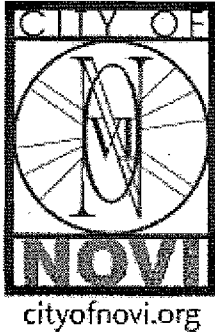


MEMORANDUM



TO: PLANNING COMMISSION
THROUGH: ^{Burb} BARBARA MCBETH, AICP, DEPUTY DIRECTOR
COMMUNITY DEVELOPMENT
FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*
SUBJECT: SP 05-05 ORCHARD HILLS NORTH
FINAL SITE PLAN EXTENSION
DATE: FEBRUARY 3, 2009

A one-year extension of Final Site Plan approval for SP05-05 Orchard Hills North is requested by Claudio Rossi of Mirage Development, LLC (see attached January 30, 2009 letter). The proposed development consists of a twelve lot, single-family residential subdivision, located on the south side of Ten Mile Road, west of the existing Orchard Hills subdivision and north of Orchard Hills Elementary School (reduced site plan attached). No construction has occurred on the site. Site Plan approvals proceeded as follows:

- Planning Commission granted Preliminary Site Plan, Wetland Permit, Woodland Permit, and Storm Water Management Plan approval on September 28, 2005, subject to a number of conditions.
- After repeal of a condition on the Woodland Permit by the City Council, the Planning Commission reaffirmed the approval of the Preliminary Site Plan on October 26, 2005.
- Planning Commission granted a one-year extension to the Preliminary Site Plan on October 25, 2006.
- The Planning Staff stamped the Final Site Plan approved on April 23, 2007.
- The Planning Commission granted a one-year extension of Final Site Plan approval on March 12, 2008.

The applicant has now requested another extension of the Final Site Plan approval due to the current economic climate. The Zoning Ordinance allows for three, one-year extensions of the Preliminary and Final Site Plan approvals (combined). This would be the applicant's third extension.

Attached are minutes from the Planning Commission meetings for the Preliminary Site Plan approvals, the Planning Commission action summaries for Preliminary Site Plan approval extension and Final Site Plan approval extension, a reduced copy of the Preliminary Site Plan and a location map.

To date, the Planning Department is not aware of any ordinance changes or other issues that would warrant denying the extension request. **The Planning Department recommends approval of the Final Site Plan extension.**

Site Plan Extension Request Letter

From Claudio Rossi

January 30, 2009



45380 W TEN MILE, SUITE 135
NOVI, MI 48375
OFFICE (248) 349-0582 / FAX (248) 349-0598
www.miragedevelopment.com

City of Novi
c/o Angela Pawlowski
Planning Assistant
45175 W. Ten Mile Rd.
Novi, MI 48375

January 30, 2009

Dear Angela,

I hope this letter finds you doing well. Based on your recent notification we would like to take this opportunity to request a Final Site Plan extension on SP05-05 Orchard Hills North. Due to the current economic climate we were unable to proceed with construction.

If you have any questions, please call me at 248-349-0582 or you can email me at claudio@miragedevelopment.com

Sincerely,

A handwritten signature in black ink that reads "Claudio Rossi". The signature is written in a cursive style with a large initial "C".

Claudio Rossi
Member

Planning Commission Minutes and Action Summaries

Excerpts

September 28, 2005

October 26, 2005

October 25, 2006

March 12, 2008



PLANNING COMMISSION
REGULAR MEETING
ORCHARD HILLS NORTH, SP05-05, EXCERPTS

WEDNESDAY, SEPTEMBER 28, 2005 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:30 p.m.

ROLL CALL

Present: Members Victor Cassis, Andrew Gutman, Lynn Kocan, David Lipski, Mark Pehrson, Wayne Wrobel

Absent: John Avdoulos (excused), Michael Meyer (excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Jason Myers, Planner; Lance Shipman, Landscape Architect; Ben Croy, Civil Engineer; Dr. John Freeland Wetland Consultant; Larry DeBrincat, Woodland Consultant; Doris Hill, Woodland Consultant; David Gillam, City Attorney

PUBLIC HEARING

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

AUDIENCE PARTICIPATION

CORRESPONDENCE

COMMITTEE REPORTS

PLANNING DIRECTOR REPORT

CONSENT AGENDA - REMOVALS AND APPROVAL

PUBLIC HEARINGS

1. ZONING MAP AMENDMENT 18.656

Public Hearing on the request of Todd Rosenzweig for possible recommendation to City Council for Zoning Map Amendment 18.656, rezoning of property in Section 1, south of Fourteen Mile Road, between the M-5 connector and Novi Road, from RA, Residential Acreage, to R-4, One Family Residential District. The subject property is approximately 10 acres.

