



Valencia Estates JSP12-49

Valencia Estates, JSP12-49

Consideration of the request of Beck Ten Land, LLC, for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located in Section 20, on the northwest corner of Beck Road and Ten Mile Road in the R-3, One-Family Residential District (with a Planned Rezoning Overlay). The subject property is 24.24 acres and the applicant is proposing a 38 unit single-family residential development with access provided from Beck Road.

REQUIRED ACTION

Approval/denial of the Preliminary Site Plan and Stormwater Management Plan.

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval recommended	10/30/12	Items to address on the Final Site Plan.
Engineering	Approval recommended	10/30/12	Items to address on the Final Site Plan.
Traffic	Approval recommended	10/22/12	Items to address on the Final Site Plan.
Landscaping	Approval recommended	10/18/12	Items to address on the Final Site Plan.
Wetland	Approval recommended	10/18/12	<ul style="list-style-type: none"> • Minor wetland permit and authorization to encroach into the 25 foot wetland buffer required. • Items to address on the Final Site Plan.
Woodland	Approval recommended	10/18/12	No additional items to address.
Fire	Approval recommended	10/18/12	Items to address on the Final Site Plan.

Motion sheet

Approval – Preliminary Site Plan

In the matter of Valencia Estates, JSP12-49, motion to **approve** the Preliminary Site Plan subject to the following:

- a. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; and
- b. *(additional conditions here if any)*

for the following reasons...*(because it is otherwise in compliance with the approved PRO concept plan and PRO Agreement and Article 4, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)*

Approval – Stormwater Management Plan

In the matter of Valencia Estates, JSP12-49, motion to **approve** the Storm Water Management Plan, subject to:

- a. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; and
- b. *(additional conditions here if any)*

for the following reasons...*(because it otherwise in compliance the approved PRO concept plan and PRO Agreement and with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.)*

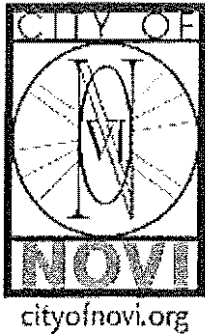
Denial

In the matter of Valencia Estates, JSP12-49 motion to **deny** the Preliminary Site Plan, for the following reasons...(because the plan is not in compliance with the approved PRO concept plan and PRO Agreement and the plan is not in compliance with Article 4, Article 24 and Article 25 of the Zoning Ordinance.)

Denial StormwWater Management Plan

In the matter of Valencia Estates, JSP12-49, motion to **deny** the StormWater Management Plan, for the following reasons...(because the plan is not in compliance with the approved PRO concept plan and PRO Agreement and the plan is not in compliance with Chapter 11 of the Ordinance.)

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

October 30, 2012

Planning Review

Valencia Estates

JSP12-49

Petitioner

Beck Ten Land, LLC

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: Northwest corner of Beck Road and Ten Mile Road (Section 20)
- Site Zoning: R-3, One-Family Residential with Planned Rezoning Overlay (PRO)
- Adjoining Zoning: North: R-1; East (across Beck Road): R-1, B-1; West: R-1; South (across Ten Mile Road): R-1
- Current Site Use: Vacant Land
- Adjoining Uses: North: Greenwood Oaks Subdivision; East (across Beck Road): Briar Pointe Plaza, Briarwood Village; West: Warrington Manor Subdivision; South (across Ten Mile Road): Single-Family Homes, Vacant
- School District: Novi Community School District
- Site Size: 24.24 gross acres, 21.46 net acres

Project Summary

The parcel in question is located at the northwest corner of Beck Road and Ten Mile Road in Section 20 of the City of Novi. The property totals 24.24 acres. The current zoning of the property is R-3, One-Family Residential with a PRO. The applicant has proposed a 38 unit single-family residential development with access to be provided from Beck Road.

This property was recently rezoned with a Planned Rezoning Overlay (PRO) from R-1, One-Family Residential to R-3, One-Family Residential. The Planning Commission gave a positive recommendation for approval of the concept plan and rezoning to City Council on February 22, 2012. The City Council granted preliminary approval of the plan and rezoning at their June 18, 2012 meeting. The PRO Agreement and finalized concept plan were approved by the City Council on August 13, 2012.

Recommendation

Approval of the ***Preliminary Site Plan is recommended***. The plan generally meets the requirements of the Zoning Ordinance. There are only minor planning related items to be addressed on the Final Site Plan submittal. Planning Commission approval of the Preliminary Site Plan is required per Section 2516 of the Zoning Ordinance.

Planned Rezoning Overlay

The rezoning with a Planned Rezoning Overlay was granted final approval by City Council on August 13, 2012. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As a part of the PRO, the underlying zoning is changed, in this case to R-3 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and applicant agree to any deviations to the

applicable ordinances and tentative approval of a conceptual plan for development for the site. The following ordinance deviations were included in the PRO Agreement:

1. Design and Construction Standards (DCS) Waivers: **DCS waivers were granted for the lack of paved eyebrows.**

When a PRO is proposed, an applicant is required to demonstrate a public benefit above and beyond what would be associated with the normal development of the site. This public benefit is included in the PRO Agreement. The public benefits associated with the subject property are as follows:

1. Upgraded frontage landscaping
2. Pocket park feature at prominent intersection
3. Water main loop connection
4. Pathway connections along perimeter roadways
5. Housing style upgrade: **All housing styles proposed will generally need to comply with the renderings shown in Exhibit B of the PRO Agreement.**
6. Housing size upgrade (minimum 2,400 square feet and up to 3,500 square feet)
7. Provide a platform for City-owned art
8. Provide funding toward the completion of a future major non-motorized pathway connection along Ten Mile Road to connect to the ITC corridor (not to exceed \$9,000). **The applicant must provide funding for the non-motorized pathway before scheduling the pre-construction meeting.**
9. Saving landmark maple tree located near the northeast corner of the site
10. Dedicate right-of-way along Beck Road and Ten Mile Road

The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the PRO concept plan expires and the agreement becomes void.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 4 (R-1 through R-4: One-Family Residential Districts), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant and incorporated as part of the final site plan submittal.

1. Lighting: **If exterior lighting is proposed, the applicant is required to submit a photometric plan complying with the standards of Section 2511 of the Zoning Ordinance with the Final Site Plan submittal.**

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested to be submitted prior to the Planning Commission meeting and with the next set of plans addressing each of the comments listed above and in other review letters.

Chapter 26.5

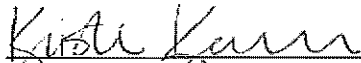
Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a

variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



Kristen Kapelanski, AICP – Planner
kkapelanski@cityofnovi.org or 248-347-0586

Planning Review Summary Chart

Valencia Estates JSP12-49

Plan Date: 10-08-12

Preliminary Site Plan Review

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single Family Residential @ 1.77 dwelling units per acre (PRO)	Single Family	Yes	
Zoning	R-3, with Planned Rezoning Overlay (PRO)	R-3 with PRO	Yes	
Use	Use permitted per Article 4 of the Zoning Ordinance	Single-Family General Condominium	Yes	
Min. Lot Size and Width (Sec. 2400)	12,000 sq. ft. and 90 ft. wide	Min. 14,126 sq. ft. and 90 ft. wide	Yes	
Sidewalks (Sec. 2403.9)	Five (5) foot wide concrete sidewalks are required on both sides of all internal streets. Sidewalk extensions required along Beck Road and 10 Mile Road	Five foot sidewalks proposed along internal streets Sidewalk extensions shown along road frontages	Yes	
Additional Planned Rezoning Overlay Agreement Terms				
Pocket Park	Pocket Park required at intersection of Beck Rd. and Ten Mile Rd. along with platform for City-owned art	Pocket park and art platform provided	Yes	
Upgraded Frontage Landscaping	Upgraded landscaping required along Beck Road and Ten Mile Road	Various plantings proposed along road frontages		See landscape review letter.
Housing Size and Style	Housing size and style must be similar to the renderings attached to the PRO Agreement	No elevations submitted at this time.	N/A	
Landmark Tree	Landmark maple tree must be saved	Landmark maple shown as preserved	Yes	

