



Valencia South JSP13-75 with Rezoning 18.706

Valencia South JSP13-75 with Rezoning 18.706

Consideration of the request of Beck South LLC for Planning Commission's recommendation to City Council for rezoning of property in Section 29, on the southwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The subject property is approximately 41.31 acres and the applicant is proposing a 66 unit single-family development.

REQUIRED ACTION

Recommend to City Council approval or denial of rezoning request from R-1 to R-3 with a Planned Rezoning Overlay

UPDATE MEMO	RESULT	DATE	COMMENTS
Planning	Comments provided	02/19/15	Applicant has addressed concerns of the Planning Commission <ul style="list-style-type: none"> • Adjacent properties will not experience negative impacts related to drainage, well and septic as a result of the proposed development • Applicant has proposed a 15 ft. conservation easement along the west and south property lines • Applicant has provided water and sanitary stubs at the south property line for future connection
Engineering	Comments provided	02/19/15	

Motion sheet

Approval

In the matter of the request of Beck South LLC for Valencia South JSP13-75 with Zoning Map Amendment 18.706 motion to **recommend approval** to the City Council to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay subject to environmental consultant review of the updated site layout prior to the matter proceeding to the City Council. The recommendation shall include the following ordinance deviations:

- a. Reduction in the required front yard building setback for Lots 19-30 and 43-46 (30 ft. required, 25 ft. provided) to allow for an increased rear yard setback;
- b. Reduction in the required aggregate of the two side yard setbacks (30 ft. required, 25 ft. provided) to allow for an increased rear yard setback;
- c. Waiver of the required berm between the project property and the existing church in order to preserve existing mature vegetation;
- d. Administrative waiver to omit the required stub street connection at 1,300 ft. intervals;
- e. Design and Construction Standards waiver for the lack of paved eyebrows;
- f. Design and Construction Standards variance for the installation of the required pathway to the adjacent Andover Pointe No. 2 development with the condition that an easement is provided.

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the Planned Rezoning Overlay Agreement:

- a. Applicant must provide an increased rear yard setback of 50 ft. for Lots 19-30 and 43-46 consistent with the provided sketch;
- b. Applicant must provide a pathway connection to Ten Mile Road from the internal loop street as noted under Comment 1 of the engineering memo dated January 7, 2015; and
- c. Applicant complying with the conditions listed in the staff and consultant review letters.

This motion is made because:

- a. The proposed development meets the intent of the Master Plan to provide single-family residential uses on the property that are consistent with and comparable to surrounding developments;
- b. The proposed density of 1.65 units per acre matches the master planned density for the site; and
- c. The proposed development is consistent with a listed objective for the southwest quadrant of the City, "Maintain the existing low density residential development and natural features preservation patterns;"
- d. *(additional reasons here if any).*

-OR-

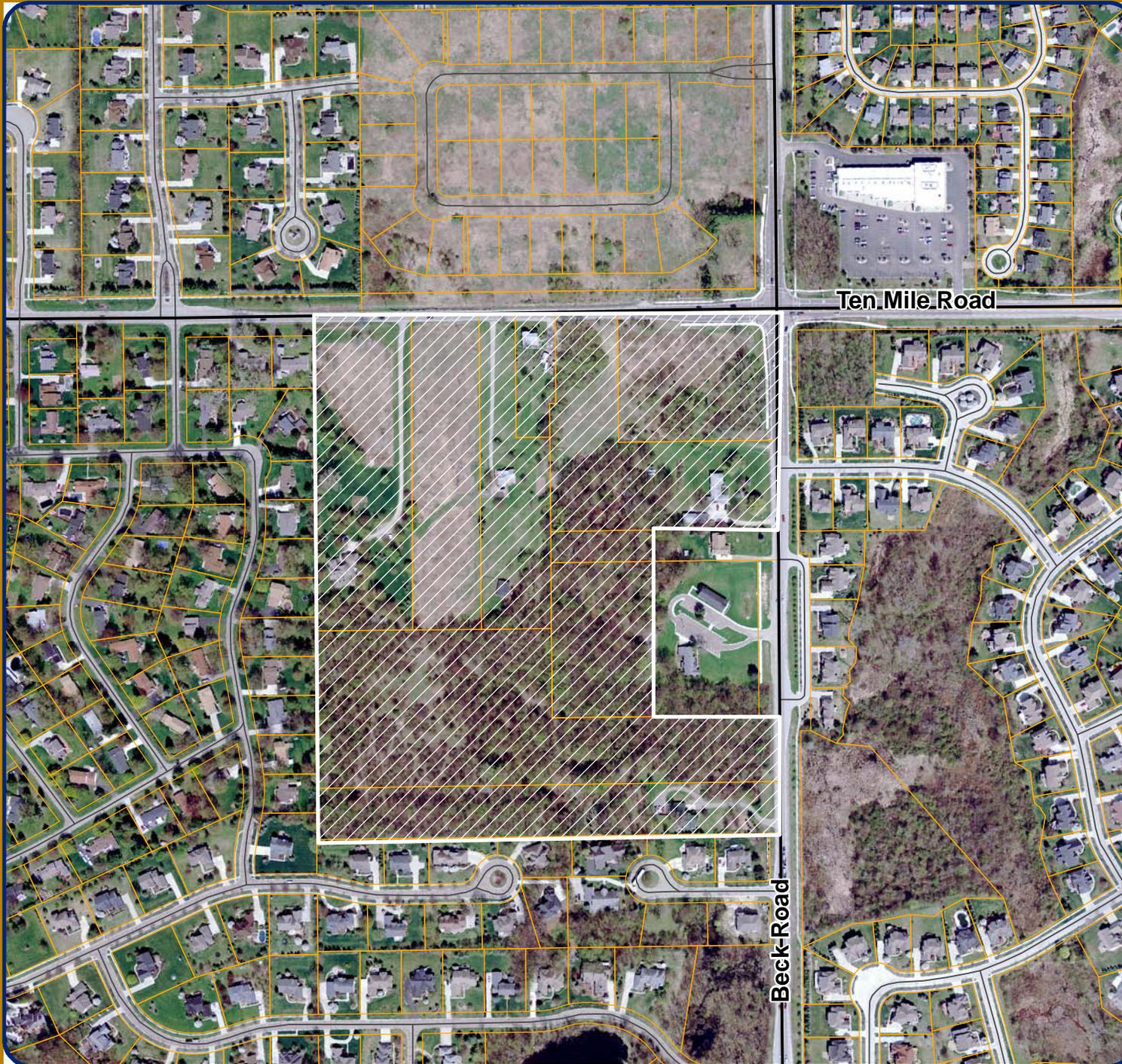
Denial

In the matter of the request of Beck South LLC for Valencia South JSP13-75 with Zoning Map Amendment 18.706 motion to **recommend denial** to the City Council to rezone the subject property from R-1 (One-Family Residential) to R-3 (One-Family Residential) with a Planned Rezoning Overlay...because the proposed zoning is not consistent with the adjacent zoning districts.

