

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 2
March 25, 2013

SUBJECT: Approval of the request of Toll Brothers, Inc. for The Meadows of Island Lake of Novi JSP12-65, for approval of the proposed Sixth Amendment to the Residential Unit Development (RUD) Agreement. The subject property to be included as part of the amendment is 40.68 acres of land located near the northeast corner of Ten Mile Road and Wixom Road. The applicant is proposing a 74 unit single family development that would be Phase 7 of the existing Island Lake of Novi development.

SUBMITTING DEPARTMENT: Community Development Department - Planning *Bans*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Toll Brothers is proposing to add a 40.68 acre parcel near the northeast corner of Ten Mile and Wixom Roads to the existing Island Lake RUD in order to construct 74 single-family residential units. The proposed road system would connect to existing Acorn Trail to the north in "The Vineyards" Phase 3C of Island Lake, and provide a new road connection to Wixom Road directly across from Drakes Bay Drive. The applicant indicates this phase would be considered part of the Island Lake community, sharing the existing clubhouse, open space and recreational facilities with the remainder of the development. The proposed "Meadows" phase is directly adjacent to other phases of Island Lake to the north, and on the west side of Wixom Road. The proposal also includes the following elements: a pocket park; a \$25,000 contribution to the Island Lake Homeowner's Association to be used for the expansion of the existing swimming pool deck; a sidewalk connection to the proposed Dinsler Drive sidewalk; a crosswalk on Wixom Road and the construction of approximately 928 feet of missing sidewalk within the Wixom Road right-of-way on the excluded property south of the proposed development.

There are currently 784 units constructed or approved in the existing Island Lake development. The addition of 74 units would bring the total number of units to 858 units, which is fewer than the amount permitted in the existing RUD Agreement (884 units). With the addition of the 40.68 acre parcel, the Island Lake of Novi Development will consist of 956.7 acres in total.

Approval Process

Amendments and revisions to an approved RUD plan shall require all procedures and conditions that are required for original submittal and review for amendments that are considered "major changes". The addition of land area is considered a "major change", so full review of the ordinance standards is necessary at this time.

The City Council approved the amended area plan on March 11, 2013. Relevant meeting minutes are attached. The applicant is now requesting approval of the Amended RUD Agreement. Following City Council approval of the Amended RUD Agreement, the preliminary site plan and subsequent plan submittals would follow the normal course of review and approval for standard site plans with review by staff and approval by the Planning Commission.

Lot Sizes

The applicant has requested a modification of the lot size and width requirements as follows:

- A reduction in the RA minimum lot size from 43,560 square feet to a minimum of 12,000 square feet.
- A reduction in the RA minimum lot width from 150 feet to 90 feet.

The City Council may modify lot size and width requirements where such modification will result in the preservation of open space for those purposes set forth in Section 2402.3B of the Zoning Ordinance and where the RUD will provide a genuine variety of lot sizes. The plans indicate that a total of 13.7 percent of the area in this phase will be maintained as open space. This is consistent with other phases of Island Lake of Novi, which has a variety of lot sizes throughout the development. This modification was included in the proposed area plan approved by the City Council on March 11, 2013 and has been included as a provision in the proposed Amended RUD Agreement.

Side Yard Setbacks

The applicant originally requested a three (3) foot reduction in the required ten (10) foot side yard building setback. While the City Council is authorized to grant deviations from the strict terms of the Zoning Ordinance, the Council elected not to include the deviation in the motion approving the proposed area plan and the applicant has agreed to meet all required building setbacks. This provision has not been included in the proposed Amendment RUD Agreement.

RECOMMENDED ACTION: Approval of the request of Toll Brothers, Inc. for The Meadows of Island Lake of Novi JSP12-65, for approval of the proposed Sixth Amendment to the Residential Unit Development (RUD) Agreement. This approval is subject to the Amended RUD Plan and all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 24 and 25, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.

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

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

MAPS
Location
Zoning
Future Land Use
Natural Features

Island Lake Meadows JSP12-65

Location



Map Author: Kristen Kapelanski
Date: 12-05-12
Project: Island Lake Meadows JSP12-65
Version #: 1.0

Map Legend
 Subject Property



City of Novi

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

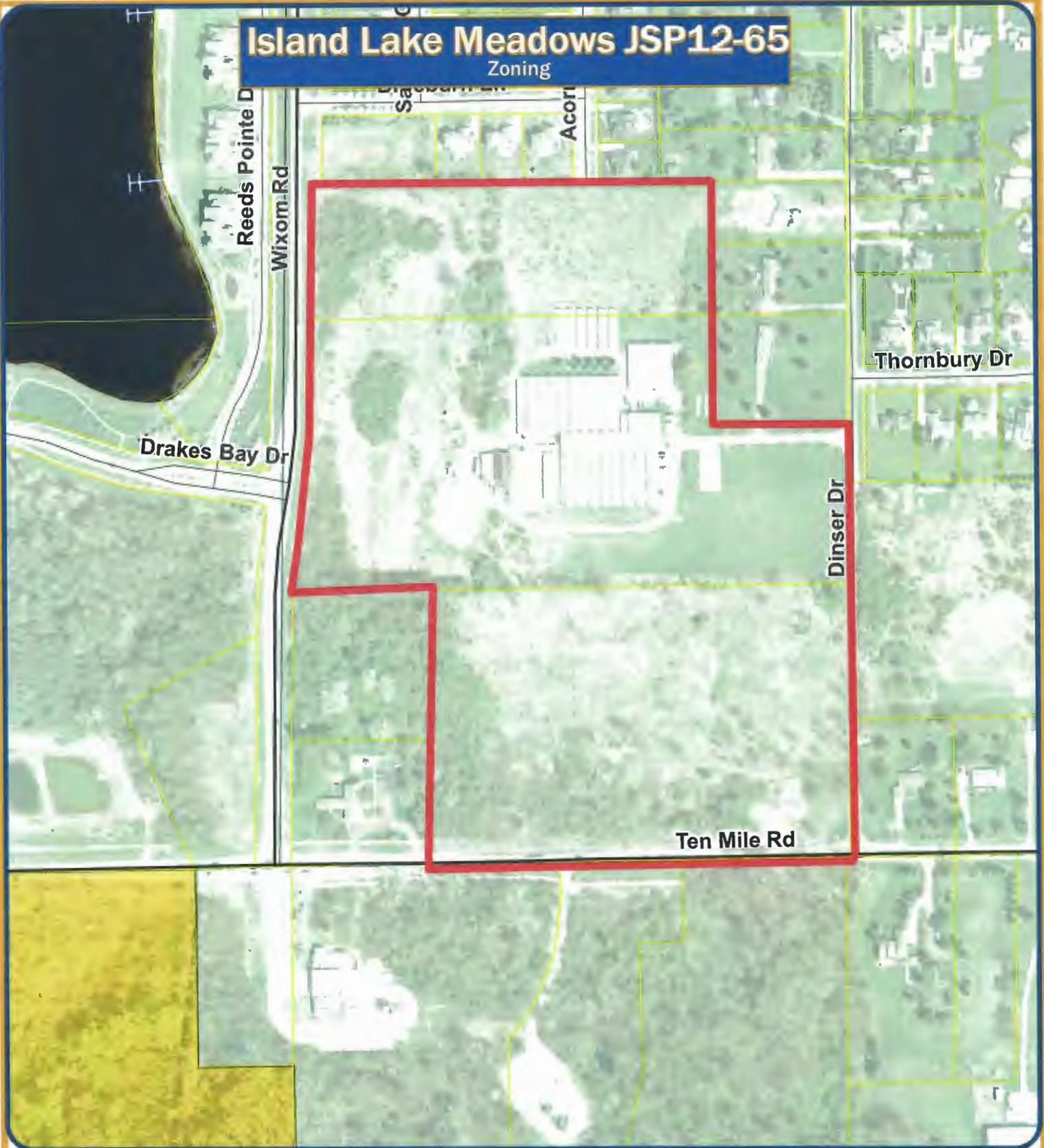
MAP INTERPRETATION NOTICE
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and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



inch = 314 feet

Island Lake Meadows JSP12-65

Zoning



Map Author: Kristen Kapelanski
Date: 12-05-12
Project: Island Lake Meadows JSP12-65
Version #: 1.0

