington Estates, JSP 15-02, motion to postpone action on the Residential Unit Development (RUD) Plan – Alternate to allow the applicant and adjacent property owner time to explore the option of an easement for emergency access instead. Motion carried 4-2.*

### **City Council Findings**

The RUD concept plan appeared before City Council on September 14, 2015. The City Council voted to approve with the following motion:

*To grant preliminary approval of the Residential Unit Development Plan for the Covington. This preliminary approval is subject to and conditioned on Council's final approval of the RUD Agreement to be provided and approved at a future meeting. This motion is based on the following findings, lot size modifications, building setback reductions and conditions:*

*Determinations (Zoning Ordinance Section 3.29 .8.A):*

- a. *The site is zoned for and appropriate for the proposed single family residential use;*
- b. *Council is satisfied that with the proposed pathway and sidewalk network and added open space, the development will not have detrimental effects on adjacent properties and the community;*
- c. *Council is satisfied with the applicant's commitment and desire to proceed with construction of 38 new homes as demonstrating a need for the proposed use;*
- d. *Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of 19 acres (or 39 %) of the proposed development area as open space;*
- e. *Council is satisfied that the applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;*

- f. Factors evaluated (Zoning Ordinance Section 3.29.8.8):
1. Subject to the lot size modifications and building setbacks reductions, all applicable provisions of the Zoning Ordinance, including those in Section 3.29.8.8 and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;
  2. Council is satisfied with the adequacy of the areas that have been set aside in the proposed RUD development area for walkways, parks, recreation areas, and other open spaces and areas for use by residents of the development;
  3. Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  4. Based on and subject to the recommendations in the traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
  5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
  6. The RUD will provide for the preservation and creation of approximately 39% of the site as open space and result in minimal impacts to provided open space and the most significant natural features;
  7. The RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;
  8. The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is outweighed by benefits occurring from the preservation and creation of the open space that will result from the RUD;
  9. Any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space that will result from the RUD;
  10. Council is satisfied that the proposed reductions in lot sizes are the minimum necessary to preserve and create open space and to ensure compatibility with adjacent and neighboring land uses;
  11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  12. Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. Modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet is hereby approved, based on and limited to the lot configuration shown on the concept plan as last revised, as the requested modification will result in the preservation of open space for those purposes noted in Section 3.29.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;

- h. Reduction of permitted building setbacks is approved as it is consistent with the proposed reduction in lot size and width;
- i. City Council variance from Appendix C Section 4.04(A) (1) of Novi. City Code for not providing a stub street to the subdivision boundary along subdivision perimeter is granted;
- j. City Council variance from Section 11-194( a)(7) of the No vi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access is granted; and
- k. This approval is subject to all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 4 and 5, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.

The applicant will be allowed to reduce the lots to make them consistent throughout the site. The applicant will provide the pedestrian pathway connection to the western property line that will be determined by staff. The applicant will incorporate all the determinations.

### **Recommendation**

Staff **recommends approval of the RUD 2<sup>nd</sup> Revised Concept Plan - Alternate** to allow for the development of the subject property. The RUD 2<sup>nd</sup> Revised Concept Plan – Alternate will need to be approved for a deviation from the Design and Construction Standards by the City Council.

### **Ordinance Requirements**

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3.0 (Zoning Districts), Article 4.0 (Use Standards), Article 5.0 (Site Standards) and any other applicable provisions of the Zoning Ordinance. Please see the attached charts for information pertaining to ordinance requirements. Items in **bold** below must be addressed by the applicant and/or Planning Commission/City Council.

1. **RUD Intent:** As an optional form of development, the RUD allows development flexibility of various types of residential dwelling units (one-family, attached one-family cluster). It is also the intent of the RUD option to permit permanent preservation of valuable open land, fragile natural resources and rural community character that would be lost under conventional development. This is accomplished by permitting flexible lot sizes in accordance with open land preservation credits when the residential developments are located in a substantial open land setting, and through the consideration of relaxation of area, bulk, yard, dimensional and other zoning ordinance standards in order to accomplish specific planning objectives.

