

CITY OF NOVI CITY COUNCIL
SEPTEMBER 23, 2019

SUBJECT: Consideration of approval of the request of Cambridge of Novi, LLC for the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan, JSP 17-52, Terra, formerly known as Villa D'Este, associated with Zoning Map Amendment 18.718. The applicant proposed a 41-unit single-family ranch housing development on approximately 30.14 acres on the north side of Nine Mile Road, east of Napier Road. The current amendment is requested to allow greater flexibility for construction of individual homes, to allow alternate pavement material for sidewalks and driveways, and for other minor changes.

SUBMITTING DEPARTMENT: Community Development, Planning Division

BACKGROUND INFORMATION :

The subject property is part of a Planned Rezoning Overlay request for Terra development, which was approved by City Council at their September 24, 2018 meeting. The plan proposed a 41-unit single-family ranch style development. The subject property is approximately 30.14-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The proposed community is gated. The current amendment is required as the applicant is seeking some additional deviations for building elements to allow greater flexibility for construction of individual homes, alternate pavement material for sidewalks and driveways and other minor changes.

The applicant has recently started working on design alternatives for the homes. They are considering Prairie architectural style that uses low sloped roof pitches, horizontal architecture, integrated planter bases and larger overhangs. As part of the process, the applicant realized that some of the design elements may not conform to certain Ordinance requirements. The purpose of this amendment is to identify those deviations and request to include them in the approved Planned Rezoning Overlay agreement.

The current amendment is not proposing any changes to the Layout, Storm water management, Wetland impacts, Traffic and Landscape. The plan is subject to the previous approvals. **The applicant is requesting just the deviations/updates listed below with this amendment. More detailed comments are provided in the Planning review letter.**

1. **Exposed aggregate on driveways and sidewalks:** The current plan proposes to use exposed aggregate as surface material for the residential driveways and the

sidewalks within the development boundaries. The private road network Villa Drive and Villa Court are still proposed in Asphalt.

2. **Overhangs:** The applicant is proposing Prairie architectural style that uses low sloped roof pitches, horizontal architecture, integrated planter bases and larger overhangs. The applicant states that the overhangs are critical to the style and architecture. As noted in Sec. 3.32.8 of our Zoning Ordinance, a maximum projection of 15 inches is allowed into side yard with currently approved side yard setback of 7.5 feet. The applicant is proposing 36 inches of projection or more with the proposed overhangs in order to maintain a minimum of 9 feet distance between fascias. Staff recommends approval of this deviation subject to our Façade consultant's determination that the proposed building match the Prairie style architectures at the time of building permit review.
3. **Wing Wall/Planter Boxes (attached and detached):** The applicant is also proposing wing walls that could be attached or detached. This would refer to a single straight wall. It is not an enclosure of any sort. Based on the exhibit provided, a maximum of 4.5 feet projection is proposed to occur anywhere in the front and side yards. Staff recommends that this could be a condition in the PRO agreement, provided the proposed walls are compatible with the building design and Prairie style architectural style as determined by the City's Façade Consultant.
4. **Additional tree removal from the accessory unit boundary:** Per the approved PRO agreement, any accessory uses including but not limited to, fire pits, fire places, hot tubs, pools, patios, covered decks and patios, sidewalks, landscaping walls, landscaping fences, decks and gardens may be included within the Unit Boundary as shown on the approved final site plan or within the rear yard area ("Accessory Unit Boundary"), which is the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear.

The agreement allows removal of up to 2 trees within the accessory unit boundary for any improvements. With this current amendment, the applicant is requested to increase the maximum allowable to 4. In response to staff's concerns as noted in the review letter, the applicant has changed the request to up to 3 removals. Planning Commission is recommending approving the request.

5. **Covered decks:** The applicant requested to allow covered decks as permitted use within the accessory unit boundary for area of units 7-36 (essentially all the units backing up to the regulated woodlands to the north and west). As noted in Section 3.32.7, covered, enclosed decks are subject to building setback requirements and cannot extend into the yard setbacks. Staff has noted some concerns about lot coverage. However, the applicant noted at the Planning Commission meeting that most of their footprints are a fairly good size, and ninety percent of these homes will be able to keep the covered portion of these decks within that footprint, there might be a couple of instances where the design calls for a covered deck that extends beyond that footprint. Planning Commission is recommending approving the request, since this only applies to the units backing up to regulated woodlands.

- 6. Add 10 feet width to Unit 6 and Maximum lot coverage:** The applicant has proposed a wider width for Unit 6 with this amendment. The applicant has received an administrative approval for reduction of one unit. This is reflected in units 15C, 6C, 17D, 18C and 19D. However, they want to reserve the right to go back to 41 units.

PRO Plan

The PRO option creates a “floating district” with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is proposed to be changed (in this case from RA to R-1) and the applicant enters into a PRO agreement with the City, whereby the applicant submits a conceptual plan for development of the site. The City Council reviews the Concept Plan, and if the plan may be acceptable, it directs for preparation of an agreement between the City and the applicant, which also requires City Council approval. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi and property owner. If the development has not begun within two (2) years, the rezoning and PRO concept plan expires and the agreement becomes void.

Planning Commission Action

On August 28, 2019, the Planning Commission considered the PRO Concept Plan for the requested First Amendment to the PRO Agreement, and recommended approval to the City Council. **A copy of Planning Commission’s Action Summary and draft meeting minutes are included in the packet.**

Ordinance Deviations Requested

Section 7.13.2.D.i.c(2) permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by City Council that *“each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas.”* Such deviations must be considered by City Council, who will make a finding of whether to include those deviations in a proposed PRO agreement. The proposed PRO agreement would be considered by City Council after tentative approval of the proposed concept plan and rezoning. **The Ordinance deviations that have been identified are included in the suggested motion.**

Benefits to the Public under PRO Ordinance

Section 7.13.2.D.ii states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the benefits to public of the proposed PRO rezoning would clearly outweigh the detriments. **No additional conditions are offered with this review. The development is subject to conditions of the approved PRO agreement.**

PRO Conditions

The Planned Rezoning Overlay process involves a PRO concept plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the

process are codified under the PRO ordinance (Section 7.13.2). Within the process, which is completely voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval.

The applicant is required to submit a conceptual plan and a list of terms that they are willing to include with the PRO agreement. The applicant has submitted a conceptual plan showing the general site layout. **Recommended conditions to be included in the PRO Agreement are provided in the suggested motion.**

City Council Action

If the City Council is inclined to approve the request for the amendment at this time, the City Council's motion would be to indicate its *tentative* approval and direct the City Attorney to prepare a First Amendment to PRO Agreement to be brought back before the City Council for approval with specified PRO Conditions. Tentative approval does not guarantee final approval of either the PRO Plan or a PRO Agreement.

RECOMMENDED ACTION :

Tentative approval at the request of Cambridge of Novi, LLC for Tentative approval of the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan and Agreement, JSP 17-52 Terra PRO, based on the following findings, City Council deviations, and conditions, with the direction that the City Attorney's Office shall prepare the required First Agreement and work with the applicant to return to the City Council for Final Consideration pursuant to the PRO Ordinance:

1. This approval is subject to all conditions listed in the original PRO agreement recorded April 9, 2019, unless otherwise amended with this approval.
2. Approval includes the following ordinance deviations:
 - a. Engineering deviation from Section 7.4.2(d) Engineering Design Manual to allow exposed aggregate as an alternate material for sidewalk pavement in lieu of concrete for the entire development;
 - b. Planning deviation from Section 3.32.8. to allow for additional encroachment for roof overhangs into the required side yards (A maximum of 15 inches is allowed per the current side yard setbacks, a minimum of 9 feet between the roof overhangs at fascia is proposed). This approval shall be subject to building designed with Prairie-style architecture, subject to the City's Façade Consultant approval at the time of building permit review.
3. The following conditions shall be made part of the PRO Agreement:
 - a. For Units 7 through 36, covered decks shall be allowed to extend up to 15 feet into the "Accessory Unit Boundary" from the rear façade. "Accessory Unit Boundary" refers to the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on the approved final Concept Plan.
 - b. No more than three (3) regulated woodland trees may be removed from the Accessory Unit Boundary to accommodate the construction or installation of

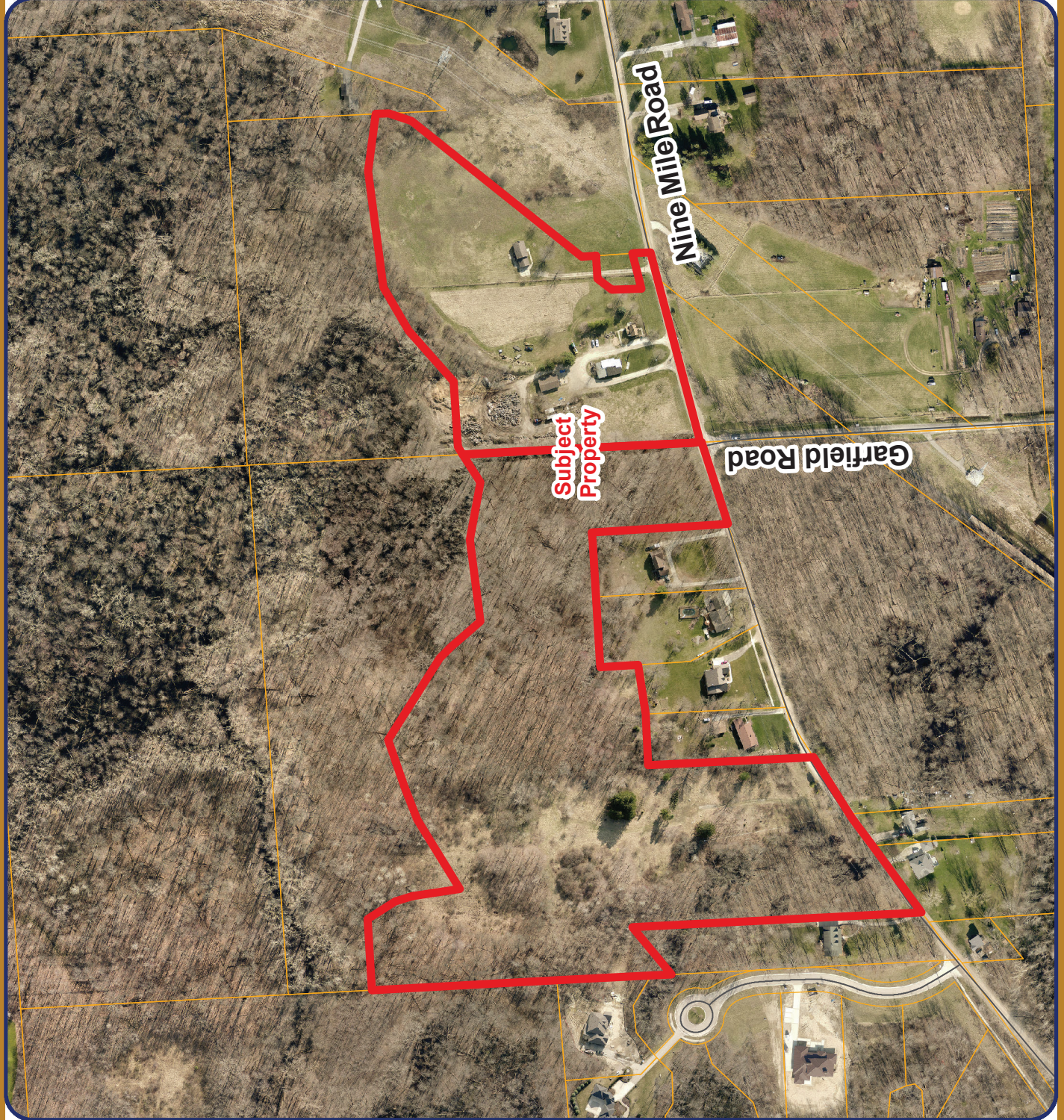
- any pool, or other accessory use.
- c. A minimum of 15 feet shall be maintained between two buildings, with the exception of roof overhangs and wing walls as noted below:
 - i. A minimum of 9 feet shall be maintained between the roof overhangs between two buildings at fascia as shown in the 'Overhang Projection Areas' exhibit on revised PRO Concept plan dated 7-25-19 , subject to the house being designed with Prairie architecture style and subject to the City's Façade Consultant approval at the time of building permit review;
 - ii. A maximum of 4.5 feet of on-ground projection shall be allowed as shown in the 'Wing wall/planter projection area' exhibit on revised PRO Concept plan dated 7-25-19, subject to the City's Façade Consultant approval at the time of building permit review.
 - d. The elevations shall comply with the Ordinance requirements and conditions of the PRO agreement, subject to the limitations set forth in the Master Deed as determined at the time of individual building permit review.
 - e. Additional updates to the PRO agreement shall be as follows:
 - i. The ITC comfort station shall be completed within 6 months from the substantial completion date of the ITC trail along the subject property's frontage;
 - ii. The compensating cut areas in the approved PRO Agreement shall be updated to be consistent with the MDEGLE permit approval dated 4-9-19.

RECOMMENDED ACTION: Approve the request of Cambridge of Novi, LLC for the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan, JSP 17-52, Terra, formerly known as Villa D'Este, associated with Zoning Map Amendment 18.718. The applicant proposed a 41-unit single-family ranch housing development on approximately 30.14 acres on the north side of Nine Mile Road, east of Napier Road. The current amendment is requested to allow greater flexibility for construction of individual homes, to allow alternate pavement material for sidewalks and driveways, and for other minor changes.


