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CITY of NOVI CITY COUNCIL

Agenda Item 3
October 28, 2013

SUBJECT: Approval of the request of Ivanhoe Companies for JSP 13-47 with Zoning Map Amendment 18.704 to rezone property in Section 18, on the west side of Wixom Road south of Grand River Avenue from B-2, Community Business and I-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant. The property totals 29.20 acres and the applicant is proposing an 86 unit single-family residential development.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

PRO Agreement

The petitioner is requesting a Zoning Map amendment for a 29.20-acre property on the west side of Wixom Road, south of Grand River Avenue (Section 18) from B-2 (Community Business) and I-2 (General Industrial) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) utilizing the City's Planned Rezoning Overlay (PRO) option. The applicant states that the rezoning request is necessary to allow the development of an 86-unit single-family site condominium. The City Council has tentatively approved the rezoning and the petitioner has now brought forward the Planned Rezoning Overlay Agreement.

Included with the proposed PRO Concept Plan, the applicant is seeking positive consideration of the following Zoning Ordinance deviations included in the PRO Agreement. All are supported by staff.

- **Lot Size and Width:** Per Section 501.1 of the Zoning Ordinance, one-family detached dwellings are to be reviewed against the regulations for the R-4 Zoning District. The minimum lot size is 10,000 square feet and the minimum lot width is 80 feet. The applicant has proposed a minimum lot size of 5,400 square feet and a minimum width of 45 feet.
- **Setbacks:** The minimum side yard setback for a single-family dwelling in this district is 10 feet with an aggregate of 25 feet. The minimum rear yard setback is 35 feet. The applicant has proposed a minimum 5 foot side yard setback (with an aggregate of 10 feet) and a minimum 30 foot rear yard setback. The minimum front yard setback for a single-family dwelling is 35 feet. The applicant has identified a 20 foot setback on the concept plan. While the front yard setback deviation was not specifically highlighted in the previous staff and consultant review letters, the proposed setback was shown in all of the plans and application materials, including at the City Council meeting where the rezoning was tentatively approved. Staff does not object to the inclusion of the front yard setback deviation.

- Landscape waivers: The applicant has not shown the required landscape berm along all frontages in areas where existing mature vegetation or regulated wetlands will be preserved.

The Zoning Ordinance permits deviations from the Ordinance provided that the City Council finds that *"each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."*

As part of the PRO, the applicant is required to provide a public benefit that would demonstrate more than just the usual benefits associated with the standard rezoning and development of the property. The applicant has offered the following benefits that have been included in the PRO agreement.

- Developer shall construct no more than 86 units with a minimum unit width of 28 feet
- Installation of "Welcome to Novi" sign
- Dedication of 60 feet of right-of-way along Wixom Road
- Installation of a pedestrian connection to 12 Mile Road
- Preservation of the remaining on-site natural features and open space, including undisturbed regulated wetlands and woodlands
- 'Upgraded' elevations
- Garages shall not protrude more than 6 feet

The concept plan shows the required eight-foot wide sidewalk in the Wixom Road right of way, as well as the five-foot wide pedestrian connection to Twelve Mile Road at the northwest corner of the property. These non-motorized improvements are also called out in the PRO Agreement. Final details and the necessary public easements for the pedestrian connections will be required with site plan submittal.

During discussions with the Plan Review Center, the applicant had indicated that he was not sure whether he would construct the clubhouse and pool that are shown on the Concept Plan, due to the anticipated on-going costs and potentially limited usage by the future residents of the development. The PRO Agreement indicates that the applicant may construct the clubhouse and pool that are shown on the PRO concept plan at the discretion of the developer.

The PRO concept plan shows an on-site detention pond on the north side of the site, open space and the preservation of a large wetland area along the site's northern property line. Two access points (one boulevarded) are proposed off of Wixom Road. A community clubhouse and pool are also shown on the concept plan as an optional feature to be included at the discretion of the developer.

After final approval of the PRO Concept Plan and Agreement, the applicant would submit for Site Plan approval under the typical review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the PRO Concept Plan expires, the zoning reverts back and the agreement becomes void.

Previous City Council Consideration

This matter previously appeared before the City Council on September 16, 2013. At that meeting, the City Council tentatively approved the rezoning and concept plan and directed the applicant to work with the City Attorney's office on a PRO agreement. Relevant meeting minutes are attached.

Public Hearing and Planning Commission Recommendation

The public hearing for the rezoning request was held by the Planning Commission on August 28, 2013. At that meeting, the Planning Commission recommended approval of Zoning Map Amendment 18.704 to rezone the property from B-2, Community Business and I-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential utilizing the City's PRO option. Relevant draft minutes from the Planning Commission meeting are attached.

City Council Action

Because the PRO Agreement is consistent with the rezoning with PRO request tentatively approved by the City Council at the June 18th meeting, the City Council is now asked to consider the actual text of the Planned Rezoning Overlay Agreement and give final approval of the agreement, the concept plan and the rezoning. Following Council's final approval, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures.

RECOMMENDED ACTION: Final Approval of the request of Ivanhoe Companies for JSP 13-47 with Zoning Map Amendment 18.704 to rezone property in Section 18, on the west side of Wixom Road south of Grand River Avenue from B-2, Community Business and I-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant, subject to the conditions listed in the staff and consultant review letters for the following reasons, for the following reasons:

- (1) As determined by the City's traffic consultant, the proposed use will not cause any detrimental traffic impact on existing thoroughfares;
- (2) The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats, given the open space and conservation easement areas;
- (3) The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood, which include other residential uses and educational uses;
- (4) The proposed use is a reasonable alternative to the City's Master Plan for Land Use;
- (5) The proposed use will promote the use of land in a socially and economically desirable manner, given the past use of the property, the preserved areas, the extent and nature of the proposed improvements, and the compatibility with adjacent uses;
- (6) Approval of the rezoning will accomplish the integration of the proposed land development project into the surrounding area, and will result in an enhancement of the project area as compared to the existing zoning, given the uses depicted in the PRO Plan and the public benefits provided; and
- (7) Sufficient conditions have been included on and in the PRO Plan and PRO Agreement such that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

**PRO AGREEMENT
CONCEPT PLAN
BUILDING ELEVATION RENDERINGS
ENTRY STONE WALLS, PIERS AND SIGNAGE PLAN
REZONING SURVEY**

PLANNED REZONING OVERLAY (PRO) AGREEMENT
BERKSHIRE POINTE

AGREEMENT, by and among IAC Novi I, LLC, a Michigan limited liability company ("**Developer**"), whose address is 4111 Andover Rd., Suite 150 - W, Bloomfield Hills, Michigan 48302, and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 ("**City**").

RECITATIONS:

- I. Developer is the developer of the "**Land**" described on **Exhibit A**, attached and incorporated herein; Developer is the contract purchaser of the Land from Edw C. Levy Co., a Michigan corporation ("**Levy**"), whose address is 8800 Dix Avenue, Detroit, Michigan 48209 and Lakeside Oakland Development, L.C., a Michigan limited liability company ("**Pellerito**"), whose address is 30295 Embassy Drive, Beverly Hills, Michigan 48025 (collectively, Pellerito and Levy shall be referred to herein as the "**Owner**"); and together, Developer and Owner own all of the interests in and to the Land.
- II. For purposes of improving and using the Land for a residential community consisting of no more than 86 units, Developer petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from I-2 General Industrial and B-2 Community Business, to RM-1, Low-Rise Multiple-Family Residential. The I-2 and B-2 classifications under the Zoning Ordinance shall be referred to in this Agreement as the "**Existing Classification**," and the RM-1 classification under the Zoning Ordinance shall be referred to in this Agreement as the "**Proposed Classification**."
- III. The Proposed Classification would provide the Developer and Owner with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Developer and Owner.
- IV. The City has reviewed and approved the Developer's proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City's Zoning Ordinance, and has reviewed the

Developer's proposed PRO Plan, attached hereto and incorporated herein as **Exhibit B** (the "**PRO Plan**"), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the proposed improvements as shown.

- V. In proposing the Proposed Classification to the City, Developer and Owner have expressed as a firm and unalterable intent that Developer and Owner will develop and use the Land in conformance with the following undertakings by Developer and Owner, as well as the following forbearances by the Developer and Owner (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):
- A. Developer and Owner shall develop and use the Land for no more than 86 units and, at Developer's and Owner's sole discretion, a community clubhouse and pool. If the Developer and Owner determine not to construct the clubhouse and pool, the area indicated for such improvements shall remain open space.
 - B. Except as provided in this Agreement, Developer and Owner shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable height, area, and bulk requirements of the Zoning Ordinance as relates to the Proposed Classification. The PRO Plan is acknowledged by both the City and Developer and Owner to be a conceptual plan for the purpose of depicting the general area contemplated for development. Deviations (as defined below) from the provisions of the City's ordinances, rules, or regulations depicted in the PRO Plan are approved by virtue of this Agreement. The PRO Plan and the Developer's and Owner's right to develop a residential community under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, and engineering plan approval, except as expressly provided in this Agreement.
 - C. The PRO Plan includes the following obligations of the Developer and Owner, which are some of the public's interests in the PRO Plan:
 - i. Execution of a conservation easement, in a form acceptable to the City, over the undisturbed natural areas (including regulated woodlands and wetlands) located on the Property, the exact area to be determined at site plan review;

- ii. Dedication of real property to the City of Novi for approximately 60' of right-of-way along Wixom Road extending North from the Southern boundary line of the Property 715.66';
- iii. Installation of a sidewalk along Wixom Road extending the entire easterly boundary of the Property;
- iv. Construction of a pedestrian connection to 12 Mile Road in the location shown on the PRO Plan;
- v. Residential units shall not be less than 28 feet wide, consistent with the conceptual renderings that are part of Exhibit B;
- vi. Limitation on protrusion of any garage to no more than six (6) feet; and
- vii. Installation of a standard-sized "Welcome to Novi" sign in the northeast corner of the Property near the corner of Wixom Road and Twelve Mile Road, with, the exact location of the sign to be determined at the time of site plan approval.