This flexibility is intended to reduce the visual intensity of development; provide privacy; protect natural resources from intrusion, pollution, or impairment; protect locally important animal and plant habitats; preserve lands of unique scenic, historic, or geologic value; provide private neighborhood recreation; and protect the public health, safety and welfare. Such flexibility will also provide for:

- The use of land in accordance with its character and adaptability;
- The construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
- The compatible design and use of neighboring properties; and
- The reduction of development sprawl, so as to preserve open space as undeveloped land.

*Applicant provided a written statement explaining in detail the full intent of the application as explained in section 3.29.7.F*

2. **Lot Size and Area:** One-family detached dwellings are subject to the minimum lot area

and size requirements of the underlying district. RA zoning requires 43,560 sq. ft. lots that are a minimum of 150 ft. wide. The applicant has proposed a minimum size of 21,766 sq. ft. and a minimum width of 120 ft. *The City Council tentatively approved the proposed modifications to minimum required lot size and width requirements, as such modification results in the preservation of open space for those purposes set forth in Section 3.29.B of the Zoning Ordinance, and the RUD concept plan provides a genuine variety of lot sizes.* The plans indicate that a total of 20.67 acres of open space will be maintained in this development (mostly in the perimeter buffering and detention basin area), which is about 42 percent of the area of the site. The applicant has provided a summary of lot sizes throughout the entire development. There are a variety of lot sizes throughout the proposed development. Lots range from approximately 21,766 sq. ft. to 40,743 sq. ft., allowing for some variation in lot size. About five lots at the end of cul-de-sac are larger than the rest of the development to maintain a minimum lot width of 120 feet and to avoid creating odd shaped lots.

3. **Building Setback:** One-family detached dwellings in an RUD are subject to the building setback regulations of the underlying zoning district, in this case the RA District. The RA District setbacks are listed in the attached planning review chart. The applicant has proposed reduced building setbacks consistent with the proposed lot size. *This setback reduction was tentatively approved by the City Council as the reduction in lot size and area noted above are approved.*
4. **Streets (Subdivision Ordinance: Sec. 4.04):** Extend streets to boundary to provide access intervals not to exceed 1,300 ft. unless one of the following exists: practical difficulties because of topographic conditions or natural features or would create undesirable traffic patterns. *A Design & Construction Standards variance will need to be approved by City Council. The deviation should be part of the RUD agreement.*
5. **Sidewalks:** The applicant has proposed 8' sidewalks along Eight Mile Road and Garfield Road. **Refer to Engineering comments concerning pathways within the site.**
6. **Special Land Use:** The Planning Commission shall also consider the standards for Special Land Use approval as a part of its review of the proposed RUD, per Section 6.2.
7. **Master Deed and By-laws:** The Master Deed and By-laws must be submitted for review with the Final Site Plan submittal.
8. **Lighting:** The City Council recently passed a text amendment requiring an entrance light at all residential developments. **The applicant has proposed an entrance light on Eight Mile Road. Contact Jeremy Miller (248.735.5694) in the Engineering Division to begin the process of working with the City and DTE on the installation of the entrance light.**
9. **Signage:** Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.
10. **Temporary Emergency Access: Provide the following notes on Sheet 3A: Alternate Concept RUD Plan stating:**
  - **"The temporary emergency access will terminate on completion of the development of the property to the east, when the emergency access between lots 12 and 13 in Covington Estates will become active and permanent."**
  - **"The emergency access drive shall be mowed and kept clear of snow and ice as necessitated by the weather conditions."**

#### **Site Addressing**

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at [www.cityofnovi.org](http://www.cityofnovi.org) under the

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

**Summary of Other Reviews**

1. Engineering Review: Engineering **recommends approval** with a revision to the cross-section shown on the plans.
2. Landscape Review: Landscape **recommends approval**. Some additions and alterations are required for Preliminary Site Plan approval.
3. Fire Review: Fire **recommends approval** with comments.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0484 or [kmellem@cityofnovi.org](mailto:kmellem@cityofnovi.org).