In the matter of the request of Todd Rosenzweig, motion to recommend denial on Zoning Map Amendment 18.656, from R-A to R-4, with the following comments: 1) Traffic impacts should be mitigated prior to rezoning; 2) The possibility of a PRO to control density and preservation; and 3) The issue could be re-addressed at a future time when additional traffic information is provided. *Motion carried 6-0.*

2. ORCHARD HILLS NORTH, SITE PLAN NUMBER 05-05A

The Public Hearing was opened on the request of Claudio Rossi of Mirage Development for Preliminary Site Plan, Woodland Permit, Wetland Permit, and Storm Water Management Plan approval. The subject property is located in Section 26, south of Ten Mile Road, between Meadowbrook Road and the CSX Railroad tTracks, in the R-4, One Family Residential District. The Applicant is proposing to develop the 9.1 acre parcel for 12 twelve single-family residential site condominiums.

Planner Tim Schmitt described the property for the Planning Commission. To the north is Meadowbrook Glens, zoned, zoned R-4 and master planned for Single Family Residential. To the south is Orchard Hills Elementary School, zoned R-4 and master planned for an Educational Facility. To the west are the Novi Ridge Townhouses, zoned RM-1 and master planned for Multiple Family Residential. To the east is the rest of the Orchard Hills Subdivision, zoned R-4 and master planned for Single Family Residential.

There are regulated woodlands on the property that are being mitigated. There is a large wetland on the property.

The Planning Review recommends approval, subject to a City Council Waiver for the lack of a sidewalk on the south sidewalk on the south side of Doncaster Drive. The Planning Department remains consistent in review of this issue: For a single loaded road the Planning Department will recommend a waiver for the second sidewalk. The Applicant will provide a sidewalk connection to the south, to the schools, consistent with the requirements of the Subdivision Ordinance. The Applicant is providing sidewalks along each of the single family lots proposed.

The Wetland Review indicated minor items to be addressed at the time of Final Site Plan submittal. The Applicant has virtually avoided all impacts to the wetland. The major impact is for the construction of the boardwalk along Ten Mile. They are avoiding that to the extent that they can.

The Woodland Review does not recommend approval. They have asked for an alternative plan to be considered. They would also like additional grading information.

The Landscape Review indicated there are several waivers, most are due to existing conditions. Along Ten Mile there are three waivers for the Planning Commission to consider. The first is for the berm in the area of the wetland. Secondly, the street tree waiver should be considered. Third, there is a request for a waiver for the plantings in those portions where the wetland is located. The Applicant will put the berm and plantings where he can. A berm waiver is required for the area between this property and the apartment complex. There is a wall in place in part of the area, on the Novi Ridge property. The Applicant is supplementing that wall with screening. A Planning Commission Waiver could be granted for the lack of a berm along the Orchard Hills Elementary School. The Applicant has indicated he will comply with that requirement.

The Traffic Review also noted the need for the sidewalk waiver. This review, The Fire Department Review and the Engineering Review all noted the need for a City Council Waiver for the lack of a secondary point of access, with the cul-de-sac exceeding 800 feet in length. It is noted that only twelve homes, not 24, will be on this road, since it is a single-loaded road.

Claudio Rossi addressed the Planning Commission for Mirage Development. He introduced Rick Hirth of Warner Cantrell, the engineers for the project.

Mr. Rossi said that access to this subdivision is off of Quince Drive, off of Ten Mile, part of the existing Orchard Hills project. This will minimize the impacts to Ten Mile.

No one from the audience wished to speak. Member Wrobel read the correspondence into the record:

- Susan and Josh Segerstrom, 24277 Kings Pointe: Objected for traffic, wetland, and habitat displacement reasons. There could be flooding of her neighborhood.
- Louise A Gregory, 24210 Kings Pointe: Objected for congestion reasons.
- Brian White, 41921 Tamara: Objected for the loss of natural features reason.
- Walter and Marcella Sobczak, 24248 Hampton Hill: Objected because of the wetland and natural features. It will increase traffic.

