

CITY of NOVI CITY COUNCIL

Agenda Item M
June 6, 2016

SUBJECT: Approval of the request of Learning Care Academy (aka Everbrook Academy), JSP15-57, for a revised Planned Suburban Low-Rise (PSLR) Overlay Development Agreement and revised Concept Plan. The subject property is 4.15 acres of vacant land located on the west side of Beck Road, north of Eleven Mile Road, in Section 17. The applicant is proposing a child care facility to serve up to 138 children. *Bundy*

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The applicant is proposing a Planned Suburban Low-Rise Overlay (PSLR) Concept Plan to construct a daycare facility on the west side of Beck Road, north of Eleven Mile Road. The plan shows an 11,844 square foot free standing building to serve 138 children and approximately 22 staff with site improvements including parking, storm water, landscaping and a recreation area for children. The subject property is currently vacant land and measures 4.15 acres.

The previously submitted Concept Plan indicated two entrances into the site from Beck Road and a fifty foot wide landscape buffer along Beck Road. After further review, the applicant is requesting the removal of the northern entrance due to inadequate space for a right turn taper lane near the north property line. A taper lane in compliance with the Design and Construction Standards is being proposed at the remaining south entrance. A landscape island is introduced to the center of the parking lot increase the distance between the drive aisles to provide enough distance for emergency vehicles maneuvering within the site. This resulted in reduction of the minimum required landscape buffer along Beck Road, and moving green space into the center of the parking lot. These modifications are supported by staff to maintain safe ingress for Fire and Emergency vehicles to and within the site. No other modifications are being proposed. All the previously approved ordinance deviations still remain.

PSLR Overlay Procedures

At its November 4, 2015 meeting, the Planning Commission held a public hearing, and reviewed the PSLR Overlay Concept Plan and other information relative to the PSLR Overlay Development Agreement Application. The Planning Commission has provided a favorable recommendation to the City Council of the PSLR Overlay application and Concept Plan, subject to a number of conditions. Relevant minutes of that meeting are attached.

On November 23, 2015, the City Council considered the application and indicated its tentative approval of the PSLR Overlay Development Agreement Application and PSLR Overlay Concept Plan, and in doing so directed the City Administration and the City Attorney to prepare a PSLR Overlay Development Agreement. Relevant minutes of that

meeting are attached.

On April 18, 2016, the City Council considered and approved the Planned Suburban Low-Rise (PSLR) Overlay Development Agreement, with the allowance for an additional sign for the development, as requested by the applicant. Relevant minutes of that meeting are attached.

PSLR Overlay Agreement

Working with the City Attorney's office, the petitioner has now brought forward the revised Planned Suburban Low-Rise Overlay Concept plan and the Agreement. The applicant is seeking positive consideration of the following Zoning Ordinance deviation included in the revised PSLR Overlay Agreement and as shown on the proposed PSLR Concept Plan. The proposed deviation is supported by staff.

- **Landscape waiver:** The applicant is currently requesting a waiver from Section 5.5.3.B.ii. to allow the reduction of the minimum required fifty (50) foot wide landscape buffer along Beck Road. The applicant is now proposing a 36 foot wide buffer. The modification is required to allow safe distance for fire and emergency vehicles maneuvering within the site.

A revised plan review letter from the City's Traffic Consultant is attached to provide comments and a favorable recommendation on the proposed modifications.

Section 3.21.1 permits deviations from the strict interpretation of the Zoning Ordinance within a PSLR Overlay agreement. These deviations may be granted by the City Council on the condition that "*there are specific, identified features or planning mechanisms deemed beneficial to the City by the City Council which are designed into the project for the purpose of achieving the objectives for the District.*" The applicant previously provided a narrative document describing each deviation request and substitute safeguards for each item that does not meet the strict requirements of the Zoning Ordinance.

The attached agreement also includes previously approved ordinance deviations as approved by the City Council on April 18, 2016.

RECOMMENDED ACTION:

Final approval of the revised Planned Suburban Low-Rise (PSLR) Overlay Development Agreement and revised Concept Plan based on the following findings and conditions, with final form and language to be modified as determined by the City Attorney's Office and City Manager:

- a. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community. The proposed development and site design provide a reasonable transition from the higher intensity hospital uses and lower intensity single-family residential uses thereby meeting the intent of the PSLR Overlay District. The site itself includes provisions for future vehicular and pedestrian connections along the proposed Public drive and a proposed pathway along Beck Road that will benefit the community as a whole.
- b. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not

place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment. Given that the size of the site is less than 10 acres, a community impact statement is not required. The current site plan is not proposing any impacts to natural features and has minimal impacts on the use of public services, facilities and utilities.

- c. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties. The proposed building has been substantially buffered by proposed landscape and should minimally impact the surrounding properties.
- d. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of this Article [Article 3.1.27]. The proposed development meets the stated intent of the PSLR Overlay District to encourage transitional uses between higher intensity office and retail uses and lower intensity residential uses while maintaining the residential character of the area as outlined in the attached staff and consultant review letters.
- e. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Preliminary Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

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

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

Maps
Location
Zoning
Future Land Use
Natural Features

JSP 15-57 Learning Care Academy

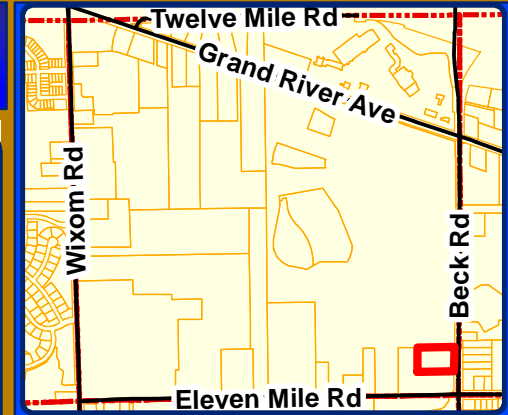
Location



**Subject
Property
Section 17**

Beck Rd

Eleven Mile Rd



Legend

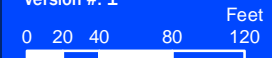
 Sections



City of Novi

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

Map Author: Sri Komaragiri
Date: 10/29/15
Project: JSP 15-57 Learning Care Academy
Version #: 1



1 inch = 106 feet



MAP INTERPRETATION NOTICE

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

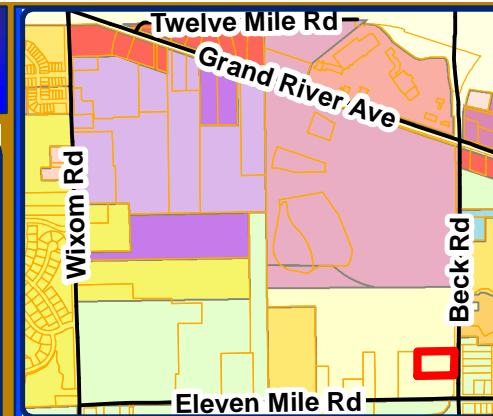
JSP 15-57 Learning Care Academy

Zoning

Subject Property
R-3 with PSLR overlay

Beck Rd

Eleven Mile Rd



Legend

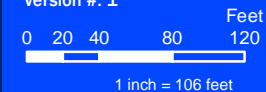
	R-A: Residential Acreage
	R-1: One-Family Residential District
	R-3: One-Family Residential District
	R-4: One-Family Residential District
	RM-1: Low-Density Multiple Family
	RM-2: High-Density Multiple Family
	B-1: Local Business District
	B-2: Community Business District
	B-3: General Business District
	FS: Freeway Service District
	I-1: Light Industrial District
	I-2: General Industrial District
	OS-1: Office Service District
	OSC: Office Service Commercial
	OST: Office Service Technology



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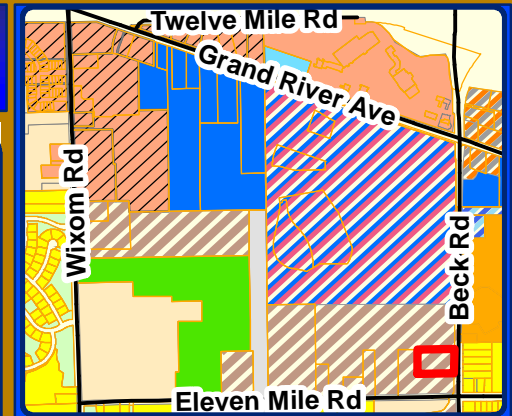
JSP 15-57 Learning Care Academy

Future Land Use

**Subject Property
Suburban Low-Rise**

Beck Rd

Eleven Mile Rd

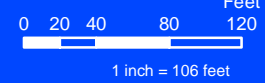


	SINGLE FAMILY
	MULTIPLE FAMILY
	SUBURBAN LOW-RISE
	COMMUNITY OFFICE
	OFFICE RES DEV TECH
	OFFICE COMMERCIAL
	OFFICE RD TECH W/RETAIL OVERLAY
	LOCAL COMMERCIAL
	COMMUNITY COMMERCIAL
	EDUCATIONAL FACILITY
	PUBLIC
	PUBLIC PARK
	PRIVATE PARK
	UTILITY



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JSP 15-57 Learning Care Academy

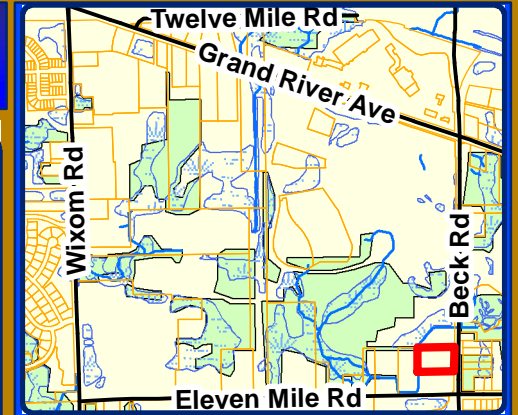
Natural Features



Subject Property

Beck Rd

Eleven Mile Rd



Legend

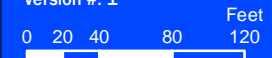
-  Wetlands
-  Woodlands



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REVISED PLANNED SUBURBAN LOW-RISE OVERLAY CONCEPT PLAN

PROJECT TEAM

DATE	DESCRIPTION
09/25/15	CLIENT REVIEW
09/25/15	PERMIT SUBMITTAL
10/22/15	SITE PLAN SUBMITTAL
12/07/15	BD SET
02/19/16	SITE PLAN REVISION
02/26/16	SITE REVISIONS
03/14/16	PLAY AREA REVISIONS
03/29/16	CITY SUBMITTAL
05/02/16	CONSTRUCTION SET
05/20/16	CITY RESUBMITTAL

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ISSUE/REVISION RECORD

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PROFESSIONAL IN CHARGE
 JOHN MOUREZAK
 PROFESSIONAL ENGINEER
 LICENSE NO. 15701