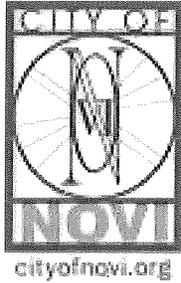


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Kirsten Mellem – Planner

# ENGINEERING REVIEW

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## PLAN REVIEW CENTER REPORT

04/12/2016

### Engineering Review

COVINGTON ESTATES

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#### Applicant

FIRST BAPTIST CHURCH

#### Review Type

RUD Revised Conceptual Plan

#### Property Characteristics

- Site Location: N. of 8 Mile Rd. and W. of Garfield Rd.
- Site Size: 48.847 acres
- Plan Date: 02/27/15

#### Project Summary

- Construction of an approximately 38 lot residential development. Site access would be provided by a Private roadway from 8 Mile Rd.
- Water service would be provided by an extension from the proposed Ballantyne water main along the north side of 8 Mile Rd. and looping to the Ballantyne water main, along with 8 additional hydrants.
- Sanitary sewer service would be provided extension from the proposed Ballantyne sanitary sewer along the north side of 8 Mile Rd.
- Storm water would be collected by a single storm sewer collection system and detained in an on-site retention pond.
- Revised plan includes alternatives if Ballantyne does not develop to provide a water main loop to and emergency access to Garfield Rd.

#### Recommendation

**Approval of the Revised Concept Plan and Preliminary Storm Water Management Plan is recommended.**

**Comments:**

The Revised Concept Plan meets the general requirements of Chapter 11, the Storm Water Management Ordinance and the Engineering Design Manual with the following items to be addressed at the time of Preliminary Site Plan submittal (further engineering detail will be required at the time of the Preliminary site plan submittal):

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

General

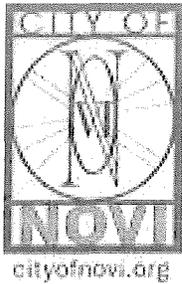
1. The applicant's letter needs to be revised to refer to the emergency access cross-section shown on the plans of grass pavers and asphalt, not gravel.
2. See Engineering review letter dated 02/29/2016 for additional comments.

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



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cc: Adam Wayne, Engineering  
Brian Coburn, Engineering  
Kirsten Mellem, Community Development  
Sabrina Lilla, Water & Sewer



## PLAN REVIEW CENTER REPORT

02/29/2016

### Engineering Review

COVINGTON ESTATES

JSP15-0002

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#### Applicant

FIRST BAPTIST CHURCH

#### Review Type

Revised RUD Conceptual Plan

#### Property Characteristics

- Site Location: N. of 8 Mile Rd. and W. of Garfield Rd.
- Site Size: 48.847 acres
- Plan Date: 02/03/16

#### Project Summary

- Construction of an approximately 38 lot residential development. Site access would be provided by a Private roadway from 8 Mile Rd.
- Water service would be provided by an extension from the proposed Ballantyne water main along the north side of 8 Mile Rd. and looping to the Ballantyne water main, along with 8 additional hydrants. An alternate connection plan would loop the water main to the water main on the west side of Garfield Rd. if a connection through Ballantyne is not possible.
- Sanitary sewer service would be provided extension from the proposed Ballantyne sanitary sewer along the north side of 8 Mile Rd.
- Storm water would be collected by a single storm sewer collection system and detained in an on-site retention pond.

#### Recommendation

**Approval of the Revised Concept Plan and Concept Storm Water Management Plan is recommended.**

**Comments:**

The Revised Concept Plan meets the general requirements of Chapter 11, the Storm Water Management Ordinance and the Engineering Design Manual with the following items to be addressed at the time of Final Site Plan submittal (further engineering detail will be required at the time of the final site plan submittal):

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

1. Provide the distance from 8 Mile to the emergency access. ***If this distance exceeds 1500 feet a variance from Section 11-194 (a) (7) of the Novi City Code will be required.*** This request must be submitted under a separate cover.
2. Provide a traffic control sign table listing the quantities of each sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards.
3. Provide a construction materials table on the Utility Plan listing the quantity and material type for each utility (water, sanitary and storm) being proposed.
4. Provide a note stating if dewatering is anticipated or encountered during construction a dewatering plan must be submitted to the Engineering Department for review.
5. The City standard detail sheets are not required for the Final Site Plan submittal. They will be required with the Stamping Set submittal. They can be found on the City website ([www.cityofnovi.org/DesignManual](http://www.cityofnovi.org/DesignManual)).

