



## TERRA PRO: FIRST AMENDMENT JSP 17-52 with Rezoning 18.718

### TERRAPRO FIRST AMENDMENT JSP 17-52 AND ZONING MAP AMENDMENT 18.718

Public hearing at the request of Cambridge of Novi, LLC for Planning Commission’s recommendation to the City Council for the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan, JSP 17-52, Terra, formerly known as Villa D’Este, associated with Zoning Map Amendment 18.718. The subject property is approximately 30.14-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The applicant proposed a 41-unit single-family ranch housing development (for sale). The current amendment is requested as the applicant is seeking some additional deviations for building elements to allow greater flexibility for construction of individual homes, alternate pavement material for sidewalks and driveways and other minor changes.

#### Required Action

Recommendation to the City Council for approval or postponement of the proposed amendment to approved Planned Rezoning Overlay plan.

REVIEW	RESULT	DATE	COMMENTS
Planning	Recommends approval with conditions	08-21-19	<ul style="list-style-type: none"> <li>• Deviation to allow longer roof overhangs within required side yard</li> <li>• Additional conditions proposed to be added to the PRO Agreement as noted in the motion sheet.</li> <li>• Conditions about additional woodland removals and the covered decks are currently not supported by staff;</li> </ul>
Engineering	Approval recommended	08-21-19	<ul style="list-style-type: none"> <li>• Deviation to allow exposed aggregate in lieu of concrete sidewalks.</li> <li>• No changes to the approved storm water management plan</li> </ul>
Landscaping	Not Applicable		<ul style="list-style-type: none"> <li>• No changes to previous approvals</li> </ul>
Wetlands	Not Applicable		<ul style="list-style-type: none"> <li>• No additional impacts proposed from the approved PRO plan</li> </ul>
Woodlands	Not Applicable		<ul style="list-style-type: none"> <li>• Additional woodland removals proposed are not supported</li> </ul>
Traffic	Not Applicable		<ul style="list-style-type: none"> <li>• No changes to previous approvals</li> </ul>
Façade	Not Applicable		<ul style="list-style-type: none"> <li>• No changes to previous approval; Elevations shall comply with the Ordinance requirements and conditions of the PRO agreement at the time of building permit approval;</li> </ul>
Fire	Not Applicable		<ul style="list-style-type: none"> <li>• No changes to previous approvals</li> </ul>

## Motion sheet

### Approval

In the matter of the request of Cambridge of Novi, LLC, for the Terra JSP 17-52 with Zoning Map Amendment 18.718, motion to **recommend approval** to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following motion:

1. This approval is subject to all conditions listed in the original PRO agreement recorded April 09, 2019, unless otherwise amended with this approval;
2. The recommendation includes the following ordinance deviations with this revision for consideration by the City Council:
  - a. Engineering deviation from Section 7.4.2(d) Engineering Design Manual to allow exposed aggregate as an alternate material for sidewalks pavement in lieu of concrete for the entire development;
  - b. Planning deviation from Section 3.32.8. to allow for additional encroachment for roof overhangs into the required side yards (A maximum of 15 inches is allowed per the current side yard setbacks, a maximum of 36 inches is proposed); This approval shall be subject to building designed with Prairie architecture style, subject to the City's Façade Consultant approval at the time of building permit review;
3. If the City Council approves the amendment to the PRO Concept Plan, the Planning Commission recommends the following conditions be made part of the PRO Agreement:
  - a. For Units 7-36, covered decks shall be allowed to extend up to 15 feet into the "Accessory Unit Boundary" from the rear façade; "Accessory Unit Boundary" refers to the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on the approved final Concept Plan. **(APPLICANT REQUESTED)**

**-OR-**

As previously approved, any accessory uses including but not limited to, fire pits, fire places, hot tubs, pools, patios, sidewalks, landscaping walls, landscaping fences, decks and gardens may be included within the Unit Boundary as shown on the approved final site plan or within the rear yard area ("Accessory Unit Boundary"), **(STAFF RECOMMENDED)**;

- b. No more than three (3) regulated woodland trees may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use. **(APPLICANT REQUESTED)**

**-OR-**

As previously approved, No more than two (2) regulated woodland trees may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use. **(STAFF RECOMMENDED)**;

- c. A minimum of 15 feet shall be maintained between two buildings, with the exception of roof overhangs and wing walls as noted below:
  - i. A maximum of 36 inches of roof overhangs shall be allowed per house as shown in the 'Overhang Projection Areas' exhibit on revised PRO Concept plan dated 07-25-19, subject to the house being designed with Prairie architecture style and subject to the City's Façade Consultant approval at the time of building permit review;
  - ii. A maximum of 4.5 feet of on-ground projection shall be allowed as shown in the 'Wing wall/planter projection area' exhibit on revised PRO Concept plan dated 07-25-19, subject to the City's Façade Consultant approval at the time of building permit review;
- d. The elevations shall comply with the Ordinance requirements and conditions of the PRO agreement, subject to the limitations set forth in the Master Deed as determined at the time of individual building permit review;
- e. The applicant shall update the PRO agreement with the following updates:
  - i. The ITC comfort station shall be completed within 6 months of Dec. 15, 2019 or within 6 months from the substantial completion date of the ITC trail at Nine Mile and Garfield intersection;
  - ii. The compensating cut areas in the approved PRO Agreement shall be updated to be consistent with the MDEGLE permit approval dated 04-09-19;

**[Insert any additional conditions]**

This motion is made because the proposed amendment is proposing changes that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted

#### **Postponement**

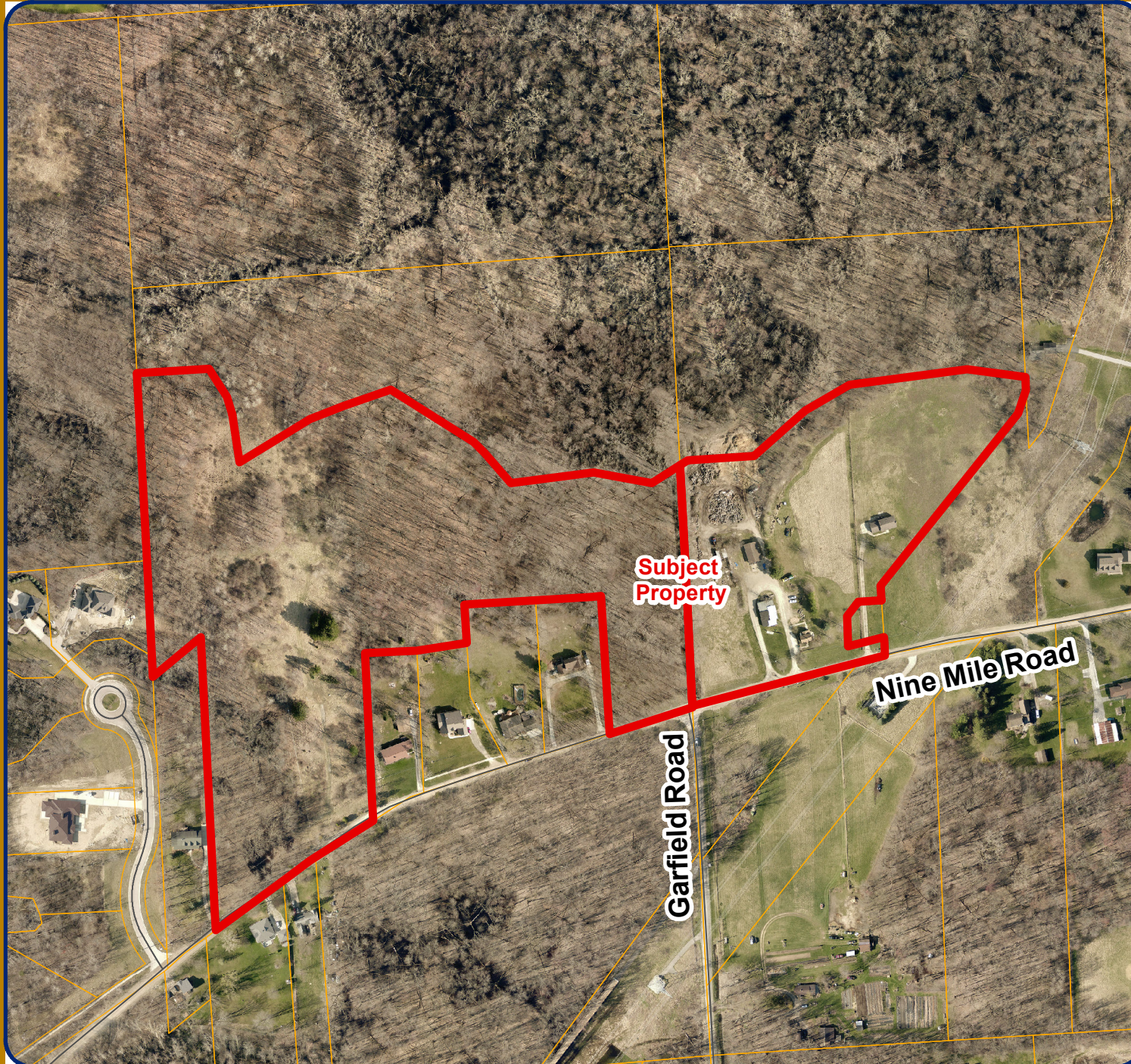
In the matter of the request of Cambridge of Novi, LLC, for the Adell Center JSP17-52 with Zoning Map Amendment 18.718, motion to **recommend postponement** to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following conditions:

1. The applicant shall provide necessary information to justify the conditions regards to woodland removals and covered decks;
2. **[Insert any additional conditions]**

MAPS  
Location  
Zoning  
Future Land Use  
Natural Features

# JSP 17-52 TERRA

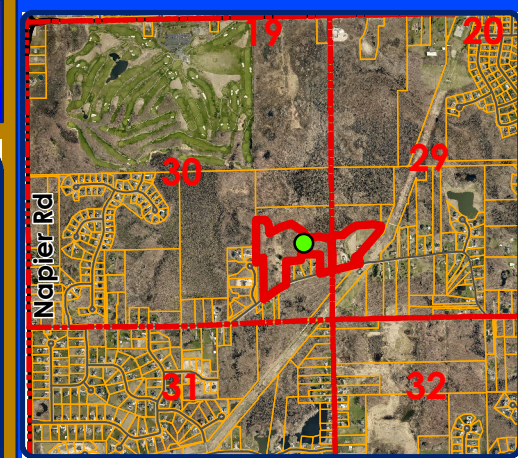
Location



**Subject Property**

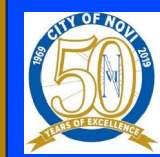
**Nine Mile Road**

**Garfield Road**



## LEGEND

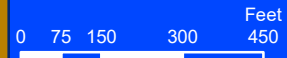
 Sections



## City of Novi

Dept. of Community Development  
City Hall / Civic Center  
45175 W Ten Mile Rd  
Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)

