MEMORANDUM

cityofnovi.org

TO: PLANNING COMMISSION

THROUGH: BARBARA MCBETH, *AICP*, DEPUTY DIRECTOR COMMUNITY DEVELOPMENT

FROM: MARK SPENCER, *AICP*, PLANNER

SUBJECT: SP05-41 RUSHMORE EXTENSION

DATE: FEBRUARY 19, 2009

The applicant is proposing a six lot site condominium for single family residential dwellings. Lots would be accessed from a proposed public cul-de-sac. The project is located in the northwest quarter of Section 33 on the south side of Nine Mile Road just east of Beck Road in the R-1, One-Family Residential District. On November 9, 2005, the Planning Commission approved the revised Preliminary Site Plan SP05-41A subject to conditions. The applicant addressed all the comments and the Final Site Plan SP05-41B was stamped approved on April 26, 2006.

The applicant has now requested a one year extension of Final Site Plan approval. The Zoning Ordinance allows for three one-year extensions of Preliminary and Final Site Plan approval. This is the applicant's third request for an extension. The Planning Commission granted a one-year extension to Final Site Plan approval as a consent agenda item on March 14, 2007 and a second one-year extension on March 12, 2008.

The Planning Department is not aware of any changes to the ordinances, or surrounding land uses, which would affect the approval of the requested extension for one year. **Approval of the extension of Final Site Plan approval is recommended.**

Please refer to the attached letter from Eudora Adolph dated February 17, 2009, which requests the extension of the Final Site Plan approval. Also attached are minutes from the Planning Commission meetings where the Preliminary Site Plan was approved, and a reduced copy of the approved Preliminary Site Plan.

Applicant Extension Request Letter
February 17, 2009

February 17, 2009

City of Novi Planning Department
Attention:
Mr. Mark Spencer
Ms. Angela Pawlowski
45175 West Ten Mile Road
Novi, Michigan 48375

SUBJECT: Final Site Plan Extension Request for SPO5-41 (The Rushmore Project)

To Whom It May Concern:

I received notice that the final site plan for my project, The Rushmore, will expire on April 26, 2009. Due to current market conditions, I would like to respectfully request an extension on this approved site plan.

It is still my intent to develop the project as approved, however currently I need to delay obtaining the appropriate building permits and starting actual construction in order to give real estate market activity time to rebound and thus financially support new construction projects. Note that there have been no changes in ownership, to the property, or to this project.

Please contact myself, Eudora Adolph, owner, if you have any other questions. I can be reached at 248-496-1808 or via email at eadolph@gmail.com.

Thank you in advance for your consideration of this extension request.

Sincerely,

Eudora Adolph

Eudora Adolph, Owner

CC: Mr. Matt Quinn, Attorney

Planning Commission Minutes November 9, 2005

February 15, 2008

City of Novi Planning Department
Attention:
Mr. Mark Spencer
Ms. Angela Pawlowski
45175 West Ten Mile Road
Novi, Michigan 48375

SUBJECT: Final Site Plan Extension Request for SPO5-41 (The Rushmore Project)

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Sincerely,

Eudora Adolph

Eudora Adolph, Owner

CC: Mr. Matt Quinn, Attorney

PLANNING COMMISSION

REGULAR MEETING
WEDNESDAY, NOVEMBER 9, 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, John Avdoulos, David Lipski, Lynn Kocan, Michael Meyer, Mark Pehrson, Wayne Wrobel
Absent: Andrew Gutman (excused)
Also Present: Barbara McBeth, Director of Planning; Mark Spencer, Planner; Tim Schmitt, Planner; Jason Myers, Planner; Lance Shipman, Landscape Architect; Brian Coburn, Civil Engineer; Larry DeBrincat, Woodland Consultant; John Freeland, Wetland Consultant; David Gillam, City Attorney

PUBLIC HEARINGS
1. **THE RUSHMORE, SP05-41A**
   The Public Hearing was opened on the request of Eudora Adolph of Lincoln Place Development for Preliminary Site Plan, Site Condominium, Storm Water Management Plan, and Woodland Permit approval. The subject property is located in Section 33, south of Nine Mile, east of Beck Road, in the R-1 One-Family Residential District. The subject property is 4.59 acres and the Applicant is proposing a six lot site condominium for single family residential dwellings.

