



CITY of NOVI CITY COUNCIL

Agenda Item 2
April 13, 2015

SUBJECT: Approval of the request of Toll Brothers for JSP 14-18 with Zoning Map Amendment 18.707 to rezone property in Section 26, on the east side of Novi Road, south of Ten Mile Road from I-1, Light Industrial and OS-1, Office Service 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 20.9 acres and the applicant is proposing a 93 unit attached condominium multiple-family residential development.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map amendment for a 20.09-acre property located southeast of Novi and Ten Mile Roads, accessed off of Nick Lidstrom Drive (Section 26) from I-1 (Light Industrial) and OS-1 (Office Service) 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 a 93-unit owner-occupied attached condominium project. The City Council tentatively approved the rezoning and the petitioner has now brought forward the Planned Rezoning Overlay Agreement.

The applicant has proposed a 93-unit multiple-family development. The PRO concept plan shows two on-site detention ponds on the site, preservation of wetland areas along the site's northern and eastern property lines, a pathway connection through the site to future development to the north, and an offsite pathway at the site's southeast corner to the Novi Dog Park to the south. Two access points (one boulevarded) are proposed off of Nick Lidstrom Drive. The original concept plan proposed the construction of a berm along Ten Mile Road. This berm was to be constructed with the fill removed from the site as part of the arsenic remediation for the property. The applicant has since determined they will move soil containing elevated levels of arsenic off site to an authorized disposal facility and the berm is no longer proposed.

Ordinance Deviations Requested

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

The deviations requested are the following:

1. Circulation and Driveway Spacing Waivers: A waiver is required from the Design and

Construction Standards to allow the proposed cul-de-sac to be built to standards less than the general layout standards for local streets and a same-side driveway spacing waiver is required for the south access drive (84 feet provided, 105 feet required).

2. Landscape Waivers: A waiver is required for a reduction in minimum berm height from 6 feet to 4-5 feet along the southern property boundary and the lack of berms along the east, west and north property boundaries.
3. Building Materials: A Section 9 waiver is required for the underage of brick and the overage of siding and asphalt shingles.
4. Building Orientation: Section 2400, footnote e requires buildings be oriented at a 45° angle to all property lines. The proposed building orientation ranges from 50 degrees to 90 degrees.
5. Setback Coverage: Section 2400, footnote e states not more than 30 percent of the required front, side or rear yard building setback areas can be used for off-street parking, maneuvering lanes, service drives or loading areas. The plan indicates 47 percent coverage and a deviation from this requirement has been included.
6. Building Setbacks: Per Section 2400, the minimum setback is 75 feet from the property line. The southeastern most building is setback 66 feet from the angled property line. This deviation has been included in the PRO Agreement.

Public Benefit

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 as part of their application materials that have been included in the PRO Agreement.

1. Construction of pathway for public use through site from Nick Lidstrom Drive to north property line for connection to future development of the non-residential property to the north.
2. Construction of offsite pathway to new Novi Dog Park commencing from site's southeast corner along rear property line of Novi Sport's Club as well as a connection to the existing pathway along Nick Lidstrom Drive.
3. Pedestrian directional signage along proposed pathways.
4. Preservation of natural features along north and east property lines and remaining wetlands, wetland buffer areas and woodlands on site through the execution of a conservation easement.

Additionally, the applicant has agreed to provide pedestrian style lighting along the frontage of City streets as shown in the PRO Plan, and as provided in the PRO Agreement.

Public Hearing and Planning Commission Recommendation

The public hearing for the rezoning request was held by the Planning Commission on November 12, 2014. At that meeting, the Planning Commission recommended approval of JSP 14-18 with Zoning Map Amendment 18.707 to rezone property in Section 26, on the east side of Novi Road, south of Ten Mile Road from I-1, Light Industrial and OS-1, Office Service to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. Relevant minutes from the Planning Commission meeting are attached.

Previous City Council Consideration

This matter previously appeared before the City Council on December 8, 2014. 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.

City Council Action and Next Steps

Because the PRO Agreement is consistent with the rezoning with PRO request tentatively approved by the City Council at the December 8th 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 Novi Ten Townhomes JSP14-18 with Zoning Map Amendment 18.707 to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) 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:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of Community Office and Industrial Research Development and Technology as outlined in the planning review letter;
- b. The proposed property lines maintain a significant buffer (approximately 350 feet) from the adjacent railroad and industrial uses to the east of the subject property;
- c. The proposed multiple-family use would complement the existing multiple-family uses to the south and in the general area;
- d. The plan meets several goals, objectives and implementation strategies included in the Master Plan for Land Use as outlined in the planning review letter;
- e. The applicant has made an effort to minimize impacts to on-site wetlands to the extent practical and has offered to preserve all remaining natural features via a conservation easement; and
- f. 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.

| | 1 | 2 | Y | N |
|------------------------|---|---|---|---|
| Mayor Gatt | | | | |
| Mayor Pro Tem Staudt | | | | |
| Council Member Casey | | | | |
| Council Member Markham | | | | |

| | 1 | 2 | Y | N |
|------------------------|---|---|---|---|
| Council Member Mutch | | | | |
| Council Member Poupard | | | | |
| Council Member Wrobel | | | | |

Maps

Location

Zoning

Future Land Use

Natural Features

JSP14-18 Novi Ten Townhomes PRO

Location



Map Legend

 Subject Property



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

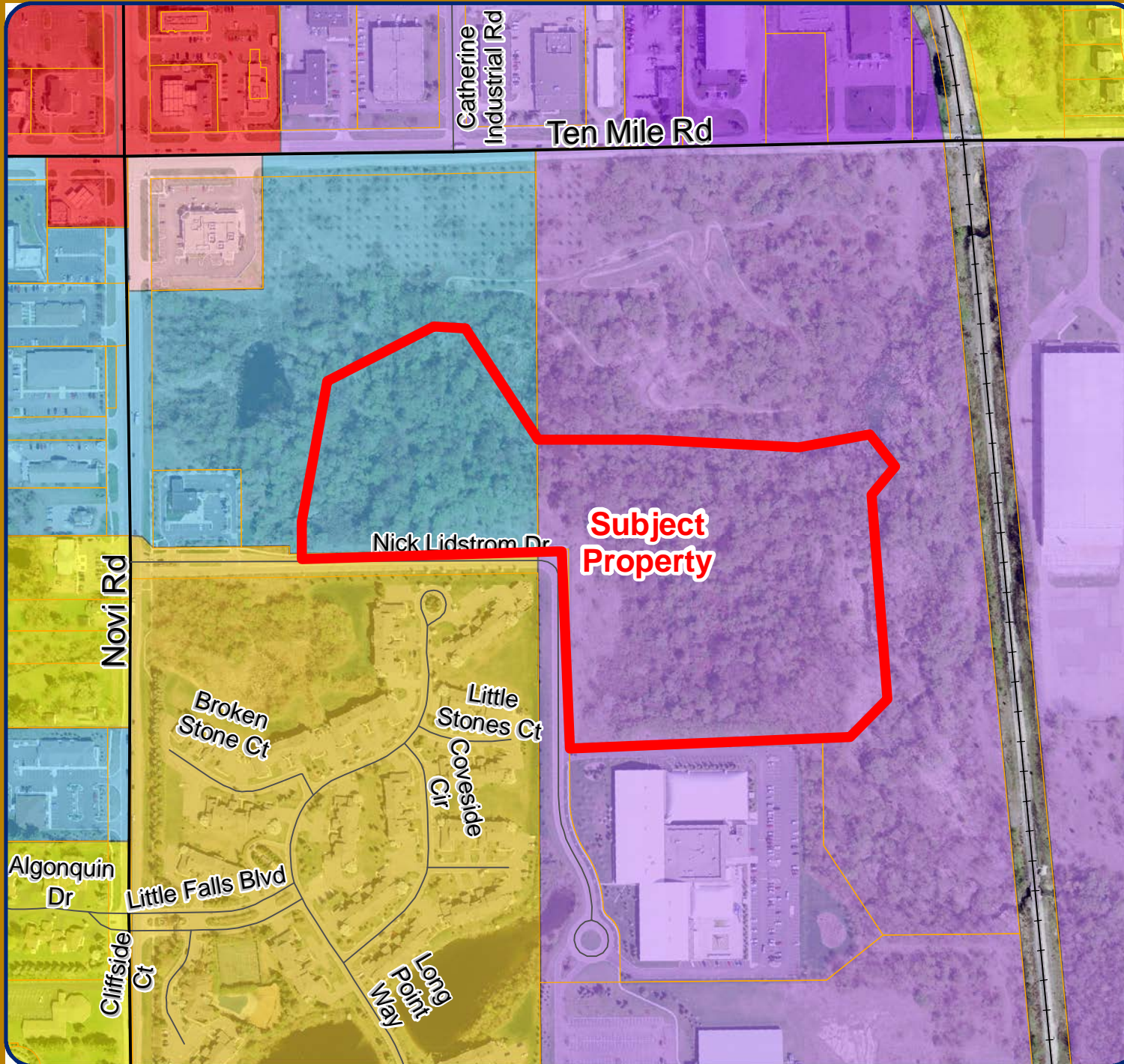
Map Author: Sara Roediger
Date: 06-30-14

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.

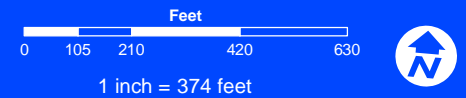
JSP14-18 Novi Ten Townhomes PRO

Zoning



Map Legend

- Subject Property**
- R-4: One-Family Residential**
- RM-1: Low-Density Multiple Family**
- B-1: Local Business**
- B-3: General Business**
- I-1: Light Industrial**
- I-2: General Industrial**
- OS-1: Office Service**



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

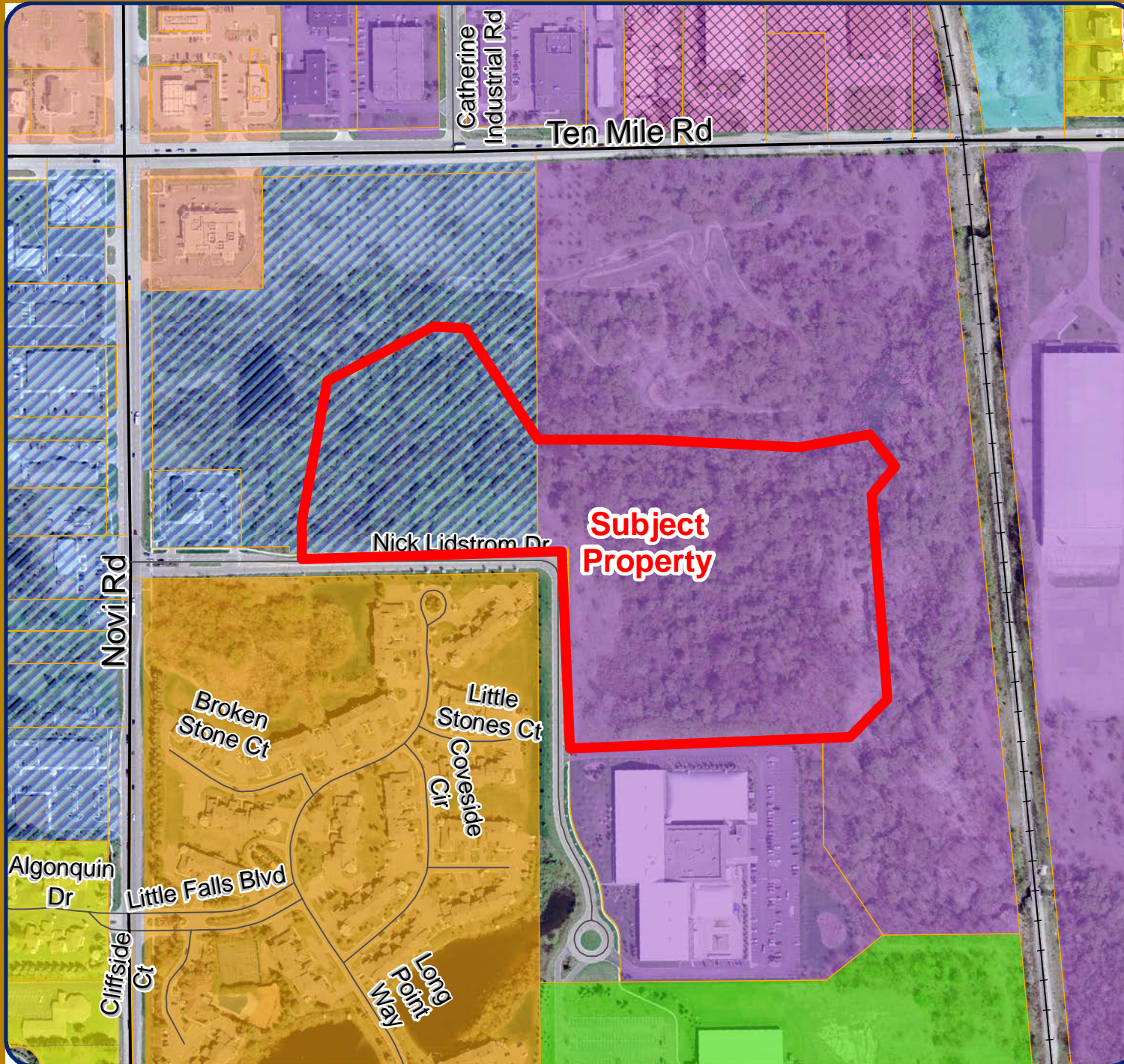
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JSP14-18 Novi Ten Townhomes PRO