Item	Required	Proposed	Meets Requirements?	Comments
Sidewalk Contribution	Applicant has agreed to donate \$9,000 towards future sidewalk construction			The applicant must make the appropriate payment prior to scheduling the pre-construction meeting.
Master Deed/Covenants and Restrictions	Applicant is required to submit this information to the Planning Division for review with the Final Site Plan submittal	N/A	N/A	Master Deed will be reviewed at the time of Final Site Plan submittal
Lighting				
Exterior Lighting (Section 2511)	Photometric plan required at the time of Final Site Plan submittal	None shown	Yes?	If exterior lighting is proposed, applicant should provide photometric plan at the time of Final Site Plan submittal

ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

October 30, 2012

Engineering Review

Valencia Estates

JSP12-0049

Petitioner

Ten & Beck LLC, property owner

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: N. of Ten Mile Rd and W. of Beck Rd
- Site Size: 24.32 acres
- Plan Date: October 8, 2012

Project Summary

- Construction of a 38 lot single family subdivision on approximately 24 acres. Site access would be provided by a proposed Public Road connecting to Beck Rd. to the east.
- Water service would be provided by the existing 8-inch water main north of the site in Greenwood Oaks and the 8-inch stub at Warrington Dr. that would be extended through the proposed development.
- Sanitary sewer service would be provided by an 8-inch extension from the existing 8-inch sanitary sewer along the west side of Beck Road.
- Storm water would be collected by a single storm sewer collection system and detained in a pond adjacent to Beck Rd which will discharge to the north via the ditch line on the west side of Beck Rd.

Recommendation

Approval of the Preliminary Site Plan and Preliminary Storm Water Management Plan is recommended.

Comments:

The Preliminary Site Plan meets the general requirements of Chapter 11, the Storm Water Management Ordinance and the Engineering Design Manual with the following items to be addressed at the time of Final Site Plan submittal (further engineering detail will be required at the time of the final site plan submittal):

Additional Comments (to be addressed prior to the Final Site Plan submittal):

General

1. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
2. The City standard detail sheets are not required for the Final Site Plan submittal. They will be required with the Stamping Set submittal.
3. Decorative signs are not permitted without prior approval from the City.

Water Main

4. Revise all hydrant locations to a minimum of seven (7) feet, but no more than fifteen (15) feet, from the back of curb.
5. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

6. Provide a profile of the proposed sanitary sewer showing a minimum cover of 4 feet.
7. The potential sanitary service area provided by the stubs adjacent to Warrington Dr. and Ten Mile Rd. will be further reviewed once stub inverts are provided with the final site plan submittal.
8. Five (5) sealed sets of revised utility plans along with the MDEQ permit application (11/07 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. Also, the MDEQ can be contacted for an expedited review by their office.

Storm Sewer

9. Provide a profile of the proposed storm sewer showing a minimum cover of 3 feet and all catch basin sumps.
10. Provide the locations for all sump pump leads.

11. Revise the grading and storm sewer to prevent back yard drainage from crossing no more than one yard to reach a catch basin

Storm Water Management Plan

12. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the Engineering Design Manual.
13. Revise the composite run-off coefficient "c" to use 0.35 for turf grass lawns and 0.95 for all impervious area versus 0.15 and 0.80 as provided. Adjust all detention volumes for the revised composite run-off coefficient.

Paving & Grading

14. Provide a detail for the proposed improvements to Beck Rd and to Ten Mile Rd.
15. Revise the site plan to show the proposed topography in 2-foot contours extending at least 100 feet past the site boundary.

Off-Site Easements

16. Provide a temporary construction for all off-site work

The following must be submitted at the time of Final Site Plan submittal:

17. A letter from either the applicant or the applicant's engineer must be submitted with the Final Site Plan highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.
18. An Itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. **The cost estimate must be itemized** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

The following must be submitted at the time of Stamping Set submittal:

19. A draft copy of the maintenance agreement for the storm water facilities, as outlined in the Storm Water Management Ordinance, must be submitted to the Community Development Department with the Final Site Plan. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds.
20. A draft copy of the 20-foot wide easement for the water main to be constructed on the site must be submitted to the Community Development Department.

21. A draft copy of the 20-foot wide easement for the sanitary sewer to be constructed on the site must be submitted to the Community Development Department.
22. A 20-foot wide easement where storm sewer or surface drainage crosses lot boundaries must be shown on the Exhibit B drawings of the Master Deed.
23. Executed copies of any required off-site utility easements must be submitted to the Community Development Department.

The following must be addressed prior to construction:

24. A pre-construction meeting shall be required prior to any site work being started. Please contact Sarah Marchioni in the Community Development Department to setup a meeting (248-347-0430).
25. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee must be paid to the City Treasurer's Office.
26. An NPDES permit must be obtained from the MDEQ because the site is over 5 acres in size. The MDEQ requires an approved plan to be submitted with the Notice of Coverage.
27. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department (248-347-0430) for forms and information.
28. A permit for work within the right-of-way of Beck Rd must be obtained from the City of Novi. The application is available from the City Engineering Department and should be filed at the time of Final Site Plan submittal. Please contact the Engineering Department at 248-347-0454 for further information.
29. A permit for work within the right-of-way of Ten Mile Rd must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City. Provide a note on the plans indicating all work within the right-of-way will be constructed in accordance with the Road Commission for Oakland County standards.
30. A permit for water main construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the water main plans have been approved.
31. A permit for sanitary sewer construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the sanitary sewer plans have been approved.
32. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.

33. A storm water performance guarantee, equal to 1.5 times the amount required to complete storm water management and facilities as specified in the Storm Water Management Ordinance, must be posted at the Treasurer's Office.
34. An incomplete site work performance guarantee, equal to 1.5 times the amount required to complete the site improvements (excluding the storm water detention facilities) as specified in the Performance Guarantee Ordinance, must be posted at the Treasurer's Office.
35. A street sign financial guarantee in an amount to be determined (\$400 per traffic control sign proposed) must be posted at the Treasurer's Office.
36. Permits for the construction of each retaining wall must be obtained from the Community Development Department (248-347-0415).

Please contact Adam Wayne at (248) 735-5648 with any questions.

A handwritten signature in black ink, appearing to read "Adam Wayne", is written over a horizontal line.

cc: Ben Croy, Engineering
Brian Coburn, Engineering
Kristen Kapelanski, Community Development Department
Tina Glenn, Water & Sewer Dept.

TRAFFIC REVIEW

October 22, 2012

Barbara McBeth, AICP
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375



**SUBJECT: Valencia Estates, Preliminary Site Condo with PRO (38 Units),
JSP12-0049, PSP12-0033, Traffic Review**

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

Recommendation

We recommend approval of the preliminary site condominium plan, subject to the items shown below in **bold** being satisfactorily addressed on the final site condominium plan.

Site Description

What is the applicant proposing, and what are the surrounding land uses and road network?

1. The applicant is proposing 38 single-family home sites around a loop street connecting to Beck Road at a point about 200 ft north of the Briar Pointe Plaza driveway. An emergency vehicle access (using grass pavers) would be provided from the east end of Warrington. Four sidewalk connections would be provided – three at the west end of the development (to the north, west, and south) and one in the northeast corner of the development (along the access street).
2. As can be seen in the attached aerial photo, neighboring land to the north and west is developed with single-family homes. Across Beck to the east are more single-family homes and a community shopping center. The land across Ten Mile to the south is largely undeveloped, containing only a few isolated single-family homes.
3. Beck Road – abutting the site on the east – is a 45-mph, two-lane arterial under the jurisdiction of the City of Novi. Both approaches to Ten Mile Road widen to include a left-turn lane, through lane, and right-turn lane. In 2010, the northbound approach served 11,000 vehicles per day (vpd) and the southbound approach served 9,060 vpd.
4. Ten Mile – abutting the site on the south – is a 45-mph, two-lane arterial under the jurisdiction of the Road Commission for Oakland County (RCOC). Both approaches to Beck Road widen to include a left-turn lane, through lane, and right-turn lane. In 2010, the eastbound approach served 8,030 vpd and the westbound approach served 7,930 vpd.

- The intersection of Beck and Ten Mile is controlled by a fully-actuated traffic signal.