Chair Cassis closed the Public Hearing.

Member Pehrson asked Landscape Architect Lance Shipman to comment on the berm waiver requests. Mr. Shipman responded that the waiver around the wetland is a wetland protection measure. The westerly berm could be waived at the desire of the Planning Commission, as the Ordinance allows for existing walls to be used in lieu of the berm. The Applicant has also agreed to landscape the wall area. The southerly berm is required to be a minimum of four feet, six inches. The plan has twenty feet between the road and the property line. They can only provide a three-foot berm. The alternative would be to push the road north, but that encroaches into the wetland. The Planning Department's position is that it would be more prudent to save the wetland, especially since the road is single loaded. The reduced berm is acceptable, and the Applicant can plant additional material

to reach the opacity requirements.

Member Pehrson asked about the woodlands. Woodland Consultant Larry DeBrincat responded that there are some high quality sugar maples in the woodland area, primarily on lots 2, 3 and 4. The highest concentration of the eight-inch trees is on lot 3. The elimination of that lot would preserve some of the higher quality trees.

Member Pehrson asked Mr. DeBrincat about the other lots. Mr. DeBrincat responded that they would like to see the preservation of lots 2, 3 and 4. But, they thought that request went beyond the scope of a reasonable request. If the Applicant is willing to also relinquish the other two lots, that would be desirable.

Member Pehrson said that this represents a savings of 53%, which is significant. Mr. DeBrincat said the 53% is based on the construction of the roads and utilities. Once the homes are built, the percentage will drop. At this point, the Applicant does not have to indicate which trees will be removed for the building of the homes.

Member Pehrson asked whether there were other woodland concerns. Mr. DeBrincat said no. This woodland is rather isolated. Normally, they would look for ways to connect this woodland to another woodland, but the school is already built, as are the neighboring homes and apartments.

Member Pehrson asked Dr. John Freeland, Wetland Consultant, about the wetland. He thought that due care was used in placing the boardwalk. Dr. Freeland responded that the boardwalk will require only minor fill for the pilings. This is the preferred way to cross a wetland. The stormwater calculations indicate that a 100-year event will raise the wetland level 2.5 inches. This is not a significant increase. The hydrology and wetland complex of the area will be maintained. There is a groundwater component that supports the pond. Dr. Freeland did not know if the wetland was excavated during the construction of the road. It is a high quality wetland – with submerged aquatics, water fowl and nice natural features.

Member Pehrson asked about restricting the neighbors' use of fertilizer. Mr. Schmitt responded that there is an Ordinance in place already. The Master Deed will detail this information. This is a standard City practice.

Member Pehrson asked if the developer has to produce soil borings to ensure that the homes won't "float." Civil Engineer Ben Croy responded that the Building Department would review this issue. They review the soil borings from the plan review process, and determine whether there is a need for additional borings. Will special waterproof measures be necessary for the basements? Will subgrade fill have to be replaced?

Member Pehrson was troubled by lots 2, 3 and 4, and he would like to see lot 3 become open space to preserve the sugar maples.

Member Kocan looked at the plan prior to reading the reviews. She looked at lots 3 and 12 and hoped that both of these lots would come off the plan. However, she was more interested in the preservation of lot 3. The Woodland Consultant has commented that with the grading of the site, all woodland areas within the building envelope area will be removed. There is no woodland preservation on these properties at all. If lot 3 is removed, lot 12 gains access to the wetland. That enhances the entire development. She was looking for woodland preservation, and lot 3 is where she would like it.

Member Kocan asked about lot 11. There is a wall rather than a 4.5-foot berm. She calculated that a berm would have a horizontal measurement of thirty-some feet...at least 32 feet. However, there are now only twenty feet between the lot line and the wall. She felt that the same distance of land should still be used in the design of this site. Mr. Shipman responded that the Ordinance states if a wall with effective noise attenuation and opacity exists, to the satisfaction of the Planning Commission, the waiver can be granted, and there is no mention of the width. The other Ordinance, which refers to natural feature preservation, does mention the width that would be in place with a berm. The Applicant is asking for a waiver from a slightly different section of the Ordinance that does not pertain to the width. It does speak of noise attenuation and opacity. Mr. Shipman said that Member Kocan's comment was correct, but those are typically due to preservation of the existing woodlands in that area. In this case there is an existing wall that was placed by the multiple family development and it meets the obligation.

