CITY OF NOVI CITY COUNCIL NOVEMBER 14, 2022



SUBJECT:

Approval of the request of Sakura Novi Land Development LLC for the Second Addendum to the PRO Agreement. The subject property is zoned TC-1 with a Planned Rezoning Overlay (PRO), which conditions development to the terms of a PRO Plan and Agreement. The addendum would amend the amount of wetland mitigation required from 2.41 acres to 1.88 acres based on the revised determination of wetland impact.

SUBMITTING DEPARTMENT: Community Development Department - Planning

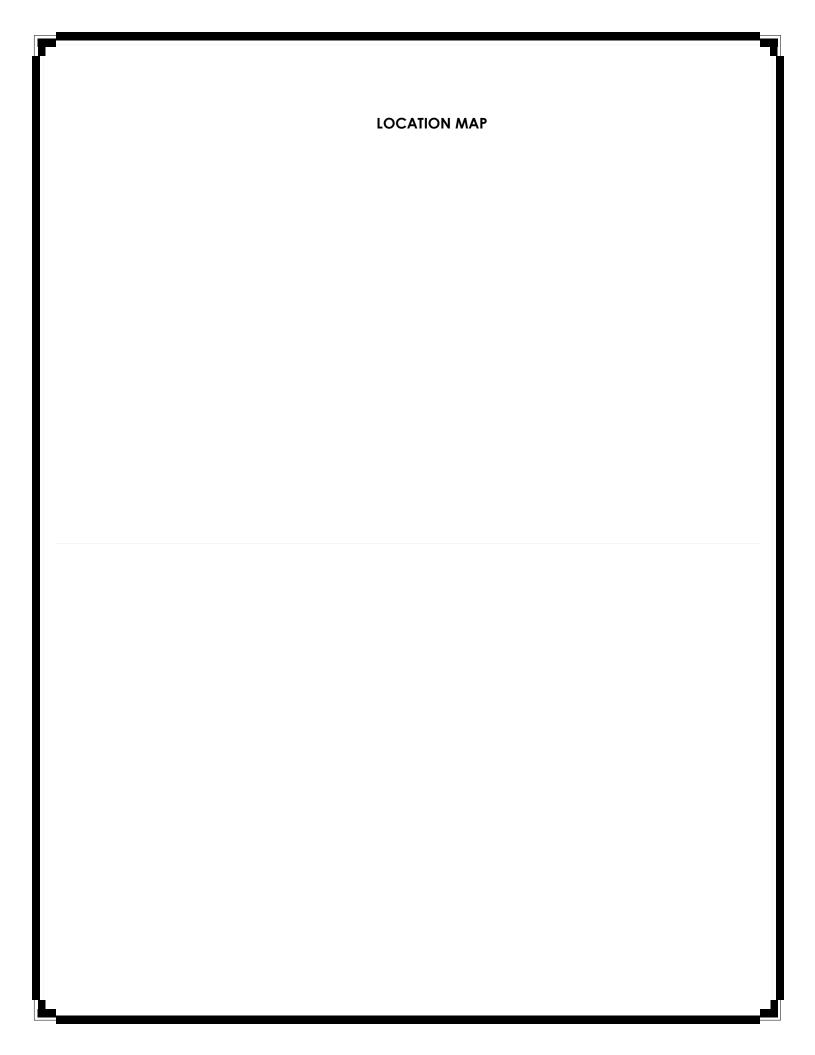
BACKGROUND INFORMATION:

The applicant requests a minor amendment of the PRO Agreement as it relates to wetland mitigation. The PRO Agreement lists specific conditions for allowing the deviation to purchase wetland mitigation credits in an EGLE-approved bank rather than constructing mitigation within the City. These conditions were based on the understanding of the wetland impacts in January 2020, which was a total impact area of 1.657 acres and required mitigation of 2.41 acres.

Since that time, the size of the wetland area was determined by EGLE to be smaller than initially surveyed during the PRO process. In particular, Wetland 4, which was initially 0.9 acres, was determined by EGLE to be 0.55 acres. Therefore, rather than an overall wetland mitigation requirement of 2.41 acres, only 1.88 acres would be required under the City's mitigation calculations. The reduction of required wetland mitigation does not materially impact the layout of the site. Administrative staff has no objection to issuing the Second Addendum to the PRO Agreement to acknowledge this minor change.