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Map Legend

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



City of Novi

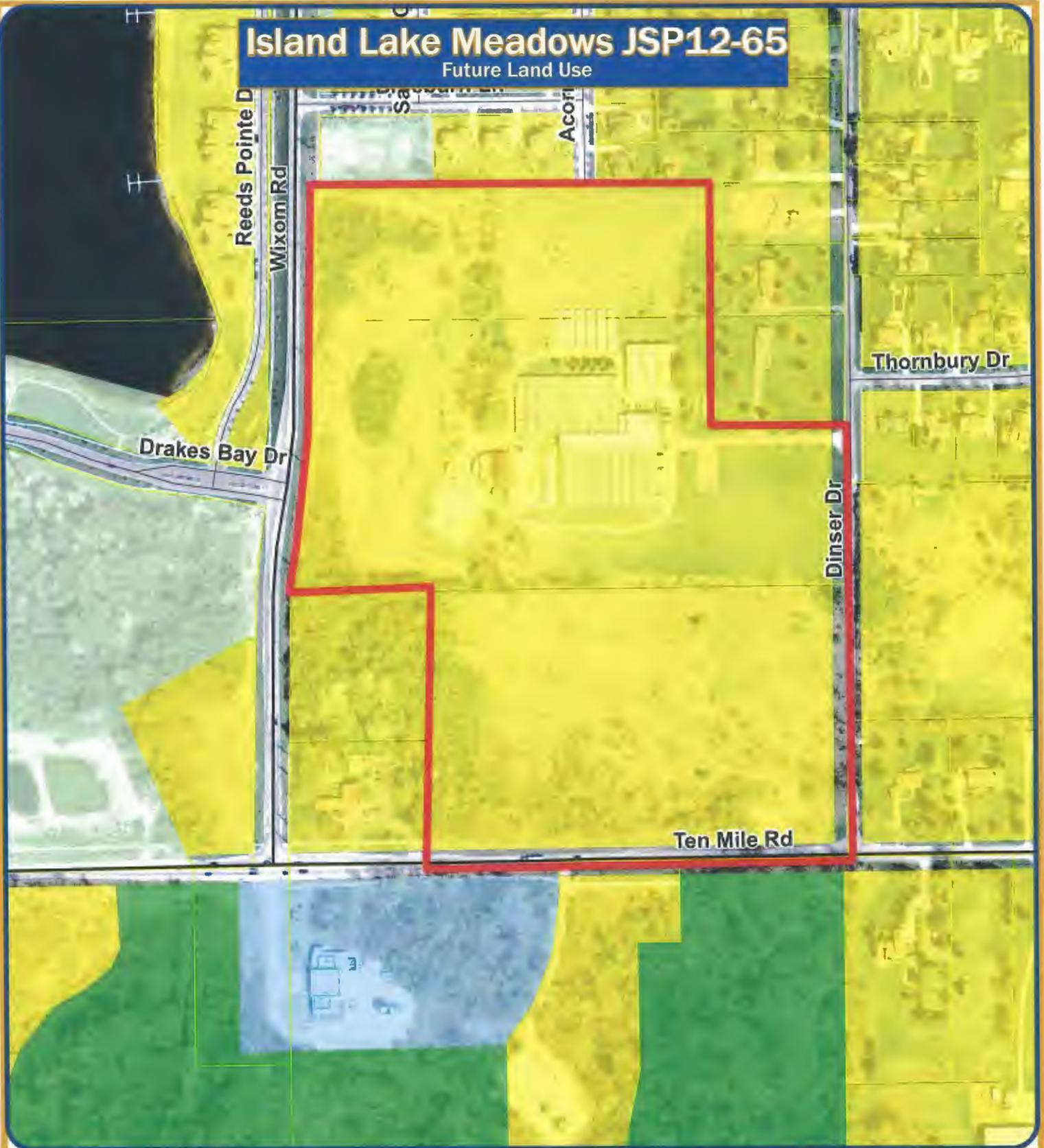
Planning Division
Community Development
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Novi, MI 48375
cityofnovi.org



1 inch = 314 feet

Island Lake Meadows JSP12-65

Future Land Use



Map Author: Kristen Kapelanski
Date: 12-05-12
Project: Island Lake Meadows JSP12-65
Version #: 1.0

Map Legend	
	Subject Property
	Single Family
	Public
	Public Park
	Private Park

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City of Novi

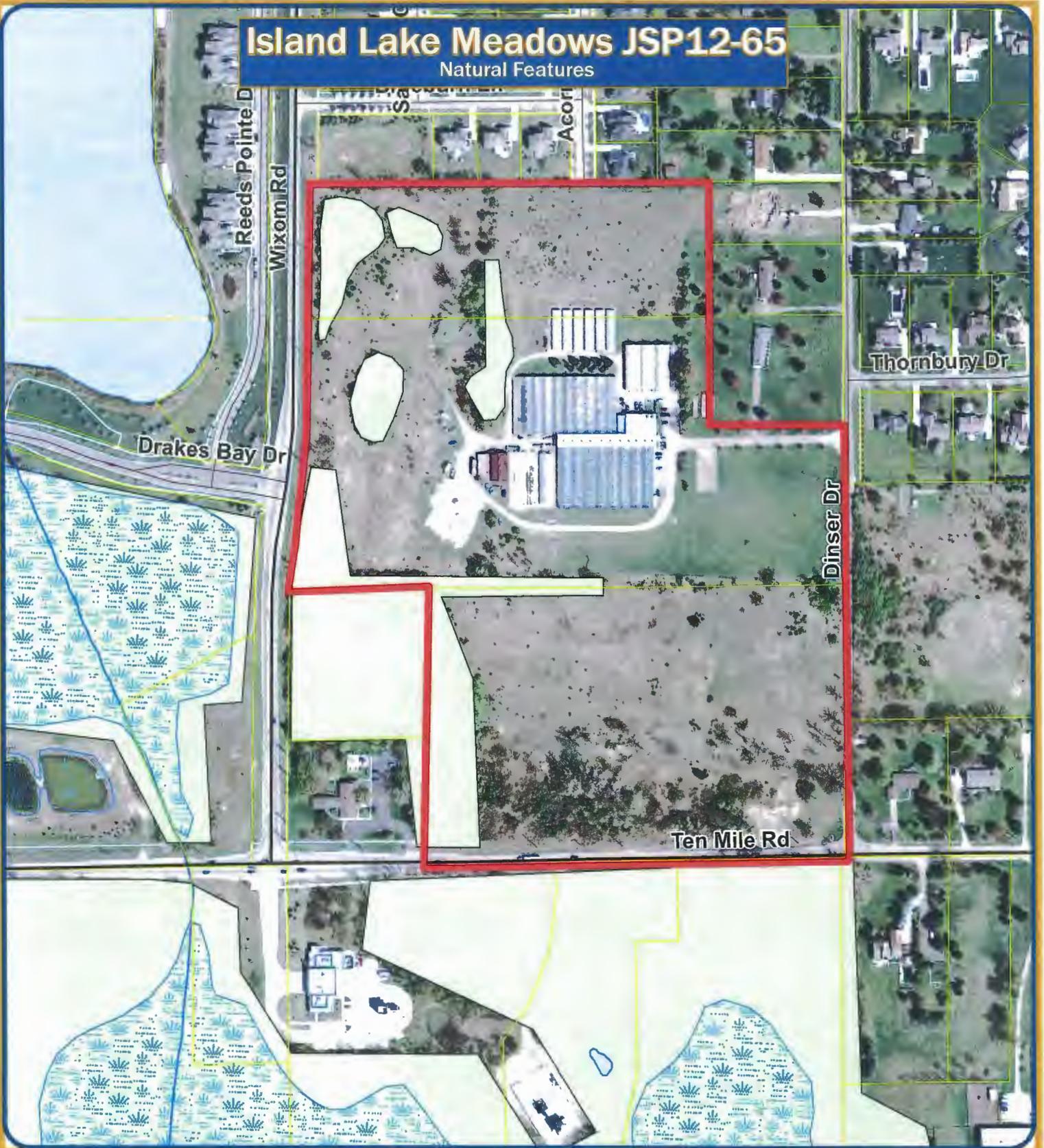
Planning Division
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1 inch = 314 feet