Chair Cassis began the meeting by noting that on the previous evening, a new Mayor and new City Council members were elected.

Planner Mark Spencer described the property and the project. He said that the historic house on the property is proposed to be relocated to Lot 2 for use as a home by the Applicant. The road design of this development is a cul-de-sac. The barn on the site is for sale and will be removed. The site is zoned R-1 and master planned for Single Family Residential. To the west is residential, zoned R-A and master planned for Single Family Residential. To the south and east is Barclay Estates, zoned R-1 and master planned for Single Family Residential. To the North is Autumn Park, zoned R-1 and master planned for Single Family Residential. The Master Plan density in this area is a maximum of 1.65 units per acre.

There are no regulated wetlands on the site. There are no regulated woodlands on the site but it does contain one regulated landmark tree and therefore a woodland permit is required to assure protection of the tree. Several other substantial trees are proposed to be saved. Three additional trees may be able to be saved if the detention pond is slightly redesigned with some possible encroachment of the pond into the forty-foot non-access easement. This may require the use of a small retaining wall to maintain the four-foot height of the berm. There are no ranked habitat areas on this site.

The Planning Department recommends approval of the Preliminary Site Plan subject ***to*** the Applicant working with staff to provide a minor lot boundary redesign to provide more radial lot lines between Lots 3 and 4. There is a small triangle area behind Lot 4, which seems to make the area fairly unusable.

The Landscape, Engineer, Traffic and Fire Department reviews all recommend approval of the Preliminary Site Plan with minor modifications to be made on the Final Site Plan submittal. The Applicant has agreed to work with the City on these issues.

Jim Butler from PEA addressed the Planning Commission. He introduced Eudora Adolph, owner of the property. He offered to answer any questions that the Planning Commission might have. Mr. Butler said that they would like to discuss the detention basin. If it is moved into the forty-foot buffer it would give them the ability to save some trees.

Chair Cassis opened the floor for public comment:

- John Dennis, Autumn Park: He opposed the project. He purchased his home because of the view of the Lincoln House. He was made aware from the developer prior to the meeting that the Lincoln House may not be moved to one of the lots. Its future is uncertain. This historical home was built by James Palmer in 1838, 22 years before the Civil War. He sold it in 1865 when his son was killed in the war. The house has been used in national advertising campaigns. In 1985 Dane Johnson, an architect, deemed it one of Novi's top ten buildings. He also did not want traffic to increase. He did not want more noise. Nine Mile is a very quiet road. The future buyer of his home will be denied the view of this home. He thought this development was bad for Novi's housing outlook.
- Edward Wong, Barclay Estates: Thought the historical implication of the Lincoln House was unique and the home should be kept. He hoped the trees were to be preserved. He bought his house because of the trees on this site.
- J.D. Shanahan, 22299 Barclay: His home would be located behind Lot 1. His specific request was for the Applicant to consider making the building envelope a minimum of 45 feet from the lot line for Lot 1, rather than the Ordinance standard of 35 feet.
- Bill DeCoste, 22430 Southwyck Ct.: He would like to see the preservation of the Lincoln House. He did not think this development would negatively affect his property value, though it might affect the adjacent homes. He was not pleased with another street entering onto Nine Mile. The school already increases the traffic. This development would negatively affect the feel of the area.
- Vicki Thomas, representing 22119 Barclay: These homeowners would be located near the wooded area on this development. They were concerned about the plan.
- Sheri Roberts, 22340 Barclay Drive: She thought real estate was languishing in Novi, and when these homes do not sell, this will be a half-finished project until such time the industry turns around. She was concerned about the traffic and the addition of another curb cut. This project would negatively affect the area.
- Johannes Palm, 22359 Barclay: This homeowner would be adjacent to the detention pond. He requested information on the elevation of the court, which is the high point on the site. There are trees that could be undermined by a road being developed right through the area of the existing structure. There are pines and maples near the proposed detention pond and he wanted to know what their future would be. He said that the height of the berm running along the Barclay Estates properties was not specified on the plan. He asked what would happen with the white wood picket fence. He wanted to know the routing of the utilities. He said the elevation of the detention pond ranged from 942 to 946; he wondered how those related to the adjacent site elevations. His low elevation is 942; he was concerned about water drainage.
- Brad Drogosch, 22250 Beck Road: Opposed to the development but understood that he couldn't stop it. He was concerned about the wildlife. He said that the back area of this property floods every spring and he did not want this development to flood his property further.

