



**CITY OF NOVI CITY COUNCIL  
MARCH 22, 2021**

**SUBJECT:** Approval of request by Trowbridge Land Holdings for Taft Knolls Phase III, for termination of the recorded Conservation Easement over the subject property, and Acceptance of a new Conservation Easement in order to allow the buildable portion of the property to be developed with 13 single family homes in accordance with JSP19-34 and the existing R-4 zoning for property located at 25150 Taft Road, south of Eleven Mile Road and east of Taft Road.

**SUBMITTING DEPARTMENT:** Community Development, Planning

**BACKGROUND INFORMATION:** On May 7, 2018, City Council considered the request of Taft Knolls III to amend and restate an existing recorded Conservation Easement and an existing recorded Drainage Easement over property located at 25150 Taft Road. At that time, the applicant proposed to construct a 15-unit, single family residential subdivision using the Open Space Preservation Option.

It was noted that the subject property has two existing easements dedicated to the City of Novi:

- A conservation easement (1.52 acres) which is intended to preserve the floodplain and wetland area in the western part of the subject property.
- A drainage easement (1.53 acres) to construct, operate, maintain and repair a storm drainage system on the eastern side of the property.

The site plan proposed a 60-foot right-of-way with a 28-foot public road directly from Taft Road through the conservation easement. The City Council declined to approve the restatement of the above easements items for the reasons provided in the attached minutes from that meeting.

City Council postponed the matter to allow the City Attorney's office to prepare a motion for the City Council to formally deny the request.

Following the City Council meeting, the applicant requested to meet with staff and the City Attorney's office to discuss a possible resolution for the applicant to move forward with a development plan that complies with the existing easements. The applicant also stated that the existing access easement to the existing home contains a number of errors and that the description should be corrected regardless of whether the applicant brings forward a site

plan for consideration. Since that time, the applicant has brought forward a new site plan for consideration.

### **Current Proposal**

The current site plan reduces the number of homes from 15 to 13 and would be developed under standard R-4 District requirements. In order to construct a required 20-foot secondary emergency access drive, the applicant requests that Council terminate the existing wetland conservation easement and replace it with a new conservation easement. There is currently a 12-foot-wide driveway excluded from the conservation easement from Taft Road to the residence. The applicant proposes to widen the access route to a total width of 25 feet in order to build the construction entrance and permanent secondary emergency access drive to the development.

The new conservation easement proposed would also cover additional land area both east and west of the proposed single-family lots. The existing conservation easement area is 64,148 square feet, and the proposed conservation easement area would cover 202,797 square feet. The existing drainage easement would remain in place, but the new conservation easement would cover that area as well. The exhibit showing the existing and proposed easements overlayed is attached.

In the letter from Powell Engineering dated June 4, 2020, the applicant notes that the current driveway easement along the Taft Road frontage contains errors and does not accommodate the location of the existing driveway that serves the home on the property. The easement overlay shows a detail of the existing easement and the proposed revised exhibit that shows the discrepancy in the recorded legal description. The new conservation easement would remove that discrepancy.

The applicant would also provide an emergency access easement of 20 feet along the access route. The applicant states that the request to widen the easement to 25 feet will allow for the driveway to be reconstructed to 20 feet (and provide an additional five feet for necessary grading) to meet the minimum standards for access by the Fire Department. The City's standard driveway width for a residential home is 16 feet.

The Planning Commission held a public hearing for this site plan on June 10, 2020 and approved the Preliminary Site Plan, Site Condominium, Wetland Permit, Woodland Permit, and Stormwater Management Plan, subject to City Council approval for proposed modifications to the existing conservation easement and a DCS variance for the cul-de-sac road design not meeting the City's standards. Meeting minutes from the Planning Commission's June 10, 2020 meeting are attached.

The easement is in the form recommended to be approved by the City Attorney's Office. The City's Engineering Consultant has reviewed the exhibits for accuracy. Review letters from City Attorney and Engineering Consultant are attached.

**RECOMMENDED ACTION:** Approval of request by Trowbridge Land Holdings for Taft Knolls Phase III, for termination of the recorded Conservation Easement over the subject property, and Acceptance of a new Conservation Easement in order to allow the buildable portion of the property to be developed with 13 single family homes in accordance with JSP19-34. The proposed conservation easement would result in a larger area of protected land containing wetland and regulated woodland trees. The wider access route excluded from the

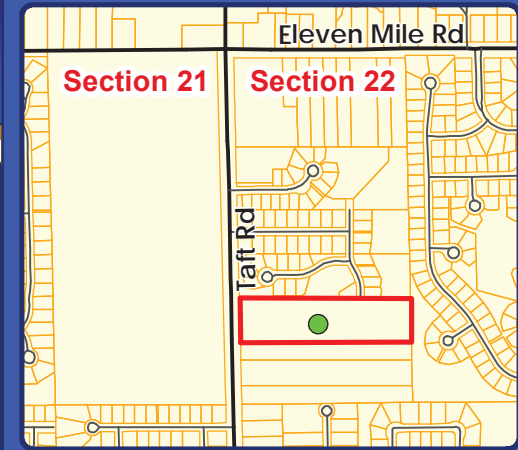
conservation easement would also allow construction vehicles to enter via Taft Road, rather than going through the neighborhood to the north via Danya's Way, and would be maintained as an emergency access route.

## LOCATION MAPS


---

# JSP 19-34 TAFT KNOLLS III

## LOCATION



### LEGEND

 Subject Property



## 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: Lindsay Bell  
Date: 6/5/20  
Project: TAFT KNOLLS III  
Version #: 1



1 inch = 278 feet

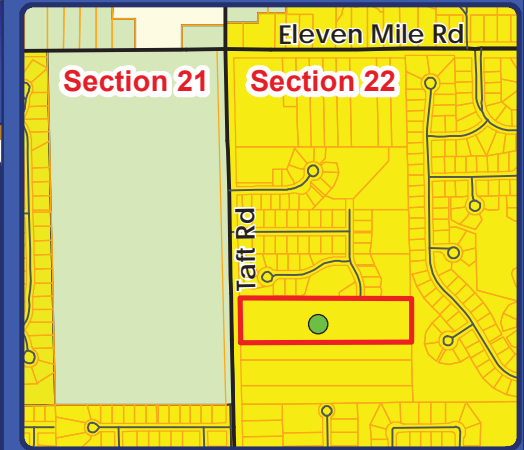
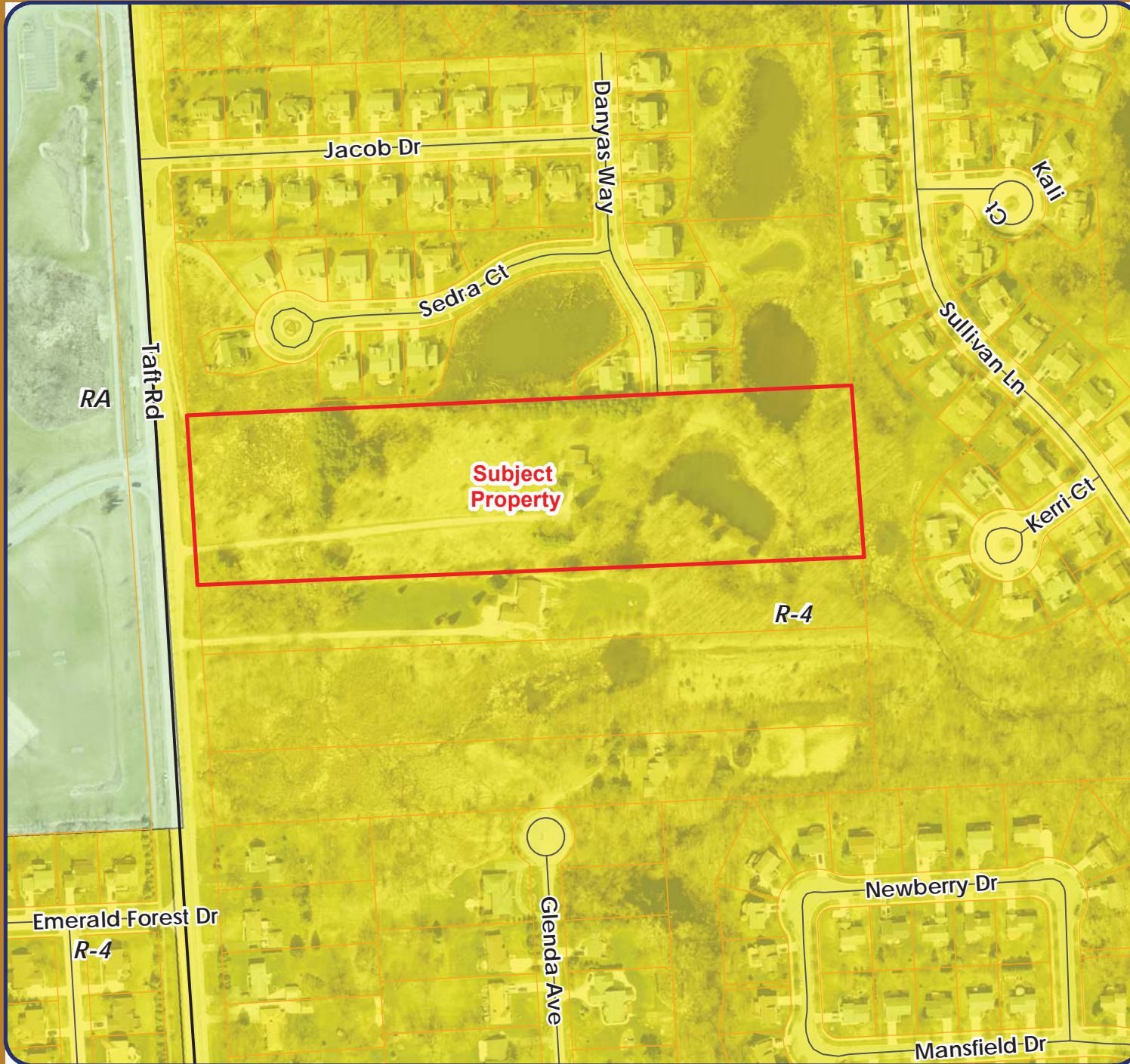


### MAP INTERPRETATION NOTICE

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 19-34 TAFT KNOLLS III

## ZONING



**LEGEND**


- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-4: One-Family Residential District
- Subject Property



**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: Lindsay Bell  
Date: 6/5/20  
Project: TAFT KNOLLS III  
Version #: 1

0 62.5 125 250 375 Feet  
1 inch = 278 feet

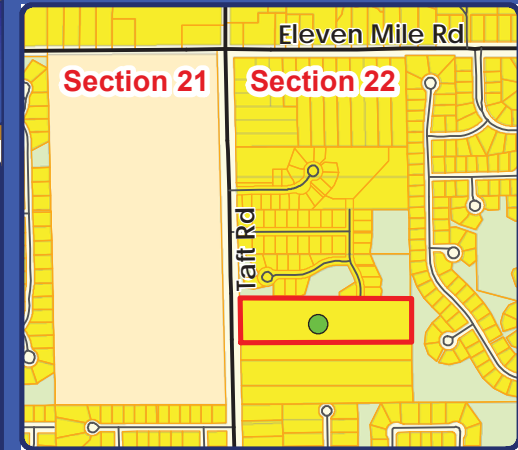


**MAP INTERPRETATION NOTICE**

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 19-34 TAFT KNOLLS III

## FUTURE LAND USE




**LEGEND**

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

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

Map Author: Lindsay Bell  
Date: 6/5/20  
Project: TAFT KNOLLS III  
Version #: 1

0 62.5 125 250 375 Feet  
1 inch = 278 feet

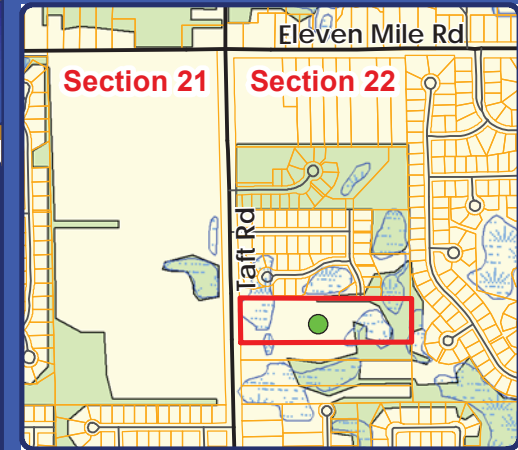


**MAP INTERPRETATION NOTICE**

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 19-34 TAFT KNOLLS III

## NATURAL FEATURES



**LEGEND**


- WETLANDS
- WOODLANDS
- Subject Property



**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: Lindsay Bell  
Date: 6/5/20  
Project: TAFT KNOLLS III  
Version #: 1

0 62.5 125 250 375 Feet  
1 inch = 278 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.



