

## CITY of NOVI CITY COUNCIL

**Agenda Item 1**  
**February 3, 2014**

**SUBJECT:** Consideration of the request of Singh Development for Ballantyne JSP13-43, for approval of a Residential Unit Development (RUD) Plan and related Agreement. The subject property is 50.85 acres in Section 31 of the City of Novi and located at the northwest corner of Garfield Road and Eight Mile Road. The applicant is proposing a 41 unit single-family development.

**SUBMITTING DEPARTMENT:** Community Development Department - Planning

**CITY MANAGER APPROVAL:** 

### **BACKGROUND INFORMATION:**

The applicant is proposing a Residential Unit Development (RUD) on a 50.85 acre parcel at the northwest corner of Garfield Road and Eight Mile Road in order to construct 41 single-family residential units. The applicant has proposed features to enhance the site including preserved and enhanced open areas with woodchip trails.

The ordinance states that an RUD shall include detached one-family dwelling units, which is what the applicant proposes. The overall density of the site (based on gross site acreage per Section 2402.3 of the Zoning Ordinance) generally must not exceed the density permitted in the underlying zoning district, and the proposed density is 0.8 units per acre, which is consistent with the Residential Acreage (RA) zoning of the site.

### **Intent of the Residential Unit Development (RUD) Option**

As an optional form of development, the RUD allows development flexibility of various types of residential dwelling units (one-family, attached one-family cluster). It is also the intent of the RUD option to permit permanent preservation of valuable open land, fragile natural resources and rural community character that would be lost under conventional development. This is accomplished by permitting flexible lot sizes in accordance with open land preservation credits when the residential developments are located in a substantial open land setting, and through the consideration of relaxation of area, bulk, yard, dimensional and other zoning ordinance standards in order to accomplish specific planning objectives.

This flexibility is intended to reduce the visual intensity of development; provide privacy; protect natural resources from intrusion, pollution, or impairment; protect locally important animal and plant habitats; preserve lands of unique scenic, historic, or geologic value; provide private neighborhood recreation; and protect the public health, safety and welfare.

Such flexibility will also provide for:

- The use of land in accordance with its character and adaptability;
- The construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
- The compatible design and use of neighboring properties; and

- The reduction of development sprawl, so as to preserve open space as undeveloped land.

### **Lot Sizes and Building Setbacks**

The applicant has requested a modification of the minimum lot size and width requirements as follows (there are no maximum lot size requirements in the RA District):

- A reduction in the RA minimum lot size from 43,560 square feet to a minimum of 21,780 square feet.
- A reduction in the RA minimum lot width from 150 feet to 120 feet.

The City Council may modify lot size and width requirements where such modification will result in the preservation of open space for those purposes set forth in Section 2402.3B of the Zoning Ordinance and where the RUD will provide a genuine variety of lot sizes. The applicant has proposed reduced building setbacks consistent with the proposed lot size.

The plans indicate that a total of 35.7% of the site area will be maintained as open space. The applicant has provided a summary of lot sizes throughout the entire development. Lots range from approximately a minimum size of 21,780 square feet to a maximum size of 44,045 square feet, allowing for some variation in lot size.

### **Open Space**

The submitted RUD plan shows 18.17 acres of open space being preserved, which amounts to 35.7% of the site. Of that area, 0.75 acres is wetland, and another 2.4 acres is taken up with the stormwater detention facility. The remaining 15.02 acres of upland open space is proposed to be preserved under the proposed RUD plan (29.5 % of the site). The applicant has indicated that the open space to be preserved on the Ballantyne site will be "reforested" with replacement trees from the Oberlin development, recently approved by the Planning Commission, thereby enhancing the open space on the Ballantyne property. The trees that will be planted are woodland replacement plantings required to mitigate the impacts of the proposed Oberlin Site Plan, which is a 50 unit single-family residential development located on 19.95 acres on the south side of Eleven Mile Road between Beck Road and Wixom Road that was approved by the Planning Commission on May 29, 2013 utilizing the Open Space Preservation Option.

### **Development Impacts**

The RUD ordinance allows flexibility in ordinance standards for minimum lot sizes and widths when the creation and preservation of open space is offered. The City Council is asked to review the plan and make findings acknowledging that any detrimental impact from an RUD resulting in an increase in dwelling units over that which would occur with conventional development is outweighed by benefits occurring from the preservation and creation of open space.

For the subject property, Planning staff notes that if the property were developed with a conventional plan under the current RA zoning (and depending on the proposed street layout) approximately the same number of units could be developed, but less open space would be preserved. The Planning Division calculates that about 40 homes could be developed with conventional zoning (50.85 net acres, less 0.75 acres of wetlands, and less roughly 10 acres for roads, landscaping, detention = 40 acres). With each lot required to be a minimum of 1 acre in size, and with no requirement for additional open space preservation required under conventional development, one less home could be developed using conventional development, but it is highly likely that, in a conventional development, the additional 15 acres +/- that is proposed to be preserved through the submitted RUD plan, would be used for home sites to the extent possible, and would not

be incorporated as open space. It is Planning staff's opinion that this preservation of additional common open space is a valuable benefit in the use of the Residential Unit Development ordinance in this instance, and the flexibility that is being offered clearly outweighs any impact presented by the RUD plan.

The former farmland proposed for development here is essentially an open field. As previously stated, the applicant has indicated that the subject site (Ballantyne) will be the recipient of new trees being planted to off-set the removal of woodland trees on another site (Oberlin) controlled by the applicant, Singh Development. The Planning Commission approved that development, but conditioned the site plan approval and the woodlands permit on the planting of replacement trees on this site as part of this development approval. Staff agrees that the planting of 908 woodland replacement trees will enhance the open spaces provided as a part of the Ballantyne RUD Plan, over and above what would be accomplished with the landscape ordinance requirements, and provide landscape buffers around the perimeter of the site. Benefits to the community include seeing a significant area reforested and protected by a conservation easement, and replacing woodland that is being removed elsewhere in the City.

This combined development approval offered by the developer—transferring the woodland tree replacement requirements from one project site to another, and using the open space created by the RUD Plan to permanently preserve the new woodland areas—and approved by the Planning Commission in the Oberlin development can be seen as a creative tool and enhancement over and above most development projects. If the Ballantyne project were developed as a conventional subdivision, without a reduction in lot sizes, it is likely that a large open space would not be created, and it would be more difficult to find places for such a large number of woodland replacement trees.

The applicant has indicated that the home sizes and market value of the home in this development would be similar to Tuscan Reserve, an RUD located across the street from the subject property, on the northeast corner of Garfield and Eight Mile Road. The applicant has indicated that the expected home sizes in Ballantyne will range from 3,800 to 5,000 square feet, and be marketed in the range of \$750,000 to \$1,000,000.

## **RECOMMENDED ACTION:**

The following **two motions** are recommended.

1. To grant approval of the **Residential Unit Development Plan for the Ballantyne.** This motion is based on the following findings, lot size modifications, building setback reductions and conditions:

Determinations (Zoning Ordinance Section 2402.8.A):

- a. The site is zoned for and appropriate for the proposed single-family residential use;
- b. Council is satisfied that with the proposed pathway and sidewalk network and added open space, the development will not have detrimental effects on adjacent properties and the community;
- c. Council is satisfied with the applicant's commitment and desire to proceed with construction of 41 new homes as demonstrating a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of 18.17 acres (or 35.7%) of the proposed development area as open space;
- e. Council is satisfied that the applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;

- f. Factors evaluated (Zoning Ordinance Section 2402.8.B):
1. Subject to the lot size modifications and building setbacks reductions, all applicable provisions of the Zoning Ordinance, including those in Section 2402 and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;
  2. Council is satisfied with the adequacy of the areas that have been set aside in the proposed RUD development area for walkways, parks, recreation areas, and other open spaces and areas for use by residents of the development;
  3. Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  4. Based on and subject to the recommendations in the traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
  5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
  6. The RUD will provide for the preservation and creation of approximately 35.7% of the site as open space and result in minimal impacts to provided open space and the most significant natural features;
  7. The RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;
  8. The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is outweighed by benefits occurring from the preservation and creation of the open space that will result from the RUD;
  9. Any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space that will result from the RUD;
  10. Council is satisfied that the proposed reductions in lot sizes are the minimum necessary to preserve and create open space and to ensure compatibility with adjacent and neighboring land uses;
  11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  12. Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. Modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet is hereby approved with this approval based on and limited to the lot configuration shown on the concept plan as last revised, as the requested modification will result in the

preservation of open space for those purposes noted in Section 2402.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;

- h. Applicant extending the proposed pathway along both sides of Emery Boulevard as indicated in the response letter;
- i. Reduction of permitted building setbacks consistent with the proposed reduction in lot size and width;
- j. Same-side driveway spacing waiver for the Eight Mile Road access drive (275' required, 218' provided) being approved at the time of Preliminary Site Plan approval;
- k. The applicant providing a cross section of the area around the Deer Run Subdivision, the vacant property to the north and the subject property in order to identify the need for minor berming and/or rearrangement of the tree replacement plantings to provide screening; and
- l. This approval is subject to all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 24 and 25, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.

2. To grant approval of the **Residential Unit Development Agreement for Ballantyne**, with any changes and/or conditions as discussed at the City Council meeting, and any final minor alterations required in the determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final agreement.

|                               | 1 | 2 | Y | N |
|-------------------------------|---|---|---|---|
| <b>Mayor Gatt</b>             |   |   |   |   |
| <b>Mayor Pro Tem Staudt</b>   |   |   |   |   |
| <b>Council Member Casey</b>   |   |   |   |   |
| <b>Council Member Fischer</b> |   |   |   |   |

|                               | 1 | 2 | Y | N |
|-------------------------------|---|---|---|---|
| <b>Council Member Markham</b> |   |   |   |   |
| <b>Council Member Mutch</b>   |   |   |   |   |
| <b>Council Member Wrobel</b>  |   |   |   |   |

**MAPS**  
**Location**  
**Zoning**  
**Future Land Use**  
**Natural Features**



# Ballantyne JSP13-43

Location



**Map Legend**  
 Subject Property

Feet  
116 230 460 690  
1 inch = 41 feet



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

Map Author: Kristen Kapelanski  
Date: 01-06-14  
Project: Ballantyne JSP13-43  
Version #: 1.0

MAP INTERPRETATION NOTICE



Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager for source and accuracy information related to this map.

# Ballantyne JSP13-43

Zoning



### Map Legend

-  Subject Property
-  R-A: Residential Acreage



1 inch = 411 feet



### City of Novi

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

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# Ballantyne JSP13-43

Future Land Use



**Map Legend**

- Subject Property
- Single Family
- Educational Facility
- Public
- Private Park

Feet  
0 115 230 460 690

1 inch = 417 feet



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# Ballantyne JSP13-43

Natural Features



**Map Legend**

-  Subject Property
-  Wetlands
-  Woodlands

Feet

0 115 230 460 690

1 inch = 117 feet



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Planning Division  
Community Development Dept.  
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**RUD PLAN**

**(Full plan set available for viewing at the Community Development Department.)**

# BALLANTYNE

SECTION 31, CITY OF NOVI  
OAKLAND COUNTY, MICHIGAN

PREPARED FOR:  
SINGH DEVELOPMENT, LLC

7125 ORCHARD LAKE ROAD  
SUITE 300  
WEST BLOOMFIELD, MICHIGAN 48325-3005  
248.865.1600



**SEIBER, KEAST ENGINEERING, L.L.C.**

CONSULTING ENGINEERS

7125 ORCHARD LAKE ROAD • SUITE 300 • WEST BLOOMFIELD, MI • 48322  
PHONE: 248.562.7357 FAX: 248.562.7397

**RUD AGREEMENT**





JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627  
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela  
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January 29, 2014

Barb McBeth  
Deputy Community Development Director  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48375-3024

**RE: Ballantyne Residential Unit Development (formerly Greystone)  
Proposed Residential Unit Development Agreement**

Dear Ms. McBeth:

We have received and reviewed the revised draft of the proposed Residential Unit Development Agreement for the Ballantyne Development. All issues set forth in our January 15, 2014 review report have been satisfactorily addressed. The enclosed draft may be executed and placed on an upcoming City Council Agenda for approval.

Should you have any questions or concerns relating to the issues set forth above, please feel free to contact me I that regard.

Sincerely,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth K. Saarela

EKS

C: Maryanne Cornelius, Clerk  
Charles Boulard, Community Development Director  
Kristen Kapelanski, Planner  
Sheila Weber and Kristin Pace, Treasurer's Office  
Sarah Marchioni, Building Permit Coordinator  
Sue Troutman, City Clerk's Office

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Barb McBeth, Deputy Community Development Director  
January 29, 2014  
Page 2

Michael Kahm, Singh Development  
Gary L. Dovre, Esquire  
Thomas R. Schultz, Esquire

**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI**

**BALLANTYNE  
RESIDENTIAL UNIT DEVELOPMENT AGREEMENT**

**AGREEMENT**, dated \_\_\_\_\_, 2014, by and between the City of Novi, 45175 West Ten Mile Road, Novi, Michigan 48375-3024, (the "City") and Singh Development LLC, a Michigan limited liability company, 7125 Orchard Lake Road, Suite 200, West Bloomfield, Michigan 48322 ("Developer").

**BACKGROUND:**

A. Developer is the owner of a parcel of property (the "Property") within the City proposed for development as a residential community to be known as "Ballantyne" (sometimes referred to as the "Project". The legal description for the Property is attached as Exhibit A.

B. Developer is pursuing approval of the Project as a Residential Unit Development ("RUD") pursuant to Section 2402 of the City of Novi Zoning Ordinance (the "Zoning Ordinance"), and Preliminary Approval has been granted subject to certain terms and conditions.