Chair Cassis asked Member Wrobel to read the correspondence into the record:

- David Hoffman, 47273 Autumn Park Court: Objected to the project. It would change the neighborhood and affect the value of his home. It would bring traffic congestion. He would lose the view of the Lincoln House.
- Johannes Palm, 22359 Barclay: Objected to the project. The homes should be restricted to 3,000 square feet. The homes should be set back at least 45 feet from the road and 45 feet from back property line. Elevation of road and sidewalks needs to be established. The project could affect existing trees. More tree information should be provided. Berm elevations and planting information should be provided. The letter reiterates the items he discussed in person (see above).
- Margaret and George Surdu, 47225 Autumn Park Court: Approved of a project with single family homes that were of similar size to the surrounding homes.
- Richard Brockhaus, 47321 Autumn Park: Objected for traffic reasons.
- J.D. Shanahan, 22299 Barclay: The letter reiterated his request that he made in person (see above). He wished to see the property line plant installation remain as shown on the plan.
- Carol and Michael Crawford, 22135 Beck: Approved as long the plan does not have an exit onto Beck Road.

- Robert O'Neill, 22139 Barclay: Objected if this is a rental property.
- Monica Cahill, 47320 Autumn Park: Objected because she wished to see the historical home preserved. Did not want another road, or headlights glaring into Autumn Park.

Chair Cassis closed the Public Hearing. He asked whether there was any historical designation on this home. Ms. Eudora Adolph responded that none of the buildings on the property are registered as historic, nor can they be. Although the original home was built a number of years ago, the home was updated in the 1950s, and a number of those changes to the home were pertinent to the 1950s. The home cannot be registered because of these many changes. The previous owner looked into this issue.

City Attorney David Gillam responded to Chair Cassis's question about the Planning Commission's ability to preserve this home if in fact there is no historical designation on it. Mr. Gillam responded that without a designation, there is no basis for the City to make a request to keep the home. Even if it were designated, there could still be the possibility of moving it.

Member Avdoulos, an architect, has worked on restoring homes to an historical significance. Restoring a home in such a manner can be costly and time consuming. He said that the surrounding community must understand that things change over time. As long as the change conforms to zoning and master planning, the City cannot stand in its way. He would like to see the house left as is, but he understood that the request before them met the intent of the Zoning Ordinance. The woodlands have been reviewed, and the Applicant was commended for their intention to preserve and protect one regulated and many nonregulated trees on the site.

Member Avdoulos was concerned about the extra traffic too, because the timing of the traffic light nearby seems to allow for ten minutes of Beck Road traffic to thirteen seconds of Nine Mile traffic. He noted that another Beck Road project would be presented after this hearing. He said that the Planning Commission does what it can to ensure that the community's best interest is considered with any site plan review. This includes flooding, wetland and woodland issues.

Member Avdoulos would like to see the Lincoln House stay. It is of the classic Greek revival style and is in great shape. It has great character. If this home is moved, it would be interesting to have the rest of the development emulate that character. This would be something unique for the site. Member Avdoulos noted that some of the newer subdivisions once brought concern to the homeowners in this area, but since their development they have added character and have not been disruptive as anticipated.