Future Land Use



Map Legend

-  Subject Property
-  Single Family
-  Multiple Family
-  Community Office
-  Industrial R&D Technology
-  Heavy Industrial
-  Local Commercial
-  Public
-  Public Park



City of Novi
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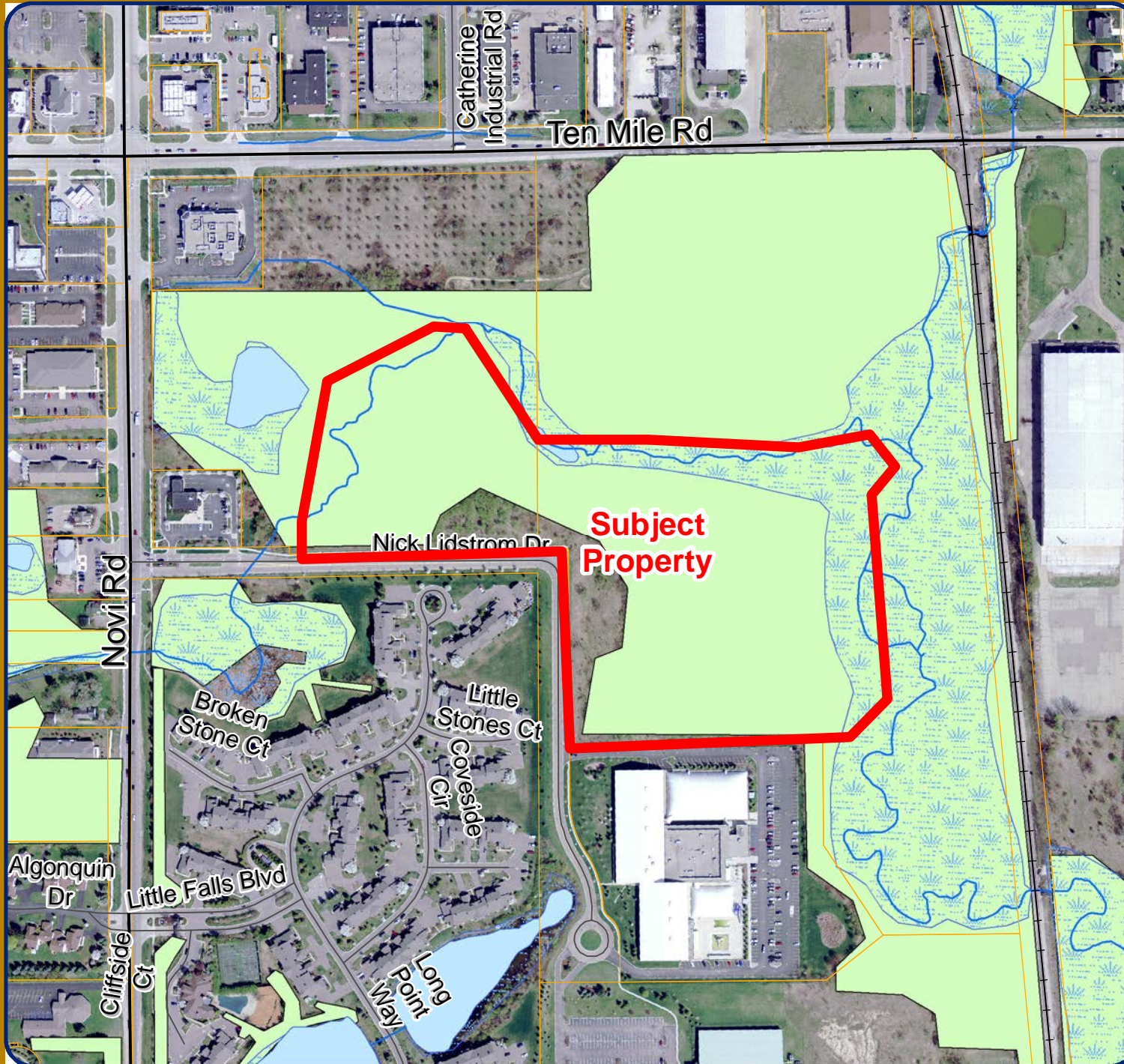
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JSP14-18 Novi Ten Townhomes PRO

Natural Features



Map Legend

-  Subject Property
-  Waterways
-  Pond
-  Wetlands
-  Woodlands



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

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Concept Plan



Landscape Summary

| | |
|---------------------------------|-------------------------|
| Street Trees | |
| Street Frontage | 4,946 L.F. |
| Trees Required | 141 Trees (4,946 / 35) |
| Trees Provided | 141 Trees |
| Street Lawn | |
| Street Frontage | 1,139 L.F. |
| Trees Required | 25.3 Trees (1,139 / 45) |
| Trees Provided | 25 Trees (20 Existing) |
| Greenbelt | |
| Greenbelt Length | 1,139 L.F. |
| Trees Required | 33 Trees (1,139 / 35) |
| Trees Provided | 33 Trees |
| Sub-Canopy Trees Required | 48 Trees (1,139 / 25) |
| Sub-Canopy Trees Provided | 46 Trees |
| Detention Pond Plantings | |
| Freeboard Length | 1,161 L.F. |
| Planting Required | 812 L.F. (70%) |
| Planting Provided | 870 L.F. (75%) |

ALLEN DESIGN
 LAND PLANNING / LANDSCAPE ARCHITECTURE
 557 CASPENTER • NORTHVILLE, MI 48167
 248.467.4668 • Fax: 248.349.0559
 Email: aad@alldesign.com



Seal:



Title:
Landscape Plan

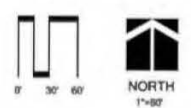
Project:
**Novi Ten Townhomes
 Novi, Michigan**

Prepared for:
 Toll Brothers
 39605 William K. Smith Dr., Suite B
 New Hudson, Michigan 48165

Revision: _____ Issued: _____
 Submission August 13, 2014

Job Number:
 13-022

Drawn By: _____ Checked By: _____
 JPB JPB



Sheet No.



Planned Rezoning Overlay
Draft Agreement

PLANNED REZONING OVERLAY (PRO) AGREEMENT
NOVI TEN TOWNHOMES

AGREEMENT, by and among Toll II MI Limited Partnership, a Michigan Limited Partnership, whose address is 28004 Center Oaks Ct. Suite 200, Wixom, MI 48393 (referred to as “**Developer**”); Novi Ten Associates, L.L.C., a Michigan limited liability company, whose address is 400 Renaissance Center, Suite 2170, Detroit, Michigan 48243 (“**Owner**”); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 (“**City**”).

RECITATIONS:

- I. Owner is the owner and Developer is the developer, of two vacant parcels totalling 20.09 gross acres located south of Novi Road and East of Novi Road along Nick Lidstrom Drive, herein known as the “Land” or the “Development” described on **Exhibit A**, attached and incorporated herein. Owner and Developer are hereinafter referred to together as “Applicants.”
- II. For purposes of improving and using the Land for a 93-unit owner occupied attached condominium development, Applicants have petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from I-1 Light Industrial and OS-1, Office Service, to RM-1, Low-Density Multiple-Family. The I-1/OS-1 classification shall be referred to as the “**Existing Classification**” and RM-1 shall be referred to as the “**Proposed Classification.**”
- III. The Proposed Classification would provide the Applicants with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Applicants.
- IV. The City has reviewed and approved the Applicants’ 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 Applicants’ proposed PRO Plan, including conceptual renderings of unit styles and materials, 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. The City has further reviewed the proposed PRO conditions offered or accepted by the Applicants.

- V. In proposing the Proposed Classification to the City, Applicants have expressed as a firm and unalterable intent that Applicants will develop and use the Land in conformance with the following undertakings by Applicants, as well as the following forbearances by the Applicants (each and every one of such undertakings and forbearances shall together be referred to as the “Undertakings”):
- A. Applicants shall develop and use the Land solely for a 93-unit high-quality, owner occupied, attached residential condominium project, in accordance with the PRO Plan, including but not limited to the architectural rendering made a part hereof. Applicants shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
 - B. Applicants shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable setback requirements of the Zoning Ordinance with respect to the Proposed Classification, except as expressly authorized herein or as shown on the PRO Plan. The PRO Plan is acknowledged by both the City and Applicants to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City’s ordinances, rules, or regulations that are depicted in the PRO Plan are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Applicants’ right to develop the 93-unit attached condominium under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement.
 - C. In addition to any other ordinance requirements, Applicants shall comply with all applicable ordinances for storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.
 - D. Applicants shall provide the following Public Benefits/Public Improvements in connection with the development of the Land:
 - 1. Residences that exceed the minimum architectural standards of the City and are similar, in the City’s determination, to those

conceptual architectural renderings in the PRO Plan attached as Exhibit B, in an area adjacent to the City-owned property;

2. Construction of a pathway for public use through the Development from Nick Lidstrom Drive to the north property line for connection to the future development of the non-residential property to the north in the location and to the standards shown in the PRO Plan attached as **Exhibit B**.
3. Construction of an off-site pathway for public use to the Novi Dog Park commencing from the site's southeast corner along the rear property line of Novi Sport's Club and a connection to the existing pathway along Nick Lidstrom Drive, in the location and to the standards shown in the PRO Plan attached as **Exhibit B**;
4. Installation of pedestrian directional signage along the pathways set forth above;
5. Preservation of natural features along the north and east property lines and the remaining wetlands, wetland buffer areas and woodlands on the site as shown in the PRO Plan attached as Exhibit B, by execution of a Conservation Easement.

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

1. Applicants acknowledge that the Development Property contains areas with an elevated level of arsenic as a result of its prior use as an orchard. Prior to the issuance of any building permits within the Development, Applicants shall be required to remove soil from areas with elevated levels of arsenic from the Development Property and relocate it to an authorized landfill in accordance with an applicable Land Improvement Permit. Applicants shall be authorized to initiate removal of the soil in accordance with the applicable Land Improvement Permit, at their own risk, following preliminary site plan approval, issuance of required woodland, wetland permits, and soil erosion permits, alongwith posting of corresponding financial guarantees, provided that the detail of the preliminary site plan provides an adequate level of detail regarding grading. Applicants hereby acknowledge that they are proceeding at their own risk and that permission to proceed with preliminary site work does not in any way guarantee approval of the Final Site Plan. Applicants shall be responsible for all costs of the City's Environmental Consultant's analysis of the remediation of the area with elevated levels of arsenic.

2. Applicants shall relocate interior sidewalks further away from the proposed roadway than what is currently shown on Exhibit B where feasible to allow for a larger buffer space between the proposed sidewalks and proposed roadway.
3. Applicants shall provide pedestrian style lighting along the frontage of City streets as shown in the PRO Plan.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings and PRO Conditions shall be binding on Applicants and the Land;
 - b. Applicants shall act in conformance with the Undertakings; and
 - c. Applicants shall forbear from acting in a manner inconsistent with the Undertakings;
2. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City’s zoning ordinance.
 - a. Circulation Waiver: A waiver the Design and Construction Standards as set forth in Section 3.8.2.B of the Zoning Ordinance to allow the cul de sac to be built to standards other than those required for local streets as set forth in Section 11-194 of the City of Novi Code. This waiver shall be subject to the following requirements:
 - i. The circulating (circular) roadway shall be posted for one-way counterclockwise operation (just as a standard cul-de-sac) requiring the posting of a non-diagrammatic “Keep Right” sign on the island directly ahead of the approaching street centerline;
 - ii. The width of the circulating roadway shall be 32 feet (back of curb to back of curb);
 - iii. The entry and exit curb radii, dimensioned to be only 25 ft., shall be increased to 67 ft.;
 - iv. The proposed parking spaces on the west side of the island be deleted, but two spaces may be added to the easterly module, one at each end of it; and,
 - v. The remainder of the island’s periphery shall be posted for “No Parking.”
 - b. Driveway Spacing Waiver: A same side driveway spacing waiver for the south access drive providing for 84 feet of space from the existing Sports

Club drive rather than the 105 foot spacing required by Section 11-216 (d) of the City of Novi Code for a 25-mph roadway.

- c. Landscape Waiver – South Boundary Berm: A waiver from Section 5.5.2.v. of the Zoning Ordinance to allow a reduction in minimum berm height from 6 feet to 4-5 feet along the southern property boundary, subject to installation of additional understory plantings to assure adequate buffering.
 - d. Landscape Waiver – East, West, and North Boundary Berms: A waiver from Section 5.5.2.iv of the Zoning Ordinance of the requirement for installation of berms along the eastern, western and northern property boundaries, subject to preservation of existing natural features in those locations pursuant to a Conservation Easement in a format approved by the City.
 - e. Building Materials: A façade waiver for an underage of brick and overage of siding and asphalt shingles in accordance with the conceptual renderings provided in conjunction with the PRO Plan attached as Exhibit B.
 - f. Building Orientation: A waiver from Section 3.8.2.D of the Zoning Ordinance allowing buildings to be oriented between 50° and 90° angle to the property line rather than at a 45° angle.
 - g. Setback Coverage: A waiver from Section 3.8.2.E of the Zoning Ordinance allowing 47% coverage of the required front, side, and/or rear setback areas for off-street parking, maneuvering lanes, service drives, and/or loading areas.
 - h. Building Setbacks: A waiver from Section 3.1.7.D allowing the southeastern most building to be setback 66' from the angled property line rather than 75'.
3. In the event Applicants attempt to or proceed with actions to complete improvement of the Land in any manner other than as 93-unit attached condominium, as shown on **Exhibit B**, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for such building and use.
4. Applicants acknowledge and agree that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Applicants 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 Applicants.

5. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of a 93-unit attached residential condominium. The burden of the Undertakings on the Applicants is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
6. In addition to the provisions in Paragraph 2, above, in the event the Applicants, or their respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Applicants 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 Applicants 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 Applicants from otherwise challenging the reasonableness of such rezoning as applied to the Land. In the event the City rezones the Land to a use classification other than the Proposed Classification, this Agreement shall terminate and be null and void.
7. By execution of this Agreement, Applicants acknowledge that it has acted in consideration of the City approving the Proposed Classification on the Land, and Applicants agree to be bound by the provisions of this Agreement.
8. After consulting with an attorney, the Applicants understand and agree that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this Agreement are reasonable, that it shall be estopped from taking a contrary position in the future, and, that the City shall be entitled to injunctive relief to prohibit any actions by the Applicants inconsistent with the terms of this Agreement.
9. Applicants may be permitted to construct a single building for model home purposes within the Development at or near Nick Lidstrom Drive following final site plan approval, but prior to the issuance of all required permits from state and or other governmental authorities, provided that adequate information has been provided in conjunction with the final site plan to allow construction. Applicants shall meet with City staff to determine the feasibility of the proposal for construction following final site plan approval. Construction is subject to the removal of any and all soils with elevated levels of arsenic as necessary, in

accordance with the applicable Land Improvement Permit. Applicants hereby acknowledge that they are proceeding at their own risk and that permission to proceed with construction of the model home building work does not in any way guarantee approval of the any other permits, including but not limited to occupancy permits.

10. This Agreement shall run with the land 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 shall 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 until after site plan approval and construction of the development as approved therein.
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 begin on following page}

WITNESSES:

DEVELOPER

TOLL LIMITED PARTNERSHIP

Print Name:

By: _____

Its: Manager

Print Name:

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this ____ day of _____, 2015, before me appeared
who states that he has signed this document of his own free will duly authorized on behalf of the
Developer.

, Notary Public

County
Acting in County
My commission expires:

WITNESSES:

Print Name:

Print Name:

OWNER

NOVI TEN ASSOCIATES, L.L.C., a
Michigan limited liability company

By: _____

Its: Manager

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this ____ day of _____, 2015, before me appeared
_____ who states that he has signed this document of his own free
will duly authorized on behalf of the Owner.

 , Notary Public

 County
Acting in County
My commission expires:

CITY OF NOVI

Print Name:

By: _____
Robert J. Gatt, Mayor

Print Name:

Print Name:

By: _____
Maryanne Cornelius, Clerk

Print Name:

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this ____ day of _____, 2015, before me appeared Robert J. Gatt and Maryanne Cornelius, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

 , Notary Public
 County
Acting in County
My commission expires:

Drafted by:

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

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

EXHIBIT A

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, T.1 N, R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE N86°27'27"E 2123.10 FEET ALONG THE CENTERLINE OF TEN MILE ROAD; THENCE S07°58'33"E 2072.30 FEET; THENCE S86°56'27"W 355.53 FEET; THENCE N35°58'56"W 279.43 FEET; THENCE N03°03'33"W 269.20 FEET TO THE POINT OF BEGINNING; THENCE S86°56'27"W 658.95 FEET; THENCE N02°47'33"W 509.40 FEET; THENCE S86°27'27"W 630.00 FEET; THENCE N03°32'33"W 100.00 FEET; THENCE N11°35'45"E 370.00 FEET; THENCE N60°51'08"E 290.00 FEET; THENCE N90°00'00"E 75.00 FEET; THENCE S31°29'21"E 339.33 FEET; THENCE N89°23'14"E 231.65 FEET; THENCE S86°22'13"E 420.86 FEET; THENCE N76°46'23"E 167.10 FEET; THENCE S41°34'10"E 105.00 FEET; THENCE S43°34'07"W 91.51 FEET; THENCE S04°10'41"E 519.60 FEET; THENCE S42°47'02"W 133.85 FEET; THENCE S86°56'27"W 30.00 FEET TO THE POINT OF BEGINNING. CONTAINING 20.09 ACRES OF LAND, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

EXHIBIT B

PRO PLAN



Landscape Summary

| | |
|---------------------------------|-------------------------|
| Street Trees | |
| Street Frontage | 4,946 L.F. |
| Trees Required | 141 Trees (4,946 / 35) |
| Trees Provided | 141 Trees |
| Street Lawn | |
| Street Frontage | 1,139 L.F. |
| Trees Required | 25.3 Trees (1,139 / 45) |
| Trees Provided | 25 Trees (20 Existing) |
| Greenbelt | |
| Greenbelt Length | 1,139 L.F. |
| Trees Required | 33 Trees (1,139 / 35) |
| Trees Provided | 33 Trees |
| Sub-Canopy Trees Required | 48 Trees (1,139 / 25) |
| Sub-Canopy Trees Provided | 46 Trees |
| Detention Pond Plantings | |
| Freeboard Length | 1,161 L.F. |
| Planting Required | 812 L.F. (70%) |
| Planting Provided | 870 L.F. (75%) |

ALLEN DESIGN
 LAND PLANNING / LANDSCAPE ARCHITECTURE
 557 CASPENTER • NORTHVILLE, MI 48147
 248.467.4668 • Fax: 248.349.0559
 Email: aad@alldesign.com



Seal: _____



Title:
Landscape Plan

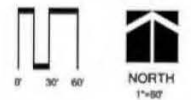
Project:
**Novi Ten Townhomes
 Novi, Michigan**

Prepared for:
 Toll Brothers
 39665 William K. Smith Dr., Suite B
 New Hudson, Michigan 48155

Revision: _____ Issued: _____
 Submission August 13, 2014

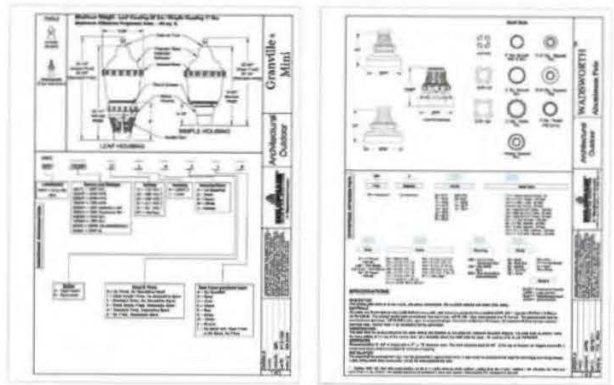
Job Number:
 13-022

Drawn By: _____ Checked By: _____
 JSP JSP



Sheet No. _____

Entry Light



Know what's below.
 Call before you dig.
 2014 Allen Design L.L.C.

PLANNED REZONING OVERLAY (PRO) PLAN

NOVI TEN TOWNHOMES

SECTION 26, TOWN 1 NORTH, RANGE 8 EAST,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

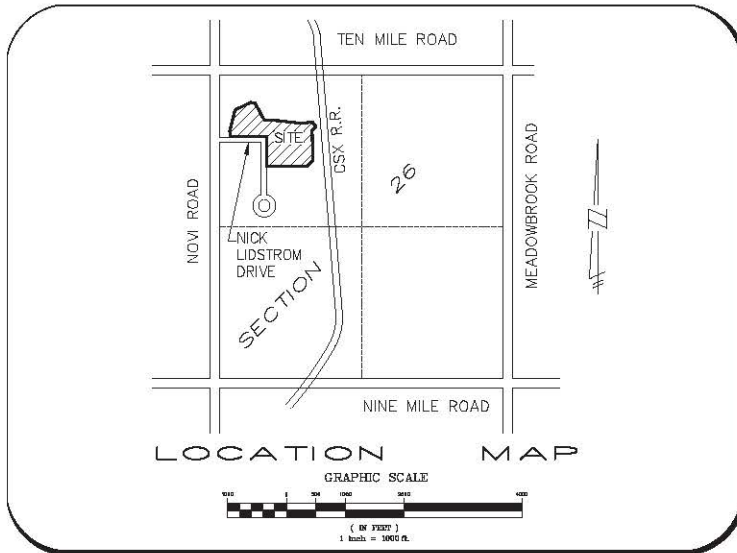
PREPARED FOR:
TOLL BROTHERS
28665 WILLIAM K. SMITH DR., SUITE B
NEW HUDSON, MICHIGAN 48165
248.446.5100

LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, 1ST N. R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE N88°27'32"E 3123.10 FEET ALONG THE CENTERLINE OF TEN MILE ROAD; THENCE S07°58'33"E 2072.30 FEET; THENCE S89°54'27"W 385.53 FEET; THENCE N30°30'55"W 279.43 FEET; THENCE N89°03'30"W 296.20 FEET TO THE POINT OF BEGINNING; THENCE S88°58'27"W 804.85 FEET; THENCE N04°57'33"W 800.40 FEET; THENCE S88°27'27"W 830.00 FEET; THENCE N03°33'33"W 100.00 FEET; THENCE N17°05'46"E 370.00 FEET; THENCE N87°51'05"E 280.00 FEET; THENCE N90°00'00"E 75.00 FEET; THENCE S37°28'15"E 336.88 FEET; THENCE N88°32'14"E 231.80 FEET; THENCE S88°23'17"E 422.85 FEET; THENCE N7°48'30"E 167.10 FEET; THENCE S43°34'06"E 106.00 FEET; THENCE S47°54'07"W 81.03 FEET; THENCE S89°17'41"E 594.00 FEET; THENCE S47°52'02"W 133.80 FEET; THENCE S89°52'27"W 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 29.09 ACRES OF LAND, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

FIRE DEPARTMENT NOTES

- All fire hydrants and water mains shall be installed and in service prior to above foundation building construction on each phase is built.
- All roads shall be paved and capable of supporting 35 tons prior to construction above foundation.
- Building addresses shall be posted facing the street during all phases of construction. Addresses shall be a minimum of three inches in height on a contrasting background.
- Provide 4-6" diameter concrete filled steel posts 48" above finish grade at each hydrant as required.
- Fire lanes shall be posted with "Fire Lane - No Parking" signs in accordance with Ordinance #85.99.02.



SHEET INDEX

- COVER SHEET
- PLANNED REZONING OVERLAY (PRO) PLAN
- STORM WATER MANAGEMENT PLAN
- OFF-SITE IMPROVEMENTS PLAN
 - L-1. LANDSCAPE PLAN
 - L-2. WOODLAND PLAN
 - L-3. WOODLAND PLAN
 - L-4. WOODLAND TREE LIST
 - L-5. WOODLAND TREE LIST

NOTES

- ALL WORK SHALL CONFORM TO THE CITY OF NOVI'S CURRENT STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR MUST OBTAIN A PERMIT FROM THE CITY OF NOVI FOR ANY WORK WITHIN THE RIGHT-OF-WAY OF NICK LIDSTROM DRIVE.
- ALL PAVEMENT MARKINGS, TRAFFIC CONTROL SIGNS, AND PARKING SIGNS SHALL COMPLY WITH THE DESIGN AND PLACEMENT REQUIREMENTS OF THE 2011 MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.



SEIBER, KEAST ENGINEERING, L.L.C.

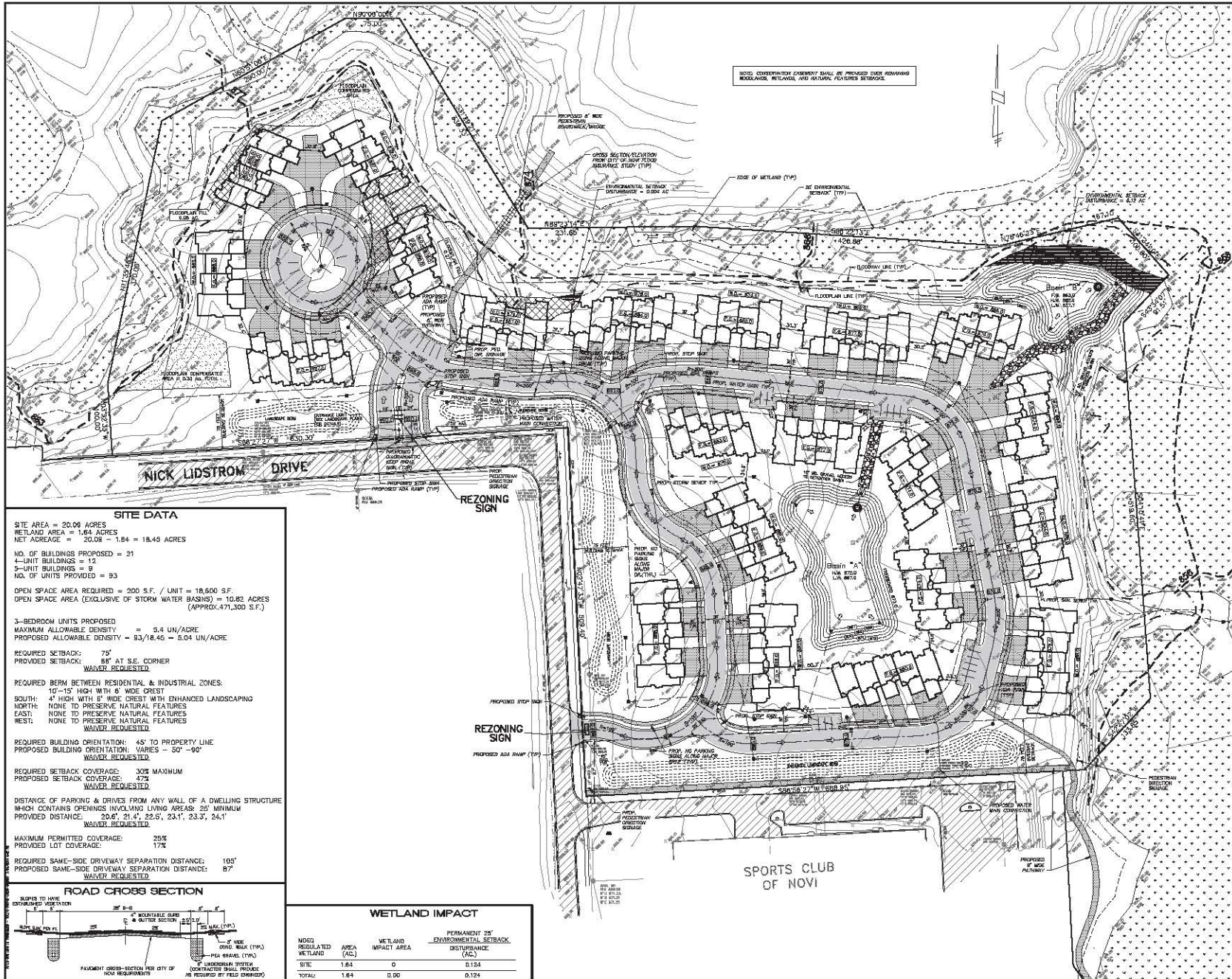
CONSULTING ENGINEERS
7125 ORCHARD LAKE ROAD + SUITE 304 • WEST BLOOMFIELD, MI • 48322
PHONE: 248.562.7357 FAX: 248.562.7397