PROJECT MANAGER
 BRIAN OLESEN

QUALITY CONTROL
 LARRY DICK

DRAWN BY
 MITCH HEFFERNAN

PROJECT NAME

LEARNING CARE GROUP

NOVI MICHIGAN
 NWO W. 11 MILE ROAD & BECK ROAD



PROJECT NUMBER
 20150407.0

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

C2.0

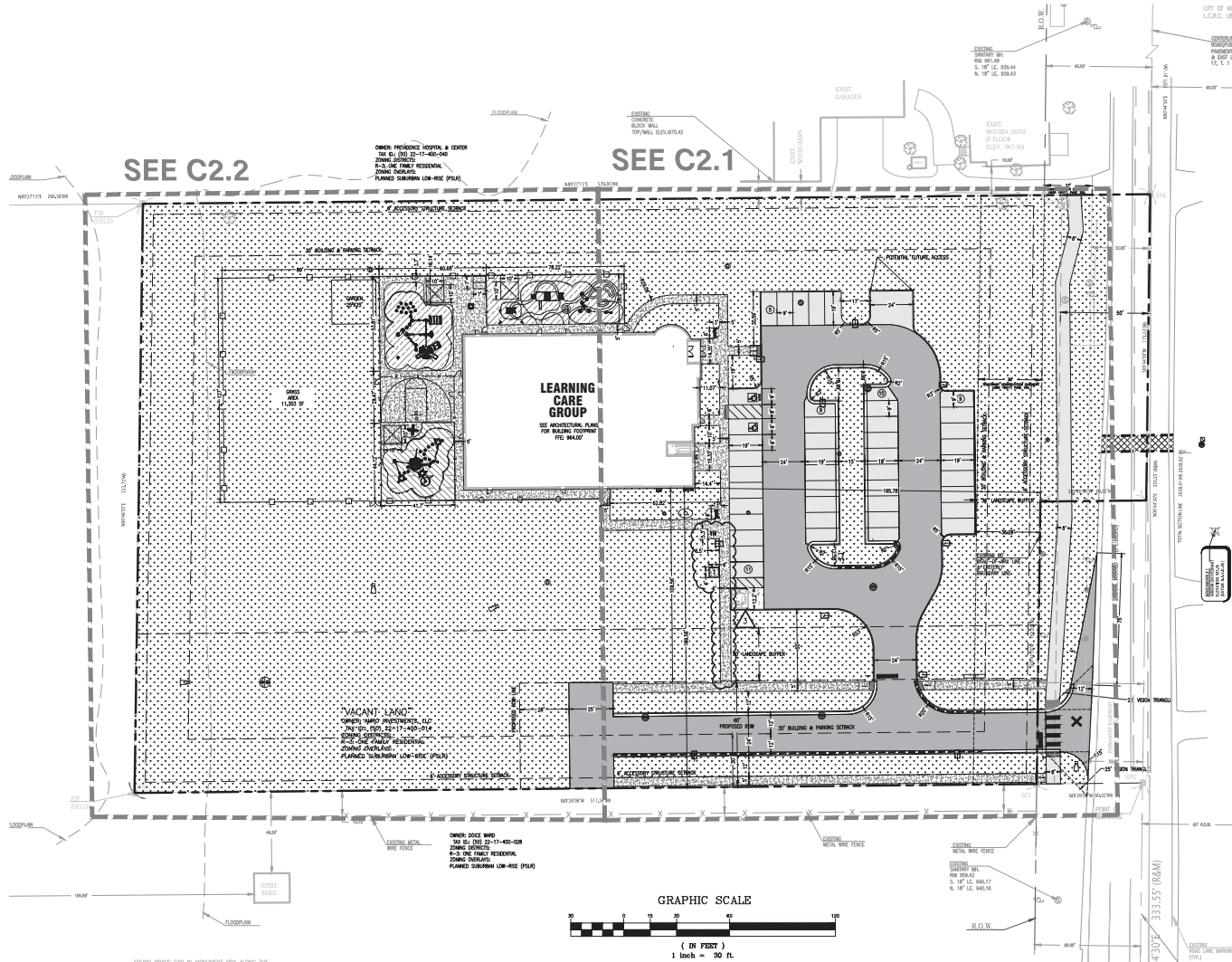
PROPOSED LEGEND:

- PROPERTY LINE
 - ===== PROPOSED CONCRETE CURB AND GUTTER
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 - PROPOSED GAS METER
 - PROPOSED ELECTRIC METER, CT CABINET AND DISCONNECT
 - PROPOSED 6" SEMI-PRIVATE VINYL FENCE
 - PROPOSED 4" VINYL COATED CHAIN LINK FENCE
 - PROPOSED 6" VINYL COATED CHAIN LINK FENCE
- NOTE: SEE SHEET C1.0 FOR EXISTING LEGEND

PAVEMENT HATCH LEGEND:

- PROPOSED CONCRETE SIDEWALK
- 4" PORTLAND CEMENT CONCRETE
- 4" MDOT 21A CRUSHED LESTONE
- *PROPOSED EASY TURF WITH SINGLE PAD
- 2 - 1/8" PLAYGROUND SHOCK PAD
- 3" AGGREGATE BASE
- NATURAL SOIL SURFACE
- *PROPOSED EASY TURF
- 3" AGGREGATE BASE TOPPED WITH 1" OF FINES
- AND COMPACTED TO 80% NATURAL SOIL SURFACE
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- 6" PORTLAND CEMENT CONCRETE
- MDOT 22A 8" GRANULAR BASE
- 6" OF COMPACTED SUBGRADE
- PROPOSED ASPHALT PAVEMENT
- 1 1/2" MDOT NO. 1100T, 36A BITUMINOUS WEARING COURSE
- 1 1/2" MDOT NO. 1100L, 20A BITUMINOUS LEVELING COURSE
- 10" MDOT 21A CRUSHED LESTONE
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- 2" MDOT NO. 1100T, 36A BITUMINOUS WEARING COURSE
- 2 1/2" MDOT NO. 1100L, 20A BITUMINOUS LEVELING COURSE
- 10" MDOT 21A CRUSHED LESTONE
- PROPOSED DETECTABLE WARNING PLATE
- PROPOSED LANDSCAPE AREA
- EXISTING ASPHALT PAVEMENT TO BE REMOVED AND REPLACED

*ALTERNATE - CONTRACTOR MAY USE SYNTHETIC TURF AS AN ALTERNATE TO EASY TURF. ALTERNATE MUST MEET PLAYGROUND FALL ZONE HEIGHT REQUIREMENTS.



GENERAL SITE NOTES:

- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SAFE AND ADEQUATE WORKING CONDITIONS THROUGHOUT THE DURATION OF CONSTRUCTION OF THE PROPOSED SITE IMPROVEMENTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SITE SETBACKS, EASEMENTS AND DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST STATE AND LOCAL GOVERNMENT CONSTRUCTION STANDARDS AND SPECIFICATIONS.
- ALL HANDICAP ACCESSIBLE SITE IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL CODES AND REQUIREMENTS.
- IF DURING THE COURSE OF CONSTRUCTION THE CONTRACTOR FINDS ANY DISCREPANCIES OR CONFLICTS BETWEEN THE PROPOSED SITE IMPROVEMENTS INDICATED ON THE PLANS AND THE PHYSICAL CONDITIONS OF THE SITE, OR ANY ERRORS OR OMISSIONS WITHIN THE PLANS OR IN THE SITE LAYOUT AS PROVIDED BY THE ENGINEER, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO IMMEDIATELY NOTIFY THE ENGINEER, UNLESS AUTHORIZED TO PROCEED, ANY WORK PERFORMED BY THE CONTRACTOR AFTER SUCH A DISCOVERY WILL BE AT THE CONTRACTOR'S SOLE RISK AND EXPENSE.
- CONTRACTOR SHALL COORDINATE ALL SITE IMPROVEMENTS WITH ARCHITECTURAL PLANS, ARCHITECTURAL PLANS SHALL BE USED FOR BUILDING STACKOUT.
- CONTRACTOR SHALL COORDINATE ALL LANDSCAPE IMPROVEMENTS, INCLUDING NEW PLANTINGS AND TURF AREA RESTORATION REQUIREMENTS, WITH LANDSCAPE PLANS.
- CONSTRUCTION SURVEY AND STACKOUT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL DIMENSIONS SHOWN ARE MEASURED FROM FACE OF CURB TO FACE OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
- ALL CURB RADII ARE MEASURED AT THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL NEW ASPHALT AND/OR CONCRETE PAVING SHALL MATCH EXISTING PAVEMENTS FLUSH.
- CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS OUTSIDE OF CONSTRUCTION LIMITS TO ORIGINAL CONDITION OR BETTER.
- CONTRACTOR SHALL REPAIR AT HIS EXPENSE ANY DAMAGE TO EXISTING ASPHALT, CONCRETE, CURBS, SIDEWALKS, ETC. RESULTING FROM CONSTRUCTION TRAFFIC AND/OR OPERATIONS. REPAIRS SHALL BE MADE TO THE SATISFACTION OF THE OWNER AND/OR ENGINEER.
- ALL FIRE ACCESS LANES WITHIN THE PROJECT AREA SHALL REMAIN IN SERVICE, CLEAN OF DEBRIS, AND ACCESSIBLE FOR USE BY EMERGENCY VEHICLES.
- ALL DETECTABLE WARNING PLATES SHALL BE PREFORMED PLASTIC INSERTS UNLESS OTHERWISE NOTED.
- SEE GENERAL NOTES SHEET FOR ADDITIONAL INFORMATION AND REQUIREMENTS.

PROJECT INFORMATION:

SITE AREA:	841.15 ACRES
ZONED:	N/A
PROPOSED BUILDING AREA:	11,844 SQ. FT.
PROPOSED ACCESSORY BUILDING AREA:	1138 (CHILDREN AND 22 STAFF)
TOTAL BUILDING AREA:	400 SQ. FT.
GUILDING COVERAGE:	12,244 SQ. FT.
PROPOSED USE:	6,136 SQ. FT.
BUILDING HEIGHT:	24'-0"
PARKING REQUIRED:	43 STALLS (7,540 SQ. FT. USABLE BUILDING SPACE) (1 STALL PER 350 SQ. FT. AND 1 STALL PER EMPLOYEE)
PARKING PROVIDED:	44 STALLS (INCLUDING 2 ADA STALLS)
PLAY SPACE REQUIRED:	20,700 SQ. FT. (150 SQ. FT. PER CHILD)
PLAY SPACE PROVIDED:	20,728 SQ. FT.

SITE PLAN NOTES:

- CITY OF NOVI RIGHT-OF-WAY PERMIT REQUIRED FOR ALL WORK IN RIGHT-OF-WAY.