Traffic Study & Trip Generation

Was a traffic study submitted and was it acceptable? How much new traffic would be generated?

- The applicant's study was prepared by Wilcox Professional Services, LLC and dated September 15, 2011. The study provides a brief description of area land uses and existing road conditions, which we have augmented above.
- The Wilcox study also provides the trip generation forecast summarized in Table 1 below, which we have reviewed and found acceptable. (A trip is a one-way vehicular movement into or out of the site.)

Table 1. Trip Generation Forecast

Zoning	No. of Homes	Weekday Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
			In	Out	Total	In	Out	Total
Development Portrayed in Applicant's PRO Plan								
R-3	38	427	9	27	36	28	16	44

- According to the *City of Novi Site Plan and Development Manual*, the proposed development of 38 single-family homes on the subject site does not require a more detailed traffic study, since none of the forecasted volumes of new peak-hour, peak-direction trips equal or exceed 75.
- Based on prior traffic counts, we expect half of the entering traffic in the PM peak hour – 14 vehicles – to turn left into the development from Beck. Figure IX.8 in the City's Design and Construction Standards (DCS) indicates that a center left-turn lane or passing lane is required on a two-lane road carrying 20,000 vehicles per day if the peak-hour entering left-turn volume is 10 or more vehicles and left turns are not prohibited. This warrant satisfaction was previously brought to the applicant's attention, and the site plan shows the road widening necessary to extend Beck's existing left-turn lane north to the site access (see additional related comments below).

Vehicular Access Locations

Do the proposed "driveway" locations meet City spacing standards?

- Yes. The proposed access location on Beck would be 225 ft north of the existing driveway for Briar Pointe Plaza (from the center of undivided shopping center drive to the north edge of the proposed median island in Warrington, the effective centerline of the latter with respect to entering left turns). Given our above comments regarding volumes entering these two offset access points (i.e., both less than 200 peak-hour trips), the proposed 225-ft spacing slightly exceeds the City's applicable minimum opposite-side driveway spacing (200 ft, per DCS Figure IX.12).

11. The opposite-side driveway spacing to the north, and the same-side driveway spacing to both the north and south, are well in excess of City minimums.

Vehicular Access Improvements

Will there be any improvements to the abutting road(s) at the proposed access point(s)?

12. Yes. Beck would be widened to facilitate the extension of its center left-turn lane north to a point 35 ft beyond the physical centerline of the proposed new access street (or in substantial conformance to DCS Figure IX.7). The centerline taper north of that point would be 300 ft long, appropriate for Beck's 45-mph posted speed limit. The proposed widening for right-turn deceleration and acceleration would meet City standards (per DCS Figure IX.11). Appropriate road edge treatments (extensions of existing curbing and 3-ft-wide paved shoulders) have been proposed. **The final site plan must include a larger-scale drawing detailing the Beck Road improvements, including all road striping and signing as well as improvements related to paving and drainage.**
13. An informal traffic study conducted by Birchler Arroyo using counts provided by the City concluded that the safest way to stripe the 225-ft offset between the site entrance and the nearest shopping center drive would be to mark two opposite-direction dedicated left-turn lanes rather than a two-way left-turn lane. **The existing southbound-only left-turn lane for the Beck/10 Mile intersection should be extended north to a point 100 ft north of the physical centerline of the existing driveway, where a double-solid yellow taper – 50-ft long measured parallel to the road's physical centerline – should transition to a 75-ft long northbound-only left-turn lane serving the new street (referenced to the north curb of the boulevard island).**
14. To ensure that the needed pavement marking revisions and new signs are appropriately located, **all existing pavement markings and traffic control signs north of Beck's southbound stop bar should be shown on the site plan (as requested in our pre-application comments).**

Access Drive Design and Control

Are the proposed design, pavement markings, and signage satisfactory?

15. The 82-ft-long boulevard island is longer than the (35-ft) City standard, but shorter than the permissible maximum of 100 ft. The island design, 12-ft nose offset, 24-ft width of the entering and exiting roadways, and 35-ft-radius curb returns all meet City design standards.
16. **The sign symbols located on the boulevard island appear to show back-to-back signs on each end of the island; this is incorrect. There should be only two diagrammatic Keep Right (R4-7) signs, one facing east on the east end of the island and one facing west on the west end.**
17. **A 25-mph speed limit (R2-1(25)) sign should be proposed, facing incoming traffic in line with the eastern edge of unit (lot) 1.**

18. Consistent with Sec 11-194(a)19 of the Design and Construction Standards, the proposed grass pavers for the required secondary emergency access have been satisfactorily detailed. **The breakaway gate detail provided, however, does not conform to the City standard illustrated in DCS Figure VIII-K. Most important relative to traffic issues, the proposed detail lacks the back-to-back red reflectorized diamond panels (needed to ensure gate visibility) and the back-to-back EMERGENCY ACCESS ONLY signs.**
19. To ensure otherwise unimpeded entry to the emergency access easement, **the City should take appropriate steps to ensure that the existing guardrail and basketball backboard are removed from the east end of Warrington Drive, and a satisfactory transition is provided between the existing street pavement and new grass pavers.**
20. On a related note, **the existing guardrail at the south end of Graham Lane should be replaced by a standard vertical curb and post-mounted end-of-road marker (OM4-3), both located on existing public right-of-way.**

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

21. Yes, the site conforms to City requirements.

Circulation and Parking

Can vehicles safely and conveniently maneuver through the site?

22. **The proposal to not provide the paved eyebrows that would normally be required at the northwest, southwest, and southeast 60-ft-radius bends in Valencia Circle will require a Council waiver of DCS Section 11-194(a)(8).**
23. As previously advised, **the proposed absence of paved eyebrows will require the posting and effective enforcement of no parking along both sides of the street through the bends, to ensure adequate mobility of both fire trucks and moving vans (not to mention large trucks delivering building materials). Given this general need, the currently proposed site details, and State law relative to parking near crosswalks and fire hydrants, the final site plan should detail appropriate signage to implement the following no parking zones:**
 - a. **At the northwest bend, on both sides of the street from the south end of curve to a point 15 ft east of the fire hydrant between lots 32 and 33.**
 - b. **At the southwest bend, on both sides of the street from the north end of curve to a point 20 ft east of the sidewalk stubs just east of the bend.**
 - c. **At the southeast bend, on both sides of the street from the west end of curve to a point 50 ft north of the north end of curve.**


24. Given their extent, it would be appropriate to implement the above **No Parking zones with three signs on the outside of each curve and two signs on the inside of each curve. Conventional NO PARKING ANY TIME (R7-1) signs should be used, with all signs including appropriate (single- or double-headed) arrows below the legend. All signs should be angled at 45 degrees to the back of curb, generally facing oncoming traffic. The current plan note proposing a FIRE LANE posting is inappropriate and should be deleted.**

Miscellaneous

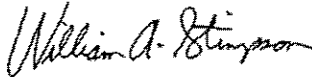
What other issues need of attention?

25. **The first Signage Note on sheet 2 is inaccurate and unnecessary and should be deleted. At the applicant's option, it could be replaced with a repetition of the note appearing on the cover sheet, indicating required compliance with the 2011 MMUTCD.**
26. Directly below the Signage Notes is a Sign Legend currently lacking the MMUTCD code for the diagrammatic Keep Right sign (R4-7). **On the final site plan, this Sign Legend should be replaced by a Sign Quantities table, listing by type and code the number of traffic control and parking signs needed – including any new signs proposed in the Beck Road right-of-way.**
27. Relative to the notes on the cover sheet, **the note regarding needed permits should indicate that any work within the 10 Mile Road right-of-way requires a permit from the Road Commission for Oakland County.**

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President

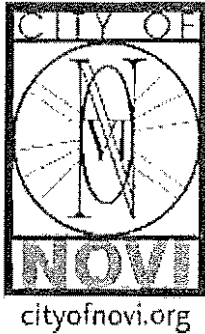


William A. Stimpson, P.E.
Director of Traffic Engineering



Site of Proposed Valencia Estates, JSP12-0049

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

October 18, 2011

Preliminary Landscape Review

Valencia Estates

JSP12-49

Petitioner

Beck Ten Land, LLC (Howard Fingerroot and William Anderson)

Property Characteristics

Site Location: Northwest corner of Beck Road and Ten Mile Road
Site Zoning: R-1, One-Family Residential
Adjoining Zoning: North: R-1; East (across Beck Road): R-1, B-1; West: R-1;
South (across Ten Mile Road): R-1
Current Site Use: Vacant Land
Adjoining Uses: North: Greenwood Oaks Subdivision; East (across Beck Road): Briar Pointe Plaza, Briarwood Village; West: Warrington Manor Subdivision; South (across Ten Mile Road): Single-Family Homes, Vacant
School District: Novi Community School District
Site Size: 24.24 gross acres, 21.46 net acres
Plan Date: 9/8/12

Recommendation

Approval of the Preliminary Site Plan for JSP12-49 Valencia Estates is recommended.