C. Following Preliminary Approval of an RUD, Section 2402 contemplates the preparation of a contract setting forth the conditions upon which the Preliminary Approval has been granted, which, in turn, serves as the basis for final approval, construction, use and maintenance of the Project.

D. Set forth below are the terms and conditions of the contract for the Project, which is to be recorded with the Register of Deeds for the County of Oakland following execution by the parties.

E. Except as otherwise provided herein, Ballantyne shall, following the construction of the Project, be maintained, preserved and operated by a homeowners' association to be created by Developer (the "Association").

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

**I. GENERAL PROJECT DESCRIPTION**

The proposed Project consists of a 50.854 acre parcel of property located in the southwest portion of the City. The Project shall consist of 41 single-family home sites within the Ballantyne community to be established as part of a site condominium, designed to maintain the rural, open character of this portion of the City and to complement the adjacent Tuscan Reserve RUD ("Tuscany"), located on the east side of Garfield Road and north of Eight Mile Road. Each of the home sites shall be referred to in this Agreement as a "lot" or "unit". Approximately 35.7 percent of the site, representing some 18.17 acres of the Property, shall be permanently preserved as dedicated open space, including wetlands, planted woodlands, hedgerows, storm water basins, internal parks and green space buffer areas.

The design for Ballantyne includes a variety of lot sizes and settings, with home sites integrated into a single, neighborhood environment. Landscaping and streetscape features shall reinforce aesthetic unity within the neighborhood. Homes will be located and designed to enhance and preserve the natural features of the Property, including wetlands and woodlands. Home sites are to be clustered to the extent feasible within open, upland areas, thereby using the site in accordance with its character and adaptability.

## II. EFFECT OF RUD AGREEMENT

- A. This Agreement consists of this text, along with the attached and incorporated "Plan" (full-sized original of the RUD Plan on file in the City Clerk's office), and all conditions and requirements made part of the approved RUD Plan, and is intended to serve as the contract contemplated under Section 2402 of the Zoning Ordinance, and establish the fundamental terms and provisions of subsequent final approval, construction, use, and maintenance of the Project. The site plan for Ballantyne submitted for Planning Commission approval shall substantially conform to the RUD Plan, subject to and in accordance with the text of this Agreement, and as contemplated by Section 2402 of the Zoning Ordinance.
- B. Approval of this Agreement authorizes Developer to pursue approval of a site plan in accordance with Section 2402 of the Zoning Ordinance, as amended, and any and all other applicable laws, ordinances and regulations.
- C. This Agreement shall be binding upon and benefit the City and Developer, as well as their respective successors, assigns, and transferees, and shall run with the land.
- D. Physical development of the Project shall be in accordance with the final site plan, and shall not be commenced until after the final site plan has been approved by the City. Developer may seek preliminary site preparation permitted in certain instances by the City's Building Department, subject to and in accordance with applicable procedures.
- E. Consistent with the City's ordinances and resolutions, as amended from time-to-time, the City may require Developer to provide financial guarantees for the completion of improvements, including without limitation, roads, water mains, sanitary sewers, pump stations, storm drains, landscaping

activities within wetlands and wetland setbacks.

### **III. USES PERMITTED**

Uses permitted within the Project shall consist of single-family, detached residences, substantially as shown on the RUD Plan, subject to the terms of this Agreement, and in accordance with the approved final site plan.

The home sites, substantially as shown on the RUD Plan and in accordance with the approved final site plan, shall be situated on lots conforming with RA, Residential Acreage, regulations, as made and provided in the RUD Residential Unit Development provisions of the Zoning Ordinance, as amended.

All development and use shall be in accordance with this Agreement, applicable laws, regulations, and ordinances not inconsistent with this Agreement.

### **IV. DENSITY**

The Project shall consist of 41 residential units.

### **V. LOT AREA AND LOCATION**

The area and location of the lots shall be substantially as shown on the RUD Plan, and in accordance with the approved final site plan.

### **VI. PERIMETER BUFFER/TRANSITION**

Perimeter buffer and transition shall be as approved on the final site plan.

### **VII. YARD SETBACKS**

Yard setbacks and lots shall conform to the RA regulations, as made and provided in the RUD Residential Unit Development provisions of the Zoning Ordinance, as amended.

### **VIII. TRAFFIC CIRCULATION**

Boulevard entrances shall provide access from Eight Mile Road and Garfield Road substantially as shown on the RUD Plan, and in accordance with the approved final site plan. On Eight Mile Road, in order to protect the safety and welfare of residents of the Development, a continuous right turn lane on the north side of Eight Mile Road, and together with modifications to the existing passing lane and acceleration and deceleration lanes on the south side of Eight Mile Road, shall be constructed by Developer as part of the road improvements consistent with City and County road specifications.

The entrances to Ballantyne shall be gated entries on both Eight Mile Road and Garfield Road and will connect to a series of internal roadways and cul-de-sacs substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The internal streets shall be designed as local residential streets with 60-foot rights-of-way. All streets in the Project shall be private. No residence shall have direct driveway access from or to Eight Mile Road or Garfield Road,



Traffic calming features have been planned and designed into the development by the utilization of curvilinear streets, and by avoiding "straightaway" street design. Further consideration shall be given to the use of additional traffic-control devices to be determined by the City during final site plan review, and also following construction, drawing upon experiences as they occur in the use of the development.

All traffic and road improvements shall be in accordance with the design and construction standards of the City.

Construction access shall be exclusively from Eight Mile Road.

An emergency access drive shall be installed on the westerly end of the development, in accordance with the City of Novi standard detail plan for "Emergency Access Drive," to provide for emergency access to and from the adjacent property to the west. Developer shall grant the necessary Emergency Access Easement in a form acceptable to the City of Novi.

#### **IX. RECREATIONAL AREAS**

There shall be active and passive recreation areas within Ballantyne, as shown on the RUD Plan, with the character of such areas (active or passive) as designated and approved on the final site plan. All such areas shall be constructed and maintained by Developer or the association of homeowners created for the Project (the "Association").

#### **X. OPEN SPACE**

The preservation of open space is a primary consideration of the project design. Approximately 18.17 acres, or 35.7 percent of the total site area, shall be dedicated to open space, including non-regulated wetland areas, regulated wetland areas, medium and light woodland areas, storm water basins, hedgerows, parks and other internal green space areas. The areas of open space shall be substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The majority of the preserved open space acres will be available to residents for passive recreation.

#### **XI. PEDESTRIAN CIRCULATION**

An eight-foot wide sidewalk shall be constructed adjacent to the Eight Mile Road frontage of the Property. An eight-foot wide sidewalk shall also be constructed adjacent to the Garfield Road frontage of the Property. A system of five-foot wide sidewalks on both sides of all internal roads within the Project, and a wood chip path system, all as shown on the RUD Plan, shall be constructed by Developer, and thereafter by the Developer or the Association.

In the event that the sidewalk passes through a wetland or other natural area, a boardwalk shall be constructed consistent with the City requirements, as specified as part of final site plan review and approval, provided that such boardwalk shall not be

required if and to the extent wetland permits are granted by the City (and State, if required) authorizing installment of the sidewalk construction.

## **XII. NATURAL RESOURCE PRESERVATION**

### **A. Wetlands**

The existing wetland areas on the site, comprising approximately 0.75 acres, shall be preserved and enhanced with additional supplementary wetland plantings, as shown on the RUD Plan, including the removal of existing invasive species and replacement with native wetland plantings.

All wetlands and buffer areas shall be placed into a conservation easement providing for responsibilities or obligations on the part of the Developer, each homeowner and the Association relative to maintenance, repair and/or preservation of all areas to be preserved, and providing authority for the City to enforce such responsibilities or obligations consistent with the provisions of paragraph XVII, below. The conservation easement shall be subject to review and approval by the City Attorney to ensure adequate inclusions of such provisions, and shall be finalized as part of and a condition to final site plan approval, and prior to the sale of any home sites on the Property, whichever is earlier.

Any disturbance and/or restoration of the wetland area shall be undertaken in accordance with applicable laws and ordinances, the approved Plan and any wetland permit issued for the Development, as may be required.

### **B. Woodlands**

There are no existing regulated woodlands in Ballantyne. As part of the development of the site, as determined by the City, the approximately 14.26 acres of open space not utilized for stormwater retention or other purposes and shall be planted in areas throughout the site, with an estimated 908 woodland replacement trees, as shown on the final approved site plan, resulting in approximately 817 woodland credits. Those areas of planted woodland trees, shall be placed into a conservation easement. The conservation easement shall be subject to review and approval by the City Attorney to ensure adequate inclusions of such provisions, and shall be finalized as part of a condition to final site plan approval, and prior to the sale of any home sites on the Property, whichever is earlier.

A tree planting and fence maintenance financial guarantee, along with woodlands inspection fees, shall be paid, with the amounts to be determined at the time of the Final Woodlands Engineering Review. Approved protective fencing shall be established prior to construction of

subdivision improvements, including any clearing or grubbing.

**C. Miscellaneous**

Footprints for buildings, including decks, together with an additional twenty-five foot (25') buffer area, shall be entirely separated from woodland and wetland preservation areas.

As part of final site plan review, the City and Developer shall mutually agree upon a means by which the preservation areas shall be physically separated from residences and yard areas in a manner that provides adequate notice to the occupants and guests of such residences, and appropriate language in this regard shall be included in the Master Deed, which shall be subject to review and approval by the City Attorney (see paragraph XVII, below).

**XIII. ON AND OFF-SITE IMPROVEMENTS**

It is understood that certain on-site and off-site infrastructure improvements shall be required for Ballantyne to be set forth in the final site plan, including improvements for storm water management, sanitary sewer and public water, and that the Developer shall be solely responsible for all costs and expenses of and associated with such improvements. There shall be no obligation on the part of the City, and the City has made no guarantees, assurances, or representations to construct or provide in any way for such improvements with regard to the viability of any such improvements.

**XIV. STORMWATERMANAGEMENT**

Storm water shall be released from Ballantyne in a manner to be approved by the City as part of final site plan review. Subject to Developer securing the appropriate easements at its sole cost and expense, and subject to appropriate review and approval, storm water may outlet through a drain pipe into the ditch along the north side of Eight Mile Road and travel east, under Garfield Road, to an existing culvert under Eight Mile Road. Said culvert may require relocation or replacement by the Developer, as required by the City and other governing jurisdictions. In general, basins required by the City, and related collection and transportation facilities to be included as part of the final site plan approved by the Planning Commission, shall be constructed to achieve a storm water management system by which the Developer, and the successors of the Developer, assure the City that storm water, in excess of that permitted by City Ordinance shall not be discharged into the ditch along Eight Mile Road, or elsewhere, and also assure the City that such system shall at all times be capable of being managed in a manner that will restrict the outlet of water to Eight Mile Road, and elsewhere, to a rate and volume consistent with the downstream capacity available to receive such discharge. It is recognized in this regard that storm water shall be received into the system on the Property from upstream, as reflected in the City's Storm Water Master Plan.

The storm water basins and facilities shall be designed and constructed by Developer, and approved and inspected by the City, in accordance with all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations and

laws. In general, the system shall conform to the system shown on the RUD Plan, subject to Developer securing the appropriate easements, as may be required, at its sole cost and expense, as aforementioned; provided if proposed by the Developer, an alternative plan shall be reviewed by the City in accordance with all applicable regulations.

The drainage conveyance facilities, which shall constitute a part of the overall storm water management system on the Property, shall conform to all applicable City, County of Oakland and State of Michigan ordinances, codes, regulations and laws. Aside from areas approved in advance by City and all public and private entities having jurisdiction and/or rights therein for water storage purposes, no wetlands shall be utilized as part of the conveyance system for the transport of water within the site.

## **XV. SANITARY SEWER**

All off-site and on-site facilities shall be provided in order to connect and appropriately serve each lot in Ballantyne with public sanitary sewage disposal service, approved by the City and all other governmental entities having jurisdiction. All facilities must conform to all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations, and laws, and shall be completed, approved and dedicated to (as required by the City in its reasonable discretion) the City to fully service all proposed and existing facilities, structures and uses within the Project, prior to issuance of any building permits for any building in the Project.

Prior to connecting to the City's Sanitary Sewage Disposal System, the Developer and/or the ultimate unit owner shall pay all applicable availability fees, as well as the "user connection" fees or "tap" fees required to "tap-in" to the City's Sanitary Sewer System. This amount is set by Ordinance, as amended from time to time, and is subject to increase on an annual basis. Further, the Property is subject to SAD 170 and any outstanding balance that may be owed on the Property shall be paid in full prior to the issuance of any building permits.

The City shall have no obligation to accept dedication of the sanitary sewer system facilities, and Ballantyne shall have no right to utilize such facilities, until such time as the City, in the reasonable exercise of its discretion, is satisfied that such facilities meet or exceed all applicable codes, ordinances, laws, regulations, and legal and engineering standards, and that such facilities have been approved by all governmental entities having jurisdiction. SAD 170 benefitting the Property requires the installation of certain electrical and mechanical components necessary in order for the lift station installed as part of SAD 170 to service the Property. Funds are available in SAD 170 to pay the estimated cost of such improvements as shown on the SAD 170, Phase 3A Pump Station-Sanitary Sewer Plan dated revised November 22, 2006, approved by the City on January 10, 2007, along with improvements required by the City to meet current City standards. The Developer or its contractor shall enter into a contract with the City of Novi to complete the necessary improvements and the costs thereof shall be reimbursed to the Developer or its contractor from funds from SAD 170, pursuant to such contract.