VI. The PRO Plan includes the following deviations from the City's Zoning Ordinance (the "**Deviations**"):

- A. Minimum Lot size shall be 5,400 square feet;
- B. Minimum Lot width shall be 45';
- C. Minimum side yard setback shall be 5' with minimum total side yard setback of 10';
- D. Minimum front yard setback shall be 20';
- E. Minimum rear yard setback shall be 30';
- F. Waiver of landscaped berm requirement, except for two areas shown on the PRO Plan, specifically: (1) in the area along Wixom Road between the two access drives into the Property; and (2) in the area along Wixom Road immediately north of the boulevard access drive and south of the Storm Water Detention Basin;
- G. Brick shall not be required on side or rear elevations of any residential building and, if applicable, the clubhouse; and

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Recitations are made a part of and incorporated into this Agreement.
2. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings shall be carried out by Developer and Owner on and for the Land;
 - b. Developer and Owner shall act in conformance with the Undertakings; and,
 - c. The Developer and Owner shall forbear from acting in a manner inconsistent with the Undertakings.
3. The City authorizes and permits the Deviations.
4. In the event Developer or Owner attempts to or proceeds with actions to complete improvement of the Land in any manner other than as contemplated by this Agreement and as shown on the PRO Plan, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for or on the Land.
5. Developer and Owner acknowledge and agree that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Developer and Owner in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Developer and Owner.
6. All of the Undertakings represent actions, improvements and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of residential units on the Land. The burden of the Undertakings on the Developer and Owner is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
7. In addition to the provision in paragraph number one, above, in the event the Developer or Owner, or their respective successors, assigns and/or transferees, proceeds with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and/or zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Developer or Owner nor their

respective successors, assigns and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer and Owner shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a “downzoning” or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Developer or Owner from otherwise challenging the reasonableness of such rezoning as applied to the Land.

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

[signatures on following pages]

“DEVELOPER”

IAC Novi, LLC,
Michigan limited liability company

By: _____
Gary Shapiro
Its: Member

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this _____ day of _____, 2013, before me appeared Gary Shapiro, the _____ of IAC Novi, LLC, a Michigan limited liability company, who states that he has signed this document of his own free will on behalf of the limited liability company.

Notary Public: _____
Notary County: _____, Michigan
Commission Expires: _____
Acting In: _____

[Signatures of Owner on Next Page]

The undersigned execute this Agreement as the fee owners of the Property to acknowledge and consent to this Agreement.

“OWNER”

Edw C. Levy Co.,
a Michigan corporation

By: _____

Print Name: _____

Its: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this ____ day of _____, 2013, before me appeared _____, the _____ of Edw C. Levy Co., a Michigan corporation, who states that he has signed this document of his own free will on behalf of the corporation.

Notary Public: _____
Notary County: _____, Michigan
Commission Expires: _____
Acting In: _____

Lakeside Oakland Development, L.C.,
a Michigan limited liability company

By: _____
Frank Pellerito

Its: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this ____ day of _____, 2013, before me appeared Frank Pellerito, the _____ of Lakeside Oakland Development, L.C., a Michigan limited liability company, on behalf of said company.

Notary Public: _____
Notary County: _____, Michigan
Commission Expires: _____
Acting In: _____

[signatures on behalf of the City of Novi on the following page]

EXHIBIT A

PROPERTY DESCRIPTION

LEGAL DESCRIPTION PER VANGUARD TITLE INSURANCE AGENCY COMMITMENT NO. 46497, DATED 10/25/2012.

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN AS FOLLOWS:

PARCEL 1:
TAX PARCEL NO. 22-18-200-002

PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHEAST SECTION CORNER; THENCE SOUTH 511.89 FEET; THENCE NORTH 88 DEGREES 08 MINUTES 07 SECONDS WEST 1311.60 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 10 SECONDS WEST 508.74 FEET; THENCE SOUTH 88 DEGREES 16 MINUTES 23 SECONDS EAST 1311.97 FEET TO THE BEGINNING, EXCEPT THE EAST 60 FEET TAKEN FOR ROAD AS DISCLOSED IN WARRANTY DEED RECORDED IN LIBER 39788 PAGE 878, OAKLAND COUNTY REGISTER OF DEEDS.

PARCEL 2:
TAX PARCEL NO. 22-18-200-025

PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT SOUTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 511.99 FEET FROM THE NORTHEAST SECTION CORNER; THENCE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 331.66 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 00 SECONDS WEST 765 FEET; THENCE ALONG CURVE TO RIGHT, RADIUS 459.96 FEET, CHORD BEARS NORTH 64 DEGREES 14 MINUTES 50 SECONDS WEST 403.07 FEET, DISTANT OF 417.22 FEET, THENCE ALONG CURVE TO LEFT, RADIUS 200 FEET, CHORD BEARS NORTH 64 DEGREES 07 MINUTES 16 SECONDS WEST 171.64 FEET, DISTANT OF 177.40 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 51 SECONDS WEST 29.92 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 12 SECONDS WEST 121.28 FEET; THENCE SOUTH 88 DEGREES 46 MINUTES 44 SECONDS EAST 1311.60 FEET TO THE BEGINNING.

LEGAL DESCRIPTION PER SEAVER TITLE AGENCY FILE NO. 63-13293786-SCM, DATED 12/20/2012.

TAX PARCEL NO. 22-18-200-003

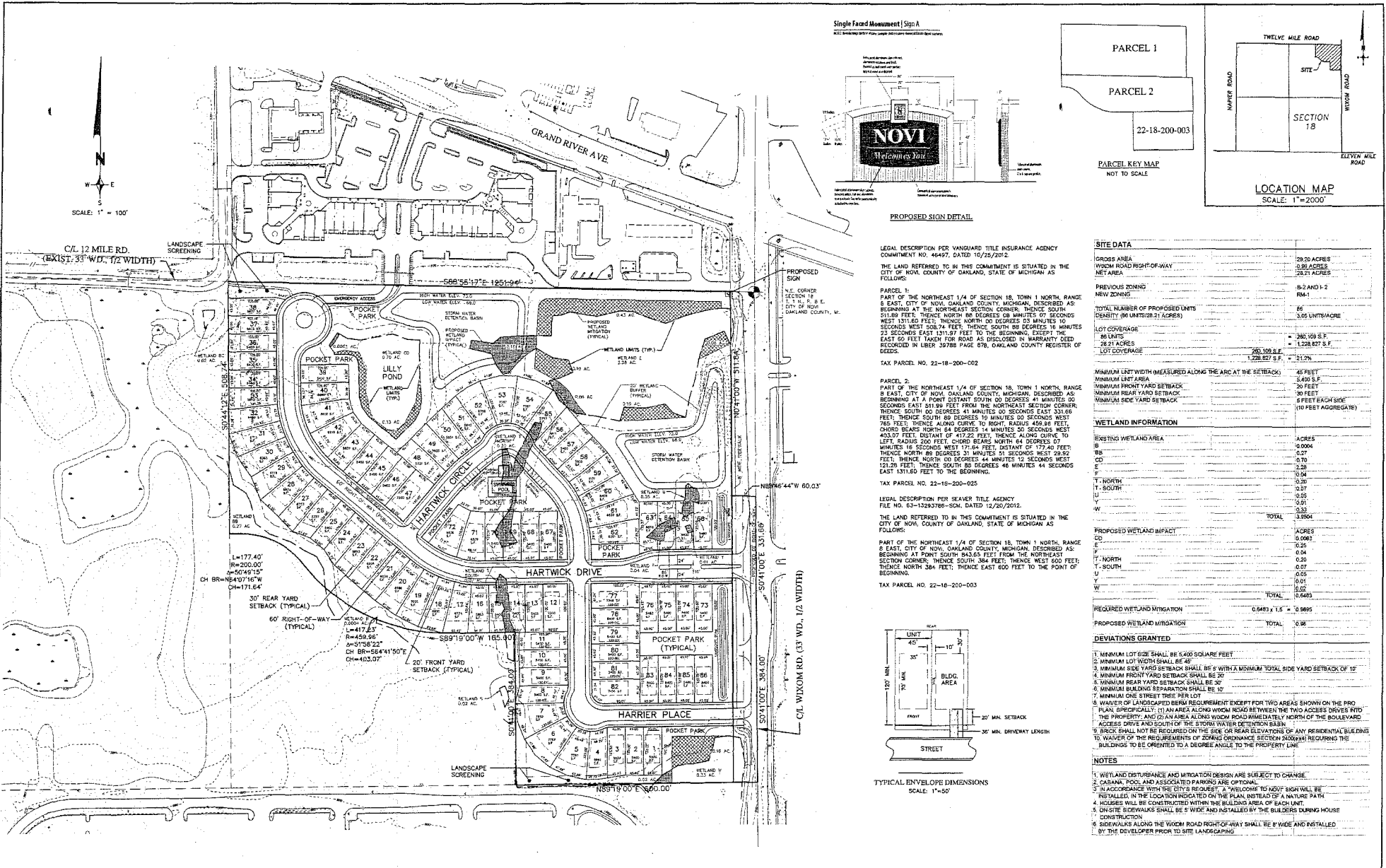
THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN AS FOLLOWS:

PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT POINT SOUTH 843.65 FEET FROM THE NORTHEAST SECTION CORNER; THENCE SOUTH 384 FEET; THENCE WEST 600 FEET; THENCE NORTH 384 FEET; THENCE EAST 600 FEET TO THE POINT OF BEGINNING.