EXISTING VS. PROPOSE EASEMENTS

---



REVISED PRELIMINARY SITE PLAN

SITE PLANS FOR  
**TAFT KNOLLS III**  
 CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

**SHEET INDEX**

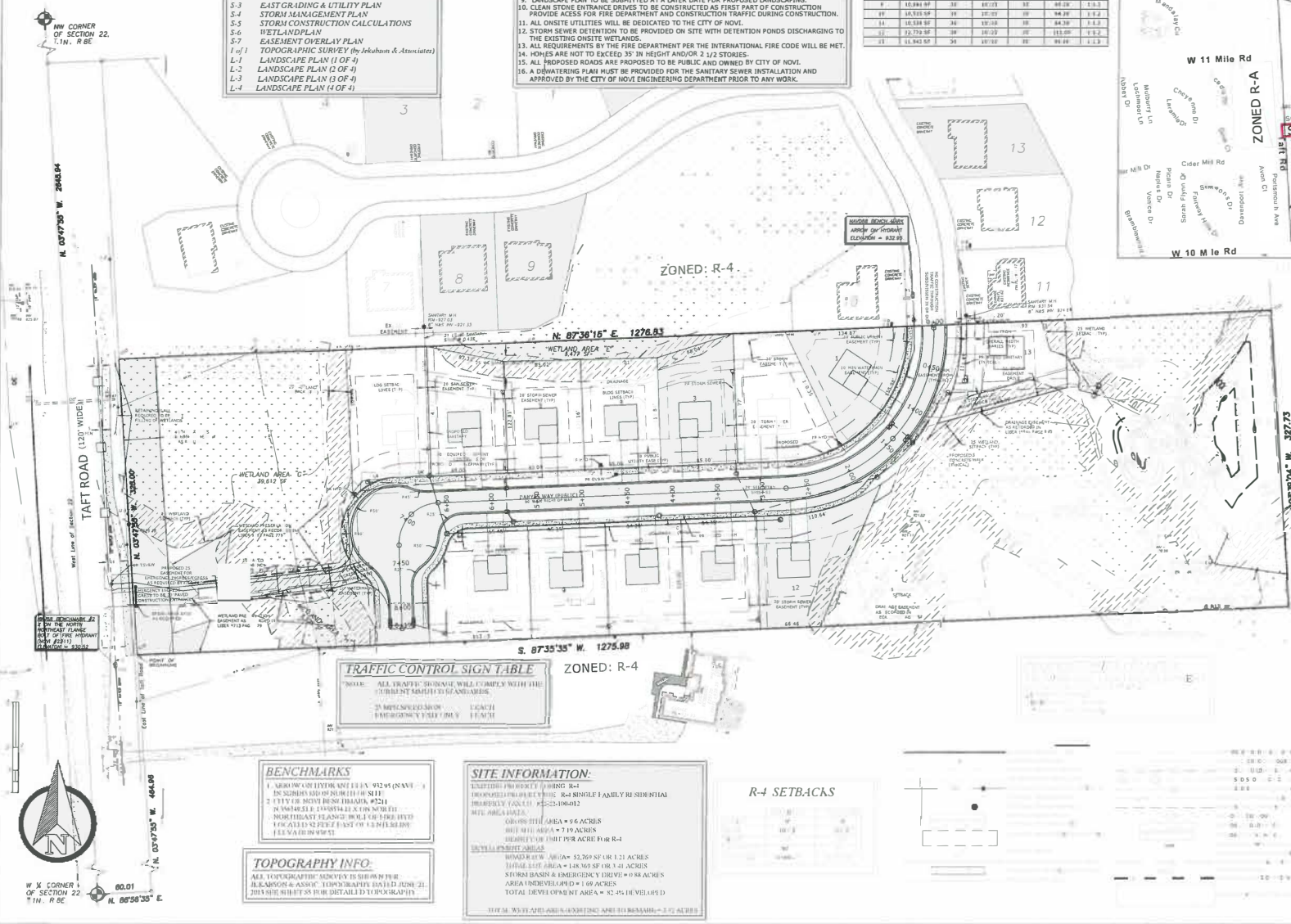
- S-7 GENERAL & DIMENSIONAL
- S-2 WEST GRADING & UTILITY PLAN
- S-4 EAST GRADING & UTILITY PLAN
- S-3 STORM MANAGEMENT PLAN
- S-5 STORM CONSTRUCTION CALCULATIONS
- S-6 WETLAND PLAN
- S-7 EASEMENT OVERLAY PLAN
- 1 of 1 TOPOGRAPHIC SURVEY (By Jekubahn & Associates)
- L-1 LANDSCAPE PLAN (1 OF 4)
- L-2 LANDSCAPE PLAN (2 OF 4)
- L-3 LANDSCAPE PLAN (3 OF 4)
- L-4 LANDSCAPE PLAN (4 OF 4)

**GENERAL NOTES:**

1. ALL CONSTRUCTION TO CONFORM AND COMPLY TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF NOVI.
2. NO LOADING/UNLOADING REQUIRED FOR THIS TYPE OF DEVELOPMENT.
3. WASTE WATER DISPOSAL TO BE EXTENDED TO THE SITE AND DISCHARGED TO THE CITY OF NOVI SEWER WITH OAKLAND COUNTY, MDEQ AND TOWNSHIP APPROVAL.
4. WATER SUPPLY TO BE CONNECTED TO THE CITY OF NOVI PUBLIC WATER SUPPLY.
5. TRASH DISPOSAL TO BE RESIDENTIAL COLLECTION.
6. A SOIL EROSION AND SEDIMENTATION PERMIT FROM THE CITY OF NOVI WILL BE REQUIRED.
7. NO STREET LIGHTING PROPOSED.
8. SIGN DETAILS ARE TO BE PROVIDED TO THE CITY AND APPROVAL GRANTED PRIOR TO THE PLACEMENT OF ANY SIGNS. SEE LANDSCAPE PLANS FOR SIGN DETAILS.
9. LANDSCAPE PLAN TO BE SUBMITTED AT A LATER DATE FOR PROPOSED LANDSCAPING.
10. CLEAN STONE ENTRANCE DRIVES TO BE CONSTRUCTED AS FIRST PART OF CONSTRUCTION PROVIDE ACCESS FOR FIRE DEPARTMENT AND CONSTRUCTION TRAFFIC DURING CONSTRUCTION.
11. ALL ON-SITE UTILITIES WILL BE DEDICATED TO THE CITY OF NOVI.
12. STORM SEWER DETENTION TO BE PROVIDED ON SITE WITH DETENTION PONDS DISCHARGING TO THE EXISTING ON-SITE WETLANDS.
13. ALL REQUIREMENTS BY THE FIRE DEPARTMENT PER THE INTERNATIONAL FIRE CODE WILL BE MET.
14. HOMES ARE NOT TO EXCEED 35' IN HEIGHT AND/OR 2 1/2 STORIES.
15. ALL PROPOSED ROADS ARE PROPOSED TO BE PUBLIC AND OWNED BY CITY OF NOVI.
16. A DRAINAGE PLAN MUST BE PROVIDED FOR THE SANITARY SEWER INSTALLATION AND APPROVED BY THE CITY OF NOVI ENGINEERING DEPARTMENT PRIOR TO ANY WORK.

**LOT TABL**

LOT #	AREA
1	18,992 SF
2	22,426 SF
3	13,181 SF
4	10,242 SF
5	10,368 SF
6	11,288 SF
7	12,588 SF
8	14,532 SF
9	10,891 SF
10	10,515 SF
11	10,588 SF
12	10,779 SF
13	11,845 SF



**TRAFFIC CONTROL SIGN TABLE**

NOTE: ALL TRAFFIC SIGNAGE WILL COMPLY WITH THE CURRENT MUTCD STANDARDS.

24	WETLANDS SIGN	16'x24"
25	WETLANDS SIGN	16'x24"

**BENCHMARKS**

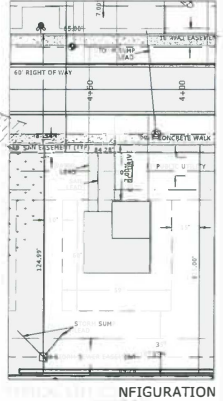
1. MARK ON CORNER OF SECTION 22 (N 92°45'00\"/>

**TOPOGRAPHY INFO:**  
 ALL TOPOGRAPHIC SURVEY IS SHOWN IN BLUE. BENCHMARK & ASSOC. TOPOGRAHY POINTS ARE SHOWN IN RED. SEE DETAIL TOPOGRAPHY.

**SITE INFORMATION:**

EXISTING PROPERTY ZONING: R-4  
 PROPOSED PROPERTY ZONING: R-4 SINGLE FAMILY RESIDENTIAL  
 UNITS: 13  
 TOTAL AREA: 134,000 SF  
 TOTAL DEVELOPABLE AREA: 110,000 SF  
 TOTAL DEVELOPABLE AREA: 82.4% DEVELOPABLE

**R-4 SETBACKS**



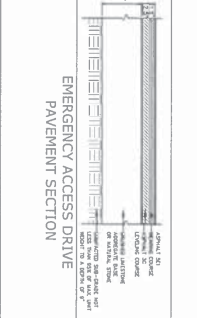
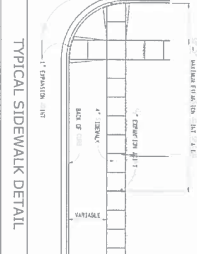
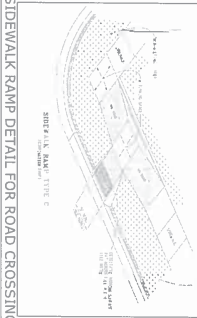
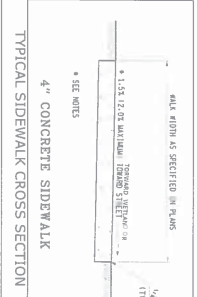
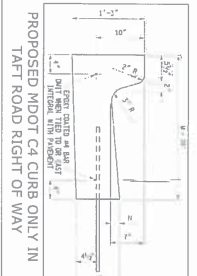
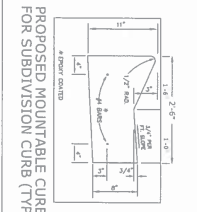
Consulting Civil Engineers  
**Powell Engineering & Associates, LLC**  
 1700 Corporate Center, West Lake, Michigan 48381  
 P: 248.794.9999 E: info@powelleng.com