GENERAL SITE NOTES:

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- SEE GENERAL NOTES SHEET FOR ADDITIONAL INFORMATION AND REQUIREMENTS.

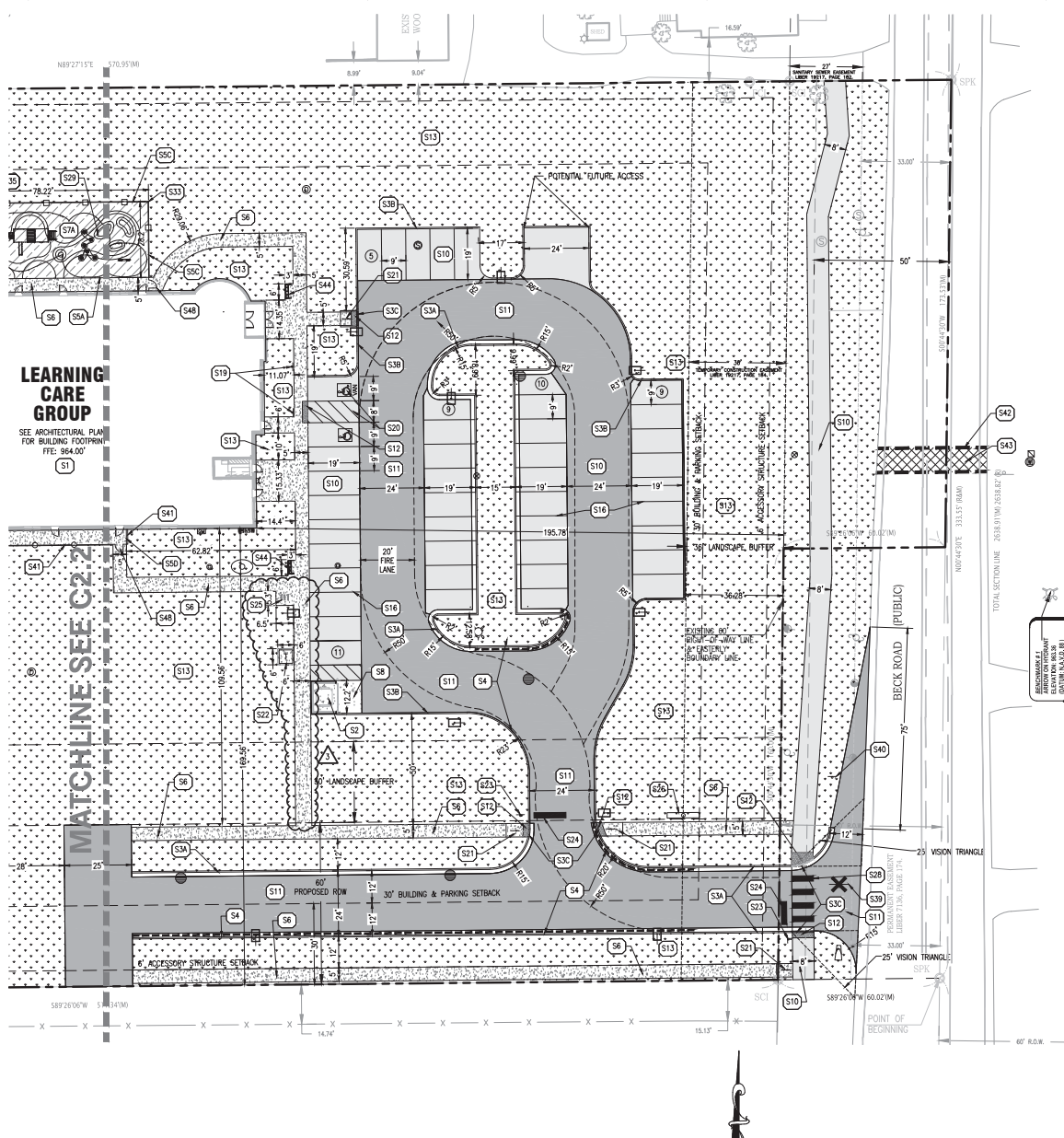
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4" PORTLAND CEMENT CONCRETE
4" MDOT 21A CRUSHED LIMESTONE
- *PROPOSED EASY TURF WITH SINGLE PAD
2" 1/8" PLAYGROUND SHOCK PAD
3" AGGREGATE BASE
NATURAL SOIL SURFACE
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SITE PLAN NOTES:

- CITY OF NOW RIGHT-OF-WAY PERMIT REQUIRED FOR ALL WORK IN RIGHT-OF-WAY.



PROPOSED LEGEND:

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- PROPOSED SIGN
- PROPOSED LIGHT POLE
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- PROPOSED GATE VALVE AND VALVE BOX
- PROPOSED WATER SERVICE TAP
- PROPOSED TRANSFORMER PAD AND STEEL BOLLARDS
- PROPOSED GAS METER
- PROPOSED ELECTRIC METER, CT CABINET AND DISCONNECT
-
-
-

SITE KEY NOTES:

- S1 PROPOSED BUILDING (SEE ARCHITECTURAL AND STRUCTURAL PLANS FOR ADDITIONAL INFORMATION AND DETAILS)
- S2 PROPOSED TRASH ENCLOSURE (SEE ARCHITECTURAL AND STRUCTURAL PLANS FOR ADDITIONAL INFORMATION AND DETAILS)
- S3A PROPOSED CONCRETE CURB AND GUTTER
- S3B PROPOSED CONCRETE BARRIER CURB
- S3C PROPOSED DEPRESSED CONCRETE CURB AND GUTTER
- S4 PROPOSED REVERSE PITCH CONCRETE CURB AND GUTTER
- S5A PROPOSED EDGE TRANSITION TYPE A
- S5B PROPOSED EDGE TRANSITION TYPE B
- S5C PROPOSED EDGE TRANSITION TYPE C
- S5D PROPOSED EDGE TRANSITION TYPE D
- S6 PROPOSED CONCRETE SIDEWALK
- S7 PROPOSED EASY TURF WITH SINGLE PAD
- S7A PROPOSED EASY TURF
- S8 PROPOSED HEAVY DUTY CONCRETE
- S10 PROPOSED ASPHALT PAVEMENT
- S11 PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- S12 PROPOSED DETECTABLE WARNING PLATE
- S13 PROPOSED LANDSCAPE AREA (SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION AND DETAILS)
- S16 PROPOSED 4" PAVEMENT STRIPING PER LOCAL CODE
- S19 PROPOSED HANDICAP ACCESSIBLE PARKING SIGN PER LOCAL CODE (TYP. OF 2)
- S20 PROPOSED HANDICAP ACCESSIBLE PARKING STALL STRIPING AND SYMBOL PER LOCAL CODES
- S21 PROPOSED HANDICAP ACCESSIBLE CURB RAMP AT 1:21 MAXIMUM SLOPE PER LOCAL CODES
- S22 PROPOSED CONCRETE TRANSFORMER PAD WITH STEEL BOLLARD PROTECTION (CONTRACTOR SHALL COORDINATE CONCRETE TRANSFORMER PAD LOCATION, SIZE AND THICKNESS WITH ELECTRIC COMPANY PRIOR TO INSTALLATION)
- S23 PROPOSED 30" R1-1 STOP SIGN
- S24 PROPOSED 24" WIDE STOP BAR PAINTED WHITE
- S25 PROPOSED BIKE RACKS (3 PACKS)
- S26 PROPOSED SIGN
- S28 PROPOSED CROSSBALK STRIPING PER LOCAL CODES
- S29 PROPOSED PLAYGROUND EQUIPMENT (SEE GAMETIME DRAWING DATED 4/20/16 FOR PLAYGROUND EQUIPMENT DETAILS)
- S33 PROPOSED 6" SEMI-PRIVATE VINYL FENCE (RFAFB WELLINGTON II OR EQUIVALENT)
- S34 PROPOSED 4" VINYL COATED CHAIN LINK FENCE WITH TOP AND BOTTOM RAIL. FENCE SHALL INCLUDE 8-9 GAUGE WIRE COATED IN BLACK VINYL, BLACK POWDER COATED POSTS AND RAILS WITH ROUNDED EDGES AND BLACK POWDER COATED HARDWARE
- S35 PROPOSED 10X10 4" POST SHADE STRUCTURE
- S37 PROPOSED STORAGE SHED ON CONCRETE (BY TENANT)
- S39 EXISTING SIGN TO BE RELOCATED
- S40 PROPOSED LOCATION OF RELOCATED SIGN
- S41 PROPOSED 4" VINYL COATED CHAIN LINK FENCE WITH TOP AND BOTTOM RAIL. FENCE SHALL INCLUDE 8-9 GAUGE WIRE COATED IN BLACK VINYL, BLACK POWDER COATED POSTS AND RAILS WITH ROUNDED EDGES AND BLACK POWDER COATED HARDWARE
- S42 EXISTING ASPHALT PAVEMENT TO BE REMOVED AND REPLACED WITH HEAVY DUTY PAVEMENT
- S44 PROPOSED LANDSCAPE BURNS HARBOR SERIES BENCH MODEL BH1122S WITH FAUX WOOD AND SURFACE MOUNT OPTIONS
- S47 PROPOSED GATE LOCATION WITH "POOLSIDE" LATCH
- S48 PROPOSED GATE LOCATION WITH "POOL SAFETY" GATE LATCH



1430 W. Peachtree St. NW
Suite 200
Atlanta, GA 30309
T 404 601 4000 F 404 601 3970

PROJECT TEAM

DATE	DESCRIPTION
09/25/15	CLIENT REVIEW
09/25/15	PERMIT SUBMITTAL
10/22/15	SITE PLAN SUBMITTAL
12/07/15	BD SET
02/19/16	SITE PLAN REVISION
02/26/16	SITE REVISIONS
03/14/16	PLAY AREA REVISIONS
03/29/16	CITY SUBMITTAL
05/02/16	CONSTRUCTION SET
05/20/16	CITY RESUBMITTAL

ISSUE/REVISION RECORD

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05/20/16	CITY RESUBMITTAL

PROFESSIONAL IN CHARGE
JOHN MOUZAKAS
PROFESSIONAL ENGINEER
LICENSE NO. 15701

PROJECT MANAGER
BRIAN OLESN

QUALITY CONTROL
LARRY DEAL
DRAWN BY
MITCH HEFFERNAN

PROJECT NAME
LEARNING CARE GROUP

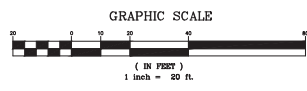
NOVI MICHIGAN
NW W. 11 MILE ROAD & BECK ROAD



PROJECT NUMBER
20150407.0

SHEET TITLE
SITE PLAN EAST

SHEET NUMBER
C2.1



**Previously approved PSLR Overlay Concept Plan
April 18, 2016**

REVISED PLANNED SUBURBAN LOW-RISE OVERLAY DRAFT AGREEMENT

**PLANNED SUBURBAN LOW-RISE (PSLR)
OVERLAY DEVELOPMENT AGREEMENT –
ICAP DEVELOPMENT, LLC**

THIS PLANNED SUBURBAN LOW-RISE (PSLR) OVERLAY DEVELOPMENT AGREEMENT (this “Agreement”) is made as of the ___ day of May, 2016, by and among ICAP DEVELOPMENT, LLC, whose address is 1243 N. 10th Street, Suite 300, Milwaukee, WI 53205, (herein referred to as " Developer"), and the CITY OF NOVI, whose address is 45175 West Ten Mile Road, Novi, MI 48375-3024 ("City").