Ordinance Considerations

Adjacent to Residential – Buffer (Sec. 2509.3.a.)

1. The project site is adjacent to residential uses. As such, no landscape buffer is required between this property and the properties to the north and west.

Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. Both Ten Mile and Beck are major thoroughfares. A forty foot (40') landscape buffer is required along both frontages. A 50' buffer has been proposed.
2. A minimum 4' tall berm with a minimum 4' crest is required within the landscape buffer. The berm is appropriately stopped short of reaching Ten Mile in order to preserve the existing mature trees.
3. Calculations for buffer landscape requirements have been provided. A canopy or large evergreen tree is required at 1 per 35 linear feet; a sub-canopy tree is required at 1 per 20 linear feet. The Applicant has met the requirement.
4. Decorative brick piers and walls have been proposed at the pedestrian access points and corner pocket park, an amenity provided by the Applicant.

Street Tree Requirements (Sec. 2509.3.b.)

1. One street tree is required at 1 per 35 linear feet both along the major frontages and along the proposed interior roads. The Applicant has met the requirement.

Parking Landscape (Sec. 2509.3.c.)

1. This section of the ordinance is not applicable as no parking lots are proposed.

Building Foundation Landscape (Sec. 2509.3.d.)

1. This section of the ordinance is not applicable as no commercial / institutional buildings are proposed.

Retention Basin Planting (LDM)

1. Clusters of shrubs are required to cover 70 to 75% of the basin rim area. The Applicant has met the requirement.

Plant List (LDM)

1. The Plant List meets the requirements of the Ordinance and Landscape Design Manual.

Planting Details & Notations (LDM)

1. Planting Details and Notations meet the requirements of the Ordinance and Landscape Design Manual.

Irrigation (Sec. 2509 3.f.(6)(b))

1. All landscape areas are required to be irrigated.

General

1. Please refer to consultant comments on potential regulated woodlands and wetlands on the site.

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification. Also see the Woodland and Wetland review comments.



Reviewed by: David R. Beschke, RLA

WETLAND REVIEW



Environmental Consulting & Technology, Inc.

October 18, 2012

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Valencia Estates Site Condominium (JSP12-0049)
Wetland Review of the Preliminary Site Plan

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Valencia Estates preliminary Site Plan (Plan) prepared and submitted by Seiber, Keast Engineering, L.L.C. dated October 8, 2012. The proposed project is located at the northwest corner of Beck and Ten Mile Roads (Section 20). The proposed Plan would construct 38 site condominiums, associated roads/utilities and a storm water detention basin.

Site Comments

Based on our review of Novi aerial photos, Novi GIS, the City of Novi Official Wetlands Map, and the current Plan, it appears that this site contains regulated wetlands. A relatively small area (0.11-acre) of City-Regulated Wetland is located in the southwest section of the parcel. This area of wetland is indicated on Sheet 2 (Preliminary Site Plan). The Plan indicates an associated 25-foot wetland buffer totaling 0.20-acre.

Proposed Impacts

The current Plan proposes to fill this existing wetland and associated 25-foot wetland buffer. The Plan proposes 0.11-acre of wetland fill (totaling 2,100 cubic yards). The proposed disturbance to the 25-foot wetland setback is 0.20-acre (totaling 3,900 cubic yards). The Plan proposes this wetland fill in order to construct proposed Lots 16 and 17.

Permits

The wetlands on the site appear to be regulated by the City of Novi, but do not appear to be regulated by the MDEQ as they do not appear to be located within 500-feet of an inland lake, pond, river or stream. As the Plan proposes to fill the existing wetland, the project will require a Minor Use wetland permit from the City of Novi. An Authorization to Encroach the 25-Foot Wetland Buffer will also be required for the proposed impacts to the wetland buffer.

Comments

As noted above, the on-site wetland area appears to be a City of Novi-Regulated wetland. It does not appear to be regulated by the MDEQ based on its lack of proximity (i.e., not within 500') to regulating features (lakes, ponds, streams). Proposed impacts to this wetland will require a wetland permit from the City of Novi. The proposed impacts to the 25-foot wetland setback (buffer) will require an *Authorization to Impact the 25-Foot Natural Features Setback letter*.

2200 Commonwealth
Blvd., Suite 300
Ann Arbor, MI
48105

(734)
769-3004

FAX (734)
769-3164

Valencia Estates JSP12-0049
Wetland Review of the Preliminary Site Plan
October 18, 2012
Page 2 of 2

from the City. Because the proposed wetland impact is less than 0.25-acre compensatory wetland mitigation is not required.

Recommendation

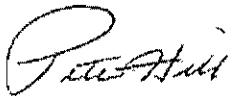
ECT recommends approval of the Preliminary Site Plan.

The Applicant appears to have satisfactorily provided all of the wetland impact information on the current Plan required for wetland approval and permitting.

As always, if you have any questions regarding the contents of this letter, please feel free to contact our office.

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

A handwritten signature in cursive script that reads "Peter Hill".

Peter Hill, P.E.
Senior Associate Engineer

WOODLAND REVIEW



Environmental Consulting & Technology, Inc.

October 18, 2012

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Valencia Estates Site Condominium (JSP12-0049)
Woodland Review of the Preliminary Site Plan

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Valencia Estates preliminary Site Plan (Plan) prepared and submitted by Seiber, Keast Engineering, L.L.C. dated October 8, 2012. The Plan and supporting documentation were reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37.

The proposed project is located at the northwest corner of Beck and Ten Mile Roads (Section 20). The proposed Plan would construct 38 site condominiums, associated roads/utilities and a storm water detention basin.

Site Comments

Based on our review of Novi aerial photos, Novi GIS, and the City of Novi Official Woodlands Map, this site does not appear to contain any areas that are designated as Regulated Woodlands. However a 36-inch maple tree has been field located in the southeast corner of the site, just west of Beck Road and north of Ten Mile. Based on the City of Novi Woodland Ordinance this tree is considered a landmark tree and is therefore regulated by the City of Novi Woodland Protection Ordinance. It should be noted that the Woodland Ordinance applies to the following:

"Any individual tree with a diameter at breast height (d.b.h.) of thirty-six (36) inches or greater, irrespective of whether such tree is within a regulated woodland. A woodland use permit shall be required under section 37-26 before the conduct of any activity which has the effect of removing, damaging or destroying a tree with a d.b.h. of thirty-six (36) inches or greater".

The current Plan appears to indicate the preservation of this City of Novi Regulated tree.

Proposed Impacts

The current Plan proposes to protect the existing 36-inch landmark maple tree. This landmark tree is the only regulated tree on the project site. The Preliminary Site Plan Sheet (Sheet 2) indicates that tree fence protection will be provided around this tree as well as around a row of existing white pines located approximately 170' to the north. There are therefore no proposed impacts to regulated trees on the site.

2200 Commonwealth
Blvd., Suite 300
Ann Arbor, MI
48105

(734)
769-3004

FAX (734)
769-3164

Valencia Estates JSP12-0049
Woodland Review of the Preliminary Site Plan
October 18, 2012
Page 2 of 2

Permits

As there are no proposed impacts to regulated trees, it is ECT's understanding that this project will not require a City of Novi Woodland Permit.

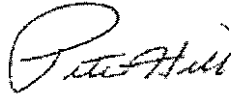
Recommendation

ECT recommends approval of the Preliminary Site Plan.