BEFORE YOU DIG  
 CALL MISS DIG  
 1-800-482-1771

**TAFT KNOLLS III SITE CONDO  
 GENERAL COVER SHEET**  
 TAFT KNOLLS III SITE CONDO  
 TAFT ROAD CITY OF NOVI MICHIGAN

**ISSUE DATES**

DATE OF THIS PLAN: 08/20/2024  
 CITY PLAN NUMBER: 2024-0012



ISSUE DATES	DATE	DESCRIPTION
1	08/14/2018	ISSUED FOR PERMIT REVIEW
2	08/14/2018	ISSUED FOR PERMIT REVIEW
3	08/14/2018	ISSUED FOR PERMIT REVIEW
4	08/14/2018	ISSUED FOR PERMIT REVIEW
5	08/14/2018	ISSUED FOR PERMIT REVIEW
6	08/14/2018	ISSUED FOR PERMIT REVIEW
7	08/14/2018	ISSUED FOR PERMIT REVIEW
8	08/14/2018	ISSUED FOR PERMIT REVIEW
9	08/14/2018	ISSUED FOR PERMIT REVIEW
10	08/14/2018	ISSUED FOR PERMIT REVIEW
11	08/14/2018	ISSUED FOR PERMIT REVIEW
12	08/14/2018	ISSUED FOR PERMIT REVIEW
13	08/14/2018	ISSUED FOR PERMIT REVIEW
14	08/14/2018	ISSUED FOR PERMIT REVIEW
15	08/14/2018	ISSUED FOR PERMIT REVIEW
16	08/14/2018	ISSUED FOR PERMIT REVIEW
17	08/14/2018	ISSUED FOR PERMIT REVIEW
18	08/14/2018	ISSUED FOR PERMIT REVIEW
19	08/14/2018	ISSUED FOR PERMIT REVIEW
20	08/14/2018	ISSUED FOR PERMIT REVIEW
21	08/14/2018	ISSUED FOR PERMIT REVIEW
22	08/14/2018	ISSUED FOR PERMIT REVIEW
23	08/14/2018	ISSUED FOR PERMIT REVIEW
24	08/14/2018	ISSUED FOR PERMIT REVIEW
25	08/14/2018	ISSUED FOR PERMIT REVIEW
26	08/14/2018	ISSUED FOR PERMIT REVIEW
27	08/14/2018	ISSUED FOR PERMIT REVIEW
28	08/14/2018	ISSUED FOR PERMIT REVIEW
29	08/14/2018	ISSUED FOR PERMIT REVIEW
30	08/14/2018	ISSUED FOR PERMIT REVIEW
31	08/14/2018	ISSUED FOR PERMIT REVIEW
32	08/14/2018	ISSUED FOR PERMIT REVIEW
33	08/14/2018	ISSUED FOR PERMIT REVIEW
34	08/14/2018	ISSUED FOR PERMIT REVIEW
35	08/14/2018	ISSUED FOR PERMIT REVIEW
36	08/14/2018	ISSUED FOR PERMIT REVIEW
37	08/14/2018	ISSUED FOR PERMIT REVIEW
38	08/14/2018	ISSUED FOR PERMIT REVIEW
39	08/14/2018	ISSUED FOR PERMIT REVIEW
40	08/14/2018	ISSUED FOR PERMIT REVIEW
41	08/14/2018	ISSUED FOR PERMIT REVIEW
42	08/14/2018	ISSUED FOR PERMIT REVIEW
43	08/14/2018	ISSUED FOR PERMIT REVIEW
44	08/14/2018	ISSUED FOR PERMIT REVIEW
45	08/14/2018	ISSUED FOR PERMIT REVIEW
46	08/14/2018	ISSUED FOR PERMIT REVIEW
47	08/14/2018	ISSUED FOR PERMIT REVIEW
48	08/14/2018	ISSUED FOR PERMIT REVIEW
49	08/14/2018	ISSUED FOR PERMIT REVIEW
50	08/14/2018	ISSUED FOR PERMIT REVIEW
51	08/14/2018	ISSUED FOR PERMIT REVIEW
52	08/14/2018	ISSUED FOR PERMIT REVIEW
53	08/14/2018	ISSUED FOR PERMIT REVIEW
54	08/14/2018	ISSUED FOR PERMIT REVIEW
55	08/14/2018	ISSUED FOR PERMIT REVIEW
56	08/14/2018	ISSUED FOR PERMIT REVIEW
57	08/14/2018	ISSUED FOR PERMIT REVIEW
58	08/14/2018	ISSUED FOR PERMIT REVIEW
59	08/14/2018	ISSUED FOR PERMIT REVIEW
60	08/14/2018	ISSUED FOR PERMIT REVIEW
61	08/14/2018	ISSUED FOR PERMIT REVIEW
62	08/14/2018	ISSUED FOR PERMIT REVIEW
63	08/14/2018	ISSUED FOR PERMIT REVIEW
64	08/14/2018	ISSUED FOR PERMIT REVIEW
65	08/14/2018	ISSUED FOR PERMIT REVIEW
66	08/14/2018	ISSUED FOR PERMIT REVIEW
67	08/14/2018	ISSUED FOR PERMIT REVIEW
68	08/14/2018	ISSUED FOR PERMIT REVIEW
69	08/14/2018	ISSUED FOR PERMIT REVIEW
70	08/14/2018	ISSUED FOR PERMIT REVIEW
71	08/14/2018	ISSUED FOR PERMIT REVIEW
72	08/14/2018	ISSUED FOR PERMIT REVIEW
73	08/14/2018	ISSUED FOR PERMIT REVIEW
74	08/14/2018	ISSUED FOR PERMIT REVIEW
75	08/14/2018	ISSUED FOR PERMIT REVIEW
76	08/14/2018	ISSUED FOR PERMIT REVIEW
77	08/14/2018	ISSUED FOR PERMIT REVIEW
78	08/14/2018	ISSUED FOR PERMIT REVIEW
79	08/14/2018	ISSUED FOR PERMIT REVIEW
80	08/14/2018	ISSUED FOR PERMIT REVIEW
81	08/14/2018	ISSUED FOR PERMIT REVIEW
82	08/14/2018	ISSUED FOR PERMIT REVIEW
83	08/14/2018	ISSUED FOR PERMIT REVIEW
84	08/14/2018	ISSUED FOR PERMIT REVIEW
85	08/14/2018	ISSUED FOR PERMIT REVIEW
86	08/14/2018	ISSUED FOR PERMIT REVIEW
87	08/14/2018	ISSUED FOR PERMIT REVIEW
88	08/14/2018	ISSUED FOR PERMIT REVIEW
89	08/14/2018	ISSUED FOR PERMIT REVIEW
90	08/14/2018	ISSUED FOR PERMIT REVIEW
91	08/14/2018	ISSUED FOR PERMIT REVIEW
92	08/14/2018	ISSUED FOR PERMIT REVIEW
93	08/14/2018	ISSUED FOR PERMIT REVIEW
94	08/14/2018	ISSUED FOR PERMIT REVIEW
95	08/14/2018	ISSUED FOR PERMIT REVIEW
96	08/14/2018	ISSUED FOR PERMIT REVIEW
97	08/14/2018	ISSUED FOR PERMIT REVIEW
98	08/14/2018	ISSUED FOR PERMIT REVIEW
99	08/14/2018	ISSUED FOR PERMIT REVIEW
100	08/14/2018	ISSUED FOR PERMIT REVIEW

NOTE: RIGHT OF WAY PERMIT FROM THE CITY OF NOVI WILL BE REQUIRED FOR THE PROPOSED SIDEWALK ALONG FRONTAGE AND WATERMAIN TYP

NOTE: SIDEWALK CANNOT EXCEED 2% SLOPE AT ANY LOCATION (EVEN AT DRIVEWAY CROSSINGS - TYPICAL)

NOTE: PLEASE SEE SHEET S1 FOR ALL PROPOSED EASEMENT LOCATIONS AND DESCRIPTIONS

NOTE: IF ANY DEWATERING IS REQUIRED FOR THE SITE A PLAN MUST BE SUBMITTED TO THE ENGINEERING DEPARTMENT FOR REVIEW.

# TAFT KNOLLS III SITE CONDO GRADING AND UTILITY PLAN

TAFT KNOLLS III OPEN SPACE DEVELOPMENT  
TAFT ROAD, CITY OF NOVI, MICHIGAN

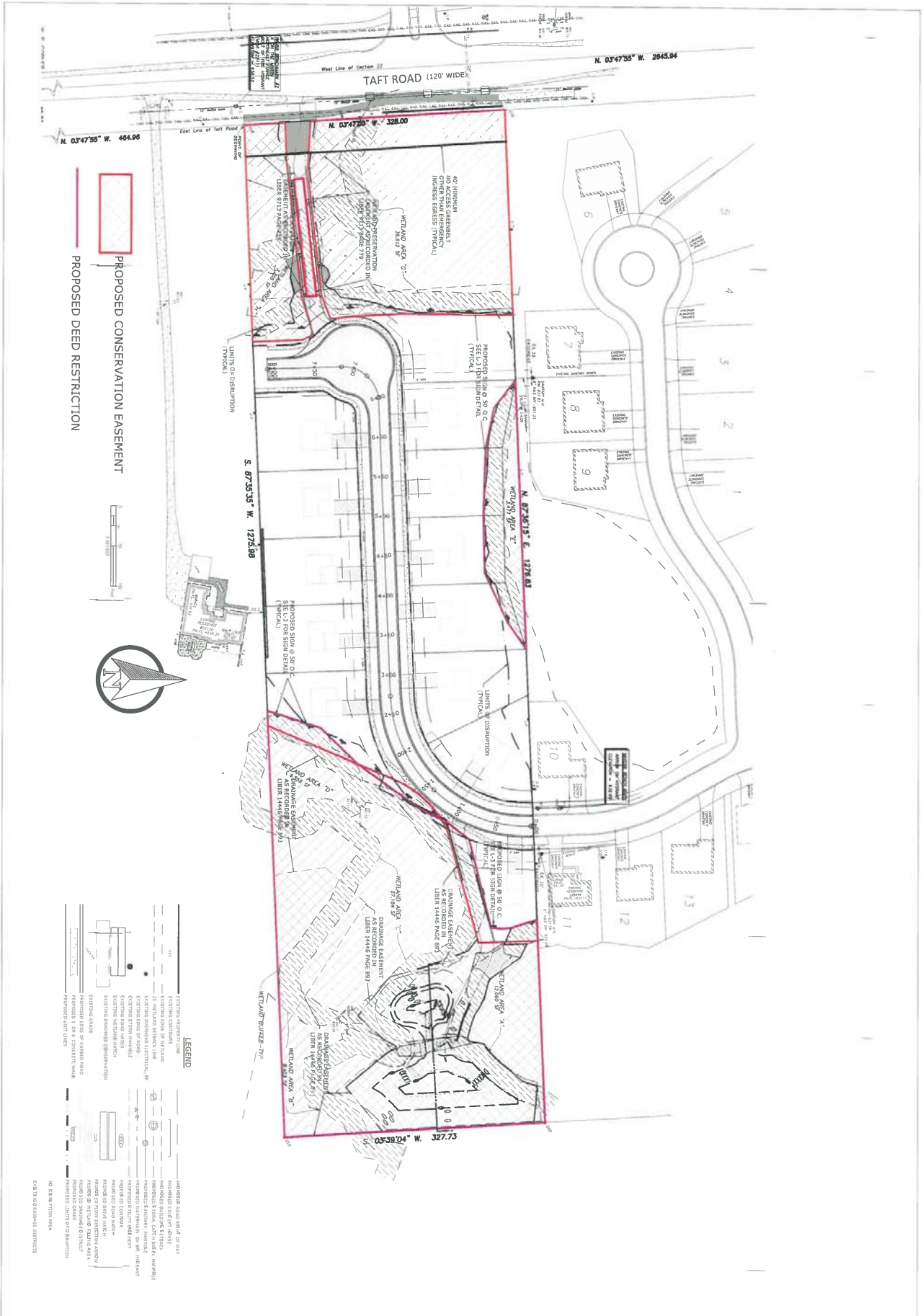
PROPOSED YOU DO NOT CALL MISS DIG 1-800-482-2711

Consulting Civil Engineers  
"Engineering A Better Michigan"

**Powell Engineering & Associates, LLC**

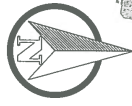
4700 Cornerstone Drive, White Lake, Michigan 48383  
P: 248.714.8885 info@powellengineeringllc.com





PROPOSED CONSERVATION EASEMENT

PROPOSED DEED RESTRICTION



**LEGEND**

	EXISTING EASEMENT OVERLAY		PROPOSED DEED RESTRICTION
	WETLAND AREA 1		WETLAND AREA 2
	WETLAND AREA 3		WETLAND AREA 4
	WETLAND AREA 5		WETLAND AREA 6
	WETLAND AREA 7		WETLAND AREA 8
	WETLAND AREA 9		WETLAND AREA 10
	WETLAND AREA 11		WETLAND AREA 12
	WETLAND AREA 13		WETLAND AREA 14
	WETLAND AREA 15		WETLAND AREA 16
	WETLAND AREA 17		WETLAND AREA 18
	WETLAND AREA 19		WETLAND AREA 20
	WETLAND AREA 21		WETLAND AREA 22
	WETLAND AREA 23		WETLAND AREA 24
	WETLAND AREA 25		WETLAND AREA 26
	WETLAND AREA 27		WETLAND AREA 28
	WETLAND AREA 29		WETLAND AREA 30
	WETLAND AREA 31		WETLAND AREA 32
	WETLAND AREA 33		WETLAND AREA 34
	WETLAND AREA 35		WETLAND AREA 36
	WETLAND AREA 37		WETLAND AREA 38
	WETLAND AREA 39		WETLAND AREA 40
	WETLAND AREA 41		WETLAND AREA 42
	WETLAND AREA 43		WETLAND AREA 44
	WETLAND AREA 45		WETLAND AREA 46
	WETLAND AREA 47		WETLAND AREA 48
	WETLAND AREA 49		WETLAND AREA 50
	WETLAND AREA 51		WETLAND AREA 52
	WETLAND AREA 53		WETLAND AREA 54
	WETLAND AREA 55		WETLAND AREA 56
	WETLAND AREA 57		WETLAND AREA 58
	WETLAND AREA 59		WETLAND AREA 60
	WETLAND AREA 61		WETLAND AREA 62
	WETLAND AREA 63		WETLAND AREA 64
	WETLAND AREA 65		WETLAND AREA 66
	WETLAND AREA 67		WETLAND AREA 68
	WETLAND AREA 69		WETLAND AREA 70
	WETLAND AREA 71		WETLAND AREA 72
	WETLAND AREA 73		WETLAND AREA 74
	WETLAND AREA 75		WETLAND AREA 76
	WETLAND AREA 77		WETLAND AREA 78
	WETLAND AREA 79		WETLAND AREA 80
	WETLAND AREA 81		WETLAND AREA 82
	WETLAND AREA 83		WETLAND AREA 84
	WETLAND AREA 85		WETLAND AREA 86
	WETLAND AREA 87		WETLAND AREA 88
	WETLAND AREA 89		WETLAND AREA 90
	WETLAND AREA 91		WETLAND AREA 92
	WETLAND AREA 93		WETLAND AREA 94
	WETLAND AREA 95		WETLAND AREA 96
	WETLAND AREA 97		WETLAND AREA 98
	WETLAND AREA 99		WETLAND AREA 100

**TAFT KNOLLS III SITE CONDO EXISTING EASEMENT OVERLAY**

TAFT KNOLLS III SITE CONDO  
TAFT ROAD, CITY OF NOVI, MICHIGAN

**ISSUE DATES**

DATE: 07/15/2014  
BY: J. S. HOBBS  
SCALE: AS SHOWN  
SHEET: 57  
TOTAL SHEETS: 57

**Powell Engineering & Associates, LLC**

Consulting Civil Engineers  
"Engineering A Better Michigan"

4700 Cornerstone Drive, White Lake, Michigan 48186  
P: 248.714.8892 Info@powelleng.com

PROPOSED CONSERVATION EASEMENT  
&  
TERMINATION AGREEMENT

---



ELIZABETH KUDLA SAARELA  
esaarela@rsjalaw.com

2755 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

January 8, 2021

Barb McBeth, City Planner  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48375-3024

**RE: Taft Knolls III JSP 19-34  
Proposed Wetland Conservation Easement**

Dear Ms. McBeth:

We have received and reviewed the proposed Wetland Conservation Easement for Taft Knolls III for the purpose of preserving the remaining wetlands and mitigation areas in the Development. The Wetland Conservation Easement is a proposed "new" Conservation Easement rather than an amendment of the existing Conservation Easement on the site. The Wetland Conservation Easement has been provided in the City's standard format, is consistent with the title search provided, and is acceptable as revised. The exhibits have been approved by the City's Consulting Engineer. The original should be signed and submitted by the Developer. Subject to the approval of the enclosed Resolution of the City Council Authorizing Termination of Conservation Easement by City Council, for the purpose of terminating the Conservation Easement that is existing on the project property, the Conservation Easement may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the City Clerk's Office should record it with the Oakland County Register of Deeds in the usual manner, along with the Resolution that terminates the existing Conservation Easement.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC

A handwritten signature in blue ink, appearing to read 'Elizabeth Kudla Saarela', is written over a light blue horizontal line.