SURVEY PROVIDED BY:
ESE CONSULTANTS, INC.
29665 WILLIAM K. SMITH DR., SUITE B
NEW HUDSON, MICHIGAN 48165
PHONE: 248.446.5103

TREE SURVEY AND LANDSCAPE PLANS PROVIDED BY:
ALLEN DESIGN
557 CARPENTER
NORTHVILLE, MICHIGAN 48167
PHONE: 248.467.4658

| REVISIONS | | | ENGINEER'S SEAL |
|-----------|-----------------|---------|-----------------|
| NO. | DESCRIPTION | DATE | |
| 1. | FOR CITY REVIEW | 4-18-11 | |
| | | | |
| | | | |

DATE: 00-10-14 DESIGNED BY: A.A. JESS WOODRUM: JP-008
CHECKED BY: P.E. EDUARDO PEREIRA: 01-13838-00



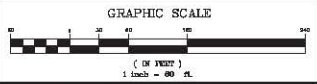
Min. 8" high letters

**ZONING CHANGE PROPOSED FROM
OS-1 & I-1 TO RM-1 WITH PRO**

FOR MORE INFORMATION CALL:
NOVI COMMUNITY DEVELOPMENT DEPARTMENT
248-347-0475

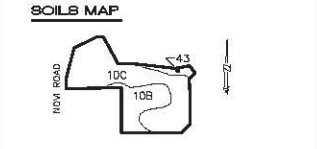
Min. 4" high letters

REZONING SIGN DETAIL



- PROPOSED IMPROVEMENTS**
- MUNICIPAL SEWER TO BE PROVIDED BY CONNECTING TO AN EXISTING SANITARY SEWER ON THE EAST SIDE OF NICK LIDSTROM DRIVE AND TO SANITARY SEWER EAST OF THE SITE.
 - MUNICIPAL WATER TO BE PROVIDED BY CONNECTING TO AN EXISTING 8" WATER MAIN STUB LOCATED ON THE NORTH SIDE OF NICK LIDSTROM DRIVE AND CONNECTING TO AN EXISTING 8" WATER MAIN LOCATED AT THE NORTH SIDE OF SPORTS CLUB OF NOVI.
 - STORM WATER DETENTION SHALL BE PROVIDED ON SITE.
 - 5" WIDE CONCRETE SIDEWALKS SHALL BE CONSTRUCTED WHERE INDICATED.
 - A CITY OF NOVI RIGHT-OF-WAY PERMIT IS REQUIRED FOR WORK WITHIN ANY PUBLIC ROAD RIGHT-OF-WAY.

NOTE:
25' WIDE VEGETATED BUFFER SHALL BE PROVIDED AROUND THE PERIMETER OF EACH STORM WATER BASIN.



SOIL CLASSIFICATIONS
(PER "SOILS SURVEY OF OAKLAND COUNTY MICHIGAN", UNITED STATES DEPT. OF AGRICULTURE, SOIL CONSERVATION SERVICE IN COOPERATION WITH MICHIGAN AGRICULTURAL EXPERIMENT STATION, ISSUED MARCH 1982)

10B - MARLETTE SANDY LOAM, 1 TO 6 PERCENT SLOPES
10C - MARLETTE SANDY LOAM, 6 TO 12 PERCENT SLOPES
43 - SLOAN-MARLETTE ASSOCIATION

LEGEND

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NOVI TEN TOWNHOMES
SECTION 26, TOWN 1 NORTH, RANGE 8 EAST
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|---------|-----------------|
| 1 | 8-14-11 | FOR CITY REVIEW |

DATE: 08-16-14 (REVISED 03-1-14) JOB NUMBER: 13-338
(REVISED 07-2-14) DRAWING FILE: 13-338-01-008

PLANNED REZONING OVERLAY (PRO) PLAN

SEIBER, KEAST ENGINEERING, L.L.C.
CONSULTING ENGINEERS
7120 ORCHARD LAKE ROAD #SUITE 304 WEST BLOOMFIELD, MI 48302
PHONE: 248-683-7357 FAX: 248-582-7397

SHEET 2

SITE DATA

SITE AREA = 20.09 ACRES
WETLAND AREA = 1.64 ACRES
NET ACREAGE = 20.09 - 1.64 = 18.45 ACRES

NO. OF BUILDINGS PROPOSED = 21
UNIT BUILDINGS = 12
3-UNIT BUILDINGS = 9
NO. OF UNITS PROVIDED = 93

OPEN SPACE AREA REQUIRED = 200 S.F. / UNIT = 18,600 S.F.
OPEN SPACE AREA (EXCLUSIVE OF STORM WATER BASINS) = 10.82 ACRES (APPROX. 471,300 S.F.)

3-BEDROOM UNITS PROPOSED
MAXIMUM ALLOWABLE DENSITY = 5.4 UN/ACRE
PROPOSED ALLOWABLE DENSITY = 83/18.45 = 5.04 UN/ACRE

REQUIRED SETBACK: 75'
PROVIDED SETBACK: 88' AT S.E. CORNER
WAIVER REQUESTED

REQUIRED BERM BETWEEN RESIDENTIAL & INDUSTRIAL ZONES:
10'-15" HIGH WITH 6" WIDE CREST
SOUTH: 4" HIGH WITH 6" WIDE CREST WITH ENHANCED LANDSCAPING
NORTH: NONE TO PRESERVE NATURAL FEATURES
EAST: NONE TO PRESERVE NATURAL FEATURES
WEST: NONE TO PRESERVE NATURAL FEATURES
WAIVER REQUESTED

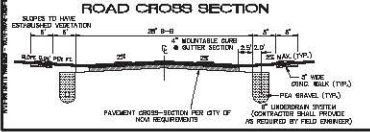
REQUIRED BUILDING ORIENTATION: 45° TO PROPERTY LINE
PROPOSED BUILDING ORIENTATION: VARIES - 50° - 90°
WAIVER REQUESTED

REQUIRED SETBACK COVERAGE: 30% MAXIMUM
PROPOSED SETBACK COVERAGE: 47%
WAIVER REQUESTED

DISTANCE OF PARKING & DRIVES FROM ANY WALL OF A DWELLING STRUCTURE WHICH CONTAINS OPENINGS INVOLVING LIVING AREAS: 25' MINIMUM
PROVIDED DISTANCE: 20.6', 21.4', 22.5', 23.1', 23.3', 24.1'
WAIVER REQUESTED

MAXIMUM PERMITTED COVERAGE: 25%
PROVIDED LOT COVERAGE: 17%

REQUIRED SAME-SIDE DRIVEWAY SEPARATION DISTANCE: 105'
PROPOSED SAME-SIDE DRIVEWAY SEPARATION DISTANCE: 87'
WAIVER REQUESTED



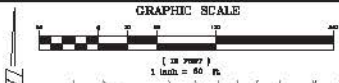
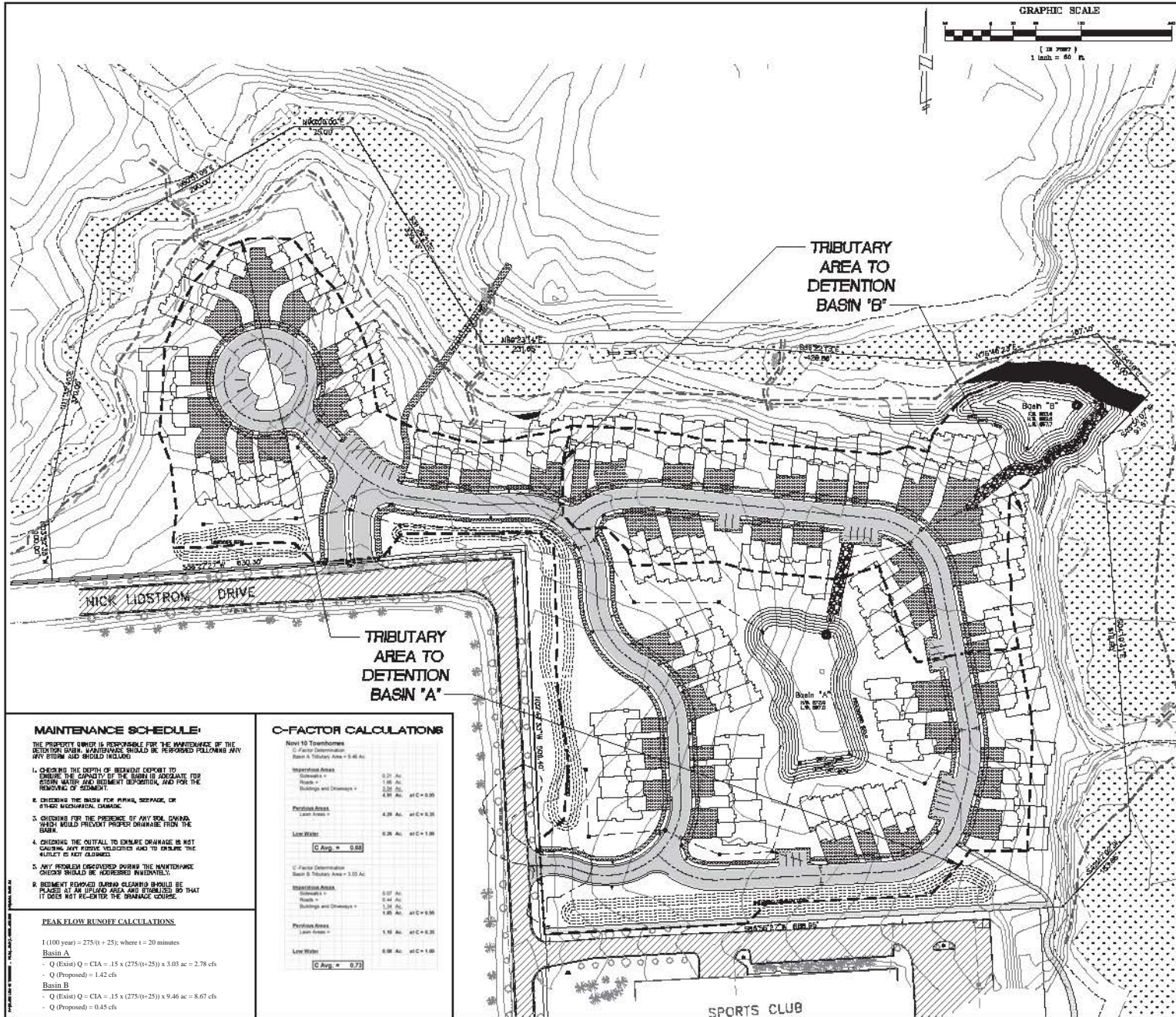
WETLAND IMPACT

| NOVQ REGULATED WETLAND | WETLAND IMPACT AREA | PERMANENT 50' ENVIRONMENTAL SETBACK DISTURBANCE |
|------------------------|---------------------|-------------------------------------------------|
| (AC) | (AC) | (AC) |
| SITE: 1.64 | 0 | 0.124 |
| TOTAL: 1.64 | 0.00 | 0.124 |

NOVQ CONSERVATION EASEMENT SHALL BE PROVIDED OVER REMAINING WETLANDS, WETLANDS, AND NATURAL FEATURES SETBACKS.