Map Author: Sri Komaragiri  
Date: 08/23/19  
Version #: 1



1 inch = 356 feet

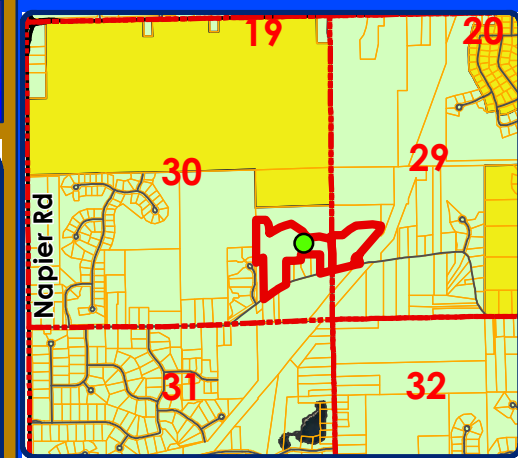
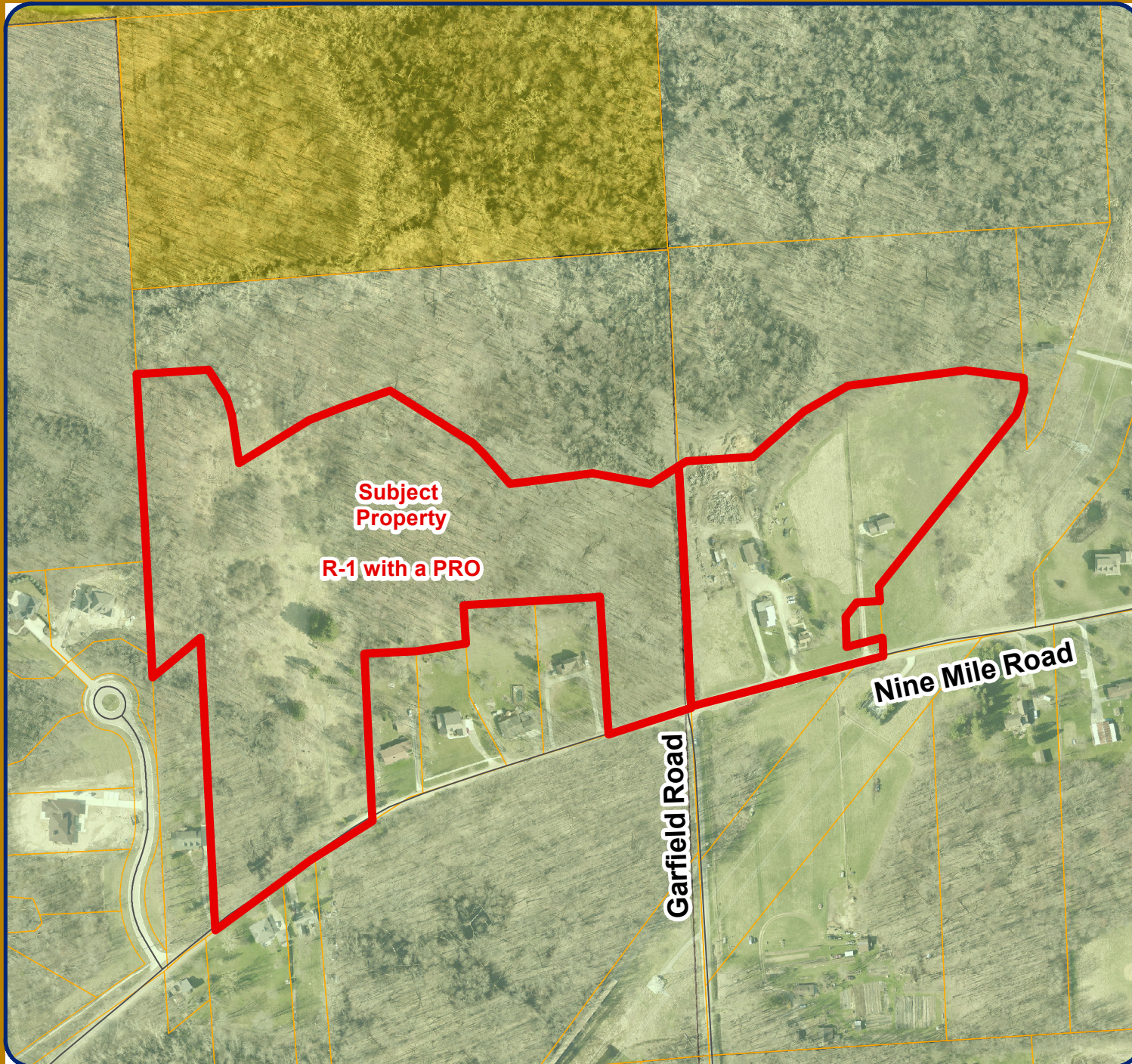


### MAP INTERPRETATION NOTICE




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

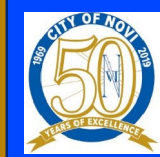
# JSP 17-52 TERRA

## Zoning



### LEGEND

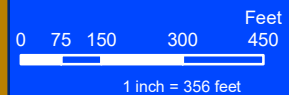
-  Sections
-  R-A: Residential Acreage
-  R-1: One-Family Residential District



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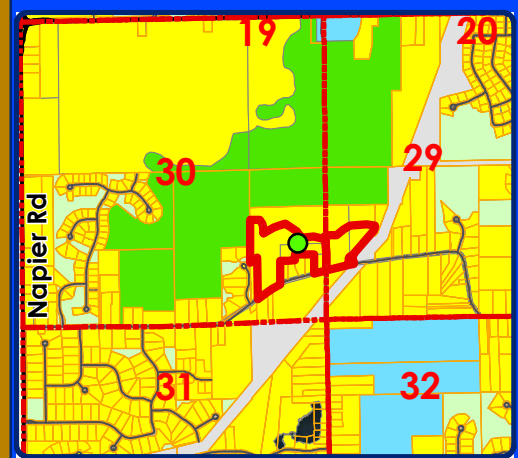
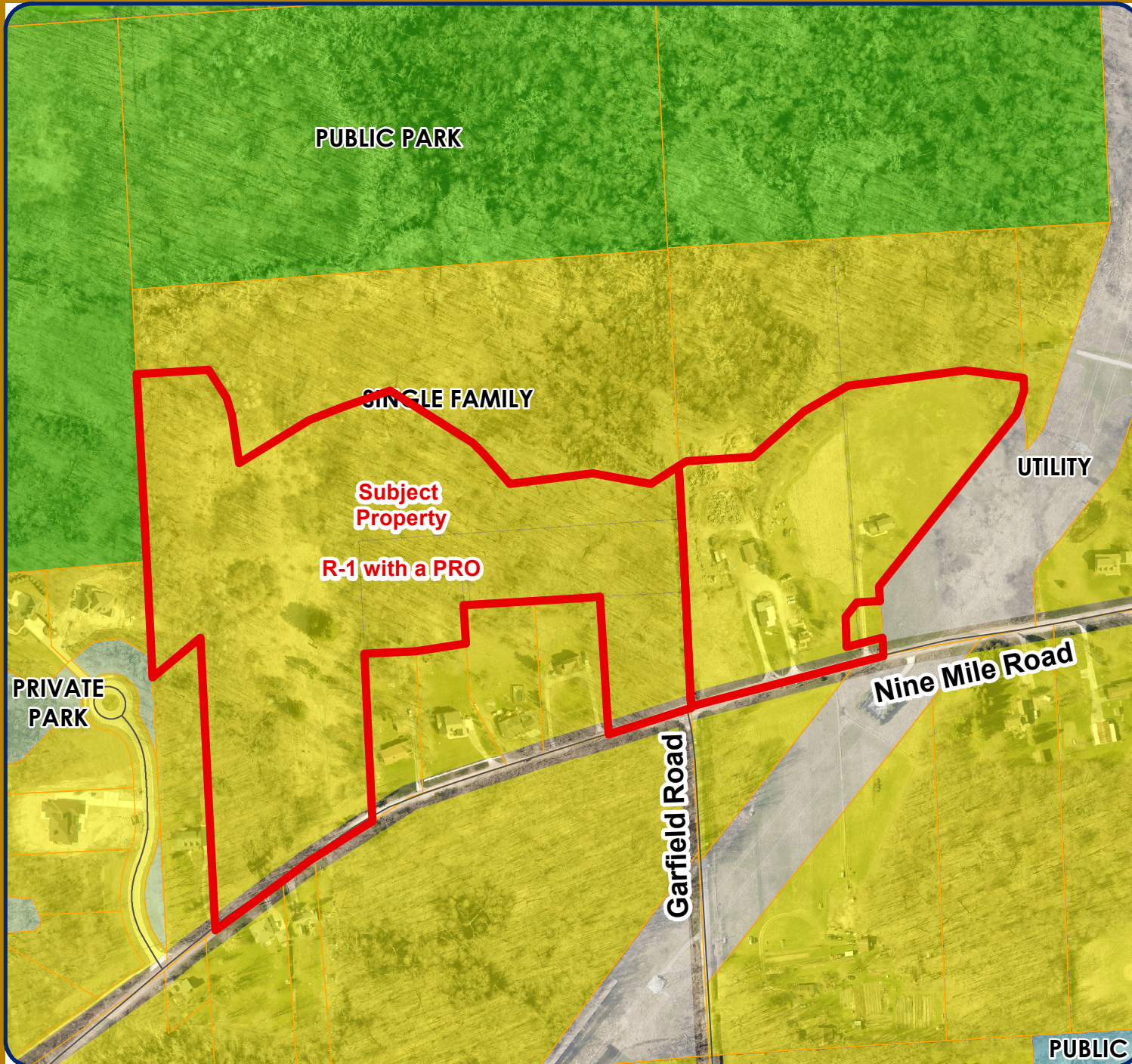


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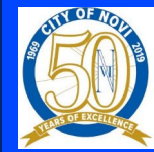
# JSP 17-52 TERRA

Future Land Use



### LEGEND

- Sections
- FUTURE LAND USE**
- Single Family
- Public
- Public Park
- Private Park
- Utility