MAPS
Location
Zoning
Future Land Use
Natural Features

JSP 17-52 TERRA

Location



LEGEND

 Sections



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: 08/23/19
Version #: 1

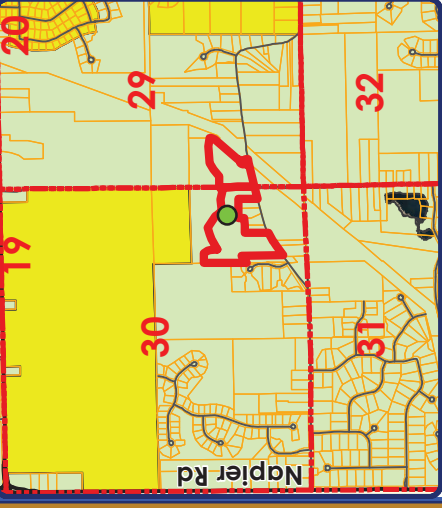
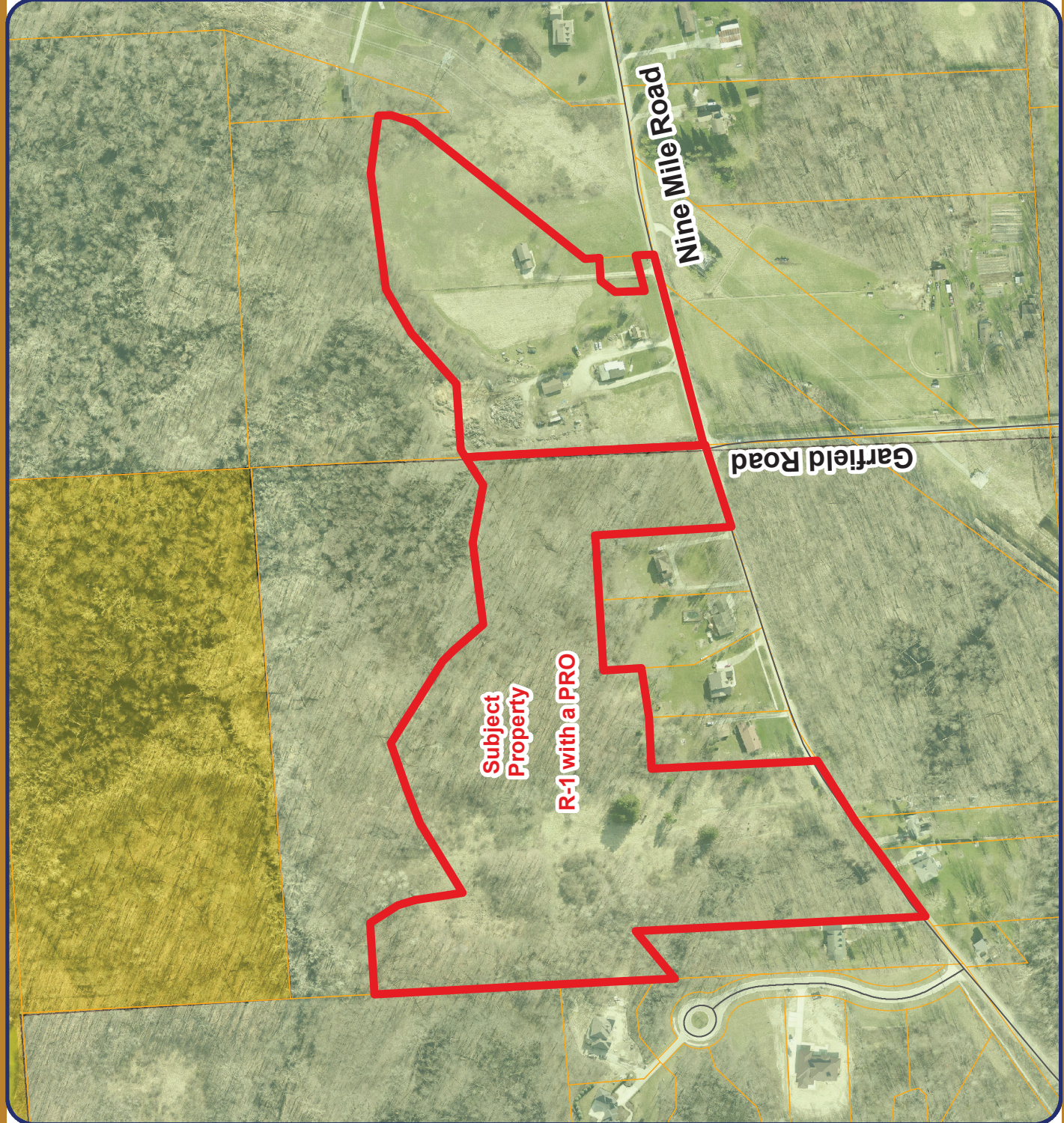


MAP INTERPRETATION NOTICE

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 17-52 TERRA

Zoning



LEGEND

- Sections
- R-A: Residential Acreage
- R-1: One-Family Residential District



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: 08/23/19
Version #: 1

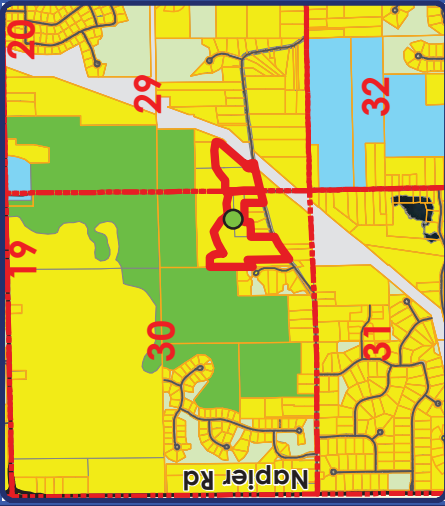
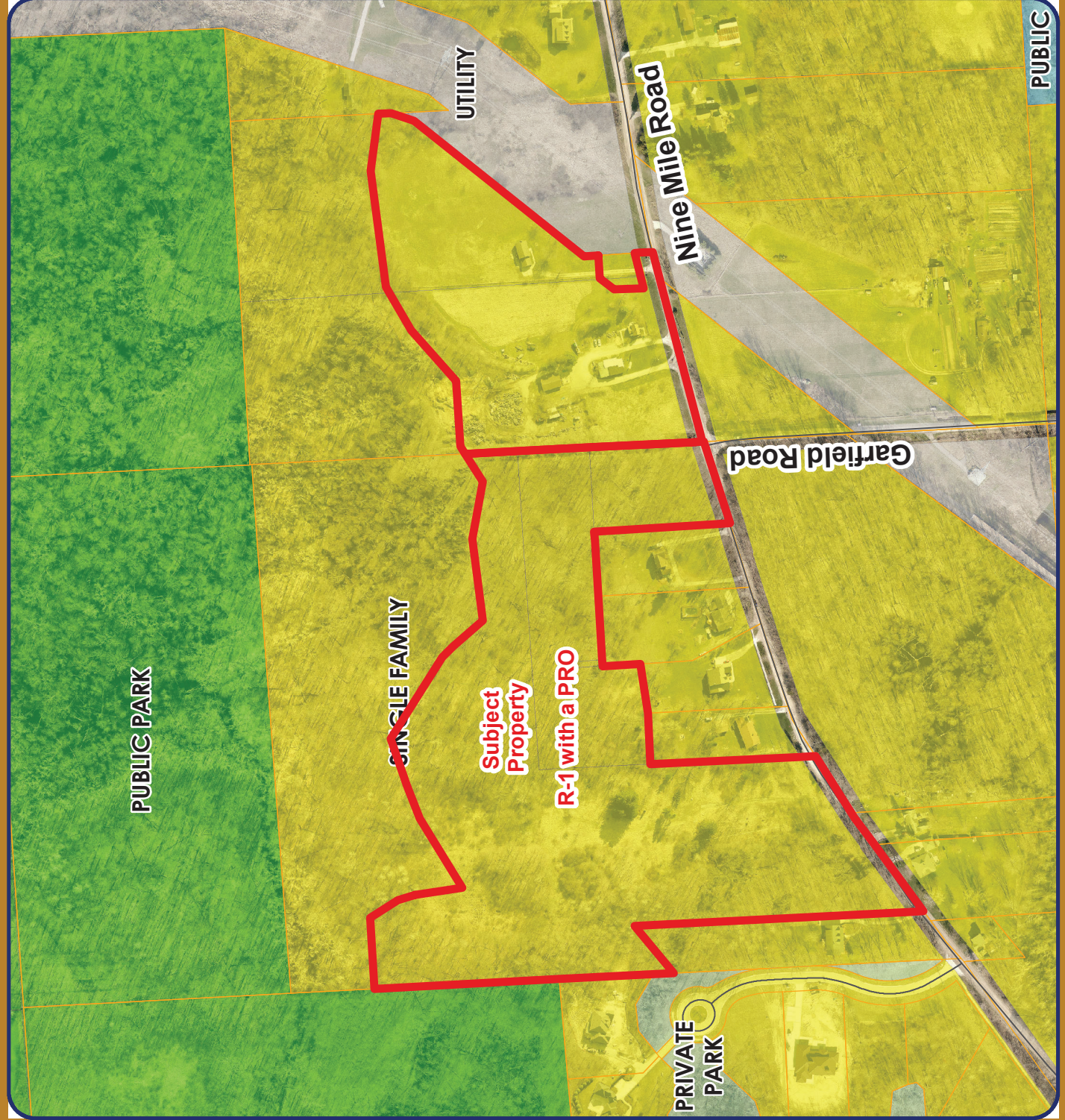


MAP INTERPRETATION NOTICE

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 17-52 TERRA

Future Land Use



LEGEND

- Sections
- FUTURE LAND USE
 - Single Family
 - Public
 - Public Park
 - Private Park
 - Utility



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: 08/23/19
Version #: 1

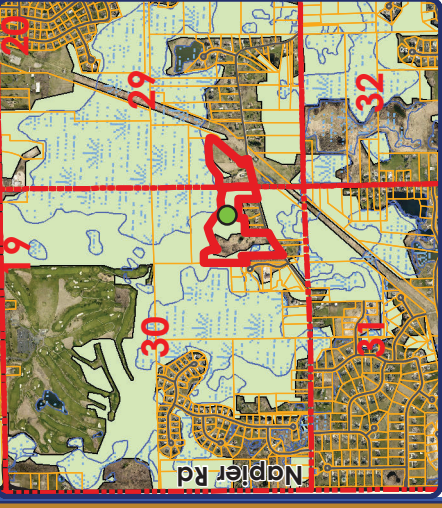
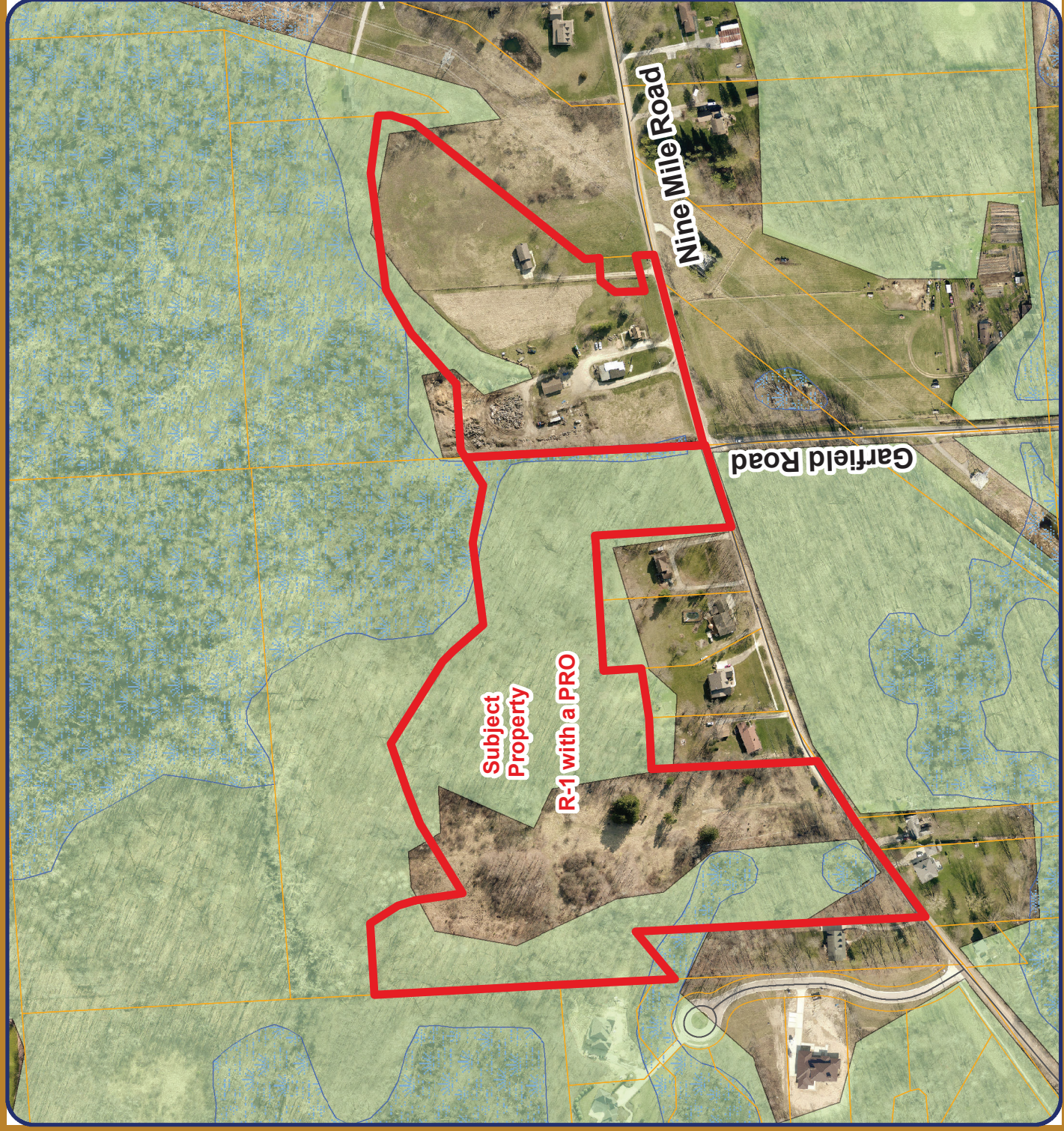


MAP INTERPRETATION NOTICE

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 17-52 TERRA

Natural Features



LEGEND

-  Sections
-  WETLANDS
-  WOODLANDS



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: 08/23/19
 Version #: 1



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.

