CITY of NOVI CITY COUNCIL

Agenda ltem E<br>May 23, 2016

SUBJECT: Approval of a request from Mirage Development for a variance from: 1) Section 11256(b) of the Design and Construction Standards, which requires a pathway along the frontage of the development, and alternatively to allow the applicant to dedicate an internal pathway for public use; and, 2) Section 11-68 (a)(1) of the Design and Construction Standards, which requires water main to be extended along the road frontage abutting the proposed development, and alternatively to allow the water main through the site to serve the function with proposed water main on Nine Mile to serve the adjacent parcels, for the Montebello project (parcel 22-27-452-001) located on the north side of Nine Mile Road between Taft and Novi Roads.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division


CITY MANAGER APPROVAL:


## BACKGROUND INFORMATION:

The applicant, Mirage Development, is proposing to develop a 32 unit single family detached residential development on the north side of Nine Mile Road between Novi Road and Taft Road. The applicant is requesting two variances from the Design and Construction Standards for the project. The variance requests were reviewed by the Department of Public Services using the criteria in Section 11-10 of the ordinance.

The first variance is from Section 11-256(b) which requires the construction of a pathway along the Nine Mile Road frontage. Instead, the applicant is proposing a public pathway internal to the site utilizing the existing driveway and bridge for the existing home. The east and west ends of the pathway would be within the proposed right-of-way for Nine Mile Road for extension in the future. Staff is recommending approval of the variance because the applicant has demonstrated that the topography poses an exceptional difficulty in that many high quality trees would need to be removed to facilitate the necessary grading to make the proposed pathway compliant with the Americans with Disabilities Act. Further the alternative proposed by the applicant provides the same function and performance as required by the ordinance. The applicant has provided reports on the condition of the existing pavement and bridge and has agreed to mill and overlay the existing driveway. Staff is still working with the applicant regarding the bridge to better understand its condition and whether it can remain or be replaced as part of the site development.

The second variance is from Section 11-68(a)(1) which requires water main to be extended along the Nine Mile frontage of the proposed development. Instead, the applicant is requesting the construction of the 12 -inch water main along the proposed street within the development with water main within the proposed right-of-way at the east and west end of the development. In order to serve the properties on the south side
of Nine Mile Road with water main, the developer is proposing two dead end 8 -inch water mains extending from the west and the east, respectively. Staff is recommending approval of the variance because the applicant has demonstrated that the topography and number of trees poses an exceptional difficulty and that the performance of the proposed altemative will be as intended by the ordinance.

The City Attomey's office has provided separate correspondence which is included in the packet along with the application package from the applicant.

RECOMMENDED ACTION: Approval of a request from Mirage Development for a variance from:

1) Section 11-256(b) of the Design and Construction Standards, which requires a pathway along the frontage of the development, and altematively to allow the applicant to dedicate an intemal pathway for public use; and, 2) Section 11-68 (a)(1) of the Design and Construction Standards, which requires water main to be extended along the road frontage abutting the proposed development, and altematively to allow the water main through the site to serve the function with proposed water main on Nine Mile to serve the adja cent parcels, for the Montebello project (parcel 22-27-452-001) located on the north side of Nine Mile Road between Taft and Novi Roads.

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| Mayor Gatt |  |  |  |  |
| Mayor Pro Tem Staudt |  |  |  |  |
| Council Member Burke |  |  |  |  |
| Council Member Casey |  |  |  |  |


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| Council Member Markham |  |  |  |  |
| Council Member Mutch |  |  |  |  |
| Council Member Wrobel |  |  |  |  |

## Location



Nine Mile Rd



## Map Author: Sri Komaragiri

Map Author:
Date: 01/04/16
Date: 01/04 16
Project:ISP 15-76 Montebello Estates Version \#: 1


1 inch $=250$ 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. Bounoary 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 1970 as amended. Please contact the City GIS Manager to

Sec. 11-68. - Design considerations.
(a) General requirements.
(1) Generally, the distribution system in all developments requiring more than eight hundred (800) feet of water main shall have a minimum of two (2) connections to a source of supply and shall be a looped system. Exceptions will be made in those instances when a second connection is not available, or it is not otherwise possible to provide a looped system, provided the system is designed to accommodate a second connection when made available. The ability to serve at least two thousand $(2,000)$ gallons per minute in single-family detached residential; three thousand $(3,000)$ gallons per minute in apartment, cluster residential and similar complexes, institutional and school areas; and at least four thousand $(4,000)$ gallons per minute in office, industrial and shopping centers is essential.