RECITATIONS:

- I. Developer intends to develop the “Land” described on Exhibit A, attached and incorporated herein. The Land is one parcel of property approximately 4.15 acres in area. Developer proposes to develop the Land as a child care facility initially with an approximately 11,844 square foot building to serve up to 138 children and approximately 22 staff (the “Facility”) as set forth in the PSLR Overlay Concept Plan, which has been submitted to the City for review and approval under applicable provisions of the City code, including the City's Zoning Ordinance (the "Zoning Ordinance"). The PSLR Overlay Concept Plan as hereby approved is a conceptual or illustrative plan for the potential development of the Land under the PSLR Overlay District that includes building elevations and site improvements. Such Concept Plan approval is not an approval to construct any of the proposed improvements as shown. Developer and City acknowledge that an entity other than Developer shall be the fee simple owner of the Land (the "Landowner"). Developer and City agree that Developer shall cause Landowner to execute this Agreement on or about the time that Landowner acquires fee simple title to the Land and that this Agreement shall not be effective until executed by Landowner and recorded with the office of the Oakland County Register of Deeds pursuant to Section 8 herein and the City’s Zoning Ordinance. Developer acknowledges that no permits of any kind to conduct any work or improvements on the Land shall be issued until this Agreement has been fully executed and recorded with the office of the Oakland County Register of Deeds. The City may grant site plan approval prior to Landowner acquiring fee simple title to the Land, but site plan approval shall not be effective and shall not grant any rights whatsoever until this Agreement has been recorded with the office of the Oakland County Register of Deeds. The term "Developer" shall be deemed to include Developer and Landowner.

- II. For purposes of improving and using the Land for the Facility, Developer petitioned the City to consider approval for the Facility under a PSLR Overlay Development Agreement application that included a PSLR Overlay Concept Plan, dated May 20, 2016, and on file in the Community Development Office, a traffic generation analysis, and a list of proposed deviations and waivers.
- III. The Land is zoned R-3 One-Family Residential, with a PSLR Overlay that covers the entire parcel. Under Section 3.1.27 of the Zoning Ordinance, child care centers are permitted as a special land use, subject to the additional required conditions and procedures set forth in Section 3.21 of the Zoning Ordinance. The PSLR Overlay zoning classification provides the Developer with certain material development options with respect to the Land that are not available under the R-3 One-Family Residential classification and that would be a distinct material benefit and advantage to the Developer. The PSLR Overlay zoning classification is consistent with the City's Master Plan for Land Use showing the Land as part of the future Suburban Low-Rise use.
- IV. The City has reviewed the Developer's proposed petition to consider a PSLR Overlay Development Agreement application under the terms of the PSLR Overlay District provisions of the City's Zoning Ordinance; has reviewed the Developer's proposed PSLR Overlay Concept Plan, the traffic generation analysis, and the Developer's proposed deviations and waivers. The City has found that the PSLR Overlay Concept Plan meets the intent of the PSLR Overlay District ordinance in that it provides a reasonable transition from the higher intensity hospital uses in the area to the adjacent residential uses, subject to the terms and conditions of this Agreement.
- V. In petitioning for consideration of a PSLR Development Agreement Application, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following conditions, (herein referred to as the "Conditions"):
 - A. Developer shall develop the Land solely for the operation of the Facility. Developer shall forbear from developing and/or using the Land, and from constructing and improvements other than as provided in an approved site plan, in any manner other than as authorized and/or limited by this Agreement, unless modified with the City's approval pursuant to the terms of the Zoning Ordinance.
 - B. Subject to the terms and conditions of this Agreement and the PSLR Overlay District provisions of the Zoning Ordinance, including Section 3.1.27 and Section 3.21 thereof, Developer shall develop the Land in accordance with all applicable laws, ordinances, and regulations of the City pertaining to such development required under the PSLR Overlay District, including all applicable height, area, and bulk requirements of the

Zoning Ordinance as relates to the PSLR Overlay District, except as expressly authorized herein.

The PSLR Overlay Concept Plan is acknowledged and agreed by the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development on the Land. The Developer will be required to obtain site plan approval for the development of the improvements to be constructed on the Land (i.e., the Facility) in accordance with the terms of the PSLR Overlay District ordinance.

Some deviations and waivers from the provisions of the City's ordinances, rules, or regulations as to the Facility are depicted in the PSLR Overlay Concept Plan, as specifically described below, and are approved by virtue of this Agreement. However, except as to such specific deviations and waivers as enumerated herein, the development of the Land under the requirements of the PSLR Overlay District shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under all applicable laws, ordinances, and regulations pertaining to such development, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, facade approval, landscape approval, engineering plan approval and payment of review and inspection fees and performance guarantees pertaining to the proposed development of the Land.

The building design and layout, facade, and elevations shall be substantially similar to that submitted as part of the Developer's final approval request, as depicted in the PSLR Overlay Concept Plan, or as the same shall be approved by the City in connection with the site plan approval for the improvements to be constructed on the Land, it being acknowledged and agreed that the Concept Plan and final site plan may be modified if approved by the City.

Developer shall provide the following Public Benefits/Public Improvements in connection with the development of the Land:

- (1) Dedication of Public Road and Sidewalk Connections Easement. Developer shall construct and dedicate the public road depicted in the Concept Plan on the south side of the Land. The road shall be constructed to public road standards at the time of construction of the facility and dedicated to the City in accordance with Chapter 26.5 of the City Code, and further subject to the requirements and conditions of the City Engineer and the Planning Commission at the time of final site plan approval. Developer shall also provide pedestrian connections as depicted on the Concept Plan, along the new public road and Beck Road in accordance with City standards, requirements, and ordinances, and further subject to the

requirements and conditions of the City Engineer and the Planning Commission at the time of final site plan approval.

- (2) Limitations on Use. Developer hereby agrees that the use of the Land shall be limited to the operation of the Facility as a child care facility as described herein, unless an amendment to this Agreement is approved by the City in accordance with the Zoning Ordinance.

VI. The parties acknowledge that this Agreement contains terms and conditions, which are binding on Developer.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Each and every provision, representation, term, condition, right, and obligation set forth in Recitations I-VI is binding upon the parties of this Agreement and is incorporated as a part of this Agreement.

As provided in the PSLR Overlay District ordinance, including Section 3.1.27 and Section 3.21 of the City's Zoning Ordinance:

- a. No use of the Land shall be allowed except the uses shown on the PSLR Overlay Concept Plan for the operation of the Facility, unless an amendment to this Agreement is approved by the City in accordance with the Zoning Ordinance. Site plan review for the development of the Land is required in accordance with the terms of the City's ordinances; provided, however, that modifications to the improvements to be constructed on the Land shall be permitted subject to the City's approval.

Notwithstanding the foregoing, except for the deviations provided for in Paragraph 2 below, relating to specific ordinance deviations, Developer shall also comply with all requirements in the staff and review letters as follows:

- (1) Planning review October 14, 2015
- (2) Engineering review October 14, 2015
- (3) Landscape review October 14, 2015
- (4) Wetland review –October 12, 2015
- (5) Woodland review –October 12, 2015
- (6) Traffic review – May 31, 2016
- (7) Fire Marshal review – October 07, 2015
- (8) Façade Ordinance review –April 6, 2016

In addition, the Developer shall:

- (1) Provide sidewalk around both sides of the proposed cul-de-sac at the time of preliminary site plan approval. If an alternative road design is

approved at the time of site plan approval, the sidewalk requirements shall be determined by the City at that time.

- (2) Provide street trees around the cul-de-sac at the time of preliminary site plan approval. If an alternative road design is approved at the time of site plan approval, street trees shall be determined by the City at that time.
- (3) Provide a full Traffic Impact Study prior to or at the time of preliminary site plan approval.
- (4) Revise the turnaround (cul-de-sac) to meet Fire Department standards at the time of preliminary site plan approval. The City Engineer shall determine the limits of the right-of-way to be dedicated at the time of preliminary site plan approval.

- b. Developer and its successors, assigns, and/or transferees shall act in conformance with the PSLR Overlay Concept Plan and Conditions, including the provision of the Public Benefits/Public Improvements, all as described above and incorporated herein;
- c. Developer and its successors, assigns, and/or transferees shall forbear from acting in a manner inconsistent with the PSLR Overlay Concept Plan and Conditions, and the Public Benefits/Public Improvements, all as described in the Recitations above and incorporated herein; and
- d. Developer shall commence and complete all actions reasonably necessary to carry out the PSLR Overlay Concept Plan and all of the Conditions and Public Benefits/Public Improvements, all as described in the Recitations above and incorporated herein.

2. The following deviations and waivers from the standards of the City's Zoning Ordinance with respect to the Land are hereby authorized pursuant to Section 3.21 of the City's Zoning Ordinance and as shown on the PSLR Overlay Concept Plan or final approved site plan:

- a. Deviation from Section 3.21.2.A.ii and Section 3.1.27.D to exceed the maximum allowed front building setback (75 feet allowed; approximately 114 feet provided);
- b. Deviation from Section 3.21.2.A.iv to allow parking in the front yard (approximately 20 parking spaces are provided);
- c. Deviation from Section 4.19.2.J to exceed the maximum allowed accessory structures on the site (two allowed, three provided);
- d. Deviation from Section 4.19.2.F to allow proposed dumpster in the required front yard;

- e. Deviation from Section 5.11.2.A to allow proposed fence in the required front yard;
 - f. Deviation from Section 5.5.3 to allow absence of landscape screening along south and west property lines;
 - g. Deviation from Section 5.5.3.B.ii to allow absence of required berm adjacent to public right-of-way along the proposed public drive and along the southern property line;
 - h. Deviation from parking lot landscape ordinance standard in Section 5.5.3.C to not provide the minimum required parking lot trees (21 required, 12 provided).;
 - i. Deviation from the Right-of-Way Landscape Screening Requirements of Section 5.5.3.B.ii to allow reduction of the minimum required fifty(50) feet landscape buffer along Beck Road. The applicant is now proposing 36 feet. The modification is required to allow safe distance for fire and emergency vehicles maneuvering within the site; and,
 - j. Deviation from Building Design Standards in Section 3.21.2.C to provide buildings to be constructed in consistent in character with the nearby Providence Hospital complex rather than with features exhibiting a “single-family residential character,” as provided in the approved final site plan.
 - k. Deviation from sign ordinance to allow a second sign. Developer shall be permitted to have a wall sign and a ground/monument sign. The wall sign shall comply with all ordinance requirements. The area, location, and design of the ground/monument sign shall be determined by the Community Development Department, at the time of final site plan approval.
3. Each of the provisions, requirements, deviations/waivers, and conditions in this Agreement and the features and components provided in the PSLR Overlay Concept Plan meet the intent of the PSLR Overlay District, subject to the terms and conditions of this Agreement.
4. Developer acknowledges that, at the time of the execution of this Agreement, the Facility has not yet obtained site plan, engineering, and other approvals required by ordinance or other regulation. Developer acknowledges that the Planning Commission and Engineering Division may impose additional conditions other than those contained in this Agreement during site plan reviews and approvals as authorized by law; provided, however, that such conditions shall not eliminate any development right authorized thereby. Such conditions shall be incorporated into and made a part of this Agreement, and shall be enforceable against

Developer, in the event Developer proceeds with development of the Facility.