**City of Novi**  
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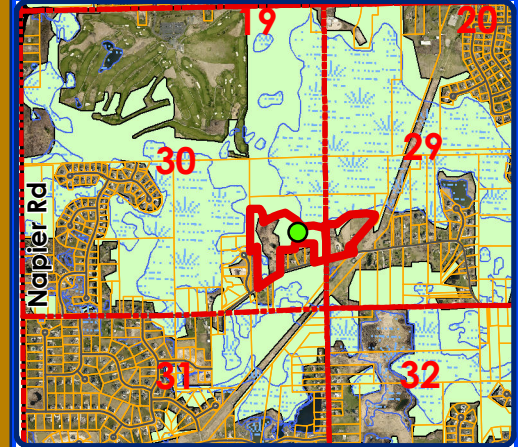
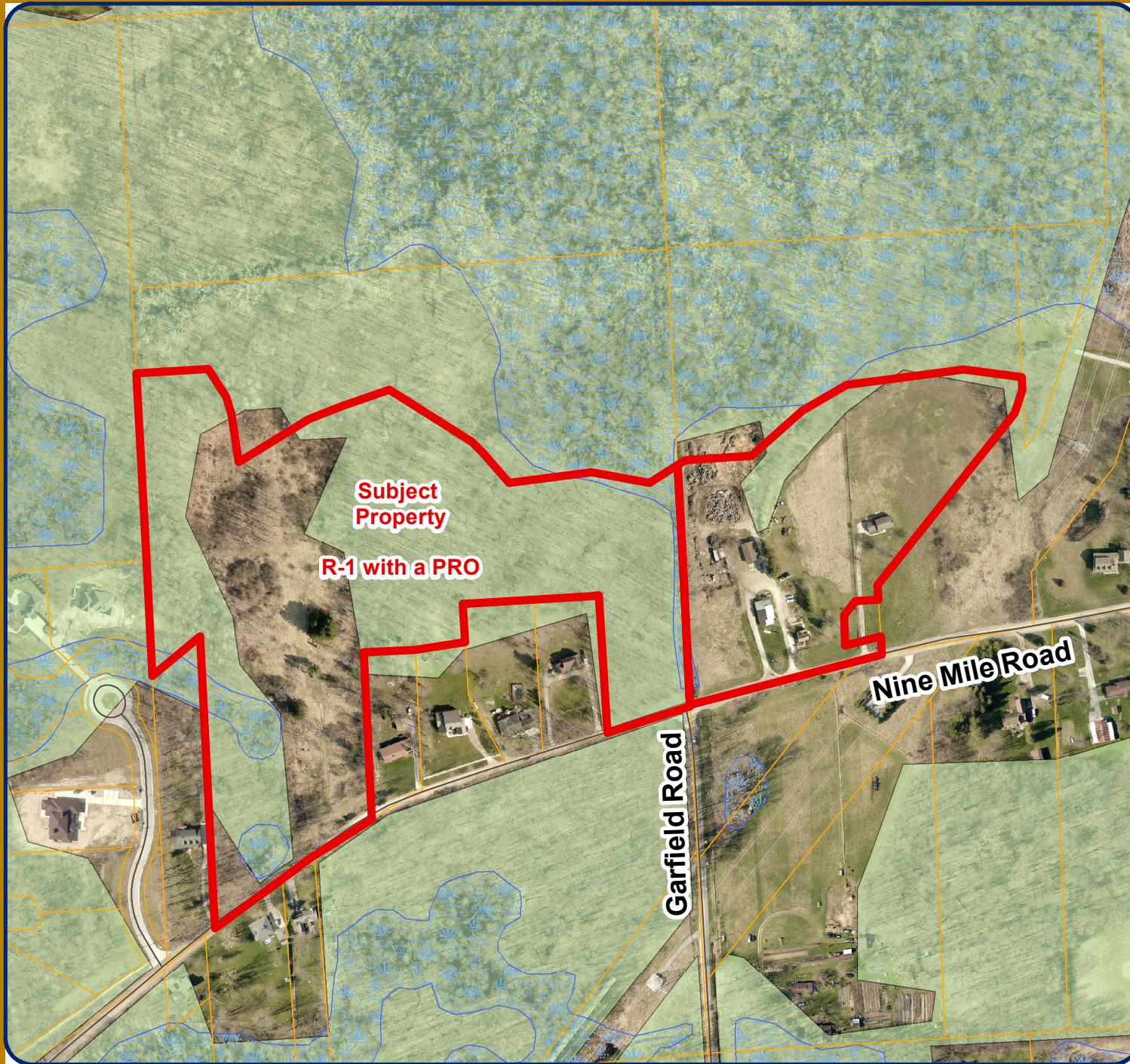


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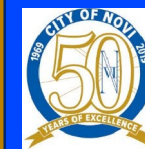
# JSP 17-52 TERRA

## Natural Features



### LEGEND

-  Sections
-  WETLANDS
-  WOODLANDS



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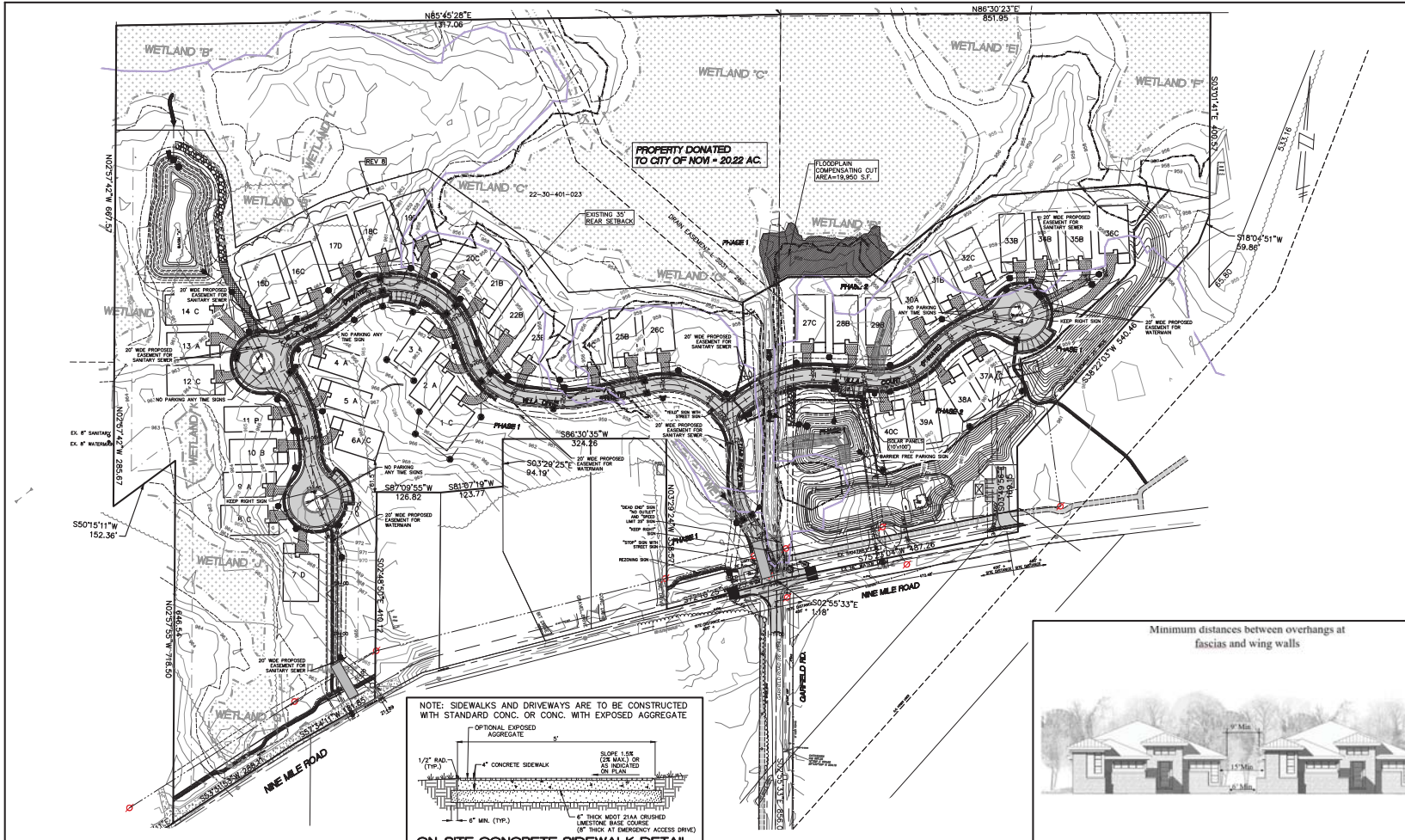
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**1st AMENDMENT PRO CONCEPT PLAN**

Dated: 07-26-19



- Phase 1 Construction Activities and Improvements**
- Units 1-26
  - All tree removal within the phase 1 boundary
  - Phase 1 site grading which includes flood plain compensating cut area north of unit 28
  - Construct detention basins A and B
  - All sanitary sewer in phase 1 only
  - All storm sewer in phase 1 which includes detention basin B inlet and outlet pipes.
  - All water mains in phase 1 which includes the water main located in an easement between detention basin B and unit 40 from Nine Mile Road north to Villa Court
  - All landscaping, berms and tree planting within the phase 1 boundary
  - All road paving and sidewalks in phase 1.

- Phase 2 Construction Activities and Improvements**
- Units 27-40
  - All tree removal within the phase 2 boundary
  - All phase 2 site grading
  - All sanitary sewer in phase 2
  - All storm sewer in phase 2
  - All water mains in phase 2
  - All landscaping and tree planting within the phase 2 boundary
  - All road paving and sidewalks in phase 2.

**SITE DATA**

**PROPOSED PLANNED REZONING OVERLAY (PRO)**

CURRENT ZONING: "R-A"

ALLOWABLE DENSITY (GROSS) = 0.8 UNITS/ACRE

AREA GROSS = 50.61 ACRES  
 PROPOSED NO. OF UNITS = 40  
 PROPOSED DENSITY = 40/50.61 = 0.79 UNITS/ACRE

PROPOSED ZONING: "R-1"

ALLOWABLE DENSITY (GROSS) = 1.65 UNITS/ACRE

PROPOSED DENSITY EXCLUDING WETLANDS AND R.O.W.

ON-SITE WETLAND AREA = 12.01 AC.  
 STATEWAY 9 MILE RD. R.O.W. AREA = 0.96 AC.  
 AREA NET = 50.61 - 12.01 - 0.96 = 37.64 AC.  
 NET DENSITY (EXCLUDING WETLANDS) = 40/37.70 = 1.06 UNITS/ACRE

WETLAND DELINEATION BY: WILSON ROAD GROUP, INC.

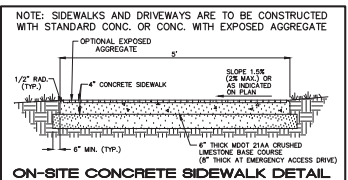
SQUARE FOOTAGE OF PAVEMENT AREAS = 88,226.56 S.F.

**PARKING CALCULATIONS**

NO. OF PARKING SPACES REQUIRED = 13 SPACES  
 NO. OF PARKING SPACES PROVIDED = 33 SPACES

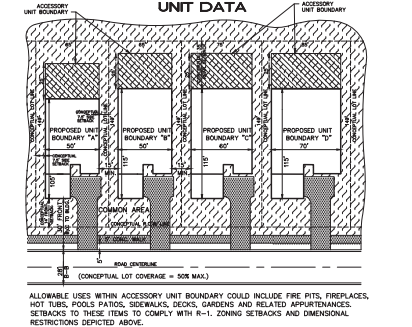
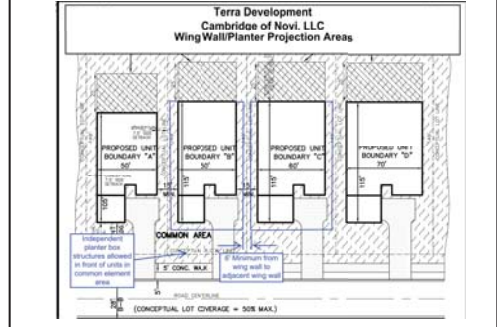
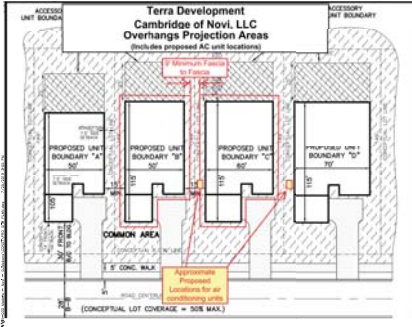
**BICYCLE PARKING CALCULATIONS**