**Water Main**

6. Provide a profile for all proposed water main 8-inch and larger.
7. The water main stub to the west shall terminate with a hydrant followed by a valve in well. If the hydrant is not a requirement of the development for another reason the hydrant can be labeled as temporary allowing it to be relocated in the future.
8. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

**Sanitary Sewer**

9. Because Wayne County has expressed capacity concerns, a temporary moratorium has been placed on approval of sanitary sewer permits from the City. We are working with the County to resolve this as quickly as possible. Until then all sanitary sewer permit applications will be on hold.
10. Provide a testing bulkhead immediately upstream of the sanitary connection point. Additionally, provide a temporary 1-foot deep sump in the first sanitary

structure proposed upstream of the connection point, and provide a secondary watertight bulkhead in the downstream side of this structure.

11. Seven (7) sealed sets of revised utility plans along with the MDEQ permit application (11/07 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. Also, the MDEQ can be contacted for an expedited review by their office.

#### Storm Sewer

12. Provide a 0.1-foot drop in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs.
13. Match the 0.80 diameter depth above invert for pipe size increases.
14. Storm manholes with differences in invert elevations exceeding two feet shall contain a 2-foot deep plunge pool.
15. Provide a four-foot deep sump and an oil/gas separator in the last storm structure prior to discharge to the storm water basin.
16. Label all inlet storm structures on the profiles. Inlets are only permitted in paved areas and when followed by a catch basin within 50 feet.
17. Label the 10-year HGL on the storm sewer profiles, and ensure the HGL remains at least 1-foot below the rim of each structure.
18. Provide a schedule listing the casting type and other relevant information for each proposed storm structure on the utility plan. Round castings shall be provided on all catch basins except curb inlet structures.

#### Storm Water Management Plan

19. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
20. An adequate maintenance access route to the basin outlet structure and any other pretreatment structures shall be provided (15 feet wide, maximum slope of 1V:5H, and able to withstand the passage of heavy equipment). Verify the access route does not conflict with proposed landscaping.
21. Provide an access easement for maintenance over the storm water retention system and any pretreatment structure. Also, include an access easement to the detention area from the public road right-of-way.
22. Provide supporting calculations for the runoff coefficient determination.
23. A runoff coefficient of 0.35 shall be used for all turf grass lawns (mowed lawns).
24. A 4-foot wide safety shelf is required one-foot below the permanent water surface elevation within the basin.
25. Provide a minimum 25 foot wide vegetated buffer around the perimeter of the basin.

Paving & Grading

26. Provide a stub street to the subdivision boundary at intervals not to exceed 1,300 feet along the subdivision perimeter or **provide a variance application from Appendix C Section 4.04 (A) (1) of Novi City Code**. This request must be submitted under a separate cover.
27. Provide pedestrian connections outside of gates at the emergency access drives.
28. Provide top of curb/walk and pavement/gutter grades to indicate height of curb.
29. Provide the standard Type 'M' approach at the 8 Mile Rd. intersection.
30. Add a note to the plan stating that the emergency access gate is to be installed and closed prior to the issuance of the first TCO in the subdivision.
31. Provide permanent hard surface pathways in place of the proposed woodchip pathways.

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

A handwritten signature in cursive script, reading "Jeremy Miller", is written over a horizontal line.

cc: Adam Wayne, Engineering  
Brian Coburn, Engineering  
Kirsten Mellem Community Development  
Becky Arold, Water & Sewer

LANDSCAPE REVIEW

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# PLAN REVIEW CENTER REPORT

April 1, 2016

## Revised RUD Conceptual Plan - Landscaping

### Covington Estates Residential Unit Development

#### Review Type

Conceptual Site Plan Landscape Review for revised RUD

#### Property Characteristics

- Site Location: East side of Dixon Road, north of 12 Mile Road
- Site Zoning: RA
- Adjacent Zoning: RA
- Plan Date: 3/31/2016

#### 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. Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance.

#### Summary

The revised conceptual plan is **recommended for approval**. It is mostly compliant with city landscape ordinances. While some additions and plan alterations are required for Preliminary Site Plan approval there are no significant problems with the layout that would prevent the proposed layout from achieving approval.