## **XVI WATER SUPPLY**

At the Developer's expense, all required off-site and on-site facilities shall be provided in accordance with final site plan approval for Ballantyne, in order to connect and appropriately serve each lot in Ballantyne with public water service, approved by the City and all other governmental entities having jurisdiction. The approved RUD Plan for Ballantyne

requires construction of a 12-inch water main in the Eight Mile Road right of way across the entire Eight Mile Road frontage of Ballantyne.

Prior to connecting to the City's Water System, the Developer and/or the ultimate unit owner shall pay all applicable availability fee, as well as the "user connection" fees or "tap" fees required to "tap-in" to the City's Water System. This amount is set by Ordinance, as amended from time to time, and is subject to increase on an annual basis.

The City shall have no obligation to accept dedication of the water system facilities, and Ballantyne shall have no right to utilize such facilities, until such time as the City, in the reasonable exercise of its discretion, is satisfied that such facilities meet or exceed all applicable codes, ordinances, laws, regulations, and legal and engineering standards, and that such facilities have been approved by all governmental entities having jurisdiction.

#### **XVII. MECHANISM FOR PRESERVATION, REGULATION, MAINTENANCE AND FINANCE OF OPEN SPACE, COMMON AREAS AND NATURAL AREAS**

As part of final site plan review and approval, Developer shall submit to the City proposed covenants, restrictions and master deed and by-laws to be recorded for Ballantyne (together referred to as "Covenants and Master Deed").

The Covenants and Master Deed shall be subject to review and approval by the City Attorney as part of final site plan approval.

As part of such Covenants and Master Deed, there shall be provisions obligating Developer and all future successor owners of lots or units within the Development and the Association to maintain, repair and preserve common areas, landscaping, signage, entry gates, open spaces, natural feature areas, wetlands, woodlands, habitat areas, privately owned detention and drainage facilities, and any other common elements and improvements in and for Ballantyne. Such maintenance, repair and preservation shall be to a high standard of care.

The Covenants and Master Deed shall additionally provide that, in the event Developer or successor owners of the Property and/or the Association shall at any time fail to carry out one or more responsibilities or obligations relative to maintenance, repair and/or preservation, The City shall have the right to serve written notice upon Developer or successor owners (through the Association), setting forth the deficiencies in maintenance, repair and/or preservation. The notice may also set forth a demand that such deficiencies be cured within a stated reasonable period of time, and further state a date, time and place of hearing before the City Council or other board, body or official delegated by the City Council, for the purpose of allowing Developer or successor owners to be heard as to why the City should not proceed with the maintenance, repairs and/or preservation which had not been undertaken. At the hearing, the City may take action to extend the time for curing the deficiencies, and the date of the hearing may itself be extended and/or continued to a date certain. If, following the hearing, the City shall determine that the maintenance, repairs and/or preservation have not been completed within the time specified in the notice, as such time may have been extended by the City, the City shall thereupon have the power and authority, but not the obligation, to enter upon the Property, or cause its agents and/or contractors to enter upon the Property, and perform such maintenance, repairs and/or preservation as found by the City to be appropriate. The cost and expense of making and financing such maintenance, repairs and/or preservation, including the cost of all



notices and hearing, including reasonable attorneys' fees, plus a reasonable administrative fee, shall be paid by the Developer or successor owners, and such amounts shall constitute a lien on all taxable portions of the Property. The City may require the payment of such monies prior to the commencement of any work.

If such costs and expenses have not been paid within thirty (30) days of a billing to Developer or successor owners, through the Association, all unpaid amounts may be placed on the delinquent tax roll of the City as regards the taxable portions or the Property (allocated among the several units or lots), and shall accrue interest and penalties, and shall be collected in the manner made and provided for the collection of delinquent real property taxes in the City. In the discretion of the City, such costs and expenses may also be collected by suit initiated against Developer and/or successor owners and/or the Association, and in such event, Developer, the successor owners and/or the Association, as the case may be, shall pay all Court costs and reasonable attorneys' fees incurred by the City in connection with such suit if the City obtains relief in such action.

Any failure or delay by the City to enforce any provision of the Covenants and Master Deed shall in no event be deemed or construed, or otherwise relied upon, as a waiver or estoppel of the right to eventually pursue and insist upon strict enforcement.

In all instances in which the City is authorized to pursue maintenance, repairs and/or preservation, as provided above, the City and its agents and contractors, shall be permitted, and are hereby granted authority, to enter upon all portions of the Property reasonably necessary or appropriate for the purpose of inspecting and/or completing the respective work.

#### **VIII. LANDSCAPING AND SIGNAGE**

Landscaping and signage shall be provided as set forth in the final site plan and final landscape plan.

#### **XIX. PHASING**

The project shall be developed in one single phase.

#### **XX. GENERAL PROVISIONS**

A. The Zoning Board of Appeals shall have no jurisdiction over the Property or the application of this Agreement.

B. Except as may be specifically modified by this Agreement, the City Code and all applicable regulations of the City shall apply to the Property. Any substantial violation of the City Code by Developer and/or any successor owners or occupants with respect to the Property shall be deemed a breach of this Agreement, as well as a violation of the City Code.

C. A breach of this Agreement shall constitute a nuisance per se which shall be abated. The Developer and the City therefore agree that, in the event of a breach of this Agreement by the Developer, the City, in addition to any other relief to which it

may be entitled at law or in equity, shall be entitled under this Agreement to relief in the form of specific performance and an order of the court requiring abatement of the nuisance per se. In the event of a breach of this Agreement, the City may notify Proprietor of the occurrence of the breach and issue a written notice requiring the breach be cured within thirty (30) days; provided, however, that if the breach, by its nature, cannot be cured within thirty (30) days, Developer shall not be in the breach hereunder if Proprietor commences the cure within the thirty (30) day period and diligently pursues the cure to completion. Failure to comply with such notice shall, in addition to any other relief to which the City may be entitled in equity or at law, render Developer liable to the City in any suit for enforcement for actual costs incurred by the City including, but not limited to, attorneys' fees, expert witness fees and the like.

D. This Agreement may not be amended except in writing signed by the parties and recorded in the same manner as this Agreement. In the event Developer desires to propose an amendment, an application shall be made to the City's Department of Community Development, which shall process the application in accordance with the procedures set forth in the Zoning Ordinance.

E. Both parties understand and agree that if any part, term, or provision of this Agreement is held by a court of competent jurisdiction, and as a final enforceable judgment, to be illegal or in conflict with any law of the State of Michigan or the United States, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term, or provisions held to be invalid.

F. The 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.

G. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. A delay in enforcement of any provision of this Agreement shall not be construed as a waiver or estoppel of the City's right to eventually enforce, or take action to enforce, the terms of this Agreement. All remedies afforded in this Agreement shall be taken and construed as cumulative; that is, all remedies afforded in this Agreement are in addition to every other remedy provided by law.

H. The signers of this Agreement warrant and represent that they have the authority to sign this Agreement on behalf of their respective principals and the authority to bind each party to this Agreement according to its terms. Further, each of the parties represents that the execution of this Agreement has been duly authorized and is binding on such parties.

I. This Agreement shall run with the land described herein as the Property and bind the parties, their heirs, successors, and assigns. This Agreement shall be recorded in the Oakland County Register of Deeds by the City. The parties

acknowledge that the Property is subject to changes in ownership and/or control at any time, but that heirs, successors, and assigns shall take their interest subject to the terms of this Agreement, and all references to " Developer " in this Agreement shall also include all heirs, successors, and assigns of the Developer. The parties also acknowledge that the members of the City Council and/or the City Administration and/or its departments may change, but the City shall nonetheless remain bound by this Agreement.

J. The Developer hereby represents and warrants that it is the owner in fee simple of the Property described on the attached Exhibit A.

K. The Developer has negotiated with the City the terms of the RUD Plan and this Agreement, and such documentation represents the product of the joint efforts and mutual agreements of Developer and the City. The Developer fully accepts and agrees to the final terms, conditions, requirements and obligations of the RUD Documents, and the Developer shall not be permitted in the future to claim that the effect of the RUD Plan and Agreement results in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of the RUD Plan and Agreement causes an inverse condemnation, other condemnation or taking of all or any portion of the Property. The Developer and the City agree that this Agreement and its terms, conditions, and requirements are lawful and consistent with the intent and provisions of local ordinances, state and federal law, and the Constitutions of the State of Michigan and the United States of America. The Developer has offered and agreed to proceed with the undertakings and obligations as set forth in this Agreement in order to protect the public health, safety, and welfare and provide material advantages and development options for the Proprietor, all of which undertakings and obligations the Developer and the City agree are necessary in order to ensure public health, safety, and welfare, to ensure compatibility with adjacent uses of land, to promote use of the Property in a socially, environmentally, and economically desirable manner, and to achieve other reasonable and legitimate objective of the City and Developer, as authorized under applicable City ordinances and the Michigan Zoning Enabling Act, MCL 125.3101, et seq., as amended. Furthermore, the Developer fully accepts and agrees to the final terms, conditions, requirements, and obligations of this Agreement, and the Developer shall not be permitted in the future to claim that the effect of this Agreement results in an unreasonable limitation upon use of all or any portion of the Property, or to claim that enforcement of this Agreement causes an inverse condemnation or taking of all or any portion of such property. It is further agreed and acknowledged that the terms, conditions, obligations, and requirements of this Agreement are clearly and substantially related to the burdens to be created by the development and use of the Property under the approved RUD Plan, and are, without exception, clearly and substantially related to the City's legitimate interests in protecting the public health, safety and general welfare.

L. The Developer acknowledges that, at the time of the execution of this Agreement, Developer has not yet obtained site plan and engineering approvals for the Development. The Developer acknowledges that the Planning Commission and Engineering Department may impose additional conditions other than those contained in this Agreement during site plan reviews and approvals as authorized by

law; provided, however, that such conditions shall not be inconsistent with the RUD Plan or documents and shall not change or eliminate any development right authorized thereby. Such conditions shall be incorporated into and made a part of this Agreement, and shall be enforceable against the Developer, in the event the Developer proceeds with the redevelopment of the Center.

M. None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between the Developer and the City.

N. The recitals contained in this Agreement and all exhibits attached to this Agreement and referred to herein shall for all purposes be deemed to be incorporated in this Agreement by this reference and made a part of this Agreement.

O. This Agreement is intended as the complete integration of all understandings between the parties related to the subject matter herein. No prior contemporaneous addition, deletion, or other amendment shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent notation, renewal, addition, deletion or other amendment shall have any force or effect unless embodied in a written amendatory or other agreement executed by the parties required herein, other than additional conditions which may be attached to site plan approvals as stated above.

P. The parties intend that this Agreement shall create no third-party beneficiary interest except for an assignment pursuant to this Agreement. The parties are not presently aware of any actions by them or any of their authorized representatives which would form the basis for interpretation construing a different intent and in any event expressly disclaim any such acts or actions, particularly in view of the integration of this Agreement.

Q. Where there is a question with regard to applicable regulations for a particular aspect of the development, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the RUD Plan and this Agreement which apply, the City, in the reasonable exercise of its discretion, shall determine the regulations of the City's Zoning Ordinance, as that Ordinance may have been amended, or other City Ordinances that shall be applicable, provided that such determination is not inconsistent with the nature and intent of the RUD Documents and does not change or eliminate any development right authorized by the RUD documents. In the event of a conflict or inconsistency between two or more provisions of the RUD Plan and/or this Agreement, or between the such documents and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of the City, shall apply.

R. Both parties acknowledge and agree that they have had the opportunity to have the RUD Plan, and this Agreement, reviewed by legal counsel.

S. Notwithstanding the foregoing, Developer retains the right at any time prior to commencement of construction of the improvements contemplated by the RUD Plan and this Agreement to terminate the RUD subject to and in accordance with the requirements of the Zoning Ordinance applicable to such a termination.

**CITY OF NOVI**

By: \_\_\_\_\_  
Robert J. Gatt, Mayor

By: \_\_\_\_\_  
Maryanne Cornelius, Clerk

**SINGH DEVELOPMENT LLC**

By: \_\_\_\_\_  
Gurmale S. Grewal, Manager

STATE OF MICHIGAN )  
                                       )SS  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2014, by Robert Gatt, Mayor, and Maryanne Cornelius, Clerk, on behalf of the City of Novi, a Municipal Corporation.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan My  
Commission Expires: \_



STATE OF MICHIGAN)  
                              )SS  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Gurmale S. Grewal, authorized Member, on behalf of Singh Development LLC, a Michigan limited liability company.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires \_\_\_\_\_

Drafted by:  
Thomas R. Schultz  
30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-3040

And when recorded return to:

Maryanne Cornelius, City Clerk  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

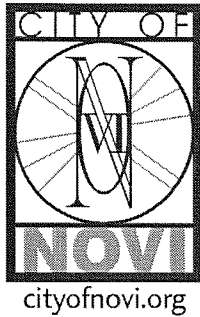
## EXHIBIT 'A'

### Legal Description

A part of the Southeast 1/4 of Section 31, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; being more particularly described as commencing at the Southeast Corner of said Section 31; thence North 00°15'42" West, 60.00 feet, along the East line of said Section 31 and the centerline of Garfield Road, to the Point of Beginning; thence North 89°55'05" West, 440.00 feet, along the Northerly right-of-way of Eight Mile Road (said line being 60.00 feet North of and parallel to the South line of said Section 31 and the centerline of Eight Mile Road); thence North 00°15'42" West, 750.00 feet, (previously described as North 00°07'08" West); thence North 89°55'05" West, 660.00 feet, (previously described as North 89°46'33" West); thence North 00°15'42" West, 1710.40 feet, (previously described as North 00°07'08" West, 1710.11 feet); thence North 89°43'21" East, 1099.98 feet, (previously described as North 89°51'00" East), to the East line of said Section 31 and the centerline of Garfield Road, (said point being South 00°15'42" East, 115.05 feet from the East 1/4 Corner of said Section 31); thence South 00°15'42" East, 2467.29 feet, (previously described as South 00°07'08" East), along the East line of said Section 31 and the centerline of said Garfield Road, to the Point of Beginning. All of the above containing 50.854 Acres. All of the above being subject to easements, restrictions and right-of-ways of record. All of the above being subject to the rights of the public in Garfield Road.