PRO CONCEPT PLAN

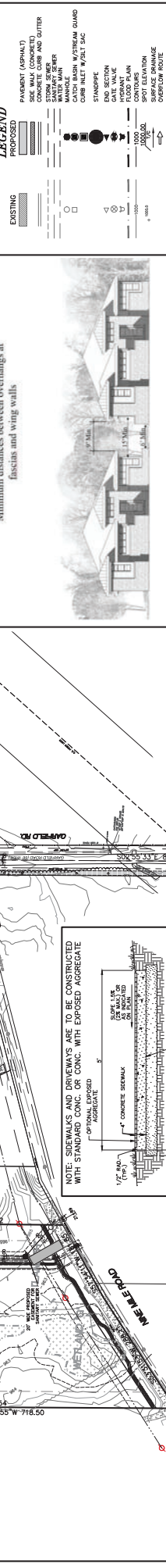
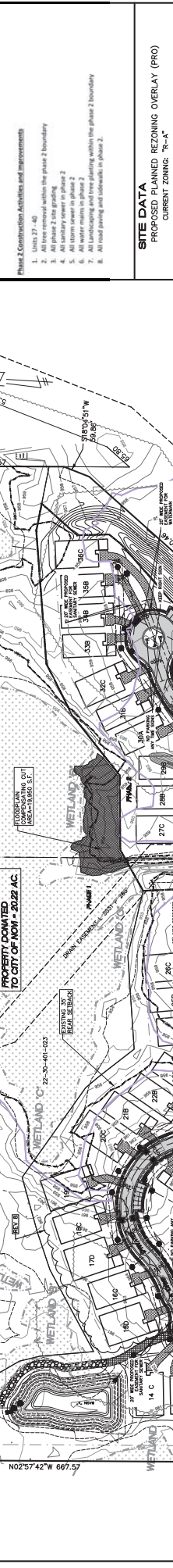
As revised via e-mail dated 03-07-19

- Phase 1 Construction Activities and Improvements**
- Units 1-26
 - All trees removed within the phase 1 boundary.
 - Final utility layout (water, sewer, storm, gas, electric, fiber optic) shall be coordinated with the City of Novi. The final utility layout shall be coordinated with the City of Novi and approved by the City of Novi.
 - Contract delineation basins (and B).
 - All sanitary sewer in phase 1 only.
 - All storm sewer in phase 1 which includes delineation basins in phase 1 and outlet pipes.
 - Water main shall be installed in phase 1 which includes delineation basins and outlet pipes.
 - Water main shall be installed in phase 1 which includes delineation basins and outlet pipes.
 - All landscaping, trees and tree planting within the phase 1 boundary.
 - All road paving and sidewalks in phase 1.
- Phase 2 Construction Activities and Improvements**
- Units 27-40
 - All trees removed within the phase 2 boundary.
 - Final utility layout (water, sewer, storm, gas, electric, fiber optic) shall be coordinated with the City of Novi. The final utility layout shall be coordinated with the City of Novi and approved by the City of Novi.
 - Contract delineation basins (and B).
 - All sanitary sewer in phase 2.
 - All storm sewer in phase 2.
 - All water mains in phase 2.
 - Water main shall be installed in phase 2 which includes delineation basins and outlet pipes.
 - Water main shall be installed in phase 2 which includes delineation basins and outlet pipes.
 - All landscaping, trees and tree planting within the phase 2 boundary.
 - All road paving and sidewalks in phase 2.

SITE DATA
PROPOSED PLANNED REZONING OVERLAY (PRO)
 CURRENT ZONING: "R-A"
 ALLOWABLE DENSITY (GROSS) = 0.8 UNITS/Acre
 AREA GROSS = 50.81 ACRES
 AREA OF CONCRETE DRIVEWAYS = 49,750.01 S.F. = 0.73 UNITS/ACRE
 PROPOSED DENSITY
 PROPOSED ZONING: "R-1"
 ALLOWABLE DENSITY (GROSS) = 1.65 UNITS/Acre
 PROPOSED DENSITY EXCLUDING WETLANDS AND R.O.W.
 ON-SITE WETLAND AREA = 12.8 AC.
 STORM WETLAND AREA = 37.79 AC.
 AREA NET = 50.81 - 12.8 - 37.79 AC = 10.22 AC.
 NET DENSITY (EXCLUDING WETLANDS) = 49,750.01 S.F. = 1.58 UNITS/ACRE

PARKING CALCULATIONS
 SOURCE: CODEBOOK OF PARKING PRICES - DECEMBER 2017
 NO. OF PARKING SPACES REQUIRED = 13 SPACES
BICYCLE PARKING CALCULATIONS
 NO. OF BICYCLE SPACES REQUIRED = 8 SPACES
 NO. OF BICYCLE SPACES PROVIDED = 8 SPACES

WETLAND Delineation BY:
 JACKSON COUNTY, MISSOURI
 SOURCE: CODEBOOK OF PARKING PRICES - DECEMBER 2017



TERRA
 SECTION 80/26, TOWN OF NORTH, RANGE 6 EAST,
 CITY OF NOVI, GAVILAND COUNTY, MISSOURI

REVISIONS

NO.	DATE	DESCRIPTION
1	07-25-21	REVISION 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

PRO SITE PLAN

SEIBER, KEAST ENGINEERING, L.L.C.
 100 MANICUREVILLE ROAD
 PHONE: 248-288-3331 EMAIL: info@sk-engineering.com

SHEET
1

ORIGINAL APPROVAL PRO PLAN

APPLICANT'S LETTER REQUESTING DEVIATIONS

July 26, 2019

Ms. Sri Komaragiri
Ms. Barbara E. McBeth, AICP
City of Novi Planning Commission
45175 Ten Mile Road
Novi, Michigan 48375

Re: Terra Development PRO Amendment items

Dear Ms. Komaragiri and Ms. McBeth:

Please find enclosed, a list of proposed PRO amendment items along with a narrative and supporting documentation for clarification.

We respectfully request that these items be included in the agenda for the next City of Novi Planning Commission Meeting for approval.

In the meantime, should you have any questions or require further clarification, please don't hesitate to contact me at your convenience.

Sincerely,

Rick Corrent
Project Manager
Cambridge Homes, Inc.
(248)-924-4519

**Cambridge of Novi, LLC
Terra Development
PRO Amendment Items Narrative**

PRO Amendment Items:

- 1) Exposed Aggregate on driveways and sidewalks
- 2) Overhangs
- 3) Wing Walls/Planter Boxes attached and detached
- 4) Add 10' to width of Unit 6
- 5) Increase Compensating Cut area to match DEQ approval
- 6) Modify PRO language to increase allowable removal of regulated trees from the accessory unit boundary from 2 to 4

1) Exposed Aggregate on driveways and sidewalks

The homes in Terra are intended to blend into nature. Since the homes will have courtyard entrances, the driveways will be prominent and an integral part of the streetscape and overall look of the development. We're proposing that all driveways and sidewalks within the development be placed with exposed aggregate finish concrete. (See sk-1 attached for examples of exposed aggregate concrete and enclosed site plan for location). Note that the thickness and strength of the exposed aggregate concrete is the same as standard concrete.

2) Overhangs

The architectural style that will be used in Terra is a modern Prairie architecture, synonymous with the architecture of Frank Lloyd Wright. This style of architecture uses low sloped roof pitches, horizontal architecture, integrated planter boxes and larger overhangs. The overhang detail is critical to the style and architecture of the homes in Terra. The homes are planned to be 15' apart at the building walls. We propose that the overhangs on two adjacent homes will no closer than 9' apart from fascia to fascia. See sk-2 and enclosed site plan for detail).

3) Wing Wall/Planter Boxes attached and detached

As noted in item 3 above, the horizontal lines and integrated planter boxes are critical to the architectural style of the modern prairie style homes. We propose to place wing walls and/or planter boxes on some of the homes that will extend from the side of the building walls, including the driveway side of the courtyard garage. In the sideyard area of 2 adjacent homes, these wing walls would be a minimum of 6' apart. We propose that these walls/planter boxes be permitted on the front of the home or garage and also as an independent structure independent of the home, along as they fall outside of an existing easement. (See sk-3a and sk-3b for examples of wing walls and planter boxes and enclosed site plan for detail).

4) Add 10' to width of unit 6

It has been confirmed that increasing the width of unit 6 can be achieved with no impact to the engineering plan, landscape or woodland plan. It also has no impact to the view from the existing home to the south, fronting on 9 mile road (See enclosed site plan for detail).

5) Increase Compensating Cut area to match DEQ approval

The current version of the PRO agreement states that the compensating cut area will not exceed 8,000 sf, however DEQ notes 0.457 acres on the approved permit, which is equivalent to 19,907 sf (See enclosed site plan for detail).

6) Modify PRO language to increase allowable removal of regulated trees from the accessory unit boundary from 2 to 4

To allow the required space for the proper design and layout of pools and other accessory features in the rear yard, we are requesting to increase the allowable number of regulated trees that can be removed from the accessory boundary area per unit from 2 to 4. Reference Part V, section C; paragraph 3 of the PRO agreement.

Note: An administrative change has recently been made to decrease the number of total units from 41 to 40 to allow increased widths for specific units located east of detention basin A. (reduced from 6 units in this area down to 5). We reserve the right at any time to revert back to the previous version of 41 units as an administrative change.

August 21, 2019

Ms. Sri Komaragiri
Ms. Barbara E. McBeth, AICP
City of Novi Planning Commission
45175 Ten Mile Road
Novi, Michigan 48375

Re: Additional item for Terra Development PRO Amendment items – Covered Decks Verbiage

Dear Ms. Komaragiri and Ms. McBeth:

In addition to the previous request for revision of the PRO agreement for Terra, we would like to include the following item to be reviewed for approval:

Add verbiage in Part V, section C; paragraph 3 of the PRO agreement that “covered decks are permitted to be placed in the accessory unit boundary area of units 7 – 36.”

We respectfully request that this item be included in the agenda for Aug. 28, 2019 City of Novi Planning Commission Meeting for approval.

In the meantime, should you have any questions or require further clarification, please don't hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Corrent", written in a cursive style.

Rick Corrent
Project Manager
Cambridge Homes, Inc.
(248)-924-4519

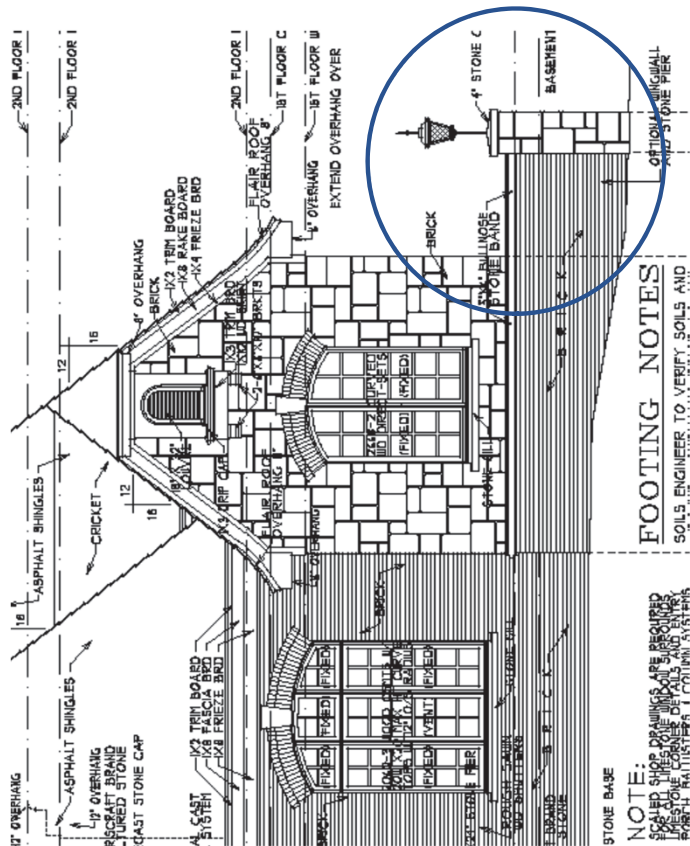
Exposed Aggregate Examples



Prairie Style Overhang Examples



Wing Wall Examples



FOOTING NOTES:
 SOILS ENGINEER TO VERIFY SOILS AND
 OPTIONAL ORIGINAL
 2\"/>

NOTE:
 SCALED THIS DRAWING IS PROVIDED
 FOR INFORMATION ONLY. THE ARCHITECT
 IS NOT RESPONSIBLE FOR ANY
 ERRORS OR OMISSIONS. THE ARCHITECT
 SHALL BE CONSULTED FOR ALL
 PROJECTS AND FOR ALL
 PROJECTS AND FOR ALL
 PROJECTS AND FOR ALL





Our Story

APPROVED PRO AGREEMENT

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2019 MAR 22 AM 10:23

39787
LIBER 52474 PAGE 562
CITY OF NOVI
CITY CLERK
03/28/2019 01:58:55 P.M. RECEIPT# 29975
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS
2019 APR 19 A 11:36

PLANNED REZONING OVERLAY (PRO) AGREEMENT
TERRA

AGREEMENT, by and among **CAMBRIDGE OF NOVI, LLC**, a Michigan limited liability company whose address is 47765 Bellagio Dr., Northville, MI 48167 (referred to as "**Developer**"); and the **CITY OF NOVI**, 45175 Ten Mile Road, Novi, MI 48375-3024 ("**City**").

RECITATIONS:

- I. Developer is the owner and developer of the vacant 50.61 acre property located on the east side of Napier Road and north side of Nine Mile Road, herein known as the "Land" described on **Exhibit A**, attached and incorporated herein.
- II. For purposes of improving and using the Land for a 41-unit residential subdivision at a maximum net density of 1.08 dwelling units per acre, to allow for development with smaller and narrower lots, and a slightly higher density than is permitted in the R-A Classification, Developer petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from RA (Residential Acreage) to R-1 (One-Family Residential). The R-A classification shall be referred to as the "**Existing classification**" and R-1 shall be referred to as the "**Proposed Classification**."
- III. The Proposed Classification would provide the Developer with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Developer.
- IV. The City has reviewed and approved the Developer's proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City's Zoning Ordinance; has reviewed the Developer's proposed PRO Plan (including building façade, elevations, and design) attached hereto and incorporated herein as **Exhibit B** (the "PRO Plan"), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the proposed improvements as shown; and has further reviewed the proposed PRO conditions offered or accepted by the Developer and has determined that, the proposed conditions constitute an overall public benefit that outweighs the deviations, and that if the deviations were not granted, the denial would prohibit an enhancement of the development that would be in the public interest, and that approving the deviations would be consistent with the City Master Plan and compatible with the surrounding area

328

OK-AB

V. In proposing the Proposed Classification to the City, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following undertakings by Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):

- A. Developer shall develop and use the Land solely for a residential subdivision not to exceed 41 units, at a maximum density of 1.08 dwelling units per acre, to the extent permitted under the Proposed Classification (the "Development"). Units may be combined thereby reducing the overall units permitted to less than 41-units provided that the homes proposed within the combined units are still in scale with the remaining homes and meet with the requirements of applicable City ordinances and the PRO Plan. The Development shall be constructed in two (2) phases in accordance with the Phasing Lines as contained on Exhibit B. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.

Developer shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable setback requirements of the Zoning Ordinance as relates to the Proposed Classification, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations are depicted in the PRO Plan are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Developer's right to develop the 41-unit residential subdivision under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement. Architectural standards shall be as set forth by the Developer in the Master Deed and Bylaws for the Development, and shall be subject to and in accordance with all applicable laws and ordinances; provided, however, that the architectural elevation and facades of the buildings as shown on the plans shall be the minimum standard; any deviations shall result in an equivalent or better products, as determined by the City's façade consultant.

- B. In addition to any other ordinance requirements, Developer shall comply with all applicable ordinances for storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.