5. In the event the Developer or its respective successors, assigns, and/or transferees attempt to proceed, or do proceed, with actions to complete any improvement of the Land, or any portion of it, in any manner other than for the development and operation of the Facility, as shown on the PLSR Overlay Concept Plan, or to use the Land in any manner inconsistent with this Agreement, the City shall be authorized to revoke all outstanding building permits and any certificates of occupancy issued for such building and use on the Land. In addition, any material violation of the City's Code of Ordinances by Developer and/or any successor owners or occupants with respect to the Land shall be deemed a breach of this Agreement, as well as a violation of the City's Code of Ordinances. A breach of this Agreement shall constitute a nuisance *per se*, which shall be abated. Developer and the City therefore agree that, in the event of a breach of this Agreement by the Developer or the City, in addition to any other relief to which it may be entitled at law or in equity, shall be entitled under this Agreement to relief in the form of specific performance and an order of the court requiring abatement of the nuisance *per se*. The rights in this Paragraph 5 are in addition to the legal and equitable rights that the City has by statute, ordinance, or other law. In the event of a breach under this Paragraph, the City shall notify Developer of the occurrence of the breach and shall provide the Developer with a reasonable period of time to cure any such default and Developer shall cure such default during such period; provided, however, that in no event shall the notice period be less than 30 days.
6. By execution of this Agreement, Developer acknowledges that it has acted in consideration of the City approving the proposed use on the Land, and Developer agrees to be bound by the provisions of this Agreement, including the recitals and all exhibits attached hereto, which are incorporated by this reference and made a part of this Agreement.
7. Developer acknowledges and agrees that it has had the opportunity to have the PLSR Concept Plan and this Agreement reviewed by legal counsel. Developer has negotiated with City the terms of this Agreement and of the PLSR Overlay Concept Plan, and such documentation represents the product of the joint efforts and mutual agreements of Developer and City. Developer accepts and agrees to the final terms, conditions, requirements and obligations of the Agreement and the PLSR Overlay Concept Plan, and Developer shall not be permitted in the future to claim that the effect of the Agreement and PLSR Overlay Concept Plan results in an unreasonable limitation upon uses of all or a portion of the Land, or claim that enforcement of the Agreement and Concept Plan causes an inverse condemnation, other condemnation or taking of all or any portion of the Land. Developer and City agree that this Agreement and its terms, conditions, and requirements are lawful and consistent with the intent and provisions of local ordinances, state and federal law, and the Constitutions of the State of Michigan and the United States

of America. Developer has offered and agreed to proceed with the undertakings and obligations as set forth in this Agreement in order to protect the public health, safety, and welfare and provide material advantages and development options for Developer, all of which undertakings and obligations Developer and City agree are necessary in order to ensure public health, safety, and welfare, to ensure compatibility with adjacent uses of land, to promote use of the Land in a socially, environmentally, and economically desirable manner, and to achieve other reasonable and legitimate objective of City and Developer, as authorized under applicable City ordinances and the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.*, as amended. It is further agreed and acknowledged that the terms, conditions, obligations, and requirements of this Agreement and the PLSR Overlay Concept Plan are clearly and substantially related to the burdens to be created by the development and use of the Land under the approved PLSR Concept Plan and this Agreement, and are, without exception, clearly and substantially related to City's legitimate interests in protecting the public health, safety and general welfare. Nothing in this paragraph however limits Developer right to seek enforcement of this Agreement for City's breach of any of its terms.

8. This Agreement shall run with the Land and be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns, tenants and transferees. This Agreement shall be recorded with the office of the Oakland County Register of Deeds as to all affected parcels, and the approval of the proposed use shall not become effective until such recording has occurred. Thereafter, any development of the Land shall be in accordance with this Agreement, the PLSR Overlay Concept Plan, and any approved site plans, unless an amendment to this Agreement is approved by the City pursuant to the Zoning Ordinance.
9. This Agreement has been duly authorized by all necessary action of the Developer and the City.
10. 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.
11. In the event that there is a failure in any material respect by the Developer to perform any obligations required by this Agreement, the City shall serve written notice thereof setting forth such default and shall provide the Developer, as applicable, with a reasonable period of time to cure any such default and Developer, as applicable, shall cure such default or take reasonable commercial steps to commence and pursue such a cure during such period; provided, however, in no event, shall the notice period be less than 30 days.
12. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this

Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.

13. This Agreement is intended as the complete integration of all understandings among the parties related to the subject matter herein. No prior contemporaneous addition, deletion, or other amendment shall have any force or effect whatsoever, unless embodied herein in writing. Except for additional conditions imposed as part of the development approval process, as described in Section 4 above, this Agreement may be amended only as provided in the PSLR Overlay District ordinance, Section 3.21 of the City's Zoning Ordinance, including a writing signed by all parties to the Agreement.
14. The Zoning Board of Appeals shall have no jurisdiction over the Land or the application of this Agreement.
15. It is understood by Developer that construction of some of the improvements included in the Concept Plan may require the approval of other governmental agencies, and that failure to obtain such approvals does not invalidate this Agreement or the PLSR Overlay Concept Plan.
16. None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between the Developer and the City.
17. The parties intend that this Agreement shall create no third-party beneficiary interest.
18. Where there is a question with regard to applicable regulations for a particular aspect of the development of the Facility, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of this Agreement that apply, the City, in the reasonable exercise of its discretion, shall determine the regulations of the City's Zoning Ordinance, as that Ordinance may have been amended, or other City Ordinances that shall be applicable, provided that such determination is not inconsistent with the nature and intent of the Concept Plan and the this Agreement. In the event of a conflict or inconsistency between two or more provisions of the Agreement and Concept Plan, or between the Agreement and Concept Plan and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of the City, shall apply.
19. This Agreement may be signed in counterparts.

[Signature on the following page]

THE UNDERSIGNED have executed this Agreement effective as of the day and year first written above.

ICAP DEVELOPMENT, LLC,
A Wisconsin limited liability company

By: _____
Brian R. Adamson
Its: Managing Partner

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

On this, _____ day of _____, 2016, before me appeared Brian R. Adamson, Managing Partner of ICAP Development, LLC, a Wisconsin limited liability company, who states that he has signed this document of his own free will, duly authorized on behalf of ICAP Development, LLC.

Notary Public
Acting in _____ County, Wisconsin
My Commission Expires: _____

[SIGNATURES CONTINUE ON NEXT PAGE]

TRAFFIC REVIEW

Memorandum

To	Barbara McBeth, AICP	Page	1
CC	Sri Komaragiri		
Subject	JSP 15-0057– Everbrook Academy – Revised Concept – Traffic Review		
From	Matt Klawon, PE		
Date	May 31, 2016		

The revised concept site plan was reviewed to the level of detail provided and AECOM **recommends approval** for the applicant to move forward with the condition that the comments provided below are adequately addressed to the satisfaction of the City.

GENERAL COMMENTS

1. The Learning Care Group is proposing the development of a child care facility on the west side of Beck Road, north of 11 Mile Road.
2. The site will have one access drive connection to Beck Road.

TRAFFIC IMPACTS

1. The revised concept plan does not indicate if changes to the building size or number of students were made; therefore, additional traffic impact evaluations cannot be completed.
2. A traffic impact study was previously completed for the site, under previous conditions.

EXTERNAL SITE ACCESS AND OPERATIONS

The following comments relate to the external interface between the proposed development and the surrounding roadway(s).

1. The proposed roadway along the south side of the site should be 28' wide, not 24' as indicated on the plans.
2. The applicant should place an End of Road (ER-1) sign 5' from the end of the proposed road along the south end of the site.
3. The proposed enter/exit radii should be a minimum of 25' at the roadway interface with Beck Road.
4. The proposed right turn taper meets City ordinances.
5. The applicant should include sight distance measurements on future submittals.
6. The driveway placement is within standards for driveway spacing along Beck Road.
7. Two points of access to the site are generally required for emergency purposes. The applicant is only proposing one access drive. It should be noted that the Fire Marshall has approved the site as it is currently proposed, which, according to the City Ordinance, can waive the need for a secondary access point.

8. The applicant has provided a vehicle connection point along the northern property line for connection to future adjacent developments.
 - a. The proposed driveway has been constructed with 5' entering and exiting radii, which is in compliance with City standards for field entrances.
 - b. Due to the potential for traffic to use this driveway in the future, the applicant could consider increasing the entering and exiting radii to a minimum of 15' to align with City Ordinance requirements for a typical driveway.

INTERNAL SITE OPERATIONS

The following comments relate to the on-site design and traffic flow operations.

1. General traffic flow - The proposed site is able to accommodate Fire trucks and other large vehicles.
2. Parking facilities
 - a. The number of parking spaces could not be verified that it meets City requirements because facility size and staffing information was not provided.
 - b. The parking spaces throughout the site, with the exception of the bay along the building, could be reduced to 17' if the adjacent curbs are 4", thereby increasing the overall green space on site.
 - c. The handicap parking spaces are acceptable; however, the applicant could consider the following:
 - i. Relocate the handicap signs to be directly in front of the parking spaces.
 - ii. Add a R7-8p (Van Accessible plaque) below the proposed handicap sign in front of the van accessible parking space.
 - d. The landscape end islands throughout the parking lot should:
 - i. Have a width of a minimum of 10' back-of-curb to back-of-curb.
 - ii. Be 3' shorter than the adjacent parking space. The applicant should provide dimensions on the site plan to verify this.
 - e. Bicycle parking facilities are adequate.
3. Sidewalk Requirements
 - a. The applicant should provide ADA ramp details in future submittals.
 - b. The applicant could consider providing a pedestrian connection through the main landscape island in the middle of the parking lot to provide a safe path for pedestrians who park in the eastern part of the lot to access the building.
4. All on-site signing and pavement markings shall be in compliance with the Michigan Manual on Uniform Traffic Control Devices. The applicant should include pavement marking details in future submittals.