NO. OF BICYCLE SPACES REQUIRED = 8 SPACES  
 NO. OF BICYCLE SPACES PROVIDED = 8 SPACES



**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	PAVEMENT (ASPHALT)
[Symbol]	[Symbol]	SIDE WALK (CONCRETE)
[Symbol]	[Symbol]	CONCRETE CURB AND OUTTER
[Symbol]	[Symbol]	STORM SEWER
[Symbol]	[Symbol]	SANITARY SEWER
[Symbol]	[Symbol]	WATER MAIN
[Symbol]	[Symbol]	MANHOLE
[Symbol]	[Symbol]	CATCH BASIN W/STREAM GUARD CURB INLET W/SILT SAC
[Symbol]	[Symbol]	STANDPIPE
[Symbol]	[Symbol]	END SECTION GATE VALVE
[Symbol]	[Symbol]	HORIZONTAL
[Symbol]	[Symbol]	FLOOD PLAN
[Symbol]	[Symbol]	CONTOURS
[Symbol]	[Symbol]	SPOT ELEVATION
[Symbol]	[Symbol]	SURFACE DRAINAGE OVERFLOW ROUTE
[Symbol]	[Symbol]	TREE FENCE
[Symbol]	[Symbol]	SILT FENCE, AND LIMITS OF DISTURBANCE
[Symbol]	[Symbol]	TREE TO REMAIN
[Symbol]	[Symbol]	TREE TO BE REMOVED



- PROPOSED IMPROVEMENTS**
- WOODLANDS PLAN, TREE INVENTORY REMOVAL & REPLACEMENT PLAN ARE PROVIDED WITH THIS SITE PLAN SET.
  - MUNICIPAL SEWER TO BE PROVIDED BY CONNECTING TO A PROPOSED SANITARY SEWER (BY OTHERS) TO BE LOCATED ALONG THE SOUTH SIDE OF 9 MILE ROAD.
  - MUNICIPAL WATER TO BE PROVIDED BY CONNECTING TO AN EXIST. WATER MAIN LOCATED ALONG THE NORTH SIDE OF 9 MILE ROAD WITH TWO CONNECTIONS COMPLETING A LOOPED SYSTEM. ALL INTERNAL WATER MAINS TO BE 8" DIA.
  - STORM WATER DETENTION SHALL BE PROVIDED ON SITE.
  - 5' WIDE CONCRETE SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF INTERIOR ROADWAYS OR AS SHOWN. ALSO A 10' WIDE ASPHALT WALK SHALL BE CONSTRUCTED ALONG 9 MILE ROAD, EAST OF GARFIELD RD. ALL SIDEWALK STUBS SHALL BE PROVIDED WITH RAMPS & DETECTABLE WARNING SURFACES.
  - ALL ROADWAYS TO BE PRIVATE. CITY OF NOV HAS NO RESPONSIBILITY TO IMPROVE OR MAINTAIN THE PRIVATE STREETS CONTAINED WITHIN OR PRIVATE STREETS PROVIDING ACCESS TO THE PROPERTY DESCRIBED IN THIS PLAN.
  - A CITY OF NOV RIGHT-OF-WAY PERMIT IS REQUIRED FOR WORK WITHIN ANY PUBLIC ROAD RIGHT-OF-WAY.

**TERRA**

SECTION 22/30, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

NO.	REV.	DATE	UTILITY WARNING
			UNDERGROUND UTILITY LOCATIONS AS SHOWN ON THE PLAN WERE OBTAINED FROM UTILITY OWNER AND NOT FIELD LOCATED.

811 Know what's below. Call before you dig.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF AND/OR RELOCATION OF ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION.

DATE: 07-25-19 (REVISED: P.L.L. PLAN, PRO SITE PLAN.Dwg)

**PRO SITE PLAN**

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

100 MANICENTRE SUITE 10 • NORTHVILLE, MI • 48167  
PHONE: 248.308.3331 EMAIL: info@seiberkeast.com

**SHEET 1**

ORIGINAL APPROVAL PRO PLAN



**APPLICANT'S LETTER REQUESTING DEVIATIONS**

July 26, 2019

Ms. Sri Komaragiri  
Ms. Barbara E. McBeth, AICP  
City of Novi Planning Commission  
45175 Ten Mile Road  
Novi, Michigan 48375

**Re: Terra Development PRO Amendment items**

Dear Ms. Komaragiri and Ms. McBeth:

Please find enclosed, a list of proposed PRO amendment items along with a narrative and supporting documentation for clarification.

We respectfully request that these items be included in the agenda for the next City of Novi Planning Commission Meeting for approval.

In the meantime, should you have any questions or require further clarification, please don't hesitate to contact me at your convenience.

Sincerely,

Rick Corrent  
Project Manager  
Cambridge Homes, Inc.  
(248)-924-4519

**Cambridge of Novi, LLC  
Terra Development  
PRO Amendment Items Narrative**

**PRO Amendment Items:**

- 1) Exposed Aggregate on driveways and sidewalks
- 2) Overhangs
- 3) Wing Walls/Planter Boxes attached and detached
- 4) Add 10' to width of Unit 6
- 5) Increase Compensating Cut area to match DEQ approval
- 6) Modify PRO language to increase allowable removal of regulated trees from the accessory unit boundary from 2 to 4

**1) Exposed Aggregate on driveways and sidewalks**

The homes in Terra are intended to blend into nature. Since the homes will have courtyard entrances, the driveways will be prominent and an integral part of the streetscape and overall look of the development. We're proposing that all driveways and sidewalks within the development be placed with exposed aggregate finish concrete. (See sk-1 attached for examples of exposed aggregate concrete and enclosed site plan for location). Note that the thickness and strength of the exposed aggregate concrete is the same as standard concrete.

**2) Overhangs**

The architectural style that will be used in Terra is a modern Prairie architecture, synonymous with the architecture of Frank Lloyd Wright. This style of architecture uses low sloped roof pitches, horizontal architecture, integrated planter boxes and larger overhangs. The overhang detail is critical to the style and architecture of the homes in Terra. The homes are planned to be 15' apart at the building walls. We propose that the overhangs on two adjacent homes will no closer than 9' apart from fascia to fascia. See sk-2 and enclosed site plan for detail).

**3) Wing Wall/Planter Boxes attached and detached**

As noted in item 3 above, the horizontal lines and integrated planter boxes are critical to the architectural style of the modern prairie style homes. We propose to place wing walls and/or planter boxes on some of the homes that will extend from the side of the building walls, including the driveway side of the courtyard garage. In the sideyard area of 2 adjacent homes, these wing walls would be a minimum of 6' apart. We propose that these walls/planter boxes be permitted on the front of the home or garage and also as an independent structure independent of the home, along as they fall outside of an existing easement. (See sk-3a and sk-3b for examples of wing walls and planter boxes and enclosed site plan for detail).

**4) Add 10' to width of unit 6**

It has been confirmed that increasing the width of unit 6 can be achieved with no impact to the engineering plan, landscape or woodland plan. It also has no impact to the view from the existing home to the south, fronting on 9 mile road (See enclosed site plan for detail).

**5) Increase Compensating Cut area to match DEQ approval**

The current version of the PRO agreement states that the compensating cut area will not exceed 8,000 sf, however DEQ notes 0.457 acres on the approved permit, which is equivalent to 19,907 sf (See enclosed site plan for detail).

**6) Modify PRO language to increase allowable removal of regulated trees from the accessory unit boundary from 2 to 4**

To allow the required space for the proper design and layout of pools and other accessory features in the rear yard, we are requesting to increase the allowable number of regulated trees that can be removed from the accessory boundary area per unit from 2 to 4. Reference Part V, section C; paragraph 3 of the PRO agreement.

**Note:** An administrative change has recently been made to decrease the number of total units from 41 to 40 to allow increased widths for specific units located east of detention basin A. (reduced from 6 units in this area down to 5). We reserve the right at any time to revert back to the previous version of 41 units as an administrative change.



August 21, 2019

Ms. Sri Komaragiri  
Ms. Barbara E. McBeth, AICP  
City of Novi Planning Commission  
45175 Ten Mile Road  
Novi, Michigan 48375

**Re: Additional item for Terra Development PRO Amendment items – Covered Decks Verbiage**

Dear Ms. Komaragiri and Ms. McBeth:

In addition to the previous request for revision of the PRO agreement for Terra, we would like to include the following item to be reviewed for approval:

Add verbiage in Part V, section C; paragraph 3 of the PRO agreement that “covered decks are permitted to be placed in the accessory unit boundary area of units 7 – 36.”

We respectfully request that this item be included in the agenda for Aug. 28, 2019 City of Novi Planning Commission Meeting for approval.

In the meantime, should you have any questions or require further clarification, please don't hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Corrent', with a long horizontal flourish extending to the right.

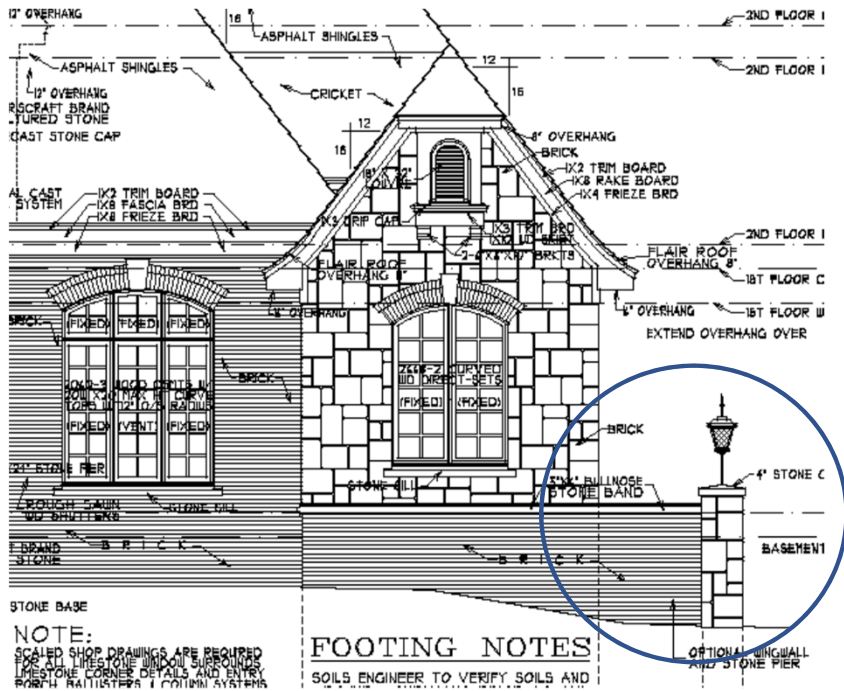
Rick Corrent  
Project Manager  
Cambridge Homes, Inc.  
(248)-924-4519