As of September 28, 2022, the applicant has purchased 1.88 acres of forested wetland from the River Raisin Watershed Wetland Mitigation Bank, which is in the Ann Arbor End Moraines region. If the proposed addendum to the PRO Agreement is approved, the Wetland Permit would be able to be issued in order to begin the brownfield cleanup and mass grading of the site, assuming the plans otherwise meet the City's requirements.

RECOMMENDED ACTION: Approval of the Second Addendum to the Sakura Novi PRO Agreement, JZ19-31, to amend the amount of wetland mitigation required from 2.41 acres to 1.88 acres based on the revised determination of wetland impact, with 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 addendum. This motion is made because the change does not materially affect the PRO Agreement.



SAKURA NOVI: JSP22-09 LOCATION





LEGEND



Subject Property



City of Novi

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

Map Author: Lindsay Bell Date: 7/8/22 Project: SAKURA NOVI JSP22-09 Version #: 1

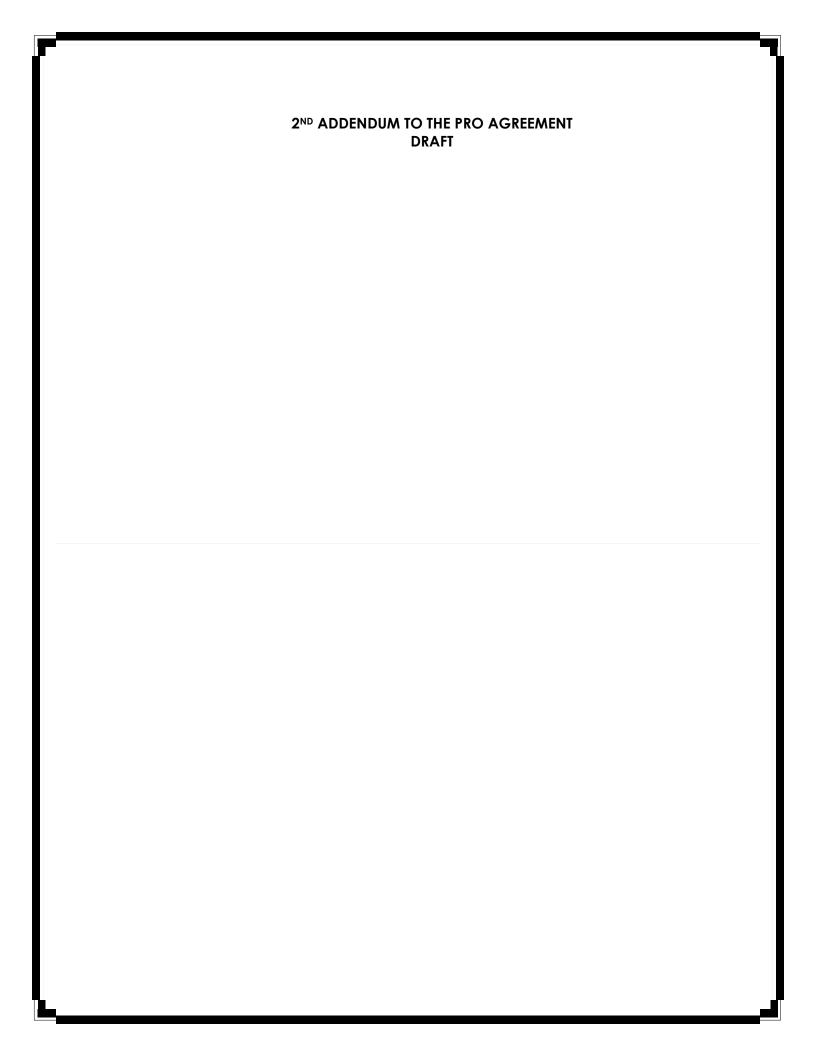
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1 inch = 375 feet

MAP INTERPRETATION NOTICE

of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



SECOND ADDENDUM TO PLANNED REZONING OVERLAY (PRO) AGREEMENT SAKURA NOVI

This Addendum to Planned Rezoning Overlay (PRO) Agreement ("Agreement") by and between SAKURA NOVI, LLC, a Michigan limited liability company, whose address is 350 North Old Woodward Ave, Ste 350, Birmingham, MI 48009 (referred to as "Developer"); ECCO TOOL CO., INC., 42525 W. Eleven Mile Rd., Novi, MI 48375 ("ECCO"); and the CITY OF NOVI, 45175 Ten Mile Road, Novi, MI 48375-3024 ("City").