Island Lake Meadows JSP12-65

Natural Features



Map Author: Kristen Kapelanski
 Date: 12-05-12
 Project: Island Lake Meadows JSP12-65
 Version #: 1.0

Map Legend

-  Subject Property
-  Wetlands
-  Woodlands



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1 inch = 314 feet

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SITE PLAN



ALLEN DESIGN
 LAND PLANNING / LANDSCAPE ARCHITECTURE
 517 CARPENTER + NORTHVILLE, MI 48167
 248 467 4468 • Fax 248 349 9559
 Email: pa@alendesign.com



Seal:

Title:
Preliminary Plan

Project:
**Island Lake of Novi
 Novi, Michigan**

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

Revision:	Issued:
Submitted	October 11, 2012
Submitted	November 9, 2012
Revised	November 28, 2012

Job Number:
 12 017

Drawn By:	Checked By:
pa	pa



Sheet No.

L-1

**SIXTH AMENDMENT TO
RESIDENTIAL UNIT DEVELOPMENT AGREEMENT**

**SIXTH AMENDMENT TO
RESIDENTIAL UNIT DEVELOPMENT AGREEMENT**

ISLAND LAKE OF NOVI (FORMERLY KNOWN AS "HARVEST LAKE OF NOVI")

This Sixth Amendment to Residential Unit Development Agreement ("the Sixth Amendment") is made and entered into as of this _____ day of _____, 2013, by and between the CITY OF NOVI, a Michigan municipal corporation (the "City"), whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, and TOLL MI II LIMITED PARTNERSHIP, a Michigan limited partnership ("Toll"), whose address is 29655 William K. Smith Drive, Suite B, New Hudson, Michigan 48165.

RECITALS:

A. On or about February 9, 1998, the City entered into a certain Residential Unit Development Agreement (the "Original RUD Agreement") with Harvest Land Company, L.L.C., a Michigan limited liability company ("Harvest Land"), with respect to a certain development established and approved as a residential unit development pursuant to Section 2404 of the City of Novi Zoning Ordinance under the name "Harvest Lake of Novi". The Original RUD Agreement was recorded on March 31, 1998 at Liber 18279, Pages 716 through 855, both inclusive, Oakland County Records. The land included in the Harvest Lake of Novi Residential Unit Development (now known as the "Island Lake of Novi Residential Unit Development" and hereinafter referred to as the "RUD") is legally described in the attached Exhibit "A".

B. On or about July 22, 1999, the City entered into a certain First Amendment of Residential Unit Development Agreement (the "First Amendment") with Harvest Land pursuant to Section 2404.17 of the City of Novi Zoning Ordinance to amend certain aspects of the area plan for the RUD. The First Amendment was recorded at Liber 20818, Pages 15 through 40, both inclusive, Oakland County Records.

C. On or about November 1, 1999, Toll acquired the land then included in the RUD, except for approximately 104.2 acres located east of Wixom Road and acquired by the City of Novi and the Novi Community School District. Toll also accepted all of the rights, interests and obligations granted and imposed on the owners of land in the RUD with the execution of the Original RUD Agreement and the First Amendment by Harvest Land.

D. After acquiring title to the residential development portions of the RUD and the rights of the property owners under the Original RUD Agreement, as amended, Toll secured the City's approval of a change in the name of the RUD to "Island Lake of Novi" as permitted by paragraph 2 of the aforesaid First Amendment.

E. On or about April 7, 2003, the City and Toll entered into a certain Second Amendment to the Residential Unit Development Agreement (the "Second Amendment") to reflect the addition of certain land to the RUD and certain other aspects of the RUD related to the configuration of the roads and walkways and related improvements: The Second Amendment was recorded at Liber 29801, Pages 7 through 23, both inclusive, Oakland County Records. The land added to the RUD pursuant to the Second Amendment is also legally described in the attached Exhibit "A".

F. On or about July 21, 2003, the City and Toll entered into a certain Third Amendment to the Residential Unit Development Agreement (the "Third Amendment") to reflect the amendment to the Phasing Plan set forth in the Original RUD Agreement. The Third Amendment was recorded at Liber 30402, Pages 1 through 15, both inclusive, Oakland County Records.

G. On or about February 11, 2005, the City and Toll entered into a certain Fourth Amendment to the Residential Unit Development Agreement (the "Fourth Amendment") to provide for the removal, reconstruction and rehabilitation of an existing 1860's era barn from its original site within the open park area located near the southwest corner of the lake known as "Island Lake" to a new site within Maybury State Park in Northville Township or to another site acceptable to both the City and Toll. The Fourth Amendment was recorded at Liber 35126, Pages 758 through 772, both inclusive, Oakland County Records.

H. On or about March 5, 2005, the City and Toll entered into a certain Fifth Amendment to the Residential Unit Development Agreement (the "Fifth Amendment") to reflect the addition of certain land, approximately ten (10) acres in area located on Ten Mile Road and immediately adjacent to a portion of Phase 4 of the RUD, to the RUD and certain other aspects of the RUD related to the configuration of the roads and walkways and related improvements. The Fifth Amendment was recorded at Liber 35126, Pages 773 through 794, both inclusive, Oakland County Records.

I. Since undertaking the development of the Island Lake of Novi RUD, Toll has acquired a parcel of land measuring approximately 40.7 acres in area located north of Ten Mile Road and east of Wixom Road and immediately adjacent to Phase 3C of the RUD. The portion of Phase 3C located adjacent to the 40.7-acre parcel (referred to herein as the "Additional Parcel") has been developed as site condominium units and related open space as part of an established condominium project known as "Island Lake Vineyards" an identified as Oakland County Condominium Subdivision Plan 1271. The Additional Parcel is legally described In the attached Exhibit "B".