Elizabeth Kudla Saarela

EKS  
Enclosures

Barb McBeth, City Planner  
City of Novi  
December 22, 2020  
Page 2

C: Cortney Hanson, Clerk  
Charles Boulard, Community Development Director  
Lindsay Bell, Planner  
Christian Carroll, Planner  
Madeleine Kopko Daniels, Planning Assistant  
Angie Sosnowski, Community Development Bond Coordinator  
Ben Croy, City Engineer  
Kate Richardson, Plan Review Engineer  
Rebecca Runkel, Staff Engineer  
Victor Boron, Civil Engineer  
Sarah Marchioni, Community Development Building Project Coordinator  
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker  
Michelle Spencer, PE, Powell Engineering & Associates  
Thomas R. Schultz, Esquire

January 8, 2021

Barb McBeth  
City of Novi  
26300 Lee BeGole Drive  
Novi, Michigan 48375

Re: Taft Knolls 3 - Document Review  
Novi # JSP16-0067  
SDA Job No. NV18-203  
**EXHIBITS APPROVED**

Dear Ms. McBeth:

We have reviewed the following document package received by our office on December 22, 2020 against the provided planning document(s). We offer the following comments:

**Submitted Documents:**

1. Conservation Easement – (unexecuted: exhibit dated 09/15/2020) – Exhibits approved.

The exhibits do not require further revisions for review. The draft exhibits are approved and ready for execution and City Council acceptance.

Sincerely,

**SPALDING DEDECKER**



Mike Freckelton, EIT  
Engineer

Cc (via Email): Lindsay Bell, City of Novi  
Kate Richardson, City of Novi  
Taylor Reynolds, Spalding DeDecker  
Ted Meadows, Spalding DeDecker  
Victor Boron, City of Novi  
Sarah Marchioni, City of Novi  
Madeleine Kopko, City of Novi  
Christian Carroll, City of Novi

## WETLAND CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by and between TROWBRIDGE HOMES OF TAFT KNOLLS III a Limited Liability Company, whose address is 2617 Beacon Hill Drive, Auburn Hills, (hereinafter the "Grantor"), and the City of Novi, and its successors or assigns, whose address is 45175 Ten Mile Road, Novi, Michigan 48375 (hereinafter the "Grantee").

### **RECITATIONS:**

- A. Grantor owns a certain parcel of land situated in Section 22 of the City of Novi, Oakland County, Michigan, described in Exhibit D, attached hereto and made a part hereof (the Property"). Grantor has received final site plan approval for construction of a residential site condominium on the Property, subject to provision of an appropriate easement to permanently protect the remaining wetland and wetland mitigation areas located thereon from destruction or disturbance. Grantor desires to grant such an easement in order to protect the area.
- B. The Conservation Easement Areas (the "Easement Areas") situated on the Property are more particularly described on Exhibits D, attached hereto and made a part hereof, the first page of which contains a drawing depicting the protected area and the second page a metes and bounds description.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor hereby reserves, conveys and grants the following Conservation Easement, which shall be binding upon the Grantor, and the City, and their respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, all Grantors and purchasers of the property and their respective heirs, successors, assigns and/or transferees. This Conservation Easement is dedicated pursuant to subpart 11 of part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et seq., upon the terms and conditions set forth herein as follows:

- 1. The purpose of this Conservation Easement is to protect the wetlands and wetland mitigation areas as shown on the attached and incorporated Exhibit D. The subject areas shall be perpetually preserved and maintained, in their natural and undeveloped condition,

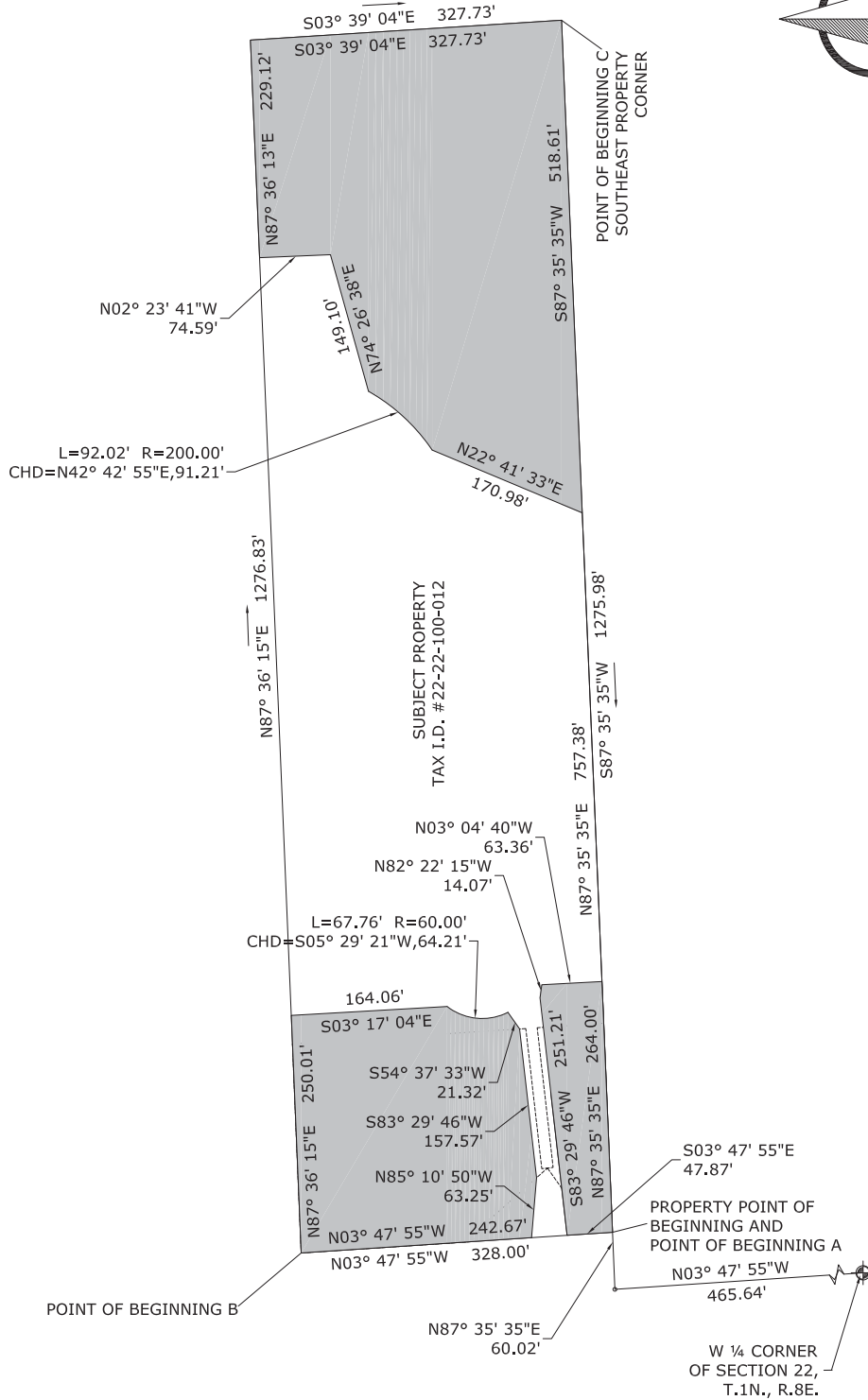
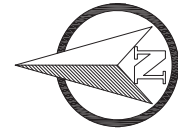
unless authorized by permit from the City, and, if applicable, the Michigan Department of Environment, Great Lakes & Energy and the appropriate federal agency.

2. Except for and subject to the activities which have been expressly authorized by permit, there shall be no disturbance of the wetlands, mitigation areas and/or vegetation within the Easement Area, including altering the topography of; placing fill material in; dredging, removing or excavating soil, minerals, or trees, and from constructing or placing any structures on; draining surface water from; or plowing, tilling, cultivating, or otherwise altering or developing, and/or constructing, operating, maintaining any use or development in the Easement Area.
3. No grass or other vegetation shall be planted in the Easement Areas after the date of this Conservation Easement with the exception of plantings approved, in advance, by the City in accordance with all applicable laws and ordinances.
4. This Conservation Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Area, except that, upon reasonable written notice to Grantor, Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Easement Area to determine whether the Easement Area is being maintained in compliance with the terms of the Conservation Easement.
5. In the event that the Grantor shall at any time fail to carry out the responsibilities specified within this Document, and/or in the event of a failure to preserve and/or maintain the wetland and/or mitigation areas in reasonable order and condition, the City may serve written notice upon the Grantor setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the Grantor to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official, designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not obligation to enter upon the property, or cause its agents or contractors to enter upon the property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien on an equal pro rata basis as to all of the lots on the property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Grantor, all unpaid amounts may be placed on





# EXHIBIT "D"



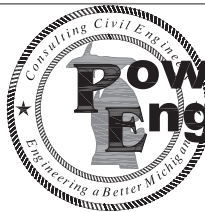
DATE: 9/15/2020

 BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171

NOTES: TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## CONSERVATION EASEMENT EXHIBIT "D"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"  
**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

Email: help@powelleng.net

DRAWN MCS  
DESIGNED MCS  
APPROVED MCP  
P.E. JOB No. 16-472  
SCALE 1"=150'

**10F2**  
EXHIBIT\_D



# EXHIBIT "D"

## CONSERVATION EASEMENT

THE PROPOSED PERMANENT CONSERVATION EASEMENT BEING DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SUBJECT PROPERTY OR POINT OF BEGINNING A; THENCE ALONG THE SOUTH PROPERTY LINE N87°35'35"E, 264.00 FT; THENCE N03°04'40"W, 63.36 FT; THENCE N82°22'15"W, 14.07 FT; THENCE S83°29'46"W, 251.21 FT; THENCE S03°47'55"E, 47.87 FT TO THE POINT OF BEGINNING, ALSO BEING THE SW PROPERTY CORNER OF SUBJECT PROPERTY. CONTAINS 0.35 ACRES MORE OR LESS.

ALSO INCLUDING BEGINNING AT THE NORTHWEST PROPERTY CORNER OR POINT OF BEGINNING B; THENCE ALONG THE NORTH PROPERTY LINE N87°36'15"E, 250.01 FT; THENCE S03°17'04"E, 164.06 FT; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT LENGTH 67.76 FT, RADIUS 60.00 FT, HAVING A CHORD BEARING AND DISTANCE S05°29'21"W, 64.21 FEET; THENCE S54°37'33"W, 21.32 FT; THENCE S83°29'46"W, 157.57 FT; THENCE N85°10'50"W, 63.25 FT TO THE WEST PROPERTY LINE; THENCE ALONG THE WEST PROPERTY LINE N03°47'55"W, 242.67 FT TO THE POINT OF BEGINNING. CONTAINS 1.38 ACRES MORE OR LESS.

ALSO INCLUDING BEGINNING AT POINT OF BEGINNING C THENCE ALONG THE SOUTH PROPERTY LINE S87°35'35"W, 518.61 FT; THENCE N22°41'33"E, 170.98 FT; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT LENGTH 92.02 FT, RADIUS 200.00 FT, HAVING A CHORD BEARING AND DISTANCE N42°42'55"E, 91.21 FT; THENCE N74°26'38"E, 149.10 FT; THENCE N02°23'41"W, 74.59 FT TO THE NORTH PROPERTY LINE; THENCE CONTINUING ALONG THE NORTH PROPERTY LINE N87°36'13"E, 229.12 FT TO THE NORTHEAST PROPERTY CORNER OF SUBJECT PROPERTY; THENCE S03°39'04"E, 327.73 FT ALONG THE EAST PROPERTY LINE OF SUBJECT PROPERTY TO THE POINT OF BEGINNING. CONTAINING 2.94 ACRES MORE OR LESS.