REZONING SIGN

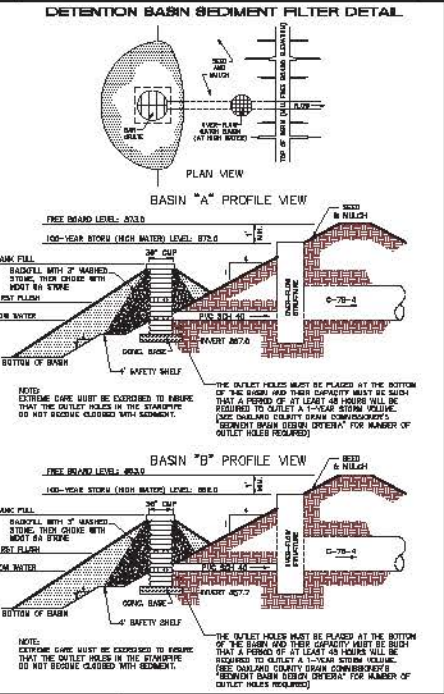
SPORTS CLUB OF NOVI



STORM WATER DETENTION CALCULATIONS

| BASIN 'A' DETERMINED DETENTION REQUIRED (100-YEAR STORM) | | | TOTAL DETENTION PROVIDED (100-YEAR) | | |
|-------------------------------------------------------------|---------------------------------------------------|-------------------------|-------------------------------------|----------|-----------|
| Q ₁₀₀ = | 1.42 CFS (0.175 AC-FT) | ELEVATION | 872 | AREA (F) | VOLUME |
| AC = | 0.46 AC (ADJACENT TO THE DETENTION BASIN) | | 872 | 2340 | |
| C = | 0.65 | | 867 | 1129 | 8870 C.F. |
| Q ₁₀ = | Q ₁₀₀ / (AC + C) = | 0.22 | | | |
| T = | 2.5 + (800T ^{0.57} / Q ₁₀) = | 191.22 min | | | |
| V ₁₀ = | (80000 × T) + (25000 × Q ₁₀ + T) = | 12084 W.C.F. (ADJ. PHS) | | | |
| V ₁₀₀ = | V ₁₀ + AC × C = | 8315.191 C.F. | | | |
| TOTAL DETENTION VOLUME REQUIRED = | 8315.191 C.F. | | | | |

| BASIN 'B' DETERMINED DETENTION REQUIRED (100-YEAR STORM) | | | TOTAL DETENTION PROVIDED (100-YEAR) | | |
|-------------------------------------------------------------|---------------------------------------------------|--------------------------|-------------------------------------|------|-----------|
| Q ₁₀₀ = | 0.45 CFS (0.15 AC-FT) | ELEVATION | 865 | 1007 | 2919 C.F. |
| AC = | 3.03 AC (ADJACENT TO THE DETENTION BASIN) | | 857.7 | 3432 | 2919 C.F. |
| C = | 0.75 | | | | |
| Q ₁₀ = | Q ₁₀₀ / (AC + C) = | 0.21 | | | |
| T = | 2.5 + (800T ^{0.57} / Q ₁₀) = | 198.00 min | | | |
| V ₁₀ = | (80000 × T) + (25000 × Q ₁₀ + T) = | 13222.07 C.F. (ADJ. PHS) | | | |
| V ₁₀₀ = | V ₁₀ + AC × C = | 2685.277 C.F. | | | |
| TOTAL DETENTION VOLUME REQUIRED = | 2685.277 C.F. | | | | |



- ### MAINTENANCE SCHEDULE:
- THE PROPERTY OWNER IS RESPONSIBLE FOR THE MAINTENANCE OF THE DETENTION BASIN. MAINTENANCE SHOULD BE PERFORMED FOLLOWING ANY RAIN EVENT AND SHOULD INCLUDE:
- CHECKING THE DEPTH OF SEDIMENT DEPOSIT TO ENSURE THE CAPACITY OF THE BASIN IS ADEQUATE FOR STORM WATER AND PREVENT DEPOSITION, AND FOR THE REMOVAL OF SEDIMENT.
 - CHECKING THE BASIN FOR PUMPS, SEWAGE, OR OTHER MECHANICAL DAMAGE.
 - CHECKING FOR THE PRESENCE OF ANY VEHICLES, WHICH WOULD PREVENT PROPER DRAINAGE FROM THE BASIN.
 - CHECKING THE OUTFALL TO ENSURE DRAINAGE IS NOT CAUSING ANY EXCESS VELOCITIES AND TO ENSURE THE OUTLET IS NOT CLOGGED.
 - ANY PROBLEMS DISCOVERED DURING THE MAINTENANCE CHECKS SHOULD BE ADDRESSED IMMEDIATELY.
 - SEDIMENT REMOVED DURING CLEANING SHOULD BE PLACED AT AN APPOINTED AREA AND ESTABLISHED BY THAT IT DOES NOT RE-ENTER THE DRAINAGE COURSE.

C-FACTOR CALCULATIONS

Novi 10 Townhomes
C-Factor Determination
Basin A: Tributary Area = 0.46 Ac.

| Impervious Areas | Area | C-Factor |
|--------------------------|----------|----------|
| Roofs | 0.21 Ac. | 0.90 |
| Driveways | 1.00 Ac. | 0.80 |
| Buildings and Driveways | 1.21 Ac. | 0.80 |
| Perforation Areas | | |
| Lawn Areas | 4.28 Ac. | 0.40 |
| Low Water | 0.36 Ac. | 0.40 |
| C Avg. = 0.65 | | |

C-Factor Determination
Basin B: Tributary Area = 3.03 Ac.

| Impervious Areas | Area | C-Factor |
|--------------------------|----------|----------|
| Roofs | 0.44 Ac. | 0.90 |
| Driveways | 1.56 Ac. | 0.80 |
| Buildings and Driveways | 2.00 Ac. | 0.80 |
| Perforation Areas | | |
| Lawn Areas | 1.56 Ac. | 0.40 |
| Low Water | 0.08 Ac. | 0.40 |
| C Avg. = 0.73 | | |

PEAK FLOW RUNOFF CALCULATIONS

1 (100 year) = 275(t + 25); where t = 20 minutes

Basin A

- Q (Exist) Q = CIA = .15 x (275(t+25)) x 3.03 ac = 2.78 cfs
- Q (Proposed) = 1.42 cfs

Basin B

- Q (Exist) Q = CIA = .15 x (275(t+25)) x 9.46 ac = 8.67 cfs
- Q (Proposed) = 0.45 cfs

NOVI TEN TOWNHOMES
SECTION 28, TOWN 3 NORTH, RANGE 8 EAST
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

REVISIONS

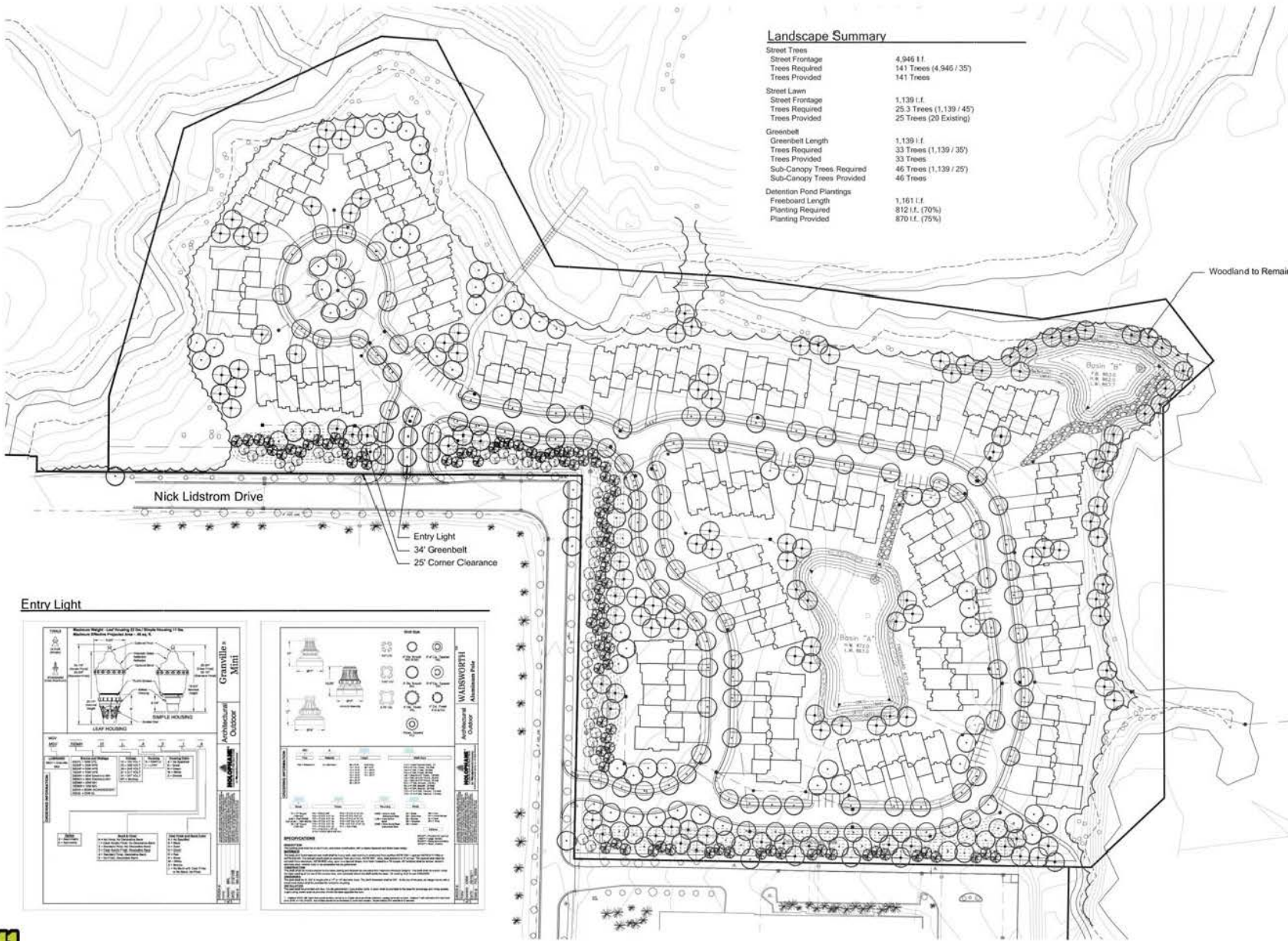
| NO. | DATE | BY | REVISION |
|-----|----------|----|------------------|
| 1 | 10/15/14 | JK | ISSUE FOR PERMIT |

DRAWN BY: TCM
CHECKED BY: JLC
DESIGNED BY: TCM
ANALYZED BY: JLC

STORM WATER MANAGEMENT PLAN

SEIHER, KRAST
ENGINEERING, L.L.C.
CONSULTING ENGINEERS
7125 ORCHARD LAKE ROAD SUITE 304 WEST BLOOMFIELD MI 48302
PHONE: 248.852.7202 FAX: 248.852.7202

SHEET
3



Landscape Summary

| | |
|---------------------------------|-------------------------|
| Street Trees | |
| Street Frontage | 4,946 L.F. |
| Trees Required | 141 Trees (4,946 / 35) |
| Trees Provided | 141 Trees |
| Street Lawn | |
| Street Frontage | 1,139 L.F. |
| Trees Required | 25.3 Trees (1,139 / 45) |
| Trees Provided | 25 Trees (20 Existing) |
| Greenbelt | |
| Greenbelt Length | 1,139 L.F. |
| Trees Required | 33 Trees (1,139 / 35) |
| Trees Provided | 33 Trees |
| Sub-Canopy Trees Required | 46 Trees (1,139 / 25) |
| Sub-Canopy Trees Provided | 46 Trees |
| Detention Pond Plantings | |
| Freeboard Length | 1,161 L.F. |
| Planting Required | 812 L.F. (70%) |
| Planting Provided | 870 L.F. (75%) |

ALLEN DESIGN
LAND PLANNING / LANDSCAPE ARCHITECTURE
557 CARPENTER • NORTHVILLE, MI 48167
248.667.4668 • Fax 248.349.0559
Email: psa@alldesignwest.com



Seal:



Title:
Landscape Plan

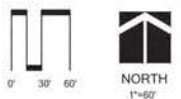
Project:
**Novi Ten Townhomes
Novi, Michigan**

Prepared for:
Toll Brothers
39665 William K. Smith Dr., Suite B
New Hudson, Michigan 48165

Revision: Issued:
Submission August 13, 2014

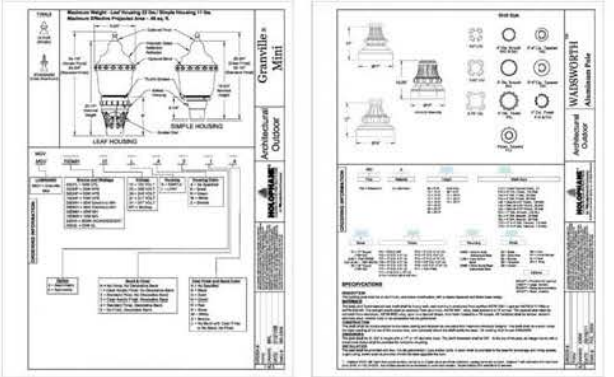
Job Number:
13-022

Drawn By: Checked By:
jca jca



Sheet No.:

Entry Light



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Matches Sheet 3



Nick Lidstrom Drive

Tree Protection Fencing

Key
x Denotes Removed

See Sheet L-3 for Woodland Summary

ALLEN DESIGN
 LAND PLANNING / LANDSCAPE ARCHITECTURE
 557 CARPENTER • NORTHVILLE, MI 48167
 248.457.4400 • Fax: 248.349.0359
 Email: info@alldesign.com



Seal:



Title:
Woodland Plan

Project:
**Novi Ten Townhomes
Novi, Michigan**

Prepared for:
Toll Brothers
39655 William K. Smith Dr., Suite B
New Hudson, Michigan 48165

Revision: Issued:
Submission August 13, 2014

Job Number:
13-022

Drawn By: Checked By:
jca jca



Sheet No.

L-2



Know what's below.
Call before you dig.