## Exposed Aggregate Examples



## Prairie Style Overhang Examples





## Wing Wall Examples

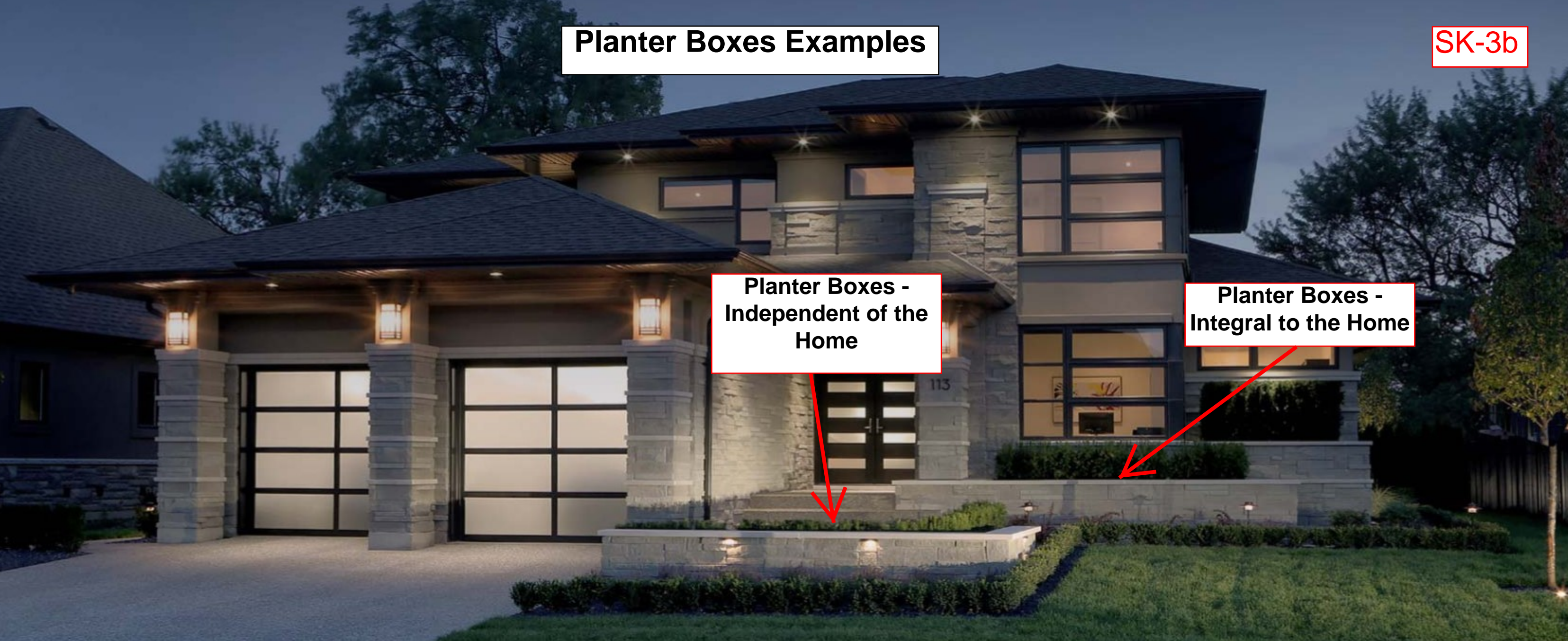


# Planter Boxes Examples

SK-3b

Planter Boxes -  
Independent of the  
Home

Planter Boxes -  
Integral to the Home



APPROVED PRO AGREEMENT

RECEIVED  
OAKLAND COUNTY  
REGISTERED

2019 MAR 22 AM 10: 23

39787  
LIBER 52474 PAGE 562  
CITY OF NOVI  
CITY CLERK  
03/28/2019 01:58:55 P.M. RECEIPT# 29975  
PAID RECORDED - OAKLAND COUNTY  
LISA BROWN, CLERK/REGISTER OF DEEDS  
2019 APR 19 A 11: 36

**PLANNED REZONING OVERLAY (PRO) AGREEMENT**  
**TERRA**

**AGREEMENT**, by and among **CAMBRIDGE OF NOVI, LLC**, a Michigan limited liability company whose address is 47765 Bellagio Dr., Northville, MI 48167 (referred to as "**Developer**"); and the **CITY OF NOVI**, 45175 Ten Mile Road, Novi, MI 48375-3024 ("**City**").

**RECITATIONS:**

- I. Developer is the owner and developer of the vacant 50.61 acre property located on the east side of Napier Road and north side of Nine Mile Road, herein known as the "Land" described on **Exhibit A**, attached and incorporated herein.
- II. For purposes of improving and using the Land for a 41-unit residential subdivision at a maximum net density of 1.08 dwelling units per acre, to allow for development with smaller and narrower lots, and a slightly higher density than is permitted in the R-A Classification, Developer petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from RA (Residential Acreage) to R-1 (One-Family Residential). The R-A classification shall be referred to as the "**Existing classification**" and R-1 shall be referred to as the "**Proposed Classification**."
- III. The Proposed Classification would provide the Developer with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Developer.
- IV. The City has reviewed and approved the Developer's proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City's Zoning Ordinance; has reviewed the Developer's proposed PRO Plan (including building façade, elevations, and design) attached hereto and incorporated herein as **Exhibit B** (the "PRO Plan"), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the proposed improvements as shown; and has further reviewed the proposed PRO conditions offered or accepted by the Developer and has determined that, the proposed conditions constitute an overall public benefit that outweighs the deviations, and that if the deviations were not granted, the denial would prohibit an enhancement of the development that would be in the public interest, and that approving the deviations would be consistent with the City Master Plan and compatible with the surrounding area

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OK-AB

V. In proposing the Proposed Classification to the City, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following undertakings by Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):

- A. Developer shall develop and use the Land solely for a residential subdivision not to exceed 41 units, at a maximum density of 1.08 dwelling units per acre, to the extent permitted under the Proposed Classification (the "Development"). Units may be combined thereby reducing the overall units permitted to less than 41-units provided that the homes proposed within the combined units are still in scale with the remaining homes and meet with the requirements of applicable City ordinances and the PRO Plan. The Development shall be constructed in two (2) phases in accordance with the Phasing Lines as contained on Exhibit B. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.

Developer shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable setback requirements of the Zoning Ordinance as relates to the Proposed Classification, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations are depicted in the PRO Plan are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Developer's right to develop the 41-unit residential subdivision under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement. Architectural standards shall be as set forth by the Developer in the Master Deed and Bylaws for the Development, and shall be subject to and in accordance with all applicable laws and ordinances; provided, however, that the architectural elevation and facades of the buildings as shown on the plans shall be the minimum standard; any deviations shall result in an equivalent or better products, as determined by the City's façade consultant.

- B. In addition to any other ordinance requirements, Developer shall comply with all applicable ordinances for storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.



- C. The following PRO Conditions shall apply to the Land and/or be undertaken by Developer:
1. Owner/Developer shall provide the following Public Improvements in connection with the development of the Land:
    - a. Developer shall donate fee title, in the form of a Warranty Deed, to approximately 20.22 acres of land, as shown in the Concept Plan (the "Park Land"), to Novi for existing park system on or before March 20, 2019. The donation is for the purpose of expanding City parkland in the area of the Development. The Park Land will connect two additional parcels of City parkland. The City shall be permitted to make minor improvements in the area to propose a trail or accessory uses for a trail, and shall be permitted to combine the Park Land with adjacent City park land into a single unified parcel.
    - b. Developer shall construct an approximate .18 acre comfort station area for the ITC Trailhead in accordance with the drawings, attached and incorporated as Exhibit C (the "Comfort Station Improvements"). The Comfort Station shall include, but shall not be limited to parking spaces, a bike repair station and a picnic shelter, as set forth in Exhibit C. The Comfort Station will be constructed with Phase 1 of the Development, and shall be completed no later than six-months from the substantial completion of the ITC Trail adjacent to the subject property. . The Comfort Station shall be conveyed to the City for public ownership, operation, use and maintenance upon completion of the Comfort Station Improvements within 60 days of the completion and inspection of the improvements for consistency with the approved site plan.
    - c. Developer shall contribute to the construction of a portion of the ITC Trail along the north side of Nine Mile Road, in the amount of \$43,834.22, in order to provide for use by and in connection with the Development, as shown in the plans attached and incorporate as Exhibit D. The pathway shall comply with City design and construction standards, with minor modifications to be approved administratively, i.e. to modify the alignment for preservation of existing landscaping trees. Dedication of the Nine Mile Road Right of Way along the entire length of the subject property shall be completed on or before March 20, 2019.
    - d. In the event that the Michigan Department of Environmental Quality or any governmental agency requires Developer to provide a compensating cut for the purpose of creating additional floodplain for the Development, the City shall permit the Developer to create the compensating cut, at Developer's own expense, not to exceed 8,000 square feet in size, in a location mutually agreeable to the Developer and the City, including but not limited to locations within the Park Land described, generally, as N/W of the N/W detention basin and the

wetland, or, alternatively, an area behind units 12-14. In the event that the compensating cut requires additional tree removal, Developer shall be subject to the applicable woodland replacement standards as set forth the City's Woodland Ordinance.

2. The development shall be limited to a density of 1.08 dwelling units per acre with a maximum of 41 units as indicated on the PRO concept plan.
3. The proposed unit boundary, as shown on the approved final Concept Plan (sheet 02), ("Unit Boundary"), shall be considered the maximum allowable footprint. Any accessory uses including but not limited to, fire pits, fire places, hot tubs, pools, patios, sidewalks, landscaping walls, landscaping fences, decks and gardens may be included within the Unit Boundary as shown on the approved final site plan or within the rear yard area ("Accessory Unit Boundary"), which is the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on the approved final Concept Plan. Sidewalks and small gardens with no permanent structures may be proposed within the side yards subject to limitations set forth in the Master Deed.

No more than two (2) regulated woodland trees may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use. Removal of trees shall be subject to mitigation measures listed in all applicable ordinances. Additionally, no accessory uses shall be constructed within the regulated Wetland or Wetland Buffers shown in the approved Concept Plan. All accessory uses shall be constructed in accordance will applicable ordinances, laws and regulations.

Limitations on the construction of accessory uses, as set forth herein, shall be included within the Master Deed for the Development and shall be delineated on the Exhibit B, Condominium Subdivision Plan.

4. A minimum of 15 feet shall be maintained between two buildings.
5. A minimum of 30 feet shall be provided between the front façade of each home as measured from the back of the curb.
6. The applicant will work with staff to identify a proper location to connect to ITC trail, beyond the subject property line.
7. Except to the extent that limited clearing is authorized in accordance with an approved Preliminary Site Plan, and all applicable ordinances and regulations, including, but not limited to Section 6.1.4.F of the Zoning Ordinance, within the City's reasonable discretion, and a Hold Harmless Agreement acceptable to the City's Attorney is provided, Construction of

the Development shall not be permitted to begin prior to completion of the City's Nine Mile sanitary sewer extension project, , or alternately, subject to and in accordance with a plan for completion of alternate sanitary sewage disposal facilities, by Developer, at its own expense, which plan shall be reviewed and approved by the City's Engineering Division in accordance with the standards and procedures set forth by City ordinance.

8. Grading requirements for development shall be superseded based on the character of Nine Mile Road.
9. Retention pond shall be completely screened for safety on all four sides and above the typical standards, as determined at the time of Preliminary Site Plan.
10. The City shall confirm that the proposed trailhead agreement will not negate already existing agreements.
11. The portion of asphalt paving on Nine Mile Road shall be constructed in a manner to reduce or eliminate issues of the interface between gravel and asphalt, to be reviewed and approved by City Engineer at the time of Preliminary Site Plan review.
12. The applicant shall conform to Woodland Ordinance requirements at the time of Preliminary Site Plan and Woodland permit review.
13. Minor modifications to the approved Planned Rezoning Overlay Concept Plan (PRO) can be approved administratively, upon determination by the City Planner, that the modifications are minor, do not deviate from the general intent of the approved PRO Concept plan and result in reduced impacts on the surrounding development and existing infrastructure.
14. Developer shall comply with all conditions listed in the staff and consultant review letters.