**Sidwell No. 22-31-400-007**

**PLANNING COMMISSION MINUTES - EXCERPT**  
**January 15, 2014**



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**January 15, 2014 7:00 PM**

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

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Baratta, Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

**Absent:** Member Anthony (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Gary Dovre, City Attorney; Adam Wayne, Staff Engineer.

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Greco, seconded by Member Lynch:

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

**Motion to approve the January 15, 2014 Planning Commission Agenda. Motion carried 6-0.**

## PUBLIC HEARINGS

### 1. Ballantyne, JSP13-43

Public hearing at the request of Singh Development for recommendation to City Council for approval of a Residential Unit Development (RUD) Plan. The subject property is 50.85 acres in Section 31 of the City of Novi and located at the northwest corner of Garfield Road and Eight Mile Road. The applicant is proposing a 41 unit single-family development.

Planner Kapelanski said the applicant is proposing a Residential Unit Development or RUD on a 50.85 acre parcel located at the northwest corner of Garfield Road and Eight Mile Road. Vacant land borders the property on the north and west with single-family residential and vacant land on the south and east. The subject property is zoned RA, Residential Acreage and is bordered by RA zoning to the north, east and west in the City of Novi and R-2, Single-Family zoning to the south in Northville Township. The Future Land Use map indicates single-family uses for the subject property with single-family uses planned for the properties to the north, west and south and single-family and educational uses planned to the east. There is a small area of regulated wetland on the north portion of the site. This will be preserved. This site is slated to become wooded as the woodland replacement trees from the Oberlin site plan are proposed to be planted on this vacant property. The site layout has been designed around the areas where the trees are proposed to be planted as those areas would be placed in a conservation easement.

The applicant is proposing a 41 unit gated community. In addition to the preserved open space, the applicant has also proposed wood chip trails through natural areas to enhance the recreational features of the property, consistent with intent of the RUD ordinance. The planning review recommends approval of the proposed RUD plan. The Planning Commission should consider the various standards from Section 2402 outlined and listed in the planning review letter. The applicant has requested a City Council modification of lot size and width and a reduction in the required building setback. Some lots are proposed to be reduced to a size consistent with the R-1 District lot sizes. Staff does not object to this request. The traffic review recommends approval and notes a same-side driveway spacing waiver is

required and supported. All other reviews recommend approval of the proposed plan. The engineering review notes a City Council variance would be required to allow the sidewalk on Emery Boulevard to extend on only one side the street. The applicant has agreed to extend this sidewalk on both sides of the street and the Planning Commission should adjust point h of the proposed approval motion to indicate this change.

Planner Kapelanski concluded stating the Planning Commission is asked to make a recommendation to the City Council on the proposed RUD Plan. The Council will then consider the RUD Plan and RUD Agreement. If those are approved, the site plan would follow the normal development process and require the approval of the Planning Commission. The city's attorney office had recommended some minor changes in the language of the motion recommending approval and a revised motion has been provided.

Clif Seiber, with Sieber-Keast Engineering, said he is there to represent Singh Development Company. As it was indicated, we are proposing a 41-unit site condominium as part of an RUD Development. It provides for a variety of lot sizes. Ten percent of those lots are measuring one acre or larger. Also, we're having 35.7% of the site be open. There will be quite a number of tree replacements. A few months ago, the Oberlin project was in front of the Planning Commission for approval, but one of the aspects of that plan was to place those replacement trees from that development on this site. Many of the trees that will be on this site will be coming from the Oberlin project, in addition to all the street trees, berm requirements and stormwater detention plantings. Regarding the sidewalk, to the right of the plan at the very south, there is about 400 feet of the roadway that is zero-loaded, in which no lots that front on it. Originally, we had proposed on the westerly side of that road that a sidewalk would run all the way down to Eight Mile and connect to the proposed Eight Mile sidewalk. We did not propose it on the other side of the road because we thought it was a duplication. However, in response to some of the comments from staff, we elected to go ahead and show that sidewalk.

One thing that Bill Stimpson from Clearzoning suggested is that perhaps instead of running a duplicate sidewalk on both sides of the road, a connection from that roadway out to Garfield Road may be suitable. Maybe that could be something that could be done in lieu of running both sidewalks all the way down to Eight Mile Road. Certainly, we'd be interested in doing something like that, if that's something that the Planning Commission would want to consider.

Chair Pehrson opened the public hearing.

Kristen Korotuen, of Deer Run, objected to the proposal. This is in a watershed area. We've already built on one side of the road where Tuscany has done their extension and now we're building on the other side of the road. I'm just wondering, what does a watershed mean if we keep building on it? We've lived there for over three years now. There is a lot of wildlife there. We love it there because of the wildlife. That's our main reason for the objection. Our second reason is for how close it is to the Deer Run properties and if it does go ahead, the developed should install thicker landscaping facing the Deer Run side. The land actually sits higher than the properties on Deer Run. So when I'm on my land, looking out toward my backyard, my land goes up at least six feet. So if you put a house there, it's going to tower over our property. Ms. Korotuen continued noting she would also like to request that the rear setback be increased to 50-55 feet so they're not so close to the Deer Run development. Also, I'm wondering if the traffic is taken into account. We already have a backup; when you turn onto Eight Mile from Garfield going east towards Beck Road, there's quite a backup now in the mornings going to work. By putting in 41 houses, that is going to further increase that backup because they're probably going in that direction to go to the highway off of Beck Road. My last question, if this becomes a done deal, is the sewer hookup. Is that at least going to be a benefit to Deer Run residents? Will we be able to hookup to sewer and water because most of the houses right now are on well and septic. So that at least would be a benefit if we could get free hookup into sewer and water there for the few houses that are affected on

Deer Run. Will the ponds in Deer Run be affected and will the development have ramifications on our land, drainage, overflow and flooding?

Rick Schafner, resident on Eight Mile Road, said he had about ten and a half acres. My main question is, there's a dump on the west side on the other side of the church property, has there been anything done concerning the water that may be contaminated? Another questions close to that, is this all going to be on City water and sewage? There was a lake near the middle of this property years ago. It started drying up but it's still a lake. There's quite a bit of water in a very wet season and it's to the west of the pond that they have proposed there. Where the pond is proposed is a high ground and I just wonder why they would propose a pond on high ground when there already was a lake that retains water to the west of that. The same thing holds true with the pond that's down closer to the corner of Garfield and Eight Mile. That pond proposed there, looks like it would conflict with a pond that's just south of that across that roadway. What are the smallest lots that are proposed? Also, what is the price range of the houses that are going in there? I just wondered if they were going to be similar in price to the other projects that are east of that and north of Eight Mile.

Member Greco asked the applicant if there was an origin to the name Ballantyne.

Mr. Seiber said it was Grey Stone at one time, but when it went through the Street Naming Committee for review, they found a duplicate. So the owner arrived to this name.

Member Greco asked for a ballpark number of the price range and size of home that would be constructed.

Mr. Seiber said actually this is going to be very similar to the Tuscany Project across the street. Tuscany was developed under the same RUD ordinance. Lot sizes are also going to be very similar in size. Ten percent of them are going to be one acre or larger and there will be a similar mixture of lot sizes.

Member Greco asked for the range of the lot sizes.

Mr. Seiber said the minimum lot size in this development is half an acre. So it ranges from a half an acre to an acre. As far as the price of the homes, they could be as high as what's going in now at the Tuscany Development.

Member Greco asked about the elevation of the subject property in relation to the Deer Run property. Is that something the applicant has taken into account in terms of buffering?

Mr. Seiber said yes, actually he was involved in the design of the Deer Run development many years ago and there is a 60 foot strip of land between the back of this development and the Deer Run property. It's owned by the property to the west of us. So Ballantyne does not abut the Deer Run property but there is quite an elevation difference from the back of that strip of land to the back yards of the Deer Run properties. It was indicated that it was six feet but I know in some areas it's much larger than that, like 15 feet or so. We are proposing trees along the back of that. There's about a 25 foot park area in addition to the strip of land that's to the north of us and then of course the 35 foot rear yard setback. Of course, not always are these homes pushed right to the rear setbacks, but in some cases they could be. We could prepare an elevation cross section that would show the strip of land that we do not own plus the park area to see what the height of the house looks when viewed from Deer Run. We would certainly be willing to take a look at that and if we need to do a little bit of berming back there or rearrange some of the tree plantings, that's something we could certainly provide.

Member Greco asked if the applicant was familiar with the pond or the lake that the gentleman was describing.

Mr. Seiber said yes there is a pocket of wetlands on that site, but we're not touching it. It would have been much easier to locate the stormwater basin there but it would have wiped out the wetland quality. So we are leaving that alone. That pocket is staying the way it is. We're providing some plantings around it. In fact, because of the type of wetland vegetation that is in it, some of it is a detrimental type of vegetation and the wetland consultant had suggested that we make some enhancements to that. But that wetland is staying intact and that's the reason for locating the stormwater basin away from it. So I guess to answer that question, that pond will stay there.

Member Zuchlewski asked if the stormwater basins will dump into the existing wetland.

Mr. Seiber said no. The high end of the system is the middle pond, that empties into the pond next to Eight Mile Road and there will be an overflow for that. We did not want it to overflow into that wetland complex because we thought we would inundate it. It would have so much water it would probably greatly change the characteristics of that wetland.

Member Zuchlewski asked if there was an old dump on the subject property at one time.

Mr. Seiber said no. There's a property to the west of us and then the property next to that is where the old dump is located. There were studies done many years ago, when Deer Run was developed, to identify ground water contamination or where that groundwater was directed. From that dump, it flowed on a southeasterly direction. That flow does not affect this. This developed will be tied into the City water system and the sanitary sewer system. City water is available to Deer Run. There's a water main out on Garfield Road now so if Deer Run residents wanted to extend the water main into their site to connect to City water, that is there for them.

Member Zuchlewski asked if it would be out of line to ask to put a T in the service that's going in now. Is that even coming into play or is that out of the question?

Mr. Seiber said no actually that water main is existing. It's there today. It was constructed as part of a City project.

Member Zuchlewski asked if the development would be tapping into that existing main.

Mr. Seiber said yes we would tap right across the street where the Tuscan roadway connects.

Engineer Wayne said the sanitary sewer provided for this site is from the special assessment district, which passes under Garfield Road. As part of this project, the City will look at the service area provided by that lift station and if possible, we will work with the developer to deepen that sanitary sewer. We cannot require the developer to provide any sort of offsite development though.

Member Giacometti asked what the effects of the development are on the local watershed.

Mr. Seiber said a watershed is an area that drains to the main river system. This is a watershed area just like the rest of the City of Novi is a watershed area. I know a concern was that if the watershed from this site changed in a way such that it was directed to the north it would have an impact on the ponds that they have in Deer Run; that would certainly be a legitimate concern. In this case, the watershed or the direction of flow is going to be to the south, away from Deer Run.

Member Giacometti asked the applicant to describe what is being done to prevent flooding in Deer Run.

Mr. Seiber said there will be a storm sewer system through the backyards, in particular the backyards of



that row of lots that face northly toward Deer Run. Any runoff from those lots and from that park area will be collected into that storm sewer system and discharged into that middle pond area. Then that pond will be piped southerly to the pond on Eight Mile Road. So all the runoff from the site will be directed southerly and there will not be any runoff directed to the north toward Deer Run.

Member Zuchlewski asked how the wood chip paths would be maintained.

Mr. Seiber said the maintenance of that pathway, as well as all the interior parks of the development are assessed as part of the subdivision association. There assessments against each one of the lots and that pays for the maintenance of the pathways, the woodchip path, as well as mowing the entranceways, the boulevard entrances and any of the park areas. So there is a mechanism to maintain all that.

Chair Pehrson asked if Eight Mile Road was an Oakland or Wayne County road.

Deputy Director Barb McBeth said I believe it's a combination.

Engineer Wayne said at this point, it is Oakland County.

Chair Pehrson any comments on any of the improvements to that road will come through Oakland County Road Commission.

Member Greco but first he wanted to let the public know we all don't want to see natural features go by the wayside. I've mentioned several times as I've sat up here going to visit my hometown outside of New York and all the fields we used to play in now have either homes or strip malls in them. Fortunately or unfortunately, when these lots of land are owned by private entities, they are allowed to develop it under certain parameters with regard to zoning laws and things that are passed by the City. There are some certain requirements regarding how the matter is zoned and different tools that they can use with respect to how much woodlands they keep there, how many lots are there, the lot size, how many open space areas or parklands that they're going to keep there. With that, while I sympathize with the open space and wooded areas disappearing from people that have lived in the area for years, I personally think that this plan fits within the zoning and it looks like it's going to be a nice development.