Maps
Location
Zoning
Future Land Use
Natural Features

Valencia South JSP13-75

Location



Map Legend

 Subject Property



City of Novi
Planning Division
Community Development Dept.
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

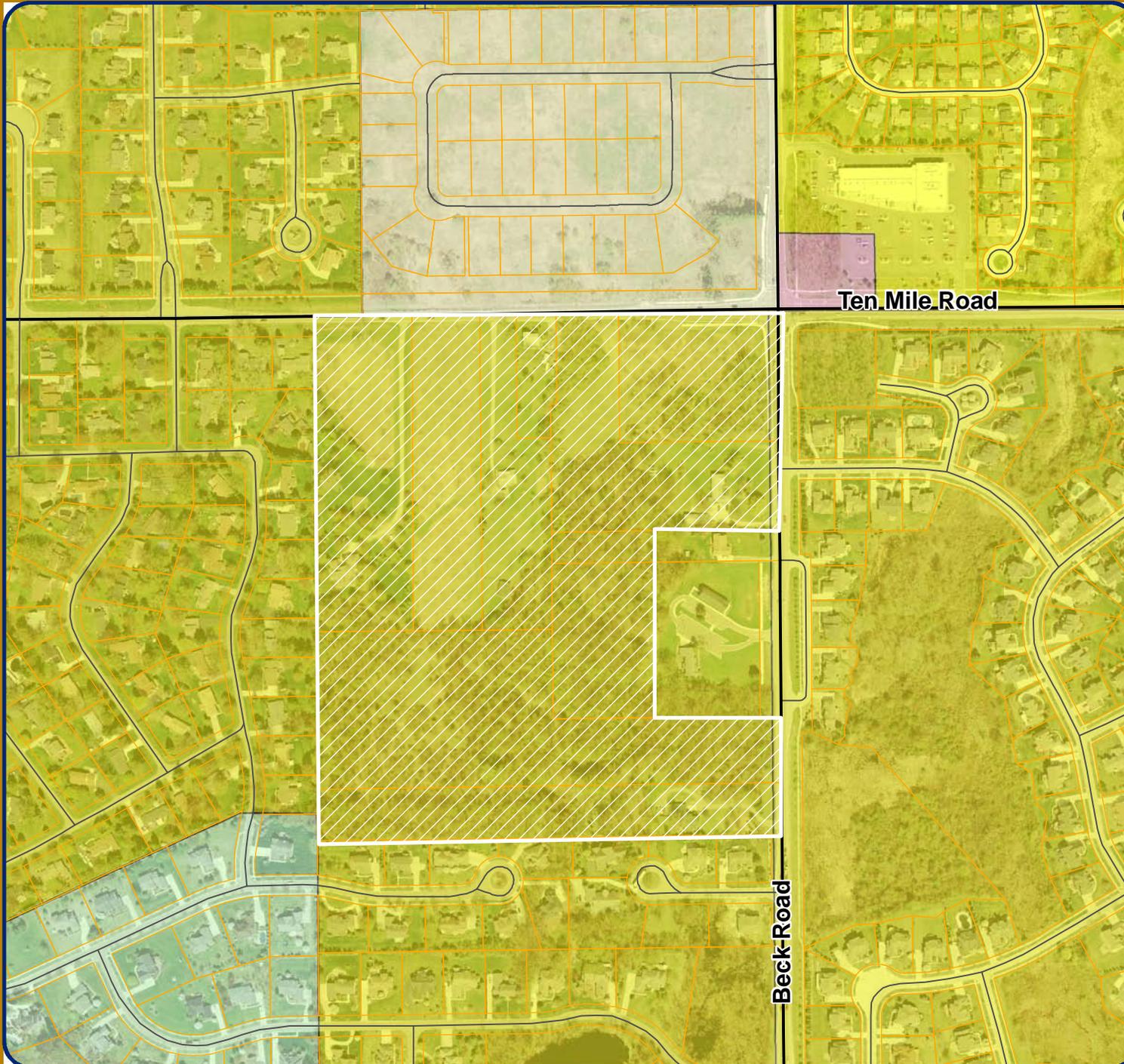
Map Author: Kristen Kapelanski
Date: 02-05-15
Project: JSP13-75 Valencia South
Version #: 1.0

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.

Valencia South JSP13-75

Zoning



Map Legend

- Subject Property
- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-3: One-Family Residential District
- R-4: One-Family Residential District
- B-1: Local Business District



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Valencia South JSP13-75

Future Land Use



Map Legend

- Subject Property
- Single Family
- Local Commercial
- Private Park



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Valencia South JSP13-75

Natural Features



Map Legend

-  Subject Property
-  Wetlands
-  Woodlands



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Concept Plan

Seat:



Title:
Landscape Plan

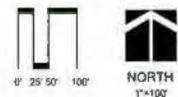
Project:
**Valencia Estates South
 Novi, Michigan**

Prepared for:
 Pinnacle Homes
 25800 Orchard Lake Road, Suite 200
 Farmington Hills, MI 48334

Revision:	Issued:
Submittals	May 1, 2014
Revised	August 18, 2014
Revised	November 14, 2014
Revised	December 12, 2014
Revised	February 18, 2015

Job Number:
 14-023

Drawn By: *ja* Checked By: *ja*



Sheet No.