Should the City or applicant have questions regarding this review, they should contact AECOM for further clarification.

Sincerely,

AECOM



Maureen Peters, PE
Reviewer



Matthew G. Klawon, PE
Manager, Traffic Engineering and ITS
Engineering Services

CITY COUNCIL MEETING MINUTES
APRIL 18, 2016

it contains the variance relief authority. The Council can approve the request but the Assessor could not.

CM 16-04-048 Moved by Burke, seconded by Mutch; UNANIMOUSLY CARRIED:

To approve a variance from requirements of City's Subdivision of Land Ordinance depth-to-width ratio requirements in order to allow lot split/combination submitted by Arkin, L.L.C. for property located at the northeast corner of Nine Mile Road and Novi Road, Parcel No. 22-26-300-009 based on the existing split zoning and therefore, would not be a detriment to the City.

Roll call vote on CM 16-04-048

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

Nays: None

4. Consideration for approval of the request of Learning Care Academy (aka Everbrook Academy), JSP15-57, for a Planned Suburban Low-Rise (PSLR) Overlay Development Agreement and revised Concept Plan. The subject property is 4.15 acres of vacant land located on the west side of Beck Road, north of Eleven Mile Road, in Section 17. The applicant is proposing a child care facility to serve up to 138 children.

Brian Adamson, ICAP Development, said this is the final PSLR development agreement based on the concept plan that was reviewed and approved by Council. A few small items have changed. The only item there is a disagreement with the City is the second sign they are requesting along Beck Road. It is a monument sign. Currently the elevations that they show have a 35 square foot building sign. Code only allows either a building sign or a monument sign in that area. If it is a building sign, it could be up to 65 square feet. Their current sign is 35 square feet and they are requesting they be allowed to have a second sign at the entrance for Beck Road that does not exceed the 65 square feet. That doesn't exceed the 65 square feet in total between the two signs, meaning about a 25 square foot small monument sign not more than 6 feet tall along the southern entrance. The current proposed location of the sign was included in the site plan.

CM 16-04-049 Moved by Wrobel, seconded by Mutch; UNANIMOUSLY CARRIED:

To approve the Planned Suburban Low-Rise (PSLR) Overlay Development Agreement and revised Concept Plan based on the following findings and conditions, with final form and language to be modified as determined by the City Attorney's Office and City Manager:

- a. **The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community. The**

proposed development and site design provide a reasonable transition from the higher intensity hospital uses and lower intensity single-family residential uses thereby meeting the intent of the PSLR Overlay District. The site itself includes provisions for future vehicular and pedestrian connections along the proposed Public drive and a proposed pathway along Beck Road that will benefit the community as a whole.

- b. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment. Given that the size of the site is less than 10 acres, a community impact statement is not required. The current site plan is not proposing any impacts to natural features and has minimal impacts on the use of public services, facilities and utilities.
- c. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties. The proposed building has been substantially buffered by proposed landscape and should minimally impact the surrounding properties.
- d. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of this Article [Article 3.1 .27]. The proposed development meets the stated intent of the PSLR Overlay District to encourage transitional uses between higher intensity office and retail uses and lower intensity residential uses while maintaining the residential character of the area as outlined in the attached staff and consultant review letters.
- e. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Preliminary Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the of the Ordinance. Also, the motion maker and seconder agreed to amend the motion to incorporate an additional sign with the final area, location and design of the signage are reviewed and approved by City Administration.

Member Markham supported the monument sign at the road. She felt it was a busy thoroughfare for the City. People will be driving there at rush hour and felt it would be an important benefit for this development and asked to consider adding it to the motion.

Mayor Gatt echoed Member Markham's comments. He thought the sign ordinances in the City were very prohibitive and knew they needed to work on some of them. This was one of them. He felt the sign they requested would be on a major thoroughfare and would help this business. He wanted to be consistent and thought the ordinance should not be so restrictive. He requested the motion maker to reconsider incorporating the sign variance.

Mayor Pro Tem Staudt agreed, but asked if there will be enough capacity in light of the Novi schools building their own daycare center. Mr. Adamson believed there would be. Novi is a very desirable community both to raise a family and staying long term. They felt there is a large demand for high quality child education. It is an educational focused daycare facility. In addition, the facility is more of a full time with infants and toddlers and a before and after care facility. It is a Novi based company located off of Haggerty Road. Mayor Pro Tem Staudt asked if it will be a showcase for their corporate operations. Dave Baratta, Learning Care Group, said that it will be their showpiece. They are a Novi based company. They have 925 schools throughout the country. They consider Everbrook to be a high end school and it is something they are initiating. It will be the first or second school they have of this nature. They researched the Novi School capacity but their operations team approved this project. Mayor Pro Tem Staudt confirmed that the project was not associated with Providence Hospital.

Member Mutch had 2 issues with the second sign request. He noted staff made a point that this area is a transition zone and he thought having more signage in this area was contrary to what they are trying to accomplish with the zoning district. The other concern was the southern entrance drive; it was going to eventually serve properties to the south and potentially to the west. He assumes all the properties will be developed with some kind of use. He questioned whether those developers will ask for similar requests. There may be multiple signs and defeating the purpose by creating clutter. He said they could potentially get a larger sign on the building if they had a single sign. He felt there would be two small signs and didn't think it was an effective solution.

Roll call vote on CM 16-04-049

Yeas: Wrobel, Gatt, Staudt, Burke, Casey, Markham, Mutch

Nays: None

5. Consideration to adopt resolution placing a question on the August 2016 ballot whether to authorize the City to levy a new millage for specific Capital Projects of up to 1.0 mill, for a period of 10 years, beginning with the 2017 tax year.

CM 16-04-050

Moved by Mutch, seconded by Staudt; UNANIMOUSLY CARRIED:

To approve resolution placing a question on the August 2016 ballot whether to authorize the City to levy a new millage for specific

PLANNING COMMISSION MEETING MINUTES
November 04, 2015



Draft excerpt from
PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

November 4, 2015 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 7:00 PM.

ROLL CALL

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

Absent: Member Anthony (excused), Member Zuchlewski (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner; Chris Gruba, Planner; Rick Meader, Landscape Architect; Jeremy Miller, Engineer; Doug Necci, Façade Consultant; Gary Dovre, City Attorney.

Member Baratta indicated that he is an employee of the Learning Care Academy and asked to be recused. Motion to recuse Member Baratta from the Learning Care Academy Public Hearing due to a conflict of interest motion made by Member Giacometti and seconded By Member Greco.

ROLL CALL VOTE TO RECUSE MEMBER BARATTA FROM THE LEARNING CARE ACADEMY PUBLIC HEARING MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER GRECO *Motion carried 4-0.*

1. LEARNING CARE ACADEMY JSP15-0057

Public hearing at the request of ICAP Development for recommendation to the City Council for Concept Plan approval under the Planned Suburban Low Rise Overlay District. The subject property is located on the west side of Beck Road north of Eleven Mile Road (Section 17). The applicant is proposing a child care facility to serve up to 170 children.

Planner Sri Komaragiri stated that ICAP development, on behalf of Learning Care Group, Inc., is proposing to construct a daycare facility in Novi. The subject property is located in the North West corner of Eleven Mile and Beck Road in Section 17. The property is currently zoned R-3: One-Family residential with a Planned Suburban Low-Rise (PSLR) Overlay which allows the applicant to develop the property to serve as a transitional area between lower-intensity detached one-family residential and higher-intensity office and retail uses. The subject property is surrounded by similar zoning with Residential Acreage on east on other side of Beck Road.

The Future Land Use map indicates Suburban Low-Rise for the subject property and the surrounding properties with single family uses recommended to the east.

The proposed site is adjacent to an existing wetland mitigation area (located to the northwest) that is associated with the Providence Hospital development. The site does appear to contain a small section of City-regulated Woodlands along the western edge of the property.

The subject property is currently vacant and measures 4.15 acres. The applicant is proposing to construct a daycare facility to serve 130 children and 22 staff with site improvements including parking, storm water, landscaping and recreation areas for children. The plans also indicate a future expansion of the building to

serve 170 kids and 26 staff. All site improvements such as parking and storm water management are designed to accommodate future expansion as well. The future building expansion is not shown on the plans that were initially submitted. However, the applicant has provided an updated phasing drawing which is in front of the Commission as shown on the screen. The areas indicated in red are reserved for a future possible expansion for the building and outdoor play area. The applicant is requesting the phasing approval in Planning Commission's recommendation to the City Council.

The applicant has been diligently working with staff to understand and address the intent and requirements of PSLR ordinance prior to initial submittal. Due to the proposed day care program and design requirements, the applicant is requesting multiple deviations from Zoning Ordinance. These deviations can be granted by the City Council per section 3.21.1.D of the zoning ordinance.

As per PSLR requirements, buildings shall front on a dedicated non-section line public street or an approved private drive. The applicant is proposing a public street along the southern boundary to meet this requirement. For all intents and purposes, this would be considered the front yard.

The applicant is requesting deviations from the maximum allowed front yard building setback; allow approximately 20 parking spaces, a dumpster and a fence in the front yard, and to exceed the maximum allowed accessory structures. The applicant agreed to revise the plans to address other deviations listed in the review letter. Planning supports the deviations requested and recommends approval of PSLR Concept Plan.

A sidewalk is required on either side of any proposed public road. The applicant requests a deviation not to provide the sidewalk around the cul-de-sac given that it is a temporary turn around with less intense use and is intended to connect to another street network once neighboring property is developed. Engineering is not in support of the request as it does not meet the requirements for a variance request. Our Engineer Jeremy Miller is here if the Planning Commission has any questions. Engineering also requests that the applicant work with staff to identify the proper limits of the proposed Right-of-way during preliminary site plan review. Engineering recommends approval of the concept plan subject to those comments.

The applicant is also requesting multiple deviations from the landscape standards: to allow the absence of screening along south and west property lines, to allow the absence of a berm along proposed public drive along southern property line, to allow the absence of required street trees around Cul-de-sac and to allow a reduction in the minimum required street trees. Staff agrees and supports all the deviations except the one requiring street trees around the cul-de-sac. The conversion of temporary cul-de-sac into future connection is dependent on the type of development and timing of development of the neighboring parcel, which is unknown at this moment. Given the uncertainty, staff is unable to support this deviation. Our landscape architect Rick Meader is available if the Planning Commission would like to expand on any of these requested deviations. With the above concerns noted, landscape recommends approval of the concept plan.