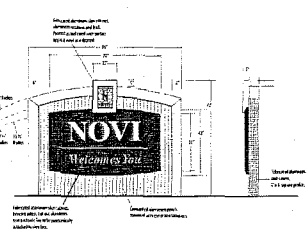
EXHIBIT B

PRO PLAN

[attached]



Single Facad Monument Sign A

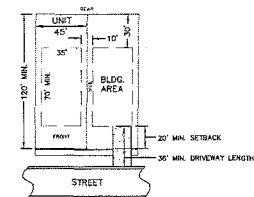


PROPOSED SIGN DETAIL

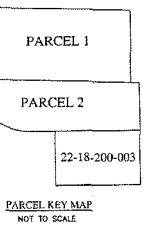
LEGAL DESCRIPTION PER VANHARD TITLE INSURANCE AGENCY COMMITMENT NO. 46497, DATED 10/25/2012.
 THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN AS FOLLOWS:
 PARCEL 1:
 PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE NORTHEAST SECTION CORNER, THENCE SOUTH 511.89 FEET, THENCE NORTH 88 DEGREES 58 MINUTES 07 SECONDS WEST 1311.60 FEET, THENCE NORTH 00 DEGREES 03 MINUTES 10 SECONDS WEST 508.74 FEET, THENCE SOUTH 88 DEGREES 18 MINUTES 23 SECONDS EAST 1311.57 FEET TO THE BEGINNING, EXCEPT THE EAST 50 FEET TAKEN FOR ROW AS DISCLOSED IN WARRANTY DEED RECORDED IN LIBER 39788 PAGE 678, OAKLAND COUNTY REGISTER OF DEEDS.
 TAX PARCEL NO. 22-18-200-002

PARCEL 2:
 PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT DISTANT 507.10 IN 00 DEGREES 41 MINUTES 00 SECONDS EAST 321.09 FEET FROM THE NORTHEAST SECTION CORNER, THENCE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 331.66 FEET, THENCE SOUTH 80 DEGREES 14 MINUTES 00 SECONDS WEST 785 FEET, THENCE ALONG CURVE TO RIGHT, RADIUS 459.84 FEET, 433.07 FEET, DISTANT OF 417.22 FEET, THENCE ALONG CURVE TO LEFT, RADIUS 200 FEET, CHORD BEARS NORTH 64 DEGREES 07 MINUTES 16 SECONDS WEST 171.84 FEET, DISTANT OF 177.40 FEET, THENCE NORTH 88 DEGREES 31 MINUTES 21 SECONDS WEST 29.92 FEET, THENCE NORTH 00 DEGREES 44 MINUTES 12 SECONDS WEST 121.80 FEET, THENCE SOUTH 88 DEGREES 48 MINUTES 44 SECONDS EAST 1311.60 FEET TO THE BEGINNING.
 TAX PARCEL NO. 22-18-200-025

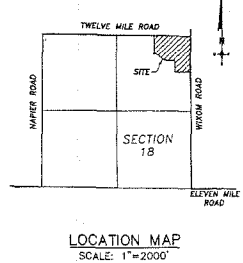
LEGAL DESCRIPTION PER SEAVEN TITLE AGENCY FILE NO. 63-13293786-SOM, DATED 12/20/2012.
 THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN AS FOLLOWS:
 PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT DISTANT 343.5 FEET FROM THE NORTHEAST SECTION CORNER, THENCE SOUTH 384 FEET, THENCE WEST 600 FEET, THENCE NORTH 384 FEET, THENCE EAST 600 FEET TO THE POINT OF BEGINNING.
 TAX PARCEL NO. 22-18-200-003



TYPICAL ENVELOPE DIMENSIONS SCALE: 1"=50'



PARCEL KEY MAP NOT TO SCALE



LOCATION MAP SCALE: 1"=2000'

SITE DATA

GROSS AREA	28.20 ACRES
WIDOM ROAD RIGHT-OF-WAY	1.91 ACRES
NET AREA	26.29 ACRES
PREVIOUS ZONING	R-2 AND I-2
NEW ZONING	R-1A
TOTAL NUMBER OF PROPOSED UNITS	66
DENSITY (PER UNITS/2.1 ACRES)	3.16 UNITS/ACRE
LOT COVERAGE	380,169 S.F.
26.21 ACRES	1,228,827 S.F.
LOT COVERAGE	30.10% S.F.
	31.2%
MINIMUM LOT WIDTH (MEASURED ALONG THE ARC AT THE SETBACK)	45 FEET
MINIMUM LOT AREA	3,400 S.F.
MINIMUM FRONT YARD SETBACK	30 FEET
MINIMUM REAR YARD SETBACK	30 FEET
MINIMUM SIDE YARD SETBACK	5 FEET EACH SIDE (10 FEET AGGREGATE)

WETLAND INFORMATION

EXISTING WETLAND AREA	ACRES
B1	0.0004
B2	0.07
CD	0.70
E	2.28
F	10.04
T-NORTH	0.20
T-SOUTH	10.07
U	0.05
V	0.01
W	0.01
TOTAL	3.8504

PROPOSED WETLAND IMPACT

ACRES	
CD	0.0082
E	0.20
F	0.04
T-NORTH	0.20
T-SOUTH	0.07
U	0.05
V	0.01
W	0.02
TOTAL	0.6483

REQUIRED WETLAND MITIGATION

0.6483 x 1.5 =	0.9895
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PROPOSED WETLAND MITIGATION

TOTAL	0.98
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- DEVIATIONS GRANTED**
- MINIMUM LOT SIZE SHALL BE 5400 SQUARE FEET
 - MINIMUM LOT WIDTH SHALL BE 45'
 - MINIMUM SIDE YARD SETBACK SHALL BE 5' WITH A MINIMUM TOTAL SIDE YARD SETBACK OF 10'
 - MINIMUM FRONT YARD SETBACK SHALL BE 30'
 - MINIMUM REAR YARD SETBACK SHALL BE 30'
 - MINIMUM BUILDING SEPARATION SHALL BE 10'
 - MINIMUM ONE STREET TRIP PER LOT
 - WARRANTY OF LANDSCAPED BERM REQUIREMENT EXCEPT FOR TWO AREAS SHOWN ON THE PLAN, SPECIFICALLY: (1) AN AREA ALONG WIDOM ROAD BETWEEN THE TWO ACCESS DRIVES INTO THE PROPERTY, AND (2) AN AREA ALONG WIDOM ROAD IMMEDIATELY NORTH OF THE BOULEVARD ACCESS DRIVE AND SOUTH OF THE STONY TRAVEL DETENTION BASIN.
 - BACK SHALL NOT BE REQUIRED ON THE SIDE OR REAR ELEVATIONS OF ANY RESIDENTIAL BUILDING TO WAIVER OF THE REQUIREMENTS OF ZONING ORDINANCE SECTION 20006(4) REQUIRING THE BUILDING TO BE ORIENTED TO A 90 DEGREE ANGLE TO THE PROPERTY LINE.

- NOTES**
- WETLAND DISTURBANCE AND MITIGATION DESIGN ARE SUBJECT TO CHANGE.
 - CANAL, POOL, AND ASSOCIATED PARKING ARE OPTIONAL.
 - IN ACCORDANCE WITH THE CITY REQUIREMENT, A WELCOME TO NOVI SIGN WILL BE INSTALLED IN THE LOCATION INDICATED ON THE PLAN, INSTEAD OF A NATURE PATH.
 - WALKWAYS WILL BE CONSTRUCTED WITHIN THE BUILDING AREA OF EACH UNIT.
 - ON-SITE SIDEWALKS SHALL BE 8' WIDE AND INSTALLED BY THE BUILDERS DURING HOUSE CONSTRUCTION.
 - SIDEWALKS ALONG THE WIDOM ROAD RIGHT-OF-WAY SHALL BE 8' WIDE AND INSTALLED BY THE DEVELOPER PRIOR TO SITE LANDSCAPING.

REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY

ZEMET WOZNAK & ASSOCIATES
 CIVIL ENGINEERS & LANDSCAPE ARCHITECTS
 555 GRAND RIVER AVE., SUITE 100
 NEW BUCHANAN, MICHIGAN 48160
 P: (248) 431-2199 F: (248) 673-3222 www.zemetwoznak.com

HANSING SYSTEM, INC.
 14000 WOODLAND DRIVE
 WEST BLOOMFIELD, MI 48304
 CALL THE NUM
 800-368-1379

APPLICANT:
IVANHOE COMPANIES ATTN: GARY SHAPIRO
 6589 DORCHARD LAKE ROAD, SUITE 314
 WEST BLOOMFIELD, MI 48322 (248) 628-6114

BERKSHIRE POINTE
PLANNED REZONING OVERLAY (PRO)
 CITY OF NOVI, MICHIGAN

DATE	10-13-13	SCALE	HOSE 1" = 100'
DESIGNED BY	JOB NO.	NOV. 17	13165
DRAWN BY	DAB	SHEET	1/1

Ivanhoe Companies - Berkshire Pointe



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08/29/13

Ivanhoe Companies - Berkshire Pointe



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Ivanhoe Companies - Berkshire Pointe



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08/29/13

web:



client:

IVANHOE COMPANIES
6689 Orchard Lake Road,
Suite 214
West Bloomfield, Michigan
48322
ph. (248) 626-6114

project:

Berkshire Pointe

project location:

City of Novi
Wixom Road and 12-Mile Road

sheet title:

**entry stone walls,
piers and signage plan**

job no./issue/revision date:

LS13.039.07 Revise, 2-22-2013
LS13.039.07 Revise, 7-30-2013

drawn by:

JP, CZ

checked by:

FP

date:

4-5-2013

notice:

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Do Not scale drawings. Use figured dimensions only.

project no:

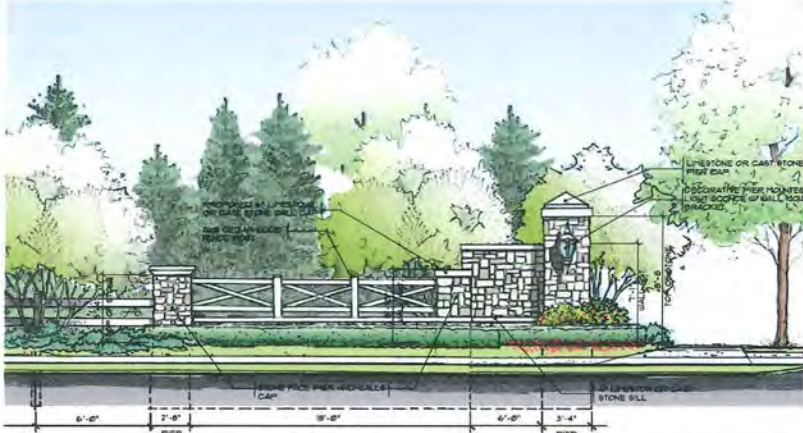
LS13.039.04

sheet no:

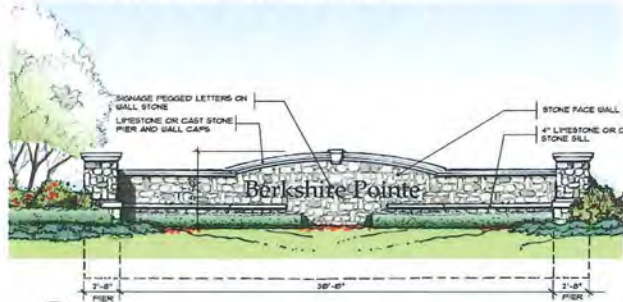
LP-2 of 2



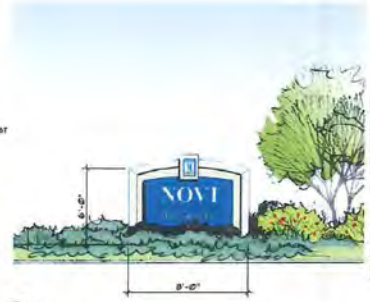
conceptual entrance monument view for: "Berkshire Pointe" a planned residential community City of Novi, Michigan



A Wixom Road (west entrance wall elevation view)
SCALE 1/4"=1'-0"



B boulevard island signage monument elevation view
SCALE 1/4"=1'-0"



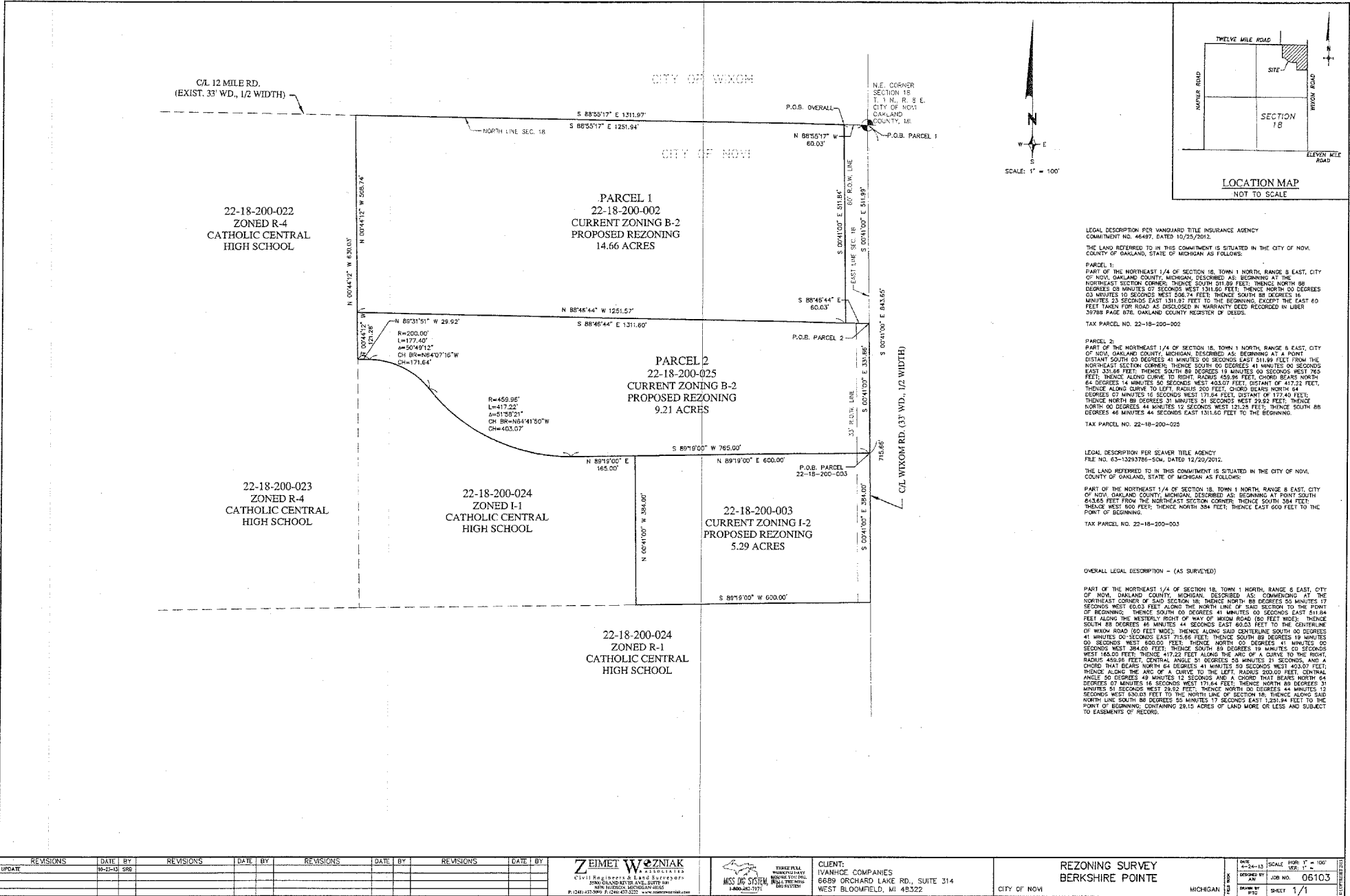
C City of Novi welcome signage
SCALE 1/4"=1'-0"



D Wixom Road (east side entrance wall elevation view)
SCALE 1/4"=1'-0"



E Wixom Road (wall elevation view)
SCALE 1/4"=1'-0"



LEGAL DESCRIPTION PER VANGUARD TITLE INSURANCE AGENCY COMMITMENT NO. 46497, DATED 10/25/2012.

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF NOVI, COUNTY OF DAHLAND, STATE OF MICHIGAN AS FOLLOWS:

PARCEL 1:
PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, DAHLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 18, THENCE SOUTH 01° 59' 58" WEST 311.89 FEET; THENCE NORTH 88 DEGREES 08 MINUTES 07 SECONDS WEST 1311.50 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 10 SECONDS WEST 508.74 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 23 SECONDS EAST 1311.87 FEET TO THE BEGINNING, EXCEPT THE EAST 60 FEET TAKEN FOR ROAD AS DISCLOSED IN WARRANTY DEED RECORDED IN LIBER 35788 PAGE 876, DAHLAND COUNTY REGISTER OF DEEDS.
TAX PARCEL NO. 22-18-200-002

PARCEL 2:
PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, DAHLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT SOUTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 311.89 FEET FROM THE NORTHEAST CORNER; THENCE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 331.65 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 00 SECONDS WEST 783 FEET; THENCE ALONG CURVE TO RIGHT, RADIUS 453.96 FEET, CHORD BEARS NORTH 44 DEGREES 14 MINUTES 50 SECONDS WEST 483.07 FEET, DISTANT OF 412.22 FEET; THENCE ALONG CURVE TO LEFT, RADIUS 200 FEET, CHORD BEARS NORTH 64 DEGREES 07 MINUTES 16 SECONDS WEST 1716.64 FEET, DISTANT OF 172.40 FEET; THENCE NORTH 88 DEGREES 03 MINUTES 51 SECONDS WEST 29.82 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 12 SECONDS WEST 121.28 FEET; THENCE SOUTH 88 DEGREES 46 MINUTES 44 SECONDS EAST 1311.50 FEET TO THE BEGINNING.
TAX PARCEL NO. 22-18-200-025

LEGAL DESCRIPTION PER SEAVER TITLE AGENCY FILE NO. 63-13283785-SOM, DATED 12/20/2012.

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF NOVI, COUNTY OF DAHLAND, STATE OF MICHIGAN AS FOLLOWS:

PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, DAHLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT POINT SOUTH 83°45' FEET FROM THE NORTHEAST CORNER; THENCE NORTH 384 FEET; THENCE EAST 600 FEET TO THE POINT OF BEGINNING.
TAX PARCEL NO. 22-18-200-003

OVERALL LEGAL DESCRIPTION - (AS SURVEYED)

PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, DAHLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18, THENCE NORTH 88 DEGREES 05 MINUTES 17 SECONDS WEST 600 FEET; ALONG THE NORTH LINE OF SAID SECTION TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 618.84 FEET ALONG THE WESTERLY RIGHT OF WAY OF WIXOM ROAD (80 FEET WIDE); THENCE SOUTH 88 DEGREES 46 MINUTES 44 SECONDS EAST 60.03 FEET TO THE CENTERLINE OF WIXOM ROAD (50 FEET WIDE); THENCE ALONG SAID CENTERLINE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 715.86 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 00 SECONDS WEST 600 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 00 SECONDS WEST 384 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 00 SECONDS WEST 165.00 FEET; THENCE 412.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, RADIUS 453.96 FEET, CHORD BEARS NORTH 64 DEGREES 07 SECONDS WEST 403.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, RADIUS 200 FEET, CHORD BEARS NORTH 44 DEGREES 14 MINUTES 50 SECONDS WEST 1716.64 FEET; THENCE NORTH 88 DEGREES 03 MINUTES 51 SECONDS WEST 29.82 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 12 SECONDS WEST 121.28 FEET TO THE NORTH LINE OF SECTION 18; THENCE ALONG SAID NORTH LINE SOUTH 88 DEGREES 05 MINUTES 17 SECONDS EAST 1,252.84 FEET TO THE POINT OF BEGINNING, CONTAINING 22.15 ACRES OF LAND MORE OR LESS AND SUBJECT TO EASEMENTS OF RECORD.

REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY
UPDATE	10-24-13	SSB									

ZEIMET WOZNIAK
 CIVIL ENGINEERS & LAND SURVEYORS
 2080 GRAND AVENUE, SUITE 100
 NOVI, MICHIGAN 48240-3000
 P: (248) 470-8979 F: (248) 621-2222 WWW.ZEIMETWOZNIAK.COM

MSS DS SYSTEMS
 1400-461-5371

CLIENT:
 IVANHOE COMPANIES
 6689 ORCHARD LAKE RD., SUITE 314
 WEST BLOOMFIELD, MI 48322

REZONING SURVEY
BERKSHIRE POINTE

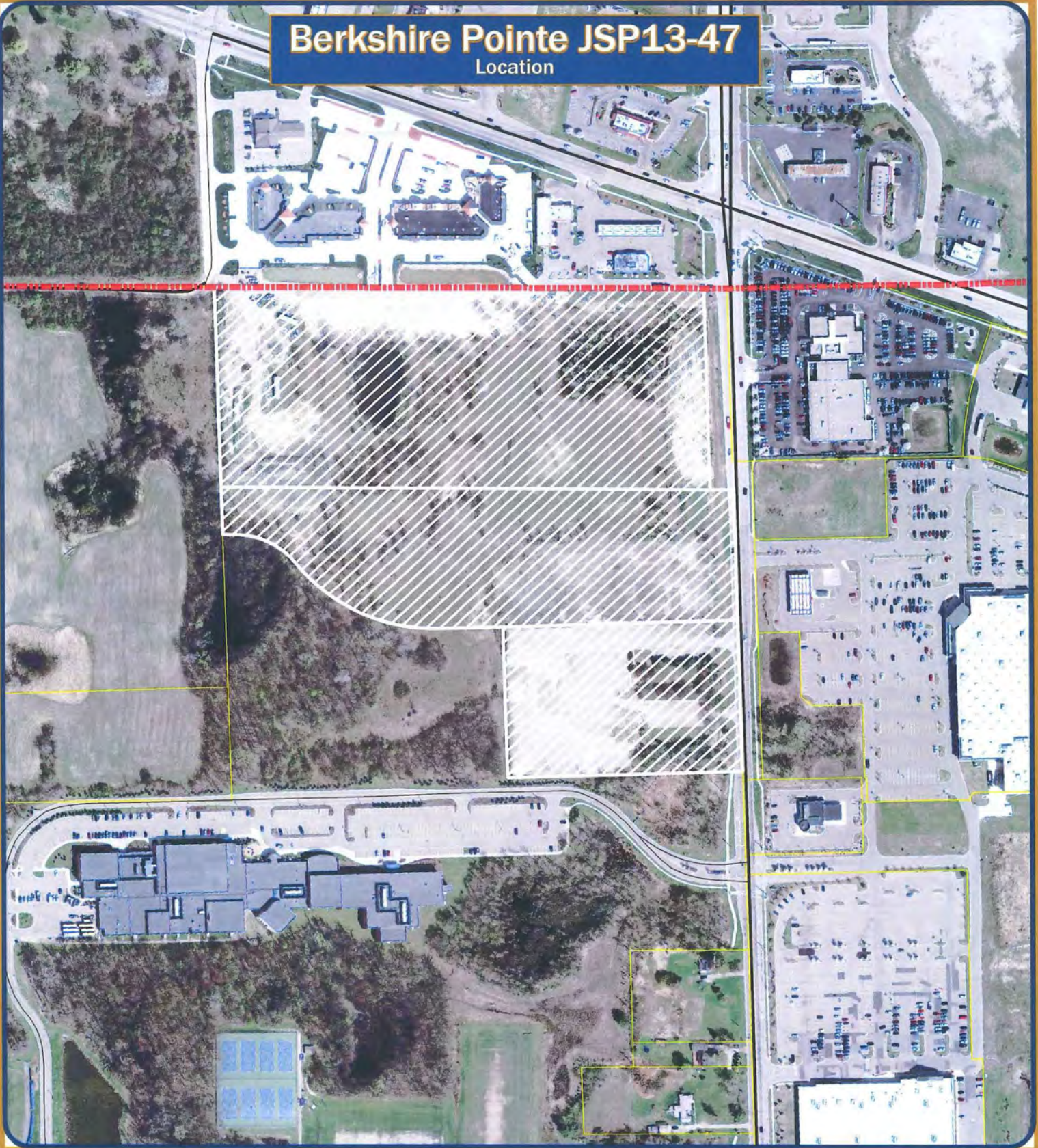
CITY OF NOVI
 MICHIGAN

DATE: 10-24-13
 SCALE: HOR. 1" = 100'
 DESIGNED BY: SSB
 CHECKED BY: AW
 DRAWN BY: P10
 SHEET 1/1

MAPS
Location
Zoning
Future Land Use
Natural Features

Berkshire Pointe JSP13-47

Location



Map Author: Kristen Kapelanski
 Date: 08/21/13
 Project: Berkshire Pointe JSP13-47
 Version #: 1.0

Map Legend

Subject Property

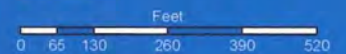


City of Novi

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

MAP INTERPRETATION NOTICE

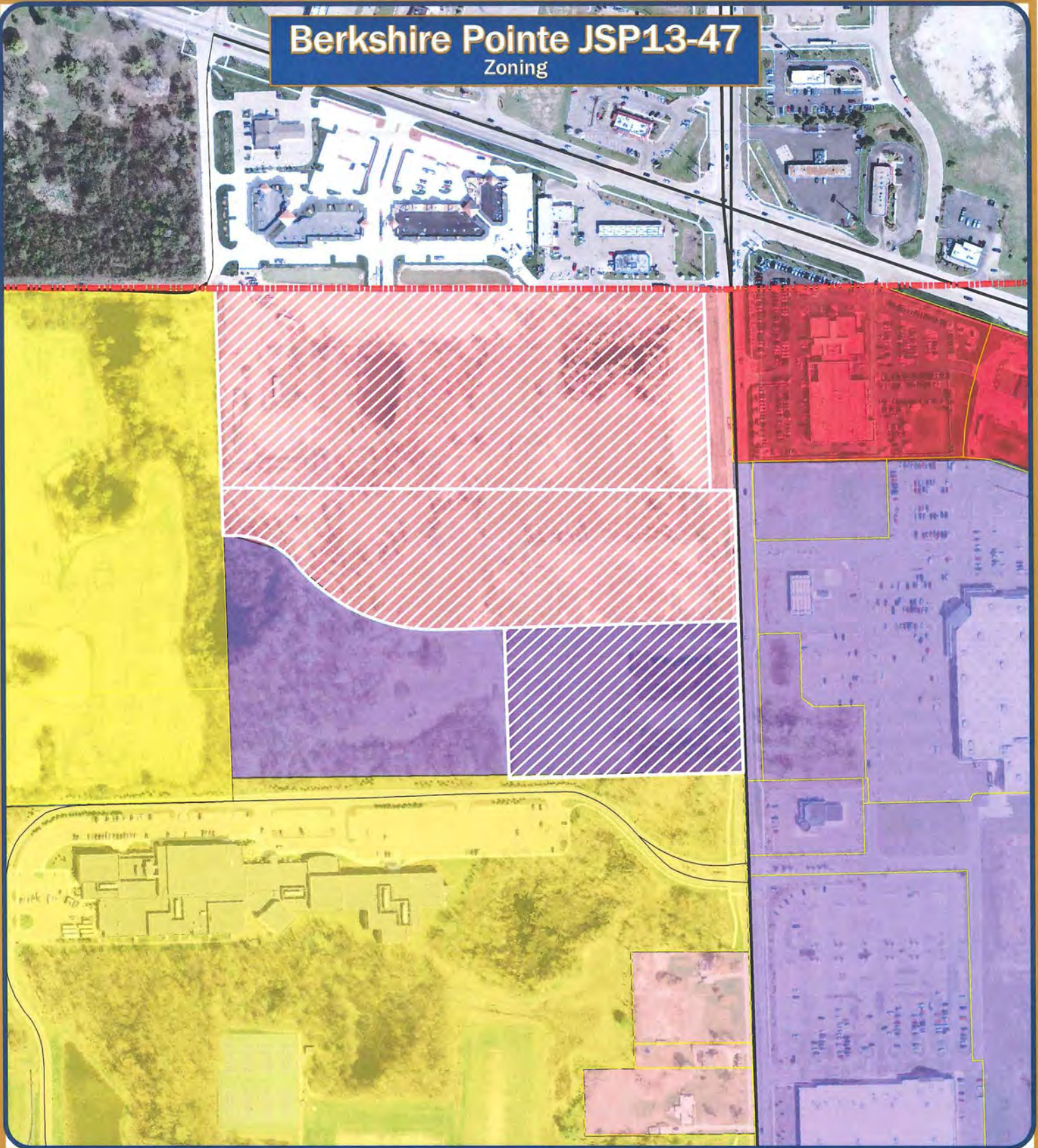
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate 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.