J. Upon determining that including the Additional Parcel in the RUD would further the objectives of the RUD, Toll applied for and obtained the approval of the City Council of

Novi for the additional of the Additional Parcel to the RUD as documented by the minutes of the March 11, 2013 meeting of the Novi City Council.

K. Toll and the City of Novi now wish to further amend the Original RUD Agreement to include the Additional Parcel in the RUD Agreement consistent with the revised RUD and to document the terms and conditions applicable to the revised RUD.

NOW, THEREFORE, in consideration for the mutual covenants provided herein, the parties agree as follows:

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Inclusion of the Additional Parcel in the RUD. The additional Parcel described in Exhibit "B" attached hereto is hereby added to the RUD and the legal description of the RUD set forth in Exhibit "A" is hereby revised to include the land legally described in the attached Exhibit "B" (the "Revised RUD"). The location of the Additional Parcel in relation to the remainder original RUD is depicted on the attached Exhibit "C".

2. Development of the Additional Parcel. The additional Parcel shall be developed as the site of up to Seventy-Four (74) site condominium units, each of which shall comprise the site of a single family home, consistent with the revised RUD Plan, and approved final site plan.

3. Toll Obligations. In requesting the Revised RUD Plan, Toll has expressed its intent to develop the Additional Parcel in conformance with the following undertakings and forbearances by Toll:

a. Except as expressly set forth herein, and as set forth in the Revised RUD Plan, Toll shall develop the Additional Parcel in accordance with all applicable ordinances and regulations. More specifically, except for the following deviations, no deviations from the provisions of the City's ordinances are contemplated:

- i. The minimum lot size for the Additional Parcel shall be 12,000 sq. feet.
- ii. The minimum lot width for the Additional Parcel shall be 90 feet
- iii. Building setbacks shall be consistent with the approved minimum lot sizes, as follows:

Front: 30 feet

Rear: 35 feet

Side: 10 feet

- iv. Toll shall be permitted to discontinue the installation of berms in those locations that include existing mature vegetation and protected trees, as shown in the approved site plan and landscape plan for the Additional Parcel.
- v. Toll shall be permitted to discontinue the installation of berms where located next to proposed storm water basins along Wixom Road, as shown

in the approved site plan and landscape plan for the Additional Parcel.

- b. The attachment of the Revised RUD Plan to this Amendment shall not be construed as granting Toll the right to construct the improvements as shown in the Revised RUD Plan, and Toll's right to develop the plan shall be subject to and in accordance with all applications, reviews, approvals, permits, and requirements under applicable laws, ordinances, and regulations, including but not limited to , site plan approval, storm water management plan approval, woodland and wetland permit requirements, landscape plan approval, and engineering plan approval. The following conditions and undertakings shall be completed by Toll:
- i. Toll shall set aside 13.17% of the Additional Parcel for the creation of open space, a portion of which shall be comprised of a recreation area, as shown in the approved RUD Plan, landscape plan and final site plan for the Additional Parcel. Furthermore, Toll shall provide an appropriate easement or mechanism for ensuring the perpetual preservation and maintenance of the open space and recreation areas within the Master Deed for the Additional Parcel,
 - ii. Toll shall contribute \$25,000 to the Island Lake of Novi Homeowners Association to be used for the expansion of the existing swimming pool deck;
 - iii. Toll shall construct a sidewalk connection to the proposed Dinser Drive as shown in the Revised RUD Plan and approved final site plan.
 - iv. Toll shall construct a crosswalk on Wixom Road as shown in the Revised RUD Plan and approved final site plan;
 - v. Toll shall construct 928 feet of missing sidewalk as show in the Revised RUD Plan and approved final site plan.
- c. The overall density permitted in the RUD shall remain unchanged (at 884 units) and the addition of the 40.7 acres to the RUD shall not entitle Toll to any additional development rights or approvals beyond those described in this Agreement.

4. Amendment to Area Plan. The Area Plan for the RUD is hereby amended as described in the Summary of Proposed Amendment to the RUD (Island Lake of Novi Residential Unit Development Draft Report Addendum December 21, 2012) to reflect the Inclusion of the Additional Parcel as set forth herein, said Summary of Proposed Amendment being attached hereto as Exhibit "D". The Revised Open Space Summary per Revised Area Plan, December 2012 and the Revised Land Use Summary per Revised Area Plan included in the attached Exhibit "D" hereby supersede all previous versions of those summaries to reflect the Area Plan as hereby amended.

5. Continuing Effect of Original RUD, as Amended. Except for the revisions described herein, the Original RUD Agreement, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Sixth Amendment on the date first written above.

WITNESSES:

“CITY”

CITY OF NOVI, a Michigan municipal corporation

By: _____
Robert J. Gatt
Its: Mayor

By: _____
Maryanne Cornelius
Its: Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this ____ day of _____ 2013, by Robert J. Gatt, the Mayor and Maryanne Cornelius, the Clerk of the City of Novi, a Michigan municipal corporation, on behalf of the municipal corporation.

NOTARY PUBLIC
County of _____, State of Michigan

My Commission Expires:
Acting in _____ County

“TOLL”

TOLL MI II LIMITED PARTNERSHIP, a Michigan limited partnership

By: Toll MI GP Corp.,
A Michigan corporation,
General Partner

By: _____
Keith L. Anderson

STATE OF MICHIGAN

) ss.
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this _____ day of _____
2013, by Keith L. Anderson, Group President of Toll MI GP Corp., a Michigan municipal
corporation, on behalf of the limited partnership.

NOTARY PUBLIC
County of _____, State of Michigan

My Commission Expires:
Acting in _____ County

THIS INSTRUMENT DRAFTED BY:

WHEN RECORDED RETURN TO:

Maryanne Cornelius, Clerk
City of Novi
45175 Ten Mile
Novi, MI 48375

SCHEDULE OF EXHIBITS

EXHIBIT A
LEGAL DESCRIPTIONS

EXHIBIT B
ADDITIONAL PARCEL
LEGAL DESCRIPTION

EXHIBIT C
LOCATION OF
ADDITIONAL PARCEL

EXHIBIT D
REVISED OPEN SPACE SUMMARY
REVISED LAND USE SUMMARY

**EXHIBIT A
LEGAL DESCRIPTIONS**

EXHIBIT "A"

**LAND INCLUDED IN THE ISLAND LAKE OF NOVI
RESIDENTIAL UNIT DEVELOPMENT (FORMERLY KNOWN AS
THE HARVEST LAKE OF NOVI RESIDENTIAL UNIT DEVELOPMENT)**

LAND LOCATED IN SECTIONS 17, 18, 19 AND 20, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AND COMPRISED OF TEN (10) PARCELS IDENTIFIED AS PARCELS "A" THROUGH "J", BOTH INCLUSIVE, AND LEGALLY DESCRIBED BY DESCRIPTIONS SET FORTH ON THE FOLLOWING FIVE (5) PAGES.