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

1. Upon the Proposed Classification becoming final following entry into this Agreement:
  - a. The Undertakings shall be carried out by Developer on and for the Land;
  - b. Developer shall act in conformance with the Undertakings;
  - c. The Developer shall forbear from acting in a manner inconsistent with the Undertakings; and
  - d. The Developer shall commence and complete all actions necessary to carry out all of the PRO Conditions.

2. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
  - a. Planning Deviation from Sec. 3.1.2 of Zoning Ordinance for reduction of the minimum lot size, setbacks, minimum lot frontage and minimum site acreage as shown on the proposed concept plan provided that:
    - i. The proposed unit boundary shown on the concept plan (sheet 02) shall be considered the maximum allowable footprint. Any accessory uses shall be completed in accordance with paragraph V, 1, A, 3.
    - ii. A minimum of 15 feet shall be maintained between two buildings.
    - iii. A minimum of 30 feet shall be provided between the front façade and the back of the curb.
    - iv. Rear setbacks shall be as shown on the Concept Plan, based on the proposed boundary line of land to be donated to the City.
  - b. Façade deviation from Sec 3.7, similar dissimilar ordinance, to replace internal calculation of square footage to a 2200 square foot minimum requirement for this development;
  - c. Landscape deviation from Sec. 5.5.3.B.ii and iii of Zoning Ordinance for lack of berms along the westerly Nine Mile Road frontage and portions of the easterly frontage, due to existing natural features;
  - d. Engineering deviation from Sec. 4.04, Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances for absence of a stub street required at 1,300 feet intervals along the property boundary to provide connection to the adjacent property boundary, due to conflict with existing wetlands;
  - e. Engineering deviation from Chapter 7.4.2.c(1) of Engineering Design manual for reducing the distance between the outside edge of the sidewalk and back of the curb: 15 feet required, 10 feet proposed;
  - f. Engineering deviation for absence of sidewalk along a portion of Villa Drive;
  - g. Engineering deviation for absence of curb and gutter for parking lot and driveway for the proposed comfort station from Sec. 11-239(b)(1),(2)of Novi City Code;
  - h. Traffic deviation for not conforming to minimum required standards as indicated in Figure IX.5 of the City's Code of Ordinances for residential driveway, provided the applicant works with staff to minimize the number of driveways that deviate from the standard at the time of Preliminary Site Plan;
  - i. Traffic deviation from Figure VIII-A in the City Code of Ordinances, for not providing the minimum width for local residential road for Villa Drive , the stretch from the entrance gates to the first intersection (28 feet required, 24 feet provided).

- j. Traffic deviation from Section 7.4.2.c (1) of Engineering Design Manual for not meeting the maximum distance between sidewalk and Right of Way line along Nine Mile. A maximum of 1 foot is required for a small portion where it conflicts with existing wetland area;
  - k. Deviation to allow alternate locations for street tree plantings to avoid conflict with the utility layout along the internal roads;
  - l. Deviation for the location of accessory structures in an alternate location within the common area, as approved by the Planning Commission in accordance with the Preliminary Site Plan in order to allow the use of free standing solar panels as shown on the Revised Concept Plan to provide power to the access gate and outside lighting.
  - m. A traffic deviation for not meeting the minimum required horizontal curve radii for the proposed streets; and
  - n. A landscape deviation for absence of minimum required street trees and green belt trees in areas where there is a conflict with existing natural features;
3. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as 41-unit residential subdivision, as shown on **Exhibit B**, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for such building and use.
4. Developer acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Developer in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Developer.
5. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of a 41-unit residential subdivision on the Land. The burden of the Undertakings on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
6. In addition to the provisions in Paragraph 2, above, in the event the Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Developer nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer shall be estopped from


objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a “downzoning” or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land.

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

{Signatures begin on following page}

**DEVELOPER**

CAMBRIDGE OF NOVI, LLC, a Michigan limited liability company

By:   
Mark F. Guidobono Its: Member  
Rick Corrent, project manager


STATE OF MICHIGAN )

) ss

COUNTY OF OAKLAND )

On this 1 day of March, ~~2018~~ <sup>2019</sup>, before me appeared ~~Mark F. Guidobono,~~ <sup>Rick Corrent</sup>  
*Project Manager* Member of Cambridge of Novi, LLC who states that he has signed this document of his own free will duly authorized on behalf of the Fee Developer.

KATHERINE OPPERMANN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Sep 5, 2024  
ACTING IN COUNTY OF Oakland

  
Katherine Oppermann, Notary Public  
Oakland County  
Acting in \_\_\_\_\_ County  
My commission expires: Sept 5, 2024

CITY OF NOVI

By:

Robert J. Gatt  
Robert J. Gatt, Mayor

By:

Cortney Hanson  
Cortney Hanson, Clerk

STATE OF MICHIGAN )

) ss

COUNTY OF OAKLAND )

On this 4<sup>th</sup> day of MARCH, ~~2018~~ <sup>2019</sup>, before me appeared Mayor Robert J. Gatt and Cortney Hanson, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

X Clerk

Marilyn S. Troutman  
\_\_\_\_\_  
, Notary Public

County

Acting in \_\_\_\_\_ County

My commission expires:

Drafted by:

Elizabeth Kudla Saarela  
Johnson, Rosati, Schultz & Joppich  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331-5627

When recorded return to:  
Cortney Hanson, Clerk  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48375

MARILYN S. TROUTMAN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Oct 13, 2024  
ACTING IN COUNTY OF OAKLAND



## PLANNING REVIEW



## PLAN REVIEW CENTER REPORT

August 21, 2019

### Planning Review

Terra

JSP17-52 with Rezoning 18.718

#### PETITIONER

Cambridge Homes, Inc.

#### REVIEW TYPE

##### Amendment to Terra PRO

The project was previously known as Villa D' Este. It received approval from Project Naming Committee for name change to Terra on December 19, 2018

#### PROPERTY CHARACTERISTICS

<b>Section</b>	29 and 30	
<b>Parcel ID's</b>	50-22-30-401-023, Part of 50-22-30-401-009, 50-22-29-326-002, 50-22-30-401-011 and 50-22-29-326-022	
<b>Site Location</b>	West side of Beck Road, east of Napier Road and north of Nine Mile Road	
<b>Site School District</b>	Northville Community School District	
<b>Existing Zoning</b>	RA, Residential Acreage	
<b>Proposed Zoning</b>	R-1, One-Family Residential	
<b>Adjoining Zoning</b>	North	R-1 One-Family Residential with a RUD agreement
	East	RA, Residential Acreage
	West	RA, Residential Acreage
	South	RA, Residential Acreage
<b>Current Site Use</b>	Undeveloped/Single family homes	
<b>Adjoining Uses</b>	North	Links of Novi/vacant;
	East	Single Family Residences
	West	Single Family Residences
	South	Single Family Residential/Vacant
<b>Site Size</b>	30.41 Acres	
<b>Plan Date</b>	July 25, 2019	

#### PROJECT SUMMARY

The applicant has received rezoning approval to rezone from RA, Residential Acreage to R-1, and One-Family Residential with a Planned Rezoning Approval. The plan proposed a 41-unit single-family ranch style development. The subject property is approximately 30.14-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The proposed community is gated. The current amendment is required as the applicant is seeking some additional deviations for building elements to allow greater flexibility for construction of individual homes, alternate pavement material for sidewalks and driveways and other minor changes. No changes to the approved layout are proposed at this time.

All land will be considered as common element to be maintained by the home owner's association. The applicant proposes to add language to deed restrictions that will allow indoor

pools, outdoor hot tubs, fire pits, fireplaces, pizza ovens and grills. The PRO Concept Plan shows two on-site detention ponds in the northwest corner of the site and on the southern side along the entrance to the site. One boulevard access point is proposed off of Nine Mile Road. An emergency access road is proposed off of the proposed cul-de-sac to Nine Mile Road. The development is proposed to be built in two phases.

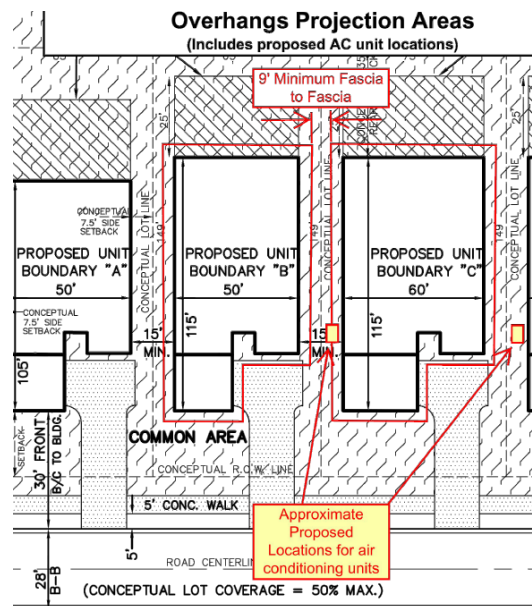
## RECOMMENDATION

Approval is recommended for the revised Concept Plan for the 1<sup>st</sup> Amendment to the Terra (fka Villa D'Este) PRO Concept Plan subject to City Council approval of all the staff supported deviations and conditions listed. The applicant should reconsider the deviations not currently supported by staff.

## PROPOSED CHANGES WITH THE CURRENT AMENDMENT

The subject property is part of a Planned Rezoning Overlay request for Terra development, which was approved by City Council at their September 24, 2018 meeting. The applicant has recently started working on design alternatives for the homes. They are considering Prairie architectural style that uses low sloped roof pitches, horizontal architecture, integrated planter bases and larger overhangs. As part of the process, the applicant realized that some of the design elements may not conform to certain Ordinance requirements. The purpose of this amendment is to identify those deviations and request to include them in the approved Planned Rezoning Overlay agreement. Please see below for the list of changes and staff comments:

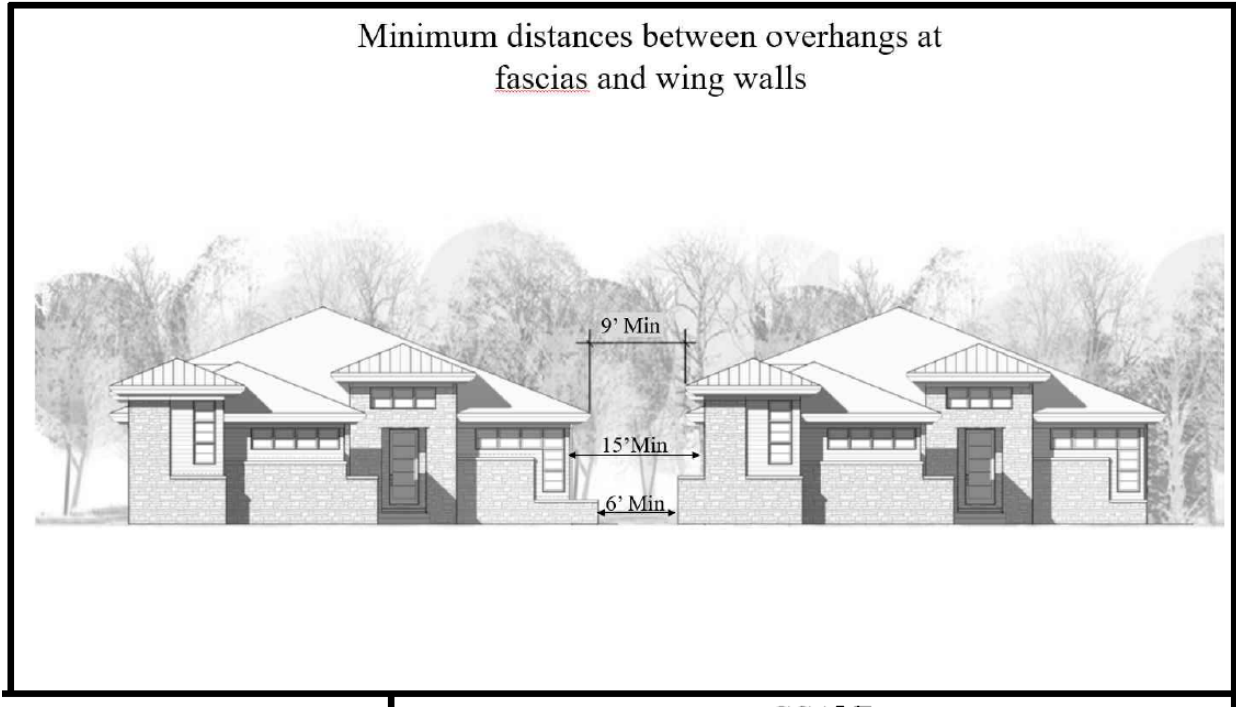
1. The current amendment is not proposing any changes to the Layout, Storm water management, Wetland impacts, Traffic and Landscape. The plan is subject to the previous approvals.
2. **Exposed aggregate on driveways and sidewalks:** The current proposes to use exposed aggregate as surface material for the residential driveways and the sidewalks within the development boundaries. The private road network Villa Drive and Villa Court are still proposed in Asphalt. **Engineering review notes that the proposed aggregate is adequate for the intended use and does not substantially deviate from the performance of the ordinance standard cross-section.**
3. **Overhangs:** The applicant is proposing Prairie architectural style that uses low sloped roof pitches, horizontal architecture, integrated planter bases and larger overhangs. The applicant states that the overhangs are critical to the style and architecture. The approved PRO Concept Plan allows for a minimum of 15 feet setback between buildings. This is not a typical site condominium, so individual setbacks are measure from an imaginary center line, which would result in 7.5 feet of side back for each unit. **As noted in Sec. 3.32.8, a maximum projection of 15 inches of projection is allowed into side yard for a side yard setback of 7.5 feet. The applicant is proposing up to 36 inches of projection with the proposed overhangs. Proposed A/C units should meet the screening and other requirements at the time permit review.**



### 3.32.8. Projections into Yards.

*Architectural features, including gutters, soffits, eaves, cornices, and roof overlaps, but not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may*

*extend or project into a required front yard or rear yard not more than three (3) feet. Bay windows, chimneys, cantilevered floors, and other vertical projections of up to ten (10) feet in length, and not occupying more than thirty (30) percent of the length of the wall on which they are located, may project into required side yard not more than two (2) inches for each one (1) foot of width of such side yard (up to a maximum of two (2) feet of projection), and may project into a required front or rear yard not more than three (3) feet.*



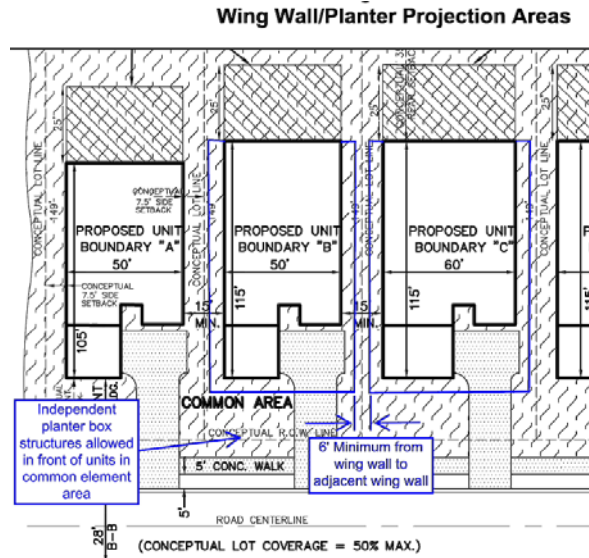
The approved PRO plan did not include enhanced elevations as a public benefit. Therefore, the development is not required to follow a specific design style. Previous approval included a 'façade deviation from Sec 3.7, similar dissimilar ordinance, to replace internal calculation of square footage to a 2200 square foot minimum requirement for this development'. The current proposal did not effect the approved deviation. The elevations will be reviewed for compliance with the Ordinance requirements at the time of individual permits.

The City's façade consultant notes that the proposed overhangs will enhance the design of the buildings and in fact are essential to maintaining the unique appearance of prairie style architecture (see image above). Approval of this revision is recommended. It should be noted that the buildings must comply with the Michigan Residential Code with respect to fire resistance and separation. Each home will be reviewed at the time of Building Permit application for compliance with the Michigan Residential Code as well as the City's Similar-Dissimilar Ordinance. **Staff recommends approval of this deviation subject to our Façade consultant's determination that the proposed building match the Prairie style architectures at the time of building permit review.**

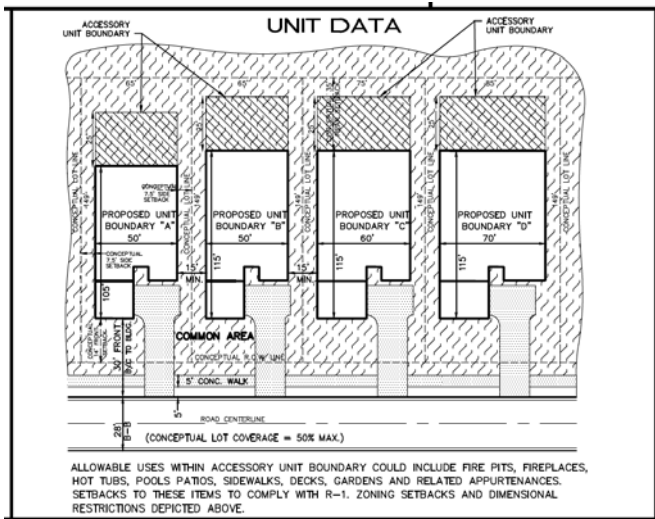
4. **Increasing the compensating cut area to match MDEGLE (fka DEQ) approval:** Staff is unclear about this request. It appears to be a clean up to make the current consistent with MDEGLE approval. **The applicant should provide further clarity on this item.**
5. **Wing Wall/Planter Boxes (attached and detached):** The applicant is also proposing wing walls that could be attached or detached. This would refer to a single straight wall. It is not an enclosure of any sort. Based on the exhibit provided, a maximum of 4.5 feet projection is proposed to occur

anywhere within the blue line in the image to the right. Section 3.32.8 does not apply. The wing walls attached to the building are subject to building setbacks. **Staff recommends that this could be a condition in the PRO agreement, provided the proposed walls are compatible with the building design and Prairie style architectural style as determined by the City's Façade Consultant.**

- Additional tree removal from the accessory unit boundary:** The approved PRO agreement refers to the following with regards to allowable development within the Accessory Unit boundary. The applicant is not making changes to the boundary at this time. However, he is proposing two changes (noted in **bold**) that would impact the language as it exists. Refer to this item and item 8 for more details.



*The proposed unit boundary, as shown on the approved final Concept Plan (sheet 02), ("Unit Boundary"), shall be considered the maximum allowable footprint. Any accessory uses including but not limited to, fire pits, fire places, hot tubs, pools, patios, **covered decks and patios**, sidewalks, landscaping walls, landscaping fences, decks and gardens may be included within the Unit Boundary as shown on the approved final site plan or within the rear yard area ("Accessory Unit Boundary"), which is the area beginning at the rear Unit Boundary and is within the side lines of the Unit Boundary, and extending twenty-five (25) to the rear, as shown on the approved final Concept Plan. Sidewalks and small gardens with no permanent structures may be proposed within the side yards subject to limitations set forth in the Master Deed.*



*No more than two ~~(2) regulated woodland trees~~ **(4) regulated woodland trees** may be removed from the Accessory Unit Boundary to accommodate the construction or installation of any pool, or other accessory use. Removal of trees shall be subject to mitigation measures listed in all applicable ordinances. Additionally, no accessory uses shall be constructed within the regulated Wetland or Wetland Buffers shown in the approved Concept Plan. All accessory uses shall be constructed in accordance will applicable ordinances, laws and regulations.*

The current plan proposed a total of 552 trees to be removed for both phases resulting in a total of 728 replacement trees. The applicant proposed to plant a majority of replacement trees along the proposed berm along Nine Mile Road and ITC Corridor and the rest around the site. A total of 42 woodland replacement trees are proposed to be planted on the property that was donated to the City of Novi. All replacement planting is happening with Phase 1. The current replacement counts did not include the future possible removals of up to 2 trees per unit, a maximum of 82 trees (a total of \$32,800). The replacement counts will be calculated at the time of individual building permit review.

With this amendment, the applicant is proposing an additional removal of up to 82 trees, bringing the total maximum removal up to 164 trees. Staff is unable to determine the total replacements required at this time due to lack of information of trees proposed to be removed. The applicant notes that the maximum may not happen as the removal will be determined based on accessory features each individual home owner may desire. However, staff should account for the worst-case scenario, which is removal of 164 trees. **Staff recommends not changing the maximum allowable woodland replacements. Staff is currently not supporting this request.**

7. **Covered decks:** In a letter dated August 21, 2018, the applicant requested to add another deviation to the list of requested items to allow covered decks as permitted use within the accessory unit boundary for area of units 7-36 (essentially all the units backing up to the regulated woodlands to the north and west). As noted in Section 3.32.7, covered, enclosed decks are subject to building setback requirements and cannot extend into the yard setbacks. **The applicant did not provide reasonable justification other than providing additional options to the home buyer. Staff is currently not supporting the request as it would increase the maximum lot coverage of beyond (50%) previously approved.**

*3.32.7. Porches, Decks. An open, unenclosed and uncovered porch or paved terrace may project into a required front yard setback for a distance not exceeding four (4) feet, **but this shall not be interpreted to include or permit fixed canopies.** An open, unenclosed and uncovered wooden deck may project into a required rear yard setback for a distance not exceeding eighteen (18) feet, **but this shall not be interpreted to include or permit fixed canopies.** Spas and gazebos as an accessory to a deck shall be permitted in all areas allowable for placement of a deck. With the exception of the lakeside of waterfront lots which are further regulated by Section 5.11.1.A.ii, privacy and decorative fencing used in the construction of a deck shall be limited to six (6) feet in height as measured from the floor of the deck. All construction shall comply with the provisions of the State Construction Code, as enforced pursuant to Chapter 7, Article II of the Novi Code of Ordinances.*

8. **Add 10 feet width to Unit 6 and Maximum lot coverage:** The applicant has proposed a wider width for Unit 6 with this amendment. The applicant has received an administrative approval for reduction of one unit. This is reflected in units 15C, 6C, 17D, 18C and 19D. However, they want to reserve the right to go back to 41 units. As noted in the Sec. 3.1.2.D, the R-1 Zoning District allows for maximum lot coverage of 25%. Lot coverage is defined as the part or percent of the lot occupied by buildings including accessory buildings. The development is not a typical site condominium with lot lines. The approved PRO Concept plan indicates a maximum of 50% lot coverage and is subject to this condition:

*The proposed unit boundary shown on the concept plan (sheet 02) is to be considered the maximum allowable footprint. Any accessory uses such as hot tubs, patios, etc. will be provided within the footprint shown on the plan.*

**The proposed projection does not appear to increase the lot coverage as approved. The expansion of Unit 6 increases the lot coverage for that unit. However, it is consistent with other units on the site and is not significant.**

## **PROJECT DEVELOPMENT STATUS**

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The applicant has received a site grading permit to start site grading for Phase 1 on May 29, 2019. Site grading is currently ongoing. The applicant intends to start full-site construction as soon as the final stamping sets are approved.