RECITATIONS

	I.	The Applicant and	the City 6	entered into	a PRO Agreei	ment effec	tive September	⁻ 28,
2021,	which is	recorded at Liber	56783, P	age 631, O	akland County	Records,	and an Adden	dum
to suc	h Agreer	ment dated		and record	ed at Liber	_, Page	, Oakland Co	unty
Recor	ds.							

- II. The PRO Agreement includes a "deviation" at Section 2.aa.ii that allows mitigation of certain wetland impacts contingent upon (among other things) Developer purchasing 2.41 acres of credit within a single wetland mitigation bank.
- III. The Michigan Department of Environment Great Lakes and Energy (EGLE) has revised the delineation of one of the affected wetland boundaries, which has the effect of reducing the size of the overall wetland impact. The City's wetlands consultant agrees with the revised delineation by EGLE. The revision would bring the typical mitigation requirement to 1.88 acres.
- IV. Developer has requested an amendment to the PRO Agreement to reduce the mitigation requirement from 2.41 acres to 1.88 acres.
- V. Because the changes do not have a substantive impact on and would be consistent with typical mitigation requirements, the City agrees to Amend the PRO Agreement to reflect the changes.

NOW, THEREFORE, based upon the foregoing, the parties agree as follows:

- 1. Section 2, "Authorized Deviations," of the PRO Agreement, subsection 2.aa.ii, is hereby amended to read in full as follows:
 - ii. 1.88 acres of wetland mitigation shall be purchased in a single wetland mitigation bank.

approved.	
	DEVELOPER
	SAKURA NOVI, LLC, a Michigan limited liability company
	By: Its:
STATE OF MICHIGAN)) ss	
COUNTY OF OAKLAND)	
On this day of who states that he has signed this docume Developer.	, 2022, before me appeared nt of his own free will duly authorized on behalf of the
	Notary Public
	County, Michigan Acting in County, Michigan
	My Commission Expires:

[SIGNATURES CONTINUED ON NEXT PAGE]

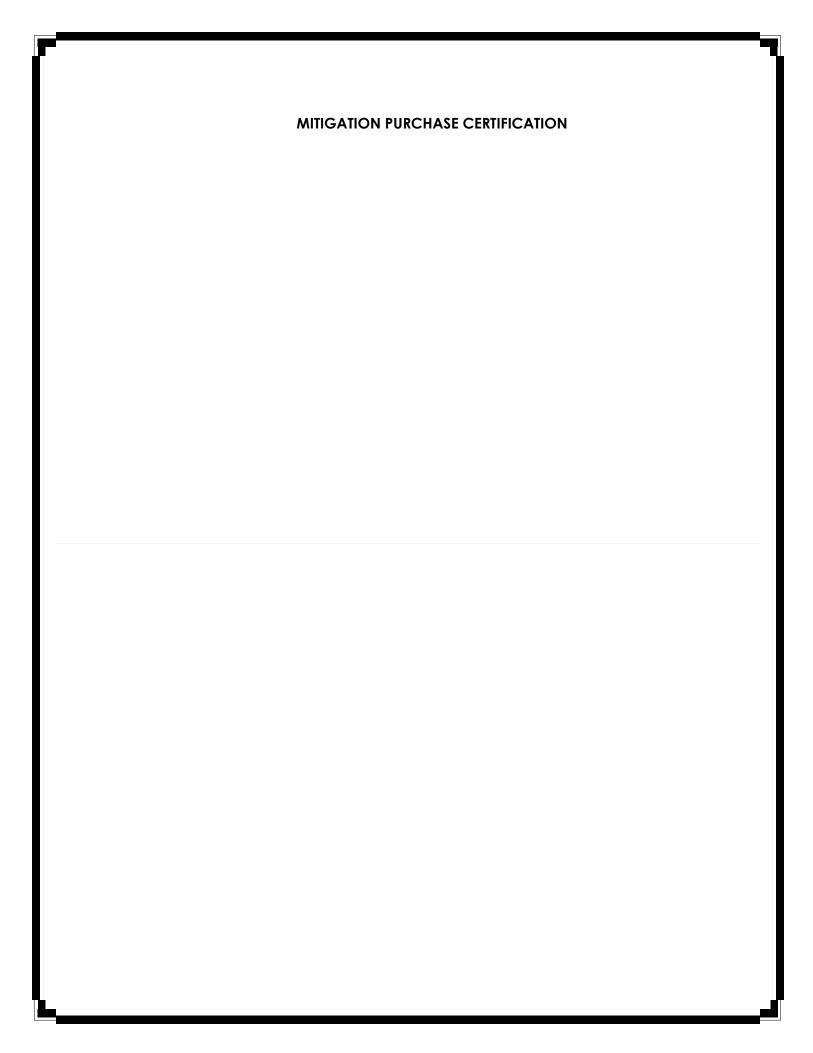
2. Except as otherwise provided in paragraph 1, the terms and provisions of the PRO Agreement are complete and unchanged and shall remain in full force and effect as initially