PARCEL "A"

A PARCEL OF LAND LOCATED IN PART OF THE N.E. 1/4 OF SECTION 18, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT A POINT DISTANT N. 89°23'05" W. 990.00 FEET ALONG THE EAST AND WEST 1/4 LINE OF SECTION 18 FROM THE EAST 1/4 CORNER OF SECTION 18; THENCE FROM SAID POINT OF BEGINNING AND CONTINUING ALONG SAID EAST AND WEST 1/4 LINE OF SECTION 18 N. 89°23'05" W. 1,658.14 FEET TO THE CENTER OF SECTION 18; THENCE N. 00°22'24" W. 312.35 FEET ALONG THE NORTH AND SOUTH 1/4 LINE OF SECTION 18; THENCE S. 89°23'05" E. 2,646.45 FEET; THENCE ALONG THE EAST LINE OF SECTION 18 AND CENTERLINE OF WIXOM ROAD (66 FEET WIDE) S. 00°41'00" E. 180.35 FEET; THENCE N. 89°23'05" W. 990.00 FEET; THENCE S. 00°41'00" E. 132.03 FEET TO THE POINT OF BEGINNING CONTAINING 15.98 ACRES OF LAND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER WIXOM ROAD.

PARCEL "B"

A PARCEL OF LAND LOCATED IN PART OF THE S.W. 1/4 OF SECTION 17, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF 17 AND PROCEEDING ALONG THE WEST LINE OF SECTION 17 AND CENTERLINE OF WIXOM ROAD (66 FEET WIDE) N. 00°40'10" W. (500.00 FEET RECORD), 500.10 FEET MEASURED; THENCE N. 89°59'55" E. 800.00 FEET; THENCE N. 00°40'10" W. 610.00 FEET; THENCE S. 89°59'55" W. 800.00 FEET; THENCE ALONG SAID WEST LINE OF SECTION 17 AND WIXOM ROAD CENTERLINE N. 00°40'10" W. 899.93 FEET; THENCE S. 89°57'24" E. 2,422.42 FEET; THENCE S. 00°29'32" W. 1,330.22 FEET; THENCE N. 89°57'12" W. 422.53 FEET; THENCE S. 00°13'05" W. 678.19 FEET; THENCE ALONG THE SOUTH LINE OF SECTION 17 AND CENTERLINE OF ELEVEN MILE ROAD (66 FEET WIDE) S. 89°59'55" W. 1,962.40 FEET TO THE POINT OF BEGINNING CONTAINING 93.03 ACRES OF LAND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER WIXOM AND ELEVEN MILE ROADS.

PARCEL "C"

A PARCEL OF LAND LOCATED IN PART OF THE S. 1/2 OF SECTION 18, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT THE SOUTHWEST 1/4 CORNER OF SAID SECTION 18 AND PROCEEDING ALONG THE WEST LINE OF SECTION 18 AND CENTERLINE OF NAPIER ROAD (33 FEET WIDE, 1/2 WIDTH), N. 00°20'46" E. 726.63 FEET; THENCE S. 89°48'18" E. 2,670.92 FEET; THENCE ALONG THE NORTH AND SOUTH 1/4 LINE OF SECTION 18 (AS DESCRIBED), N. 00°53'02" W. 1,977.53 FEET TO THE CENTER OF SECTION 18; THENCE ALONG THE EAST AND WEST 1/4 LINE OF SECTION 18 S. 89°23'05" E. 2,648.14 FEET TO THE EAST 1/4 CORNER OF SECTION 18; THENCE ALONG THE EAST LINE OF SECTION 18 AND CENTERLINE OF WIXOM ROAD (66 FEET WIDE) S. 00°40'10" E. 2,638.71 FEET TO THE SOUTHEAST CORNER OF SECTION 18; THENCE ALONG THE SOUTH LINE OF SECTION 18 S. 88°58'37" W. 2,637.37 FEET TO THE SOUTH 1/4 CORNER OF SECTION 18; THENCE CONTINUING ALONG SAID SOUTH LINE OF SECTION 18 N. 89°35'23" W. 2,686.73 FEET TO THE SOUTHWEST CORNER OF SECTION 18 AND THE POINT OF BEGINNING CONTAINING 207.35 ACRES OF LAND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER WIXOM AND NAPIER ROADS.

PARCEL "D"

A PARCEL OF LAND LOCATED IN PART OF THE N. 1/2 OF SECTION 19, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 19 AND PROCEEDING ALONG THE WEST LINE OF SECTION 19 AND CENTERLINE OF NAPIER ROAD (33 FEET WIDE, 1/2 WIDTH), N. 00°24'29" E. 2,631.46 FEET TO THE NORTHWEST CORNER OF SECTION 19; THENCE ALONG THE NORTH LINE OF SAID SECTION 19 S. 89°35'23" E. 2,686.73 FEET TO THE NORTH 1/4 CORNER OF SECTION 19; THENCE N. 88°58'37" E. 2,637.37 FEET TO THE NORTHEAST CORNER OF SECTION 19; THENCE ALONG THE EAST LINE OF SECTION 19 AND CENTERLINE OF WIXOM ROAD (66 FEET WIDE) S. 00°17'45" W. 2,310.99 FEET; THENCE S. 89°48'12" W. 1,347.14 FEET; THENCE S. 01°01'19" E. 330.03 FEET; THENCE ALONG THE EAST AND WEST 1/4 LINE OF SECTION 19 S. 89°48'12" W. 3,989.19 FEET TO THE WEST 1/4 CORNER OF SECTION 19 AND POINT OF BEGINNING CONTAINING 310.11 ACRES OF LAND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER WIXOM AND NAPIER ROADS.

PARCEL "E"
LESS 2.93 ACRE PARCEL

A PARCEL OF LAND LOCATED IN PART OF THE S. 1/2 OF SECTION 19, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT A POINT DISTANT S. 89°50'26" W. 230.64 FEET ALONG THE SOUTH LINE OF SAID SECTION 19 AND CENTERLINE OF 10 MILE ROAD FROM THE SOUTHEAST CORNER OF SECTION 19; THENCE FROM SAID POINT OF BEGINNING AND CONTINUING ALONG SAID SOUTH LINE OF SECTION 19 AND 10 MILE ROAD CENTERLINE S. 89°50'26" W. 1,088.56 FEET; THENCE N. 01°16'58" E. 1,317.25 FEET; THENCE N. 89°36'35" W. 1,038.10 FEET; THENCE S. 89°52'13" W. 334.24 FEET; THENCE S. 00°58'36" W. (1,326.96 FEET) RECORD, 1,327.27 FEET MEASURED; THENCE ALONG SAID SOUTH LINE OF SECTION 19 AND TEN MILE ROAD CENTERLINE S. 89°46'54" W. 985.50 FEET; THENCE N. 00°58'36" E. 1,326.96 FEET; THENCE S. 89°29'07" W. 1,615.78 FEET; THENCE ALONG THE WEST LINE OF SECTION 19 AND CENTERLINE OF NAPIER ROAD (33 FEET WIDE) N. 00°36'10" E. 1,315.36 FEET TO THE WEST 1/4 CORNER OF SECTION 19; THENCE ALONG THE EAST AND WEST 1/4 LINE OF SECTION 19 N. 89°48'12" E. 5,285.72 FEET TO THE WEST RIGHT-OF-WAY LINE OF WIXOM ROAD (86 FEET WIDE); THENCE THE FOLLOWING FIVE (5) COURSES AND DISTANCES ALONG SAID WEST LINE OF WIXOM ROAD S. 01°43'29" W. 1,545.25 FEET, 74.16 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 607.00 FEET, A CENTRAL ANGLE OF 06°59'59", A CHORD LENGTH OF 74.11 FEET AND A CHORD BEARING OF S. 05°13'21" W., S. 08°43'28" W. 273.33 FEET, 84.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 693.00 FEET, A CENTRAL ANGLE OF 06°59'59", A CHORD LENGTH OF 84.61 FEET AND A CHORD BEARING OF S. 05°13'45" W. AND S. 01°43'29" W. 112.17 FEET; THENCE N. 88°16'27" W. 17.00 FEET; THENCE S. 62°28'04" W. 345.32 FEET; THENCE S. 22°30'38" E. 423.30 FEET TO THE POINT OF BEGINNING CONTAINING 223.67 ACRES OF LAND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OF ANY GOVERNMENTAL AGENCY OVER 10 MILE ROAD AND NAPIER ROADS.