- C. The following PRO Conditions shall apply to the Land and/or be undertaken by Developer:
1. Owner/Developer shall provide the following Public Improvements in connection with the development of the Land:
 - a. Developer shall donate fee title, in the form of a Warranty Deed, to approximately 20.22 acres of land, as shown in the Concept Plan (the "Park Land"), to Novi for existing park system on or before March 20, 2019. The donation is for the purpose of expanding City parkland in the area of the Development. The Park Land will connect two additional parcels of City parkland. The City shall be permitted to make minor improvements in the area to propose a trail or accessory uses for a trail, and shall be permitted to combine the Park Land with adjacent City park land into a single unified parcel.
 - b. Developer shall construct an approximate .18 acre comfort station area for the ITC Trailhead in accordance with the drawings, attached and incorporated as Exhibit C (the "Comfort Station Improvements"). The Comfort Station shall include, but shall not be limited to parking spaces, a bike repair station and a picnic shelter, as set forth in Exhibit C. The Comfort Station will be constructed with Phase 1 of the Development, and shall be completed no later than six-months from the substantial completion of the ITC Trail adjacent to the subject property. . The Comfort Station shall be conveyed to the City for public ownership, operation, use and maintenance upon completion of the Comfort Station Improvements within 60 days of the completion and inspection of the improvements for consistency with the approved site plan.
 - c. Developer shall contribute to the construction of a portion of the ITC Trail along the north side of Nine Mile Road, in the amount of \$43,834.22, in order to provide for use by and in connection with the Development, as shown in the plans attached and incorporate as Exhibit D. The pathway shall comply with City design and construction standards, with minor modifications to be approved administratively, i.e. to modify the alignment for preservation of existing landscaping trees. Dedication of the Nine Mile Road Right of Way along the entire length of the subject property shall be completed on or before March 20, 2019.
 - d. In the event that the Michigan Department of Environmental Quality or any governmental agency requires Developer to provide a compensating cut for the purpose of creating additional floodplain for the Development, the City shall permit the Developer to create the compensating cut, at Developer's own expense, not to exceed 8,000 square feet in size, in a location mutually agreeable to the Developer and the City, including but not limited to locations within the Park Land described, generally, as N/W of the N/W detention basin and the

wetland, or, alternatively, an area behind units 12-14. In the event that the compensating cut requires additional tree removal, Developer shall be subject to the applicable woodland replacement standards as set forth the City's Woodland Ordinance.

2. The development shall be limited to a density of 1.08 dwelling units per acre with a maximum of 41 units as indicated on the PRO concept plan.
3. The proposed unit boundary, as shown on the approved final Concept Plan (sheet 02), ("Unit Boundary"), shall be considered the maximum allowable footprint. Any accessory uses including but not limited to, fire pits, fire places, hot tubs, pools, patios, sidewalks, landscaping walls, landscaping fences, decks and gardens may be included within the Unit Boundary as shown on the approved final site plan or within the rear yard area ("Accessory Unit Boundary"), which is the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on the approved final Concept Plan. Sidewalks and small gardens with no permanent structures may be proposed within the side yards subject to limitations set forth in the Master Deed.

No more than two (2) regulated woodland trees may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use. Removal of trees shall be subject to mitigation measures listed in all applicable ordinances. Additionally, no accessory uses shall be constructed within the regulated Wetland or Wetland Buffers shown in the approved Concept Plan. All accessory uses shall be constructed in accordance will applicable ordinances, laws and regulations.

Limitations on the construction of accessory uses, as set forth herein, shall be included within the Master Deed for the Development and shall be delineated on the Exhibit B, Condominium Subdivision Plan.

4. A minimum of 15 feet shall be maintained between two buildings.
5. A minimum of 30 feet shall be provided between the front façade of each home as measured from the back of the curb.
6. The applicant will work with staff to identify a proper location to connect to ITC trail, beyond the subject property line.
7. Except to the extent that limited clearing is authorized in accordance with an approved Preliminary Site Plan, and all applicable ordinances and regulations, including, but not limited to Section 6.1.4.F of the Zoning Ordinance, within the City's reasonable discretion, and a Hold Harmless Agreement acceptable to the City's Attorney is provided, Construction of

the Development shall not be permitted to begin prior to completion of the City's Nine Mile sanitary sewer extension project, , or alternately, subject to and in accordance with a plan for completion of alternate sanitary sewage disposal facilities, by Developer, at its own expense, which plan shall be reviewed and approved by the City's Engineering Division in accordance with the standards and procedures set forth by City ordinance.

8. Grading requirements for development shall be superseded based on the character of Nine Mile Road.
9. Retention pond shall be completely screened for safety on all four sides and above the typical standards, as determined at the time of Preliminary Site Plan.
10. The City shall confirm that the proposed trailhead agreement will not negate already existing agreements.
11. The portion of asphalt paving on Nine Mile Road shall be constructed in a manner to reduce or eliminate issues of the interface between gravel and asphalt, to be reviewed and approved by City Engineer at the time of Preliminary Site Plan review.
12. The applicant shall conform to Woodland Ordinance requirements at the time of Preliminary Site Plan and Woodland permit review.
13. Minor modifications to the approved Planned Rezoning Overlay Concept Plan (PRO) can be approved administratively, upon determination by the City Planner, that the modifications are minor, do not deviate from the general intent of the approved PRO Concept plan and result in reduced impacts on the surrounding development and existing infrastructure.
14. Developer shall comply with all conditions listed in the staff and consultant review letters.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings shall be carried out by Developer on and for the Land;
 - b. Developer shall act in conformance with the Undertakings;
 - c. The Developer shall forbear from acting in a manner inconsistent with the Undertakings; and
 - d. The Developer shall commence and complete all actions necessary to carry out all of the PRO Conditions.

2. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
 - a. Planning Deviation from Sec. 3.1.2 of Zoning Ordinance for reduction of the minimum lot size, setbacks, minimum lot frontage and minimum site acreage as shown on the proposed concept plan provided that:
 - i. The proposed unit boundary shown on the concept plan (sheet 02) shall be considered the maximum allowable footprint. Any accessory uses shall be completed in accordance with paragraph V, 1, A, 3.
 - ii. A minimum of 15 feet shall be maintained between two buildings.
 - iii. A minimum of 30 feet shall be provided between the front façade and the back of the curb.
 - iv. Rear setbacks shall be as shown on the Concept Plan, based on the proposed boundary line of land to be donated to the City.
 - b. Façade deviation from Sec 3.7, similar dissimilar ordinance, to replace internal calculation of square footage to a 2200 square foot minimum requirement for this development;
 - c. Landscape deviation from Sec. 5.5.3.B.ii and iii of Zoning Ordinance for lack of berms along the westerly Nine Mile Road frontage and portions of the easterly frontage, due to existing natural features;
 - d. Engineering deviation from Sec. 4.04, Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances for absence of a stub street required at 1,300 feet intervals along the property boundary to provide connection to the adjacent property boundary, due to conflict with existing wetlands;
 - e. Engineering deviation from Chapter 7.4.2.c(1) of Engineering Design manual for reducing the distance between the outside edge of the sidewalk and back of the curb: 15 feet required, 10 feet proposed;
 - f. Engineering deviation for absence of sidewalk along a portion of Villa Drive;
 - g. Engineering deviation for absence of curb and gutter for parking lot and driveway for the proposed comfort station from Sec. 11-239(b)(1),(2)of Novi City Code;
 - h. Traffic deviation for not conforming to minimum required standards as indicated in Figure IX.5 of the City's Code of Ordinances for residential driveway, provided the applicant works with staff to minimize the number of driveways that deviate from the standard at the time of Preliminary Site Plan;
 - i. Traffic deviation from Figure VIII-A in the City Code of Ordinances, for not providing the minimum width for local residential road for Villa Drive , the stretch from the entrance gates to the first intersection (28 feet required, 24 feet provided).

- j. Traffic deviation from Section 7.4.2.c (1) of Engineering Design Manual for not meeting the maximum distance between sidewalk and Right of Way line along Nine Mile. A maximum of 1 foot is required for a small portion where it conflicts with existing wetland area;
 - k. Deviation to allow alternate locations for street tree plantings to avoid conflict with the utility layout along the internal roads;
 - l. Deviation for the location of accessory structures in an alternate location within the common area, as approved by the Planning Commission in accordance with the Preliminary Site Plan in order to allow the use of free standing solar panels as shown on the Revised Concept Plan to provide power to the access gate and outside lighting.
 - m. A traffic deviation for not meeting the minimum required horizontal curve radii for the proposed streets; and
 - n. A landscape deviation for absence of minimum required street trees and green belt trees in areas where there is a conflict with existing natural features;
3. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as 41-unit residential subdivision, as shown on **Exhibit B**, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for such building and use.
4. Developer acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Developer in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Developer.
5. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of a 41-unit residential subdivision on the Land. The burden of the Undertakings on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
6. In addition to the provisions in Paragraph 2, above, in the event the Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Developer nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer shall be estopped from


objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a “downzoning” or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land.

7. By execution of this Agreement, Developer acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Developer agrees to be bound by the provisions of this Agreement.
8. After consulting with an attorney, the Developer understands and agrees that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this Agreement are reasonable, that it shall be estopped from taking a contrary position in the future, and, that the City shall be entitled to injunctive relief to prohibit any actions by the Developer inconsistent with the terms of this Agreement.
9. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and an affidavit providing notice of this Agreement may be recorded by either party with the office of the Oakland County Register of Deeds.
10. Except with respect to appeals from the applicable standards of the City’s Sign Ordinance, the Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved therein.
11. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided by law.
12. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.
13. This Agreement may be signed in counterparts.

{Signatures begin on following page}

DEVELOPER

CAMBRIDGE OF NOVI, LLC, a Michigan limited liability company

By: 
~~Mark F. Guidobono~~ Its: Member
Rick Corrent, project manager


STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

Project Manager On this 1 day of March, ~~2018~~ ²⁰¹⁹, before me appeared ~~Mark F. Guidobono~~ ^{Rick Corrent}, Member of Cambridge of Novi, LLC who states that he has signed this document of his own free will duly authorized on behalf of the Fee Developer.

KATHERINE OPPERMANN
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Sep 5, 2024
ACTING IN COUNTY OF Oakland


Katherine Oppermann, Notary Public
Oakland County
Acting in _____ County
My commission expires: Sept 5, 2024

CITY OF NOVI

By:

Robert J. Gatt
Robert J. Gatt, Mayor

By:

Cortney Hanson
Cortney Hanson, Clerk

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

On this 4th day of MARCH, ~~2018~~ ²⁰¹⁹, before me appeared Mayor Robert J. Gatt and Cortney Hanson, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

X Clerk

Marilyn S. Troutman

, Notary Public

County

Acting in _____ County

My commission expires:

Drafted by:

Elizabeth Kudla Saarela
Johnson, Rosati, Schultz & Joppich
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-5627

When recorded return to:
Cortney Hanson, Clerk
City of Novi
45175 Ten Mile Road
Novi, MI 48375

MARILYN S. TROUTMAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Oct 13, 2024
ACTING IN COUNTY OF OAKLAND

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

August 21, 2019

Planning Review

Terra

JSP17-52 with Rezoning 18.718

PETITIONER

Cambridge Homes, Inc.

REVIEW TYPE

Amendment to Terra PRO

The project was previously known as Villa D' Este. It received approval from Project Naming Committee for name change to Terra on December 19, 2018

PROPERTY CHARACTERISTICS

Section	29 and 30	
Parcel ID's	50-22-30-401-023, Part of 50-22-30-401-009, 50-22-29-326-002, 50-22-30-401-011 and 50-22-29-326-022	
Site Location	West side of Beck Road, east of Napier Road and north of Nine Mile Road	
Site School District	Northville Community School District	
Existing Zoning	RA, Residential Acreage	
Proposed Zoning	R-1, One-Family Residential	
Adjoining Zoning	North	R-1 One-Family Residential with a RUD agreement
	East	RA, Residential Acreage
	West	RA, Residential Acreage
	South	RA, Residential Acreage
Current Site Use	Undeveloped/Single family homes	
Adjoining Uses	North	Links of Novi/vacant;
	East	Single Family Residences
	West	Single Family Residences
	South	Single Family Residential/Vacant
Site Size	30.41 Acres	
Plan Date	July 25, 2019	

PROJECT SUMMARY

The applicant has received rezoning approval to rezone from RA, Residential Acreage to R-1, and One-Family Residential with a Planned Rezoning Approval. The plan proposed a 41-unit single-family ranch style development. The subject property is approximately 30.14-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The proposed community is gated. The current amendment is required as the applicant is seeking some additional deviations for building elements to allow greater flexibility for construction of individual homes, alternate pavement material for sidewalks and driveways and other minor changes. No changes to the approved layout are proposed at this time.

All land will be considered as common element to be maintained by the home owner's association. The applicant proposes to add language to deed restrictions that will allow indoor

pools, outdoor hot tubs, fire pits, fireplaces, pizza ovens and grills. The PRO Concept Plan shows two on-site detention ponds in the northwest corner of the site and on the southern side along the entrance to the site. One boulevard access point is proposed off of Nine Mile Road. An emergency access road is proposed off of the proposed cul-de-sac to Nine Mile Road. The development is proposed to be built in two phases.

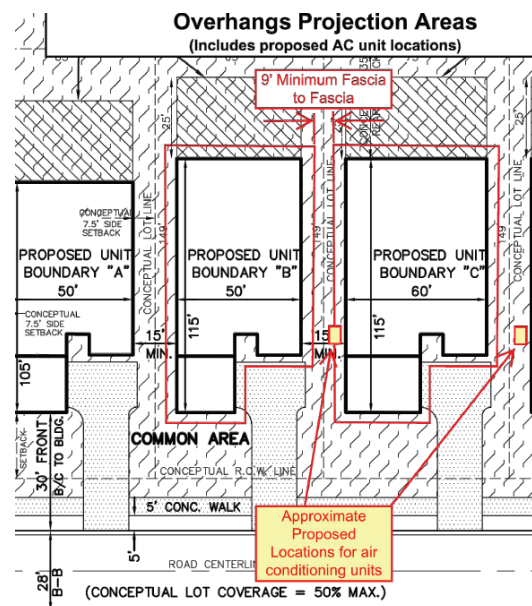
RECOMMENDATION

Approval is recommended for the revised Concept Plan for the 1st Amendment to the Terra (fka Villa D'Este) PRO Concept Plan subject to City Council approval of all the staff supported deviations and conditions listed. The applicant should reconsider the deviations not currently supported by staff.