${\tt ECCO\ TOOL\ CO.,\ INC}$

	By: Its:
STATE OF MICHIGAN)	
) ss	
COUNTY OF OAKLAND)	
	, 2022, before me appeared, document of his own free will duly authorized on behalf of the
	Notary Public
	County, Michigan
	Acting in County, Michigan
	My Commission Expires:

CITY OF NOVI

	By:	Robert J. Gatt, Mayor
	By:	Cortney Hanson, Clerk
	•	, .
STATE OF MICHIGAN) ss		
COUNTY OF OAKLAND)		
On this day of Cortney Hanson, who stated that they h of the City of Novi in their respective off	nad signed this do	
	Acting in	c _ County, Michigan County, Michigan sion Expires:
Drafted by:		
Thomas R. Schultz Johnson, Rosati, Schultz & Joppich 27555 Executive Drive, Suite 250 Farmington Hills, MI 48331-3550		
When recorded return to: Cortney Hanson, Clerk City of Novi 45175 Ten Mile Road Novi, MI 48375-3024		





9436 Maltby Road Brighton, MI 48116 810.225.0539 office 810.225.0653 fax www.niswander-env.com

September 28, 2022

Mr. Michael Pennington **EGLE** 525 West Allegan St. Constitution Hall 4th Floor Lansing, MI 48933

Subject: NE1449-15 River Raisin Watershed Wetland Mitigation Bank EGLE permit: WRP025330 v.1 (63-42525 W. 11 Mile Road-Novi) 1.88 acres Credits Sold - Tracking Ledger and Sales Ledger

Dear Mr. Pennington:

On behalf of River Raisin Watershed Wetland Mitigation Bank (Haley Farm, LLC), Niswander Environmental is pleased to submit this letter.

This letter certifies that Sakura Novi, LLC has purchased a total of 1.88 acres of forested wetland credits from the River Raisin Watershed Wetland Mitigation Bank to partially meet the permit requirements of EGLE Permit: WRP025330 v.1 (63-42525 W. 11 Mile Road-Novi), which required the purchase of 0.53 acres of emergent and 0.30 acres of scrub-shrub wetland from the River Raisin Watershed Wetland Mitigation Bank. The additional purchase of 1.05 acres of forested wetland credits was to meet the City of Novi local wetland mitigation requirements.

A copy of the River Raisin Watershed Wetland Mitigation Bank Credit Tracking Ledger and Sales Ledger are attached.

Please feel free to contact me at 810-986-0218 if there are any questions or concerns. I look forward to our continued work with you on this project.