Moved by Member Greco and seconded by Member Lynch:

**ROLL CALL VOTE ON THE AMENDED RESIDENTIAL UNIT DEVELOPMENT PLAN APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:**

**In the matter of Ballantyne, JSP13-43, motion to recommend approval of the Residential Unit Development (RUD) Plan subject to and based on the following findings:**

- a. The site is appropriate for the proposed use;
- b. The development will not have detrimental effects on adjacent properties and the community;
- c. The applicant has clearly demonstrated a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;
- e. The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;
- f. Relative to other feasible uses of the site:
  1. All applicable provisions of Section 2402 of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;
  2. Adequate areas have been set aside for all walkways, playgrounds, parks, recreation

- areas, parking areas and other open spaces and areas to be used by residents of the development;
3. Traffic circulation features within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  4. The proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
  5. The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;
  6. The RUD will provide for the preservation and creation of open space and result in minimal impacts to provided open space and natural features;
  7. The RUD will be compatible with adjacent and neighboring land uses;
  8. The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the RUD;
  9. There will not be an increase in the total number of dwelling units over that which would occur with a conventional residential development;
  10. The proposed reductions in lot sizes are the minimum necessary to preserve and create open space, to provide for park sites, and to ensure compatibility with adjacent and neighboring land uses;
  11. The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost;
  12. The Planning Commission is satisfied that the applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
  13. The Planning Commission is satisfied that the applicant will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
  14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. City Council modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet as the requested modification will result in the preservation of open space for those purposes noted in Section 2402.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;
  - h. Applicant extending the proposed pathway along both sides of Emery Boulevard as indicated in the response letter;
  - i. City Council reduction of permitted building setbacks consistent with the proposed reduction in lot size and width; and
  - j. Same-side driveway spacing waiver for the Eight Mile Road access drive (275' required, 218' provided) being approved at the time of Preliminary Site Plan approval.

This motion is made because the plan is otherwise in compliance with Article 3, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

**PLANNING REVIEW**



# PLAN REVIEW CENTER REPORT

November 22, 2013

## Planning Review

Ballantyne

**JSP13-43**

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### Petitioner

Singh Development

### Review Type

RUD Plan

### Property Characteristics

- Site Location: Northwest corner of Garfield Road and Eight Mile Road (Section 31)
- Site Zoning: RA, Residential Acreage
- Adjoining Zoning: North, East and West: RA; South (Northville Township): R-2, Single-Family Residential
- Current Site Use: Vacant
- Adjoining Uses: North and West: Vacant; South: Single-Family Residential and Vacant; East: Single-Family Residential and Vacant
- School District: Northville Community School District
- Site Size: 50.85 acres
- Plan Date: 10-16-13

### Project Summary

The applicant is proposing a Residential Unit Development (RUD) on a 50.85 acre parcel at the northwest corner of Garfield Road and Eight Mile Road in order to construct 41 single-family residential units. The applicant has proposed features to enhance the site including preserved natural areas with woodchip trails.

The ordinance states that an RUD shall include detached one-family dwelling units, as proposed. While a variety of housing types is expected in an RUD, the overall density generally shall not exceed the density permitted in the underlying zoning district. The proposed density is 0.8 units per acre consistent with the RA, Residential Acreage zoning of the site.

### Recommendation

Staff **recommends approval of the RUD Plan** to allow for the development of the subject property. If the RUD Plan and RUD Amendment are approved by the City Council, the Preliminary Site Plan, Woodland Permit, Wetland Permit and Stormwater Management Plan will be considered by the Planning Commission.

### RUD Standards

The Planning Commission and City Council are asked to consider the following when evaluating the proposed RUD. Staff comments are underlined and bracketed. Items for the applicant to address are highlighted in bold text.

- a) The appropriateness of the site for the proposed use;
- b) The effects of the proposed use upon adjacent properties and the community;
- c) The demonstrable need for the proposed use;
- d) The care taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;

[The subject property would largely be a 'created woodland' with the planting of woodland replacement trees from the previously approved Oberlin site plan. See the woodland review letter for additional information.]

- e) The existence of clear, explicit, substantial and ascertainable benefits to the City from the RUD.  
**[The applicant should provide a narrative describing the benefits of the RUD as part of their response letter prior to proceeding to the Planning Commission.]**

The Planning Commission and City Council shall consider the following factors noted in Section 2402.8 as part of their evaluation of the RUD Amendment. Staff comments are italicized and bracketed.

- a) Whether all applicable provisions of this Section [2402 of the Zoning Ordinance], other applicable requirements of this Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met.  
[The applicant has submitted the required application information.]
- b) Whether adequate areas have been set aside for all schools, walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development. The applicant shall make provisions to assure that such areas have been or will be committed for those purposes.  
[Walkways have generally been provided as part of the proposed development. The applicant has set aside 35.7% of the proposed development area as open space, some of which will have woodchip pathways running through it.]
- c) Whether traffic circulation features within the site and the location of parking areas are designed to assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.  
[The applicant has provided for safe traffic flow as indicated in the traffic review letter.]
- d) Whether, relative to conventional one-family development of the site, the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service, or, in the alternative, the development will provide onsite and offsite improvements to alleviate such impacts.  
[The development will not have a detrimental impact on existing thoroughfares over and above development under the existing zoning as indicated in the traffic review letter.]
- e) Whether there are or will be, at the time of development, adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water.  
[The applicant has provided for adequate stormwater management and utilities.]
- f) Whether, and the extent to which, the RUD will provide for the preservation and creation of open space. Open space includes the preservation of significant natural assets, including, but not limited to, woodlands, topographic features, significant views, natural drainage ways, water bodies, floodplains, wetlands, significant plant and animal habitats and other natural features. Specific consideration shall be given to whether the proposed development will minimize disruption to such resources. Open space also includes the creation of active and passive recreational areas, such as parks, golf courses, soccer fields, ball fields, bike paths, walkways and nature trails.  
[The applicant has set aside 35.7% of the proposed development area as open space, some of which will include woodchip paths.]
- g) Whether the RUD will be compatible with adjacent and neighboring land uses, existing and master planned.  
[Existing single-family zoning surrounds the site.]
- h) Whether the desirability of conventional residential development within the City is outweighed

by benefits occurring from the preservation and creation of open space and the establishment of school and park facilities that will result from the RUD.

- i) Whether any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space and the establishment of school and park facilities that will result from the RUD.
- j) Whether the proposed reductions in lot sizes and setback areas are the minimum necessary to preserve and create open space, to provide for school and park sites, and to ensure compatibility with adjacent and neighboring land uses.  
*[A reduction in lot sizes below the Zoning Ordinance standards is proposed.]*
- k) Evaluation of the impact of RUD development on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and with regard to the planned and expected contribution of the property to tax base and other fiscal considerations.
- l) Whether the applicant has made satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements.
- m) Whether the applicant has made satisfactory provisions for future ownership and maintenance of all common areas within the proposed development.  
*[The new development would be regulated under the provisions of a proposed master deed and associated by-laws.]*
- n) Whether any proposed deviations from the area, bulk, yard, and other dimensional requirements of the zoning ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.

### **Ordinance Requirements**

This project was reviewed for conformance with Article 3 (RA Residential Acreage District), 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 or Planning Commission/City Council.

1. **RUD Intent**: As an optional form of development, the RUD allows development flexibility of various types of residential dwelling units (one-family, attached one-family cluster). It is also the intent of the RUD option to permit permanent preservation of valuable open land, fragile natural resources and rural community character that would be lost under conventional development. This is accomplished by permitting flexible lot sizes in accordance with open land preservation credits when the residential developments are located in a substantial open land setting, and through the consideration of relaxation of area, bulk, yard, dimensional and other zoning ordinance standards in order to accomplish specific planning objectives.

This flexibility is intended to reduce the visual intensity of development; provide privacy; protect natural resources from intrusion, pollution, or impairment; protect locally important animal and plant habitats; preserve lands of unique scenic, historic, or geologic value; provide private neighborhood recreation; and protect the public health, safety and welfare.

Such flexibility will also provide for:

- The use of land in accordance with its character and adaptability;

- The construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
  - The compatible design and use of neighboring properties; and
  - The reduction of development sprawl, so as to preserve open space as undeveloped land.
2. **Lot Size and Area:** One-family detached dwellings are subject to the minimum lot area and size requirements of the underlying district. RA zoning requires 43,560 sq. ft. lots that are a minimum of 150 ft. wide. The applicant has proposed a minimum size of 21,780 sq. ft. and a minimum width of 120 ft. **The City Council may modify lot size and width requirements where such modification will result in the preservation of open space for those purposes set forth in Section 2402.3B of the Zoning Ordinance and where the RUD will provide a genuine variety of lot sizes. The plans indicate that a total of 18.17 acres of open space will be maintained in this development (mostly in the perimeter buffering, the detention basin area and the center of the site), which is about 35.7 percent of the area of the site. The applicant has provided a summary of lot sizes throughout the entire development. There are a variety of lot sizes throughout the proposed development. Lots range from approximately 21,780 sq. ft. to 44,045 sq. ft., allowing for some variation in lot size, although most lots fall within the lower to mid-20,000 sq. ft. range.**
  3. **Building Setback:** One-family detached dwellings in an RUD are subject to the building setback regulations of the underlying zoning district, in this case the RA District. The RA District setbacks are listed in the attached planning review chart. The applicant has proposed reduced building setbacks consistent with the proposed lot size. **This setback reduction would be permitted provided the City Council agrees to the reduction in lot size and area noted above.**
  4. **Submittal Requirements:** The applicant has submitted the items noted in Section 2402.7 of the ordinance including a recent aerial photo with a scale not smaller than 1"=200"; a written statement regarding the expected population for the RUD Plan; and a statement regarding the proposed mechanism to assure the permanent preservation and maintenance of open space areas, RUD amenities, and common areas.
  5. **Sidewalks:** **The 5' sidewalk along the east side of Emery Boulevard should be extended and connect to the proposed pathway on Eight Mile Road. Additionally, the applicant should consider providing a connection from the sidewalk on the east side of Emery Boulevard just south of lot 41 to the proposed pathway along Garfield Road.**
  6. **Special Land Use:** The Planning Commission shall also consider the standards for Special Land Use approval as a part of its review of the proposed RUD, per Section 2402.8.B.
  7. **Master Deed and By-laws:** The Master Deed and By-laws must be submitted for review with the Final Site Plan submittal.
  8. **Lighting:** The City Council recently passed a text amendment requiring an entrance light at all residential developments. **The applicant should send via email a plan showing the location of a proposed entrance light. Once the proposed location has been approved by the Planning Division, the applicant should contact Adam Wayne (248.735.5648) in the Engineering Division to begin the process of working with the City and DTE on the installation of the entrance light.** Attached are the options available through DTE for residential development entrance lighting.
  9. **Signage:** Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

**Site Addressing**

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at [www.cityofnovi.org](http://www.cityofnovi.org) under the forms page of the Community Development Department.

Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

**Street and Project Name**

## Planning Review

Ballantyne

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Street names and the project name have been approved by the Street and Project Naming Committee. Street names identified on the plan do not appear to match up with the approved street names. The applicant should contact Richelle Leskun at [rleskun@cityofnovi.org](mailto:rleskun@cityofnovi.org) or 248-347-0579 to obtain a copy of the approved street names and the approved name locations. These should be corrected for the next plan submittal.

### **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](mailto:smarchioni@cityofnovi.org)] in the Community Development Department.

### **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.

### **Response Letter**

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is required prior to consideration by the Planning Commission and with the next plan submittal.

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](mailto:kkapelanski@cityofnovi.org).



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Kristen Kapelanski, AICP, Planner

Attachments: planning review chart

residential entrance light options



**Planning Review Summary Chart**

JSP13-43 Ballantyne Residential Unit Development

Residential Unit Development Concept Plan

Plan Date: 10-16-13

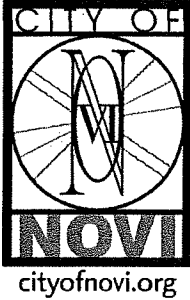
| Item  | Proposed  | Meet Requirements? | Comments  |
|---|---|--------------------|---|
| Property is master planned for single family residential use  | No change   | Yes                |   |
| Zoning is currently RA, Residential Acreage   | RA with Residential Unit Development                |                    | <b>Applicant has submitted a draft RUD Agreement.</b> |
| <b>Use</b> (Sec. 2402) single family detached homes, etc.   | Single-family, detached homes proposed              | Yes                |   |
| <b>Density</b> (Sec. 2402)<br><br>0.8 units per acre = 41 units   | 41 units  | Yes                |   |
| <b>Lot Depth</b> (Sec. 4.02.A.5 of the Sub. Ord.)<br><br>Lots abutting a major or secondary thoroughfare must have a depth of at least 140' | No rear lot lines abutting a secondary thoroughfare | Yes                | N/A   |
| <b>Required property size</b> – 20 acres (Sec. 2402)  | 50.85 acres   | Yes                |   |
| <b>Detached one-family dwellings permitted</b> (Sec. 2402)  | Detached one-family dwellings                       | Yes                |   |