L-1



Woodland Replacement Plantings in Park Area

Field Locate Woodland Replacement Plantings in Park Area

Proposed Street Trees

Street Tree Summary

Street Trees	
Total Lots 70-105	61 Lots
Total Lots 105-140	3 Lots
Corner Lots	4 Lots
Trees Required	143 Trees (61 x 2) + (8 x 3)
Trees Provided	200 Trees (Extra 56 Trees to be Counted Toward Woodland Replacement)
Street Lawn	
Total Street Frontage	2,323 LF
Trees Required	88 Trees (2,323 / 26)
Trees Provided	88 Trees
Woodland Replacement	
Replacement Required	1,964 Trees
Replacement Provided	620 Trees
Trees to be Paid via Fund	1,364 Trees

See Sheet L-2 for Entry
 Proposed Street Lawn Trees
 Oversized Evergreens /
 Woodland Replacement Trees



Planning Commission Draft Minutes
February 11, 2015 - Excerpt



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

FEBRUARY 11, 2015 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

Present: Member Anthony, Member Baratta, Member Giacometti, Member Greco, Chair Pehrson, Member Zuchlewski

Absent: Member Lynch (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Sri Komaragiri, Planner; Jeremy Miller, Engineer; Gary Dovre, City Attorney; Matt Carmer, Environmental Consultant; Pete Hill, Environmental Consultant; Maureen Peters, Traffic Engineer Consultant; Matt Klowan, Traffic Engineer Consultant.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Baratta and seconded by Member Greco:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GRECO:

Motion to approve the February 11, 2015 Planning Commission Agenda. Motion carried 6-0.

PUBLIC HEARINGS

2. Valencia South JSP13-0075 with Rezoning 18.706

Public hearing of the request of Beck South LLC for Planning Commission's recommendation to City Council for rezoning of property in Section 29, on the southwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay. The subject property is approximately 41.31 acres.

Planner Kristen Kapelanski stated that the applicant is proposing a rezoning with PRO to develop 66 single-family homes on a 41 acre site at the southwest corner of Beck Road and Ten Mile Road. The parcels are currently made up of single-family homes and vacant land. Land to the north of the proposed project across Ten Mile Road is under construction for the development of single-family homes very similar to this proposal. Existing single-family developments can be found to the south and west and vacant land, single-family homes and a church are located to the east. The subject property is zoned R-1, One-Family Residential with R-1 zoning surrounding the site with the exception of the property to the north, which is zoned R-3 with a Planned Rezoning Overlay. The future land use map indicates single-family uses for the subject property

and the surrounding properties along with a private park designation to the east. There are significant amounts of natural features on the site. Impacts to natural features have been minimized to the extent practical. Permits for wetland and woodland impacts would be required at the time of site plan review and approval. The City's environmental consultant is here this evening to address any natural features concerns. The applicant is proposing 66 single-family homes with 28% open space resulting in a density of 1.65 units per acre, consistent with the R-1 zoning district provisions. Proposed lot sizes and widths are consistent with the standards provided in the R-3 district, hence the proposed rezoning.

Planning staff has recommended approval of the proposed rezoning to R-3 with a PRO as the plan meets the intended master plan density and the objective to maintain low density development and natural features preservation patterns in this area of the City. A PRO requires the applicant propose a public benefit that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed the following benefits: housing style and size upgrade as demonstrated by the included renderings and similar to what is being constructed to the north; increased frontage open space, 28% open space on the site, dedication of rights-of-way and an off-site sidewalk connection along Beck Road. The applicant has also offered to preserve the remaining on-site natural features with a conservation easement. Ordinance deviations have been requested by the applicant for inclusion in the PRO Agreement for the following items: Lack of berm along the church property line, lack of paved eyebrows and missing pathway connections to Ten Mile Road and to the adjacent Andover Pointe No. 2. Staff supports the waiver of the berm surrounding the church property and the lack of paved eyebrows. Staff does not support the missing pathway connections for the reasons noted in the engineering review letter. The applicant has proposed a creative solution in response to the concerns of residents in the adjacent developments to the west and south for an increased rear yard setback for the proposed homes. The sketch shows an altered building footprint that would increase the rear yard setback but require a five foot deviation for the front yard setback and the aggregate setback of the two side yards. This would only apply to those lots bordering the existing residential developments. Staff supports these deviations. All reviews recommend approval of the concept plan noting items to be addressed on the Preliminary Site Plan submittal. The Planning Commission is asked to make a recommendation on the proposed rezoning with PRO this evening.

Chair Pehrson asked the applicant to come to the front and address the board.

Howard Fingerroot, managing partner with Pinnacle Homes stood before the board. He stated that he wanted to do a review of what they were proposing at Valencia South. The process was started in May of last year and they have had discussions with neighbors and listened to what they had to say. He thinks they have been able to put together a very nice plan. By way of background, Pinnacle Homes has built four communities, making this project the fifth since 2009. In 2009 they bought a project called Provincial Glades. It was a 70 unit development and they completed the development along with the last 67 homes. A few years later they did a smaller project on Eight Mile called Normandy Hills. It was started by another company and they came in, finished the development and built about 12 homes. Two years ago, they started Andelina Ridge at Napier Road and Twelve Mile Road, which is currently under construction. They paved Twelve Mile in front of their site and put together a nice landscape package including the entry way and walls which is being well received. Across the street from the proposed Valencia South is Valencia Estates which was 38 home sites. They have a lot of experience in the City of Novi, they work well with the staff and have lived up to all of the requests and obligations they have made. Before discussing Valencia South, he brought some elevations of homes to show the board to give them an idea of what these homes would look like. The samples are upgraded in

elevation, size and materials and range from approximately 2,800 to 4,000 square feet. These are homes they have built in Novi over the last few years with a variety of elevations. He stated that Novi has an ordinance called Similar-Dissimilar which no other city has. When builders come to Novi, it is difficult because you have to look through the entire neighborhood. He appreciates it because it has resulted in them doing a variety of elevations which they have also been able to use in other communities. Ultimately, it has been a positive process. The samples he brought with him today will be used to a limited degree in the Valencia South development. He also brought pictures with him of other homes they have built in Novi.

The plan for Valencia South is to build 66 luxury home sites as a PRO. The PRO is a good way to develop this site. There are two boulevard entrances off Beck Road with sidewalks throughout, open space (approximately 28%) and a park in the middle. From a planning and environmental perspective, they feel the open space is a good benefit. They have increased the greenbelt primarily along Ten Mile Road and there is a lot of landscaping to make it appealing for the traffic driving back and forth. On the north corner, they took away the concern of having it rezoned, which is also an added benefit. They bought the corner and 70% of it will be left untouched, or they will have additional trees planted in that area so it will be nice for the community. In regards to the rear yard setback, they met last summer with the neighbors. They requested that the homes be pushed back further from theirs. The rear yard setback required is 35 feet and they requested it to be 50 feet. Mr. Fingerroot provided a photo slide to show the potential changes they were going to make to provide a larger rear yard and be able to accommodate the neighbors. The other issue to be addressed is the two paths which were not shown in the site plan. One of the paths would go to the property to the south where there is an existing home, which he was not sure if it would be beneficial to anyone, but if the board wants them to install it they will. The second path goes to the north to Ten Mile Road and goes between two homes. He prefers not to put paths between homes because the people that buy those homes typically do not like people walking within 10 or 15 feet of their house. Again, if the board would like them to install it, they will.