Sincerely,

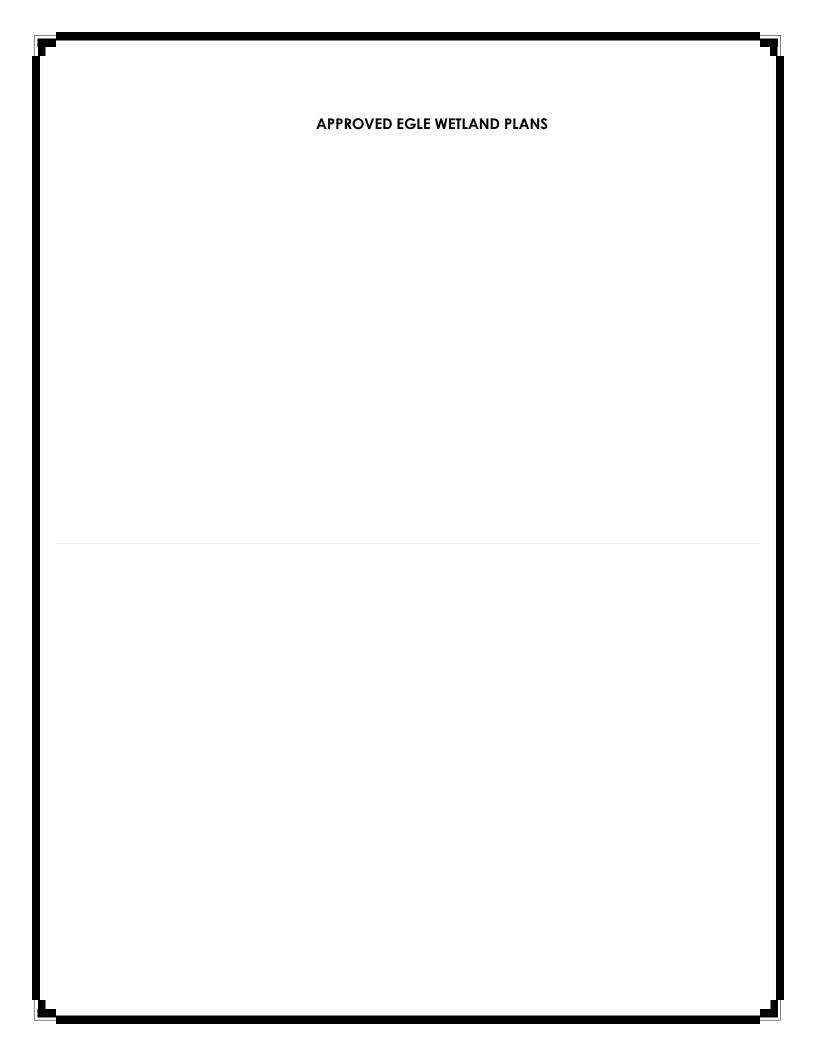
Steven 7. Mowander Steven Niswander, Ph.D.

Professional Wetland Scientist #1276

Attachments: River Raisin Watershed Wetland Mitigation Bank Credit Tracking Ledger and Sales Ledger

Susan Tepatti, EGLE, e-copy without attachment cc: Andrew Hartz, EGLE, e-copy without attachment Chris Kunkle, Atwell, e-copy without attachment

Tim Loughrin, Robertson Homes, e-copy without attachment



1 of 6

PROJECT DEVELOPER

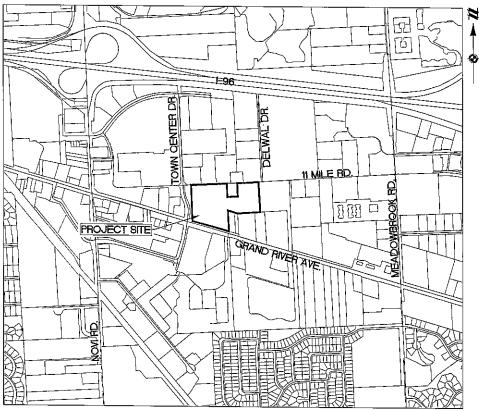
R.B. AIKENS & ASSOCIATES, LLC 350 N. OLD WOODWARD, STE, 300 BIRMINGHAM, MICHIGAN 48009 CONTACT: SCOTT AIKENS

PROJECT CONSULTANTS

TWO TOWNE SQUARE, SUITE 700 SOUTHFIELD, MI 48076 PHONE: 248.447.2000 FAX: 248.447.2001 ATIN: BOURKE THOMAS

SAKURA WAY

CITY OF NOVI OAKLAND COUNTY, MICHIGAN EGLE IMPACT PLAN



SITE VICINITY MAP

SCALE: 1" = 500"

VERTICAL DATUM

ELEVATIONS ARE BASED ON THE NAVD 88

BASIS OF BEARING

STATE PLANE, MICHIGAN SOUTH, NAD 83 BASED UPON GPS OBSERVATIONS ALONG WITH SOLUTIONS PROVIDED BY O.P.U.S.