Member Avdoulos said that the berm around the detention pond has a top elevation of 948-950. This information will be further reviewed, and Landscape Architect Lance Shipman may discuss the landscaping further. Larry DeBrincat, the Woodland Consultant, discussed the woodland information. He confirmed for Member Avdoulos that one of the trees has a dbh over 36 inches. Mr. DeBrincat said that specifically, there are no woodlands on the site, but the Applicant is working to save the one regulated tree. Mr. DeBrincat said that his colleague, Doris Hill, is working on this site with the Applicant regarding the saving of other trees on the site.

Member Avdoulos asked whether the site had been reviewed on a lot per lot basis. Mr. DeBrincat said that at this level the plan is reviewed as the overall project. The impact of the road and utilities are reviewed. Because there is only one regulated tree, their review was geared toward that tree. He said that Ms. Hill would be looking for ways to save the other trees, as long as the Applicant was willing to do so.

Member Avdoulos asked about the footprint for the homes in R-1. Mr. Spencer responded that the maximum footprint would be 25% of the lot area. That translates to about 5,000 square feet. The Applicant will base the size of his homes on the market conditions. There may be deed restrictions that would define the home sizes further.

Member Avdoulos directed the question to the Applicant. Ms. Adolph responded that the homes must be worth about $750,000-$800,000, or more, in order for the development to succeed. To justify that price

point, the homes will be similar to those in the area, not quite as big as Bellagio homes perhaps, but similar to the other neighborhoods.

Member Avdoulos asked about the historic home. Ms. Adolph said that the development's moniker was not named after the Lincoln House because of the City's rule that properties cannot be named after presidents. Therefore, "The Rushmore" was chosen. Once the design changed from seven to six lots, the Applicant said she has to re-analyze the numbers. She was not able to comment further on the preservation of the Lincoln House. Member Avdoulos would recommend moving the house and bringing it up to today's standards. There are many instances of preservation in Novi, most recently the barn from Island Lake being moved to Maybury. Ms. Adolph said that Maybury informed her that they do not need her barn. She said the cost to move it is prohibitive. She worked with the Michigan Barn Preservation Network Society about salvaging the barn. The barn is big and the effort would be costly. Member Avdoulos explained the moving of the barn from Island Lake, and how it was a change to their development agreement. He said he was not trying to twist Ms. Adolph's arm.

Member Kocan was an advocate for homeowners and compatibility of projects adjacent to residential. This site is zoned and master planned for residential. It is zoned R-1 and proposed to be developed as such. There are no woodlands. There are no wetlands. This is a reasonable development. The Planning Commission must allow the owner to develop this land; it is her right to do so. As much as the neighbors don't want the site to change, it is within the rights of the Applicant to do so.

Member Kocan said that this is the least amount of trees she has seen on a site in over a year. The City would like to see as many of those trees saved as possible. The homes will not necessarily be built using the entire footprint. Member Kocan said she would not apply a different standard to these homes than what is provided for in the Ordinance. Consistency is important. It promotes equity and fairness. Though it is difficult to tell neighbors this, the development proposed is reasonable, legal and totally appropriate. It will change the aesthetics of the area, but the development fits. The minor tweaking of the plan includes the lot line change between Lots 3 and 4. There has to be 110-foot frontages. If there is a lot line change, it may affect the frontage. Member Kocan drew some sample designs of the lots with the lot line change, and she thought it was feasible to maintain that distance. Mr. Spencer agreed.

Member Kocan asked about redesigning the detention area. Would a variance then be necessary? Could it just be deepened? Landscape Architect Lance Shipman said that the forty-foot non-access greenbelt easement is just that – an easement. Having basins within that easement is very common. The City has a requirement for a four-foot berm with a four-foot crest which, at its minimum, has a horizontal measurement of 28 feet. There is room for play in the area. It is possible to design the berm in the area. This berm requirement is for the land along Nine Mile. There is no requirement for a berm along eastern edge of the property. The berm is mostly at the basin and at Lot 2. The berm would help screen the basin area and would give it the proper elevation, which would alleviate the concerns of the adjacent property owner. That elevated berm would prevent water from going the direction of that resident. The berm goes behind Lot 2 and is an added benefit. It is not a requirement of the Ordinance.