Sec. 11-256. - Requirement.
(a) This article establishes requirements for the design and construction of off-road non-motorized facilities within the street right-of-way of platted subdivisions, the arterial and collector street system, roads in unplatted residential areas and private roads in other unplatted areas within the city. Offroad non-motorized facilities include sidewalks, bicycle paths and regional trails.
(b)

If the project entails the construction of an individual single family residential structure, the property owner/builder may request an administrative variance from this requirement. An administrative variance request shall be reviewed using the standards in subsection 11-10(b). If the subject property is located such that no other pathways exist within three hundred (300) feet on the same side of the street, the property owners/builder shall have the option to pay the city the current construction cost of the sidewalk, as approved by the city engineer, to be used by the city for construction of pathway segments elsewhere in the city. The city engineer may require the property owner to submit a pathway easement, in a location to be determined by the city engineer, for future construction, operation and maintenance of a pathway across the property by the city.

## Sec. 11-10. Variances.

(a) Upon application, a specific variance to a substantive requirement of these standards may be granted, subject to the following criteria. Where the proposed activity requires site plan or plat approval, or otherwise involves the design or construction of a facility intended to be public, the variance application shall be to the city council. Where the proposed activity does not otherwise require site plan or plat approval, the variance application shall be to the construction board of appeals.
(b) A variance may be granted when all of the following conditions are satisfied:
(1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
(2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
(3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.
(c) The city council may, by resolution, establish an application fee for requests for variances from these standards.
(Ord. No. 86-124, § 16.01, 4-21-86; Ord. No. 87-124.01, Pt. I (16.01), 4-13-87; Ord. No. 91-124.05, Pt. I, 6-3-91; Ord.
No. 93-124.06, Pt. V, 2-1-93; Ord. No. 99-124.11, Pt. III, 7-26-99)

JOHNSON ROSATI SCHULTZ JOPPICH PC
27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

May 16, 2016
Brian Coburn, Engineering Manager
City of Novi
Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

## Re: Montebello Site Condominium Development

Variance from Design and Construction Standards
Dear Mr. Coburn:
Our office has reviewed the proposed request for two variances from the City's Design and Construction Standards:

First, the property owner has requested a waiver from Section 11-68 (a)(1) of the City of Novi Code, which states in relevant part:
(a) General requirements.
(1) Generally, the distribution system in all developments requiring more than eight hundred (800) feet of water main shall have a minimum of two (2) connections to a source of supply and shall be a looped system. Exceptions will be made in those instances when a second connection is not available, or it is not otherwise possible to provide a looped system, provided the system is designed to accommodate a second connection when made available. The ability to serve at least two thousand $(2,000)$ gallons per minute in single-family detached residential; three thousand $(3,000)$ gallons per minute in apartment, cluster residential and similar complexes, institutional and school areas; and at least four thousand $(4,000)$ gallons per minute in office, industrial and shopping centers is essential. Water mains are required to be extended along all road frontages abutting the proposed development at the direction of the city in accordance with the City of Novi Master Plan current edition for water main construction.

The Second variance is requested from Section 11-256(b), which states:
Non-motorized facilities shall be placed across the frontage of all streets and roadways (public or private) for all projects in accordance with the "Bicycle and Pedestrian Master Plan," as well as at those locations specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance. If the project entails the construction of an individual single family residential structure, the property owner/builder may request an administrative variance from this requirement. An administrative variance request shall be reviewed using the standards in subsection 11-10(b). If the subject property is located such that no other pathways exist within three hundred (300) feet on the same side of the street, the property owners/builder shall have the option to pay the city the current construction cost of the sidewalk, as approved by the city engineer, to be used by the city for construction of pathway segments elsewhere in the city. The city engineer may require the property owner to submit a pathway easement, in a location to be determined by the city engineer, for future construction, operation and maintenance of a pathway across the property by the city.

Section 11-10 of the Ordinance Code permits the City Council to grant a variance from the Design and Construction Standards when a property owner shows all of the following:
(b) A variance may be granted when all of the following conditions are satisfied:
(1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
(2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
(3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

The applicant indicates with respect to the variance from the requirement to provide water main across the road frontage abutting the development, that the topography of the property and trees along the frontage of the parcel presents a practical difficulty to the installation of the water main. The applicant will alternatively provide a 12 -inch water main along the proposed street within the development with water main within the proposed right-of-way at the east and west end of the development. The applicant is proposing dead end 8 -inch water mains extending from the west and the east of the development along Nine Mile order to serve the properties on the south side of Nine Mile.

With respect to the variance for the non-motorized facilities across the frontage of the project, the applicant has indicated that the topography and existing trees along the frontage also provide a practical difficulty for the installation of sidewalk, similar to the difficulty created for the installation for water main. Alternatively, the applicant will provide
a public easement over an internal sidewalk through the development and will bring it into compliance with the required design standards for non-motorized facilities.