Member Kocan asked if Mr. Shipman was comfortable with the landscaping up against the wall. Mr. Shipman said he Applicant has proposed evergreens. He said he can continue to work with the Applicant. The wall has been there for quite some time. This is a "buyer beware" situation, wherein the people who buy these homes will see the wall and know that it exists prior to their purchase of the lot. Member Kocan's position was that she wanted the setback area to remain, as though a berm were still there.

Member Kocan appreciated that the woodland preservation percentage previously discussed was further clarified that it did not include the number of trees that would be removed within the building envelopes. She said there is a feasible alternative for the site; it just needs to be tweaked a bit more.

Member Kocan said the Fire Marshal had a question about the length of the cul-de-sac, and whether there should be an emergency access. She understood it was a single-loaded road. She asked that the motion be phrased in such a manner that the Fire Marshal gets the last say on an emergency access added to the plan. Mr. Schmitt responded that an emergency access would require a hole through the aforementioned wall. Ultimately the decision is with City Council. The Fire Marshal is always going to say an emergency access is required for an oversized cul-de-sac. The site is within 200 feet of Ten Mile, and the fact that there are fewer houses on this street than what is typical, does give the Fire Marshal some assurance. The Planning Department would like to continue to review the plan prior to the Applicant going to City Council for the waiver. It would be helpful if the apartment complex would write a letter stating that they do not want this access, and it should be determined whether there are engineering or structural issues that make the emergency access less than feasible. Mr. Schmitt said that the cul-de-sac is very tight.

Member Kocan confirmed that there will be some berming along Ten Mile. Mr. Shipman recommended that the motion indicate that the Applicant must continue working with Staff on the design, to the extent feasible.

Chair Cassis asked Mr. Rossi to comment on the issues that were raised at the table. Mr. Rossi said this proposed plan strictly conforms to R-4 zoning – no options were used in its design. The plan is less than half the density of what would be allowed on an R-4 site. This plan has the least amount of impact on the natural features – woodlands and wetlands. If the Planning Commission would like to see other conceptual plans, there are examples prepared by Warner Cantrell, the site engineers. Those plans were too congested. Mr. Rossi was not requesting any more density. They have lost about half of the acreage already, and he would like the approval for twelve home sites.

Chair Cassis said that this Applicant is always trying to accommodate the City's requests. He asked Mr. Rossi how many trees might be lost because of the lot 3 envelope. Mr. Rossi responded that he is not pre-clearing the lots, he is only clearing for the infrastructure. The number of trees affected by a home depends on which home is selected for lot 3 – or lots 2 or 4, for that matter. Rather than clear-cut, Mr. Rossi is leaving the trees in tact. The future homeowners will pay a lot premium for the woodland privacy. It is to Mr. Rossi's advantage to leave as many trees as possible to screen off the traffic from Ten Mile. Mr. Rossi said reviewing each site on its own merit is a better plan than clear-cutting.

Chair Cassis asked Mr. DeBrincat about lot 3. Mr. DeBrincat said that lot 3 has the highest quality trees in the woodland. That is why they have suggested the preservation of the site. A preliminary grading plan for that lot indicates that the woodlands would be removed. The grading may be able to be adjusted. Mr. DeBrincat said that the trees on lot 3 seem to be concentrated within the building envelope. There is a five-foot overdig on the basements alone. There must be room for the builders to move their materials around. This results in about a fifteen-foot area of influence beyond the walls of the building.

Chair Cassis said this was a difficult site. The Applicant has tried very hard to work out a way to construct this subdivision in the spirit of a single family home development. He is only proposing twelve homes. He said the plan was compatible to the surrounding area although the multiple to the west isn't necessarily complementary. Chair Cassis encouraged the Applicant to re-plant trees in exchange for the proposed tree removal. Chair Cassis was inclined to support this configuration.