As always, if you have any questions regarding the contents of this letter, please feel free to contact our office.

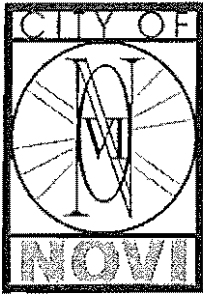
Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

A handwritten signature in black ink, appearing to read "Peter Hill". The signature is written in a cursive, flowing style.

Peter Hill, P.E.
Senior Associate Engineer

FIRE REVIEW



October 18, 2012

TO: Barbara McBeth, Deputy Director of Community Development
Joseph Shelton, Fire Marshal

RE: Ten & Beck LLC – Valencia Estates (renamed - Estates at
Greenwood Oaks)

SP#: PSP-12-0033

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolis

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

Director of Public Safety
Chief of Police
David E. Molloy

Director of EMS/Fire Operations
Jeffery R. Johnson

Deputy Chief of Police
Thomas C. Lindberg

Assistant Chief of Police
Victor C.M. Lauria

Project Description:

Proposed addition of 38 single family detached site condominiums on
24.242 gross acres.

Comments:

1. **CORRECTED (from previous review on 9/18/12)** - The roadway route thru the subdivision (Valencia Circle North & South) is acceptable by minimum width requirements and turning radius for Fire Apparatus, (measured at approx. 27'), however: Secondary Emergency Vehicle Access lane on west side, connection to Warrington Dr, and the Warrington Manor Subdivision is not connecting properly to Valencia Circle North. Detailed plans would be needed for review prior to approval. Item can be addressed at Pre-Application meeting. Curbs and Paver system must support 35 ton weight for fire apparatus.
2. **CORRECTED (from previous review on 6/6/2012)** - Fire Hydrants and water mains are now indicated on plan set.
3. Inner Lane through subdivision will be posted with signage for "Fire Lane – No Parking", accordance with city ordinance #85.99.02.
4. Plans now indicate a Breakaway Security Gate feature for secondary emergency access. Gate width is acceptable (posted as 24'). A "Knox Pad Lock" will be required, and cored for the "City of Novi Fire Dept.". Novi Fire Marshal's office will provide paperwork application.

Recommendation:

The above site plan has been re-reviewed and is now recommended for **APPROVAL**. Items #3 & #4 are new items from previous reviews.

This submittal is also in reference to ZCM11-0033, 11-0039, 11-0040, and 12-0027, and PSP12-0014.

Sincerely,

Andrew Copeland – Inspector II/CFPE
City of Novi – Fire Dept.

Novi Public Safety Administration
45125 W. Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org

APPLICANT RESPONSE LETTER



November 6, 2012

Ms. Kristen Kapelanski, Planner
City of Novi - Community Development Department
45175 W. Ten Mile Road
Novi, Michigan 48375

RE: Valencia Estates – Preliminary Site Plan (PSP)
NW Corner of Beck & Ten Mile Road

Dear Ms. Kapelanski,

We appreciate the review comments from your staff and consultants, and understand that all the review letters recommended Approval of the Preliminary Site Plan. We appreciate your support.

Further, we have reviewed all the comments provided and requested plan modifications and additions required for the Final Site Plan submittal, and we concur with the comments. Pending approval of the PSP from your Planning Commission, we will plan to incorporate all the review comments into the Final Site Plan. That said, attached are eleven (11) copies of the Preliminary Site Plan for the Planning Commissioner's review. Also included is one copy of the plan at 8 ½" x 11" size for your use.

Should you need any additional information on this matter, please feel free to contact me. We look forward to discussing the project further at the November 14, Planning Commission meeting.

Sincerely,
A-Team Associates, LLC

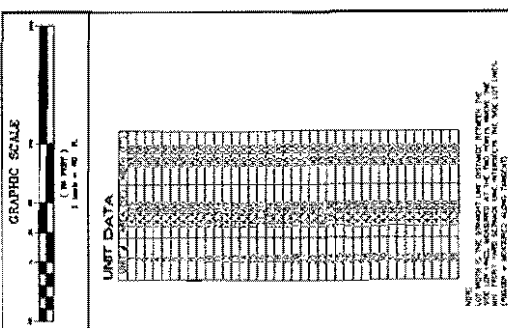
A handwritten signature in black ink, appearing to read 'William W. Anderson', with a long, sweeping horizontal stroke extending to the right.

William W. Anderson, PE
President

Attach.

XC: Howard Fingeroot, Valencia Estates Applicant / Pinnacle Homes
Pat Keast, Seiber-Keast Engineering

SITE PLAN



LEGEND

TESTING	PROPOSED
□	PAVEMENT (HORIZONTAL)
□	SEE PLAN (VERTICAL)
□	CONCRETE CURB AND GUTTER
□	CONCRETE DRIVEWAY
□	CONCRETE SIDEWALK
□	CONCRETE DRIVEWAY
□	CONCRETE SIDEWALK
□	CONCRETE DRIVEWAY
□	CONCRETE SIDEWALK
□	CONCRETE DRIVEWAY
□	CONCRETE SIDEWALK

PROPOSED DESIGN CRITERIA

DESIGN SPEED: 35 MPH (56.33 FT/SEC)

DESIGN LIFE: 20 YEARS

DESIGN PERCENTAGE GRADE: 1.5% (MIN) / 2.0% (MAX)

DESIGN FLOW: 1,200 GPM (MIN) / 1,500 GPM (MAX)

DESIGN FLOW: 1,200 GPM (MIN) / 1,500 GPM (MAX)

DESIGN FLOW: 1,200 GPM (MIN) / 1,500 GPM (MAX)

DESIGN FLOW: 1,200 GPM (MIN) / 1,500 GPM (MAX)

VALENCIA ESTATES

PROPERTY OF: TRACY L. WATERS, TRACER & DAUGHTER

CITY OF: ORANGE, CALIFORNIA, COUNTY: ORANGE

REVISIONS

1. REVISED PER COMMENTS FROM THE CITY ENGINEER.

2. REVISED PER COMMENTS FROM THE CITY ENGINEER.

PRELIMINARY SITE PLAN

SEIBER, KEAST ENGINEERING, L.L.C.