The plan has been revised to move the pathway down to the southern edge of the "arm", providing 85' of distance between the north property line and the path. The applicant has also proposed adding 170, 6' arborvitae along the northern edge of the property to screen the path and temporary emergency access lane. The latter was added at the request of the Planning Commission.

Based on a site visit, and aerial photos, as the applicant has indicated, the finished floor elevation of most of the homes to the north is below the level of the path so neither the path or emergency access way would be seen from the main floor of those houses. Still, people or vehicles using the passageway could be seen. It seems that a solid screening hedge is not necessary along the entire frontage, as there is a section in the middle with a lake and no homes. In place of an arborvitae hedge, which would be unnatural in appearance and would likely be heavily eaten by deer, I would recommend scattered, strategically placed groups of larger evergreen trees such as White spruce, Norway Spruce and White Pine to be placed within the open space along the 500' or of frontage to break up the view between the homes and the pathway to provide sufficient screening. This is just a recommendation, not a requirement to change from the plantings proposed.

No issues from the previous review were addressed in the revised plan submitted so they remain as needing to be addressed.

## EXISTING ELEMENTS

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

**Need to indicate whether utilities are overhead.**

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

1. Shown.
2. The trees to be removed have been shown clearly on Sheet 2.

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

1. **Revise the City of Novi Tree Protection Detail to show the fencing located at the Critical Root Zone (1 foot outside of dripline).**
2. **Tree fencing placed at 1' outside of the dripline needs to be shown on the removal and grading plans.**

## LANDSCAPING REQUIREMENTS

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

1. **Proposed berm needs to be a minimum of 4' tall and vary vertically and horizontally. Please add contour labels to grading shown and revise the berms if necessary.**
2. **Please provide calculations for all canopy/large evergreen trees and subcanopy trees required.**
3. **Please clearly label which plantings are intended to meet which requirement (greenbelt vs. street trees).**
4. Berm cross section detail has been provided.

Street Tree Requirements (Zoning Sec. 5.5.3.E.i.c and LDM 1.d.)

1. **Street tree calculations for interior street trees are incorrect. Please refer to the table on page 3 of the Landscape Design Manual for the correct number of trees and place the correct number of trees on the plan.**
2. **15 Deciduous canopy street trees are required for Eight Mile Road (1 tree per 35 feet of frontage). They should be located between the right of way line and the road. If any of those trees are not allowed per the Road Commission for Oakland County, a waiver can be sought for those trees, and will be supported by staff.**
3. **Relocate trees at street corners so they are no closer than 35' from the intersection of the street curb line intersection.**

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

Not applicable

Woodland Replacement Trees (Chapter 37 – Woodlands Protection Sec 37-8.)

**Indicate which proposed trees are woodland tree replacements with unique labeling.**

Storm Basin Landscape (Zoning Sec 5.5.3.E.iv and LDM 1.d.(3))

1. **Please add the ponds' high water lines to the plan and locate shrubs closer to the line.**
2. **No shrubs are proposed for the east side of the eastern pond. Please distribute shrubs around basin to cover 70-75% of the perimeter at the high water line.**
3. Seeding has been indicated for the ponds, and the seed mix details have been provided.

Transformer/Utility Box and Fire Hydrant Plantings (LDM 1.3 from 1-5, Zoning Sec 5.5.3.C.ii.d)

**No utility boxes or hydrants are shown. When utility boxes are added, please add the required screening landscaping.**

Trees near overhead utilities (LDM 3.e)

**Label/dimension the distance from overhead utilities near proposed trees. If no overhead utility lines exist, please indicate that with a note on the landscape plan.**

Landscape Tree Credit (LDM 3.b.(d))

**Not provided and not required, but applicant may want to see if they can benefit from provision.**

## **OTHER REQUIREMENTS**

Plant List (LDM 2.h. and t.)