## SUBJECT PROPERTY LEGAL DESCRIPTION (TAX I.D. #22-22-100-012)

LOT 4 OF "MUNRO SUBDIVISION" OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, T.1N, R.8E., CITY OF NOVI, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 61 OF PLATS, PAGE 26, OAKLAND COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 22; THENCE ALONG THE WEST LINE OF SECTION 22 AND THE CENTERLINE OF TAFT ROAD, N03°47'55"W, 465.64 FT; THENCE N87°35'35"E, 60.02 FT TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF TAFT ROAD, NORTH 03°47'55" WEST 328.00 FEET; THENCE ALONG THE SOUTH LINE OF "TAFT KNOLLS II", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1879, N87°36'15"E, 1276.83 FT; THENCE ALONG THE WEST LINE OF "CEDARSPRING ESTATES SUBDIVISION NO. 4" AS RECORDED IN LIBER 216 OF PLATS, PAGES 22-27, OAKLAND COUNTY RECORDS, S03°39'04"E, 327.73 FT; THENCE S87°35'35"W, 1275.98 FT TO THE POINT OF BEGINNING. CONTAINS 9.605 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINS 9.605 ACRES.

© 2013 Powell Engineering & Associates LLC

DATE: 9/15/2020

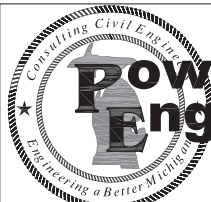


BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171

NOTES TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/ OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## CONSERVATION EASEMENT EXHIBIT "D"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"

**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

Email: info@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCP
P.E. JOB No.	16-472
SCALE	1"=180'

**20F2**  
EXHIBIT\_D

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING  
TERMINATION OF CONSERVATION EASEMENT**

RECITATIONS UNDERLYING THIS RESOLUTION:

The easement for the preservation and maintenance of a wetland area granted to the City of Novi (the "City") whose address is 45175 Ten Mile Road, Novi, Michigan 48375, which easement is located in Section 22 of the City of Novi, as described on the attached and incorporated Exhibit B is the subject matter of this Resolution, and shall be referred to herein as the "Easement".

The predecessor to the current owner of the property described in the attached and incorporated Exhibit B, upon which the Easement is located (the "Property"), granted an easement dated December 14, 1986, recorded on January 8, 1987 at Liber 9713, Pages 778-781, Oakland County Records, for a wetland Conservation Easement. A proposed new development will construct an emergency access over a portion of the existing Conservation Easement area and proposes to a different Conservation Easement Area within the proposed Development. As such, the City has approved the current Owner's request to terminate and vacate the existing Conservation Easement in exchange for granting the new Conservation Easement as required in accordance with the site plan for the Taft Knolls 3 Development. Any costs associated with terminating the easement shall be the Owner's expense.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. That the Conservation Easement, located in Section 22 of the City, which is recorded at Liber 9713, Pages 778 through 781, Oakland County Records, for preservation and maintenance of a wetland Conservation Easement be terminated:  
  
{See attached and incorporated Exhibit A}
2. This Resolution shall be recorded with the Oakland County Register of Deeds evidencing the termination called for herein.

AYES:  
NAYES:  
ABSTENTIONS:

Resolution declared adopted.

STATE OF MICHIGAN            )  
  ) ss.  
COUNTY OF OAKLAND        )

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Novi at the regular meeting held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

Drafted by:  
Elizabeth K. Saarela  
Rosati, Schultz, Joppich, & Amtsbuechler, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100

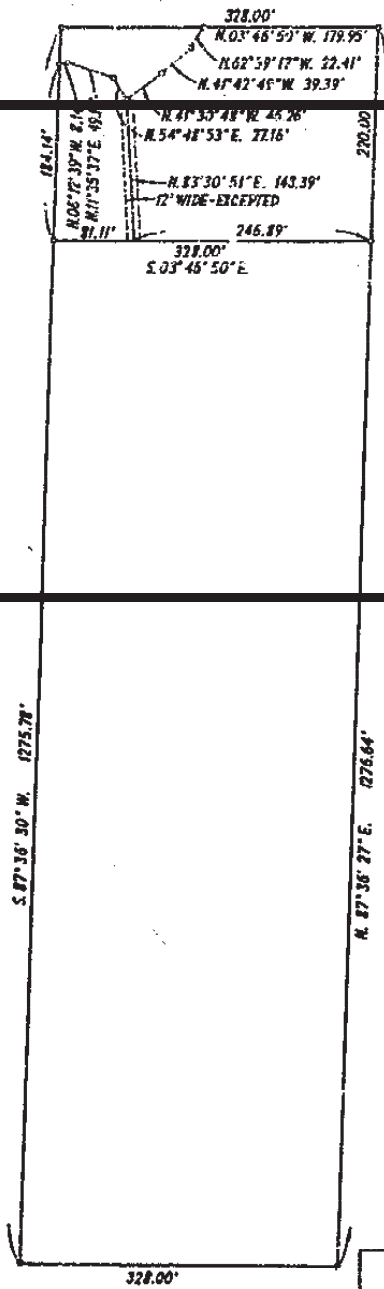
When recorded return to:  
Cortney Hanson, Clerk City of Novi  
45175 Ten Mile Road  
Novi, MI 48375

# January 8 1987

LIBER 9713 PAGE 781

## EXHIBIT "A"

E TAFT ROAD

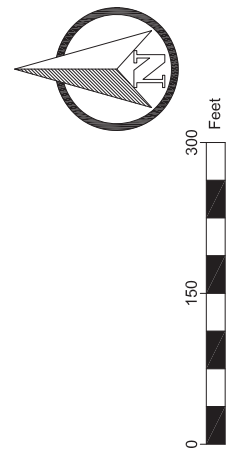
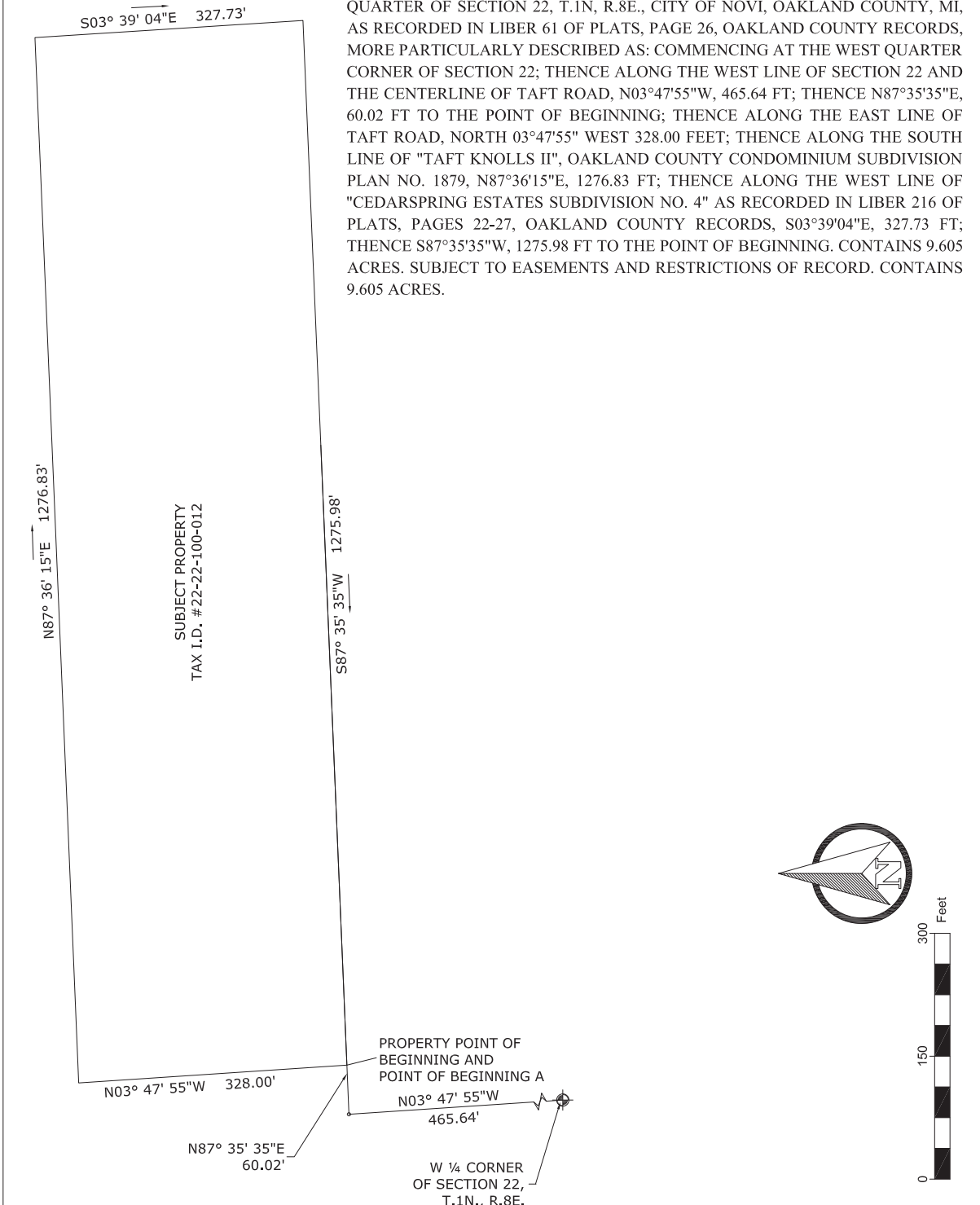


		<b>J&amp;K and Associates, Inc.</b> Consulting Engineers Charleston, W.Va. Phone 825-9400	
		<b>CEDAR SPRINGS WEST BASIN</b>	
<b>LOT 4 MUNRO SUB.</b>			
Drawn by Checked by	Date <b>12-12-85</b>	Scale <b>NO SCALE</b>	Job No. <b>N-1156</b>
		Sheet No. <b>1</b>	

# EXHIBIT "B"

## SUBJECT PROPERTY LEGAL DESCRIPTION (TAX I.D. #22-22-100-012)

LOT 4 OF "MUNRO SUBDIVISION" OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, T.1N, R.8E., CITY OF NOVI, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 61 OF PLATS, PAGE 26, OAKLAND COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 22; THENCE ALONG THE WEST LINE OF SECTION 22 AND THE CENTERLINE OF TAFT ROAD, N03°47'55"W, 465.64 FT; THENCE N87°35'35"E, 60.02 FT TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF TAFT ROAD, NORTH 03°47'55" WEST 328.00 FEET; THENCE ALONG THE SOUTH LINE OF "TAFT KNOLLS II", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1879, N87°36'15"E, 1276.83 FT; THENCE ALONG THE WEST LINE OF "CEDARSPRING ESTATES SUBDIVISION NO. 4" AS RECORDED IN LIBER 216 OF PLATS, PAGES 22-27, OAKLAND COUNTY RECORDS, S03°39'04"E, 327.73 FT; THENCE S87°35'35"W, 1275.98 FT TO THE POINT OF BEGINNING. CONTAINS 9.605 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINS 9.605 ACRES.



© 2013 Powell Engineering & Associates LLC

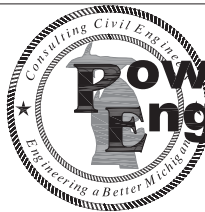
DATE: 9/18/2020

**BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171**

NOTES TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## PROPERTY DESCRIPTION EXHIBIT "B"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"  
**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

Email: help@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCP
P.E. JOB No.	16-472
SCALE	1"=150'

**1**  
EXHIBIT\_B

APPLICANT RESPONSE LETTER  
JUNE 4, 2020

---



4700 Cornerstone Drive  
White Lake, MI 48383  
Phone: (248)714-9895  
Fax: (248)694-9222  
Email: info@powelleng.net

June 4, 2020

Ms. Lindsay Bell, Senior Planner  
Ms. Barb Mcbeth, City Planner  
City of Novi Engineering Department  
45125 W. Ten Mile Road  
Novi, MI 48375

RE: Proposed Novi Taft Knolls III – Planner 4th review response letter  
PSP #19-34; PE Job #16-472

Dear Ms. Lindsay Bell:

We have received final site plan review for our engineered Site Plans for the above referenced job and have the following responses to address all the comments on each review letter as follows:

*PLAN REVIEW CENTER REPORT (dated March 16, 2020)*

1. Modification of Existing Conservation Easement – See Attached Exhibit A Easement Overlay Plan
  - a. We are requesting modification to the existing conservation easement for the following reasons:
    - i. City requirements requires a 20' minimum width emergency ingress egress to be provided with all cul-de-sac designs so there are multiple ways to access in case of an emergency. We are providing additional conservation easements over the property to mitigate the requested widened access.
      1. Previous conservation area 64,148 sq.ft., proposed new conservation area 202,797 sq.ft. (see attached Easement overlay plan)
    - ii. The current easement is 12' wide and does not continue all of the way through where the current single home drive is located. We are requesting the modification of the easement to be 25' wide for a 20' emergency access as required.
    - iii. No modifications are proposed to be made to the existing drainage easement area in the rear of the site.
  - b. See note a above.
  - c. We will be requesting a variance to prevent further filling or encroachment on wetlands.

2. Wetland Buffers:

We proposed signage every 50' on the plan as recommended by ECT, City of Novi wetland consultant's letter. The owner will add additional buffers of decorative fencing and/or boulders along with signs for more of an esthetically pleasing views for future homeowners, but did not want to commit to exact location or types on site plan, therefore, the required minimum is shown with the intent of going beyond this as part of construction.