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AUGUST 12, 2020 REVISIONS/SUBJUTTALS

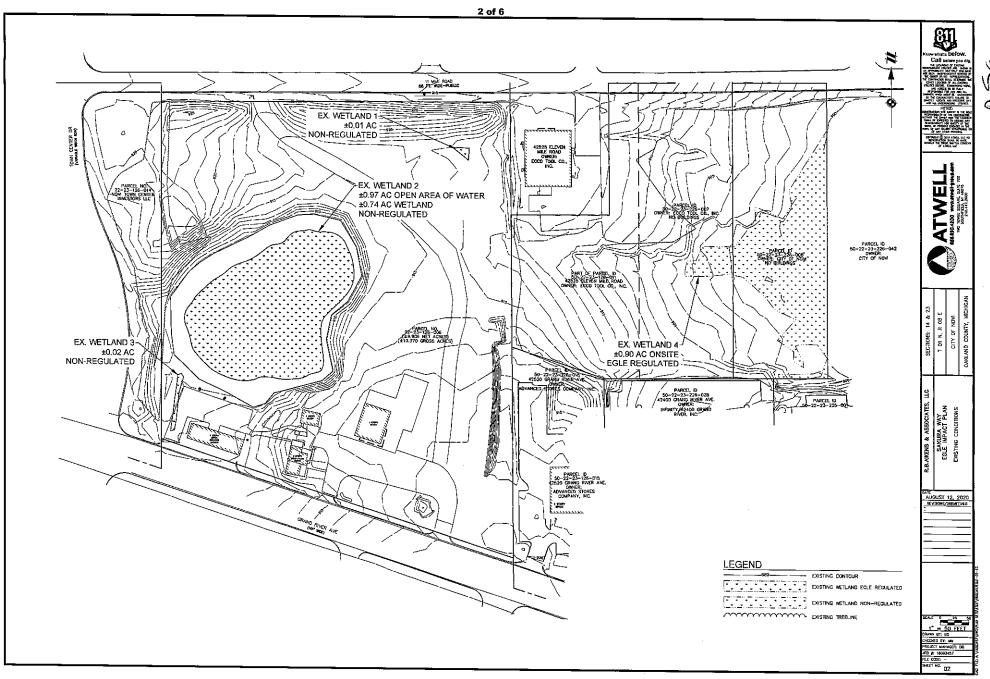
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SHEET INDEX SHEET TITLE EXISTING CONDITIONS
PROPOSED IMPACTS PROFILE VIEWS 05 BMP & CONSTRUCTION DETAILS SESC NOTES