| Item   | Proposed  | Meet Requirements? | Comments  |
|--|---|--------------------|---|
| <p><b>Minimum Lot Size</b><br/>(Sec. 2402.4)</p> <p>One-family detached dwellings are subject to the minimum lot area requirements of the underlying district. RA zoning requires 43,560 sq. ft. lots.</p>   | <p>Minimum lot size<br/>21,780 sq. ft.</p>  | <p>No</p>          | <p>The City Council may modify such lot area requirements where such modification will result in the preservation of open space for those purposes set forth in subpart 2402.3B and where the RUD will provide a genuine variety of lot sizes.</p>  |
| <p><b>Minimum Lot Width</b><br/>(Sec. 2402.4)</p> <p>One-family detached dwellings are subject to the minimum lot width requirements of the underlying district. RA zoning requires 150 ft. lot widths.</p>  | <p>Minimum 120 ft. lot width</p>  | <p>No</p>          | <p>The City Council may modify such lot width requirements where such modification will result in the preservation of open space for those purposes set forth in subpart 2402.3B and where the RUD will provide a genuine variety of lot sizes.</p> |
| <p><b>Building Setbacks</b><br/>(Sec. 2402.5)</p> <p>One-family detached dwellings shall be subject to the minimum requirements of the zoning district.</p> <p>RA zoning<br/>Front: 45 ft.<br/>Rear: 50 ft.<br/>Side: 20 ft.<br/>Side Yard Aggregate: 50 ft.</p> <p>If lot sizes are reduced in accordance with Sec. 2402.4 yard requirements shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the particular lot.</p> <p>For 120 foot wide lots:<br/>Front: 30 feet<br/>Rear: 35 feet<br/>Side Minimum: 15 feet<br/>Side Combined: 40 feet</p> | <p>Front: Min. 30 ft.<br/>Rear: 35 ft.<br/>Side: 15 ft.<br/>Aggregate Side: 40 ft.</p> <p>Entire building envelope shown on plans</p> | <p>Yes</p>         | <p>The City Council must approve the reduced lot size and width to permit the proposed setbacks.</p>  |
| <p><b>Minimum Floor Area</b> (Sec. 2400)</p> <p>Units must be greater than 1,000 square feet</p>   | <p>No minimum unit size shown or required at this point</p>   | <p>N/A</p>         | <p>Building size reviewed at plot plan phase</p>  |
| <p><b>Building Height</b><br/>(Sec. 2400)</p> <p>Buildings shall not exceed 2 ½ stories or 35 feet</p>   | <p>No elevations provided at this time</p>  | <p>N/A</p>         | <p>Building height reviewed at plot plan phase</p>  |

| Item  | Proposed   | Meet Requirements?    | Comments   |
|---|--|-----------------------|--|
| <p><b>Sidewalks and Pathways</b><br/>(Sec. 2405.9)<br/>Five (5) foot wide concrete sidewalks are required on both sides of all internal streets</p> <p><b>Bicycle &amp; Pedestrian Master Plan</b><br/>An 8' pathway is required along 8 Mile Rd. and Garfield Rd.</p> <p><b>Non-Motorized Plan</b><br/>No additional trails or pathways beyond those identified in the Bicycle and Pedestrian Master Plan are recommended for the subject property</p> | <p>Five foot sidewalks proposed along internal streets</p> <p>8' sidewalk proposed</p> | <p>Yes</p> <p>Yes</p> |  |
| <p><b>Master Deed/Covenants and Restrictions</b></p>  | <p>No documents submitted</p>  |                       | <p><b>Applicant is required to submit this information for review with the Final Site Plan submittal</b></p>   |
| <p><b>Exterior Lighting</b> (Sec. 251.11)<br/>Photometric plan required for all exterior lighting</p> <p>A residential development entrance light must be provided at the entrances to the development off of Eight Mile Road and Garfield Road.</p>  | <p>No exterior lighting plan provided.</p>   |                       | <p><b>Applicant should include a proposed photometric plan at the time of final site plan submittal.</b></p> <p>See the planning and engineering review letter for additional information on required development entrance lighting.</p> |

Review Prepared by Kristen Kapelanski, AICP  
248-347-0586 or kkapelanski@cityofnovi.org

**ENGINEERING REVIEW**



## PLAN REVIEW CENTER REPORT

November 25, 2013

### Engineering Review

Ballantyne  
JSP13-0043

#### Petitioner

Seiber Keast Engineering, LLC., applicant

#### Review Type

RUD Review

#### Property Characteristics

- Site Location: N. of Eight Mile Rd. and W. of Garfield Rd.
- Site Size: 50.85 acres
- Plan Date: October 30, 2013

#### Project Summary

- Construction of a 41-unit single family private residential site condominium.
- Water service would be provided by an extension from the existing 12-inch water main on Garfield Rd.
- Sanitary sewer service would be provided by extending the sanitary sewer as a public utility into the development from the SAD 170 pump station
- Storm water would be collected by a single storm sewer collection system and discharged into the storm sewer network in the Eight Mile Rd. right-of-way.

#### Recommendation

**Approval of the RUD Plan is recommended.**

#### Comments:

The RUD 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 Preliminary 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 Preliminary Site Plan submittal):

##### General

1. Provide a stub street to the subdivision boundary for every 1,300 feet of perimeter or include a **separate** narrative listing the hardships/impracticalities of extending the streets to the subdivision boundaries at intervals along the

subdivision boundary not exceeding one thousand three hundred (1,300) feet.

2. Note that all power and communication facilities shall be located in the rear yard of the proposed lots or Administrative approval is needed for a variance from Appendix C – Subdivision Ordinance Article IV Section 4.06 – E.1 for the placement of franchise utilities outside of rear lot lines.

#### Water Main

3. Revise the plan set to provide a 12-inch water main along the development's Garfield Rd. frontage.

#### Sanitary Sewer

4. Provide the diameter and material type for all proposed and existing sanitary sewer at the time of Preliminary Site Plan submittal.
5. The sanitary sewer service for this development is dependent upon the completion of the SAD 170 sanitary sewer. The remaining work for SAD 170 includes the installation of the electrical and mechanical components in the lift station. The design of the previous phases of SAD 170 was completed by the developer's engineer. The construction of each previous phase of the SAD was completed by the developer's contractor and paid for by the SAD through a construction contract with the City. The previously submitted plan must be revised to incorporate new City standards that have evolved since the construction of the previous phase of SAD 170. The completion of the SAD by the developer must be acknowledged in the RUD Agreement along with a plan and schedule for the completion of the SAD by the developer's firms.
6. Provide the service for area for the proposed sanitary sewer, as established by SAD 170, on the plan set.

#### Storm Sewer

7. Provide the diameter and material type for all proposed and existing storm sewer at the time of Preliminary Site Plan submittal.

#### Storm Water Management Plan

8. Provide a sheet or sheets titled "Storm Water Management Plan" (SWMP) that complies with the Storm Water Ordinance and Chapter 5 of the Engineering Design Manual (refer to the runoff coefficients, 1V:4H allowable basin slopes, etc.).
9. The SWMP must detail the storm water system design, calculations, details, and maintenance as stated in the ordinance. The SWMP must address the discharge of storm water off-site, and evidence of its adequacy must be provided. This should be done by comparing **pre- and post-development discharge areas, rates and volumes**. The area being used for this off-site discharge should be delineated and the ultimate location of discharge shown. Note that this development falls on the boundary between the Huron River Watershed and Rouge River Watershed. **Realignment of the watershed boundaries may require MDEQ approval.**

10. Verify that the proposed discharge point to Eight Mile Rd from the detention basins can accept flow from the development without causing a hindrance to any downstream facilities.
11. An adequate maintenance access route to all basin outlet structures and any other pretreatment structures shall be provided (15 feet wide, maximum slope of 1V:5H, and able to withstand the passage of heavy equipment). Verify the access route(s) does not conflict with proposed landscaping.
12. A 25-foot vegetated buffer shall be provided around the perimeter of each storm water basin. This buffer cannot encroach onto adjacent lots.
13. Combine the basin inlets to maximize the distance between the basin inlets and outlet.
14. Revise the storm sewer catch basin locations to be placed at a maximum interval of 500 feet along a continuous slope.

#### Paving & Grading

15. Revise the plan set to incorporate the Eight Mile Rd. improvements currently proposed by the Road Commission for Oakland County (RCOC). Please note that items in the RCOR plan set may impact the alignment of Emery Blvd.
16. Add a note to the plan stating that the emergency access gate is to be installed and closed prior to the issuance of the first TCO in the subdivision.
17. Providing a note stating that sidewalks in common areas must be built with the site plan construction.
18. Revise the plan set to provide a pedestrian safety path along both side of Emery Blvd. or provide a **City Council Varlance from Appendix C Section 4.05 of the Novi City Code.**
19. Revise the plan set to provide pedestrian crossings on both sides of Ballantine Blvd. at Emery Court/Blvd.

#### Off-Site Easements

20. Any off-site easements must be executed prior to final approval of the plans. Drafts shall be submitted at the time of the Preliminary Site Plan submittal.

#### **The following must be provided at the time of Preliminary Site Plan submittal:**

21. A letter from either the applicant or the applicant's engineer must be submitted with the PSP highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.

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

22. 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:**

23. 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.
24. A draft copy of the ingress/egress easement for the emergency access drive to parcel 50-31-400-011 must be submitted to the Community Development Department.
25. 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.
26. 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.
27. 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.

**The following must be addressed prior to construction:**

28. 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).
29. 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.
30. 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.
31. 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.
32. A permit for work within the right-of-way of Garfield Rd. and Eight Mile 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.



33. A permit for work within the right-of-way of Eight 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.
34. 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.
35. 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.
36. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.
37. 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.
38. 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.
39. 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.

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



cc: Matt Preisz, Engineering  
Brian Coburn, Engineering  
Kristen Kapelanski, Community Development Department  
Michael Andrews, Water & Sewer Dept.  
Tim Kuhns, Water & Sewer Dept.

**TRAFFIC REVIEW**



November 19, 2013

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

**SUBJECT: Ballantyne (fka Greystone) RUD, JSP13-0043, Traffic Review, PSP13-0175**

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 RUD concept plan, subject to the items shown below in **bold** being satisfactorily addressed by subsequent site plans.

#### **Site Description**

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

1. The applicant is proposing a 41-unit development of single-family homes. According to the submittal letter from the applicant's engineer, this will be a "gated community." **We are, however, unable to find any gates at the public-road access points; this needs to be clarified.**
2. Eight Mile Road is a 55-mph two-lane arterial under the jurisdiction of the Road Commission for Oakland County. In 2012, Eight Mile between Garfield and Beck was carrying about 9,000 vehicles per day.
3. Garfield Road is a 25-mph, 22-ft-wide residential collector under City of Novi jurisdiction. According to data assembled for the 2012 Citywide Crash Study, this section of Garfield is carrying less than 500 vehicles per day.

#### **Traffic Study and Trip Generation**

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

4. Forty-one single-family homes can be expected to generate 462 daily one-way trips, 38 in the AM peak hour (10 entering and 28 exiting) and 47 in the PM peak hour (30 entering and 17 exiting). A comprehensive traffic study is not required.

#### **Vehicular Access Locations**

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

5. No. The access drive on Eight Mile Road would be the City-minimum distance of 200 ft east of the Maybury State Park entrance drive, but only 218 ft west of Garfield Road (near edge to near edge). Given the Eight Mile's 55-mph speed limit, DCS Sec 11-216(d)(1)d requires a minimum same-side driveway spacing of 275 ft, or 57 ft more than can be provided in this instance (while still meeting the more important opposite-side minimum spacing). **A Planning Commission waiver of the City's minimum same-side driveway spacing is therefore required.**

### **Vehicular Access Improvements**

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

6. Yes. The plan proposes a full-width right-turn lane on westbound Eight Mile between the exiting curb return of Garfield and the proposed site entrance. Based on existing traffic patterns, we estimate that 62% of entering traffic in the PM peak hour will turn right into the site. Making the worst-case assumption that 100% of the trip generation cited above enters from Eight Mile, the peak-hour entering right-turn volume would therefore be 19 vehicles. According to the City warrant for right-turn lanes and tapers (DCS Fig IX.10), the turn volume warranting a taper on a road carrying 9,000 vehicles per day (such as Eight Mile) is 20 vehicles. Although the warrant for a deceleration taper would therefore not quite be met here, we believe that at least a taper would be advisable given the 55-mph speed limit. Since the driveway's proximity to Garfield (attached birdseye aerial photo) precludes the use of both a decel taper for the driveway and an accel taper for Garfield (two tapers not permitted within 100 ft of each other), the proposed deceleration lane has appropriately been substituted.
7. Given the above assumptions, 38% of the PM peak-hour entering traffic – 11 vehicles – would turn left into the site from eastbound Eight Mile. The City warrant for a left-turn passing lane (in lieu of a turn prohibition) is also 20 vehicles (per DCS Fig IX.8), and a passing or center left-turn lane on Eight Mile is therefore not warranted.
8. **The final site plan should include a larger-scale drawing of the site frontage along Eight Mile, showing a 4-inch solid white line separating the eastbound right-turn-only lane from the adjacent through lane, along with a RIGHT LANE MUST TURN RIGHT (R3-7R) sign midway along the accel/decel lane between Garfield and the site entrance.**
9. The deceleration and acceleration tapers proposed at the site entrance on Garfield appear to meet City standards. **All site access geometrics must be dimensioned on the final site plan.**

### **Access Drive Design and Control**

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

10. The boulevard entrance on Eight Mile appears to meet City design standards (DCS Fig IX.3), with the exception that the island scales 38 ft long, longer than the City's 35-ft standard but within the permissible range of 30-100 ft. **The design now proposed should be approved, subject to it being fully dimensioned on the final site plan (at least on the larger-scale rendition requested in comment 8 above).**

11. **The final site plan should propose a diagrammatic Keep Right (R4-7) sign on the south end of the south island and north end of the north island; a 30-inch STOP (R1-1) sign 4 ft in advance of the Eight Mile safety path; and a 25-mph speed limit (R2-1(25)) sign 100-200 ft north of Eight Mile Road.**
12. The boulevard entrance on Garfield also appears to meet City design standards, with the exception that the nose offset of the island scales 27 ft, or greater than the 6-18-ft range permitted by DCS Fig IX.3. The proposed offset approximates the 27-ft offset illustrated for the existing boulevard-style access drive across the road. **The larger nose offset should be permitted (as it was for the existing development), subject to the nose being tapered in the same fashion, so as to minimize potential interlock between entering left turns from opposite directions.**
13. **The final site plan should propose a diagrammatic Keep Right (R4-7) sign on the east end of the east island and west end of the west island; a 30-inch STOP (R1-1) sign 4 ft in advance of the Garfield safety path; and a 25-mph speed limit (R2-1(25)) sign 100-200 ft west of Garfield.**

#### **Pedestrian Access**

Are pedestrians safely and reasonably accommodated?