1. Acceptable.
2. Cornus rubra should be Cornus florida f. Rubra.
3. **Please replace Acer platanoides with a different species from the Novi Street Tree list that isn't as invasive.** Possible substitutions are Celtis occidentalis, Liriodendron tulipifera, Quercus rubra, Gleditsia triacanthos, Valley Forge Elm, Ostrya virginiana, or Zelkova serrata.

Planting Notations and Details (LDM)

1. Most landscape notes meet City of Novi requirements.
2. **Please add the note stating that there should be a minimum of 1 cultivation in planted areas in June, July and August for the 2-year warranty period.**
3. **Please add "in writing" to General Note #7.**
4. **Please add note on the plan near the property lines stating that plant materials should not be planted within 4 feet of property line.**
5. **Specify color of mulch as "natural" in planting details.**

Cost estimates for Proposed Landscaping (LDM 2.t.)

1. Provided.
2. Please change unit values for mulch to \$35.00/cubic yard.
3. Mulch quantity should include required mulch for tree and shrub plantings and any other area where mulch will be the ground cover.

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

Irrigation plan for landscaped areas is required for Final Site Plan.

Proposed topography. 2' contour minimum (LDM 2.e.(1))

**Please label berm contours to verify height of berms.**

Snow Deposit (LDM.2.q.)

**Please note that snow cannot be piled in areas of emergency access routes.**

Corner Clearance (Zoning Sec 5.9)

Provided.

If the applicant has any questions concerning the above review or the process in general, please do not hesitate to contact me at 248.735.5621 or rmeader [rmeader@cityofnovi.org](mailto:rmeader@cityofnovi.org).



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Rick Meader – Landscape Architect

## FIRE REVIEW

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April 13, 2016

TO: Barbara McBeth- Deputy Director of Community Development  
Sri Komaragiri- Plan Review Center  
Christopher Gruba- Plan Review Center

**CITY COUNCIL**

**Mayor**  
Bob Gatt

**Mayor Pro Tem**  
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David E. Molloy

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

**Assistant Chief of Police**  
Erick W. Zinser

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

RE: Covington Estates

PSP#16-0032 (Formally PSP#15-0001)

**Project Description:** Residential unit development of 38 Homes on 48.85 acres.

**Comments:**

1. Emergency access must follow standards below.
2. Main entrance gate- Will provide further details concerning entrance gates, which follow city ordinances below.
3. Water mains and fire hydrants shall be installed prior to construction above the foundation.
4. Prior to construction above the foundation of all multi-residential buildings and single family dwellings, all roads are to be paved.
5. Prior to construction above the foundation of non-residential buildings, an all-weather access road capable of supporting 35 tons shall be provided.

**Recommendation:**

1. A secondary access driveway shall be a minimum of eighteen (20 feet in width and paved to provide all-weather access and shall be designed to support a vehicle of thirty-five (35) tons. **Listed on plans as "Grass Pavers"**. Minimum easement width for secondary access driveways shall be twenty-five (25) feet. A permanent "break-away" gate shall be provided at the secondary access driveway's intersection with the public roadway in accordance with Figure VIII-K of the Design and Construction Standards. To discourage non-emergency vehicles, emergency access roads shall be designated by signage as for emergency access only, shall

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

cityofnovi.org

be separated from the other roadways by mountable curbs, and shall utilize entrance radii designed to permit emergency vehicles while discouraging non-emergency traffic. (D.C.S. Sec 11-194 (a)(19))

2. Entrances to public and private roadways shall not have locked gates, cables or barricades that would impede fire apparatus response. (Fire Prevention Ord.)

Sincerely,

A handwritten signature in black ink, appearing to read 'KSP', with a long horizontal flourish extending to the right.

Kevin S. Pierce-Acting Fire Marshal  
City of Novi – Fire Dept.

cc: file

## CORRESPONDENCE

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**From:** [McBeth, Barb](#)  
**To:** [Mellem, Kirsten](#); [Miller, Jeremy](#); [Meader, Rick](#)  
**Subject:** FW: Covington access issue  
**Date:** Thursday, March 31, 2016 8:35:01 AM

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FYI.