Chair Pehrson opened the case to public hearing and asked anyone that wished to speak to address the board.

John Kuenzel, 23819 Heartwood, President of the Echo Valley Homeowners Association stood before the board. He is concerned about another community being developed next to them. He listed who would be affected and who would gain from Valencia South. Even with a 50' rear setback, the new homes would be very close to their properties and the space would be denuded of trees and wildlife. He is requesting a conservation easement bordering the neighboring subdivisions to be a part of the new development plan. If this easement is not a requirement for the design, the association will be challenging the proposed zoning change request from R-1 to R-3.

Gerald Harris, 23918 Forest Park Drive East, expressed his feelings against the proposal. This is the fourth attempt to make this development. He agrees that they wanted a greater rear setback behind the new homes and the attempt to accommodate from the developer is the only one that they will receive. He does not believe that that developer is complying with R-1 zoning requirements. In addition, there will be 2100 trees removed and only 481 trees will be replaced, resulting in a 78% loss. He is concerned about the loss of the specimen trees which are not accounted for in the tree replacement.

Michelle Brower, 47992 Andover Drive, stated that her house would be where the first path described would end if one was to be required. If Valencia South were already built when they

were purchasing a home last summer, they would not have purchased the home that they did because they wanted a home in a less dense area. She feels that selling their home in the future will make it less marketable if R-3 zoned homes are surrounding their R-1 zoned home.

Chris Brower, 47992 Andover Driver, stated that he is against the rezoning. It is not consistent with the look and feel of the surrounding area and does not feel it is in the public's best interest. With all the trees that would be removed to build the development, only 20% will be replaced. Based on the location of their home, there will be three homes built adjacent to his home, equivalent to his lot.

Jimmy McGuire, 48028 Andover Driver, stated that he has objections to the proposal. He does not think that he and the others in his community would gain anything from the rezoning. The only benefit the city would gain is the tax revenue. He likes the existing wooded buffer which is part of the reason why he chose to purchase a home on Andover Drive 20 years ago.

Bruce Flaherty, 48048 Andover Drive, stated that prior to purchasing his home, he spoke to someone at the city and asked about the possibility of the land going up for rezoning, and was told that it was R-1 and would stay R-1 based on the amount of existing wetlands and woodlands. The community and residents will not benefit and the impact on their property taxes will be substantial.

Marti Anderson, 48360 Burntwood Court, President of Andover Pointe No. 1, was present to represent Andover Pointe No. 1 and No. 2. She has a lot of wooded area behind her home which was a major reason as to why she purchased it. If there was a preserve, she thinks that people will be more receptive. Out of the 39 residents in Andover Pointe 1 and 2, 18 people reached out to her regarding the rezoning stating they wanted to fight it. Traffic is a problem at 10 Mile Road and Beck Road and at Grand River Avenue and Beck Road. They are also concerned about the water table rising since they have wells and septic systems.

Stacey Rose, 23940 Forest Park Drive, says that he has a ranch home and having an R-3 dense subdivision behind him will cause these large homes to be looking down onto his yard. He is strongly against the rezoning.

Chair Pehrson asked the board if there was any correspondence.

Member Greco stated that there is a lot of correspondence. He will read them in two groups, those in support and those that object to the rezoning. He started with those in support of the rezoning.

Reverend Timothy S. White of Oakland Baptist Church, 23893 Beck Road, thinks the addition to more homes and families to the area will bring good change to the community. Jacqueline Bakewell, 42750 Grand River Ave, is happy to see that the number of units proposed is what is permitted under R-1 zoning. If there is no additional impact on traffic and utilities she thinks it will be a positive development. Dan and Mona Poinsett, 23937 Beck Road, are in support because it is the exact same number of units allowed under R-1 zoning. The large open space at the corner of 10 Mile Road and Beck Road will be a good asset. Patricia Heath, 23445 Beck Road, thinks it will be beneficial to Novi. Kimberly Lochos, 42750 Grand River Ave, is in support. She likes the open spaces left at the corner of Ten Mile Road and Beck Road. Dr. Michael and Denise Balon, 47825 W Ten Mile Road, is in support of the development which includes their home and the six acres. They have reviewed the site plan and think the development is a good idea for the area. Krishna Baddam, 24266 Warrington Court, is in support. Jerry and Margo Smith, 23962 Forest Park

Drive, are in support if the developer adheres to the 50 foot setback to the west four lots 43-46. Virginia A. Klaserner, 23973 Beck Road, thinks the development would be good for the city. Houston J. Taylor, 47665 W Ten Mile Road, is in support because of the same number of units, reduced lot size and because Novi will get more tax dollars.

Member Greco read the letters from those that are opposed to the development.