Member Kocan was concerned about the elevation of the site. Civil Engineer Brian Coburn responded that the grade of this site is higher than Barclay Estates. The center of the road ranges from 948 to 951, whereas Barclay is at 943. The drainage will be taken care of on site. There will be catch basins and swales along the property line. Member Kocan asked if the City ever tries to set things further down. She noted that the property to the west is at 947-948. Mr. Coburn said that this site is matching the natural slope of the area.

Member Kocan asked about the utility placement. Mr. Coburn asked whether she meant franchise utilities or public utilities. The Subdivision Ordinance dictates the requirements of the placement of electric lines to be in the rear yard, unless otherwise approved by the Engineering Division.

Member Kocan said if the detention basin was moved north, it would not affect the berm. She read a note that a retaining wall could be used if necessary. Mr. Shipman responded that she was correct. There is plenty of width to do this. Topographically speaking, it could be tricky, which is why the retaining

wall may work well. He thought that the wall was more to facilitate the depth of the basin than to elevate the berm. This should be able to be worked out without the need for a variance.

Member Kocan noted the use of spruce, burning bushes, service berries and red maple trees. Mr. Shipman stated that along Nine Mile the landscape meets the minimum Ordinance requirements. A lot of that design has to do with the narrowness of that area, which also has to accommodate a curb cut. The additional vegetation on the berm is heavily placed, with two evergreens deep and a good mixture of materials. That is the description of the berm between this site and Barclay Estates.

Member Kocan said she understood the stormwater drainage design should mitigate any potential flooding problem. She felt that she could not not approve this plan. She said that the Planning Commission was commissioned to enforce the Ordinance, and that was what they were doing.

Member Wrobel agreed with the other speakers, though it panged him. The Planning Commission must approve the plan because it meets the Ordinance requirements. Given the fact that the home is not a registered historical home, the Planning Commission cannot react to it. He would hate losing the home. He asked if the Applicant was taking any steps to find someone else who might want to move the home. Ms. Adolph responded that her goal was to move this home to one of the lots. She lives in it now. Her plan was to fix the home up now. She did try to find a home for the barn. People have looked at the barn, considering whether they could make a home out of it, but there aren't enough cross-structural beams to do so. There is beautiful old lumber in the barn. The lot count on this development just recently lowered to six. She has to look at that change, and speak with builders, in order for her to make a decision. She did not know if it made sense to move the house onto one of the lots. Ms. Adolph said her goal was to keep the home and have the development radiate a presidential estate feel. She didn't want to see the old house go, but she has to determine whether keeping it will work.

Member Pehrson said it is unusual to get a proposal before the Planning Commission without any exceptions. He expected this approval to have taken five minutes because the developer meets every obligation that the Ordinance dictates. It may be an emotional issue for the neighbors, but given the extent of the work the Applicant has performed in conjunction with the City, he applauded their efforts. He hoped the neighbors understood that this is not discretionary; these are black and white issues. There is nothing that would prohibit this Planning Commission from approving this plan.

Moved by Member Pehrson, seconded by Member Wrobel:

In the matter of The Rushmore Site Condominium, SP05-41a, motion to approve the Preliminary Site Plan subject to: 1) The Developer continuing to work with the City to address the concerns of Lots 3 and 4 and the line of demarcation therein; and 2) All comments on the attached review letters being addressed on the Final Site Plan, for the reason that the plan meets the intent of the Master Plan.

DISCUSSION

Member Kocan asked whether the motion should address the detention basin situation, but Mr. Shipman responded that it was not necessary.