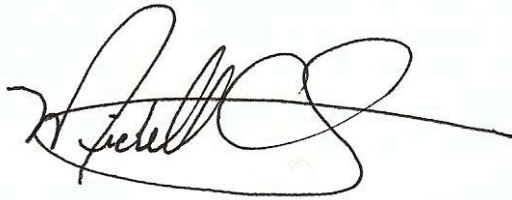
3. Road Design

- a. The radius is smaller to preserve the existing wetlands and prevent additional filling and/or disruption of said wetlands. We did increase the radius of the pavement to meet the requirements of the Road Commission and show a turning radius on the plan showing that a garbage truck and a fire engine can easily turn around using only the proposed cul-de-sac. Furthermore, this cul-de-sac also includes a stub road and an paved emergency access road to provide even more ability to turn around. We are requesting a waiver from City Ordinance Figure VIII-G for the reasons stated above which mitigates the concerns.
- b. As stated above, cul-de-sac was made bigger and 2 optional turnarounds as the stub and access drive provided as well on the revised plans.
- c. We placed the sidewalk closer to the edge of pavement in the cul-de-sac where vehicles would be going slower than the 25 mph speed limit. We did this to limit disruption and preserve the natural features and wetland in this area. We are seeking a variance from the standard requirement of 5' for this purpose.

*ENGINEERING PLAN REVIEW REPORT (dated April 23, 2020)*

All additional engineering details and construction requirements will be made on the final site plans and will meet the requirements of the City Engineer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle C. Spencer', is written over a light blue rectangular background.

Michelle C. Spencer  
Project Engineer

File



Planner Response Letter

June 4, 2020

Page 3 of 3



**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Drive  
White Lake, MI 48383  
Phone: (248)714-9895  
Fax: (248)694-9222  
Email: info@powelleng.net

June 4, 2020

Ms. Lindsay Bell, Senior Planner  
Ms. Barb Mcbeth, City Planner  
City of Novi Engineering Department  
45125 W. Ten Mile Road  
Novi, MI 48375

RE: Taft Knolls III – Waiver and Modification requests PSP #19-34; PE Job #16-472

Dear Ms. Lindsay Bell:

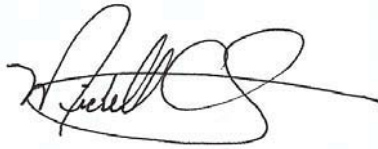
Requesting for the following waivers or modifications as part of site plan approval are as follows:

- 1 Request for modification of existing conservation easement to allow for the emergency access drive of 25' through it – mitigation provides an additional 3+ acres of conservation easement area granted to the City of Novi.
- 2 Request for variance of City of Novi Ordinance Figure VIII-G for the granting of the smaller cul-de-sac radius to prevent encroachment and filling of natural resources and wetland. – mitigations for this variance request are:
  - a. Pavement meets necessary diameter for turn-a-round of fire truck and garbage truck and turning radius' have been shown on plans.
  - b. A stub road and emergency access drive have been provided which give additional ability to turn around beyond even the cul-de-sac.
- 3 Request for variance of sidewalk closer than 5' to edge of road ONLY in cul-de-sac to prevent encroachment and filling in natural resources and wetland. This variance is only requested in a very small area within the cul-de-sac area where car speed is limited.
- 4 Request for variance of 25' wetland setback – no lot will extend into any wetland at any location, however, we are requesting a variance to allow the 25' wetland setback to extend into lots 3, 4, 5, 6, 12 and 13 – mitigation for this item are:
  - a. A combination of signs, boulder, decorative fences to mark the deed restricted area to prevent disruption of any kind to this 25' setback area.
  - b. Additional conservation easement provided over a portion of the site of 3+ acres.
  - c.
- 5 Landscape waiver – lack of berm at the road. We are requesting this waiver for 2 reasons
  - a. If the berm were put in it would require filling into an existing wetland along Taft Road
  - b. If the berm were put in it would require cutting down of trees which are being preserved because no proposed development is being put within more than 100' from the existing Taft Road right of way.

This waiver is requested to preserve wetland and natural features.

- 6 Landscape waiver – a landscape waiver is requested for 4 spruce /canopy trees and 7 subcanopy trees to prevent the planting of said trees in the wetland  
This waiver is requested to preserve wetland and natural features.
  
- 7 Landscape waiver – a landscape waiver is requested to not be required to propose street trees along Taft Road because no proposed development is proposed along Taft and because the road frontage has a great deal of existing vegetation and wetland area which would be negatively impacted if required.  
This waiver is requested to preserve wetland and natural features.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle C. Spencer", written over a light blue rectangular background.

Michelle C. Spencer  
Project Engineer

PLANNING COMMISSION MINUTES  
JUNE 10, 2020  
EXCERPT

---



## PLANNING COMMISSION

### MINUTES

CITY OF NOVI

Regular Meeting

**June 10<sup>th</sup>, 2020 7:00 PM**

Remote Meeting

45175 W. Ten Mile (248) 347-0475

In accordance with Executive Order 2020-48, this meeting was held remotely.

#### CALL TO ORDER

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

#### ROLL CALL

Present: Member Avdoulos, Member Ferrell, Member Gronachan, Member Lynch, Member Maday, Chair Pehrson

Absent: Member Anthony

Staff: Barbara McBeth, City Planner; Lindsay Bell, Senior Planner; Madeleine Kopko, Planning Assistant; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Elizabeth Saarela, City Attorney; Pete Hill, City Environmental Consultant; Saumil Shah, City Traffic Consultant

#### PLEDGE OF ALLEGIANCE

Chair Pehrson led the meeting attendees in the recitation of the Pledge of Allegiance.

#### APPROVAL OF AGENDA

Moved by Member Gronachan and seconded by Member Ferrell.

**VOICE VOTE TO APPROVE THE JUNE 10, 2020 PLANNING COMMISSION AGENDA MOVED BY MEMBER GRONACHAN AND SECONDED BY MEMBER FERRELL.**

**Motion to approve the June 10, 2020 Planning Commission Agenda. *Motion carried 6-0.***

#### AUDIENCE PARTICIPATION

Seeing no one in the audience wished to speak, Chair Pehrson closed the first audience participation.

#### CORRESPONDENCE

There was no correspondence.

#### COMMITTEE REPORTS

There were no committee reports.

## CITY PLANNER REPORT

There was no city planner report.

## CONSENT AGENDA - REMOVALS AND APPROVALS

### 1. GRIFFIN FUNERAL HOME JSP17-13

Approval of the request of Novi Funeral Home, LLC for the first one-year extension of the Final Site Plan approval. The subject property is located south of Eleven Mile Road and west of Beck Road, in the RA, Residential Acreage Zoning District. The applicant is proposing to construct a 13,000 square foot building and associated site improvements for use as a funeral home. A special land use permit was granted in June of 2017.

Motion made by Member Avdoulos and seconded by Member Maday.

### **ROLL CALL VOTE TO APPROVE THE ONE YEAR EXTENSION OF THE FINAL SITE PLAN FOR GRIFFIN FUNERAL HOME MADE BY MEMBER AVDOULOS AND SECONDED BY MEMEBR MADAY.**

**Motion to approve the first one-year extension of the Final Site Plan approval for Griffin Funeral Home JSP17-13. Motion carried 6-0.**

## PUBLIC HEARINGS

### 1. TAFT KNOLLS III JSP 19-34

Public hearing at the request of Trowbridge Land Development for Preliminary Site Plan, Site Condominium, Wetland Permit, Woodland Permit and Stormwater Management Plan Approval. The Subject Property is located in Section 22, South of Eleven Mile Road and East of Taft Road and is zoned R-4 (One Family Residential). The applicant is proposing to construct a 13-unit single-family residential development (Site Condominium) off of an extension of Danya's Way.

Planner Bell said the subject property is located on the east side of Taft Road north of 10 Mile Road in Section 22 of the City of Novi. The property totals 9.6 acres. The current zoning of the property is R-4, One-Family Residential, with the same to the North, east and south. The properties to the west across Taft Road are zoned Residential Acreage. The future land use designation and surrounding properties on the north, east and south is single family. Educational facility is indicated on the west. The site has a substantial portion of regulated wetland areas along the east and west property lines, and also a considerable amount of woodlands along the eastern portion of the site.

The subject property is subject to two existing easements. A drainage easement on the east is 1.53 acres and the conservation easement on the west side covering the wetlands is 1.51 acres. There is a 12-foot wide strip of land that was excluded from the conservation easement on the western side of the site to allow for driveway access from Taft Road to the existing home.

The applicant is proposing a 13-unit single-family residential Site Condominium with access off Taft Road via an extension of the existing Danya's Way from the north. A secondary emergency access road would be required, with a total width of 20 to 25-feet. This would also serve as the construction route to prohibit construction traffic from entering and exiting the site through the existing Taft Knolls neighborhood to the north. There was a previous proposal for a 15-unit single-family residential development utilizing the Open Space Preservation option in 2017. That plan proposed a full 60-foot wide public right-of-way through the existing conservation easement out to Taft Road. The Planning Commission recommended approval of that plan on August 23, 2017. However, when the plan went to City Council it was not approved due to concern about the proposed easement modification, having to widen that drive access through the existing easement would require an

amendment with the conservation easement.

Planner Bell continued to say staff's current recommendation for Planning Commission's approval is contingent on Council's approval to approve the amendment of the easement. We cannot be sure that City Council will be willing to approve the amendment of the existing easement; however, the impact is significantly reduced now that that full width is going through there. City Council would also need to approve a variance for the radius and right-of-way width of the proposed road eyebrow, which does not meet the standard requirements. The revised layout that is now proposed has also eliminated the need for a driveway spacing waiver and the 25-foot stormwater buffer encroachment variance that was asked for previously. Amendments to the drainage easement on the eastern portion of the site are also no longer required. The Engineering review identified a couple of administrative variances that are required: one for the sidewalk placement for a portion of Danyas Way near the wetlands in a couple locations, and another for not providing a stub street at 1,300 foot intervals along the property line. Staff is in support of both waivers as they would reduce the impacts to the existing wetlands without compromising safety. The landscape review identified three waivers required: absence of the required berm and five required street trees along Taft road, and the lack of greenbelt trees provided along the frontage, all due to presence of the existing wetland which would have more impacts if those berms and trees were in place.

There are eight areas of wetlands on site. The site plan proposes about 0.11 acre of impacts to five of those wetlands. This amount of impact does not require mitigation measures under the City's Ordinance. The site plan proposes to include some of the wetland buffers in the rear yard for about five lots. In those locations the applicant proposes deed restrictions and signage to be placed on the lots to protect those buffers. About 52% of the woodland trees surveyed are proposed to be preserved. The proposed removal of 106 regulated trees, after taking into account 46 non-woodland trees to be preserved onsite, would require 127 replacement credits. The plan proposes to replace all of them on site.

All reviews are recommending approval, contingent on City Council approval of the variances and easement modifications, with additional information requested at the time of Final Site Plan. The Planning Commission is asked today to hold the public hearing to consider the Preliminary Site Plan, site condominium, wetland permit, woodland permit and stormwater management plan. The applicant Anthony Randazzo is here tonight with Engineer Mike Powell to address any concerns you have.

Mike Powell, Powell Engineering, said I'd like to introduce this project back to the Planning Commission. In this particular case, the cul-de-sac design was originally approved approximately ten years ago. Due to the economic downturn it was never initiated. When it was brought back, the Planning Commission and City Council really were hoping to have an access road to Taft Road. With that in mind, we ended up with 15 lots. As was presented, the Planning Commission approved that plan and recommended to City Council. City Council had a problem with removing and modifying a 60-foot right-of-way leading out to Taft Road in order to allow that looped street. With that information from the City Council, we went back to the drawing board and ended up with a new concept with a new cul-de-sac design, but the owner lost 2 lots. The owner believes that was better than trying to fit the additional lots in there. This layout does the least to impact the wetlands and the conservation easement.

This particular plan, when initially submitted, the fire department was concerned with the length of the cul-de-sac. Therefore we worked with them and proposed a 20-foot wide emergency road access out to Taft Road. This will be a gated access that the fire department will have a key to and be able to open it in case of emergencies. The planning department also pointed out that we needed to have some type of a stub road to the south so that this roadway system could be

extended to the south into the next piece of property if it needed to be developed.

One of the issues before the Planning Commission tonight is a waiver modification for the size of the cul-de-sac. The cul-de-sac itself meets the Road Commission of Oakland County requirements. The City of Novi's design is typically a little larger than what Oakland County requires. We were able to meet it at 60-foot dimensions. We provided the turnaround radius to the fire department so they can navigate around this cul-de-sac and per chance there was an accident in that area they can also use the emergency route out to Taft Road. A t-turnaround was also established in the cul-de-sac and staff has pointed out that we received the blessing from the fire department and all the staff reviewers.

Mike Powell said I did want to point out one additional thing. We are asking for a site modification in the conservation easement. The easement granted by City Council was for a 12-foot wide access easement just for a driveway for the original house. Unfortunately what's happened is the fire department's minimum size for an access road for emergency vehicles is 20-feet and we are asking for a 25-foot modification to the access easement from Taft Road into this site for emergency vehicles only. As were asking for a waiver on that and as a benefit to this modification, the owner is looking to actually increase the conservation easement by 3 acres. So all the acreage to the east will be added to the conservation easement which means there will be a net increase of 3 acres to the community and preserving that area in perpetuity. With that, I'm here to answer any questions the Planning Commission may have and I thank you very much for giving me this opportunity.