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Seal: _____



Title: _____
Woodland Plan

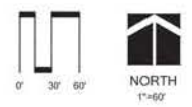
Project: _____
 Novi Ten Townhomes
 Novi, Michigan

Prepared for: _____
 Toll Brothers
 39685 William K. Smith Dr., Suite B
 New Hudson, Michigan 48165

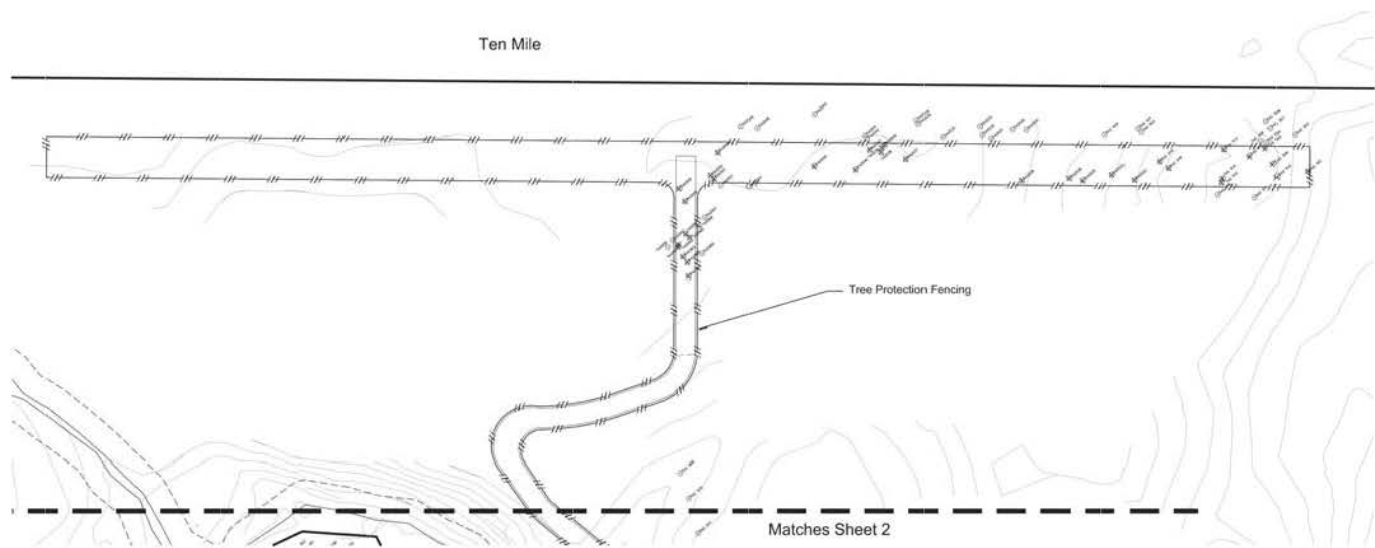
Revision: _____ Issued: _____
 Submission August 13, 2014

Job Number: _____
 13-022

Drawn By: _____ Checked By: _____
 jca jca



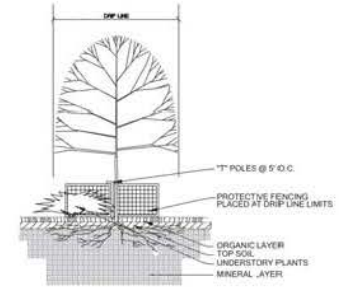
Sheet No. _____



Key
 x Denotes Removed

Woodland Summary

| | |
|-----------------------------------|------------------|
| Total Trees | 760 Trees |
| Non Regulated Trees | 47 Trees |
| Regulated Trees Removed | 593 Trees |
| Regulated Trees Preserved | 120 Trees |
| Replacement Required | |
| Trees 8" - 11" | 315 Trees x 1= |
| Trees 11" - 20" | 188 trees x 2= |
| Trees 20" - 30" | 10 trees x 3= |
| Trees 30"+ | 1 tree x 4= |
| Multi-Stemmed Trees | 263 Trees |
| Total Replacement Required | 988 Trees |



1. 1" Poling - or Wood Chipper Shred Fencing shall be installed as required on the Drains 12" from the base of the tree trunk.
2. 1" Poling shall be installed on the Drains 12" from the base of the tree trunk.
3. Fencing shall be installed on the Drains 12" from the base of the tree trunk.
4. Fencing shall be installed on the Drains 12" from the base of the tree trunk.
5. Fencing shall be installed on the Drains 12" from the base of the tree trunk.
6. Fencing shall be installed on the Drains 12" from the base of the tree trunk.
7. Fencing shall be installed on the Drains 12" from the base of the tree trunk.
8. Fencing shall be installed on the Drains 12" from the base of the tree trunk.
9. Fencing shall be installed on the Drains 12" from the base of the tree trunk.
10. Fencing shall be installed on the Drains 12" from the base of the tree trunk.

TREE PROTECTION DETAIL
 NO SCALE



| Tree # | DBH | Scientific Name | Common Name | Remarks | Status | Replacement |
|--------|---------------|----------------------|--------------|---------|--------|-------------|
| 1 | 5.5 | Acer negundo | Box Elder | Good | Remove | 3 |
| 2 | 14 | Acer negundo | Box Elder | Good | Remove | 2 |
| 3 | 12 | Malus spp. | Common Apple | Good | Remove | 2 |
| 4 | 20 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 5 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 7 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 8 | 9 | Acer negundo | Box Elder | Good | Remove | 2 |
| 9 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 10 | 16 | Acer negundo | Box Elder | Good | Remove | 2 |
| 11 | 11 | Acer negundo | Box Elder | Good | Remove | 2 |
| 12 | 19 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 13 | 9 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 14 | 14.4.7 | Cornus sp. | Maidslip | Good | Remove | 0 |
| 15 | 9 | Acer negundo | Box Elder | Good | Remove | 2 |
| 16 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 17 | 6.6 | Acer negundo | Box Elder | Good | Remove | 9 |
| 18 | 9 | Acer negundo | Box Elder | Good | Remove | 2 |
| 19 | 19 | Acer negundo | Box Elder | Good | Remove | 2 |
| 20 | 7.13 | Malus spp. | Common Apple | Good | Remove | 2 |
| 21 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 22 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 23 | 7 | Acer negundo | Box Elder | Good | Remove | 1 |
| 25 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 26 | 15 | Acer negundo | Box Elder | Good | Remove | 2 |
| 27 | 7 | Acer negundo | Box Elder | Good | Remove | 0 |
| 28 | 19 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 29 | 8 | Acer negundo | Box Elder | Good | Remove | 2 |
| 30 | 7 | Acer negundo | Box Elder | Good | Remove | 9 |
| 31 | 16 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 32 | 11 | Acer negundo | Box Elder | Good | Remove | 1 |
| 33 | 18 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 34 | 18 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 35 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 36 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 37 | 19 | Prunus serotina | Black Cherry | Good | Remove | 0 |
| 38 | 19 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 39 | 10 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 40 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 41 | 15 | Acer negundo | Box Elder | Good | Remove | 2 |
| 42 | 14 | Acer negundo | Box Elder | Good | Remove | 2 |
| 43 | 8 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 44 | 15 | Acer negundo | Box Elder | Good | Remove | 2 |
| 45 | 12 | Acer negundo | Box Elder | Good | Remove | 2 |
| 46 | 12 | Acer negundo | Box Elder | Good | Remove | 2 |
| 47 | 18 | Acer negundo | Box Elder | Good | Remove | 2 |
| 48 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 49 | 12 | Acer negundo | Box Elder | Good | Remove | 2 |
| 50 | 19 | Acer negundo | Box Elder | Good | Remove | 1 |
| 51 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 52 | 14 | Prunus pennsylvanica | Common Ash | Good | Remove | 2 |
| 53 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 54 | 9 | Acer negundo | Box Elder | Good | Remove | 2 |
| 55 | 6.7.11 | Malus spp. | Common Apple | Good | Remove | 1 |
| 56 | 11 | Prunus serotina | Black Cherry | Good | Remove | 9 |
| 57 | 11 | Acer negundo | Box Elder | Good | Remove | 1 |
| 58 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 59 | 10 | Acer negundo | Box Elder | Good | Remove | 1 |
| 60 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 61 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 62 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 63 | 10 | Acer negundo | Box Elder | Good | Remove | 2 |
| 64 | 16 | Acer negundo | Box Elder | Good | Remove | 2 |
| 65 | 14 | Acer negundo | Box Elder | Good | Remove | 2 |
| 66 | 14 | Acer negundo | Box Elder | Good | Remove | 2 |
| 67 | 3.7, 10.3, 21 | Acer negundo | Box Elder | Good | Remove | 2 |
| 68 | 19 | Acer negundo | Box Elder | Good | Remove | 2 |
| 69 | 17.7 | Acer negundo | Box Elder | Good | Remove | 2 |
| 70 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 71 | 11 | Acer negundo | Box Elder | Good | Remove | 1 |
| 72 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 73 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 74 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 75 | 10 | Acer negundo | Box Elder | Good | Remove | 2 |
| 76 | 19 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 77 | 11 | Acer negundo | Box Elder | Good | Remove | 2 |
| 78 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 79 | 11 | Acer negundo | Box Elder | Good | Remove | 9 |
| 80 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 81 | 8 | Acer negundo | Box Elder | Good | Remove | 9 |
| 82 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 83 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 84 | 11 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 85 | 10 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 86 | 10 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 87 | 8.9 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 88 | 10 | Acer negundo | Box Elder | Good | Remove | 1 |
| 89 | 16 | Prunus serotina | Black Cherry | Good | Remove | 3 |
| 90 | 9 | Rubus pennsylvanicus | Black Locust | Good | Remove | 1 |
| 91 | 7 | Acer negundo | Box Elder | Good | Remove | 0 |
| 92 | 7.7 | Acer negundo | Box Elder | Good | Remove | 0 |
| 93 | 16 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 94 | 16 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 95 | 6 | Prunus serotina | Black Cherry | Good | Remove | 0 |
| 96 | 11 | Acer negundo | Box Elder | Good | Remove | 1 |
| 97 | 15 | Acer negundo | Box Elder | Good | Remove | 1 |
| 98 | 10 | Acer negundo | Box Elder | Good | Remove | 1 |
| 99 | 11 | Acer negundo | Box Elder | Good | Remove | 1 |
| 100 | 11 | Acer negundo | Box Elder | Good | Remove | 1 |
| 101 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 102 | 14 | Acer negundo | Box Elder | Good | Remove | 2 |
| 103 | 12 | Acer negundo | Box Elder | Good | Remove | 2 |
| 104 | 11.4 | Malus spp. | Common Apple | Good | Remove | 4 |
| 105 | 14 | Acer negundo | Box Elder | Good | Remove | 2 |
| 106 | 9 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 107 | 12 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 108 | 18 | Acer negundo | Box Elder | Good | Remove | 1 |
| 109 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 110 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 111 | 10.15 | Acer negundo | Box Elder | Good | Remove | 4 |
| 112 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 113 | 13 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 114 | 14 | Acer negundo | Box Elder | Good | Remove | 1 |
| 115 | 11 | Prunus serotina | Black Cherry | Good | Remove | 3 |
| 116 | 12 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 117 | 29 | Acer negundo | Box Elder | Good | Remove | 1 |
| 118 | 12 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 119 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 120 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 121 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 122 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 123 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 124 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 125 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 126 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 127 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 128 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 129 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 130 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 131 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 132 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 133 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 134 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 135 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 136 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 137 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 138 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 139 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 140 | 19 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 141 | 20 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 142 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 143 | 10 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 144 | 12.17.17 | Acer negundo | Box Elder | Good | Remove | 1 |
| 145 | 5.7 | Acer negundo | Box Elder | Good | Remove | 0 |
| 146 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 147 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 148 | 11 | Acer negundo | Box Elder | Good | Remove | 1 |
| 149 | 12 | Acer negundo | Box Elder | Good | Remove | 2 |
| 150 | 10.12 | Acer negundo | Box Elder | Good | Remove | 1 |