William F. and Sally McInnes, 23830 Forest Park Drive, think the builder is interested in acquiring the R-3 zoning to allow a greater number of homes on smaller lots. Patricia Dominick, 47940 Cedarwood Drive, thinks the land should stay zoned R-1 as planned. Jeffrey Almone, 47955 Andover Drive, thinks too many trees will be removed and the boundaries shown overlap Andover Drive properties. He says they need more green space and wetlands need to be preserved. Denise Edwards, 23880 Forest Park Drive, says there is already too much congestion. Traffic will be even worse with 66 more residents. Wonho Son, 47552 Valencia Circle, says there is already too much traffic at Beck Road. Thomas Jones, 47991 Andover Drive, says that the development only benefits Valencia South. There will be a decrease in property values for surrounding homes along with a loss of green space, environmental issues and an increase in traffic. Charles and Bonnie Threet, 47911 W Ten Mile Road, are in objection due to congestion and traffic accidents which are already a problem. John Nicholson, 47350 Baker Street, objects because traffic is already a problem. He does not want to see a decrease in wildlife. Maria Muzzin, 23966 Heartwood Drive, says that large homes backing up to her property will cause loss of property and loss of quality of life. James and Lucy McGuire stated that the development will decrease property values, increase traffic, loss of privacy, loss of greenspace, impact wildlife and environmental issues. Andover Pointe 1 and 2 were told by builders that nothing could ever be built on that property due to drainage issues. George Mahan, 47961 Cedarwood Court, thinks there will be too many homes in a small area and it will obstruct the nature of the landscape growth. Gerald & Susan Harris, think the change and rezoning is excessive. They have issues with the tree removal and replacement proposal. The proposed public open spaces would not be public or open for the citizens. Michelle Brower wrote that the proposed development is inconsistent with the city plan, there will be a loss of trees and increased traffic congestion. There was also a letter submitted from Chris and Michelle Brower outlining the statements they made at the meeting. Stacey & Kathy Rose, 23940 Forest Park Drive, state that the R-1 density around their home was a considered when they purchased their home. The proposed 50 foot setbacks do little to ease the change in density and the large homes would tower over the smaller homes of Echo Valley Subdivision. Debra Nikutta objects because of the increase in traffic and potential drainage issues. Barry Buha, 48035 Andover Drive, thinks that the number of homes proposed is too dense for the property and will result in a loss of privacy. Stacey Gleeson, 23819 Forest Park Drive, thinks the area is already too crowded, the roads are congested, wildlife will be impacted and zoning does not conform for that area. Kevin Nikutta, 23714 Forest Park Drive, believes the increased density will cause more traffic, reduced privacy and potential drainage issues. The development will be out of character with the surrounding area. Bruce and Mary Flaherty, 48048 Andover Drive, believe there will be an impact on the environment and there is no benefit to the community. Marti Anderson, 48360 Burntwood Court, does not believe the development will benefit the current residents and there are concerns on the impact of the wildlife. Bruce Bergeson at 48299 Burntwood Court, Laura Yokie at 47700 Edinborough Lane, Robert Gasparotto at 48320 Burntwood Court, Dan Brudzynski at 47699 Edinborough, Harry Nutile at 48227 Andover Drive and Kelly Esper at 48051 Andover Drive, are all in objection because there is no benefit to the abutting subdivisions and they are concerned about environmental issues, wildlife impact, water table change, increased traffic, loss of privacy and greenspace. Mr. and Mrs. Krupic at 48076 Andover Drive, state that the 50 foot setback does not provide privacy and believes it will impact their septic system and existing well, along with increased traffic, loss of wildlife and other listed concerns. Daniel Carlson, 48340

Burntwood Court, thinks the area of interest is already over-developed. Tim Ruffing at 23733 Heartwood Drive wrote that he was in objection. Mr. Kuenzel is objecting because the open spaces are not a natural transition between the new development and existing subdivisions, and it will cause more traffic problems, a loss of privacy and many other issues. He would like to see a conservation easement between the proposed and existing subdivisions along with the 50 foot rear setback requirement. Kristen Pietraz, 48380 Burntwood Court, does not see any benefit to the current abutting subdivisions. There will be an impact on wildlife, environmental and drainage issues, decreased property values and loss of privacy.

Chair Pehrson closed the public participation and opened the discussion to the Planning Commission.

Member Baratta asked City Attorney Dove if the public benefit for change of zoning needs to exclusively benefit the neighbors or the city as a whole.

Attorney Dove stated that a public benefit means the city in general, it is not exclusive to the neighbors.

Member Baratta asked Engineer Jeremy Miller if they have looked at water hookups, water table reduction and impact on septic systems in their studies.

Engineer Miller stated that it has not been reviewed entirely but the project would be connecting to the city water main and sanitary and it provides stubs to connect to in the future.

Member Baratta asked if the elevation has been reviewed in comparison to the elevation of surrounding neighborhoods.

Engineer Miller stated that it was detailed on the plans.

Member Baratta asked if someone could confirm that the density allowed in R-1 and R-3 is the same.

Planner Kapalanski stated that the proposal is consistent with R-1 zoning which is 1.65 units per acre. If it were an R-3 zoning district, more would be allowed, which is about 2.7 units per acre.

Member Baratta inquired about the drawing the developer brought in proposing elevations and a smaller garage and asked if it is consistent with city codes.

Planner Kapalanski stated that they would need the reduced setback for the front yard and side yards, otherwise it looks consistent.

Member Greco asked the petitioner if they considered installing an easement or tree line between the properties that abut the subdivision.

Mr. Fingerroot stated that the city has a strict tree ordinance. They are cutting down a lot of trees and will be replacing as many as possible on site. For those they cannot replace on site they can replace off-site or put towards a tree fund. They could put a conservation easement in the rear yard and plant some of the replacement trees in that easement. His concern was whether a conservation easement could be in someone's yard and what would happen if the homeowner were to cut one of the trees down. Another option would be to create the conservation easement and put it in favor of the homeowners association which would make them enforce

the trees not to be cut down.

Member Greco stated he thought it would make more sense to have the homeowners association enforce it.

Mr. Fingerroot stated his engineer says there are a lot of drainage considerations. If trees were to be placed in a conservation easement, they may not be placed every 15 feet because of the topography and where the storm sewer is located.

Member Greco asked the staff that with the increased setback from the neighboring properties, if it was left R-1 and someone was coming in with an R-1 project, would it be safe to say that a bigger home on a bigger lot with smaller setbacks, could be imposed on the existing subdivisions?

Planner Kapalanski confirmed that the R-1 district does not require a 50 foot rear yard setback, only 35 feet is required. She also stated that in regards to side entry garages, they are encouraged by the ordinance but are not required.

Member Greco asked the staff if they reviewed and considered the pathways the developer was willing to install and whether it was a requirement. He is generally in favor of pathways but was unsure about the proposed pathways for this particular project.

Engineer Miller stated that a pathway ordinance passed in December 2014 to encourage more pathways and connections to existing and future city facilities and between neighborhoods.

Member Anthony asked the environmental consultants if someone were to come in with an R-1 development for this area, if the state has a process for the wetlands to become buildable.

Matt Carmer, ECT Consultant, stated that the wetlands are not regulated by the State of Michigan due to their small size, but they are regulated under the Novi ordinance.

Member Anthony said that this is a key point that he wanted everyone to be aware of. He stated that more wetland areas and green space will be preserved with the proposed configuration. The corner space that residents were concerned about becoming commercial would no longer be an issue. He asked the applicant if the 50 foot setback would apply to both the southern and western lots along with confirming the tree replacement program being for both the southern and western lots.

The applicant confirmed that the setback and tree replacement program would apply to both sets of lots.

Member Anthony expressed his support on the pathways being installed. The City of Novi is working to continue to create a non-motorized work plan, which ties the communities together and makes it a walkable, bicycle ride-able community. This is beneficial to raising young families.

Chair Pehrson asked the developer if he considered what the plan would look like if it were developed R-1.

Mr. Fingerroot stated that he thinks there would be lots that would back up to Ten Mile Road and the buffering would be different. With larger homes built in an R-1 district there would be a greater impact on the trees. The plan to rezone to R-3 is more environmentally sensitive. It would

not affect the neighbors much differently.