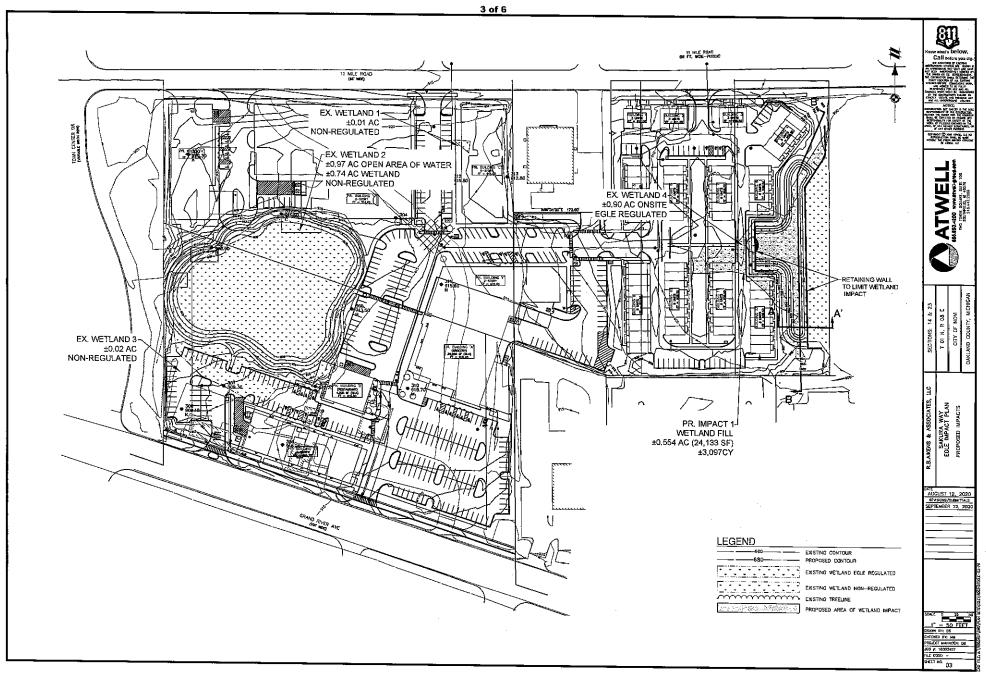
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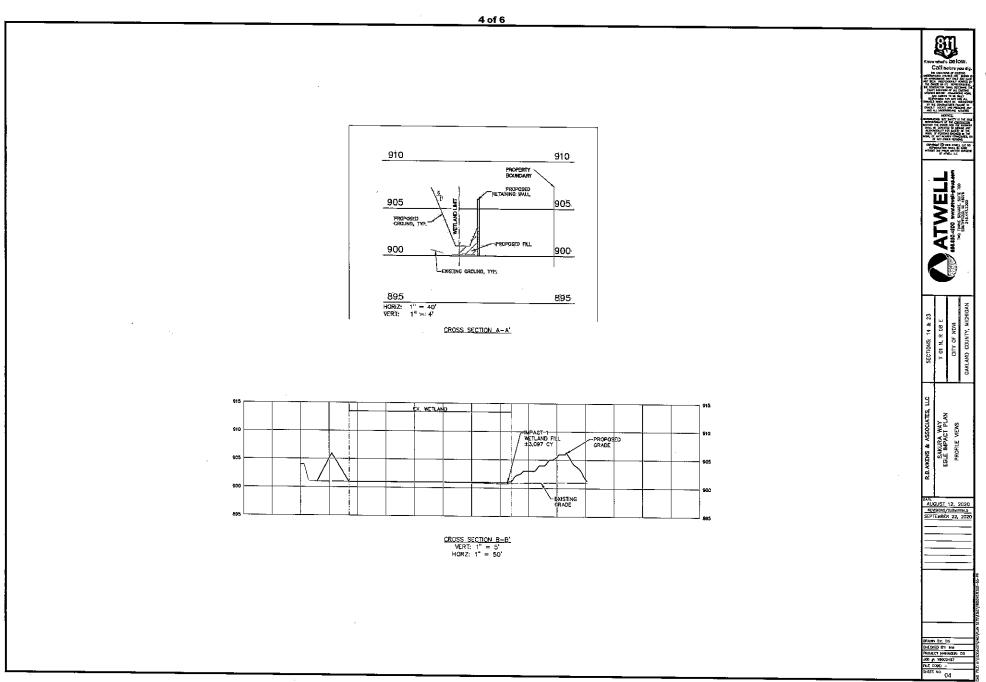
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EGLE-WRD WRP025330 v1.0 Approved Issued On:10/21/2022 Expires On:10/21/2027



EGLE-WRD WRP025330 v1.0 Approved Issued On:10/21/2022 Expires On:10/21/2027



EGLE-WRD WRP025330 v1.0 Approved Issued On:10/21/2022 Expires On:10/21/2027

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LOCAL AND STATE CONDITIONS AND CLARIFICATIONS:

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CONSTRUCTION DEWATERING PLAN

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7. PROPOSED BMPS AND WATER TREATMENT

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SAKURA WAY EGLE IMPACT PLAN & CONSTRUCTION DETAIL

AUGUST 12, 2020

ROJECT MANAGER, D

BMP

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