| Tree # | DBH | Scientific Name | Common Name | Remarks | Status | Replacement |
|--------|------------------|----------------------|--------------------|---------|--------|-------------|
| 151 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 152 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 153 | 13 | Acer negundo | Box Elder | Good | Remove | 2 |
| 154 | 7 | Acer negundo | Box Elder | Good | Remove | 0 |
| 155 | 10 | Acer negundo | Box Elder | Good | Remove | 1 |
| 156 | 7.8 | Rhamnus laciniosa | Bullfinch | Good | Remove | 1 |
| 157 | 8 | Populus deltoides | Eastern Cottonwood | Good | Remove | 1 |
| 158 | 12 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 159 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 160 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 161 | 9 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 162 | 15 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 163 | 15.18 | Acer negundo | Box Elder | Good | Remove | 5 |
| 164 | 11 | Juglans nigra | Black Walnut | Good | Remove | 2 |
| 165 | 14 | Acer negundo | Box Elder | Good | Remove | 2 |
| 166 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 167 | 11 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 168 | 10 | Acer negundo | Box Elder | Good | Remove | 2 |
| 169 | 10 | Acer negundo | Box Elder | Good | Remove | 1 |
| 170 | 15 | Acer negundo | Box Elder | Good | Remove | 2 |
| 171 | 8 | Malus spp. | Common Apple | Good | Remove | 1 |
| 172 | 15 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 173 | 10 | Juglans nigra | Black Walnut | Good | Remove | 1 |
| 174 | 12 | Acer negundo | Box Elder | Good | Remove | 2 |
| 175 | 10 | Acer negundo | Box Elder | Good | Remove | 1 |
| 176 | 10 | Malus spp. | Common Apple | Good | Remove | 1 |
| 177 | 14 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 178 | 8.8 | Acer negundo | Box Elder | Good | Remove | 2 |
| 179 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 180 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 181 | 12 | Acer negundo | Box Elder | Good | Remove | 2 |
| 182 | 14 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 183 | 14.15.18 | Ulmus americana | American Elm | Good | Remove | 2 |
| 184 | 10 | Acer negundo | Box Elder | Good | Remove | 1 |
| 185 | 9 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 186 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 187 | 18 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 188 | 9 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 189 | 13 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 190 | 13 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 191 | 11 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 192 | 11 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 193 | 11 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 194 | 11 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 195 | 12 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 196 | 8 | Malus spp. | Common Apple | Good | Remove | 1 |
| 197 | 8 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 198 | 8.19 | Acer negundo | Box Elder | Good | Remove | 1 |
| 199 | 8 | Acer negundo | Box Elder | Good | Remove | 1 |
| 200 | 8.9 | Rubus pennsylvanicus | Black Locust | Good | Remove | 1 |
| 201 | 15 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 202 | 15 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 203 | 9 | Acer negundo | Box Elder | Good | Remove | 1 |
| 204 | 11 | Prunus serotina | Black Cherry | Good | Remove | 3 |
| 205 | 7.10.12 | Prunus serotina | Black Cherry | Good | Remove | 3 |
| 206 | 11 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 207 | 8.10.11.11 | Acer negundo | Box Elder | Good | Remove | 5 |
| 208 | 8.10.11 | Juglans nigra | Black Walnut | Good | Remove | 3 |
| 209 | 12 | Acer negundo | Box Elder | Good | Remove | 1 |
| 210 | 16 | Acer negundo | Box Elder | Good | Remove | 2 |
| 211 | 8 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 212 | 8.8.8.8.10.12.16 | Acer negundo | Box Elder | Good | Remove | 3 |
| 213 | 8.9 | Acer negundo | Box Elder | Good | Remove | 3 |
| 214 | 19 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 215 | 5.10 | Malus spp. | Common Apple | Good | Remove | 2 |
| 216 | 16 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 217 | 10 | Prunus serotina | Black Cherry | Good | Remove | 2 |
| 218 | 7 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 219 | 7 | Prunus serotina | Black Cherry | Good | Remove | 0 |
| 220 | 8 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 221 | 8 | Prunus serotina | Black Cherry | Good | Remove | 1 |
| 222 | 7 | Prunus serotina | Black Cherry | Good | Remove | 0 |
| 223 | 8 | Prunus serotina | Black Cherry | Good | Remove | 0 |
| 224 | 8 | Prunus serotina | Black Cherry | Good | Remove | 0 |
| 225 | 10.10 | Prunus serotina | Black Cherry | Good | Remove | 0 |
| 226 | 19 | Prunus serotina | Black Cherry | Good | Remove | 3 |
| 227 | 19 | Prunus serotina | Black Cherry | Good | | |

City Council Meeting Minutes
Excerpt- December 8, 2014

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 8, 2014 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 Casey, Markham, Mutch, Poupard, Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

2. Consideration of the request of Toll Brothers for JSP 14-18 with Zoning Map Amendment 18.707 to rezone property in Section 26, on the east side of Novi Road, south of Ten Mile Road from I-1, Light Industrial and OS-1, Office Service to RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. The property totals 20.9 acres and the applicant is proposing a 93 unit attached condominium multiple-family residential development.

Mr. Matthew Quinn, appearing on behalf of Toll Brothers, spoke about the rezoning request. The townhouses will be 2,000 square feet to 2,600 square feet and similar to the Island Lake townhouses. He said Toll builds quality units for residences. He showed the area on the overhead projector and described the subdivision. With the PRO overlay, they have to propose public benefit. The proposed public benefit is the high quality of residences, a pathway to the north with a bridge that will finish on the other side to connect with future development, a connecting path to the dog path on the south end, and there will be natural features that will be granted to the City so they will be protected. They have a positive recommendation from the consultants and staff. Member Casey asked about the remediation for arsenic and where the berm is going to go? Mr. Quinn said the property was apple orchards and has farm level arsenic. He explained it happens throughout the entire United States. The surface of the soil will be scrapped and removed. There will be trenches dug along 10 Mile Road. The good soil will replace the topsoil that had been removed. The contaminated soil will be placed underground and covered with mesh required by MDEQ. Member Casey asked if there would be any impact to the City with the soil underground in the future. City Attorney Schultz said it is more of a problem for the property owner in the future and whatever development comes into 10 Mile will be subject to a typical review. It will probably be recommended by the City to get expert advice. Member Wrobel asked how deep will they scrape the land to remove the toxic dirt. Jason Minock, Toll Brothers, said it depends by levels of testing. He suspected it will be less than a foot. Member Wrobel said he was concerned about the traffic at Novi and Lidstrom Roads. Barb McBeth, Community Development Deputy Director, explained the traffic consultant evaluated the area and didn't see a problem with that intersection. He asked about the infrastructure in that area. Ms. McBeth answered the Engineering Division did a review and didn't indicate any change of use with this density. Mayor Pro Tem Staudt asked if there was any indication of what is being considered for the frontage on 10 Mile. Mr.

Quinn said he didn't know right now. He said he knew there was an interest but he didn't think there was anything firm.

CM 14-12-189 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

Tentative indication that Council may approve the request of Novi Ten Townhomes JSP14-18 with Zoning Map Amendment 18.707 to rezone the subject property from 1-1(Light Industrial) and OS-1 (Office Service) to RM-1 (Low Density Low-Rise Multiple Family Residential) with a Planned Rezoning Overlay Concept Plan and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

- a. Construction of proposed cul-de-sac to standards less than the general layout standards for local streets as described in the traffic review letter dated September 9, 2014;
- b. Deficient same-side driveway spacing for south access drive (84 feet provided, 105 feet required);
- c. Reduction in minimum berm height from 6 feet to 4-5 feet along the southern property boundary;
- d. Lack of berms along the east, west and north property boundaries;
- e. Section 9 facade waiver for the underage of brick and overage of siding and asphalt shingles;
- f. Building orientation to property lines greater than 45 degrees (50 degrees to 90 degrees proposed);
- g. Off-street parking, maneuvering lanes, service drives and/or loading areas covering 47 percent of the required front, side and rear yard building setback areas (maximum 30 percent coverage permitted);
- h. Reduction in required building setback for the southeastern most building (75 feet required, 66 feet provided);

And subject to the following conditions:

- a. Applicant must satisfy items i. through iv. under point 12.C in the traffic review letter dated September 9, 2014;
- b. Applicant must provide understory plantings on the proposed berm along the southern property boundary to assure adequate buffering;
- c. Applicant relocating interior sidewalks further away from the proposed roadway where feasible as indicated in the applicant's response letter;
- d. Applicant providing pedestrian style lighting along the frontage of City streets as indicated in the applicant's response letter;
- e. The staff and council will work with the owner and developer at the time of contract negotiations regarding the arsenic

issues raised by Member Anthony during the public hearing and comments; and

- f. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and items listed in those letters begin 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 Office and Industrial Research Development and Technology as outlined in the planning review letter;
- b. The proposed property lines maintain a significant buffer (approximately 350 feet) from the adjacent railroad and industrial uses to the east of the subject property;
- c. The proposed multiple-family use would complement the existing multiple-family uses to the south and in the general area;
- d. The plan meets several goals, objectives and implementation strategies included in the Master Plan for Land Use as outlined in the planning review letter;
- e. The applicant has made an effort to minimize impacts to on-site wetlands to the extent practical and has offered to preserve all remaining natural features via a conservation easement; and
- f. 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.

Member Mutch clarified the motion details with the City Attorney. He reminded everyone at this point they agree the PRO agreement binds the Planning Commission and they can exercise any decisions on the project. Mr. Schultz said the approval of the PRO approves the concept plan. It is a site plan review that is not discretionary. Member Mutch gave an example of removal of trees; the Planning Commission has to approve it. He wants to emphasize that Council is the reviewing body. Member Mutch asked Mr. Quinn about the south pathway to the dog park. He confirmed that they are going to buy an easement from the owner for the pathway. He felt the pathway would only be used by the residents of the development and didn't think it was a public benefit. Member Mutch mentioned Parks and Recreation Department has wanted to make a loop pathway at the dog park that would encircle the fenced in area. It would provide an opportunity for residents to take a lap around the dog park. He may want to ask that from the developer. Mr. Minock answered that there is another path that comes out to Lidstrom Drive and it is not internal. It will be separate from the development. Member Mutch said he would be more open to it as a public benefit and would like more details on it. He asked about the trees being removed from the site. Mr. Quinn said the decision will be done at site plan. Toll has other properties that they would be able to use the tree credits for and/or make a contribution to the tree

fund. Member Mutch said he would like at least a percentage of those trees be planted along the pathways. He confirmed that they will put street lights along the frontage of Nick Lidstrom Drive. He felt it would be a public benefit. He said it is a difficult site. He would like to see less impact of the woodlands and wetlands. He will support this. Member Markham asked to be shown the conservation easement.

Roll call vote on CM 14-12-189

**Yeas: Mutch, Poupard, Wrobel, Gatt, Staudt,
Casey, Markham**

Nays: None

Planning Commission Draft Meeting Minutes
Excerpt – November 12, 2014



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

NOVEMBER 12, 2014 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

Present: Member Anthony, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Baratta (excused), Member Giacometti (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Jeremy Miller, Staff Engineer; Tom Schultz, City Attorney; Pete Hill, Environmental Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Greco and seconded by Member Anthony:

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

Motion to approve the November 12, 2014 Planning Commission Agenda. Motion carried 5-0.

PUBLIC HEARINGS

2. **NOVI TEN TOWNHOMES, JSP14-18, WITH REZONING 18.707**

Public hearing of the request of Toll Brothers for Planning Commission's recommendation to City Council for rezoning of property in Section 26, on the south side of Novi Road, east of Ten Mile Road from I-1, Light Industrial and OS-1, Office Service to RM-1, Low Density, Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. The subject property is approximately 20.9 acres.

Planner Kapelanski said the applicant is proposing a rezoning with PRO to develop 93 attached condominium units on a 21 acre site in the southeast quadrant of the intersection of Novi Road and Ten Mile Road. The parcels are currently made up of vacant land. Land to the north of the proposed parcel lines and fronting on Ten Mile Road is vacant. To the east is industrial land and the Novi Ridge apartments. To the west is a Walgreen's store, a bank and River Oaks West multiple-family development, which also borders the property on the south. Also to the south are the Sports Club of Novi and the Novi Ice Arena. The subject property is zoned I-1, Light Industrial and OS-1, Office Service. The applicant has proposed RM-1 zoning. The property to the north is zoned I-1 and OS-1. The property to the east, opposite the railroad tracks, is zoned I-1 and RM-1. The property to the south is zoned I-1 and RM-1 and property to the west is zoned OS-1 and RM-

1. The future land use map indicates community office and industrial uses for the subject property as well as the property to the north. The properties to the east are planned for industrial uses. The properties to the south are master planned for industrial and multiple-family and the area to the west is planned for community office uses. The proposed rezoning is contrary to the current recommendations of the Future Land Use map. There are significant amounts of natural features on the site. Impacts to wetlands and wetland buffer areas have been minimized to the extent practical. However, woodland impacts are unavoidable if the site is to be developed for residential use. Permits for wetland and woodland impacts would be required at the time of site plan review and approval.

The applicant is proposing 93 attached condominium units. Given it's a history as a former orchard, a large part of the site contains contamination that must be mitigated for residential use. The applicant intends to remove the affected dirt and construct a berm along Ten Mile Road with the fill. This will be further evaluated at the Preliminary Site Plan submittal when more detailed plans will be required. Planning staff has recommended approval of the proposed rezoning to RM-1 with a PRO as the plan proposes a reasonable alternative to the recommendations of the master plan for the reasons outlined in the planning review letter. The plan also meets several goals, objectives and implantation strategies in the master plan. A PRO requires the applicant propose a public benefit that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed the construction of a pathway for public use through the site from Nick Lidstrom Drive to the north property line for a connection to a future development to the north as well as an offsite pathway to the new Novi Dog Park and a connection to the existing pathway along Nick Lidstrom Drive. Pedestrian directional signage is proposed along the pathways. The applicant has also offered to preserve the remaining onsite natural features with a conservation easement. Ordinance deviations have been requested by the applicant for inclusion in the PRO Agreement for the following items: to allow the proposed cul-de-sac to be built to standards less than the general layout standards for local streets, deficient same-side driveway spacing; reduction in minimum berm height along the southern property boundary; lack of berms along the east, west and north property boundaries; façade waiver for the overage of siding and asphalt shingles; building orientation to the property line greater than 45 degrees; off-street parking, maneuvering lanes and service drives covering more than 30% of the required front, side and rear yard building setback areas; and a reduction in the required building setback for the southeastern most building. The Facade Review recommends approval stating the proposed facades would be considered enhancements over the minimum ordinance requirements. The engineering, traffic, landscape, wetland, woodland and fire reviews all recommend approval and note items to be addressed on the Preliminary Site Plan submittal. The Planning Commission is asked to make a recommendation on the proposed rezoning with PRO this evening.