Member Kocan said that the Applicant was not developing to the total density, because it can't be done. It is impossible because of the wetlands and natural features. She said that is not an argument. She said the preservation he is proposing is required. She said that the intent and integrity of the Woodland Ordinance must be addressed.

Moved by Member Kocan, seconded by Member Pehrson:

ROLL CALL VOTE ON ORCHARD HILLS NORTH, SP05-05, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER KOCAN AND SECONDED BY MEMBER PEHRSON:

In the matter of the request of Claudio Rossi of Mirage Development for Orchard Hills North, SP05-05a, motion to grant approval approve of the Preliminary Site Plan, subject to: 1) The modification of the plans to preserve additional woodlands to the extent feasible, which includes the removal of by eliminating Lot 3, to maintain the intent and integrity of the Woodland Ordinance; 2) A City Council Waiver for the lack of sidewalk on the south side of the proposed Doncaster Drive; 3) A City Council Design and Construction Standards Waiver for the length of the proposed cul-de-sac without a secondary point of access (975 feet proposed vs. 800 feet permitted); 4) A Planning Commission Waiver for the lack of a berm adjacent to Novi Ridge Apartments, with the inclusion of additional evergreens proposed on the Final Site Plan submittal; 5) A Planning Commission Waiver for the right-of-way berm and plantings in those areas along Ten Mile with substantial wetlands up against Ten Mile; 6) A Planning Commission Waiver for street trees in those areas along Ten Mile with substantial wetlands; 7) Modification of plans to include the berm adjacent to Orchard Hills Elementary School, with the understanding that the berm will not be 4.5 feet high but needs to be three feet high a three-foot high berm adjacent to Orchard Hills Elementary School; and 8) With regard to these landscaping issues, the Applicant will continue to work with Staff regarding the landscaping The Applicant continuing to work with the Staff on the landscaping; for the reason that this is an R-4 subdivision and the development that is being proposed with the removal of the one lot does maintain all of the intent and integrities of the Ordinance. e development, with the removal of Lot 3, meets the intent of the Zoning Ordinance. *Motion carried 6-0.*

Moved by Member Kocan, seconded by Member Pehrson:

ROLL CALL VOTE ON ORCHARD HILLS NORTH, SP05-05, WETLAND PERMIT MOTION MADE BY MEMBER KOCAN AND SECONDED BY MEMBER PEHRSON:

In the matter of the request of Claudio Rossi of Mirage Development for Orchard Hills North, SP05-05a, motion to grant approval of approve the Wetland Permit subject to all comments in the staff and consultant review letters, for the reason that the plan meets the intent of the Ordinance. *Motion carried 6-0.*

Moved by Member Kocan, seconded by Member Pehrson:

ROLL CALL VOTE ON ORCHARD HILLS NORTH, SP05-05, WOODLAND PERMIT MOTION MADE BY MEMBER KOCAN AND SECONDED BY MEMBER PEHRSON:

In the matter of the request of Claudio Rossi of Mirage Development for Orchard Hills North, SP05-05a, motion to grant approval of approve the Woodland Permit, with the preservation of Lot 3, which includes a significant number of sugar maples, because it would maintain the intent and integrity of the Woodland Ordinance. removal of Lot 3 to maintain existing sugar maples, to maintain the intent and integrity of the Woodland Ordinance. *Motion carried 5-1 (Yes: Gutman, Kocan, Lipski, Pehrson, Wrobel; No: Cassis).*

Member Kocan confirmed with Civil Engineer Ben Croy that the site will be watched closely to ensure that there is no impact on the surrounding development. Mr. Croy responded that the slopes are pretty steep, with the exception of the easterly portion of the site. The increase of the water level by 2.5 inches did not concern Mr. Croy that the neighboring houses would be flooded out during a storm event. Member Kocan asked whether the homes would have walkout basements because of the slopes in the area, but Mr. Schmitt responded that the individual blueprints are not reviewed by the Planning Department. Member Kocan said that the City has to be really careful with walkout basements because of the wetland.