Subject to the applicant providing the necessary pathway and water system easements in the alternate proposed locations, and the Engineering Division and the Public Safety Department reviewing and approving the proposed plans from a public health, safety and welfare perspective, in the event that City Council finds that the standards for a variance or waiver have been met, our office sees no legal impediment to granting the variances.

If you have any questions regarding the above, please call me.

## EKS



Enclosures
C: Maryanne Cornelius, Clerk (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Matt Wiktorowski, Field Operations (w/Enclosures)
Kirsten Mellem, Planner (w/Enclosures)
Rick Meader, Landscape Architect (w/Enclosures)
Jeff Johnson, Fire Department (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)





NORTH SIDE OF NINE MILE ROAD



NORTH SIDE OF NINE MLE ROAD
FACING EAST


NORTH SIDE OF NINE MLE ROAD
FACING EAST

NORTH SIDE OF NINE MLE ROAD
$\underset{\text { FACING EAST }}{\text { NORTE }}$


NORTH SIDE OF NINE MLE ROAD
FACING EAST



# SEIBER KEAST ENGINEERING, LLC <br> ENGINEERING CONSULTANTS 

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Patrick G. Keast, P.E. Northville, MI 48167-1594
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E-Mail: cs@seibereng.com
Jason Emerine, P.E.
May 12, 2016
Jeremy J. Miller, E.I.T.
Staff Engineer
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

## Re: Montebello Estates <br> Novi Project Number JSP 15-76 <br> Variance Response Letter

## Dear Jeremy:

In accordance with our meeting on May 9, 2016, regarding the two variance requests for Montebello Estates, the following comments are offered for your consideration.

## Water Main Variance Request

Per your request, the easterly water main has been extended westerly to provide 40 -feet of water main frontage to the adjacent parcel located on the south side of Nine Mile Road.

## Nine Mile Road Sidewalk Variance Request

1. The portion of the sidewalk that crosses Montebello Court on an angle has been revised to a 90 -degree crossing as discussed.
2. A note has been added to sheet 1 indicating that $1-1 / 2^{\prime \prime}$ of asphalt will be milled from the walkway and a new 1-1/2" layer of asphalt overlaid on the pathway. It should be noted that this work will be provided in the case that the path would be maintained by the City of Novi. Such work would not be provided if maintained by the HOA.
3. The proposed Alternate 1 Pathway (interior route) will provide access to the parcels located on the south side of Nine Mile Road with varying distances. Parcels numbered 201-040, 201-041, 226-016, 226-021, lot 139 and lot 140 will have direct frontage to the proposed pathway. Parcel number 201-039 will be 40 feet from the pathway while parcel 201-024 will be 130 feet away. Two other parcels numbered 201-028 and 201-029, will be 130 and 350 feet from the pathway, respectively.

Out of 10 parcels located on the south side of Nine Mile Road, 6 will have direct frontage on the proposed pathway, while 3 will be located 130 feet or less to the pathway. Only
parcel 201-029 will be farther at a distance of 350 feet. The construction of the Alternate 1 pathway will provide greatly improved pathway access for these parcel owners.
4. Attached is the structural information for the footbridge. The bridge had been used for vehicle traffic by the previous land owner and will provide sufficient structural capability to support pedestrian and bicycle traffic as well as maintenance vehicles. This bridge contains a width of 14 feet.

Also, please see the attached letter from Mirage Development, LLC regarding the easterly sidewalk location.

Two sets of revised plans are enclosed for you review. Please place this matter on the May 23, 2016, City Council agenda for consideration.

Sincerely,

## SEIBER KEAST ENGINEERING, LLC



Clif Seiber, P.E.
Cc: Claudio Rossi, Mirage Development, LLC

# Mirage <br> Development, L.L.C. <br> 45380 W TMMMLE SUTE 135 <br> NOVI, MI4 48375 <br> OFFCE (248) 349-0582 /FAX (248) 349-0598 

Brian Cobum, PE. I Engineering Senior Manager
Deparment of Public Services I Cily of Novi
Field Services Complex $\mid 26300$ Lee BeGole Drive | Novi, M| 48375

May 12,2016

## Re: Monlebello

Brian,
Based on our meeting this past Monday Mrage Development is agreeing to extend the remaining section of sidewalk along 9 Mile Rd. (approxmately 300 ) at the east end of the proposed Montebello project This fe being done in lieu of the request to pay into the Novi fund for sidewaks.