14. Eight-foot-wide concrete safety paths are proposed along the site frontages on both Eight Mile and Garfield, consistent with the City's Bicycle & Pedestrian Master Plan.
15. Since our review of the pre-application site plan, a formal crosswalk has been proposed at a midblock location about 100 ft east of the proposed site access drive on Eight Mile. We believe that this crossing location would be inadvisable since it would be only 120 ft west of the legal (but unmarked) crosswalk already existing on the west side of the Garfield/Eight Mile intersection, and could distract drivers searching for gaps in through traffic to turn left (from the site access drive) or right (from Garfield). **We recommend instead that a ramped sidewalk stub be provided between the proposed Garfield safety path and the curb return onto westbound Eight Mile. A formal crosswalk at this or any other location should be considered only after someone else has provided a path along the south side of Eight Mile.**
16. A 5-ft-wide internal sidewalk has been proposed along only the east side of Emery Boulevard between Eight Mile and the property line between lots 2 and 3. **A Council variance would be required to approve this, since Section 4.05 of the City's Subdivision Ordinance requires sidewalks "along both sides of all local streets." We recommend that a condition of approving such a variance be that the sidewalks on both sides of Emery be extended one more lot to the south (i.e., to the property line between lots 1 and 2) and then connected to the Garfield safety path with a 95-ft-long, 5-ft-wide path. Alternatively, the one-side-only walk might be shifted from the west to the east side of Emery.** Both of our concepts are intended to provide a better connection to an ultimate Eight Mile crosswalk at Garfield.
17. The proposed sidewalk stubs at Emery and Ballantyne are shown on the higher-volume south leg of the intersection, contrary to DCS Fig VIII-J. Consistent with the Complete Streets

philosophy of better serving pedestrians, **sidewalk stubs should be provided on both sides of this intersection.**

18. **To enhance pedestrian safety at the site access point on Garfield, east-west sidewalk stubs should be provided to the west edge of that road.**
19. **An ADA-compatible pedestrian ramp should be shown at the street end of every sidewalk stub on the plan.**

### **Circulation and Parking**

Can vehicles safely and conveniently maneuver through the site?

20. The only internal street geometrics now dimensioned are the street centerline radii. In comment 5 of our pre-application traffic comments, we wrote that "All internal road design appears to be generally compliant with City standards. The preliminary site plan should include a dimensioning sheet where all curb radii (as well as centerline radii) are shown." We now revise the second sentence to read "**The final site plan should include a dimensioning sheet where all curb radii and street widths are dimensioned.**"
21. **The final site plan will need to propose City-standard street-name signing at each intersection; a YIELD (R1-2) sign on each minor approach; and City-standard Keep Right and No Parking signing on the cul-de-sac turnaround island in Emery Court.**
22. **All signing needs should be summarized in a Signing Quantities Table.**

### **Miscellaneous**

23. The words "Ballantyne Blvd" appear in the landscaped area south of Emery Boulevard, a short distance north of Eight Mile. **The plans should clarify the intended name for what we are referring to above as Emery Boulevard.**
24. If the proposed street system is to be private and gated, as the submission letter implies, several additional steps will likely be required. **One step related to traffic issues would be to detail the location, type, and signing involved with any gates proposed near the public-road access points.**

Sincerely,  
CLEARZONING, INC.



Rodney L. Arroyo, AICP  
President



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

Attachment: Birdseye aerial photo of site frontage on Eight Mile Road





**Eight Mile Road Frontage of Proposed Ballantyne RUD**

**LANDSCAPE REVIEW**





## PLAN REVIEW CENTER REPORT

November 5, 2013

### Preliminary Site Plan Ballantyne RUD JSP13-43

#### Applicant

Singh

#### Review Type

Preliminary Landscape Review with RUD

#### Property Characteristics

- Site Location: Eight Mile and Garfield Roads
- Site Zoning: RA – Residential Acreage
- Plan Date: 10/28/2013

#### Recommendation

**Approval of the proposed RUD for Ballantyne JSP13-43 is recommended. Approval of the Preliminary Site Plan for Ballantyne JSP13-43 cannot be recommended at this time due to a lack of required information on the plan as submitted.**

The Applicant has placed a note on the plan stating "Final site plan to meet and exceed City of Novi landscape standards and requirements (greenbelts, street trees, cul-de-sac, and detention ponds) to be provided upon City approval for RUD zoning. On site tree replacement shall not be counted towards the compliance of the landscape requirements."

#### Ordinance Considerations

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

- 1. A 34' landscape greenbelt is required along the Garfield and Eight Mile Road right-of-ways. Please depict the greenbelt on the plan.**
- 2. A 4' tall berm is required along the Garfield and Eight Mile Road right-of-ways. Please depict the berm on the plan.**
- 3. Please provide Right-of-way greenbelt planting calculations for canopy, large evergreen and sub-canopy trees and delineate these plantings on the plan.** These plantings are required under the Ordinance in addition to woodland replacements. The Applicant will also need to provide shrubs and perennials in order to meet opacity requirements. Additional detail will be necessary on the greenbelt berm plantings.
- 4. Please depict the twenty five foot clear vision areas at access points.**

##### Street Tree Requirements (Sec. 2509.3.b.)

- 1. One street tree is required per 35 linear feet of frontage along Eight Mile and Garfield. Please provide the required street tree calculations and delineate the trees on the plan. At this time it does not appear that these required trees are proposed either at exterior or interior roadways. Street trees are to be planted between the sidewalk and the roadway.**
- 2. Details for the planting of the cul-de-sac areas are required.**

3. Staff would assume that the entry points would receive some augmenting plantings. Details for these areas should be provided, as well as details of any amenities that may be proposed.

**Parking Landscape (Sec. 2509.3.c.)**

1. No parking areas are proposed.

**Building Foundation Landscape (Sec. 2509.3.d.)**

1. No buildings are proposed other than single family residences.

**Plant List (LDM)**

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

**Planting Notations and Details (LDM)**

1. Please provide Planting Notations and Details meeting the requirements of the Ordinance and Landscape Design Manual.

**Storm Basin Plantings (LDM)**

1. Details for the proposed plantings around the storm basin rim are required.
2. Please note that there is a requirement for a 25' non-disturbance buffer required around the storm basin and wetland areas. Please depict this buffer on the plan.

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

1. An Irrigation Plan must be provided upon Stamping Set submittal.

**General**

1. Please provide details for the locations of proposed hydroseeding and/or upland prairie seeding in the open space park areas. Provide specifications for the seed mixes.
2. Please see woodland and wetland reviews for additional comments.

*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.*

Reviewed by: David R. Beschke, RLA

**WOODLAND AND WETLAND REVIEW**



**Environmental Consulting & Technology, Inc.**

November 25, 2013

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

Re: Ballantyne Residential Unit Development (JSP13-0043)  
(Formerly Greystone of Novi)  
Wetland & Woodland Review (PSP13-0175)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has completed the RUD wetland and woodland review for the proposed Ballantyne development located at the northwest corner of Eight Mile Road and Garfield Road (Section 31). This included a review of the site plan prepared by Seiber, Keast Engineering, L.L.C. dated October 30, 2013 (Plan). ECT also reviewed the Draft Residential Unit Development (RUD) Agreement, dated October 28, 2013.

The project includes the construction of a 41-unit single family residential site condominium development, associated roads and utilities and a storm water detention basin.

#### Wetlands

Based on our review of the Plan, Novi aerial photos, Novi GIS, and the City of Novi Official Wetlands Map, it appears as if this proposed project site contains one small wetland area located in the north central section of the site. The Plan indicates that this wetland is 0.75 acres. The wetland appears to be surrounded by shrubby vegetation as well as several American elm trees (as indicated on the *RUD Plan*, Sheet 2). In addition, the Plan appears to propose preservation of this wetland within a proposed open space (Emery Park). ECT has verified that the wetland boundaries appear to be accurately depicted on the Plan.

This wetland appears to be a City of Novi Regulated Wetland (essential). The wetland does not appear to be regulated by the Michigan Department of Environmental Quality (MDEQ), as it is not within 500-feet of an inland lake, pond stream or river and is not greater than 5 acres in size.

The *Natural Resource Preservation Section of the Draft RUD Agreement* states that the existing wetland areas on site will be preserved and enhanced with supplemental wetland plantings. The removal of existing invasive species and the replacement with native wetland plantings is also proposed. In addition, all wetland and buffer areas shall be placed into a conservation easement. It is ECT's understanding that these proposed wetland and wetland buffer improvements are proposed in order to offset wetland and wetland buffer impacts associated with another Singh Development, Oberlin Site Condos, that is proposed south of Eleven Mile, between Wixom and Beck Roads (Section 20). Subsequent site plans shall contain additional details regarding the proposed native wetland and wetland buffer plantings.

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

(734)  
769-3004

FAX (734)  
769-3164

### **Woodlands**

ECT has reviewed the City of Novi Official Woodlands Map and aerial photos and the site does not appear to contain City of Novi regulated woodlands. Subsequent site plans shall contain a complete tree survey and tree list. This shall be used in order to verify that there are no trees 36-inch diameter-at-breast-height (d.b.h.) or greater on the site. These trees would be considered Heritage Trees by the City of Novi, and removal of them would require replacement credits.

### **Proposed Woodland Preservation Plan:**

As stated in the Natural Resource Preservation Section of the Draft RUD Agreement states that approximately 14.26 acres of existing woodlands (non-regulated) are to be preserved and shall be "enhanced" with approximately 817 Woodland Replacement Trees. These Woodland Replacement Trees are required as part of the current Oberlin Site Condos development noted above. These areas of planted Woodland Trees shall be placed into a Conservation Easement.

It is ECT's understanding that some of the Woodland Replacement Trees shown on the *Woodland Tree Replacement Planting Plan* (LS-1 of 3) may be in conflict with various Frontage (setback) Requirements on Garfield Road. It is that Applicant's responsibility to provide for the required Street Tree, Canopy Tree and various Buffer Planting Requirements, as well as provide for all of the necessary Woodland Replacement Tree Requirements associated with the Oberlin Site Condo Plan. Specific questions related to the required Frontage Requirements should be directed to the City of Novi Landscape Architect.

### **Required Wetland and Woodland Permits**

Based on information provided on the Plan, the proposed project will not specifically require a City of Novi Woodlands or Wetlands Use Permit. Because the on-site wetland appears to be preserved within the proposed Open Space (Emery Park), no wetland permit (City of Novi Wetland and Watercourse Permit and/or MDEQ Wetland Permit) appear to be necessary.

### **Comments**

Please consider the following wetland and woodland comments when preparing subsequent site plan submittals:

1. Subsequent site plans shall contain additional details regarding the proposed native wetland and wetland buffer plantings.
2. Subsequent site plans shall contain a complete tree survey and tree list

### **Conclusion**

The site appears to contain City of Novi Regulated Wetland. The site does not contain Regulated Woodland.

Because no impacts to the on-site wetland are proposed, no City or State Wetland Permits appear to be necessary. In addition no Woodland Permit appears to be required for this development.

*Ballantyne (JSP13-0043)*  
*(Formerly Greystone of Novi)*  
*RUD Review for Wetlands and Woodlands*  
*November 25, 2013*  
*Page 3 of 3*

The Final Plan must, however, contain enough wetland and woodland replacement detail to satisfy the replacement requirements associated with the Oberlin Site Condos development.

Thank you for the opportunity to review these plans and if you have any questions, please feel free to contact our office.

cc: Dave Beschke, City of Novi Landscape Architect ([dbeschke@cityofnovi.org](mailto:dbeschke@cityofnovi.org))  
Kristen Kapelanski, City of Novi Planner ([kkapelanski@cityofnovi.org](mailto:kkapelanski@cityofnovi.org))  
Sarah Roediger, City of Novi Planner ([sroediger@cityofnovi.org](mailto:sroediger@cityofnovi.org))  
Valentina Nuculaj, City of Novi Customer Service Representative ([vnuculaj@cityofnovi.org](mailto:vnuculaj@cityofnovi.org))

**FIRE REVIEW**





November 19, 2013

TO: Barbara McBeth, Deputy Director of Community Development  
Kristen Kapelanski- Plan Review Center  
Sara Roediger- Plan Review Center

RE: Ballantyne Residential Development, Eight Mile / Garfield

PSP#: 13-0175

**CITY COUNCIL**

**Mayor**  
Bob Gatt

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David E. Molloy

**Director of EMS/Fire Operations**  
Jeffery R. Johnson

**Assistant Chief of Police**  
Victor C.M. Lauria

**Assistant Chief of Police**  
Jerrod S. Hart

**Project Description:** 41 unit Single Family Detached home development

**Comments:**

- 1) **Gated entrances must conform to City of Novi standards for fire apparatus clearances. Min. 14' clearance in height.**
- 2) It is recommended that a hydrant be located at every intersection on the same corner with the street sign. This will help with locating the fire hydrants in winter when they are covered with snow.

**Recommendation: Approval with conditions**

- 1) **Locate hydrant at the corner of Garfield and development entrance and maintain a minimum of 500' between hydrants throughout.**

Sincerely,

Joseph Shelton- Fire Marshal  
City of Novi – Fire Dept.

cc: file

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

cityofnovi.org

**APPLICANT RESPONSE LETTER**

**SEIBER KEAST ENGINEERING, LLC**  
**ENGINEERING CONSULTANTS**

Cliff Seiber, P.E.  
Patrick G. Keast, P.E.  
Azad W. Awad

7125 Orchard Lake Road, Suite 300  
West Bloomfield, MI 48322  
Phone No. 248.231.9036  
E-mail: cs@seibereng.com

January 7, 2014

Ms. Kristin Kapelanski, AICP, Planner  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

Re: **Ballantyne (Formerly Greystone of Novi), RUD Review**

Dear Ms. Kapelanski:

In accordance with your consultant's and staff review dated November 22, 2013, the following responses are made to those letters for use in the RUD review. The comment number shown below corresponds to the comments contained in the consultant or staff review letters where applicable.