Moved by Member Kocan, seconded by Member Pehrson:

ROLL CALL VOTE ON ORCHARD HILLS NORTH, SP05-05, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER KOCAN AND SECONDED BY MEMBER PEHRSON:

In the matter of the request of Claudio Rossi of Mirage Development for Orchard Hills North, SP05-05a, motion to grant approval of approve the Stormwater Management Plan subject to the comments in the staff and consultant review letters, for the reason that the plan is feasible and meets the intent of the Ordinance. *Motion carried 6-0.*

2. TUSCANY RESERVE RUD, SITE PLAN NUMBER 02-30D

Public Hearing on the request of Bob Porteous of Novi Investment Company for recommendation to City Council for a revised Residential Unit Development plan and phasing plan. The subject property is located in Section 32, north of Eight Mile Road, east of Garfield Road in the R-A, Residential Acreage District. The subject property is approximately 77.37 acres.

In the matter of the request of Tuscany Reserve, SP02-30d, motion to recommend approval to City Council for the phasing plan, subject to: 1) The Applicant must construct an all-weather road base capable of supporting 35 tons, connecting to Garfield Road in Phase II during Phase I construction; and 2) The Applicant establishing bonds for the completion of the road construction. *Motion carried 6-0.*

In the matter of the request of Tuscany Reserve, SP02-30d, motion to recommend denial to City Council for the revision to the RUD plan with regard to the gates, which are prohibited by the Fire Prevention Code, and the RUD requires the preservation of the rural character. The Planning Commission also recommends denial of the stub removal, pursuant to Section 4.04.A requiring stub street connections every 1300 feet around the perimeter of the sub, and the Design and Construction Standards require a second point of access for health, safety and welfare reasons. *Motion carried 4-2 (Yes: Gutman, Kocan, Pehrson Wrobel; No: Cassis, Lipski).*

3. SINGH DEVELOPMENT (ELEVEN MILE AND BECK) ZONING MAP AMENDMENT 18.654 AND PLANNED REZONING OVERLAY, SITE PLAN NUMBER 05-29

Public Hearing on the request of John Houser of Singh Development for possible recommendation to City Council for rezoning of property located in section 20, south of Eleven Mile Road and west of Beck Road, from R-A, Residential Acreage, to R-1, One Family Residential, with a Planned Rezoning Overlay. The site is approximately 38.86 acres and the applicant is proposing 58 dwelling units.

In the matter of Zoning Map Amendment 18.654 and Planned Rezoning Overlay SP05-29 for Singh Development, motion to recommend denial to the City Council to rezone the subject property from R-A to R-1 with a Planned Rezoning Overlay, for the following reasons: 1) There are significant deviations from the R-1 Ordinance and the Cluster Option; 2) The density number proposed is a maximum number, not a guaranteed number per the Ordinance; 3) There are significant natural features on the property that could not be developed in any type of development; 4) The setback between the buildings is minimal and there is no visual break or clustering; and 5) The traffic study does not consider increased traffic from Detroit Catholic Central and Providence Hospital. *Motion carried 6-0*

ADJOURNMENT



PLANNING COMMISSION
REGULAR MEETING
EXCERPTS
WEDNESDAY, OCTOBER 26, 2005 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

ROLL CALL

Present: Members Victor Cassis, John Avdoulos; Andrew Gutman, Lynn Kocan, Michael Meyer, Wayne Wrobel

Absent: David Lipski (excused), Mark Pehrson (excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Jason Myers, Planner; Lance Shipman, Landscape Architect; Ben Croy, Civil Engineer; Larry DeBrincat, Woodland Consultant; Steve Dearing, Traffic Consultant; David Gillam, City Attorney

MATTERS FOR CONSIDERATION

2. ORCHARD HILLS NORTH, SITE PLAN NUMBER 05-05A

Reconsideration of the request of Claudio Rossi of Mirage Development for Preliminary Site Plan approval. The subject property is located in Section 26, south of Ten Mile between Meadowbrook Road and the CSX Railroad Tracks, in the R-4, One Family Residential District. The Applicant is proposing to develop the 9.1 acre parcel for twelve single-family residential site condominiums and is requesting the Planning Commission to reconsider their approval stipulation that Lot 3 must be removed from the plan.