PARCEL "F"

A PARCEL OF LAND LOCATED IN PART OF THE N.W. 1/4 OF SECTION 20, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 20 AND PROCEEDING ALONG THE NORTH LINE OF SECTION 20 AND CENTERLINE OF ELEVEN MILE ROAD (66 FEET WIDE) N. 89°59'55" E. 233.00 FEET; THENCE S. 00°00'05" E. 233.00 FEET; THENCE N. 89°59'55" E. 100.00 FEET; THENCE S. 00°00'05" E. 133.00 FEET; THENCE N.

89°59'55" E. 357.00 FEET; THENCE N. 01°06'10" E. 366.07 FEET; THENCE ALONG SAID NORTH LINE OF SECTION 20 AND ELEVEN MILE ROAD CENTERLINE N. 89°59'55" E. 49.60 FEET; THENCE S. 00°58'40" W. 1,323.61 FEET; THENCE N. 89°47'42" W. 730.90 FEET ALONG THE NORTH LINE "BIRCHWOODS SUBDIVISION" RECORDED IN LIBER 166, PAGE 16, OAKLAND COUNTY RECORDS; THENCE ALONG THE CENTERLINE OF WIXOM ROAD (66 FEET WIDE) N. 00°17'45" E. 1,320.80 FEET TO THE POINT OF BEGINNING CONTAINING 18.86 ACRES BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER WIXOM ROAD.

PARCEL "G"

A PARCEL OF LAND LOCATED IN PART OF THE S.W. 1/4 OF SECTION 20, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT A POINT DISTANT S. 89°34'55" E. 43.01 FEET ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION 20 AND CENTERLINE OF OLD WIXOM ROAD (86 FEET WIDE) FROM THE WEST 1/4 CORNER OF SECTION 20; THENCE FROM SAID POINT OF BEGINNING AND CONTINUING ALONG SAID EAST AND WEST 1/4 LINE AND OLD WIXOM ROAD CENTERLINE S. 89°34'55" E. 814.97 FEET; THENCE S. 00°45'16" W. 1,002.50 FEET; THENCE N. 89°26'50" W. 831.91 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF WIXOM ROAD N. 01°43'29" E. 1,000.79 FEET TO THE POINT OF BEGINNING CONTAINING 18.93 ACRES AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER OLD WIXOM ROAD.

PARCEL "H"

A PARCEL OF LAND LOCATED IN PART OF THE S.W. 1/4 OF SECTION 17, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT A POINT DISTANT N 00°40'10" W. (500.00 FEET RECORD), 500.10 FEET MEASURED ALONG THE WEST LINE OF SECTION 17 AND CENTERLINE OF WIXOM ROAD (66 FEET WIDE) FROM THE SOUTHWEST CORNER OF SECTION 17; THENCE FROM SAID POINT OF BEGINNING AND CONTINUING ALONG SAID WEST LINE OF SECTION 17 AND WIXOM ROAD CENTERLINE N. 00°40'10" W. 610.00 FEET; THENCE N. 89°59'55" E. 800.00 FEET; THENCE S. 00°40'10" E. 610.00 FEET; THENCE S. 89°59'55" W. 800.00 FEET TO THE POINT OF BEGINNING CONTAINING 11.20 ACRES OF LAND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER WIXOM ROAD.

PARCEL "I"

A PARCEL OF LAND LOCATED IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AND LEGALLY DESCRIBED AS FOLLOWS:

A PART OF NORTHEAST 1/4 OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 19, FOR A POINT OF BEGINNING, THENCE SOUTH 86°22'40" WEST, 1338.16 FEET, ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION 19; THENCE NORTH 02°42'01" WEST, 164.88 FEET; THENCE NORTH 86°22'40" EAST, 1336.91 FEET, TO THE EAST LINE OF SAID SECTION 19 AND THE CENTERLINE OF WIXOM ROAD; THENCE SOUTH 03°08'01" EAST, 164.87 FEET, ALONG THE EAST LINE OF SAID SECTION 19 AND THE CENTERLINE OF SAID WIXOM ROAD, TO THE POINT OF BEGINNING. ALL OF THE ABOVE CONTAINING 5.062 ACRES. ALL OF THE ABOVE BEING SUBJECT EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAYS OF RECORD. ALL OF THE ABOVE BEING SUBJECT TO THE RIGHTS OF THE PUBLIC IN WIXOM ROAD.

PARCEL "J" (SOMETIMES REFERRED TO AS ISLAND LAKE PHASE 5C)

A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 19 FOR A POINT OF BEGINNING; THENCE SOUTH 86°21'12" WEST 38.00 FEET (PREVIOUSLY DESCRIBED AS SOUTH 89°18'00" WEST), ALONG THE SOUTH LINE OF SAID SECTION 19 AND THE CENTERLINE OF TEN MILE ROAD, TO THE SOUTHEAST CORNER OF "ISLAND LAKE ORCHARDS", OAKLAND COUNTY CONDOMINIUM PLAN NO. 1552, AS RECORDED IN LIBER 30468, PAGE 611 THROUGH 689, AS AMENDED, (SAID POINT BEING NORTH 86°21'12" EAST, 2592.36 FEET, FROM THE SOUTHWEST CORNER OF SAID SECTION 19); THENCE NORTH 02°20'47" WEST, 1326.96 FEET, ALONG THE EASTERLY LINE OF SAID "ISLAND LAKE ORCHARDS", (PREVIOUSLY DESCRIBED AS NORTH 00°33'20" EAST); THENCE NORTH 86°21'12" EAST, 38.00 FEET, ALONG THE SOUTHERLY LINE OF SAID "ISLAND LAKE ORCHARDS", (PREVIOUSLY DESCRIBED AS NORTH 89°18'00" EAST), TO A POINT ON THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 19, (SAID POINT BEING SOUTH 02°20'47" EAST, 1306.18 FEET, FROM THE CENTER OF SAID SECTION 19); THENCE NORTH 86°25'23" EAST, 297.38 FEET, ALONG THE SOUTHERLY LINE OF SAID "ISLAND LAKE ORCHARDS", (PREVIOUSLY DESCRIBED AS NORTH 89°24'00" EAST, 296.21 FEET); THENCE SOUTH 01°52'19" EAST, 1327.19 FEET, ALONG THE SOUTHERLY LINE OF SAID "ISLAND LAKE ORCHARDS" AND AN EXTENSION THEREOF, (PREVIOUSLY DESCRIBED AS SOUTH 00°58'48" WEST), TO A POINT ON THE SOUTH LINE OF SAID SECTION 19, (SAID POINT BEING SOUTH 86°24'49" WEST, 2360.31 FEET, FROM THE SOUTHEAST CORNER OF SAID SECTION 19); THENCE SOUTH 86°24'49" WEST, 286.39 FEET, (PREVIOUSLY DESCRIBED AS SOUTH 89°24'00" WEST), ALONG THE SOUTH LINE OF SAID SECTION 19 AND THE CENTERLINE OF SAID TEN MILE ROAD, TO THE POINT OF BEGINNING. ALL OF THE ABOVE CONTAINING 10.047 ACRES. ALL OF THE ABOVE BEING SUBJECT TO THE RIGHT OF THE PUBLIC IN TEN MILE ROAD. ALL OF THE ABOVE BEING SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHT-OF WAYS OF RECORDS.