Chair Pehrson asked the applicant if the smaller side setbacks may generate a more dense appearance to the neighborhood.

The applicant stated he did not think it would. He believes it would appear denser if the homes were built 65 feet wide as opposed to the proposed 55 feet wide.

Chair Pehrson asked the other board members if they could require the smaller homes to be in a certain area of the subdivision instead of mixed in with the larger homes.

The applicant explained that there would be no visual change if a 2,800 square foot home were next to a 4,000 square foot home because of how they maximize the width of the house.

Chair Pehrson stated that density is the main concern. Echo Valley has a density of 1.94. The proposed subdivision would have a density of 1.6. Looking across the street, there are homes abutting Ten Mile Road. He asked the applicant if he looked at the configuration to possibly mirror what already exists on Ten Mile Road. Homes would be moved to the north and further away from Andover Pointe. He also asked if he had considered removing the first three lots facing Beck Road and moving everything to the east furthering the buffer between the west and the south.

The applicant said they could not move the homes further east without changing the density.

Chair Pehrson stated that he understands that the developer wants to install as many homes as possible on the land. No matter what they decide, there is going to be someone that is not happy with the decision since it is interfering with the existing open land but the board is trying to re-plan the proposed development to make it accessible and comply with the public's requests. He asked the board if the Planning Commission were to suggest a conservation easement be added, do they prepare language to put in front of City Council or table a motion to allow the applicant to consider what was discussed in regards to the conservation easement and pathways?

Attorney Dovre confirmed that the Planning Commission can make recommendations for City Council or they could postpone consideration.

Chair Pehrson stated that he is in favor of the motion for the rezoning because the density is consistent with the best case scenario. He is asking the maker of the motion to consider a review of the configuration of the lots to potentially remove the three lots adjacent to Beck Road and consider moving everything to the north to mirror what is existing on the southeast side of the street. In regards to the number of trees being removed, he would like to see a sufficient number of trees be replaced on the property or elsewhere in the city.

Planning Director McBeth stated that the wetland and woodland permit are reviewed in more detail at the time of preliminary site plan. If this goes to City Council and it is approved, it will go for an agreement then back to Planning Commission for the woodland and wetland permits.

Chair Pehrson stated that in regards to the paths, he wants staff to sit down with the applicant and determine what the best resolution is.

Mr. Fingerroot commented that he has reviewed the condition of the road pattern with staff

multiple times. It is a complicated process and he believes they have come up with what they feel is the best road pattern taking the woodlands, wetlands and the geometry of the roads into account.

Chair Pehrson stated he doesn't know what the solution is or if this is the final product, but he wants them to review it as many more times as needed to see if they happen to think of additional ideas and to make sure nothing has been missed.

Member Baratta said when he originally saw the proposal, he initially thought the homes were close to the existing homes. He is concerned about the septic systems, wells and sewer systems and is interested in the idea of the buffer and tree lines being installed. He would like to see what the plan and engineering study would look like, along with the impact it would have on the adjacent properties before he would be prepared to make a motion.

Moved by Member Baratta and seconded by Member Zuchiewski:

In the matter of the request of Valencia South JSP13-75 with Zoning Map Amendment 18.706 motion to postpone consideration until the February 25, 2015 Planning Commission Meeting agenda in order for the applicant to consider and provide details on the following items:

- a. Elevation and drainage as they relate to adjacent properties;
- b. Impacts on adjacent properties' septic systems and wells;
- c. Applicant consideration of the creation of a conservation easement area bordering the existing developments to the south and west to be planted with woodland replacement plantings;
- d. Applicant consideration or further detail provided on the ability of the neighboring developments to the south and west to connect into the City sewer and water systems.

Mr. Fingerroot stated that in regards to the septic, they are connecting to city water and sewer. It will not affect the resident's wells or septic field when developing 200 feet away. He will be able to make the next meeting to go over the additional details.

Chair Pehrson asked the board if they had any additional comments or questions.

Member Giacometti asked for verification on the specific details that will be discussed at the next meeting.

Chair Pehrson stated that it relates to the neighbors and the buffer, the conservation easement and the trees installed.

Member Giacometti stated that he is not in agreement to table to motion since he is prepared to make a motion.

ROLL CALL VOTE TO POSTPONE CONSIDERATION UNTIL THE FEBRUARY 25, 2015 MEETING APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER ZUCHIEWSKI:

In the matter of the request of Valencia South JSP13-75 with Zoning Map Amendment 18.706 motion to postpone consideration until the February 25, 2015 Planning Commission Meeting agenda in order for the applicant to consider and provide details on the following items:

- e. Elevation and drainage as they relate to adjacent properties;
- f. Impacts on adjacent properties' septic systems and wells;

- g. Applicant consideration of the creation of a conservation easement area bordering the existing developments to the south and west to be planted with woodland replacement plantings;**
- h. Applicant consideration or further detail provided on the ability of the neighboring developments to the south and west to connect into the City sewer and water systems.**

Motion carried 5-1.

Applicant Response

SEIBER, KEAST ENGINEERING, LLC
CONSULTING ENGINEERS

Clif Seiber, P.E.
Patrick G. Keast, P.E.
Azad Awad

100 MAINCENTRE, SUITE 10
NORTHVILLE, MICHIGAN 48167
(248) 308-3331

February 18, 2015

Mr. Howard Fingerroot
Pinnacle Homes
1668 Telegraph Rd, Suite 200
Bloomfield Hills, Michigan 48302

Re: **VALENCIA ESTATES SOUTH**
Section 29, T 1 N, R 8 E, City of Novi

Dear Howard:

We have prepared the following responses to the City of Novi Planning Commission's request for additional details at their meeting held on February 11, 2015, related to the Valencia Estates South Planned Rezoning Overlay (PRO) Site Plan. Referring to the Planning Commission Action Summary, we offer the following:

a. *"Elevation and drainage as they relate to the adjacent properties."*

We find no negative impacts would occur to adjacent properties. We have examined the City of Novi's Stormwater Master Plan, the existing elevation differential and drainage patterns in this area and have found that, except for a few exceptions, there is not a large amount storm water draining across the property lines between the Valencia Estates South site and the adjacent properties. Where small amounts of drainage are found to drain from the adjacent properties onto the Valencia site or from the Valencia site onto adjacent properties, that drainage will be picked up and conveyed through Valencia's proposed storm sewer system to an acceptable downstream drainage outlet and will be designed in accordance with the City of Novi Engineering Standards.

b. *"Impacts on adjacent properties' septic systems and wells."*

After review of the subsurface soil reports, including ground water levels, for the proposed Valencia Estates South site and the Engineering Plans (originally prepared by our office) for Andover Pointe #1 and #2 and Iroquois Court, we find that in our opinion, there would be no impact on the adjacent properties' septic systems and wells.

c. *"Applicant consideration of the creation of a conservation easement area bordering the existing developments to the south and west to be planted with woodland replacement plantings"*

We have prepared a site layout that proposes a 15' wide conservation easement along the west and south property lines. This 15' wide strip would not be a part of any lot and would be utilized for preservation of existing trees as well as the planting of required tree

SEIBER, KEAST ENGINEERING, LLC

Mr. Howard Fingerroot
February 18, 2015
Page 2 of 2

replacements. The easement would include language to ensure that all existing and proposed trees would remain.