City Attorney David Gillam said that his office suggested that this item be placed on the Agenda. On September 28, 2005, the Planning Commission granted a series of approvals for this project, one being for the Preliminary Site Plan. One stipulation was that Lot 3 would be removed from the plan. A conditional approval of the Woodland Permit was also granted – it contained the same stipulation. The Applicant has since had this provision revoked from the Woodland Permit by the City Council. In City Council's motion, a provision was added that the Applicant must continue to work with the Woodland Consultant on the size and placement of the building envelope, in an effort to preserve as many of the trees on the site as possible.

Mr. Gillam said that in light of this revision, the City Attorney's office felt it was appropriate to bring the Preliminary Site Plan issue back to the Planning Commission for reconsideration. Specifically, the first condition of the motion should be reviewed: Modification of the plans to preserve additional woodlands to the extent feasible, which includes the removal of Lot 3 to maintain the intent and integrity of the Woodland Ordinance. The problem is the language, "which includes the removal of Lot 3." He said that when the Planning Commission voted to reconsider this site plan motion, the action of approval was really nullified. It is not a question of amending a motion, a new motion must now be made.

Mr. Gillam suggested that the Planning Commission bring forward a motion that is essentially identical to the original motion, with the exception of the one clause.

Claudio Rossi of Mirage Development addressed the Planning Commission. He stated that this is a challenging project based on the natural features. They limit the flexibility of the design and significantly reduce the number of units that would otherwise be permitted. The constraints of the property create some practical difficulties with added financial burden, and Mr. Rossi believed that this plan best suits the site and best preserves the natural features.

Chair Cassis asked Mr. Rossi about what he could do to limit the envelope on that lot. He commended Mr. Rossi for his many quality projects in the City, recognizing Mr. Rossi's efforts to preserve natural features. Mr. Rossi said he would agree to position the envelope in the best location to save the trees; he agreed to work cooperatively with the Woodland Consultant on this task. He also said that they would require the site to house the smallest footprint proposed for this project. Again, this will help work around the trees. There are some grading issues as well, but in general resolution has been made to save as many trees as possible.

Member Kocan said that she made the original motion. She said it broke her heart that the City's Woodland Ordinance is stated in such a way that lots cannot be removed from a site plan. She understood the legal issues. She appreciated the rationale. She read the minutes from the City Council meeting and appreciated the way in which this was handled. She agreed to restate the motion, but she planned on adding language

that specifically addressed Mr. Rossi working with the Consultant on Lots 2,3,4 and 12.

Moved by Member Kocan, seconded by Member Avdoulos:

In the matter of the request of Claudio Rossi of Mirage Development for Orchard Hills North, SP05-05a, motion to grant approval of the Preliminary Site Plan, subject to: 1) The Applicant working with Woodland Consultant to modify the plans to preserve additional woodlands to the extent feasible, with particular attention to Lots 2, 3, 4 and 12, and utilizing smallest footprint possible on Lot 3; 2) A City Council Waiver for the lack of sidewalk on the south side of the proposed Doncaster Drive; 3) A City Council Design and Construction Standards Waiver for the length of the proposed cul-de-sac without a secondary point of access (975 feet proposed vs. 800 feet permitted); 4) A Planning Commission Waiver for the lack of a berm adjacent to Novi Ridge Apartments, with the inclusion of additional evergreens; 5) A Planning Commission Waiver for the right-of-way berm and plantings in those areas along Ten Mile with substantial wetlands up against Ten Mile; 6) A Planning Commission Waiver for street trees in those areas along Ten Mile with substantial wetlands; 7) Modification of plans to include the berm adjacent to Orchard Hills Elementary School, with the understanding that the berm will not be 4.5 feet high but needs to be three feet high; and 8) With regard to these landscaping issues, the Applicant will continue to work with Staff regarding the landscaping; for the reason that this is an R-4 subdivision and the development that is being proposed does maintain of the intent and integrity of the Ordinance.

DISCUSSION

Member Meyer asked the City Attorney if the Planning Commission could dictate what size building can be placed on a lot. Mr. Gillam said that he did not know if the Planning Commission could specifically tell the Applicant what size building is acceptable, but within the scope of the existing Woodland Ordinance the Planning Commission can direct the Applicant to set up the building envelope in such a fashion that minimizes the impact to the protected trees. To a certain extent, that will involve minimizing the size of the building. This is not dictating the size of the building. It merely dictates the use of the building envelope that is permitted. In this particular case, Mr. Rossi has discussed this and has agreed to limit the building size. It would be a different story if the Planning Commission just came out and told someone what size building to place on a lot. The Planning Commission would have to articulate the relationship between the woodlands on site and the building envelope.