1 inch = 333 feet

Berkshire Pointe JSP13-47

Zoning



Map Author: Kristen Kapelanski
 Date: 08/21/13
 Project: Berkshire Pointe JSP13-47
 Version #: 1.0

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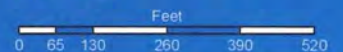
Map Legend

	R-1: One-Family Residential District		B-2: Community Business District
	R-4: One-Family Residential District		B-3: General Business District
	B-1: Local Business District		I-1: Light Industrial District
			I-2: General Industrial District



City of Novi

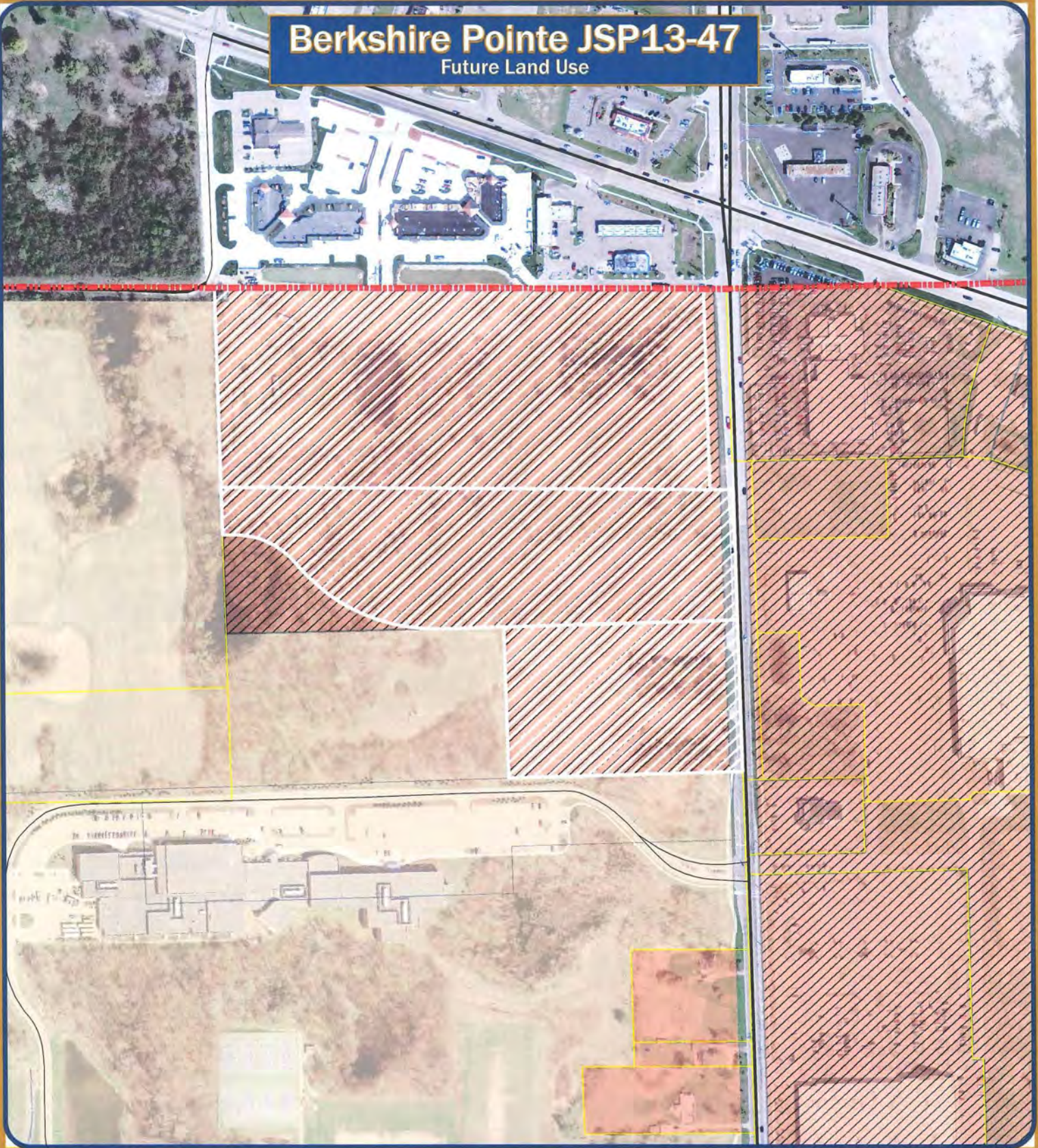
Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org



1 inch = 333 feet

Berkshire Pointe JSP13-47

Future Land Use







Map Author: Kristen Kapelanski
 Date: 08/21/13
 Project: Berkshire Pointe JSP13-47
 Version #: 1.0

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Map Legend

-  Subject Property
-  Local Commercial
-  Community Commercial
-  Educational Facility



City of Novi

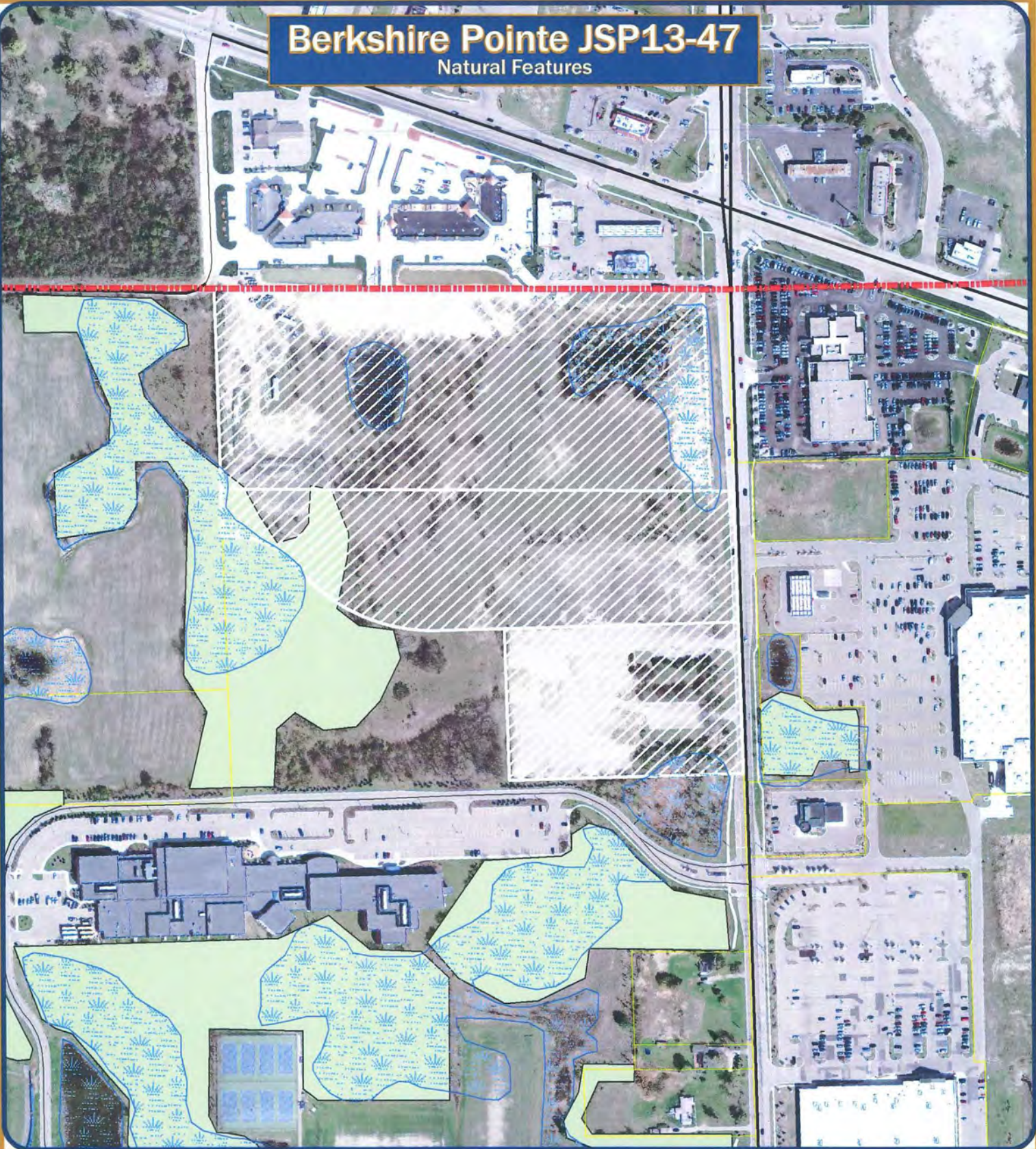
Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org



1 inch = 333 feet


Berkshire Pointe JSP13-47

Natural Features



Map Author: Kristen Kapelanski
 Date: 08/21/13
 Project: Berkshire Pointe JSP13-47
 Version #: 1.0

Map Legend

-  Wetlands
-  Subject Property
-  Woodlands

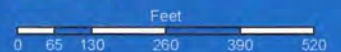


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Planning Division
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1 inch = 333 feet

CITY COUNCIL MINUTES
September 16, 2013 - EXCERPT

zoning. It will have better land use transition. Detroit Catholic Central, south of the site, preferred to have the land developed as residential. There will be wetland protection by combining parcels. He noted the Planning Commission unanimously recommended approval of the proposed PRO.

Barb McBeth, Deputy Community Development Director, displayed zoning maps. She noted the proposed zoning would be contrary to the recommendations of the Future Land Use Plan. The Planning Review did recommend approval of the proposed rezoning with PRO. The applicant has presented a reasonable alternative to the proposed Master Plan designation of Community Commercial. They think the proposed RM-1 zoning would provide a reasonable transition between the commercial properties to the north and east and the school uses to the west and south. It would allow for removal of the incompatible I-2 zoning that is currently in place. With the PRO, they noted that the concept plan shows 86 units detached single family development. The staff agrees the application offered a reduced density, protection of natural features by a conservation easement, several pocket parks located throughout the site, upgraded facades, and proposed nature path. It is staff's opinion that these public benefits go over and above what you would expect with a new development. They are recommending approval of the concept plan with additional detail to be provided at preliminary site plan if the project moves forward. The façade review determined the proposed renderings would be considered enhancements that would typically be required by the ordinance.

Member Mutch asked Ms. McBeth a few questions on zoning. He noted there were still parcels inconsistent with the Master Plan and questioned why they haven't taken the steps to rezone the properties knowing that they are not in compliance. Ms. McBeth said, in a recent packet, she provided all the updates to the Master Plan for Land Use that had been recommended in the previous Master Plan for Land Use and the 2010 update with the status of each of the parcel's implementation strategies. Member Mutch was concerned because this project has been brought forward and shows we still have parcels inconsistent with the Master Plan.