**EXHIBIT B
ADDITIONAL PARCEL
LEGAL DESCRIPTION**

EXHIBIT "B"

**The "Additional Parcel" (Now Part of the Land Included in
the Island Lake of Novi Residential Unit Development)**

A PART OF THE SOUTHWEST 1/4 OF SECTION 20, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE N01°42'13"W 658.30 FEET ALONG THE WEST LINE OF SAID SECTION 20 AND THE EAST RIGHT OF WAY LINE OF WIXOM ROAD TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: (1) N01°42'13"W 1.68 FEET; (2) 74.16 FEET ALONG THE ARC OF A 607.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N01°47'47"E 74.11 FEET; (3) N05°17'47"E 273.33 FEET; (4) 84.67 FEET ALONG THE ARC OF A 693.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N01°47'47"E 84.61 FEET AND (5) N01°42'13"W 546.24 FEET TO THE SOUTHWEST CORNER OF ISLAND LAKE VINEYARDS, OAKLAND COUNTY CONDOMINIUM PLAN NO. 1271 AS RECORDED IN LIBER 37695, PAGE 523, OAKLAND COUNTY RECORDS; THENCE N87°07'28"E (RECORDED AS N87°07'49"E) 955.70 FEET ALONG THE SOUTH LINE OF SAID ISLAND LAKE VINEYARDS CONDOMINIUM; THENCE S02°34'33"E 471.53 FEET PARALLEL TO THE CENTERLINE OF DINSER ROAD; THENCE N86°56'30"E 323.41 FEET; THENCE S02°34'33"E 1151.04 FEET ALONG SAID CENTERLINE OF DINSER ROAD; THENCE S86°33'46"W 1018.99 FEET ALONG THE SOUTH LINE OF SAID SECTION 20 AND THE CENTERLINE OF 10 MILE ROAD; THENCE N01°42'13"W 657.15 FEET PARALLEL TO THE WEST LINE OF SAID SECTION 20; THENCE S86°45'47"W 328.12 FEET TO THE POINT OF BEGINNING. ALL OF THE ABOVE CONTAINING 40.677 ACRES. ALL OF THE ABOVE BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTH 60 FEET THEREOF FOR TEN MILE ROAD AND THE EAST 33 FEET THEREOF FOR DINSER ROAD. ALL OF THE ABOVE BEING SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAYS OF RECORD.

**EXHIBIT C
LOCATION OF
ADDITIONAL PARCEL**



Lot Size Comparison

	Lots 12,000 s.f. - 14, 999 s.f.	186 Lots
	Lots 15,000 s.f. - 21,779 s.f.	301 Lots
	Lots 21,800 s.f. - 43,559 s.f.	31 Lots
	Lots 1 Acre or Larger	46 Lots
	Attached Units	294 Units

Island Lake of Novi
Novi Michigan



EXHIBIT D
REVISED OPEN SPACE SUMMARY
REVISED LAND USE SUMMARY

Exhibit D

Island Lake of Novi
Residential Unit Development Amendment

Revised Open Space Summary, March 15, 2013

Common Open Space Category	*Approximate Acreage per July 9th 2004 Open Space Summary	*Acreage Applicable for Open Space Credit per July 9th 2004 Open Space Summary	Revised Open Space Summary November 9th 2012	Acreage Applicable for Open Space Credit November 9th 2012
Wetlands	107 ac.	2 ac.	107 ac.	2 ac.
Wetland Setbacks	5 ac.	5 ac.	5 ac.	5 ac.
Upland Woods	65 ac.	54 ac.	65 ac.	54 ac.
City Park	52 ac.	0 ac.	52 ac.	0 ac.
Resident Parks	22 ac.	18 ac.	22.3 ac.	18 ac.
Secondary Conservation Zone	18 ac.	16 ac.	18 ac.	16 ac.
Internal Greenbelts, Passive Recreation	19 ac.	18 ac.	19 ac.	18 ac.
Entrances, Perimeter Landscape	21 ac.	0 ac.	25.7 ac.	0 ac.
Lake (169 ac. 16,450 LF of Shoreline)	169 ac./17,545 LF 4,387 LF=25% of new shoreline	169 ac. 4,387 LF	169 ac./17,545 LF 4,387 LF=25% of new shoreline	169 ac. 4,387 LF
Grand Total	478 ac.	282 ac.	483.0 ac.	282 ac.

Notes:

*Acreage shown per previous revised Open Space Summary Table, July 9th, 2004.

Combined open space comprises 50.5% of total site area.

**Island Lake of Novi
Residential Unit Development Amendment**

***Revised Land Use Summary, March 15, 2013**

Category	Approved in RUD Agreement	Proposed to Date	Revised RUD Agreement
Proposed Residences By Unit Type:			
Single-Family Attached Cluster	219	Combined	Combined
Waterfront/Woodland Att. Cluster	158	294	294 (33%)
Single-Family Detached Homes	464	518	544 (62%)
Single-Family Waterfront Homes	35-51	46	46 (5%)
Total Residences (dwelling units)	884	858	884
Total RUD Acreage	916	956.7	956.7
Average Gross Density (du/ac)	0.97	0.90	0.92
Non-Residential Uses:			
A. Schools	52.06 ac.		
B. City Park	52.17 ac.		
C. Waterfront Parks	min. 14.0 a.c		
D. Neighborhood Play Lot	min. 1.0 ac.		

***Revised from Land Use Summary, July 9th 2004 RUD Amendment**

Summary of the Proposed Amendment to the R.U.D.
Island Lake of Novi (*formerly Harvest Lake of Novi*)

Introduction

Toll Bros, Inc. has purchased a 40.7 acre parcel fronting Ten Mile and Wixom Roads, immediately adjacent to the Island Lake of Novi Residential Unit Development (the RUD). Toll Bros, Inc. wishes to incorporate this parcel into the RUD for Island Lake of Novi, and seeks an amendment to the RUD with this submittal.

Description of Site

The parcel is a 40.7 acre site of open, sloping land, previously used for agriculture & commercial nursery purposes. The site is now fallow field with two small pocket wetlands and approximately 4.7 acres of woodlands on the property. The site has 985 feet frontage on Ten Mile Rd., 980 feet frontage on Wixom Rd., and 1091 feet frontage on Dinser.

There are good sightlines on Wixom Road for a main access point, across from the existing Drakes Bay Drive access point. This is the optimal location for ingress and egress to the parcel. A secondary access is provided to the existing Island Lake Vineyards (PH 3C) street just north of the property.