PROPOSED CHANGES WITH THE CURRENT AMENDMENT

The subject property is part of a Planned Rezoning Overlay request for Terra development, which was approved by City Council at their September 24, 2018 meeting. The applicant has recently started working on design alternatives for the homes. They are considering Prairie architectural style that uses low sloped roof pitches, horizontal architecture, integrated planter bases and larger overhangs. As part of the process, the applicant realized that some of the design elements may not conform to certain Ordinance requirements. The purpose of this amendment is to identify those deviations and request to include them in the approved Planned Rezoning Overlay agreement. Please see below for the list of changes and staff comments:

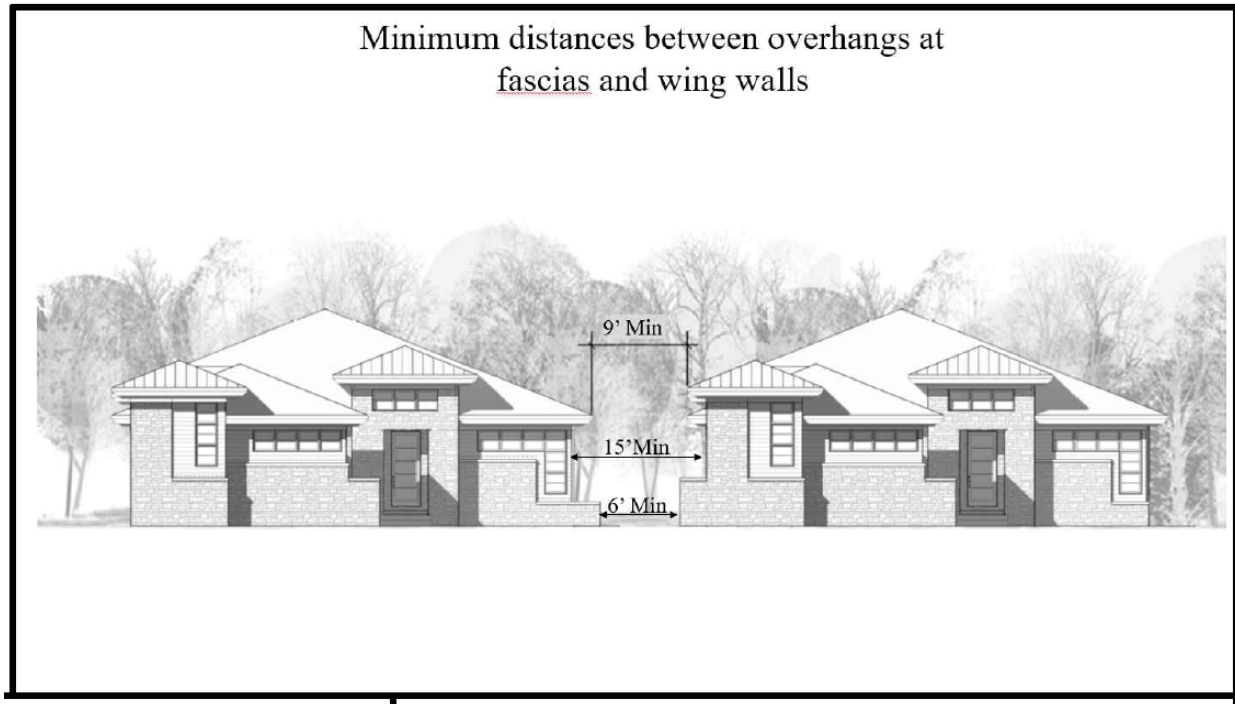
1. The current amendment is not proposing any changes to the Layout, Storm water management, Wetland impacts, Traffic and Landscape. The plan is subject to the previous approvals.
2. **Exposed aggregate on driveways and sidewalks:** The current proposes to use exposed aggregate as surface material for the residential driveways and the sidewalks within the development boundaries. The private road network Villa Drive and Villa Court are still proposed in Asphalt. **Engineering review notes that the proposed aggregate is adequate for the intended use and does not substantially deviate from the performance of the ordinance standard cross-section.**
3. **Overhangs:** The applicant is proposing Prairie architectural style that uses low sloped roof pitches, horizontal architecture, integrated planter bases and larger overhangs. The applicant states that the overhangs are critical to the style and architecture. The approved PRO Concept Plan allows for a minimum of 15 feet setback between buildings. This is not a typical site condominium, so individual setbacks are measure from an imaginary center line, which would result in 7.5 feet of side back for each unit. **As noted in Sec. 3.32.8, a maximum projection of 15 inches of projection is allowed into side yard for a side yard setback of 7.5 feet. The applicant is proposing up to 36 inches of projection with the proposed overhangs. Proposed A/C units should meet the screening and other requirements at the time permit review.**



3.32.8. Projections into Yards.

Architectural features, including gutters, soffits, eaves, cornices, and roof overlaps, but not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may

extend or project into a required front yard or rear yard not more than three (3) feet. Bay windows, chimneys, cantilevered floors, and other vertical projections of up to ten (10) feet in length, and not occupying more than thirty (30) percent of the length of the wall on which they are located, may project into required side yard not more than two (2) inches for each one (1) foot of width of such side yard (up to a maximum of two (2) feet of projection), and may project into a required front or rear yard not more than three (3) feet.



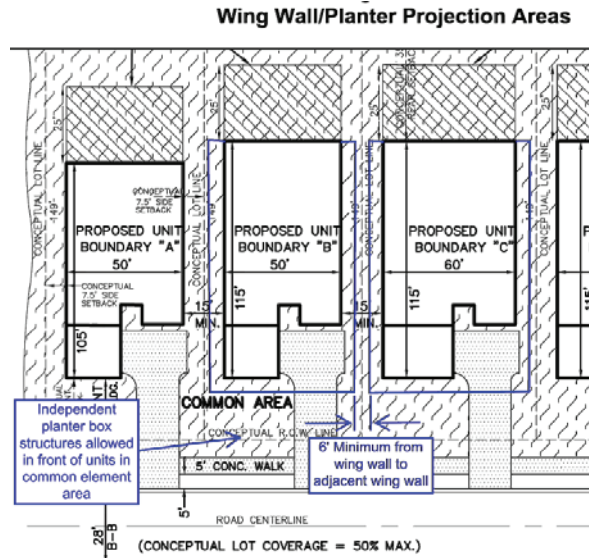
The approved PRO plan did not include enhanced elevations as a public benefit. Therefore, the development is not required to follow a specific design style. Previous approval included a 'façade deviation from Sec 3.7, similar dissimilar ordinance, to replace internal calculation of square footage to a 2200 square foot minimum requirement for this development'. The current proposal did not effect the approved deviation. The elevations will be reviewed for compliance with the Ordinance requirements at the time of individual permits.

The City's façade consultant notes that the proposed overhangs will enhance the design of the buildings and in fact are essential to maintaining the unique appearance of prairie style architecture (see image above). Approval of this revision is recommended. It should be noted that the buildings must comply with the Michigan Residential Code with respect to fire resistance and separation. Each home will be reviewed at the time of Building Permit application for compliance with the Michigan Residential Code as well as the City's Similar-Dissimilar Ordinance. **Staff recommends approval of this deviation subject to our Façade consultant's determination that the proposed building match the Prairie style architectures at the time of building permit review.**

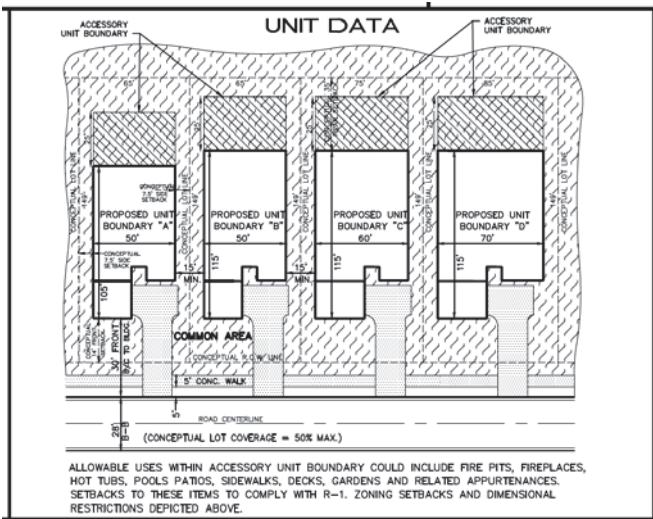
4. **Increasing the compensating cut area to match MDEGLE (fka DEQ) approval:** Staff is unclear about this request. It appears to be a clean up to make the current consistent with MDEGLE approval. **The applicant should provide further clarity on this item.**
5. **Wing Wall/Planter Boxes (attached and detached):** The applicant is also proposing wing walls that could be attached or detached. This would refer to a single straight wall. It is not an enclosure of any sort. Based on the exhibit provided, a maximum of 4.5 feet projection is proposed to occur

anywhere within the blue line in the image to the right. Section 3.32.8 does not apply. The wing walls attached to the building are subject to building setbacks. **Staff recommends that this could be a condition in the PRO agreement, provided the proposed walls are compatible with the building design and Prairie style architectural style as determined by the City's Façade Consultant.**

- 6. **Additional tree removal from the accessory unit boundary:** The approved PRO agreement refers to the following with regards to allowable development within the Accessory Unit boundary. The applicant is not making changes to the boundary at this time. However, he is proposing two changes (noted in **bold**) that would impact the language as it exists. Refer to this item and item 8 for more details.



The proposed unit boundary, as shown on the approved final Concept Plan (sheet 02), ("Unit Boundary"), shall be considered the maximum allowable footprint. Any accessory uses including but not limited to, fire pits, fire places, hot tubs, pools, patios, **covered decks and patios**, sidewalks, landscaping walls, landscaping fences, decks and gardens may be included within the Unit Boundary as shown on the approved final site plan or within the rear yard area ("Accessory Unit Boundary"), which is the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on the approved final Concept Plan. Sidewalks and small gardens with no permanent structures may be proposed within the side yards subject to limitations set forth in the Master Deed.



No more than two **(2) regulated woodland trees** may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use. Removal of trees shall be subject to mitigation measures listed in all applicable ordinances. Additionally, no accessory uses shall be constructed within the regulated Wetland or Wetland Buffers shown in the approved Concept Plan. All accessory uses shall be constructed in accordance with applicable ordinances, laws and regulations.

The current plan proposed a total of 552 trees to be removed for both phases resulting in a total of 728 replacement trees. The applicant

proposed to plant a majority of replacement trees along the proposed berm along Nine Mile Road and ITC Corridor and the rest around the site. A total of 42 woodland replacement trees are proposed to be planted on the property that was donated to the City of Novi. All replacement planting is happening with Phase 1. The current replacement counts did not include the future possible removals of up to 2 trees per unit, a maximum of 82 trees (a total of \$32,800). The replacement counts will be calculated at the time of individual building permit review.

With this amendment, the applicant is proposing an additional removal of up to 82 trees, bringing the total maximum removal up to 164 trees. Staff is unable to determine the total replacements required at this time due to lack of information of trees proposed to be removed. The applicant notes that the maximum may not happen as the removal will be determined based on accessory features each individual home owner may desire. However, staff should account for the worst-case scenario, which is removal of 164 trees. **Staff recommends not changing the maximum allowable woodland replacements. Staff is currently not supporting this request.**

7. **Covered decks:** In a letter dated August 21, 2018, the applicant requested to add another deviation to the list of requested items to allow covered decks as permitted use within the accessory unit boundary for area of units 7-36 (essentially all the units backing up to the regulated woodlands to the north and west). As noted in Section 3.32.7, covered, enclosed decks are subject to building setback requirements and cannot extend into the yard setbacks. **The applicant did not provide reasonable justification other than providing additional options to the home buyer. Staff is currently not supporting the request as it would increase the maximum lot coverage of beyond (50%) previously approved.**

*3.32.7. Porches, Decks. An open, unenclosed and uncovered porch or paved terrace may project into a required front yard setback for a distance not exceeding four (4) feet, **but this shall not be interpreted to include or permit fixed canopies.** An open, unenclosed and uncovered wooden deck may project into a required rear yard setback for a distance not exceeding eighteen (18) feet, **but this shall not be interpreted to include or permit fixed canopies.** Spas and gazebos as an accessory to a deck shall be permitted in all areas allowable for placement of a deck. With the exception of the lakeside of waterfront lots which are further regulated by Section 5.11.1.A.ii, privacy and decorative fencing used in the construction of a deck shall be limited to six (6) feet in height as measured from the floor of the deck. All construction shall comply with the provisions of the State Construction Code, as enforced pursuant to Chapter 7, Article II of the Novi Code of Ordinances.*

8. **Add 10 feet width to Unit 6 and Maximum lot coverage:** The applicant has proposed a wider width for Unit 6 with this amendment. The applicant has received an administrative approval for reduction of one unit. This is reflected in units 15C, 6C, 17D, 18C and 19D. However, they want to reserve the right to go back to 41 units. As noted in the Sec. 3.1.2.D, the R-1 Zoning District allows for maximum lot coverage of 25%. Lot coverage is defined as the part or percent of the lot occupied by buildings including accessory buildings. The development is not a typical site condominium with lot lines. The approved PRO Concept plan indicates a maximum of 50% lot coverage and is subject to this condition:

The proposed unit boundary shown on the concept plan (sheet 02) is to be considered the maximum allowable footprint. Any accessory uses such as hot tubs, patios, etc. will be provided within the footprint shown on the plan.

The proposed projection does not appear to increase the lot coverage as approved. The expansion of Unit 6 increases the lot coverage for that unit. However, it is consistent with other units on the site and is not significant.

PROJECT DEVELOPMENT STATUS

The applicant has received a site grading permit to start site grading for Phase 1 on May 29, 2019. Site grading is currently ongoing. The applicant intends to start full-site construction as soon as the final stamping sets are approved.

ORDINANCE DEVIATIONS

Section 7.13.2.D.i.c (2) permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by City Council that “each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas.” Such deviations must be considered by City Council, who will make a finding of whether to include those deviations in a proposed PRO agreement. A proposed PRO agreement would be considered by City Council only after tentative approval of the proposed concept plan and rezoning.