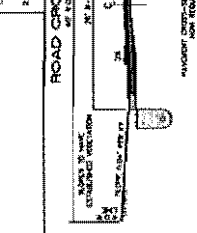
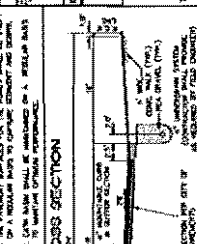
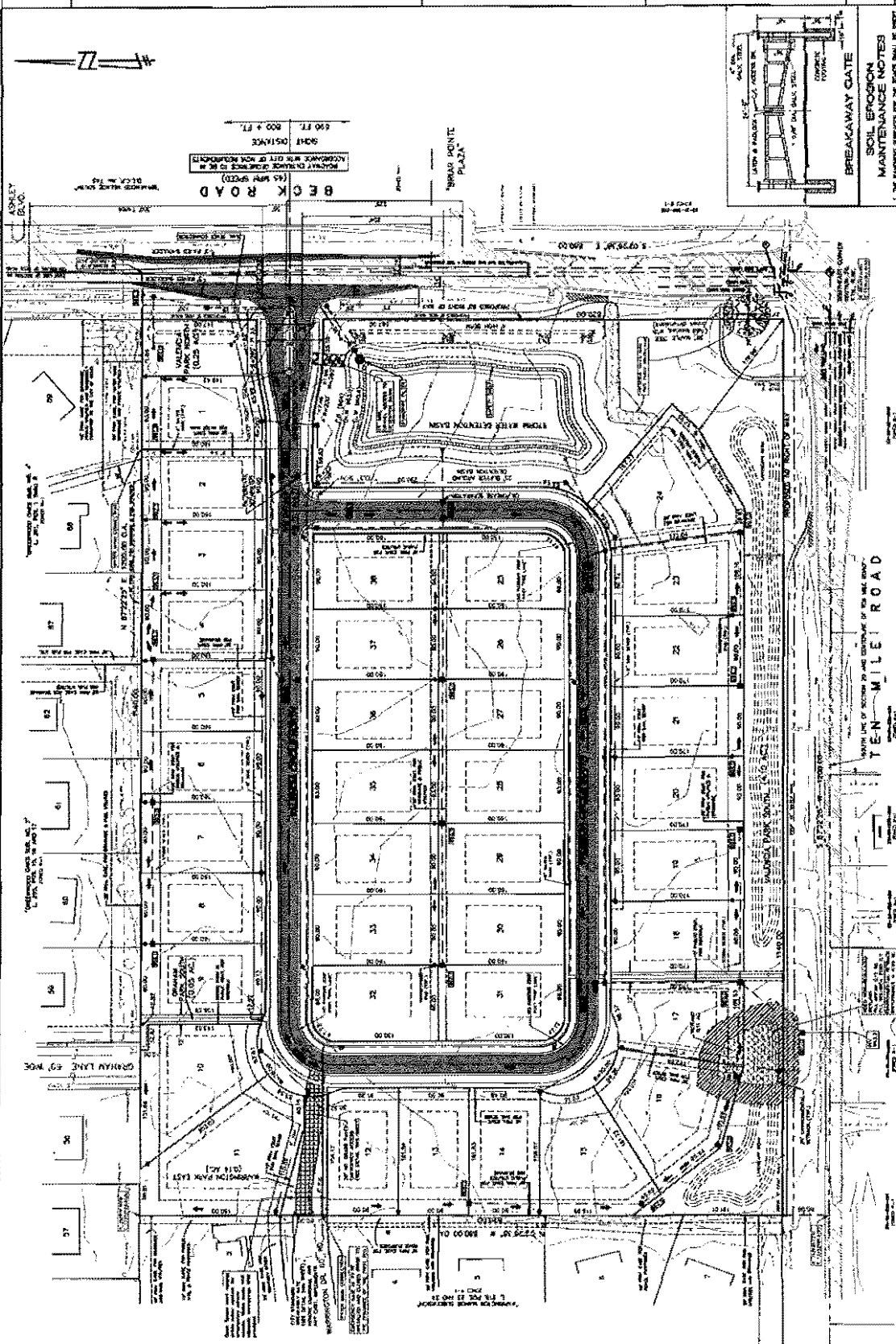
REGISTERED PROFESSIONAL ENGINEER

NO. 14895 - CIVIL ENGINEER

NO. 14895 - CIVIL ENGINEER

NO. 14895 - CIVIL ENGINEER

SHEET **2**



PROPOSED IMPROVEMENTS

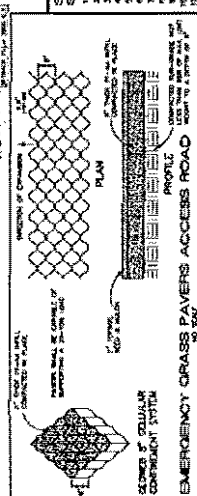
- WATER MAIN TO BE PROVIDED BY CONNECTING TO AN EXISTING WATER MAIN ON THE WEST SIDE OF BACK RD.
- WATER MAIN TO BE PROVIDED BY CONNECTING TO THE EXISTING WATER MAIN ON THE WEST SIDE OF BACK RD. DRIVE AND 50' OF 12" BY 8" GREENWOOD DUCT NO. 4.
- STORM WATER DETENTION SHALL BE PROVIDED ON SITE.
- 5" MILE CONCRETE SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF ALL INTERIOR ROADS. ALL 6" CONC. WALK SHALL BE CONSTRUCTED ALONG THE SIDEWALK.
- ALL IMPROVEMENTS TO BE PUBLIC UTILITIES OTHERWISE NOTED.
- ALL IMPROVEMENTS TO BE PUBLIC UTILITIES OTHERWISE NOTED.
- ALL IMPROVEMENTS TO BE PUBLIC UTILITIES OTHERWISE NOTED.
- ALL IMPROVEMENTS TO BE PUBLIC UTILITIES OTHERWISE NOTED.

STORAGE NOTES

- ALL MATERIALS TO BE STORED IN THE MANNER SHOWN ON THE PLAN.
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SIGN LEGEND

- ALL SIGNS TO BE INSTALLED IN THE MANNER SHOWN ON THE PLAN.
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**PLANNED REZONING
OVERLAY AGREEMENT**

PLANNED REZONING OVERLAY (PRO) AGREEMENT
BECK TEN LAND

AGREEMENT, by and among Beck Ten Land LLC, a Michigan limited liability company whose address is 28800 Orchard Lake Rd, Ste 200, Farmington Hills, MI 48334 (referred to as “Developer”); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 (“City”).

RECITATIONS:

- I. Developer is the developer of the vacant 24.24 gross acre property located on the northwest corner of Ten Mile Road and Beck Road, herein know as the “Land” described on **Exhibit A**, attached and incorporated herein.
- II. For purposes of improving and using the Land for a 38-lot residential site condominium at a maximum density of 1.77 dwelling units per acre, to allow for development with smaller and narrower lots, and a slightly higher density than is permitted in the R-1 Classification, Developer petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from R-1, One-Family Residential, to R-3, One-Family Residential. The R-1 classification shall be referred to as the “**Existing Classification**” and R-3 shall be referred to as the “**Proposed Classification.**”
- III. The Proposed Classification would provide the Developer with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Developer.
- IV. The City has reviewed and approved the Developer’s proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City’s Zoning Ordinance and has reviewed the Developer’s proposed PRO Plan (including proposed home elevations) attached hereto and incorporated herein as **Exhibit B** (the “PRO Plan”), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the proposed improvements as shown; and has further reviewed the proposed PRO conditions offered or accepted by the Developer.

- V. In proposing the Proposed Classification to the City, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following undertakings by Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the “Undertakings”):
- A. Developer shall develop and use the Land solely for a 38-lot residential site condominium at a maximum density of 1.77 dwelling units per acre, in accordance with the PRO Plan. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
 - B. Developer shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable setback requirements of the Zoning Ordinance with respect to the Proposed Classification, except as expressly authorized herein or as shown on the PRO Plan. The PRO Plan is acknowledged by both the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City’s ordinances, rules, or regulations that are depicted in the PRO Plan are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Developer’s right to develop the 38-lot residential site condominium under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement. The home elevations shall be substantially similar (as determined by the City) to that submitted as part of the Developer’s final approval request, as depicted in **Exhibit B**.
 - C. In addition to any other ordinance requirements, Developer shall comply with all applicable ordinances for storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.
 - D. Developer shall provide the following Public Benefits/Public Improvements in connection with the development of the Land:
 - 1. Developer shall provide upgraded frontage landscaping, in accordance with the landscape plan that is attached as **Exhibit B**;

2. Developer shall provide a pocket park with a platform for City owned art at the location identified in the landscape plan attached as **Exhibit B**. The association of co-owners formed to administer the condominium project shall be responsible for maintaining the pocket park and the City shall be responsible for maintaining, safeguarding and insuring any artwork placed by the City within the pocket park;
3. Housing sizes shall be upgraded (minimum 2,400 square feet);
4. Developer shall provide funding toward completion of a future major non-motorized pathway connection along Ten Mile to connect to the ITC corridor (not to exceed \$9,000), which will be payable to the City before the City schedules the pre-construction meeting for the development;
5. Developer shall retain the landmark maple tree located near the northeast corner of the site;
6. Developer shall dedicate right-of-way along Beck and Ten Mile Roads, as shown in the PRO Plan;
7. Developer shall complete a water main loop connection as further approved by the City during the site plan approval process.
8. The Developer shall complete improvements in the Beck Road right of way required as a result of the proposed road connection, as shown in the PRO Plan.
9. Maximum density shall be 1.77 dwelling units per acre;
10. Developer shall provide pathway connections along perimeter roadways, as shown in the PRO Plan; and

E. The following PRO Conditions shall apply to the Land and/or be undertaken by Developer:

1. The homes constructed within the Land shall be substantially in accordance the elevations attached as **Exhibit B**, to confirm housing style and size, a noted public benefit; and
2. Developer shall comply with all conditions listed in the staff and consultant review letters which are identified on attached **Exhibit C**.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings and PRO Conditions shall be binding on Developer and the Land;
 - b. Developer shall act in conformance with the Undertakings; and
 - c. The Developer shall forbear from acting in a manner inconsistent with the Undertakings;
2. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
 - a. Lack of paved eyebrows; and,
 - b. Location of proposed sidewalks in relation to the edge of the right-of-way.
3. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as 38-lot residential site condominium, as shown on **Exhibit B**, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for such building and use.
4. Developer acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Developer in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Developer.
5. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of a 38-lot residential subdivision on the Land. The burden of the Undertakings on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
6. In addition to the provisions in Paragraph 2, above, in the event the Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to

amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Developer nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a “downzoning” or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land. In the event the City rezones the Land to a use classification other than the Proposed Classification, this Agreement shall terminate and be null and void.