Chair Cassis gave the floor back to a neighbor from 22299 Barclay. Mr. Shanahan said he heard mention that the water flows from west to east. He is on the east side and he said that he already has installed a drain tile on the back of his lot because the swell is about eight to ten feet. He cannot cut his grass in the spring in that area. He was not sure that the drainage of this site would not affect him. Mr. Coburn explained that the development will make his problem better. Currently, this man's property is the low spot. Water from this site is currently draining onto his property. What will happen with the development is the berm will block that flow. There will be a swale that captures that flow and a catch basin will carry the water through the storm sewer to the detention pond. The intent is that the entire site will drain into the detention pond. Mr. Shanahan said it did not appear that the berm reached across his lot line. Most of the water comes from the south and west. He said the water will be coming into his site from south of where the berm ends. Mr. Coburn said that the catch basin will catch all of the surface drainage before

the water reaches his property.

Chair Cassis encouraged the residents to come to City with any questions they may have. He said that this Applicant must also get a Final Site Plan approval before anything is done on the site.

Vicki Thomas asked permission from the Chair to have the letter written by the residents of 22119 Barclay included in the minutes. Chair Cassis agreed. The letter was signed by Alain Charlois and expressed his concern for this development as he is an adjacent homeowner.

Chair Cassis agreed with the comments made by his fellow Planning Commission members. He also lived in the area and he noted the beauty of the Lincoln House. The fact of the matter is the Applicant has brought forward a good project with half-acre lots, which isn't done too often anymore. Chair Cassis suggested that the Applicant contact Kathleen Mutch, a local historian. She has been helpful in the past. He thought that there must be a future location for the Lincoln House.

ROLL CALL VOTE ON THE RUSHMORE, SP05-41A, PRELIMINARY SITE PLAN APPROVAL MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

> **In the matter of The Rushmore Site Condominium, SP05-41a, motion to approve the Preliminary Site Plan subject to: 1) The Developer continuing to work with the City to address the concerns of Lots 3 and 4 and the line of demarcation therein; and 2) All comments on the attached review letters being addressed on the Final Site Plan, for the reason that the plan meets the intent of the Master Plan.** ***Motion carried 7-0.***

Moved by Member Pehrson, seconded by Member Wrobel:

ROLL CALL VOTE ON THE RUSMORE, SP05-41A, WOODLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

> **In the matter of The Rushmore Site Condominium, SP05-41a, motion to approve the Woodland Permit subject to all comments on the attached review letters being addressed on the Final Site Plan, for the reason that the plan otherwise meets the intent of the Ordinance.** ***Motion carried 7-0.***

Moved by Member Pehrson, seconded by Member Wrobel:

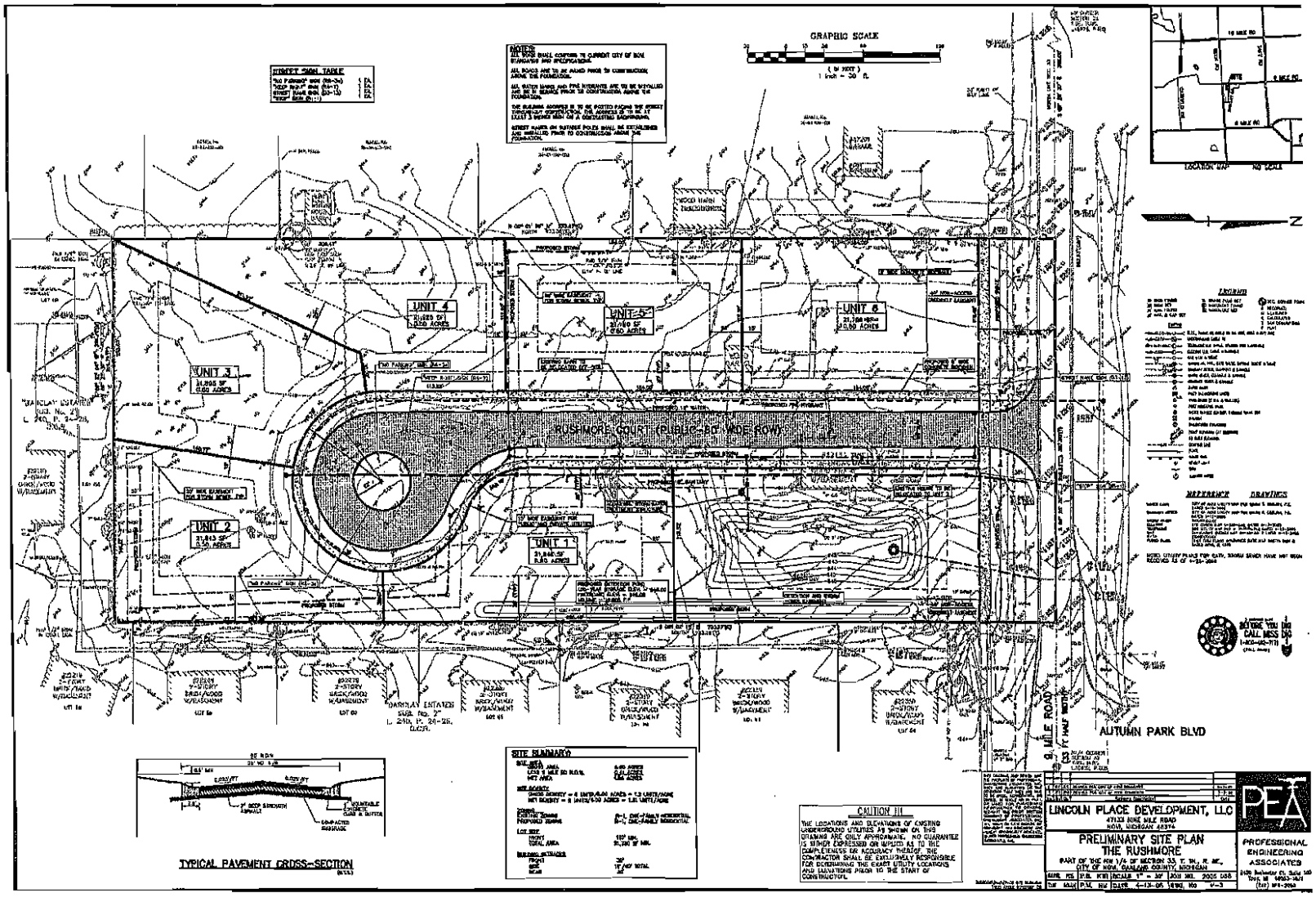
> **In the matter of The Rushmore Site Condominium, SP05-41a, motion to approve the Stormwater Management Plan subject to all comments on the attached review letters being addressed at the time of Final Site Plan, for the reason that the plan otherwise meets the intent of the Ordinance.**

DISCUSSION
Member Kocan asked that, "...with particular attention to the catch basin installation to mitigate any drainage on the surrounding properties," be added to the motion. Member Pehrson and Member Wrobel agreed.

ROLL CALL VOTE ON THE RUSMORE, SP05-41A, STORMWATER MANAGEMENT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

> **In the matter of The Rushmore Site Condominium, SP05-41a, motion to approve the Stormwater Management Plan subject to all comments on the attached review letters being addressed at the time of Final Site Plan, with particular attention to the catch basin installation to mitigate any drainage on the surrounding properties, for the reason that the plan otherwise meets the intent of the Ordinance.** ***Motion carried 7-0.***