APPLICANT'S BURDEN UNDER PRO ORDINANCE/ PUBLIC INTEREST/ BENEFITS TO PUBLIC UNDER PRO ORDINANCE

The Planned Rezoning Overlay ordinance (PRO) requires the applicant to demonstrate that certain requirements and standards are met. The applicant should be prepared to discuss these items, especially in number 1 below, where the ordinance suggests that the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the Planned Rezoning Overlay. Section 7.13.2.D.ii states the following:

1. *(Sec. 7.13.2.D.ii.a) Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.*
2. *(Sec. 7.13.2.D.ii.b) Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.*

Section 7.13.2.D.ii states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the benefits to public of the proposed PRO rezoning would clearly outweigh the detriments. **Please refer to staff comments noted above.**

PREVIOUS MEETINGS HISTORY FOR THE ORIGINAL PRO/SITE PLAN APPROVAL

- On August 23, 2017, the plan was presented to Master Planning and Zoning Committee for their input.
- On September 13, 2017, Planning Commission held a Public hearing and postponed their recommendation to allow the applicant time to consider further modifications to the Concept Plan.
- On November 8, 2017 Planning Commission held a second Public hearing and recommended denial for the rezoning request.
- On January 10, 2018, the revised concept plan was presented to Master Planning and Zoning Committee for their input.
- On March 14, 2018, Planning Commission held a third Public hearing and recommended approval for the rezoning request.

- On May 21, 2018, the City Council considered the request and postponed their decision for a later meeting.
- On July 23, 2018, the City Council tentatively approved the planned rezoning overlay concept plan.
- On September 24, 2018, the City Council approved the planned rezoning overlay concept plan and the Planned Rezoning Overlay Agreement.
- On November 11, 2018, the Planning Commission held a public hearing and approved the Preliminary Site Plan with Wetland Permit, Woodland Permit, and Storm water Management Plan

PRO OPTION

The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is changed (in this case from RA TO R-1) and the applicant enters into a PRO agreement with the City, whereby the applicant submits a conceptual plan for development of the site. The City Council reviews the Concept Plan, and if the plan may be acceptable, it directs for preparation of an agreement between the City and the applicant, which also requires City Council approval. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City. If the development has not begun within two (2) years, the rezoning and PRO concept plan expires and the agreement becomes void. In this case, the development has already commenced.

NEXT STEP: PLANNING COMMISSION PUBLIC HEARING

The plan is scheduled for Planning Commission's public hearing on August 28, 2019. Please provide the following no later than 10 am on August 23, 2019

1. Revised Concept plan in PDF format.
2. A response letter addressing ALL the comments from ALL the review letters. Please review the letter in detail and note the comments provided in **bold** throughout the letter. Some of the major comments are summarized below. The applicant should address all the comments in the response letter and/or on subsequent submittals:

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



Sri Ravali Komaragiri – Planner

ENGINEERING REVIEW

MEMORANDUM



TO: BARB MCBETH; CITY PLANNER
FROM: KATE RICHARDSON, EIT; PLAN REVIEW ENGINEER
SUBJECT: TERRA - EXPOSED CONCRETE DEVIATION FROM STANDARDS
DATE: AUGUST 21, 2019

Cambridge of Novi, LLC has submitted a Planned Rezoning Overlay (PRO) Revised Concept Plan through the Community Development Department to make modifications to the Terra Development site plan. The applicant is proposing exposed aggregate on driveways and sidewalks as opposed to City approvable concrete. The PRO Revised Concept Plan approval is subject to approval of a Design and Construction Standards Deviation Request for the use of exposed aggregate on driveways and sidewalks.

Section 11-256(f) of the Design and Construction Standards states that all "non-motorized facilities shall be designed and constructed to meet the requirements of the Engineering Design Manual". The Engineering Design Manual, in Section 7.4.2(d), requires that "sidewalks, shared use pathways, and neighborhood connectors be constructed of Portland cement concrete". The applicant believes the exposed aggregate will be more aesthetically appealing, which is important to developer since the homes will have courtyard entrances with prominent driveways. They also state the thickness and strength of the exposed concrete aggregate is equal to standard concrete. This is evident on the cross-section provided in the PRO Revised Concept Plan.

Section 11-10 of the Ordinance permits the City Council to grant a deviation 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.

Staff has reviewed the application against the ordinance standards that are outlined above. We agree with the applicant that the proposed aggregate is adequate for the intended use and does not substantially deviate from the performance of the ordinance standard cross-section. There are no ADA compliant concerns and the Storm Water Management Plan will be unaffected since both aggregate concrete and concrete are equally impervious surfaces.

For all of the reasons stated above, we do believe that the application meets the conditions of Section 11-10 and therefore recommend approval of the applicant's request for a variance from Section 11-256(f) of the Design and Construction Standards. The applicant has been notified of staff's recommendation for approval.

Cc: Sri Komaragiri, Planner

APPLICANT RESPONSE LETTER

Komaragiri, Sri

From: Rick Corrent <rick@cambridgehomesmi.com>
Sent: Friday, August 23, 2019 10:09 AM
To: Komaragiri, Sri
Cc: Bell, Lindsay; Croy, Ben; Darcy Rechten; Doug Necci; Glenn, Tina; Josh.Bocks@aecom.com; 'mcarmer@ectinc.com'; McBeth, Barb; Meader, Rick; Pace, Kristin; Pete Hill (phill@ectinc.com); Pierce, Kevin; Richardson, Kate; Sosnowski, Angela; Kopko, Madeleine; Mark Guidobono
Subject: RE: JSP 17-52: First Amendment to Terra
Attachments: DEQ Permit - Page 1.pdf

Good morning, Sri.

Thank you for the response letter. We've read through the comments and offer the following in response:

Item 4 – Increase the compensating cut are to match MDEGLE approval:

This request is based on the approved MDEGLE permit requesting the increased cut area. See attached for the first page of the MDEGLE permit. Under “authorized activity”, the area to be cut is 1,464 CY which correlates to the revised PRO plan submitted showing 19,950 SF of compensating cut area.

Item 6 – Additional tree removal from accessory unit boundary:

We feel that on some of our homes, the home owner will want to use most or all of their limited common area/accessory unit boundary for pools, decks, etc. We have preserved trees in some of these areas to minimize the impact to woodlands. Based on this, we would like to increase the number of regulated trees in the accessory unit boundary from 2 to 3 per unit (Instead of the 4 previously requested). Note that 5 of the units currently have no trees so this request would result in a maximum of 35 additional regulated trees being removed, which we feel is likely much higher than we would need to accommodate our home owners' needs.

Item 7 – Covered Decks:

This request is pertaining only to units 7-36 which are backing onto the regulated woodlands so there would be no impact to adjacent residents. We ask that this item be re-considered since we're dealing with condos and not lots, so maximum lot coverage would not apply. We would be agreeable to limit the depth of extending covered decks up to 15' into the accessory unit boundary from the home instead of the full 25' boundary depth if acceptable to staff.

If you have any questions, please let me know.

Thank you

Rick Corrent, Construction Manager | Cambridge Homes Inc. | O: 248-348-3800 | C: 248-924-4519

For more information on , our new active adult community, please visit our website at www.cambridgehomesmi.com

From: Komaragiri, Sri <skomaragiri@cityofnovi.org>
Sent: Thursday, August 22, 2019 11:49 AM
To: Rick Corrent <rick@cambridgehomesmi.com>
Cc: Bell, Lindsay <lbell@cityofnovi.org>; Croy, Ben <bcroy@cityofnovi.org>; Darcy Rechten <darnina@gmail.com>; Doug Necci <dnecci@drnarchitects.com>; Glenn, Tina <tglenn@cityofnovi.org>; Josh.Bocks@aecom.com; 'mcarmer@ectinc.com' <mcarmer@ectinc.com>; McBeth, Barb <bmcbeth@cityofnovi.org>; Meader, Rick



NOTICE OF AUTHORIZATION

Permit Number: WRP015846 v. 1
Site Name: 63-49800 W. 9 Mile Rd-Nov

Issue Date: April 4, 2019
Expiration Date: April 4, 2024

The Michigan Department of Environmental Quality, Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

- Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- Part 301, Inland Lakes and Streams.
- Part 303, Wetlands Protection.
- Part 315, Dam Safety.
- Part 323, Shorelands Protection and Management.
- Part 325, Great Lakes Submerged Lands.
- Part 353, Sand Dunes Protection and Management.

Authorized activity:

Place 608 cubic yards of fill material within 0.10 acres of wetland area for grading and storm water basins associated with the residential development Terra. Fill 0.05 acres of wetland associated with the installation of a 36"-diameter culvert within the Garfield Drain for a road crossing and associated utilities. Construct storm water outfalls to wetland and the Garfield Drain for the discharge of pretreated and detained storm water. Place 1,221 cubic yards of fill within the 100-year floodplain and cut 1,464 cubic yards of material as compensating cut.

All work shall be in accordance with the approved plans and the specific terms and conditions of this permit.

To be conducted at property located in: Oakland County, Waterbody: Garfield Drain, Wetlands Section 30, Town 01N, Range 08E, City of Novi

Permittee:

Mark Guidobono, Cambridge Homes
47765 Bellagio Drive
Northville, MI 48167

Susan Tepatti
Southeast Michigan District Office
Water Resources Division
586-256-7272

*This notice must be displayed at the site of work.
Laminating this notice or utilizing sheet protectors is recommended.*
Please refer to the above permit number with any questions or concerns.

DEQ-WRD
WRP015846 v1.0
Approved
Issued On:04/04/20
Expires On:04/04/20

08-28-19 PLANNING COMMISSION PUBLIC HEARING
Draft Meeting Minutes



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

August 28, 2019 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 7:03 PM.

ROLL CALL

Present: Member Avdoulos, Member Gronachan, Member Lynch, Member Maday

Absent: Member Anthony, Member Ferrell, Chair Pehrson

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Victor Boron, Staff Engineer; Kate Richardson, Staff Engineer; Thomas Schultz, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Gronachan.

VOICE VOTE TO APPROVE THE AUGUST 28, 2019 AGENDA MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRONCHAN.

Motion to approve the August 28, 2019 Planning Commission Agenda. Motion carried 4-0.

AUDIENCE PARTICIPATION

Dorothy Duchesneau, 125 Henning, said given where we are today, August of 2019, and with Robertson Brothers PRO approved for Lakeview, and it's not August of 2018 anymore when citizen input was given at the Pavilion Shore Park workshop, I don't understand why the entire six acres mentioned today as the proposed rezoning of Pavilion Shore Village needs to be rezoned.

Robertson Brothers was approved this past spring as a PRO development with an overlay. The new development does not even need to be part of the Pavilion Shore footprint. It seems like an overlay on top of an overlay on top of an already existing subdivision overlay, which is getting redundant. This portion of the neighborhood, as per the 2016 Master Plan, is now being developed and it's being fixed. The properties that were sold to Robertson Brothers were part of two subdivisions that were platted and date back ninety years. They

should stay under the aspects of the subdivisions they are part of and the PRO they are building it under. The new homeowners will be part of Lakeview and under their own home owners association.

By eliminating the lots on 13 Mile Road that face the park currently from the Pavilion Shore Park equation these would then be left as viable buildable home lots as part of their existing subdivision. They would fit in with the other homes built to the east on 13 Mile Road and they would also fit in with the homes behind them, which does not need to be business. The two existing homes on the north end of Austin Drive and on the west side of Old Novi Road are fine being left in their respective subdivision, they do not need to be a part of the Pavilion Shore District either.

Dorothy Duchesneau continued to say now that leaves the remaining properties at the intersection of Old Novi Road, South Lake Drive, and 13 Mile Road. These are very challenging, they are 1.66 acres that face the park and straddle Old Novi Road on two sides and that should be defined as Pavilion Shore Village. With the Park across from it, this is an area that screams Walkable Novi. Everything in it is either non-conforming to current standards, grandfathered, or too small to do anything with in today's rules. This is where the rezoning help is needed.

It currently has three existing long-time successful neighborhood businesses, they consist of 1.18 acres, and there is the Lakeview Bar, Vet Select, and the party store. What remains is only 0.4 acres. Those 0.4 acres consist of four lots under one owner. They are unique properties. In addition to the three existing businesses, that should be Pavilion Shore Village. This should be an area that makes sense for redevelopment that does need help. Thank you.

Michel Duchesneau, 1191 South Lake Drive, said I recognize that there is not a public hearing on Pavilion Shore Village, but would like to offer some comments. I followed the proposals for this area and have spoken before the Planning Commission, the City Council, and the Zoning Board of Appeals on multiple occasions regarding citizen preferences and the 2016 vision as a respondent in the Master Plan.

In short, the 2016 Master Plan goal of redeveloping this area while supporting the existing businesses has been substantially accomplished. The ten additional parking spaces being added along Old Novi Road have been needed by the three existing businesses in the area and achieve the Master Plan goals. I am on record for supporting the Robertson Brothers Lakeview PRO as approved; several affected residents still fully oppose that development. In my opinion, the zoning ordinance change as presented in your packet is not ready for a public hearing and should be tabled or revised. If the proposal is sent to the Implementation Committee, I would like to attend the meetings. This map here shows the area we are discussing. The zoning proposal in your packet creates two sub-districts; a residential and a commercial. I have highlighted the undeveloped parcels on the map. The undeveloped business area, currently zoned B-3, consist of less than one-half an acre of land and it's only with one owner. The remaining parcels, zoned R-4, are on three undeveloped lots; a lot with a house on it, a small city owned lot, and has a total of 0.68 acres of unbuild land in the residential district. Without going into great detail, these lots can and should be built as single family residential detached homes under R-4. The map makes it easy to visualize where the three missing houses will be. I agree with MKSK that B-3 is a more intensive zoning then is merited for the half-acre of undeveloped land left. Live-

Planner Bell said yes, as it's written now.

Member Lynch said I think it makes sense in this particular area. If this is what we need to do as far as the zoning text amendment goes, we should probably do it.

Member Maday said I'll go on record to say I agree with Mr. Lynch.

Member Gronachan said I concur as well, I think the staff did a thorough job and I think this meets the criteria in this area. So, I support it.

Member Avdoulos said do we have a motion?

ROLL CALL VOTE TO MAKE RECOMMENDATION TO CITY COUNCIL MADE BY MEMBER LYNCH AND SECONDED BY GRONACHAN.

Motion to make a favorable recommendation to the City Council for reading and adoption. Motion carried 4-0.

2. JSP 17-52, TERRA associated with Zoning Map Amendment 18.718

Public hearing at the request of Cambridge of Novi, LLC for Planning Commission's recommendation to the City Council for the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan, JSP 17-52, Terra, formerly known as Villa D'Este, associated with Zoning Map Amendment 18.718. The subject property is approximately 30.14-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The applicant proposed a 41-unit single-family ranch housing development (for sale). The current amendment is required as the applicant is seeking some additional deviations for building elements to allow greater flexibility for construction of individual homes, alternate pavement material for sidewalks and driveways and other minor changes.

Planner Komaragiri said thank you for that introduction. So, I'm going to move straight to the items the applicant is asking for deviations for. The current amendment is not proposing any changes to the approved layout, storm water management, impacts to the wetlands or woodlands, traffic, and landscape design. The plan is still subject to the previous approval for all the other items.