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

{Signatures begin on following page}

WITNESSES:

Print Name:

Print Name:

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this _____ day of _____, 2012, before me appeared Howard Fingeroot who states that he has signed this document of his own free will duly authorized on behalf of the Developer.

DEVELOPER

BECK TEN LAND LLC

By: _____
Howard Fingeroot
Its: Manager

), Notary Public
 County
Acting in County
My commission expires:

CITY OF NOVI

Print Name:

Print Name:

Print Name:

Print Name:

By: _____
Robert J. Gatt, Mayor

By: _____
Maryanne Cornelius, Clerk

Drafted by:

Elizabeth Kudla Saarela
Johnson, Rosati, Schultz & Joppich
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627

When recorded return to:
Maryanne Cornelius, Clerk
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

EXHIBIT A

Real property located in the City of Novi, Oakland County, Michigan, more particularly described as follows:

The South 880 feet of East 1580 feet of the Southeast $\frac{1}{4}$ of Section 20, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, Except the West 380 feet thereof.

(Tax ID Number 22-20-400-005)

EXHIBIT B

PRO PLAN

EXHIBIT C

STAFF AND CONSULTANT REPORTS

1. Planning Review Report dated June 4, 2012, from Kristen Kapelanski,
2. Engineering Revised Concept Review dated June 1, 2012, from Adam Wayne
3. Memorandum dated January 25, 2012, from Brian Coburn, Engineering Manager
4. Traffic Review Letter dated June 4, 2012, from Birchler Arroyo Associates, Inc .
5. Memorandum dated June 4, 2012, from Birchler Arroyo Associates, Inc.
6. Revised Concept Landscaping Review dated January 6, 2012, from David R. Beschke
7. Wetland Review dated November 15, 2011, from Environmental Consulting & Technology, Inc.
8. Woodland Review dated November 15, 2011, from Environmental Consulting & Technology, Inc.
9. Façade Review dated March 19, 2012, from DRN & Associates, Architects, PC
10. Fire Safety Review dated June 6, 2012 from Andrew Copeland, Inspector

MAPS
Location
Zoning
Future Land Use
Natural Features


Valencia Estates JSP12-49

Location



Map Author: Kristen Kojciakowski
Date: 11-06-12
Project: JSP12-49
Version #: 1.0

Map Legend

 Subject Property



City of Novi

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

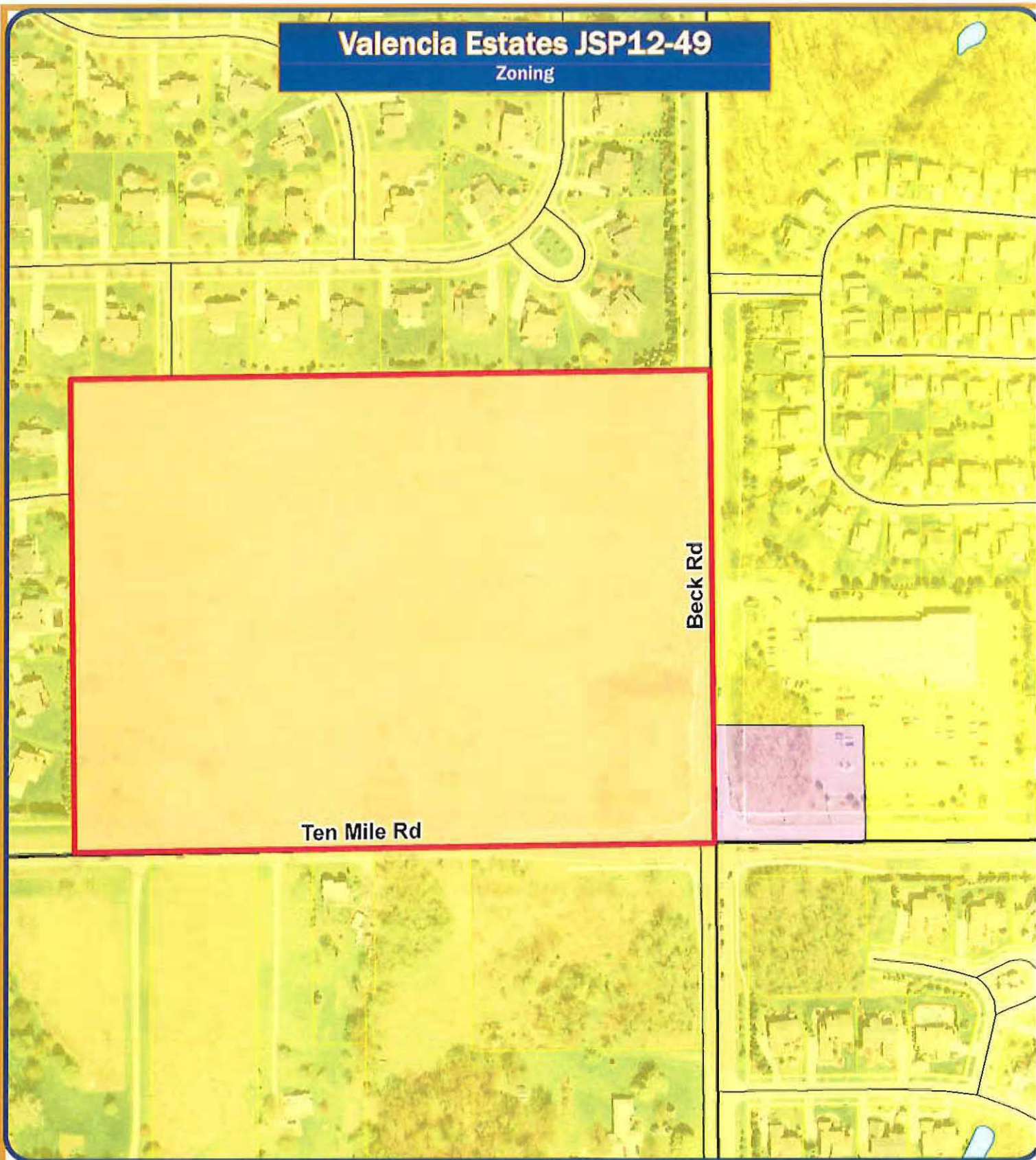
MAP INTERPRETATION NOTICE
Map information does not constitute a warranty of accuracy or a guarantee of any kind. This map was prepared by using National Map Accuracy Standards and other standard cartographic sources available to the public of the City of Novi. Boundaries, encroachments and other information are approximate and should not be considered as a warranty or guarantee of performance. A Survey of Michigan Government is defined as Michigan Public Act 132 of 1970 as amended. This map is not a final City GIS Map and is for informational purposes only. For more information, please contact the City GIS Manager.



1 inch = 246 feet

Valencia Estates JSP12-49

Zoning



Map Author: Kristen Kapelanski
 Date: 11.06.12
 Project: JSP12-49
 Version #: 1.0

MAP INTERPRETATION NOTICE

Map information displayed is not intended to replace or substitute for any official or printed zoning map. This map was prepared to meet National Map Accuracy Standards and use the most recent available sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be considered as survey measurements performed by a licensed Professional Surveyor as defined in Michigan Public Act 132 of 1970 or equivalent. Please contact the City GIS Manager for further questions and access information related to this map.