Mathew Quinn spoke on behalf of Toll Brothers. We've got Jason Minock, the Toll division vice president; Mike Noles, the Toll land development vice present; Pat Keast for engineering; and Jim Allen the landscape architect. They are all ready to answer any questions that you have tonight. For this rezoning we appreciate the favorable letters from the staff and consultants. I think it shows that they see the merit to this rezoning and how it fits in with the future master plan when it's modified again here sometime this year or next year. And ending up with 92 beautiful homes which are 2,000 to 2,600 square feet each, will bring a good tax value to the city. With all of the nature areas that they're saving, it will be a great benefit to the city. The path that they're going to take to the dog park not only stops at the dog park, it goes all the way through the dog park and ends up at the driveway there on Nick Lidstrom Drive, south of the ice arena. So that's going to asphalt path and it will be open to the public all the way. Plus, as was stated, the path through the project to the north, whenever the development along Ten Mile is developed, we

will already have constructed a bridge across that area that's there so that the next project will just be able to continue that right to Ten Mile. So you'll have the pedestrian bike link from Ten Mile all the way to ice arena and sports club. So we're here to answer any questions that you may have this evening.

Member Lynch said I was unable to download the whole package, I thought we already approved this, but apparently what we approved on was just a concept plan?

Deputy Director McBeth said you may recall that this came to the Master Plan and Zoning Committee for a brief review and discussion.

Member Lynch said ok I guess since I didn't read the detail, I was comfortable with the prior review and now that it's presented I'm certainly comfortable with what they're proposing. I think it is a benefit in the area and I don't have any problem changing the zoning. I think it actually is a better use of the land than what we currently had it zoned so I'm in support of this.

Member Anthony said I was just going to echo Member Lynch's comments. I think it attracts the kind of residential development that I know Toll Brothers is keen on and the product that they're going to bring in. I think it's going to be a great addition into this area. I would also be in favor of this.

Member Greco said when I first looked at this project and I saw the location, I thought 'uh-oh, what is it now?' because we discussed this property before but then once I saw it, I was very happy with the project. My one question or concern is, because I'm regularly on Nick Lidstrom Drive going to the sports club, with the townhomes going in there without some going to the north and a pathway going there, is Nick Lidstrom Drive as the only way in and out to what will now be the townhomes, sports club, and ice arena? It looks like staff and everybody is satisfied that that drive, at least for right now, can satisfy that.

Mr. Quinn said I think the traffic study showed 600 trips per day coming out of here, one way trips. With the traffic light at Novi and Nick Lidstrom, it's a timed light so it senses the traffic. I don't think that the traffic consultant had any problems with the traffic flow at all.

Member Greco said that concludes my comments. I will be supporting this.

Member Anthony said I like this development too and I like the rezoning, I think it fits better. Kristen, I might have misunderstood you, did you say a berm along Ten Mile was part of this?

Planner Kapelanski said that will be part of this. As part of the remediation for the contamination on that site, they need to put that dirt somewhere.

Member Anthony said what type of contamination is that?

Planner Kapelanski said I believe its arsenic contamination.

Mr. Quinn said this is an old orchard. So its arsenic that was applied to the apples and the trees and it's been there for ages. So it's going to be scraped off and then along Ten Mile Road it'll be created into a berm that will be capped and that's allowed by the MDEQ.

Member Anthony said are we viewing that property along Ten Mile as being developed at some point in the future?

Planner Kapelanski said it would still be available to be developed. It would remain OS-1 and I-1. In some instances, particularly if there is parking in the front yard of an I-1 district, a berm is required to screen that parking. So a berm could work well. I don't know what the future plans are as far as what the owner of the property will do.

Member Anthony asked what are the continuing obligations you would have in maintaining that berm with the arsenic contamination.

Mr. Quinn said it's my understanding that it's going to be seeded. So you'll have the grass growing on the berm and so that keeps the dirt stationary underneath the sod or seed.

Member Anthony said and this property in the berm has open access to people on Ten Mile Road walking down.

Mr. Quinn said there's no sidewalk there at this point in time. Any development in the future would have to put a sidewalk there.

Mike Noles, Toll Brothers, said we're cleaning this up to what the MDEQ calls residential standards. So there's a couple different ways that you can handle arsenic tainted soils. The arsenic was used as a pesticide on apple orchards for fifty years and we still find that in historic orchard areas. And for residential standards, you'd have to have three feet of clean soil on top of it. They just don't want direct contact with that. Now depending on what happens on this property, it could be developed as residential in the future because we'll be following those MDEQ residential standards. However, the standards are a little bit lighter in commercial, industrial, or office uses where you can put it underneath parking lots and pave a parking lot on top of it and that suffices for the MDEQ remediation standards for remediation of those soils. So essentially what you're doing is making it not accessible to direct contact and that is acceptable to the MDEQ and that's what we'll be doing in this particular case.

Member Anthony said so let me ask a few questions. So I would assume that the property that the apartments are on is one separate legal parcel so you obtain your residential closure. Are you submitting the wrap to the MDEQ for their review and approval?

Mr. Noles said yes that's right. So the 21 acres subject to the rezoning this evening will have closure, no further action required, from the environmental scientists who originally tested the soils and determined the chemistry. So they'll be out there full time during the remediation to ensure that all of it is removed from the residential site so that we can have a clean closure for that site.

Member Anthony said sure and then the other site where you are building the berm, that's a separate legal parcel?

Mr. Noles said it will be, yes. Currently, its one legal parcel but we're splitting it into two legal parcels.

Member Anthony said so at the time when you first acquired the property, was it all one parcel or two separate?

Mr. Noles said well we haven't acquired any property yet. So we have a contract to acquire the property, so it's all still one legal parcel.

Member Anthony said he understood. So will you be acquiring the property with the berm?

Mr. Noles said no, we will not be acquiring the property with the berm. We will just acquire the 21 acres subject to the rezoning this evening.

Member Anthony said do you know if this property is currently designated as a facility with MDEQ.

Mr. Noles said it is not a facility. The DEQ does not designate historical use of arsenic as a pesticide as a facility or the whole state would be a facility.

Member Anthony said but there's still a need to prevent exposure to residential property.

Mr. Noles said yes, there are MDEQ requirements for residential development and that is one of them for sure.

Member Anthony said ok, let's focus on the property that's left to the north because it's clear this development you'll have remediated the arsenic. It won't be there. You'll go through DEQ review. So now let's look back up at the property at the north where the arsenic is then placed as the berm. That now becomes the responsibility of the owner for the property to the north. Is that portion designated as a facility?

Mr. Noles said no.

Member Anthony said how then, if we're not designated as a facility for the place where the arsenic is, yet it presents hazard or risk to the residential property, are we assured that the owner of the property to the north will maintain their continuing obligations of that berm. Even though there is no sidewalk there, it's still open. You still have kids that ride their bikes there. I mean I look at the aerial photo and you see all the dirt trails and bike trails through there. So you know that they're riding their bikes through that area. So I mean what kind of controls do we have to ensure that the berm, with its sod and cover, will be inspected and maintained. It would be called continuing obligation so that it does prevent future exposure.

Mr. Noles said MDEQ does specify what those continuing obligations are and their different depending on how you ultimately dispose of the soils. So there are some areas of the site that have steeper slopes. That if we were to do this in a different configuration, it would require monitoring wells over the years and periodic testing just to watch that. But in this particular application and the way that we're doing it, following the MDEQ requirements, there are very little if any requirements going forward once we have closed the site. We're remediated through residential standards with the cap.

Member Anthony said McDowell's is a good, reputable firm. They do a great job. So the development that you own, I'm good with that. I'm sure the way the berm will be initially constructed will be fine because that also I assume be under you environmental consultants review. So I'm fine with that. Where I have the concern and part of the problem here is that they don't own it and without a facility designation on the property, I don't know if DEQ has any legal jurisdiction in order to ensure its fine throughout the years. Arsenic is a really difficult thing in our state. I don't think the state has any legal jurisdiction to do inspections and ensure that that cap for that berm is maintained. And we do know, from aerial photos and from walking and inspecting the property, there are trails back there where people are accessing the property

and you can wear a trail within that and it causes problems. And this may be independent of your development because there's a new owner, but it creates a new issue for us in how do we ensure that someone is inspecting and maintaining that the landscaping is being kept in order and there's no bare spots. We can require a geo-tech style that is put down before it's sodded or landscaped, therefore, you have an obvious visual site in the event that you have wearing and boom there is the orange tech style, or whatever color it is, you see it and then you know that some violation is issued for the owner to repair. The burden is going to fall on the city to inspect because with DEQ, if this is not a facility, they are not going to have any jurisdiction on it. You know what, it's probably better not to make it a facility at this time. But we still need some mechanism in order to inspect and require maintenance on that berm.

City Attorney Schultz said right. So the handy thing for this particular developer is there is the opportunity to put in place some mechanism. This is a PRO. There's a contract between the property owner and the city. As part of that overall contractual relationship, we would have the ability to make sure that, even the north property, is properly documented in some sort of agreement accorded against the property to make sure all those things happen. But I guess I would also say this is their proposal as to what to with the development. As part of the city's future review, we're going to decide whether or not that plan actually works. If it doesn't work, they're going to have to find some other way to deal with that dirt but will continue to have the opportunity to do all of the things that you said because the city's engineer is taking a look and telling us what we need to do to make sure this is safely done.

Member Anthony said and it's important that there is a little bit more detail given to you here in that the problem with arsenic, in that it was used for agricultural purposes, is that there's a clause in DEQ's definition of contamination that a release must occur first. There's an exemption for releases if it's an agricultural chemical applied according to the rules of the manufacturer. That's how arsenic, above a residential exposure level, has a risk for residential that you want to remove it but yet doesn't trigger your facility designation. It doesn't mean that it doesn't pose a human health risk, it means that the regulatory loop hole prevents it. It can be used to not trigger it as a facility. I don't know how to incorporate that. It just creates a new issue up there on Ten Mile Road.

City Attorney Schultz said so if the Planning Commission is ok with concept as a general proposition without all of the final details, then that would be your recommendation to council. That council will decide whether it's ok with that. Then what they do at the council level is they direct our office to work with the administration and consultants to draft the agreements. That's the point which we raise those issues. We have the minutes of the Planning Commission and everybody hearing their concerns. With our environmental people to make sure that everything we're supposed to do can be done. Or we decide that we don't think it can be done.

Member Anthony said is there a way to add in the approval that somewhere in the agreement that staff works with the owner of the northern property to define continuing obligations to prevent future exposure above DEQ residential criteria. The reason I word it that way is because if it's worded according to DEQ regulations, it fits the loop hole and we would do nothing. But if we say that continuing obligations to prevent human exposure based on DEQ residential levels, now you've worked around that exclusion.

City Attorney Schultz said so the short answer is we will take those comments and concerns and make sure that our consultants for the city understand that and if that turns out that that's the recommendation, then absolutely. There is a mechanism in the agreement to do exactly that if that's what the city's consultants decide pertinent.

Member Anthony said ok, alright. I have no problem with the development. It's just once you move the arsenic up to Ten Mile in just a berm, it's just another issue we need to address.

Moved by Member Greco and seconded by Member Anthony:

ROLL CALL VOTE ON THE NOVI TEN TOWNHOMES WITH ZONING MAP AMENDMENT 18.707 APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER ANTHONY:

In the matter of the request of Novi Ten Townhomes JSP14-18 with Zoning Map Amendment 18.707 motion to recommend approval to the City Council to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to RM-1 (Low Density Low-Rise Multiple-Family Residential) with a Planned Rezoning Overlay for the development of a 93 unit condominium project. The recommendation shall include the following ordinance deviations:

- a. Construction of proposed cul-de-sac to standards less than the general layout standards for local streets as described in the traffic review letter dated September 9, 2014;
- b. Deficient same-side driveway spacing for south access drive (84 ft. provided, 105 ft. required);
- c. Reduction in minimum berm height from 6 ft. to 4-5 ft. along the southern property boundary;
- d. Lack of berms along the east, west and north property boundaries;
- e. Section 9 façade waiver for the underage of brick and overage of siding and asphalt shingles;
- f. Building orientation to property lines greater than 45° (50°-90° proposed);
- g. Off-street parking, maneuvering lanes, service drives and/or loading areas covering 47% of the required front, side and rear yard building setback areas (maximum 30% coverage permitted);
- h. Reduction in required building setback for the southeastern most building (75 ft. required, 66 ft. provided);

And subject to the following conditions:

- a. Applicant must satisfy items i. through iv. under point 12.C in the traffic review letter dated September 9, 2014;
- b. Applicant must provide understory plantings on the proposed berm along the southern property boundary to assure adequate buffering;
- c. Applicant relocating interior sidewalks further away from the proposed roadway where feasible as indicated in the applicant's response letter;
- d. Applicant providing pedestrian style lighting along the frontage of City streets as indicated in the applicant's response letter;
- e. The staff and council will work with the owner and developer at the time of contract negotiations regarding the arsenic issues raised by Member Anthony during the public hearing and comments; and
- f. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and items listed in those letters begin 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 Office and Industrial Research Development and Technology as outlined in the planning review letter;
- b. The proposed property lines maintain a significant buffer (approximately 350 ft.) from the adjacent railroad and industrial uses to the east of the subject property;

- c. The proposed multiple-family use would complement the existing multiple-family uses to the south and in the general area;
- d. The plan meets several goals, objectives and implementation strategies included in the Master Plan for Land Use as outlined in the planning review letter;
- e. The applicant has made an effort to minimize impacts to on-site wetlands to the extent practical and has offered to preserve all remaining natural features via a conservation easement; and
- f. 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.