However, due to the significant topographical issues, exting trees, and wetlands in this area, we are propasing a 6' wide sidewalk be integrated with the existing curb line along 9 Mile Rd. This will minimze the mpact to the existing trees as well as not require any fill within the welland areas. If the sidewalk were to be proposed futher back and at 8 ' wide, significant fills would be required to bring the proposed sidewalk upto acceptable grave standards and the areas to the north of the sidewalk would require the same fills to maintain no more tan the required $25 \%$ slope.

By propasing a 6 ' wide sidewalk integrated with the cubl and with reverse pitch, this would allow the existing grade to be more closelymatched and also permit the natural tow into the depressed areas to reman as it cumentyis. It would allow the natural environment in this area to generally remain intact.

This methd has been permited in the past due to extenuating circumstances. Just on 9 Mile Rd, as an axampte, east of the proposed Montebello project on the south side of 9 Mile Rd. and west of the Chelsea Knoll communty. an exisiting $5^{\prime}$ wide city sidewalk is approximately 1 ' of back of curb. Nso on the north side of 9 Mile Rabebween Tall and Beck roads and just east of the Royal Crown Estates subdivision, there is approximately 450 lmeal feetof city sidewalk also at 5 wide, that has been integrated with the 9 Mile Rd. curb. It is also important to note that the posted speed limitalong g wile Rd. is 30 mph .

I hope that you will look at our case and agree that there are some extenuating circumstances that make gense for the proposed Montebello sidewalk at the east end to be integrated with the 9 Mile Rd. curb so as to mimimina the impacis to the natural environement.

In regards to the intemal sidewalk just north of the Thonton Creek, which will tie into the proposed 9 Mile Rd. sidewalk. Mirage Development agrees to dedicate a public easement to the City of Nov for the use of the sidewalk. Mirage Development also agrees to have language in the Montebello Master Deed which reterences this sidewalk and that the Montebello HOA shall be responsible for the maintenance of this sidewalk.

Please feel free to conact me with any questions or concems you may have.
Sincerely


By. Claudio Rossi.
Its: Member

Testing Engineers \& Consultants, Inc.
1343 Rochester Road • PO Box 249 • Troy, Michigan 48099-0249
(248) 588-6200 or (313) T-E-S-T-I-N-G

Fax (248) 588-6232

## GROUND PENETRATING RADAR FIELD DAILY REPORT

PROJECT: GPR Testing of Bridge Deck
LOCATION: 44000 Nine Mile Road Novi, Michigan

CLIENT: Mirage Development LLC c/o Seiber Keast Engineering
100 Main Centre
Suite 10
Northville, Michigan 48167-1594

TEC REPORT NUMBER: 55986-001 EGPR
OBSERVATION DATE: August 25, 2015

WEATHER: Partly Cloudy $62^{\circ} \mathrm{F}-68^{\circ} \mathrm{F}$

## BRIEF RESUME OF WORK ACCOMPLISHED ON THIS DATE

Testing Engineers \& Consultants, Inc. (TEC) arrived on site as scheduled to perform Ground Penetrating Radar (GPR) scanning of concrete bridge located at 44000 Nine Mile Road, Novi, MI.

The property owner showed TEC where the bridge was located near the south east portion of the property. The dimensions of the bridge were approximately $14^{\prime}$ wide and $8.5^{\prime \prime}$ thick measured at edge. Excluding the curbs at the ends of the bridge, TEC estimates the bridge to be $6.5^{\prime \prime}$ thick. TEC chose a test area of approximately $5^{\prime} \times 5^{\prime}$ to represent the typical conditions of the bridge deck.

TEC used a 2000 MHz GPR antenna to scan from the top surface of the bridge to detect reinforcement pattern, size and depth. Reinforcement grid was located with a spacing of 9 " O.C for bars running north and south. Bars running east to west had an O.C. spacing range from $16^{\prime \prime}$ to $24^{\prime \prime}$. Depths of these bars were determined to be at $2-1 / 2^{\prime \prime}$ to $3^{\prime \prime}$ below the surface of the concrete. Sizes of these bars were estimated to be a \#5 or $5 / 8^{\prime \prime}$ in diameter.

Please find attached field drawing of located reinforcing steel.

Prepared by: Jordan E. Ramos/ip
Reviewed by: Justin A. Ramos

[^0]Testing Engineers \& Consultants, Inc.
Mirage Development LLC
c/o Seiber Keast Engineering
GPR Testing of Bridge Deck
44000 Nine Mile Road
August 25, 2015

TEC Report Number: 55986-001 EGPR



[^0]:    cc: Cliff Seiber - Seiber Keast Engineering (cs@seibereng.com)