The proposed development is not expected to generate traffic volumes in excess of the City thresholds; therefore, additional traffic impact studies are not recommended at this time. However, the proposed future building expansion for up to 170 kids will produce an increased number of trips to the development. The applicant requested that the requirement for the Traffic Impact Study to be delayed until the time of future expansion. Traffic supports the requests and recommends approval of the concept plan.

The project is not proposing any impacts to the Providence Hospital development mitigation area. Existing trees are to remain and tree preservation/protection fencing shall be provided during the entire construction process. No further wetland and woodland review would be necessary unless the limit of disturbance changes. Both recommend approval.

The PSLR Ordinance promotes a "single family residential character". The proposed design would not be in technical compliance with the ordinance. However, it is in full compliance with material requirements and is compatible with buildings located on nearby Providence Park Hospital campus. For various factors listed in the review letter, the City's Façade consultant believes that the overall design is consistent with the intent and purpose to create a transition between uses of different intensity and recommends approval. The applicant also shared the revised elevations that include the future expansion. The Façade review is unaffected. Our Façade consultant Doug Necci is here with us tonight to answer any questions the Planning Commission may

have in that regard.

Fire recommends approval noting that the turn-around does not meet the Fire department standards, and should be modified on future submittals. The applicant has agreed to redesign to meet the requirements.

The Planning Commission is asked tonight to recommend approval of the Planned Suburban Low-Rise (PSLR) Overlay Concept Plan with Phased building construction, and future playground expansion to the City Council. The applicant Brian Adamson with ICAP development is here tonight and would like to talk briefly about the project. As always, staff will be glad to answer any questions you have for us.

Brian Adamson, ICAP Development stated that the focus on this development was the connectivity to the other properties in the PSLR District. That includes a future access point through our parking lot to the north property and the cul-de-sac that has been designed that at some point will be extended. The developer feels that it is unnecessary to put the sidewalk and trees in around the cul-de-sac because we do anticipate that road being extended at some point. However we do respect the staff's comments on that as well. Another item that we really focused on was the transitional basis between the PSLR from the residential to the south and to the east and the high density to the north. We did try to mold some of the same architectural elements in the materials from the medical building to the north to try to ease transition, and keeping this a one story building was important. The developer purchased a larger tract than they needed for this development. They realized that they are the first development in this PSLR and are very aware of the surroundings. The goal is to ease the transitions for other developments as they go from R-3 to PSLR.

The Learning Care Group is based in Novi and they have over 900 facilities across several countries. This development is a brand new prototype for them. This facility will be significantly higher end, more educational day care facility than their other facilities.

Chair Pehrson opened the Public Hearing to the audience. No one from the audience responded.

Member Lynch read the correspondence from Mark Yagerlener, Regional Director of Real Estate, Ascension Health, Providence Health. Mr. Yagerlener supports the plan.

Chair Pehrson closed the Public Hearing and turned the discussion over to the Planning Commission Members for consideration.

Member Lynch stated that the only question that he has is from the entrance through the parking lot to the north.

Mr. Adamson indicated on the overhead projector where the drive would be to the north. The property to the north is currently owned by the hospital.

Member Lynch also asked about the issue with the cul-de-sac.

Mr. Adamson responded that the City's engineering staff would like to see the sidewalk continue all the way around that entire cul-de-sac. The City's Landscaping Review also commented that we should have the trees all the way around the cul-de-sac. We feel that this is unnecessary for a couple reasons. Since this daycare will be the only development bringing people to this area, having a sidewalk on both sides of the street seems unnecessary. Having sidewalks installed now and then waiting perhaps 5-6 years before the entire project is developed, it decreases the useful life of the sidewalk without any real use. With the cul-de-sac we anticipate that being turned into more of a T intersection or a 90 degree turn. At that point we would have to tear out the trees and sidewalk anyway.

Member Lynch asked if there is a sidewalk along Beck Road.

Mr. Adamson responded that there is actually an 8 foot bike path to the north.

Member Greco questioned the City's landscape architect, Mr. Meader why it was necessary to have trees in the cul-de-sac at this time.

Mr. Meader responded that the concern is that no one knows when the road connection will be built. If this developer did put the trees around the cul de sac they could use them then as setback greenbelt trees. The developer wouldn't have to remove the trees when they redesign the cul-de-sac.

Member Greco questioned Engineer Jeremy Miller with regard to the sidewalks if his concern is similar to Mr. Meader's concerns.

Mr. Miller commented that they have not seen enough justification from the applicant why the sidewalks should not be put in. The timeline for the next project is also uncertain.

Member Greco asked John Halo, Director of Architect and Construction with the Learning Care Group if this is a new prototype or model or something different than the other facilities.

Mr. Halo responded that this is a new design with an enhanced offering for the school program. This building will be the first for this new program. There will be a mix of children starting with infants and toddlers all the way up to some school age kids.

Member Greco asked Mr. Halo if the expansion will be dependent on how the business goes.

Mr. Halo responded that the capacity of this school is based on licensing from the State will be in the range from 131-134 children. The future expansion gives them the ability to add on to the back and adapt the interior play area to what is specified in the State licensing.

Member Greco commented that he is leaning toward requiring the sidewalks and trees as per the recommendations from the staff.

Member Giacometti questioned if the cul-de-sac is supposed to be temporary until there is future development.

Mr. Halo responded that this is correct. He stated that in the PSLR ordinance they are required to provide access from a non-section line road. In this case, we are required to have a private or public road to the facility. The purpose of the road is to bring most of the traffic off of Beck before turning in to the facility. With that we are required by the Fire Department to create some ability for fire trucks to turn. That is really the function on the cul-de-sac until the rest of the PSLR properties around it are developed. The intention is that at some point there will be an extension to provide a public road into the south parcel.

Chair Pehrson asked if on Beck Road if that is a northbound lane, a southbound lane, with a center turn lane at the point where the development is.

Deputy Director McBeth stated that there is currently a center lane at that point both north and south of the proposed development.

Chair Pehrson stated his concern is the traffic on Beck and not having a full-fledged traffic study. Chair Pehrson said he needs more information that would be provided in a traffic study.

Motion by Member Greco and seconded by Member Lynch.

ROLL CALL VOTE ON THE PLANNED SUBURBAN LOW-RISE (PSLR) OVERLAY DEVELOPMENT AGREEMENT APPLICATION AND THE CONCEPT PLAN APPROVAL FOR THE LEARNING CARE ACADEMY, JSP15-57 MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.

In the matter of Learning Care Academy, JSP15-57, motion to recommend approval of the Planned Suburban Low-Rise (PSLR) Overlay Development Agreement Application and Concept Plan based on the following findings, City Council deviations, and conditions:

- a. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community. The proposed development and site design provide a reasonable transition from the higher intensity hospital uses and lower intensity single-family residential uses thereby meeting the intent of the PSLR**

Overlay District. The site itself includes provisions for future vehicular and pedestrian connections along the proposed Public drive and a proposed pathway along Beck Road that will benefit the community as a whole.

- b. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment. Given that the size of the site is less than 10 acres, a community impact statement is not required. The current site plan is not proposing any impacts to natural features and has minimal impacts on the use of public services, facilities and utilities.
- c. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties. The proposed building has been substantially buffered by proposed landscape and should minimally impact the surrounding properties.
- d. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of this Article [Article 3.1.27]. The proposed development meets the stated intent of the PSLR Overlay District to encourage transitional uses between higher intensity office and retail uses and lower intensity residential uses while maintaining the residential character of the area as outlined in this review letter.
- e. City Council deviations for the following as the Concept Plan provides substitute safeguards for each of the regulations and there are specific, identified features or planning mechanisms deemed beneficial to the City by the City Council which are designed into the project for the purpose of achieving the objectives for the District as stated in the planning review letter:
 1. City Council deviation from Section 3.21.2.A.ii and Section 3.1.27.D to exceed the maximum allowed front building setback 75 feet allowed; approximately 114 feet provided;
 2. City Council deviation from Section 3.21.2.A.iv to allow parking in the front yard approximately 20 spaces are provided;
 3. City Council deviation from Section 4.19.2.J to exceed the maximum allowed accessory structures on the site 2 allowed, 3 provided;
 4. City Council deviation from Section 4.19.2.F to allow proposed dumpster in the required front yard;
 5. City Council deviation from 5.11.2.A to allow proposed fence in the required front yard;
 6. The applicant shall provide sidewalk at the time of Preliminary Site Plan per staff's recommendation
 7. City Council deviation from section 5.5.3. to allow absence of screening of non-residential adjacent to non-residential property along south and west property line
 8. City Council deviation from Section 5.5.3.B.ii. to allow absence of required berm adjacent to public Right of Way along the proposed public drive and along the Southern property line
 9. The applicant shall provide street trees at the time of Preliminary Site Plan per staff's recommendation
 10. City Council deviation from Section 5.5.3.C.parking lot landscape to not provide the minimum required parking lot trees (21 required, 12 provided).
 11. Planning Commission recommends that City Council not to delay from the requirement of the Traffic Impact Study to the time of future expansion but provide the study at this time.
- f. The applicant updating the PSLR concept plan submittal to include the proposed phase lines and revised building elevations to include the future expansion as part of the PSLR concept plan, that were provided in electronic format for staff review;
- g. The applicant shall work with the City Engineer to determine the limits of future Right of Way around the proposed turn around.
- h. The applicant revising the plan to redesign the turnaround to meet the Fire department standards;
- i. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Preliminary Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0*

CITY COUNCIL MEETING MINUTES
November 23, 2015

Roll call vote on CM 15-11-164

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

Nays: None

4. Consideration for tentative approval of the request of Learning Care Academy, JSP15-57, for a Planned Suburban Low-Rise (PSLR) Overlay Development Agreement application and Concept Plan. The subject property is 4.15 acres of vacant land located on the west side of Beck Road, north of Eleven Mile Road, in Section 17. The applicant is proposing a child care facility to serve up to 170 children.

Assistant City Manager Cardenas said there is a need for child care in the City from his own experience.

Member Casey noted the applicant said there was no need to do a traffic study but now saw a letter that the study would be done as part of the preliminary process. She asked the applicant if that was correct. Matt Klawon, AECOM, said that it was correct. Because of the small amount of traffic it was initially not recommended, however they are considering a potential expansion at a future date and with that the Planning Commission decided to have it done because of concerns.