An alternate site plan layout captioned as "Option A" is attached that illustrates the location of this easement, as well as updated Site Data, Wetland Impacts, Open Space calculations, etc. Revised Landscape and Woodland Plans that reflect the new layout are also attached. Please note that with this option, the amount of open space has increased from 11.65 acres (28.2 %) to 12.27 acres (29.7 %) and the woodland impacts have decreased thereby reducing required tree replacements from 2101 trees to 1984 trees.

- d. *"Applicant consideration or further detail provided on the ability of the neighboring developments to the south and west to connect into the City sewer and water systems."*

Sanitary sewer and water main stubs, as shown on the original submitted PRO plans, are proposed to be extended to the south property line behind lot 30, where they would be available to provide service to adjacent properties.

Please contact the undersigned if you would like further clarification on the above responses.

Sincerely,

SEIBER KEAST ENGINEERING, LLC



Patrick G. Keast, P.E.

Enclosures

Planning Memo



MEMORANDUM

TO: MEMBERS OF THE PLANNING COMMISSION
THRU: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR
FROM: KRISTEN KAPELANSKI, AICP, PLANNER
SUBJECT: JSP13-75 VALENCIA SOUTH – APPLICANT RESPONSE
DATE: FEBRUARY 19, 2015

The Planning Commission considered the request of Beck South LLC for Valencia South for Planning Commission's recommendation to the City Council for rezoning with a Planned Rezoning Overlay for property at the southwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential at the previous meeting on February 11, 2015. Relevant meeting minutes have been included in the updated Planning Commission packet. At that previous meeting the Planning Commission expressed concerns related to several aspects of the development and requested the applicant address those items through staff and postponed consideration of the matter to the February 25, 2015 meeting.

Specifically, the Commission asked the applicant to consider the following items as noted in the motion below.

In the matter of the request of Valencia South JSP13-75 with Zoning Map Amendment 18.706 motion to postpone consideration until the February 25, 2015 Planning Commission Meeting agenda in order for the applicant to consider and provide details on the following items:

- a. Elevation and drainage as they relate to adjacent properties;*
- b. Impacts on adjacent properties' septic systems and wells;*
- c. Applicant consideration of the creation of a conservation easement area bordering the existing developments to the south and west to be planted with woodland replacement plantings;*
- d. Applicant consideration or further detail provided on the ability of the neighboring developments to the south and west to connect into the City sewer and water systems.*

Applicant Response

The applicant contends based on their review and the Engineering Division concurs that adjacent properties would not experience any negative impacts related to elevation and drainage as a result of the proposed development. See the applicant's response and updated Engineering review memo for additional information.

The applicant notes in their response that there would be no impact on adjacent properties' septic systems and wells. The Engineering Division has also considered this point and notes in their updated memo that the only potential impact to adjacent properties' wells would be as a result of dewatering on the site, which is not planned at this point. See the updated Engineering Division's memo for additional information.

The applicant has submitted an updated site layout showing the addition of a 15 ft. wide conservation easement area bordering the west and south property lines. Existing vegetation in this area would remain with additional woodland replacement plantings added where feasible. Staff would recommend a formal review of the updated plan be conducted by planning staff and the City's environmental consultant before the plan proceeds to the City Council.

The applicant notes in their response that, as shown on the previously submitted site layout, sanitary sewer and water main stubs have been extended to the south property line behind lot 30. This would provide a point of connection for the adjacent properties.

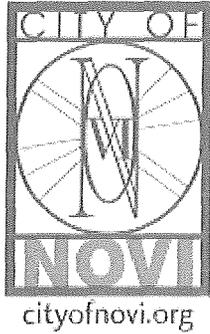
Additional Public Comment

Planning staff has continued to receive public comments related to the proposal. Comments received through February 19, 2015 have been included in the Planning Commission packet. A bulleted summary highlighting issues raised in those comments is included below.

- Residents expressed continuing concerns related to impacts to adjacent properties' wells and septic systems as most wells are less than 100 ft. deep.
- Residents express concerns related to damage from ground vibration and heavy earth moving.
- Residents noted an existing DTE power line lies within six feet of the proposed conservation easement which could result in heavy pruning of woodland replacement plantings by the utility company.
- Residents have suggested the developer be required to bond against potential damage to adjacent properties.
- Residents expressed concerns related to impacts to the existing water table.
- Residents expressed continuing concerns related to drainage impacts on adjacent properties.
- Residents requested the completion of a 'Hydrology Engineering Study'.
- Residents requested a 30 ft. vegetation buffer bordering the south and west property lines.

Engineering Memo

MEMORANDUM



TO: BARBARA MCBETH; COMMUNITY DEVELOPMENT
FROM: JEREMY MILLER, E.I.T.; STAFF ENGINEER *Jm*
SUBJECT: JSP13-0075 VALENCIA ESTATES SOUTH PC UPDATE
DATE: FEBRUARY 20, 2015

This memo is to provide an updated review for the above referenced project based on the applicant's response letter to the Planning Commission comments in the meeting on February 11, 2015 and discussions since the meeting.

There were four items the Planning Commission requested more information on. The applicant has provided a response letter with additional information to address those items. The Engineering Division concurs with the applicant's assessments detailed in their response letter dated February 18, 2015. If dewatering is required, the applicant is required to submit a dewatering plan to the Engineering department for review. The review will determine if the procedures meet the ordinance requirement to protect the ground water supply for the adjacent residents.