Reduced Site Plan

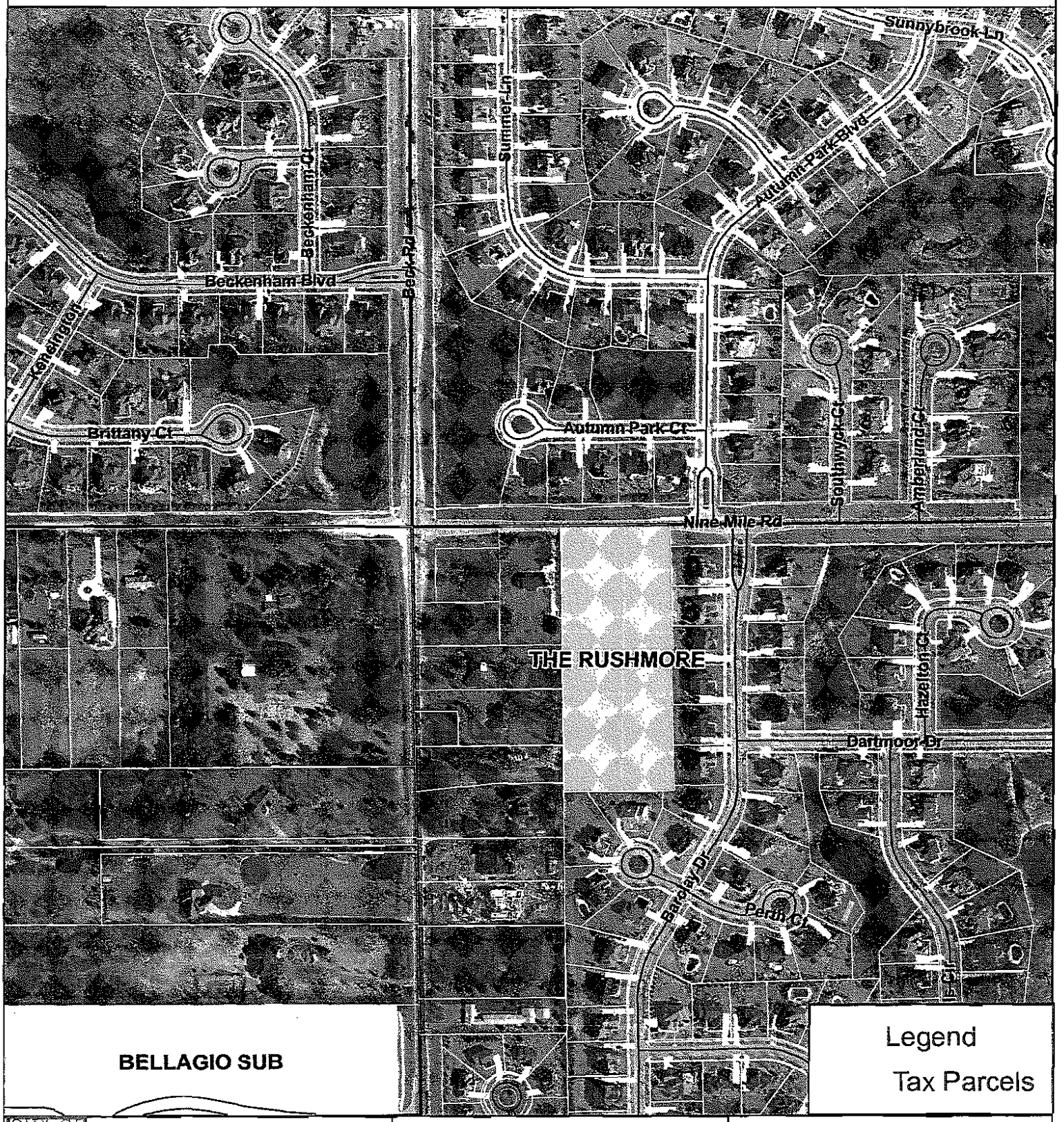


TYPICAL PAVEMENT CROSS-SECTION

Location Map

SP05-41 Rushmore

Location Map



Legend

Tax Parcels

CITY OF NOVI

cityofnovi.org

CITY OF NOVI PLAN REVIEW CENTER

Created by Mark Spencer

2/27/08

NOVI COMMUNITY DEVELOPMENT DEPARTMENT
45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0475
WWW.CITYOFNOVI.ORG

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0 95 190 380 570

FEET

/rushmore 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.