Member Mutch had concerns about how the proposed site is laid out. The things that were flagged in the report revolved around some of the variances requested from the Suburban Low-Rise Zoning District requirements. He noted an issue with the dumpster located in the front yard of the site and asked the applicant where it would be located. The applicant described where it would be located. The concern of putting the dumpster in the rear yard would be the safety of the children. Code requires they have access to the play area directly from all child care rooms inside the facility. Having the dumpster in the rear area would cause traffic to go inside that area by opening and closing the enclosure. Member Mutch asked if the opening of the dumpster faced Beck Road. The applicant said yes. Member Mutch said it was a small thing but would like them to look at alternative locations. He mentioned issues with the fencing. The applicant said the fence will be a six foot semi-private fence. The only chain link fence will be interior separations in the play yard between the different age groups. Member Mutch commented that the City has high standards and it is important to match those. He was concerned with another item on the site plan, a potential extension to the north, and asked how the traffic would function. The applicant answered when working with staff on several different iterations for the preliminary layout, one of the strong emphases was cross traffic with the other surrounding parcels that are also in the PSLR Overlay. The small parcel to the north is part of the Overlay. An emphases in the Overlay is access and traffic flow off of section line roads. What drove them was having a potential small access point to the property to the north and also, pushing a roadway south to be a connection access the two parcels to the south and west. They worked hard with staff to incorporate those two things. Given the size of the parcel to the north, they don't anticipate it being a large facility and also, the zoning will limit what is

permitted. There is the intention to incorporate all the parcels. Member Mutch asked if the roadway to the south of the site would be dedicated to the City in the future. The applicant said that it was requested by the Engineering Department that it becomes a dedicated road once completed. Member Mutch was concerned about the traffic flow along Beck Road because of the timing for the daycare center. The center will be busiest during morning and evening rush hours. He noted one of the goals of the Overlay zoning was to minimize the number of curb cuts on to Beck Road and Eleven Mile. It would have a road network that would service all the parcels so that there would not be potential conflicts. He was concerned about the second access road on Beck Road. The applicant said there is a center turn lane on Beck to provide for those movements. Member Mutch asked what kind additional traffic during the peak hours would be generated by the site. The applicant said the capacity as proposed is approximately 130 students and maximum capacity with the expansion it would increase to 170 students. If it goes above a hundred cars during peak hours, that triggers the typical traffic study for the City based on the comments made by the City's traffic engineer. The current study he provided was a study from the 800 facilities across the country. They saw an increase in traffic of about 48 cars in peak hours between 7am and 8am. It was not a significant amount. 130 students do not show up between 6am and 8 am and leave between 4pm and 6pm. This facility will focus on 6 week olds to 12 years olds students. There will be a lot of after school programs, before school programs and mid-day programs. So there will never be at one point 130 students in the facility at once. It will be spread out. In reality, it is the maximum capacity. True functional capacity will be less than that. He does not feel the amount of traffic that it's going to create will cause an issue of increased traffic flow to Beck Road. The coverage is significantly small on the property. They have 4 ½ acres with a proposed 11,000 square feet. Significantly smaller than a lot of other developments that could potentially go on the site. The expectation is the "to be" dedicated road will probably will be the southernmost access point that will be allowed on to Beck Road. That will provide access to the southern parcel when it is developed which will eliminate a need for another access road closer to 11 Mile Road. He would anticipate that northerly property having limited access. That was why they were trying to incorporate it into the parcel to try to eliminate as many access points on Beck as possible. Member Mutch noted Providence Park owns most of the property in that area with their own internal network that they have built. Member Mutch asked Deputy Community Development Director McBeth about the private network developing and whether there were any discussions with the property owners about making that happen. He knew one of the issues discussed by the Planning Commission was the timeline on the road and whether certain improvements should be required because there was no information on the rest of the properties. He would like to see more information on what will potentially happen with the other properties and how the road network will be built out and servicing the other properties at the corner. Ms. McBeth explained the possibilities of the surrounding properties. They looked at different road locations as possibilities. Initially, the applicant had just looked at the north part of the property but due to the site constraints and other concerns the property was expanded. The road as proposed would go along the south and potentially turn south to serve another parcel with points of access off Eleven Mile or Beck Roads. They considered it a good location. There is

concern about the exact stint of the right of way that would be dedicated. In discussing with the applicant it would have to be adjusted a little bit and keep the right of way at the very south of the property line so there is no problem providing access to the additional piece of property. Member Mutch asked where the road would network in the Providence property. Ms. McBeth explained using the projector to indicate where the road would go. Member Mutch asked if there was a road from Providence going south to Eleven Mile. Ms. McBeth said yes there was an early plan that showed a secondary access on the south but she hasn't seen a plan that would confirm that location. There has been some wetland mitigation off of Eleven Mile. Member Mutch confirmed that they have kept all the roads private. He didn't think it should hold up this project but he thought it was an element where City staff needs to sit down and talk to the various property owners in the area to determine what would be the appropriate route. He didn't want to see a lot of curb cuts on Eleven Mile and Beck Road or a road that goes nowhere because property owners decided they wanted a road going a different location with no way to connect them. He thought they should have some conversations with property owners in advance. For instance, meet with Providence to ask if they plan to go to Eleven Mile and if so, would there be an opportunity to connect into their roadway or not. Member Mutch asked the traffic consultant because of the property's proximity to Beck and Eleven Mile Roads will this function well as proposed with this daycare center. Also, he mentioned that this could service multiple parcels in the future. The consultant said that now the service drive would serve well for the development and for the potential future development. The proposed roadway is along the southern end of the road and would allow access to future development in the northwestern quadrant of the intersection versus if it was pushed further towards the northern end of the development because it would limit access to that section. He didn't have details of future developments so it is difficult to say what impact they would have. Once there is information for the developments the peak hours should be studied to see if there is any kind of restrictions but with one development there is no concern. Member Mutch asked if there were any improvements planned for Beck Road. The consultant said there is a left turn lane in the center to provide access for the left turn coming north on Beck Road. Member Mutch asked if the access would ever be signalized. The consultant said he couldn't say presently. Member Mutch confirmed it was unlikely they would put a signal there. The consultant said the first thought would be to restricting left out. Member Mutch noted that they didn't know what Beck would look like in the future. It was his primary concern. Over the long term, the area will be built out and the traffic would increase there. It may be a hazardous situation. He knows there are things that the staff and applicant are working on. He would like to see the traffic issues fully explored because he was concerned how the access would function over the long term.

CM 15-11-165

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

Tentative approval of the Planned Suburban Low-Rise (PSLR) Overlay Development Agreement Application and Concept Plan

based on the following findings, City Council deviations, and conditions, with the direction that the applicant shall work with the City Attorney's Office to prepare the required Planned Suburban Low-Rise Overlay Agreement and return to the City Council for Final Approval:

- a. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community. The proposed development and site design provide a reasonable transition from the higher intensity hospital uses and lower intensity single-family residential uses thereby meeting the intent of the PSLR Overlay District. The site itself includes provisions for future vehicular and pedestrian connections along the proposed Public drive and a proposed pathway along Beck Road that will benefit the community as a whole.
- b. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, and will not place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, or the natural environment. Given that the size of the site is less than 10 acres, a community impact statement is not required. The current site plan is not proposing any impacts to natural features and has minimal impacts on the use of public services, facilities and utilities.
- c. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed development will not cause a negative impact upon surrounding properties. The proposed building has been substantially buffered by proposed landscape and should minimally impact the surrounding properties.
- d. The proposed development will be consistent with the goals and objectives of the City of Novi Master Plan, and will be consistent with the requirements of this Article [Article 3.1 .27]. The proposed development meets the stated intent of the PSLR Overlay District to encourage transitional uses between higher intensity office and retail uses and lower intensity residential uses while maintaining the residential character of the area as outlined in the attached staff and consultant review letters.
- e. City Council deviations for the following, as the Concept Plan provides substitute safeguards for each of the regulations and there are specific, identified features or planning mechanisms deemed beneficial to the City by the City Council which are

designed into the project for the purpose of achieving the objectives for the District, as stated in the planning review letter:

1. Deviation from ordinance standard to exceed the maximum allowed front building setback (75 feet allowed; approximately 114 feet provided);
 2. Deviation from ordinance standard to allow parking in the front yard (approximately 20 parking spaces are provided);
 3. Deviation from ordinance standard to exceed the maximum allowed accessory structures on the site (2 allowed, 3 provided);
 4. Deviation from ordinance standard to allow proposed dumpster in the required front yard;
 5. Deviation from ordinance standard to allow proposed fence in the required front yard;
 6. Deviation from ordinance standard to allow absence of landscape screening along south and west property lines;
 7. Deviation from ordinance standard to allow absence of required berm adjacent to public Right of Way along the proposed public drive and along the Southern property line;
 8. Deviation from parking lot landscape ordinance standard to not provide the minimum required parking lot trees (21 required, 12 provided);
 9. Further, the Planning Commission did not recommend deviations of the following ordinance standards, as requested by the applicant, but instead offered the following:
 - i. The applicant shall provide sidewalk around both sides of the proposed cul-de-sac at the time of Preliminary Site Plan;
 - ii. The applicant shall provide street trees around the proposed cul-de-sac at the time of Preliminary Site Plan;
 - iii. The applicant shall provide the Traffic Impact Study prior to the PSLR Agreement and Plan returning to the City Council for Final Approval;
- f. The applicant shall update the PSLR concept plan submittal to include the proposed phase lines and revised building elevations to include the future expansion as part of the PSLR concept plan, that were provided in electronic format for staff review;
- g. The applicant shall work with the City Engineer to determine the limits of future Right of Way around the proposed turn around;
- h. The applicant shall revise the plan to redesign the turnaround to meet the Fire department standards;

- i. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Preliminary Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Roll call vote on CM 15-11-165

Yeas: Wrobel, Gatt, Staudt, Burke, Casey, Markham, Mutch

Nays: None

5. Approval to award the Community Development Suite Renovation, Furniture Replacement Project to ISCG Inc., the lowest bidder, in the amount of \$109,714 plus alternate number (1) Millwork in the amount of \$11,500.

CM 15-11-166

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the award of the Community Development Suite Renovation, Furniture Replacement Project to ISCG Inc., the lowest bidder, in the amount of \$109,714 plus alternate number (1) Millwork in the amount of \$11,500.

Roll call vote on CM 15-11-166

Yeas: Gatt, Staudt, Burke, Casey, Markham, Mutch, Wrobel

Nays: None

Public Hearing:

2. Collection and Disposal of Solid Waste: Refuse, Recyclables & Yard Waste & Other Services proposed Request for Proposals

Mayor Gatt wanted to clarify what the public hearing was about: He explained it was not about the City's right or authority to adopt the single waste hauler ordinance back in August of this year, or the merits of the Council's decision to do so. He explained it has been settled law in the United States for over a century that garbage collection and disposal is a core function of government, and that municipalities have the right to either regulate the private collection of garbage and refuse or to choose to undertake that service itself, either directly or through a private contractor. In fact, the United States Supreme Court case, in 1905, that affirmed the right of a city to give a single firm the contract to collect and dispose of garbage involved the City of Detroit. That case said, in no uncertain terms, that garbage and refuse are nuisances, and that it is up to the local municipality how to deal with them. Countless cases have also held since