## **ORDINANCE DEVIATIONS**

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Section 7.13.2.D.i.c (2) permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by City Council that *"each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."* Such deviations must be considered by City Council, who will make a finding of whether to include those deviations in a proposed PRO agreement. A proposed PRO agreement would be considered by City Council only after tentative approval of the proposed concept plan and rezoning.

#### APPLICANT'S BURDEN UNDER PRO ORDINANCE/ PUBLIC INTEREST/ BENEFITS TO PUBLIC UNDER PRO ORDINANCE

The Planned Rezoning Overlay ordinance (PRO) requires the applicant to demonstrate that certain requirements and standards are met. The applicant should be prepared to discuss these items, especially in number 1 below, where the ordinance suggests that the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the Planned Rezoning Overlay. Section 7.13.2.D.ii states the following:

1. *(Sec. 7.13.2.D.ii.a) Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.*
2. *(Sec. 7.13.2.D.ii.b) Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.*

Section 7.13.2.D.ii states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the benefits to public of the proposed PRO rezoning would clearly outweigh the detriments. **Please refer to staff comments noted above.**

#### PREVIOUS MEETINGS HISTORY FOR THE ORIGINAL PRO/SITE PLAN APPROVAL

- On August 23, 2017, the plan was presented to Master Planning and Zoning Committee for their input.
- On September 13, 2017, Planning Commission held a Public hearing and postponed their recommendation to allow the applicant time to consider further modifications to the Concept Plan.
- On November 8, 2017 Planning Commission held a second Public hearing and recommended denial for the rezoning request.
- On January 10, 2018, the revised concept plan was presented to Master Planning and Zoning Committee for their input.
- On March 14, 2018, Planning Commission held a third Public hearing and recommended approval for the rezoning request.

- On May 21, 2018, the City Council considered the request and postponed their decision for a later meeting.
- On July 23, 2018, the City Council tentatively approved the planned rezoning overlay concept plan.
- On September 24, 2018, the City Council approved the planned rezoning overlay concept plan and the Planned Rezoning Overlay Agreement.
- On November 11, 2018, the Planning Commission held a public hearing and approved the Preliminary Site Plan with Wetland Permit, Woodland Permit, and Storm water Management Plan

### PRO OPTION

The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is changed (in this case from RA TO R-1) and the applicant enters into a PRO agreement with the City, whereby the applicant submits a conceptual plan for development of the site. The City Council reviews the Concept Plan, and if the plan may be acceptable, it directs for preparation of an agreement between the City and the applicant, which also requires City Council approval. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City. If the development has not begun within two (2) years, the rezoning and PRO concept plan expires and the agreement becomes void. In this case, the development has already commenced.

### NEXT STEP: PLANNING COMMISSION PUBLIC HEARING

The plan is scheduled for Planning Commission's public hearing on August 28, 2019. Please provide the following no later than 10 am on August 23, 2019

1. Revised Concept plan in PDF format.
2. A response letter addressing ALL the comments from ALL the review letters. Please review the letter in detail and note the comments provided in **bold** throughout the letter. Some of the major comments are summarized below. The applicant should address all the comments in the response letter and/or on subsequent submittals:

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or [skomaragiri@cityofnovi.org](mailto:skomaragiri@cityofnovi.org)



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Sri Ravali Komaragiri – Planner



## ENGINEERING REVIEW

## MEMORANDUM



**TO:** BARB MCBETH; CITY PLANNER  
**FROM:** KATE RICHARDSON, EIT; PLAN REVIEW ENGINEER  
**SUBJECT:** TERRA - EXPOSED CONCRETE DEVIATION FROM STANDARDS  
**DATE:** AUGUST 21, 2019

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Cambridge of Novi, LLC has submitted a Planned Rezoning Overlay (PRO) Revised Concept Plan through the Community Development Department to make modifications to the Terra Development site plan. The applicant is proposing exposed aggregate on driveways and sidewalks as opposed to City approvable concrete. The PRO Revised Concept Plan approval is subject to approval of a Design and Construction Standards Deviation Request for the use of exposed aggregate on driveways and sidewalks.

Section 11-256(f) of the Design and Construction Standards states that all "non-motorized facilities shall be designed and constructed to meet the requirements of the Engineering Design Manual". The Engineering Design Manual, in Section 7.4.2(d), requires that "sidewalks, shared use pathways, and neighborhood connectors be constructed of Portland cement concrete". The applicant believes the exposed aggregate will be more aesthetically appealing, which is important to developer since the homes will have courtyard entrances with prominent driveways. They also state the thickness and strength of the exposed concrete aggregate is equal to standard concrete. This is evident on the cross-section provided in the PRO Revised Concept Plan.

Section 11-10 of the Ordinance permits the City Council to grant a deviation from the Design and Construction Standards when a property owner shows all of the following:

- b) A variance may be granted when all of the following conditions are satisfied:
  - (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
  - (2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
  - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

Staff has reviewed the application against the ordinance standards that are outlined above. We agree with the applicant that the proposed aggregate is adequate for the intended use and does not substantially deviate from the performance of the ordinance standard cross-section. There are no ADA compliant concerns and the Storm Water Management Plan will be unaffected since both aggregate concrete and concrete are equally impervious surfaces.

For all of the reasons stated above, we do believe that the application meets the conditions of Section 11-10 and therefore recommend approval of the applicant's request for a variance from Section 11-256(f) of the Design and Construction Standards. The applicant has been notified of staff's recommendation for approval.

Cc: Sri Komaragiri, Planner

APPLICANT RESPONSE LETTER

## Komaragiri, Sri

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**From:** Rick Corrent <rick@cambridgehomesmi.com>  
**Sent:** Friday, August 23, 2019 10:09 AM  
**To:** Komaragiri, Sri  
**Cc:** Bell, Lindsay; Croy, Ben; Darcy Rechten; Doug Necci; Glenn, Tina; Josh.Bocks@aecom.com; 'mcarmer@ectinc.com'; McBeth, Barb; Meader, Rick; Pace, Kristin; Pete Hill (phill@ectinc.com); Pierce, Kevin; Richardson, Kate; Sosnowski, Angela; Kopko, Madeleine; Mark Guidobono  
**Subject:** RE: JSP 17-52: First Amendment to Terra  
**Attachments:** DEQ Permit - Page 1.pdf

Good morning, Sri.

Thank you for the response letter. We've read through the comments and offer the following in response:

**Item 4 – Increase the compensating cut are to match MDEGLE approval:**

This request is based on the approved MDEGLE permit requesting the increased cut area. See attached for the first page of the MDEGLE permit. Under “authorized activity”, the area to be cut is 1,464 CY which correlates to the revised PRO plan submitted showing 19,950 SF of compensating cut area.

**Item 6 – Additional tree removal from accessory unit boundary:**

We feel that on some of our homes, the home owner will want to use most or all of their limited common area/accessory unit boundary for pools, decks, etc. We have preserved trees in some of these areas to minimize the impact to woodlands. Based on this, we would like to increase the number of regulated trees in the accessory unit boundary from 2 to 3 per unit (Instead of the 4 previously requested). Note that 5 of the units currently have no trees so this request would result in a maximum of 35 additional regulated trees being removed, which we feel is likely much higher than we would need to accommodate our home owners' needs.

**Item 7 – Covered Decks:**

This request is pertaining only to units 7-36 which are backing onto the regulated woodlands so there would be no impact to adjacent residents. We ask that this item be re-considered since we're dealing with condos and not lots, so maximum lot coverage would not apply. We would be agreeable to limit the depth of extending covered decks up to 15' into the accessory unit boundary from the home instead of the full 25' boundary depth if acceptable to staff.

If you have any questions, please let me know.

Thank you

Rick Corrent, Construction Manager | Cambridge Homes Inc. | O: 248-348-3800 | C: 248-924-4519

For more information on , our new active adult community, please visit our website at [www.cambridgehomesmi.com](http://www.cambridgehomesmi.com)

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**From:** Komaragiri, Sri <[skomaragiri@cityofnovi.org](mailto:skomaragiri@cityofnovi.org)>  
**Sent:** Thursday, August 22, 2019 11:49 AM  
**To:** Rick Corrent <[rick@cambridgehomesmi.com](mailto:rick@cambridgehomesmi.com)>  
**Cc:** Bell, Lindsay <[lbell@cityofnovi.org](mailto:lbell@cityofnovi.org)>; Croy, Ben <[bcroy@cityofnovi.org](mailto:bcroy@cityofnovi.org)>; Darcy Rechten <[darnina@gmail.com](mailto:darnina@gmail.com)>; Doug Necci <[dnecci@drnarchitects.com](mailto:dnecci@drnarchitects.com)>; Glenn, Tina <[tglenn@cityofnovi.org](mailto:tglenn@cityofnovi.org)>; [Josh.Bocks@aecom.com](mailto:Josh.Bocks@aecom.com); 'mcarmer@ectinc.com' <[mcarmer@ectinc.com](mailto:mcarmer@ectinc.com)>; McBeth, Barb <[bmcbeth@cityofnovi.org](mailto:bmcbeth@cityofnovi.org)>; Meader, Rick



## NOTICE OF AUTHORIZATION

**Permit Number: WRP015846 v. 1**  
**Site Name: 63-49800 W. 9 Mile Rd-Novl**

**Issue Date: April 4, 2019**  
**Expiration Date: April 4, 2024**

The Michigan Department of Environmental Quality, Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; specifically:

- Part 31, Floodplain Regulatory Authority of the Water Resources Protection.
- Part 301, Inland Lakes and Streams.
- Part 303, Wetlands Protection.
- Part 315, Dam Safety.
- Part 323, Shorelands Protection and Management.
- Part 325, Great Lakes Submerged Lands.
- Part 353, Sand Dunes Protection and Management.

**Authorized activity:**

Place 608 cubic yards of fill material within 0.10 acres of wetland area for grading and storm water basins associated with the residential development Terra. Fill 0.05 acres of wetland associated with the installation of a 36"-diameter culvert within the Garfield Drain for a road crossing and associated utilities. Construct storm water outfalls to wetland and the Garfield Drain for the discharge of pretreated and detained storm water. Place 1,221 cubic yards of fill within the 100-year floodplain and cut 1,464 cubic yards of material as compensating cut.

All work shall be in accordance with the approved plans and the specific terms and conditions of this permit.

To be conducted at property located in: Oakland County, Waterbody: Garfield Drain, Wetlands Section 30, Town 01N, Range 08E, City of Novi

**Permittee:**

Mark Guidobono, Cambridge Homes  
47765 Bellagio Drive  
Northville, MI 48167

Susan Tepatti  
Southeast Michigan District Office  
Water Resources Division  
586-256-7272

*This notice must be displayed at the site of work.*  
*Laminating this notice or utilizing sheet protectors is recommended.*  
Please refer to the above permit number with any questions or concerns.

DEQ-WRD  
WRP015846 v1.0  
Approved  
Issued On:04/04/20  
Expires On:04/04/20