Member Mutch asked Mr. Shapiro about the single family homes. Mr. Shapiro clarified that these are individual lots that will be maintained by homeowners. The plan has pocket parks with a pool and playground. It will be a quality diverse community neighborhood design. Member Mutch confirmed the homes will be detached condos. Mr. Shapiro said the condo will be a site condominium where everyone takes care of their own yard under strict architectural control. Member Mutch reiterated that they will be single family residential neighborhood with preservation areas behind them. The minimum width will be 35 feet with no brick façade. There will be two car garages. The garages won't protrude more than six feet. Mr. Shapiro hadn't decided whether there will be asphalt or concrete driveways when asked. He was open to discussion on it. Member Mutch noted asphalt driveways are hard to maintain and knew Bristol Corners had been developed with them. He spoke about the tree requirements of more than one tree per building for a single family development. He felt the plan should match the standards of a single family residential development and will be discussed. He had some concerns about the plan in viewing some of the details of it. A concern was the

proximity of the I-96 interchange. The noise levels would be significant. Also, across the street is a big box center that isn't fully developed. To the north there is a large commercial strip center and to the south is commercial zoning in front of Catholic Central. He sees an island of residential with no connection to the community. He didn't doubt the quality but he was concerned how viable this area will be for single family development over long term. Generally, he is looking for lower density and the one thing the higher density proposals provide is the stability of a management company maintaining the properties and the density of units to support the amenities. He thinks it is notable that some of the amenities are questionable. High turnover may result in no interest in maintaining them. A big concern is there are no connecting sidewalks and provisions for easements to access the schools, parks and neighboring developments. He would approve a proposal that incorporated pathways to Island Lake. He felt it would be the kind of PRO benefit he would support. He thought it would be a fair tradeoff for the density and variance they are requesting. He is looking for something more than what is presented.

Member Wrobel asked about the projected price point of the homes in the proposed sub. Mr. Shapiro answered from the low \$300's to \$340's and square footage would be 2,200 to 3,400. Member Wrobel asked if the access road to the north was going to be gated or left open. Mr. Shapiro said it would be gated. Member Wrobel said he was hesitant supporting the idea of rezoning the parcels. He doesn't think industrial is appropriate any longer from what exists there now. There is no need for it. He feels more comfortable now that they are using the 86 unit number as opposed to the 116 unit plan and individual homes. He could support this proposal.

Mayor Gatt fully supports the proposed development as presented.

CM-13-09-128 Moved by Fischer, seconded by Casey; MOTION CARRIED: 5-1

To approve the request of Ivanhoe Companies for JSP 13-47 with Zoning Map Amendment 18.704 to rezone property in Section 18, on the west side of Wixom Road south of Grand River Avenue from B-2, Community Business and I-2, General Industrial to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. The property totals 29.20 acres and the applicant is proposing an 86 unit single-family residential development.

Member Mutch requested the motion maker to reflect representations made by the applicant be included into the motion. He didn't hear a round of support for the concept to extend the sidewalks. He doesn't feel the PRO process serves the City Council well when they are the last ones to have input. Council should be allowed to see concept plans earlier. When referring to public benefit, changes to the Master Plan, and significant changes to zoning ordinances, the process should allow Council to have input earlier.

Member Fischer asked Mr. Shapiro his thoughts on the possibility of some type of sidewalk connection. Mr. Shapiro said they are dedicating the right-of-way in front of the project to put a sidewalk there. It just leaves a gap where there is undeveloped property he doesn't own. He can't put a sidewalk on property he doesn't own. The site will be enhanced and provide many public benefits.

Member Fischer liked the different ideas that were brought up to give the developer the opportunity to respond and comment. He thought the benefits have been articulated by staff and by the applicant. He noted they will have a lot of these as we continue to develop the smaller pockets that may be an island and they are tough decisions. This will be a beautiful development with a developer that is familiar to Novi and it will provide the transition that is needed in the area.

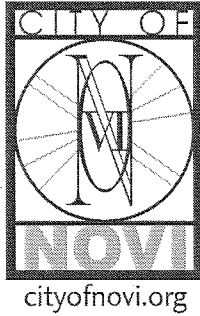
Member Mutch asked staff to explore the property in front of Catholic Central that is currently zoned I-1. Everyone is saying the properties to the south that are currently zoned Commercial, can't be developed because of the market. Until those properties develop, no sidewalks are going to be going in there unless the City does it. He would like the staff to review it.

Roll call vote on CM-13-09-128

Yeas: Wrobel, Gatt, Staudt, Casey, Fischer

Nays: Mutch

PLANNING COMMISSION MINUTES
August 28, 2013 - EXCERPT



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

August 28, 2013 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

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

Absent: Member Anthony

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Elizabeth Saarela, City Attorney; Erica Morgan, Staff Engineer; Pete Hill, Environmental Consultant; Matt Carmer, Environmental Consultant; David Beschke, Landscape Architect; Rod Arroyo, Traffic Consultant.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Greco, seconded by Member Baratta:

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

Motion to approve the August 28, 2013 Planning Commission Agenda. Motion carried 6-0.

PUBLIC HEARINGS

1. BERKSHIRE POINT, JSP13-47 with REZONING 18.704

Public Hearing of the request of Ivanhoe Companies for Planning Commission's recommendation to City Council for rezoning of property in Section 18, on the west side of Wixom Road, south of Grand River Avenue from B-2, Community Business and I-2, General Industry to RM-1, Low Density, Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. The subject property is approximately 29.20 acres.

Planner Kristen Kapelanski said the applicant is proposing to rezone with a Planned Rezoning Overlay or PRO a 29.2 acre site on the west side of Wixom Road south of Grand River. The parcels are currently made up of vacant land and vacant industrial property. To the north in the City of Wixom is an existing shopping center. To the east across Wixom Road are a car dealership and a shopping center. And to the west and south is property owned by Catholic Central High School that includes the school building, athletic fields and vacant land.

The subject property is currently zoned B-2, Community Business and I-2, General Industrial and the proposed zoning is RM-1, Low Density, Low-Rise Multiple-Family Residential. The site is bordered by B-3 and FS zoning to the north in the City of Wixom, B-3 and I-1 zoning to the east, R-4 zoning to the west and R-1 and I-1 zoning to the south. The future land use map indicates Community Commercial uses for the subject property and the properties to the east. The properties to the north are planned for Village Center Area on the City of Wixom's Future Land Use Map. The properties to the west and south are planned for Educational Facilities. The proposed rezoning would be contrary to the current recommendations of the Future Land Use map.

The applicant's concept plan shows an 86 unit detached single-family development. As you will recall, a PRO essentially creates a "floating district" with a conceptual plan and any ordinance deviations

attached to the rezoning of the subject property via a PRO Agreement. In this case, the applicant has also included what they have termed the "Zoning Plan." This plan shows an attached residential development totaling 116 units. Staff has not reviewed the "Zoning Plan" against the standards of the Ordinance but the applicant would like this plan included in the proposed PRO Agreement as a layout plan showing the not-to-exceed 116 attached units they have proposed. Should the applicant move forward with the "Zoning Plan", revisions to any approved PRO Agreement and Concept Plan would be required. Staff and consultant reviews are focused on the 86 unit single-family plan termed the "Development Concept Plan."

Planner Kapelanski continued saying the applicant has proposed a public benefit, as required by the PRO Ordinance. The application materials and staff review indicate a reduced density over what would typically be allowed in the RM-1 District, protection of natural features via a conservation easement, several pocket parks to be located throughout the development, upgraded facades and a proposed nature path. At the suggestion of staff and other Novi officials, the applicant is now proposing a "Welcome to Novi" sign to be located at the entrance to the City along Wixom Road in lieu of the proposed nature path. It is the staff's opinion that the proposed public benefits go above and beyond the benefits associated with a typical development.

The planning review recommends approval of the proposed rezoning with PRO. The applicant has presented a reasonable alternative to the proposed Master Plan designation of Community Commercial. The proposed RM-1 zoning would provide a reasonable transition between the commercial properties to the north and east and the school uses to the west and south. It would also allow for the removal of the incompatible I-2 zoning currently in place. The proposal is also in compliance with several goals and objectives of the Master Plan as noted in the planning review letter. The applicant has made the argument that the proposed lots sizes are meeting a need for a development style that has not been fully addressed in the City which would meet an objective of the Master Plan to provide a full range of quality housing opportunities. The proposed lot sizes would complement other developments with similarly sized lots in the area including Knightsbridge Gate and the proposed Andelina Ridge. Deviations from the Zoning Ordinance can be approved as part of the PRO Agreement. The applicant has requested deviations to permit a smaller lot size and width than what would be required and also to permit deficient side and rear yard setbacks.

Planner Kapelanski also said comments from all City staff and consultants on the proposed rezoning and PRO concept plan have been provided. The engineering review notes there are no utility concerns with the proposed rezoning and lists items to be addressed on the Preliminary Site Plan submittal. The traffic review includes several modifications to the concept plan and traffic study that will need to be addressed before the matter can proceed to the City Council. The applicant has been working with the City's traffic consultant and both are confident these issues can be resolved. The City's Traffic Consultant Rod Arroyo is here to address any traffic questions. The landscape review recommends approval noting ordinance deviations are required and supported for the lack of berms along most frontages. The wetland and woodland reviews recommend approval noting items to be addressed on the Preliminary Site Plan submittal. The City's wetland and woodland consultant is here this evening to address any environmental questions or concerns. The façade review states that the proposed renderings would be considered enhancements over what would typically be required by the ordinance. Additional elevations would be required to meet the City's similar/dissimilar ordinance provisions. The applicant has indicated these will be provided and has also noted in their response letter that the exact materials for the facades are still in flux but the ultimate design will include quality materials that will be above the minimum ordinance requirements. The fire review does not list any concerns with the proposed concept plan.

Gary Shapiro of Ivanhoe companies said he was glad to appear before the Planning Commission. He has been working with the current property owner on acquiring the property for several years and has

worked with staff over the last year as well. The first option was a commercial development but that was problematic because of the environmental features. The second was industrial but that seemed like spot zoning. The next consideration was RM-2 zoning which would allow upwards of 500 units. That was a serious consideration because it would be a lower price point; something that Novi doesn't have and it would be right on the border of Wixom but the planners and consultants drove us in a different direction. RM-1 seemed like the logical choice. Originally the plan was laid out as a multi-family for either condos for sale or apartments but staff felt that was too dense. This site plan was revised numerous times.