The applicant is requesting a variance allowing them to provide an easement to Andover Pointe to the south instead of constructing the required pathway. The Engineering Division would support this variance request to allow the applicant to provide a public easement for the future construction of a pathway between Valencia South and Andover Pointe.

cc: Brian Coburn, Engineering Manager
Kristen Kapelanski, Planner

Additional Public Comment

February 18, 2014

Community Development Department
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

To Whom it May Concern,

In the spirit of finding a win-win solution for the proposed Valencia South development, I have been asked to write on behalf of the Echo Valley Civic Association to clearly communicate our concerns regarding our wells, septic fields and a utility easement along the eastern boundary of Echo Valley. Note that most of these issues also apply to the Andover subdivision.

All homes bordering the proposed development have well and septic systems varying in age from a few years to 40+ years. The wells are of varying depths many of which are significantly less than 100 feet deep. We are concerned about any changes to the water table caused by the proposed development that could adversely affect our wells. Such an impact could be direct in the form of dewatering or indirect in the form of changes to drainage patterns.

Septic fields are located in the back yards of each Echo Valley home. Grading must be maintained so that surface water run off can continue to flow away from the Echo Valley back yards. In addition, the impact of significant ground vibration from nearby heavy earth moving is a concern. Not only is this a concern for our septic fields but also a concern for our basements or foundations. The establishment of a conservation easement will keep some of this activity further away.

Lastly, a 6' wide utility easement runs along the Eastern boundary of Echo Valley (on Echo Valley lots) and contains aerial power lines, phone lines and cable. With regard to the power lines, the bordering conservation easement should be of adequate depth to allow reasonably sized trees to grow without being subject to the infrequent heavy pruning done by the utility company or its contractors to protect the power lines. This pattern of pruning is harsh and often results in the trees being much less visually appealing and less healthy than they otherwise would be.

What course should we follow if damage from the neighboring development were to occur? Closer access to city water and sanitary sewer would lower risk related to potential vulnerability of our well and septic systems. An appropriate bond against damage is also a possible solution. Your efforts to find a win-win solution for this development are greatly appreciated.

Sincerely,



Stacey E. Rose

Echo Valley Civic Association Board Member
23940 Forest Park Dr. East

MEMORANDUM

TO: Novi City Council and Novi Planning Commission

FROM: Residents of Andover Pointe 1 & 2 Subdivisions

SUBJECT: FACTS & CONCERNS REGARDING WELLS/WATER TABLE

DATE: February 14, 2015

This memo has been written and endorsed by concerned residents of Andover Pointe 1 & 2 regarding the proposed development plan for the Southwest corner of Ten Mile and Beck Road, specifically as it pertains to concerns around protecting our existing wells and structural homes. Further, it is intended to inform the Novi City Council of facts that they have likely not been informed of by the proposed builder, Pinnacle Homes.

FACTS :

- 1) The Novi City Council was grossly misinformed by the representative from Pinnacle Homes at last week's City Planning meeting indicating that the wells in the surrounding area are 200+ feet deep. The fact is that the *wells surrounding the proposed development are two, three and in some case four times LESS than this figure*. Some of the resident wells are near 40 years old; shallow in depth, and in most cases 100 feet and less.
- 2) Many of the residents, particularly those in Andover 1 & 2, adjacent to the proposed development were forced to have their wells redrilled shortly after moving into their homes. One home in particular, LOT 1 – Andover Pointe 1, was told by the well drillers that good water could not be found after 3 solid days of drilling. They said they would come back one more day but if water could not be found, they would tap the existing well and have to call it good. The fourth day of drilling they found water, but told the homeowners that if anything happened to the existing well, they should prepare for the likelihood that good water would not be found again.
- 3) The many residents of Andover and Echo Valley like having well and septic and would not desire to have it any other way. So when it is indicated that the residents can hook up to city water, this is not desirable for most and no one has addressed the issues of the thousands of dollars this would cost the homeowner's who are already having to incur significant impact to their existing properties and home values.
- 4) If the new development is built, as proposed, it is a fact that the water table and drainage of water in the surrounding areas will change. This is based on simple ecological factors. The more water that is pulled from the ground, the greater drain and stress on the existing water table, which in some cases (as indicated above) is already of significant concern.
- 5) By removing the amount of trees that is being proposed (2102 is the total number of trees needing to be replace), will also significantly impact the water table. As we know, many of the trees that are proposed to be removed are significant in size and therefore are water reservoirs retaining gallons/tons of water that will soon go away.

- 6) There have been recent issues within the City of Novi where resident's wells have gone dry due to the adjacent new building occurring. (Example – residents on Delmont Drive in ? sub, wells went dry due to the construction of Island Lake.) Such residents were forced to redrill new wells.
- 7) The above issues represent the "ground water" issue, but of also concern is the "standing or above ground water" that is also of concern with the proposed new development plans. Once all trees have been removed, which presumably would occur in the Spring or Summer, what is stopping the pooling of water to head toward the path of least resistance – that of the lots adjacent to new development (especially those sitting at a lower grade than what is proposed in the new development)? As the result of new development in Novi, there have been existing homes that have incurred significant flooding damage resulting in tens of thousands of dollars (example – 48380 Burntwood Court).
- 8) Septic fields are located in the backyards of existing homes adjacent to the proposed development (in Echo Valley, Andover Pointe 1 & 2). Such impact described above, can also have impact on the existing septic fields.

CONCERNS

- 1) If the current homes are directly impacted (i.e., well goes dry, well needs to be redrilled, basements or other parts of home damaged because of water issues), who is going to be liable for the incurred expenses (which could result in tens of thousands of dollars)?
- 2) When both the Novi Planning Committee and Proposed Builder were asked by the Novi City Council at last week's Planning meeting if a study had been done regarding the potential impact to existing wells/septics and overall water/drainage issues, no one seemed to be able to provide 'yes' as an answer. Given this, if a hydrology engineering study has not been done, why not?

REQUESTS

- 1) An independent/non biased hydrology engineering study is completed at the expense of the proposed builder with a report being provided to both the Novi City Council and Novi Planning Committee that is public record for the current residents to obtain a copy should they desire. Such information from the study is used to mitigate any damage to current resident homes (wells/septics/dwellings).
- 2) Any damage that current resident homes may incur as the result of the new development, as described above, be the responsibility of the new developer or the City of Novi, and the current residents are not liable to pay for such damage.
- 3) Keep and maintain 30 feet of the existing forest/wooded area abutting the existing homes, to lessen the direct impact to the existing homes as described above. (See attached proposed plan). This would enable the proposed builder to sell many lots as 'wooded/treed lots' and to charge a premium price for such lots.

We appreciate you reading this correspondence and understanding that the concerns of current residences are significant in nature and go beyond the proposed rezoning.