The first item the applicant is requesting is to use exposed aggregate as surface material for the residential driveways and sidewalks within the development boundaries. The private road network, Villa Drive and Villa Court, are still proposed to be asphalt. The engineering review notes that the proposed aggregate is adequate for the intended use and supports this request.

The second item the applicant is requesting is prairie style architectural buildings that use low sloped roof pitches, integrated planter bases, and large overhangs. The applicant states that the overhangs are critical to the style and the architecture of these residential homes. The maximum projection of fifteen inches is allowed into the side yard based on the existing side yard setback of fifteen feet, seven and a half feet for each building. The applicant is proposing up to thirty-six inches of projection with the proposed overhangs within the red boundary shown on the exhibit map that is displayed. The current proposal does not affect the approved deviation for the façade with regards to the similar and

dissimilar ordinance. The elevations will be reviewed for compliance with the ordinance requirements at the time of individual building permits. The City's façade consultant, Doug Necci, who is here tonight, notes that the proposed overhangs will enhance the design of the buildings and, in fact, are essential in obtaining the unique appearance of the prairie style architecture. Staff recommends approval of this deviation, subject to our façade consultant's determination that the proposed buildings to match the prairie style architecture at the time of building permit review.

The applicant is also proposing wing walls that could be attached or detached from the building. A maximum of four and a half feet of projection is proposed to occur within anywhere of the blue line in the image shown on the screen. Wing walls attached to the building are subject to building setbacks. Staff recommends that this could be a condition in the PRO agreement provided that the proposed walls are compatible with the building design and architectural style to be determined by the City's façade consultant. The applicant has provided some images that indicate the kind of planter boxes or wing walls they intend to add to the elevations.

The previously approved plan refers to two boundaries when referencing a building: a unit boundary, which is the actual building footprint, and an accessory unit boundary, which are the limits of construction for accessory uses. It is twenty-five feet from the back façade and then the same extent of the building.

The approved PRO agreement allows no more than two regulated tree removals to accommodate the construction or installation of any pool or any other accessory uses noted. The applicant is now currently requesting up to three tree removals. The previous plan proposed a total of five hundred and fifty-two trees to be removed for both phases of the development, resulting in a total of seven hundred and twenty-eight replacement trees. Staff recommends not adding any more removals to the previously approved number. The applicant notes that the development will most likely not use the maximum allowable number as the removal will be determined based on accessory features each individual home owner may desire. If the home owner does not want to build anything within the accessory boundary they may not need to remove any trees. Staff is currently not supporting this deviation, but is deferring it to our Planning Commission's recommendation to City Council on this item.

The applicant is also requesting to allow covered decks as a permitted use within the accessory unit boundary for the area of units 7-36, which are all the units backing up to the regulated woodlands to the north and to the west. All covered enclosed decks are not considered an accessory use. They are considered a part of the building and will be subject to building setbacks. The applicant did not provide any reasonable justification to allow them within the accessory boundaries other than this would provide an additional option to the home buyer. Staff is currently not supporting the request as it would increase the maximum lot coverage beyond fifty percent previously approved because it is unclear whether the covered decks would have enclosed walls.

In addition to the deviations, the applicant is also requesting to make some minor additions to the PRO agreement, they're not deviations. The first one is that they want to make sure the numbers in the approved MDEGLE permit matches the numbers in the PRO agreement for the compensating cut shown on the plan. It is the same as approved before they are just changing the numbers from square foot to cubic yards. Staff is in

agreement with this update. The applicant has added about ten feet worth to unit six, which is indicated here in the red shaded area on the map. This is an administrative change, but since the plan is coming to Planning Commission this is just an update indicating the change happened. The applicant also made a change to the number of units within the red box shown on the map. There were six units before and now the applicant replaced them with five wider units.

The Planning Commission is asked tonight to consider the mentioned deviations and make a recommendation to hold the public hearing and then make a recommendation to City Council based on the individual deviations. The motion sheet provided gives an option for the two deviations, when making a recommendation please pick one of those two. Thank you.

Member Avdoulos said thank you, Sri. Is the applicant here and would they like to add to Sri's presentation?

Applicant, Mark Guidobono of Cambridge Homes, 47765 Bellagio Drive, said hello everyone. Just a couple of comments here, and I'll be happy to answer any questions anyone may have. The first comment: we have decided to go with prairie style architecture. I have more pictures if you would like to see them. But, on the overhangs, just for clarification, the dimension we are looking at, in our minds, is that nine foot area. In this subdivision we will have overhangs that are thirty inches, thirty-six inches, and forty-eight inches. There are some sites that will be bigger or have more space between units, which will allow us to go to forty eight inches in some instances, but we will maintain that nine foot minimum. I did want to make that clarification because the way the memorandum reads talks about having thirty-six inch overhangs and we are using three different sizes.

The other thing we can talk about is tree removal. Our goal is to not remove any more trees. Staff did put, knowing if somebody did want to install a pool or something like that, we would agree to allow two regulated trees to be removed per unit up to that amount. Probably, maximum ten to twenty percent of the units would have this condition. This is not super important for us; it just gives us some flexibility and one way to look at it from our stand point, we could cap it at twenty trees maximum over and above the two and I doubt we would even get to that number. That's our feeling on that. It just gives us more flexibility, if home owners want to add some things. We've gone out of our way to move that tree fencing in as tight as we can to save some really nice trees behind the development. We really brought that in tight, we would hate to have that cost us a couple of sales. That's the only reason why we're thinking of this. We can go either way with it; it just gives us a little more flexibility.

With the covered decks, it's the same thing. Most of our footprints are a fairly good size, we feel ninety percent of these homes will be able to keep the covered portion of these decks within that footprint, there might be a couple of instances where the design calls for a covered deck that extends beyond that footprint. We were just proposing it because we're backing up to the city woodlands. For us, the setbacks do not come into play and this will not affect any of the residents here because were mainly talking about the units that back up to the property we donated to the city, the units that back up to Nine Mile do not apply, and the units that back up to each other on the site plan would not apply there either. Again, were talking maybe two houses, we want more flexibility, we don't

think it is a deal killer for us, but we feel it is such a minor thing that it would be nice to have. I'm happy to answer any questions that you may have.

Member Avdoulos said thank you. This is a public hearing, if there is anyone that would like to comment or discuss this issue you have the floor. Seeing that there is no discussion, I'm going to turn this over to the Planning Commission.

Member Lynch said we have one response from Ronald Valente, 49100 West Nine Mile Road, he supports. He feels the changes are minor and improve the development.

Member Avdoulos said thank you, with that, anyone from the Planning Commission?

Member Lynch said I am going to defer my decision until I hear from our architect. My personal opinion; let's start with the aggregate, looks great and it is going to work out just fine. Now let's go to the trees, yeah we can dig our heels in and say no, you're not going to remove any more trees, but we're only talking about three to four trees, so not a lot. The practical matter is once these home buyers move in, somebody's going to want a pool in their backyard and they're going to take the tree down, then we open up a can of worms and we have to go to the ordinance officer and they will have to go out there and inspect it. My personal feeling is that it is such a heavily wooded site and I have been out there and it's a beautiful site, in this particular area, I don't think one or two trees is going to make a big difference. The overhangs and such, I'm going to rely on Mr. Necci to give feedback. They look great to me, but I'd like an expert to talk about the architecture and know what your thoughts are.

City façade consultant, Doug Necci, said I think Sri summarized it very well. The overhangs are the essential ingredient to the prairie, Frank Lloyd Wright, style of architecture. Without that, you do not have prairie style architecture. Frankly, the bigger the overhang, the better it is. I think three foot is really a minimum overhang, in order to get that visual effect. So I support it completely.

Member Lynch said I'm glad I got your feedback because, personally, I don't know what the drawbacks are. One thing I do want to say upfront, with all the changes, is I know this builder will do it and it is going to look great, but my fear is if this builder decides to walk away and sell to a less capable builder. There is a PRO associated with this property, right?

City Attorney, Thomas Schultz, said yes there is. This PRO is between this current builder and the city.

Member Lynch said OK so I can go ahead and approve this as part of the PRO and if this developer says he's going to change his mind and sell to a different company, there's going to be a new PRO that's going to come back to us, right?

City Attorney, Thomas Schultz, said the PRO runs with the land so the developer is fully permitted to convey the property, but whoever buys it is subject to all the same terms of the PRO.

Member Lynch said that's the only risk and I'm willing to take it because I've seen the work and I know the company is financially solvent and I expect it to be a spectacular

development, but I do want to express my fear in approving all these changes and some less capable builder takes it on, it will be a little risky, but I'm willing to accept that risk. I appreciate everyone's comments. The architecture looks great and it seems more prevalent to have these covered decks now, especially, in upscale developments like this. I don't really have a problem with that. I don't know what the ramifications are or if we're setting precedent and for this particular site I think it makes sense, knowing the demographics of the development so I don't have any problems with anything the developer is proposing, however, I do want to discern the difference between the staff recommendation in the sheet and the applicant's recommendation. So for item three, what's the bottom line here? Take subline A, for example, they want to put in the covered decks, it extends fifteen feet in the accessory unit boundary, what am I making a decision on? Allowing them to come out a little more on those four decks?

Planner Komaragiri said what staff is unclear about is, when they are proposing a covered deck, are they going to enclose it with walls as well? Once they enclose it with walls, it is essentially a building. So anything that is considered a building, it is supposed to be limited within the unit boundary. What they're proposing is extending the building outside of the unit boundary into the accessory boundary by calling it a covered deck. Like Mark had mentioned, they are only proposing that to the units that are backing up to the regulated woodlands not where they are backing up to each other so the buildings are not getting closer together. We do have a building setback of thirty-five feet in the rear yard.

Member Lynch said, but there's nothing but woods back there, right?

Planner Komaragiri said yes, that is correct. The difference between subline A and B is A is what the applicant is requesting to be able to extend up to fifteen feet. Earlier their request was to extend within twenty-five feet, they cut back on the request and said we will only have the covered decks within fifteen feet.

Member Lynch said my inclination right now is to go with the applicant's request for the following reasons: the setback does not bother me because they back up to heavily wooded areas and there's only a few, I think there's four?

Planner Komaragiri said no, this is just an indicator; it depends on the individual home owner. If that home owner wants to do a covered deck, they have an option to do it.

Member Lynch said with the woods, odds are, people are going to want to screen it in. I think for this development it makes sense. So my inclination, unless I hear otherwise from the rest of the commissioners, is to go with the applicant request. I don't see any harm in that, just my opinion.

Member Avdoulos said just for clarification, so the highlighted area on the map, what were you showing?

Planner Komaragiri said it is the change in units from six to five, but the covered deck is for all these units that are backing up to the woodlands.

Member Lynch said OK, so then all the units backing up to the woods, not the units on Nine Mile Road?

Planner Komaragiri said yes.

Member Lynch said my inclination is to go for 3A, unless I hear a compelling argument from the rest of the commissioners. I can go either way. The next one is the woodland trees. My opinion is that they are going to come down anyway. We're only talking three.

Planner Komaragiri said up to three. The previous approval is up to two trees, there are forty-two units in the development so they're adding one additional tree per unit.

Member Lynch asked have you ever been out to this site?

Planner Komaragiri said yes.

Member Lynch said so you know. You're picking out one straw in a haystack, basically. I guess my inclination is to go with the applicant's request. I don't want to go much more than that, this makes sense, but I just want to prevent what I can see happening in the future because it's just more of a burden on the City Staff. At the end of the day somebody's going to come in and say I really want to put a pool in the backyard and out goes the tree and then you have an ordinance violation. Let's stop it right here. So my inclination is for subline B, the applicant requested. I'll turn it over to the rest of the commissioners. Thank you.

Member Avdoulos said anybody else?

Member Maday said I struggle with the two big ones; the trees as well as the enclosed screens. I tend to agree with Mr. Lynch, but I do know the emotions that are brought on with cutting trees down. Logically speaking, it's not many trees overall. It sounds a lot worse to me when I read it and then I look at how many trees were actually talking about. What I don't understand is, and you can explain it to me, I realize that when you have a lot and they want to build something with the builder, that's just going to be an option the home buyer may not even opt to do it. So were probably talking even less trees.

Member Gronachan said I concur with the first speaker. I'm very familiar with this site from my past experience on the Zoning Board for a number of years. I think the one thing I really want to reiterate to everyone is this is an extremely unique site. It is a unique shape and has a unique location and I think this particular builder has matched a sense of uniqueness to this property. When you're talking about taking two or three trees with the amount of woodlands that are back there, it's to improve the quality of life for that resident that's going to be living there. I know what the struggle is when people throughout the city claim were allowing all these trees to go, that's not what this case is about. In regards to the overhangs, I happen to be from the area where Frank Lloyd Wright produced most of his homes, and I'm very familiar with that architecture and they have stood the test of time. My concern is that this is really new for Michigan and I hope it takes off. I do not see any negative impacts with what the petitioner is requesting so I would also support this based on all the testimony and discussion.

Member Avdoulos said thank you Member Gronachan. I would also like to make a few comments. The deviation related to the aggregate on the sidewalks, I see no issues, I think it blends in well with what the development is trying to do. The prairie style

architecture I think, in this particular area, lends itself better to this kind of development. I think the major concern when this development was first brought forth, I thought it was going to be more like small Tuscan villas, hence the original name. But the prairie style architecture fits in with the rural character of the site and I applaud that. The overhang is not an issue, as our façade consultant indicated. There has to be some kind of care though when the homes are close together that they don't look like they're fighting with each other because the overhangs extend so far out, they'll be closer together. I don't want it looking like what I see sometimes in big cities, especially like Toronto where the overhangs are on top of each other, but I know this type of development will take care of that. Are the covered decks going to be fully enclosed, screened, or glassed in?

Applicant Mark Guidobono said the covered decks will not have heating or air conditioning. Because we're in the woods, some of these people may want to do Panda screens and that's what we're going to do in our model, where you can push a button and the screens come up and down, so that's what will be allowed in the subdivision. And we're talking maybe two houses this impacts. Most of these footprints will fit ninety percent of what we're going to be building there. It's just giving me a little more flexibility if somebody needs a little extra space for their covered terrace.

Member Avdoulos said OK and we've limited that to fifteen feet in lieu of the twenty-five?

Planner Komaragiri said yes.

Member Avdoulos said I think we're comfortable with that. The only thing I was thinking about on the trees, I know that at two per unit maximum was giving us eighty-four and the request that three gives us one hundred and twenty-six that could be removed. Mr. Guidobono, you indicated that this may affect a maximum of twenty trees or so but I kind of agree with my fellow commissioners because when you initially said that I was going to say how about a maximum of forty trees with no more than three on a particular unit so that could be something we could consider if we wanted to do it that way or we just leave it as indicated so that there's more flexibility per unit.