**Barbara McBeth** | Deputy Director Community Development

City of Novi | 45175 W. Ten Mile Road | Novi, MI 48375 USA

t: 248.347.0587 c: 248.343.1237 f: 248.735.5633

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**From:** Gary Stevens [mailto:gstevens@rgpt.com]  
**Sent:** Wednesday, March 30, 2016 12:15 PM  
**To:** Carol Thurber  
**Cc:** David Stollman; [stevensga@gmail.com](mailto:stevensga@gmail.com); McBeth, Barb  
**Subject:** RE: Covington access issue

Carol, thank you for reaching out. Please feel free to forward this communicate to any concerned parties. Barb, please record this communicate into the record and distribute as you deem appropriate.

The plans I reviewed prior to purchasing my home, the approved plans, depicted nothing more than a pervious "nature trail" located in the "arm" that runs behind my property. The possibility of occasional walkers in this area is what I relied upon in terms of the City's approval of Ballantyne and Covington's plans. There was never any pavement planned for this area whatsoever. It was reliance on the City's planning and a zero vehicle plan for the "arm" that was one of the factors that led me to purchase my home last summer.

I think we have a mutual first choice and that is to obtain a temporary variance to waive this proposed emergency access until Ballantyne gets constructed, so that the access can go where it was planned and the pervious Nature Trail can be constructed as approved. Since both Singh and Biltmore have approved land plans, both of which use this approved access point, we (my neighbors and I) shouldn't be permanently inconvenienced and aggrieved because Singh no longer wishes to respect the land plan they brought forward and for which approvals were obtained. This variance makes the most sense from a planning p.o.v. and a cost perspective as well. Has the obtainment of this temporary variance been explored?

As a second choice, I think the grass pavers make sense if all of the following were included in the approval:

- That the pavers are designed or grooved in a way to minimize bike, skateboard, or other activities that normally use smooth pavement, like street hockey.
- That the border between the "arm" and abutting properties is landscaped with arborvitae

or similar to provide an opaque, vegetative buffer along properties that currently have no planted borders. These few properties, of which I am one, are truly the ones most affected by this proposed change in planning.

- When the approved access point (which connect directly to Chianti) is opened, the grass pavers can grow feral and would no longer pose a potential nuisance.

This is potentially a long term solution, otherwise a temporary variance would make the most sense. I feel this is fair given my reliance on the land plan that showed this access about 800 feet directly south. The plans I reviewed were agreed to by both developers and the City.

Thanks again for the courtesy of reaching out. Should you have any questions, please don't hesitate to contact me.

Gary Stevens  
216-408-4755

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**From:** Carol Thurber [<mailto:carol@fazalkhan.com>]  
**Sent:** Wednesday, March 30, 2016 11:10 AM  
**To:** Gary Stevens  
**Cc:** David Stollman  
**Subject:** RE: Covington access issue

Gary:

The emergency access drive is located along the southern property line of the "arm" that extends along the northernmost end of the Covington Site, approximately 85 feet from the north property line. After many conversations with the City, they will allow the 8 foot wide asphalt walking path, with 6 feet of grass pavers on each side of the asphalt path as the emergency access.

Below is a link to the GEOWEB system of grass pavers that will be used. This is consistent with the grass pavers that were designed for the Ballantyne development.

[http://www.prestogeo.com/load\\_support](http://www.prestogeo.com/load_support)

Thank you,

Carol P. Thurber, PE, CFM  
Fazal Khan & Associates, Inc.  
Cell: (586) 360-9046  
Fax: (586) 739-8007

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**From:** Gary Stevens [<mailto:gstevens@rgpt.com>]  
**Sent:** Monday, March 28, 2016 9:54 AM  
**To:** Carol Thurber <[carol@fazalkhan.com](mailto:carol@fazalkhan.com)>  
**Subject:** Covington access issue

Hi, Carole. We met briefly at Novi City Hall in connection with the above. My residence abuts the subject property.

Has the emergency drive been repositioned to its' previously approved location via easement with Singh?

Gary Stevens  
Director of Leasing  
Ramco-Gershenson Properties Trust  
Farmington Hills, MI  
Direct 248-592-6442  
Mobile 216-408-4755