ROLL CALL VOTE ON ORCHARD HILLS NORTH, SP05-05A, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER KOCAN AND SECONDED BY MEMBER AVDOULOS:

In the matter of the request of Claudio Rossi of Mirage Development for Orchard Hills North, SP05-05a, motion to grant approval of the Preliminary Site Plan, subject to: 1) The Applicant working with Woodland Consultant to modify the plans to preserve additional woodlands to the extent feasible, with particular attention to Lots 2, 3, 4 and 12, and utilizing smallest footprint possible on Lot 3; 2) A City Council Waiver for the lack of sidewalk on the south side of the proposed Doncaster Drive; 3) A City Council Design and Construction Standards Waiver for the length of the proposed cul-de-sac without a secondary point of access (975 feet proposed vs. 800 feet permitted); 4) A Planning Commission Waiver for the lack of a berm adjacent to Novi Ridge Apartments, with the inclusion of additional evergreens; 5) A Planning Commission Waiver for the right-of-way berm and plantings in those areas along Ten Mile with substantial wetlands up against Ten Mile; 6) A Planning Commission Waiver for street trees in those areas along Ten Mile with substantial wetlands; 7) Modification of plans to include the berm adjacent to Orchard Hills Elementary School, with the understanding that the berm will not be 4.5 feet high but needs to be three feet high; and 8) With regard to these landscaping issues, the Applicant will continue to work with Staff regarding the landscaping; for the reason that this is an R-4 subdivision and the development that is being proposed does maintain of the intent and integrity of the Ordinance. *Motion carried 6-0.*



PLANNING COMMISSION
REGULAR MEETING
EXCERPTS
ACTION SUMMARY
WEDNESDAY, OCTOBER 25, 2006 7:30 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, David Lipski, Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

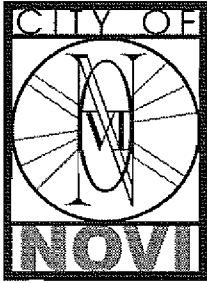
Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Ben Croy, Engineer; David Beschke, Landscape Architect; Tom Schultz, City Attorney

CONSENT AGENDA - REMOVALS AND APPROVAL

1. ORCHARD HILLS NORTH, SITE PLAN NUMBER 05-05B

Consideration of the request of Claudio Rossi of Mirage Development for a one-year Final Site Plan extension. The subject property is located in Section 26, on the south side of Ten Mile Road, between Meadowbrook Road and the CSX Railroad tracks, in the R-4, One Family Residential District. The applicant is proposing 12 single-family residential homes.

Motion to approve the Consent Agenda. *Motion carried 9-0.*



cityofnovi.org

PLANNING COMMISSION ACTION SUMMARY

EXCERPT

CITY OF NOVI

Regular Meeting

Wednesday, March 12, 2008 | 7 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: Members, Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: John Avdoulos (Excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Karen Reinowski, Planner; Ben Croy, Civil Engineer; Steve Dearing, Traffic Consultant; Al Hall, Façade Consultant; Tom Schultz, City Attorney

CONSENT AGENDA - REMOVALS AND APPROVAL

1. ORCHARD HILLS NORTH, SP05-05

Consideration of the request of Mirage Development for a one-year Final Site Plan extension. The subject property is located in Section 26, on the south side of Ten Mile Road, between Meadowbrook Road and the CSX Railroad tracks, in the R-4, One Family Residential District. The applicant is proposing 12 single-family residential homes.

Reduced Site Plan

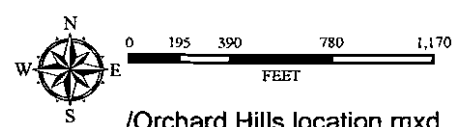
Location Map

SP05-05 Orchard Hills North

Location Map



CITY OF NOVI PLAN REVIEW CENTER
 Created by Mark Spencer
 2/20/08
 NOVI COMMUNITY DEVELOPMENT DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CITYOFNOVI.ORG



/Orchard Hills location.mxd

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.