Chair Pehrson opened the Public Hearing for comments.

James Marr, 25387 Sullivan Lane, said my biggest concern is the wetland areas and the privacy issue. I live at the back of the proposed development. The engineer was talking about adding the 3-acres to the east side and that's what helped influence what my main concern was which is not being able to physically see the development. My wife and I purchased this home almost three years ago and the reason why we bought this home was because we had privacy in the backyard with the wetlands. We assumed that was protected land, so not having to walk out in our backyard to see 13 houses was somewhat important to us when we purchased this home. I'm also concerned with how it could possibly affect the value of the property by the loss of privacy. Until I could see the rearranged plans I would have to object.

Ruby Marr, 25387 Sullivan Lane, said I would like some clarification on the woodlands. When I walk into my backyard and into these woods, it looks like there are trees that are coming down that are awfully close to the property lines for me and my neighbors who live in Cedar Estates. We have lovely wildlife that we enjoy seeing and its part of what brings uniqueness to this neighborhood. It's very demoralizing and upsetting to see all these trees marked with nickel plates and pink flags of what I would hate to think are coming down. I don't quite understand the drawings. I would like to have some clarification because it looks like its protected wetlands. I see signs that say "protected wetlands" when I walk down the street to Jamestown and I just don't understand why these are not protected and why we're entertaining this idea.

Dan Trainor, 44646 Kerri Court, said I certainly agree with what Mr. and Ms. Marr contributed and I just wanted to expand on it a little bit. There are a number of aspects of the plan that I have some difficulty with. The biggest concern is with the wetland areas. I think overall the plan is too ambitious and looking at the drawings that were submitted with the 13 proposed lots, I can't see where 15 homes would ever have been feasible. I still think 13 homes are too many. Specifically, I look at some of the sections of the packet where ECT commented that they continue to suggest that the applicant attempt to reduce the overall proposed impacts to the existing woodlands. I couldn't agree with that more. As a matter of fact, I would maybe update and say require them to



reduce the overall impact.

When you look at the Woodlands Protection Ordinance and some of the language that was quoted by ECT, it mentions providing paramount public concern for the natural resources and the interest of health, safety, and general welfare of the City residents. Also they mention how the removal or relocation of trees should be limited to those instances when necessary. I think that they could move the detention basin and eliminate the removing of at least 83 trees on the eastern portion of the property where the houses are not proposed to be built. If those trees come down, that will destroy that natural barrier of woodlands.

Dan Trainor continued to say I really think this is on the developer to comply with the Ordinances rather than the city. The city should act on behalf of the residents to really back down and enforce the Ordinance. They need to scale their project to be able to meet the requirements that are in place. ECT also said that it is their opinion that the current site layout is not consistent with upholding the intent and goals of the City's Woodland Ordinance. Again, I think that's an issue that really needs to be addressed. I think if that detention basin was moved to another location they may have to take out another site and I think that's what the outcome should be. We really need to leave the trees and the impact to the wetlands alone especially wetlands in areas A, B, and C on the plan as proposed. I really ask of your consideration in modifying this plan. It just befuddled me that they can request a twenty-foot wide easement, but they can't find space for the replacement trees. That's because every parcel of property in there is really being marked for development when it should have factored in in compliance with the Ordinances. I look to the Planning Commission. You're representing the residents of the city of Novi in this. I really ask for your help and expertise making sure this plan is brought in line with the Ordinances that exist.

Amy Wang, 25472 Danyas Way, said I understand that there is an entrance made for construction purposes, but I want to emphasize that on Danyas Way where the new subdivision will be connecting, that road should not open up until the final capping of the roads occur. We're asking for reassurance that there will be no construction traffic of any sort that will be traveling through our side of the subdivision or parking in front of our homes and disrupting where we are living now. I know that construction can go through a lengthy process and so I'm asking that that does not occur because we don't want to be disrupted. In addition, when we finished our side of the sub, the original Taft Knolls had complained about the construction traffic and it affecting their roads, so I want to emphasize again that we do not want any disruption but for also any reason if they come through and there is impact to our currently capped roads that there's something put aside to discourage that from happening because we know from history that it had happened before.

Finhas Husan, 45293 Sedra Court, said my concern is regarding the trees as well as the construction traffic. I support what Mr. and Ms. Marr said that this property has a lot of wetland as well as mature trees. I need to understand how the trees are counted because if you are measuring trees by their diameter - they are all so different that it doesn't represent the trees accurately and it is not effective from a perspective of how dense the foliage is and how much it provides privacy to the residents. That is our primary reason why we moved here is to have the privacy. On lot numbers 1, 2, and 7 it is going to completely destroy all the privacy. There's going to be a significant amount of pine trees that are there for lots of wildlife and this plan does not address any of those things and it completely removes a lot of the foliage around them. Also, I echo what Amy said about the timeliness of completion because we need to have a timeline of when this project could be completed, we don't want this project to go on for years.

Wen Liu, 45257 Sedra Court, said I would like to reiterate and reemphasize the messages that all the other residents given. My wife and I do object to this in terms of the ecological impact of the tree removals and the impact to the wetlands, as well as the construction traffic going through Taft

Knolls I and II. We think these needs to be addressed before we could support it.

Planning Assistant Kopko read the correspondence. The first letter was a letter of support from Anthony Randazzo at 25150 Taft Road. The second letter is from Finhas Hasan, 45293 Sedra Court, who objects. There are concerns with significant landscape changes, privacy, and construction traffic. Another objection from David Tozer, 25411 Sullivan Lane, concerns about privacy and property values. Then there were some objections from quite a few Taft Knolls and Taft Knolls II residents, who all agreed on the same items, I'll read of their names: Miguel Vidal, Bradley & Sarah Graca, Faisal Uppal, Johnathan & Alanna Nzoma, Girish Rao and Kavitha Raghunath, Wen Liu and Lian Tao, Ben and Amy Wang, Bhavana Chakraborty, Venkata Krishna Curapati Murali: they all have concerns about construction traffic, children's safety, home security, tree removals, timely completion, and poor maintenance of the current retention pond. There were also some recommendations that an agreement be put in place with the builder that all conditions are met, an entrance update, and children's play area be added.

Planning Assistant Kopko continued to say there's another objection from Eric and Nicole Bradshaw, 25315 Sullivan Lane, citing concerns about hurting the uniqueness of the surrounding properties, decreasing property values, and they would ask for the plan to not encroach on the woodlands and wetlands. Another objection from James Marr, 25387 Sullivan Lane, with concerns about protected lands and how it affects privacy and home values. One last objection from Jeffrey Gedeon, 25458 Danyas Way, stating concerns about completing the project in a timely manner and would recommend a completion agreement and compensation to the City's tree fund based upon any trees that are removed, concerns about loss of the woodlands and the engineered ponds that already exist, concerns about extending Danyas Way, concerns about construction vehicles parking in the existing Taft Knolls subdivisions, and would recommend a 'No Construction Traffic' and 'No Construction Parking' sign be put up. That was all the correspondence received.

City Planner McBeth said it looks like there is one more hand raised in the audience.

Alex Kadarjan, 25363 Sullivan Lane, said my concern is with the uniqueness of our home purchase and that was the huge selling factor was the woods in the backyard. My concern is also with the wildlife. We love watching the deer that come out of the woods. I feel like that might be destroyed and the property values will be decreased and we will lose the uniqueness. This property was very rare to find. I fear my property values will go down, I don't want to see other houses in the view - that's one of the reasons why we moved to Novi, for these woods.

Chair Pehrson closed the public hearing after seeing no one else wished to speak and turned it over to the Planning Commission for consideration.

Mike Powell, Powell engineering asked to make a brief statement. We certainly understand the concern of the existing residents. I've never yet been to a Planning Commission meeting to where the adjacent neighbors haven't had concerns about every development that goes on in the City and in other communities. That being said, this site has changed dramatically since the last plan was approved by the Planning Commission. We have greatly reduced the impact of the natural resources and the wetlands. The trees that are marked do not mean they are coming down. We have been approved by each and every department of the City of Novi. I also wanted to let the Planning Commission realize that this is a standard site condominium; we meet all the requirements of the standard subdivision development. It's no longer an open space plan and it has been reduced by 2-lots, we are adding 3-acres of conservation area to the site which means half the site will be in conservation easements and not be developed. I also wanted to point out that the tree count has been done and been blessed by the departments in the city. I wasn't sure what report the resident was reviewing, but the Planning Department might be able to respond to that. I would

also like to offer that the land owner has agreed to use the emergency access drive off of Taft Road for all construction traffic, so there will be no construction traffic allowed on Danyas Way. Everything will be coming in off of Taft Road and then that entrance will be closed when construction is completed and be used for emergency access only. There will be no construction traffic at all on the local roads. As far as construction, the owner would very much like the initial construction to be done by next spring and homes to be built next summer.

Member Maday said first, I'm okay with modifying the conservation easement because I believe the intent is the same intent that the original owner had and that was access. The previous owner donated a lot for his access to his home; I believe that intent is the same. It's the bare minimum width that it can be to meet the code and so I've actually come to grips with that. I am slightly concerned about the additional 83 trees that are going to be taken away to build the detention basin and I would love to know if the applicant has looked at any other options in order to help meet the intent of the Woodlands Ordinance or if it has been discussed and its really not an option at this point. So that would be my first question and I think that maybe would be for you Rick.

Landscape Architect Meader said I actually would defer to this to Pete Hill. The reason is because they have moved the detention pond to where it was before. I can't really speak to what options they have gone through in their design process. It's probably more for the design engineer more than either of us with what they've actually tried to do. I can tell you the first plan didn't have the pond at the very edge like this one does, but that's about what I can tell you.

Mike Powell, Powell Engineering, said the previous design had the detention basin along the east and more central property line. It was decided to move from that area because there was an intrusion into the wetland along that east side. The Planning Commission approved it there. The only area that we could find that fit that required detention basin in is in the upland area that's not in the wetland, so we are actually taking upland area that would not impact any wetlands whatsoever and utilize that for the detention. That is the only upland area on the entire site that does not have impacts to the wetland and the natural preservation of the wetland area so it was decided that that was a much better area, it did remove some mature trees right in the center of the east side of the site, substantially back from any property lines, and of course the owner is planting the trees as required to buffer that detention area and is proposing to plant a great number of new trees to replace those that have to be removed.

Member Maday said that's good to hear. I also wanted to make sure that all the trees that are going to be removed are going to be replaced on site. Is that correct?

Mike Powell said that is correct.

Member Maday said so the last thing is there are a lot of concerns from the public about construction and privacy issues. It looks like you committed to using the access from Taft Road so it will not affect the residents to the north which is great. It also looks like a lot of people are concerned about wetlands and you're only disturbing a minimal amount of so I'm pretty happy to see that, which will hopefully keep as much of the wetlands and natural areas that we can preserve so thank you for that.

Member Lynch asked how large the site is. Planner Bell confirmed it was 9.6 acres.

Member Lynch said the zoning on this site seems to have has the same zoning for at least over a decade. Is that true?

Planner Bell said I'm not certain of the length of time it's been zoned R-4, but everything around

there has been R-4 and developed that way.

Member Lynch said as the adjacent subdivisions were getting built I was wondering if this particular parcel had a different zoning. The best I could see, it has been zoned this way for quite some time. As an R-4, they could legally put a lot more homes on it. Commissioner Maday touched on one of my biggest concerns: the trees that are going to be removed and replaced. There not going into the tree fund, they are actually going back on the site so there will be those same amounts of trees on this site when this is done. I appreciate the minimizing the impact to the conservation easement. It's unclear to me what the holdup was on the original approval? Was it too wide?

Mike Powell said the Council was concerned that the 60-foot right-of-way and the 30-foot wide road way was going to affect too much of the wetlands going out to Taft Road, so now it is a 20-foot wide emergency access drive, and we've eliminated that concern of theirs, we hope.

Member Lynch said okay I understand. I agree with Council on that, I'm surprised we missed that on the original approval. Overall, as long as the trees remain on site, it's been zoned this way for well over a decade. I do like the idea of minimizing the amount of land that you're going to use for the actual development. As far as the density, I'm actually quite pleased there's a reduction of density. It looks like the setbacks from the adjacent subdivision are significant, based on the drawings it looks like it will still be significant amount of deciduous and evergreen trees between the two subdivisions.

Mike Powell said were not disturbing any trees within the wetlands or the buffer areas. We're leaving the buffer outside of the any homes that are actually going to be constructed. The owner is not in the business to remove trees so he's going to minimize the disruption of any trees along the rear lots.

Member Lynch said I don't have an issue with it. I'm actually pleased with what you have done and I like the idea of wanting all construction traffic down that access road. I'm in support of this.

Member Gronachan said I would like to talk to the residents that have voiced all their concerns. I realize and I've heard a lot of concerns over this piece of property prior to my appointment to the Planning Commission because I was on the Zoning Board and this piece of property has been under discussion by the residents in those neighborhoods for a long time. I can understand when you're dealing with a lot of wetlands and a lot of woodlands it can be a delicate situation. I don't feel that the residents should be frustrated. I think that the City and the staff have done a great job in overseeing the development of this site. Because of the concerns of these residents, they have a vested an interest in their homes and I'm glad to see so many are paying attention to what's going on next door. Kudos to all of you for bringing up questions and voicing your concerns.