Planner Komaragiri said I think we would prefer leaving it as indicated because it would be hard to track down the maximum removal. It sounds attractive, but would be hard to enforce.

Member Avdoulos said other than that, I think this is a positive development for the area so we appreciate you coming up. So, do we have any more discussion?

Planner Komaragiri said I would just like to make a small edit to the motion based on what Mr. Guidobono has mentioned. For item 2B and Ci, where we are making a reference to a maximum of thirty-six inches for a roof overhang, as the applicant indicated, there are certain units where the maximum of thirty-six inches with the intent the units are fifteen feet apart, but there are certain units where they're more than fifteen feet apart, so we are OK with the applicants request to change that to a minimum of nine feet shall be maintained between the edges of the overhangs instead of a maximum of thirty-six inches.

Member Lynch said would you like me to make a motion? Before I make the motion, I would like to thank staff for their diligence and please don't see this motion as a sign of

disrespect.

ROLL CALL VOTE TO APPROVE ZONING MAP AMENDMENT 18.718 MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.

In the matter of the request of Cambridge of Novi, LLC, for the Terra JSP 17-52 with Zoning Map Amendment 18.718, motion to recommend approval to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following motion:

- 1. This approval is subject to all conditions listed in the original PRO agreement recorded April 09, 2019, unless otherwise amended with this approval;**
- 2. The recommendation includes the following ordinance deviations with this revision for consideration by the City Council:**
 - a. Engineering deviation from Section 7.4.2(d) Engineering Design Manual to allow exposed aggregate as an alternate material for sidewalks pavement in lieu of concrete for the entire development;**
 - b. Planning deviation from Section 3.32.8. to allow for additional encroachment for roof overhangs into the required side yards (A maximum of 15 inches is allowed per the current side yard setbacks, a minimum of 9 feet between the roof overhangs at fascia is proposed); This approval shall be subject to building designed with Prairie architecture style, subject to the City's Façade Consultant approval at the time of building permit review;**
- 3. If the City Council approves the amendment to the PRO Concept Plan, the Planning Commission recommends the following conditions be made part of the PRO Agreement:**
 - a. For Units 7-36, covered decks shall be allowed to extend up to 15 feet into the "Accessory Unit Boundary" from the rear façade; "Accessory Unit Boundary" refers to the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on the approved final Concept Plan.**
 - b. No more than three (3) regulated woodland trees may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use.**
 - c. A minimum of 15 feet shall be maintained between two buildings, with the exception of roof overhangs and wing walls as noted below:**
 - i. A minimum of 9 feet shall be maintained between the roof overhangs between two buildings at fascia as shown in the 'Overhang Projection Areas' exhibit on revised PRO Concept plan dated 07-25-19 , subject to the house being designed with Prairie architecture style and subject to the City's Façade Consultant approval at the time of building permit review;**

- ii. **A maximum of 4.5 feet of on-ground projection shall be allowed as shown in the 'Wing wall/planter projection area' exhibit on revised PRO Concept plan dated 07-25-19, subject to the City's Façade Consultant approval at the time of building permit review;**
- d. **The elevations shall comply with the Ordinance requirements and conditions of the PRO agreement, subject to the limitations set forth in the Master Deed as determined at the time of individual building permit review;**
- e. **The applicant shall update the PRO agreement with the following updates:**
 - i. **The ITC comfort station shall be completed within 6 months of Dec. 15, 2019 or within 6 months from the substantial completion date of the ITC trail at Nine Mile and Garfield intersection;**
 - ii. **The compensating cut areas in the approved PRO Agreement shall be updated to be consistent with the MDEGLE permit approval dated 04-09-19;**

This motion is made because the proposed amendment is proposing changes that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted. *Motion carried 4-0.*

MATTERS FOR CONSIDERATION

1. INTRODUCE TEXT AMENDMENT 18.290– Updates to standards for Hotel developments

Set a public hearing for Text Amendment 18.290 to update at various sections, in order to bring ordinance language up to date, and update standards for minimum parking and loading requirements for Hotel developments.

Planner Komaragiri said thank you. Recently the Community Development department has seen a considerable interest in hotel development in Novi. There are about sixteen built hotels in Novi and one under construction. In the last five years, the Planning Commission has approved two hotels and in 2019, the City Council had approved a development that included two hotels as part of a planned rezoning overlay development. One of these hotels, which was part of the PRO, applied for the reduction in minimum parking and noted that the increase use of networking services and ridesharing services like Uber and Lyft had an impact on parking trends and anticipated that the guests will utilize those services and requested a reduction in parking counts.

Also, based on recent discussion, the Planning Commission has advised the staff to look into the effects of ride sharing services on the parking demand for hotels. We have studied available articles online and then contacted local hotel managers and we also checked in with other planners in the neighboring communities to see if they considered research on a similar amendment. The memo that was a part of the packet included a summary of the research and the conclusions and staff's recommendations. Staff had made some recommendations to reduce the minimum required parking for hotels and made some updates to the categories that are available in the text amendment and then allowed an option for Planning Commission to approve the reduction in parking and the loading area for hotels as part of their preliminary site plan approval.

The Planning Commission is asked to review the proposed amendment and if acceptable

Implementation Committee and I didn't realize it's been six to seven years since they've met because I've never seen that and I've tried to make my rounds throughout all the committee meetings. Basically, I would like to talk about an upcoming proposal called Scenic Pines and that will be south of Walled Lake. It has some potential drainage issues, it's got a lot of wetlands and it's basically the property south of 1207 Pembine Street, there's going to be a subdivision that will probably end up in there and its largely woodlands and wetlands and the neighborhood is very concerned about flooding and potential impacts to their backyard. There is no engineered drainage in that area, but the video I was going to share with you basically shows all along the front of that house, water drains and basically just goes into the front yard of 1207 Pembine Street and if you have the opportunity to go out and look at that parcel, you'll be able to visually see the slope and the way that the elevations drain to the house and the developers to build houses in the wetland is raising everything up in the back and making all the water flow to the front. So the only comment I wanted to make here today is to sensitize you that another develop is coming and we have concerns as far as drainage and I'll leave it at that for today. I do appreciate the opportunity to look a little more in Pavilion Shore Village, I've spent quite a few hours reading the details in your packet and there are many items that either don't belong there or need to be revised. As I said earlier, there's a very small portion of land that's undeveloped and the B-3 portion could be redefined or let the non-conforming businesses become conforming businesses. Thank you.

Member Avdoulos said I would like to thank you for indulging me for a moment of silence in respect for Brian Berk on behalf of the Planning Commission I want to express our deepest sympathies with the family. I got to know Brian through Planning Commission, he was on City Council, and he was on quite a few other committees. He was just a real sincere person and it was kind of sudden, I just saw him maybe about three months ago and it's sad, but it was great we had someone like that be a part of the city and are blessed to have known him. I just want to again, express our deepest sympathies and wanted to do that prior to the pledge of allegiance because I know he was a vet and I know he's appreciative wherever he is looking down on us.

Member Lynch said very well put, Brian is going to be missed. When you look at Novi and look at the people that really contributed to the city and have been here through thick and thin and volunteered, that's Brian.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Gronachan.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRONACHAN.

Motion to adjourn the August 28, 2019 Planning Commission meeting. Motion carried 4-0.

The meeting was adjourned at 8:44 PM.

**08-28-19 PLANNING COMMISSION PUBLIC HEARING
Action Summary**



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI

Regular Meeting

August 28, 2019 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 7:03 PM.

ROLL CALL

Present: Member Avdoulos, Member Gronachan, Member Lynch, Member Maday

Absent: Member Anthony, Member Ferrell, Chair Pehrson

Also Present: Barb McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Kate Richardson, Staff Engineer; Victor Boron, Staff Engineer; Thomas Schultz, City Attorney

APPROVAL OF AGENDA

Motion to approve the August 28, 2019 Planning Commission Agenda. Motion carried 4-0.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. FAIRFIELD INN & SUITES JSP 18-66: Approval of reduction of a parking space

Approval at the request of Novi Superior Hospitality, LLC for Planning Commission's approval of reduction of minimum required parking spaces from 119 to 118, as may be granted by the Planning Commission per the revised Planned Rezoning Overlay Agreement for the Adell Center. The applicant previously received Planning Commission approval of Preliminary Site Plan for a 5 -story hotel with 119 rooms on Unit 3 of Adell Center Development.

In the matter of request of Novi Superior Hospitality, LLC, for the Fairfield Inn & Suites JSP18-66, motion to approve the Revised Preliminary Site Plan based on and subject to the Planning Commission's approval of the deviation from the standards of Sec. 5.12 for up to 5 percent reduction in minimum required parking (to be established by staff after reviewing the calculations provided) for each unit within the development subject to the individual users providing satisfactory justification for Planning Commission's approval of the parking reduction at the time of respective site plan approval; Planning Commission's approval to allow for reduction of minimum required parking spaces (124 spaces required, 118 spaces proposed), as noted in the PRO agreement. Motion carried 4-0.

PUBLIC HEARINGS

1. TEXT AMENDMENT 18.289

Public hearing at the request of Frank Jonna for Planning Commission's

recommendation to City Council for a Zoning Ordinance text amendment at Article 3, Section 3.10 "B-1, B-2 AND B-3 BUSINESS DISTRICTS REQUIRED CONDITIONS" in order to allow building height to be increased to 52 feet or 4 stories in the B-2 District under certain conditions.

Motion to make a favorable recommendation to the City Council for reading and adoption. Motion carried 4-0.

2. JSP 17-52, TERRA associated with Zoning Map Amendment 18.718

Public hearing at the request of Cambridge of Novi, LLC for Planning Commission's recommendation to the City Council for the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan, JSP 17-52, Terra, formerly known as Villa D'Este, associated with Zoning Map Amendment 18.718. The subject property is approximately 30.14-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The applicant proposed a 41-unit single-family ranch housing development (for sale). The current amendment is required as the applicant is seeking some additional deviations for building elements to allow greater flexibility for construction of individual homes, alternate pavement material for sidewalks and driveways and other minor changes.

In the matter of the request of Cambridge of Novi, LLC, for the Terra JSP 17-52 with Zoning Map Amendment 18.718, motion to recommend approval to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following motion:

- 1. This approval is subject to all conditions listed in the original PRO agreement recorded April 9, 2019, unless otherwise amended with this approval;**
- 2. The recommendation includes the following ordinance deviations with this revision for consideration by the City Council:**
 - a. Engineering deviation from Section 7.4.2(d) Engineering Design Manual to allow exposed aggregate as an alternate material for sidewalks pavement in lieu of concrete for the entire development;**
 - b. Planning deviation from Section 3.32.8. to allow for additional encroachment for roof overhangs into the required side yards (A maximum of 15 inches is allowed per the current side yard setbacks, a minimum of 9 feet between the roof overhangs at fascia is proposed); This approval shall be subject to building designed with Prairie-style architecture, subject to the City's Façade Consultant approval at the time of building permit review;**
- 3. If the City Council approves the amendment to the PRO Concept Plan, the Planning Commission recommends the following conditions be made part of the PRO Agreement:**
 - a. For Units 7-36, covered decks shall be allowed to extend up to 15 feet into the "Accessory Unit Boundary" from the rear façade; "Accessory Unit Boundary" refers to the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on**

- the approved final Concept Plan.
- b. No more than three (3) regulated woodland trees may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use.
 - c. A minimum of 15 feet shall be maintained between two buildings, with the exception of roof overhangs and wing walls as noted below:
 - i. A minimum of 9 feet shall be maintained between the roof overhangs between two buildings at fascia as shown in the 'Overhang Projection Areas' exhibit on revised PRO Concept plan dated 07-25-19 , subject to the house being designed with Prairie architecture style and subject to the City's Façade Consultant approval at the time of building permit review;
 - ii. A maximum of 4.5 feet of on-ground projection shall be allowed as shown in the 'Wing wall/planter projection area' exhibit on revised PRO Concept plan dated 07-25-19, subject to the City's Façade Consultant approval at the time of building permit review;
 - d. The elevations shall comply with the Ordinance requirements and conditions of the PRO agreement, subject to the limitations set forth in the Master Deed as determined at the time of individual building permit review;
 - e. The applicant shall update the PRO agreement with the following updates:
 - i. The ITC comfort station shall be completed within 6 months of Dec. 15, 2019 or within 6 months from the substantial completion date of the ITC trail at Nine Mile and Garfield intersection;
 - ii. The compensating cut areas in the approved PRO Agreement shall be updated to be consistent with the MDEGLE permit approval dated 04-09-19;

This motion is made because the proposed amendment is proposing changes that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted. *Motion carried 4-0.*

MATTERS FOR CONSIDERATION

1. INTRODUCE TEXT AMENDMENT 18.290– Updates to standards for Hotel developments

Set a public hearing for Text Amendment 18.290 to update at various sections, in order to bring ordinance language up to date, and update standards for minimum parking and loading requirements for Hotel developments.

Motion to set public hearing for Text Amendment 18.290 with staff to make revisions to the draft ordinance as discussed at the meeting. *Motion carried 4-0.*

2. INTRODUCE TEXT AMENDMENT 18.288 – UPDATES TO THE B-2 AND B-3 ZONING DISTRICTS

Set a public hearing for Text Amendment 18.288 to update the uses permitted as of right and the uses permitted as special land uses in the B-2, Community Business District and B-3, General Business District, and various other modifications.

Motion to set public hearing for Text Amendment 18.288. *Motion carried 4-0.*

3. INTRODUCE TEXT AMENDMENT 18.291– PAVILION SHORE VILLAGE ZONING DISTRICT

Set a public hearing for Text Amendment 18.291 to establish the Pavilion Shore Village Zoning District, in order to fulfill the Master Plan recommendation for redevelopment near Thirteen Mile Road and Old Novi Road.

Motion to send the draft ordinance to the Implementation Committee, with the understanding that the Committee will work with staff and notice will be given to the affected property owners for additional input, prior to setting the public hearing. Motion carried 4-0.

4. PLANNING COMMISSION MEETING CALENDAR FOR 2020

Motion to approve the presented Planning Commission public meeting schedule for 2020. Motion carried 4-0.

5. APPROVAL OF THE JULY 24, 2019 PLANNING COMMISSION MINUTES

Motion to approve the July 24, 2019 Planning Commission Meeting Minutes. Motion carried 4-0.

ADJOURNMENT

The meeting was adjourned at 8:44 PM.

**Actual language of the motions subject to review.*