Map Legend

- Subject Property
- R-3 with PRO
- R-1: One-Family Residential District
- R-4: One-Family Residential District
- B-1: Local Business District



City of Novi

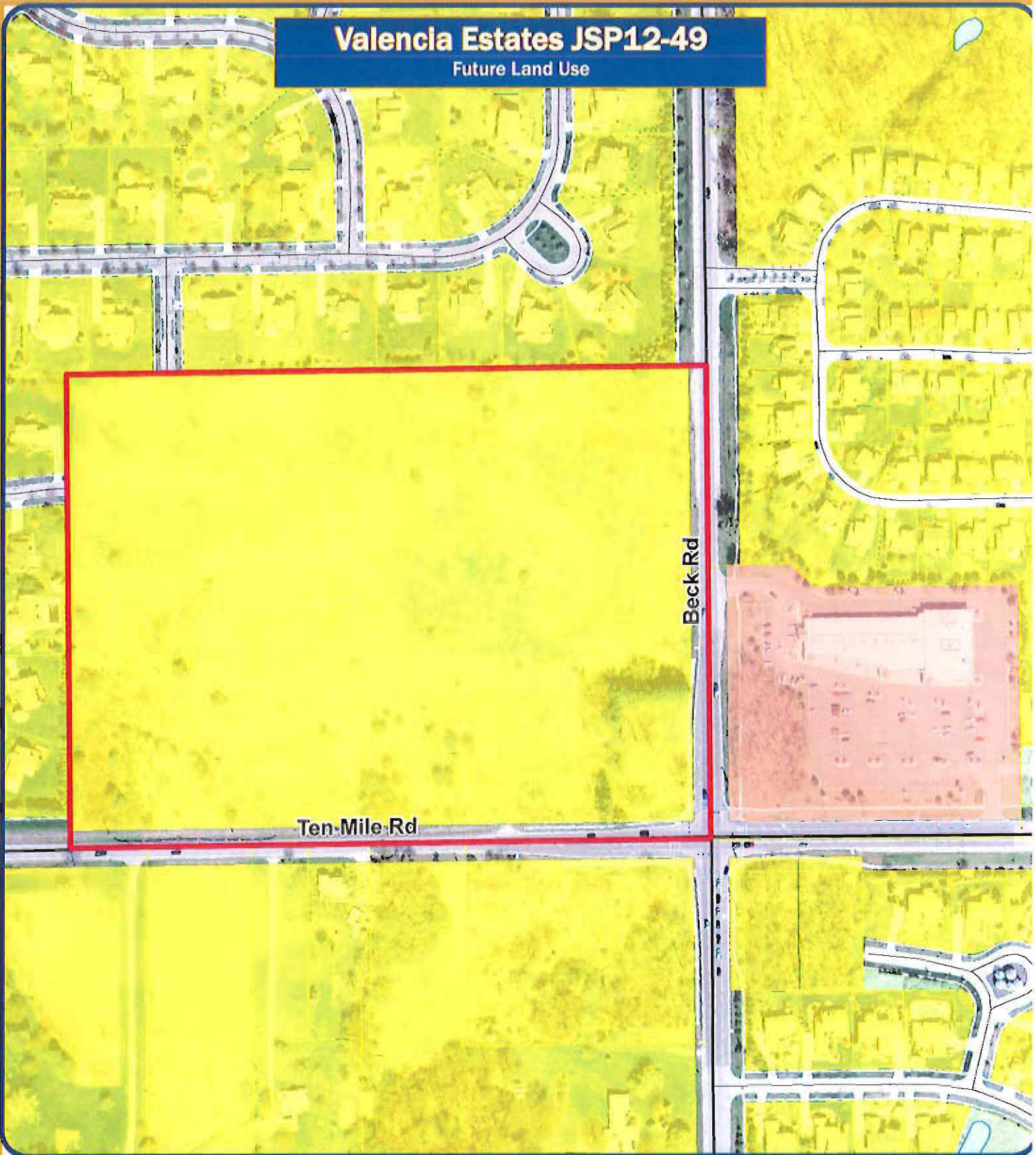
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1 inch = 245 feet

Valencia Estates JSP12-49

Future Land Use



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Map Legend

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



City of Novi

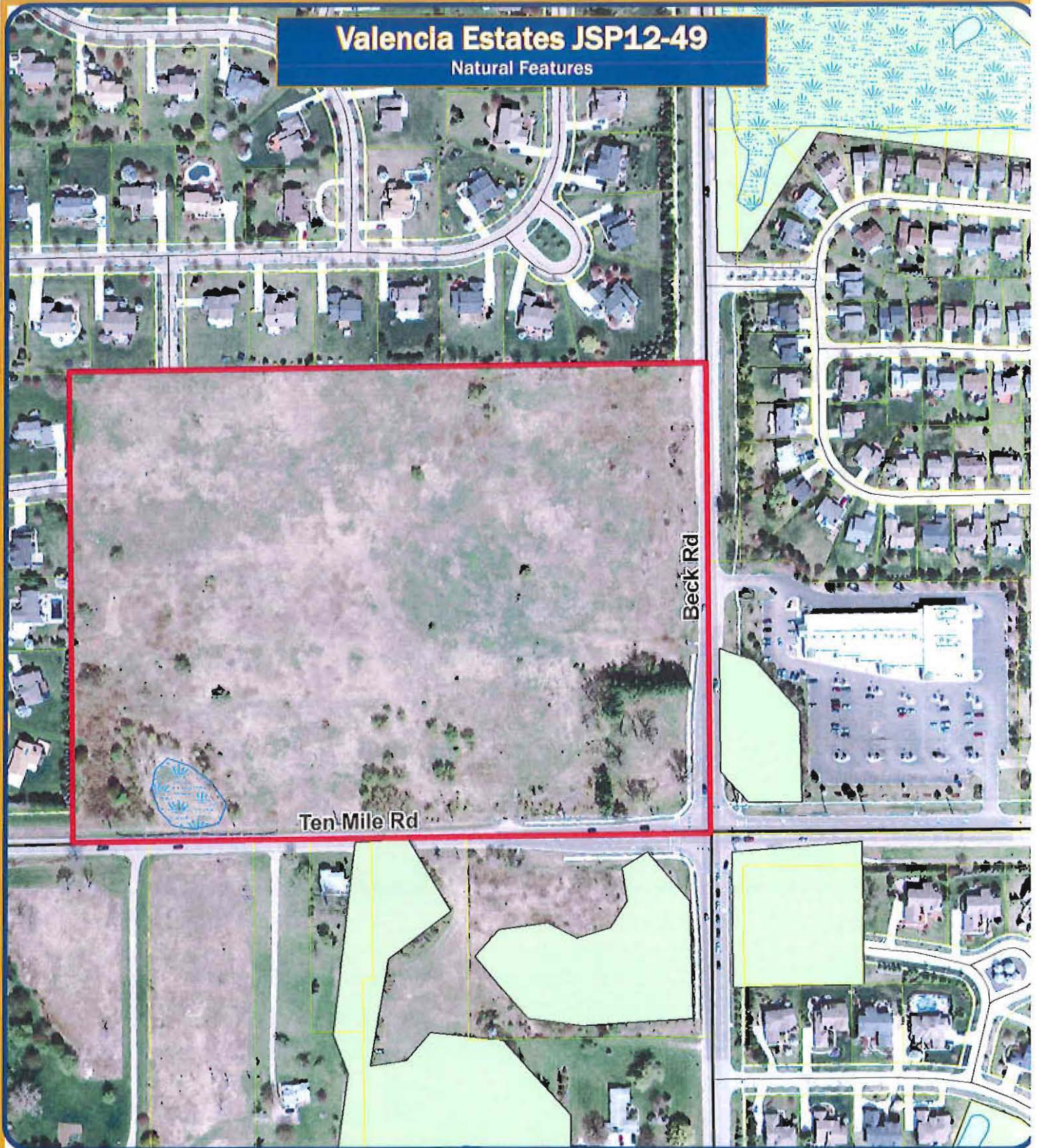
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1 inch = 246 feet

Valencia Estates JSP12-49

Natural Features



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 Date: 11/06/12
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Map Legend

- Subject Property
- Wetlands
- Woodlands

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1 inch = 240 feet