I have to say that with this particular site when you look at it, half of it is staying as a wetland, which is huge. All the trees are going to be brought back into this site. Some of them are going to be new trees. So there's a lot going on in this subdivision and one of the residents mentioned that there are a lot of lines on the plan and it's hard to understand. I would encourage them to go to the Planning Department and take a look at the plans to ease your mind. This developer, in my opinion, has done a lot of steps to pay attention to the privacy issues, to make sure were not removing excess trees, he's addressed the concerns about the wetlands, he has very minimal impact and so I feel confident that this is a good development for this particular piece of land. I do have a question about the emergency access drive to be used for construction. I just want to make sure that with the access road only being 20-feet wide, if the trucks would have a problem going into the site that they are not going to be turning around and going through the other subdivisions.

Kate Richardson said if the developer is willing to put up signs to stop construction from going through that area then absolutely we can enforce that, especially with the final site plan approval. We'll ask that the developer and the contractor take a video of the all the roads in the nearby area to prove that they weren't at fault for any harm out there. I will be on site, our construction inspectors will also be on site regularly and I'm sure the residents will keep us informed too if there are any issues during construction.

Member Gronachan said and that's something the residents can contact the city about and let them know if they see something that is not in agreement to what is going on here tonight. I don't think it's the developer's intent to cause any damage to other subdivisions or come in and destroy anything because at the end of the day it's going to cost him more money if there is destruction. So with that, I echo the previous member's sentiments about the trees and I really wanted to send out some words to the residents and address their concerns. I'm in support of this development.

Member Ferrell said I echo a lot of what the other commissioners have previously said. I had some issues with the trees and I actually wanted to ask the applicant about the trees that you said are marked. What are the markings on the trees for and which trees are going to be removed?

Mike Powell said the neighbors may not understand the process of tagging all the trees. They happen to mention all the trees they were concerned about have silver buttons on them with numbers. That quite frankly is standard operating procedure where you go through to identify every single tree of the required size and log it, categorize it, and determine the quality and then we present it to the city because based upon that, it is going to determine what type of tree and how many trees have to be replaced. Just because it's tagged doesn't mean it's going to be removed. I do not believe that the tree clearing has been identified yet on the site. I certainly ask the resident to come in and take a look at the plans because we've identified every single tree on the landscape plan and on the tree removal plan that's to come down and it has to be replaced per the Ordinance. Again, the developer is looking to minimize any disruption especially along property lines because we know how important those are.

Member Ferrell said thank you, I just wanted to make sure what the tags meant is clear, but they also mentioned some other markings on the trees besides the silver buttons.

Ruby Marr, 25387 Sullivan Lane, said there are pink flags on some of the trees that are very close to the property line.

Environmental Consultant Hill said in some of our previous review letters for woodlands we noted that a lot of the trees on the very far eastern section of the site that the residents are concerned with had not been surveyed. They did not have the metal tree tags on them yet, so perhaps it's my guess that the ribbons that are the most visible to those residents are not necessarily meaning those trees are coming down, but those may have not been surveyed yet. Maybe the developer's team or the surveyors have flagged all the ones that were yet to be surveyed.

Member Ferrell said thank you for that, I just wanted that clarified for the residents so they know what the procedure is. I support the development and I do appreciate reducing it to have 13 homes instead of 15 and the waiver for having the extra 3-acres to the property to help facilitate the natural habitat of the animals that everybody seemed to be concerned about.

Member Avdoulos said I echo my fellow commissioner's comments and I appreciate the residents addressing their concerns and Member Gronachan for walking us through what we're doing. There's going to be cautionary verbiage put in the packet to, especially in the woodlands, to minimize the amount of disruption to the woodlands. In order to make something successful, there's

got to be some give and take. This project went through the first round and seems like the City Council was not comfortable with it so now they're back before us and the applicant has made adjustments. I think one of the big things that was expressed, and I'm actually going through it myself personally, is to make sure that when projects are under construction, if there is going to be any disruption to the residents either construction traffic or being blocked off the residents should be notified. I know the applicant is before us and is listening to all these concerns, but that information and those goals need to be notified to the team that is actually doing the construction. Whoever is the superintendent out in the field has to know that this is very important. We have a couple of projects going in in my neighborhood and work started on an intersection that we had no notice of and there was a 4-foot drop that came right in front of you so we called the City and the City acted within 24-hours, so if we keep lines of communication open, I think we will be good.

Chair Pehrson said I have no other comments, I think you did a wonderful job trying to explain what your thought process is. I appreciate everyone bringing forward their comments and I also see the developer is very willing to address the concerns that the surrounding citizens have. I'm in support.

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN AND SITE CONDOMINIUM OF PROJECT JSP19-34 TAFT KNOLLS III MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER FERRELL.**

**In the matter of Taft Knolls III JSP 19-34, motion to approve the Preliminary Site Plan and Site Condominium based on and subject to the following:**

- a. **A Landscape waiver for absence of required berm along the Taft Road frontage, as required by Section 5.5.3.B.ii and iii, *due to the presence of wetlands between the road and lots that are being preserved, which is hereby granted;***
- b. **A Landscape waiver for absence of five required street trees along the Taft Road frontage, as required by Section 5.5.3.E.i.c and LDM 1.d., *due to lack of space caused by presence of wetlands, which is hereby granted;***
- c. **A Landscape waiver for absence of greenbelt canopy, evergreen or subcanopy trees provided along north 166 linear feet of frontage (4 canopy and 6 subcanopy trees required) *because wetland to be preserved occupies that section, which is hereby granted;***
- d. **City Council approval of proposed modifications to the existing conservation easement;**
- e. **City Council approval of a variance from Chapter 11, Figure VIII-G of the City Code for not meeting the required radii and right-of-way dimensions of the proposed eyebrow *in order to prevent further encroachment into the wetland buffer;***
- f. **Administrative variance for not providing a stub street at 1300 foot intervals along property line, as listed in Section 4.04 A.i.b of the Subdivision Ordinance, *due to presence of existing regulated woodlands and wetlands;***
- g. **Administrative variance for placement of the sidewalk greater than 1 foot inside the right-of-way in various locations, *due to the presence of existing regulated woodlands and wetlands;***
- h. **The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and**
- i. **The applicant shall provide the appropriate signage for construction to communicate and minimize any disruption to the adjacent residences. If there is going to be any anticipated traffic disruption to the residences, the applicant shall notify the residents in writing.**

**This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and**

Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.  
*Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE WETLAND PERMIT FOR PROJECT JSP 19-34 TAFT KNOLLS III MADE BY MEBER AVDOULOS AND SECONDED BY MEMBER FERELL.**

In the matter of Taft Knolls III JSP 19-34, motion to approve the Wetland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Gronachan.

**ROLL CALL VOTE TO APPROVE THE WOODLAND PERMIT FOR PROJECT JSP 19-34 TAFT KNOLLS III MADE BY MEBER AVDOULOS AND SECONDED BY MEMBER GRONACHAN.**

In the matter of Taft Knolls III JSP 19-34, motion to approve the Woodland Permit based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Motion made by Member Avdoulos and seconded by Member Ferrell.

**ROLL CALL VOTE TO APPROVE THE STORM WATER MANAGEMNET PLAN FOR PROJECT JSP 19-34 TAFT KNOLLS III MADE BY MEBER AVDOULOS AND SECONDED BY MEMBER FERELL.**

In the matter of Taft Knolls III JSP 19-34, motion to approve the Stormwater Management Plan, based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

## **MATTERS FOR CONSIDERATION**

### **1. INTRODUCE TEXT AMENDMENT 18.293 – LANDSCAPE ORDINANCE AND LANDSCAPE DESIGN MANUAL**

Set a public hearing for Text Amendment 18.293 to update Section 5.5 of Zoning Ordinance related to the Landscaping standards, and the Landscape Design Manual, in order to update and make modifications to the ordinance and manual in certain areas.

Landscape Architect Meader said in 2017 we made pretty significant changes to the Ordinance because I thought the requirements were a bit overdone and Planning Commission and Council agreed. These changes are much more limited in scope and tonight we are here to set the Public Hearing. Basically, the memo in the packet describes the changes in the Ordinance; most of them are very minor. They are organizational things and some minor corrections. Some that would be considered more major are suggestions that would require a wall between parking areas and

CITY COUNCIL MINUTES  
MAY 7, 2018  
EXCERPT

---



**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, MAY 7, 2018 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

**Mayor Gatt called the meeting to order at 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Markham, Mutch, Wrobel

**ALSO PRESENT:** Peter Auger, City Manager  
Victor Cardenas, Assistant City Manager  
Carl Johnson, Finance Director  
Thomas Schultz, City Attorney

**APPROVAL OF AGENDA:**

City Manager Auger asked that would Council pull Consent Agenda Item J from the Agenda. He stated there was an oversight on his part. He forgot that some Councilmembers were waiting for an opinion from City Councils Corporation Council and it should not have been placed on the Agenda until they received that opinion. He also asked Council to pull Matters for Council Action Item 6 from the Agenda. He explained that the Novi Schools did not vote on that at their Thursday night meeting as we hoped. He informed Council they plan on voting on the issue at their next meeting, so that will be back before Council.

**CM 18-05-057            Moved by Casey, seconded by Staudt; MOTION CARRIED: 6-1**

**To approve the Agenda as amended with the removal of Consent Agenda Item J and removal of Matters for Council Action Item 6.**

**Roll call vote on CM 18-05-057            Yeas: Staudt, Casey, Markham, Mutch, Wrobel, Gatt**  
**Nays: Breen**

**PUBLIC HEARING:**

1. Recommended Annual Budget and Financial Plan 2018-2019.

Public hearing opened at 7:02 P.M. and closed at 7:03 P.M. with no public input.

**PRESENTATIONS:**

1. Proclamation in recognition of National Letter Carriers' Food Drive Day, May 12th – Sherri McIntosh

Sherri McIntosh said it was the 26<sup>th</sup> year for the National Letter Carriers' Food Drive Day, May 12<sup>th</sup>. She said the food is distributed to St. James Catholic Church and Faith Community Christian Church food pantries in Novi. They feel lucky to give back to the

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:**

Member Mutch removed Consent Agenda Item H because he had serious concerns about what is being proposed with this request to change this easement. He disclosed some background information regarding when the project came before Planning Commission he alerted City staff that there was a city-owned Conservation Easement on this property. After doing additional research, the City Attorney and City Staff located two city-owned easements on the property which neither the staff nor the applicant knew about. He stated due to a lack of due diligence on behalf the applicant, he was unaware of that before they summited their project. He said instead of directing the applicant to modify their project to conform to the easement, City Staff decided to ask Council to modify those easements to allow the applicant to develop the property as he originally proposes, allowing the applicant to forego existing easements on the property. He personally could not support this request. He felt this was a terrible precedent and a bad public policy from his perspective. Conservation Easements exist to protect existing natural resources. Changing them to encourage development where it was previously was not permitted is the wrong direction for the City to take. He stated the change being proposed would result in road going through a portion of the conservation area that was previously protected. It's not being done to protect natural resources; it is being done to facilitate higher density development. He stressed if this change is approved, it would call into question any other Conservation Easements held by the City. He questioned what value they provide if they can be altered because a developer doesn't want to work within the existing limits. He said it was laudable to see additional areas proposed for preservation in this project, these are areas that couldn't be developed because they were wetlands or isolated by the existing easements on the property. He said the developer had to set aside these areas anyway in order to get the credits to allow him to build to the density that they are proposing. He noted it also appears that some of the areas covered by the new easement are questionable for inclusion. They include stormwater detention areas that are not normally covered by an Open Space Easement, and not normally counted towards those kinds of open space credits. He pointed out that it overstates the amount of area actually being protected by this easement. One of his other concerns was that the new easement crosses the back of some of the lots. He said that we would have an open space easement on top of the existing lots. He felt this was another bad policy decision, placing easements like this across lots has been done elsewhere in the City and when it has it has always been problematic. Homeowners have an expectation they will be able to use their property that they purchased and you can put as many signs and disclosures in advance, but it always caused problems. He thought to him, it was simply highlighting for this particular proposal, the way they configured this development is that they are trying to squeeze too many lots into the space that can't accommodate that because of the existing natural resources. He stated for all of those reasons he could not support the request. He spoke with City Attorney beforehand about this and was told at this point appropriate motion if there is support not to move forward with this would be to postpone and give him an opportunity to research what the appropriate denial motion would be.

**CM 18-05-064      Moved by Mutch, seconded by Gatt; CARRIED UNANIMOUSLY**

**To postpone Agenda Item H to a future date to give the City Attorney an opportunity to review and provide the appropriate language to deny this item.**

**Roll call vote on CM 18-05-064      Yeas: Gatt, Staudt, Breen, Casey, Markham,  
Mutch, Wrobel  
Nays: None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 8:06 P.M.

---

Cortney Hanson, City Clerk

---

Robert J. Gatt, Mayor

---

Transcribed by Deborah S. Aubry

Date approved: May 21, 2018