**PLANNING REVIEW**

RUD Standards e)

The applicant will forward a narrative describing the benefits of the RUD under separate cover.

5. The sidewalk located along the east side of Emery Boulevard will be extended to Eight Mile Road. We will review the possibility of a connecting walk from Garfield Road to Emery Boulevard (see response to the Traffic Engineer comments).
8. A plan is attached showing the entrance light locations on Garfield Road and Eight Mile Road.

**ENGINEERING REVIEW**

**General**

1. Since the proposed development will be a gated community, no stub streets are proposed. However, an emergency access drive has been provided for the vacant property located to the west. A stub street to the north would serve no useful purpose since the Deer Run development already exists with no stub street provided.

**Water Main**

3. A 12-inch internal water main has been provided. A duplicate water main on Garfield Roads provides no useful benefit since the only parcel located on the east side of Garfield Road is owned by Northville Schools that has water access from Garfield Road and Eight Mile Road. A waiver will be requested for this item.

**Sanitary Sewer**

5. A service area was determined for the SAD sanitary sewer project when that project was developed with the necessary sizing of the pump station. The status of the SAD completion will be discussed with the engineering department.

6. The service area was provided to the City at the time of the SAD construction. However, in the case that the City lost that plan, another copy will be provided.

#### **Storm Water Management Plan**

8. The Storm Water Management Plan will be provided at the time of Preliminary Site Plan review.
9. The pre and post development discharge rates will be provided at the time of Preliminary Site Plan review.
10. Verification will be provided that the storm water basin discharge flows to Eight Mile Road will not be a hindrance to any downstream facilities.
11. Verification will be provided that the basin maintenance access route will not conflict with proposed landscaping.
12. The 25-foot buffer will not encroach on adjacent lots.
13. We will review the combination of the basin inlets.
14. Roadway catch basins will be located at a maximum of 500 foot intervals.

#### **Paving and Grading**

15. A copy of the RCOC improvements have been obtained and incorporated into the plan set.
16. The emergency access gate note will be provided at the time of Preliminary Site Plan review.
17. The note regarding sidewalk construction will be provided at the time of Preliminary Site Plan review.
18. A pedestrian safety path will be provided along both sides of Emery Boulevard. However, please see the response to the Traffic Engineer below.
19. The plan will be revised to reflect the stated pedestrian crossings.

Many of the comments noted in the engineering review are items that will be provided at the time of Preliminary Site Plan review and are not items required by Ordinance under the RUD submittal.

#### **TRAFFIC REVIEW**

1. Gated entry locations will be shown on the Preliminary Site Plan.
5. A Planning Commission waiver for the City's minimum same-side driveway spacing will be requested.
12. The boulevard island nose will be tapered similar to the one approved for the Tuscany development.
15. The sidewalk crosswalk was provided by the Road Commission for Oakland County as part of their intersection improvement plan. Any objection to the location should be taken up with that agency.
16. The sidewalk will be provided along Emery Boulevard to Eight Mile Road. However, the proposed alternate for the connection to Garfield Road has merit and will be considered.
17. Sidewalk stubs will be provided on both sides of the intersection.

Ms. Kristin Kapelanski, AICP, Planner

January 7, 2014

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18. Sidewalk stubs will be provided to the west edge of Garfield Road.
19. ADA compatible ramps will be provided at sidewalk stubs.
23. The name "Ballantyne Blvd" will be removed from the plan.
24. A detail of the entry gates and walls will be provided at the time of Preliminary Site Plan review.

### **LANDSCAPE REVIEW**

The comments contained within the landscape review letter are required for Preliminary Site Plan approval. Such information will be provided at that time.

### **WETLAND REVIEW**

#### **Comments**

No response required.

### **WOODLAND REVIEW**

#### **Comments**

No response required.

### **FIRE DEPARTMENT**

1. The gated entrances will conform to the City standards.
2. A fire hydrant will be provided at the intersection of Garfield Road and Emery Boulevard and a maximum hydrant spacing of 500 feet will be maintained.

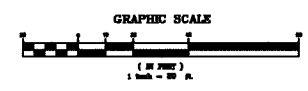
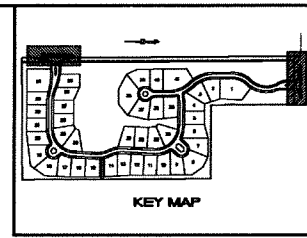
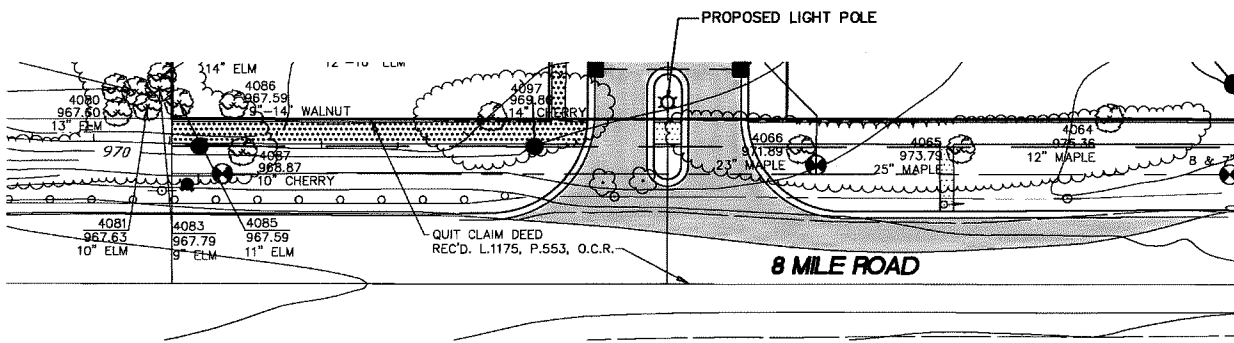
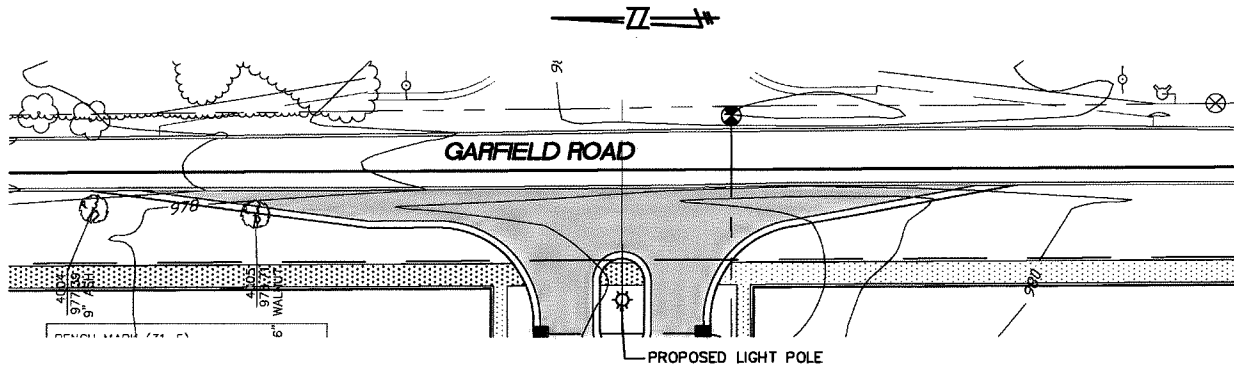
Sincerely,

**SEIBER KEAST ENGINEERING, LLC**



Clif Seiber, P.E.

cc: G. Michael Kahm, P.E.



**LEGEND**

| EXISTING | PROPOSED | DESCRIPTION                 |
|----------|----------|-----------------------------|
| [Symbol] | [Symbol] | PAVEMENT (ASPHALT)          |
| [Symbol] | [Symbol] | SIDE WALK (CONCRETE)        |
| [Symbol] | [Symbol] | CONCRETE CURB AND GUTTER    |
| [Symbol] | [Symbol] | STONE RETAIN                |
| [Symbol] | [Symbol] | MANHOLE                     |
| [Symbol] | [Symbol] | CATCH BASIN W/STREAM GROUND |
| [Symbol] | [Symbol] | CURB INLET W/VELT SAC       |
| [Symbol] | [Symbol] | END SECTION                 |
| [Symbol] | [Symbol] | FLOOD PLANE                 |
| [Symbol] | [Symbol] | CONTOURS                    |
| [Symbol] | [Symbol] | SPOT ELEVATION              |
| [Symbol] | [Symbol] | SURFACE DRAINAGE            |
| [Symbol] | [Symbol] | OVERFLOW MOULE              |
| [Symbol] | [Symbol] | WELL FENCE                  |
| [Symbol] | [Symbol] | CONCRETE HP-RAP             |
| [Symbol] | [Symbol] | STONE OUTLET FILTER         |

**BALLANTYNE**  
SECTION 21, TOWN 1 NORTH, RANGE 8 EAST  
CITY OF NOVATO, CALIFORNIA COUNTY, MICHIGAN

**REVISIONS**

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |

DATE: 03-14-13 (REVISION NO. 1) FOR REVISION 12-2012  
DRAWN: JFD, PLS, I. SHERMAN, PLS, J. SHERMAN, PLS, J. SHERMAN, PLS

**PROPOSED LIGHT POLE LOCATIONS**

**SEIBER, KEAST ENGINEERING, L.L.C.**  
CONSULTING ENGINEERS  
7205 ORCHARD LAKE ROAD SUITE 200 WEST BLOOMFIELD MI 48302  
PHONE: 248.852.7227 FAX: 248.852.7228

**SHEET 1**



Real Estate - Developers - Builders - Investors - Management

SINGH DEVELOPMENT, L.L.C.  
7125 ORCHARD LAKE ROAD  
SUITE 200  
WEST BLOOMFIELD, MICHIGAN 48322

TELEPHONE: (248) 865-1600  
DIRECT DIAL: (248) 865-1602  
FAX: (248) 865-1630  
E-MAIL: [kahm@SinghMail.com](mailto:kahm@SinghMail.com)  
[www.singhweb.com](http://www.singhweb.com)

January 8, 2014

Kristen Kapelanski, AICP  
Planner  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

Re: RUD Benefit Response  
Ballantyne; JSP 13-43  
Novi, Michigan

Dear Kristen:

Pursuant to the Planning Review comments dated November 22, 2013 specifically pertaining to the proposed RUD Agreement for the referenced development, this is to provide a narrative description of the benefits of the RUD in support of the proposed planning approach. Please consider the following as part of our proposed Ballantyne development:

1. The Ballantyne community will be established as part of a site condominium, designed to maintain the rural, open character of this portion of the City and to compliment the adjacent Tuscany Reserve RUD ("Tuscany"), located on the east side of Garfield Road and north of Eight Mile Road.
2. Approximately 37.7 percent of the site, representing some 18.24 acres of the property, shall be permanently preserved as dedicated open space, including wetlands, planted woodlands, hedgerows, storm water basins, internal parks and green space buffer areas.
3. The design for Ballantyne includes a variety of lot sizes and settings, with home sites integrated into a single, neighborhood environment. Landscaping and streetscape features shall reinforce aesthetic unity within the neighborhood.
4. The entrances to Ballantyne shall be gated entries on both Eight Mile Road and Garfield Road and will connect to a series of internal roadways and cul-de-sacs and shall be private, primarily due to the gated community concept. In addition, traffic calming features have been planned and designed into the development by the utilization of curvilinear streets and by avoiding "straightaway" street design.

5. An emergency access drive shall be installed on the westerly end of the development, in accordance with the City of Novi standard detail plan for "Emergency Access Drive", to provide for emergency access to and from the adjacent property to the west.
6. An eight-foot wide sidewalk shall be constructed adjacent to the Eight Mile Road frontage of the property and an eight-foot wide sidewalk shall be constructed adjacent to the Garfield Road frontage of the property. A system of five-foot wide sidewalks on both sides of all internal roads shall be installed within the project, and a wood chip path system is planned to weave through the internal open space area.
7. The existing wetland areas on the site, comprising approximately 0.75 acres, shall be preserved and enhanced with additional supplementary wetland plantings, including the removal of existing invasive species and replacement with native wetland plantings. All wetlands and buffer areas shall be placed into a conservation easement.
8. There are no existing regulated woodlands in Ballantyne. As part of the development of the site, approximately 14.26 acres of woodlands shall be planted in areas throughout the site, with an estimated 817 woodland trees. Those areas of planted woodland trees shall be placed into a conservation easement.
9. Certain on-site and off-site infrastructure improvements shall be required for Ballantyne, including improvements for storm water management, sanitary sewer and public water, and that the Developer shall be solely responsible for all costs and expenses of and associated with such improvements.
10. A Master Deed and By-Laws shall be recorded for Ballantyne, including provisions obligating the Developer and all future successor owners of lots or units within the development and the Association to maintain, repair and preserve common areas, landscaping, signage, entry gates, open spaces, natural feature areas, wetlands, woodlands, habitat areas, privately owned detention and drainage facilities and any other common elements and improvements. Such maintenance, repair and preservation shall be to a high standard of care.

We hope that the above adequately sets forth the benefits for the proposed RUD for Ballantyne. If you should have any questions or require any further clarification of these benefits, please let us know.

Sincerely,



G. Michael Kahm  
Vice President