Based on market studies the concept plan was ultimately determined which is a single-family, detached site condominium with a neighborhood design. Every single site backs up to an open space. We reduced the density dramatically to do something really unique. We're proposing a really walkable community with pocket parks and public roads which really give a good curb appeal. We proposed a pool and clubhouse area. We worked with consultants to make sure the parking requirements are correct. The road configuration are in a developmental stage. This is something that Novi does not have that is very unique. The original goal was to limit the development to 116 units so that there was some flexibility if the economy changed. The city attorney felt that should be dealt with in the PRO Agreement. The concept plan that is being proposed is an 86 unit detached single-family home development.

Brad Strader, the applicant's consultant, of LSL Planning said they have worked with Gary Shapiro and his firm for over 15 years now on a number of projects. He has an excellent track record as a good developer. He's assembled a good team and he's a really passionate and a very hands-on developer. The key thing about this site is that it's zoned B-2 and part of it is zoned I-2, the former Cadillac Asphalt Plant. The original plan for this site was commercial. We laid out different things and found the site configuration and the wetlands didn't lend itself very well to commercial but more importantly, Gary met with a lot of different retailers and commercial developers to try to gain interest and found that it doesn't work. It's sort of a dead end for commercial because it's behind a shopping center. This doesn't feel like commercial. It's next to a high school. If there's a need for commercial in this facility, it really should be up closer to the interchange.

Residential seemed like a more viable option and the PRO provides a win-win for the developer and the community by having higher quality development and getting some of the information upfront. We came up with an attached plan with four units per building and basically the same road configuration and as we continued to study the market we found that that real demand was for high quality, detached single-family. So we used the same road layout but came up with the 86 unit plan. Amenities that would be over and above the typical development of a parcel include property combination and eliminating an industrial parcel. The high school has submitted a letter stating that this is a better use than the existing zoning or what would be allowed by the Master Plan. This is a good land use transition that would generate about 10% of the traffic that would be generated by the current zoning. Staff has been great to work with as were the consultants. The team is here to answer any questions you have and we look forward to your favorable recommendation to the City Council so we can move the project forward.

Chair Pehrson opened the public hearing. No one in the audience wished to speak.

Member Lynch read the correspondence. Mike Stanford, General Manager of Varsity Lincoln, said this letter serves as a letter in support of the proposed Ivanhoe Companies known as Berkshire Pointe. We've been in communication with Mr. Shapiro to form his goal to eliminate the industrial zoning at Cadillac Asphalt. We support the condominium community that will be across the street from our property. We believe that the construction of this residential area will improve the community by strengthening the relationship between the residents, businesses, developers, schools and churches. We appreciate Ivanhoe Companies stated objective to construct a development that is both compatible and beneficial to all adjoining property owners.

There was no additional correspondence and Chair Pehrson closed the public hearing.

Member Greco said he had a question regarding the 86 units versus the 116 units. He asked the applicant to explain how that fit into the request.

Mr. Shapiro said the concept plan going along with the rezoning is the 86 unit plan. The idea of doing multiple-family zoning was to make things a little more flexible so that if we did need to go to the 116 units, it would be a little easier to address later. If any changes to the 86 unit plan are made, including a change in the number of units, it would need to come back before the Planning Commission.

Member Lynch confirmed the units were detached.

Mr. Shapiro said that's correct.

Member Lynch said the PRO is the way to go. The development looks good and will fit in there nicely. Obviously the industrial and the high density commercial wouldn't be a good use for that property, mainly because of the traffic. It doesn't have the visibility that most commercial people want. It looks like these houses are in a lower price point than a lot of the homes in the area so I believe it does fill that need. The traffic study that had a marginal impact on the traffic on Wixom Road but that study was done when Catholic Central was on a summer break. Will the traffic study be revised?

Mr. Shapiro said the traffic generated would be dramatically less than commercial or industrial would be.

Mr. Strader said the traffic study will be revised based on the 86 unit plan. Because the counts were taken after school let out when they had a summer camp going on, we checked with the City's traffic consultant and the traffic engineers had a trip generation rate for a high school so we took the actual counts and removed the summer camp counts and replaced them with what the estimates would be for the high school.

Member Lynch asked if there was any consideration given to an access point on Twelve Mile Road.

Mr. Strader said we looked at a number of options to connect it with Twelve Mile but that didn't work.

Mr. Shapiro said we looked at it and the consensus was that Twelve Mile is more of a beauty road in that area and we didn't want to create a cut through for that area. Right now it's not a paved road, I think there was a push at one time to make it a beauty road. We felt that would be a negative impact of cut through traffic and not be good for the school or the community as a whole.

Member Lynch said it seemed like a good marketing opportunity. Certainly if you had people coming into the site and they get caught in traffic on Wixom Road, it may hurt you. But if you're comfortable that it's not going to hurt the marketing of your property then that's fine.

Mr. Strader said there has been an emergency access provided as a third means of access to the property.

Member Lynch asked if Wixom Road will be a four or five-lane road in the future.

Planner Kapelanski said she didn't think it was planned for the very near future at this point, at least it didn't factor into the review of this development. So it may be in the Capital Improvement Plan, but it's probably quite a ways off.

Member Lynch asked if the developer would be donating right-of-way to the City.

Mr. Strader said we're donating the right-of-way and we're building the bike safety path that is in the proper place if further expansion occurs.

Member Lynch said this seems similar to the Knightsbridge Gate development.

Mr. Shapiro said yes, but more upscale. The driveways are longer, there is more open space and additional sidewalks.

Member Baratta said the traffic study is a concern because there is a project that's under construction over at Ten Mile and Wixom. You've also got Catholic Central. Are there going to be traffic issues?

Traffic Consultant Arroyo said there are a couple things to look at. As they indicated in their study, comparing what could go there to the current zoning this could be a significantly smaller traffic generator. The biggest concern that we've had regarding the review of this actual plan and the site is the access point to Wixom Road and the fact that it lines up with another boulevard. So we've made some comments, they've already provided us with a concept for a modified approach which works a lot better. So we feel that's resolvable. But I'm not going to tell you that it's going to work perfect. It's going to be difficult to getting out during the peak hour. We are looking to the revised traffic study to get all those numbers verified and check to make sure that everything is going to work the way it should, but it certainly is going to be less traffic coming out of there than commercial would be overall. It's just the differences with residential, you're going to have leaving in the morning whereas with retail, most of that would be PM peak hour traffic, which generally could be the worst in terms of congestion in this area.

We would of preferred an access point to Twelve Mile, a secondary access point because at least if you're having a hard time getting out to Wixom Road, you could go to Twelve Mile and there's better access to Grand River that way, but this is somewhat challenging because they don't actually have full frontage on Twelve Mile and there's not really the type of access to Twelve Mile that would even lend itself to a full access point.

Member Baratta said leaving Island Lake in the morning is an extremely difficult left turn. And to your point, if this were commercial, I think while the number of trips may be a little less with this plan versus commercial, I think as you indicated the timing of those trips will be a lot different. I don't think you'll have the same utilization of the roads at those peaks hours. Where would you have moved that access point to Wixom?

Traffic Consultant Arroyo said, it's always better to have an access point that doesn't align with another. So the preference would be using that southern access point and not having a north access point.

Member Baratta asked is there a light there?

Traffic Consultant Arroyo said no.

Member Baratta asked if there was a light in front of Target.

Traffic Consultant Arroyo said yes.

Chair Pehrson said relative to the overall concept, it's not too often that we've gone through a PRO process where we've seen the kind of generosity relative to visualizing what the space could be, where it might have gone, and I'm glad that we're not sitting here looking at five hundred units. Density is huge in this City relative to all the things that come with that, such as traffic, so I'm very much pleased with the 86

units. Some of the more important benefits that probably weren't listed include the environmental impacts and the sensitivity that you've put forward there and getting rid of that heavy industrial next to the school zone. The only concern that I would have would be the traffic. We know Wixom Road is going to become a very clogged, if it isn't already, roadway. So I will be supporting it.

Moved by Member Lynch and seconded by Member Greco:

ROLL CALL VOTE ON THE ZONING MAP AMENDMENT 18.704 APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO:

In the matter of Berkshire Point, JSP13-47 with Zoning Map Amendment 18.704 motion to recommend approval to the City Council to rezone the subject property from B-2 (Community Commercial) and I-2 (General Industrial) to RM-1 (Low Density Low-Rise Multiple-Family Residential) with a Planned Rezoning Overlay with the following ordinance deviations:

- a. Reduction in minimum lot size from 10,000 square feet (required) to 5,400 square feet (proposed);
- b. Reduction in minimum lot width from 80 feet (required) to 45 feet (proposed)
- c. Reduction in minimum side yard setback from 10 feet with an aggregate of 25 feet (required) to 5 feet with an aggregate of 10 feet (proposed);
- d. Reduction in minimum rear yard setback from 35 feet (required) to 30 feet (proposed);
- e. Lack of berms along the south, north and west frontages and lack of berm along portions of the east frontage;

And subject to the following conditions:

- a. Applicant providing additional elevations or renderings to comply with the similar/dissimilar Ordinance provisions;
- b. Applicant revising the concept plan and traffic study in accordance with the recommendations in the traffic review letter prior to consideration by the City Council; and
- c. 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 Preliminary Site Plan.

This motion is made because:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of Community Commercial as outlined in the planning review letter;
- b. The proposed multiple-family zoning provides a reasonable transitional use between the commercial properties to the north and east and the school uses to the south and west and would accommodate the removal of the incompatible I-2 zoning;
- c. The site will be adequately served by public utilities and the proposed zoning and proposed use represents fewer peak hour trips than the current zoning would require; and
- d. The proposed concept plan shows the preservation and enhancement of wetlands on the site. *Motion carried 6-0.*