The current zoning of the site is RA, Residential Acreage, allowing a maximum of 0.8 dwelling units per acre. It is contiguous with Island Lake of Novi, on the north property line, as well as the west property line (Bifurcated by Wixom Rd.).

RUD Amendment Request

Toll Bros, Inc. requests an amendment to the RUD agreement. The request is as follows:

- 1) Toll Brothers proposes the addition of the 40.7 acre parcel described above to the 916 acres within the Residential Unit Development. This would bring the total acreage of the RUD for Island Lake of Novi up to 956.7 acres.
- 2) The total number of units permitted for the Island Lake of Novi RUD is 884 homes. Toll Brothers intends to build Single Family Detached homes on this parcel, to the same lot width as the homes permitted immediately north of the site. Toll Brothers estimates development of approximately 74 new lots on The Reserve of Island Lake parcel. Upon build-out of the Reserve addition, there will be a total of 858 constructed units, still well below the original RUD unit maximum.

Inclusion of this property into the Island Lake of Novi RUD will benefit the City of Novi for many reasons. It will consolidate traffic ingress and egress, eliminating the need for a separate road access off of Dinser Rd. The stub street connections allow the parcel's

residential traffic access to the secondary entrance at Wixom Rd., and use the internal road network as well. The parcel will tie into the Island Lake of Novi storm water treatment system assuring a high quality of storm water treatment, and eliminating the need for a separate detention basin on the site. There will be a more orderly and efficient layout and construction of utilities, as part of the Island Lake Vineyards (phase 3C). A sanitary sewer extension is proposed to Dinser Drive to allow for future connections and service for parcels east of Dinser Drive which currently do not have public sanitary sewer service. Water main extensions are proposed along the Ten Mile Road and Dinser Drive frontage to allow for future extensions and connections for parcels east of Dinser Drive which currently do not have public water main service.

Toll Bros, Inc. will add a painted crosswalk and barrier free curb cuts at the main entrance. The crosswalk design will match the two (2) existing painted crosswalks further north on Wixom Road. Furthermore, Toll Bros., Inc. is committed to filling in approximately 928 feet of missing sidewalks south of the Reserve site in the current Wixom Road right-of-way so residents may cross Wixom Road at the traffic light and still have safety path access to both sides of Drakes Bay. This will further enhance the connectivity of both the existing Vineyards Phase 3C and proposed Reserve to the lake and amenities.

Toll Bros, Inc. will contribute to the expansion and re-rating of the existing pool deck area to increase its capacity. A one-time lump sum payment of \$25,000 will be made to the Master Island Lake HOA specifically earmarked for the deck expansion. Final Design/Permit/Construction will be under HOA control. This figure is derived as follows: 5,000 square feet concrete paving @\$3 per square foot equals \$15,000 and 250 lineal feet metal fence @\$40 per lineal foot equals \$10,000.

There will be a greater amount of open space and perimeter landscape along the Ten Mile Road corridor, Wixom Road and Dinser Drive than if developed separately (requiring additional road connections) with homes and lot sizes visually compatible with the adjacent homes of Island Lake of Novi. A pocket play park is provided which includes a children's play structure and benches. The play park and open space is strategically located in a location which allows shared use for the neighbors to the north and to enhance the long vistas of the lake from the Acorn Trail access point and surrounding area. It will also enhance views of the lake from the new access for residents in the Reserve which will further connect and associate the neighborhood with the overall development.

50.5% of total acreage will still be preserved as open space and the majority of residential units will be single family detached homes. With Island Lake, its waterfront parks, trails and preservation zones, home buyers will have access to a significantly greater amount of privately maintained recreational facilities and open space as part of the Island Lake of Novi Homeowners Association than possible as a separate subdivision. Island Lake of Novi will continue as a high quality, planned residential development set within a generous natural environment of woods and wetlands surrounding Island Lake. Toll Brothers proposes to increase the land area of the RUD to 956.7 acres which will decrease the density for the Island Lake R.U.D. from 0.97 units per acre to 0.92 units per acre. Single-family detached lots (including waterfront sites) will still comprise the majority of units at

67% of the total, or approximately 590 units. Over half of the site will still be preserved as permanent dedicated open space, per the original categories of the R.U.D. The Open Space Summary Table and Land Use Summary by Phase have been updated to reflect the revised acreage and units.

In order to support the proposed modifications, this report addendum includes the revision to the Area Plan, Open Space Plan, Open Space Summary Table, Pedestrian Network, Land Use by Phases, and Phasing Plan of the previously amended RUD report addendum submitted July 9, 2004. These revisions are intended to amend those same pages of July 9, 2004 Island Lake of Novi Residential Unit Development Report.

Per the City Design and Construction Standards, an access point for every 1,300 feet of perimeter is required but undesirable for the proposed development. The proposed layout will consolidate traffic ingress and egress, eliminating the need for a separate road access off of Dinser Rd. The stub street connections allow the parcel's residential traffic access to the secondary entrance at Wixom Rd., and use the internal road network as well. There will be a greater amount of open space and perimeter landscape along the Ten Mile Road corridor, Wixom Road and Dinser Road.

**DRAFT CITY COUNCIL
MEETING MINUTES
MARCH 11, 2013 - EXCERPT**

DRAFT / EXCERPT

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 11, 2013 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE
ROAD**

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

1. Preliminary approval of the request of Toll Brothers, Inc. for The Meadows of Island Lake of Novi JSP12-65, for inclusion of the subject property into the existing Island Lake of Novi Residential Unit Development (RUD), and modifications to the RUD concept plan. The subject property is 40.68 acres of land located near the northeast corner of Ten Mile Road and Wixom Road. The applicant is proposing a 74 unit single family development that would be Phase 7 of the existing Island Lake of Novi development.

Mike Noles, Vice President of Land Development for Toll Brothers, has worked on the project since 1999. He is very familiar with all aspects of the project. He noted Toll Brothers has built a top notch community and has exceeded the original requirements of the RUD. Toll financed the moving and rehabilitation of an existing historic barn that was on the property. They added additional amenities that were not required including tennis courts, volley ball and swimming pool. He said they have fallen short on the total number of units built. He was pleased to ask if they could be allowed to add an additional forty acres of property so that they can build out the original approved number of units of eight hundred eighty-four on nine hundred two acres which was a density of point ninety-seven. When completed, if the Dinsler property is approved, it will be eight hundred fifty eight total units on nine hundred fifty-seven acres.

City Manager Pearson reiterated that the RUD has had a number of reviews over the years. The Planning Commission has given a positive recommendation on this matter. The property is zoned residential and it is an addition to the original RUD property. It is important to get this property into use to continue the complex that has added to the tax base, added families, and it is a proud part of the Novi mix of housing options.

Member Mutch thanked Mr. Noles and Toll Brothers for the wonderful development. He was on the Planning Commission when the approval process took place for this project. He remembered the original development. He wanted to talk about some of the elements of the plan. He recognized that a

RUD is a compromise between the City and the developer of the property. He noted the trade-off is reducing lot sizes in exchange for open space and park land. This property is zoned for residential acreage and if it was a conventional subdivision it would allow thirty-two, one acre lots. Member Mutch asked what the range of reduction for this proposal was. Mr. Noles said there are many benefits that this property offers in exchange for an inclusion into the RUD. He said this is different than Maybury Park Estates and Tuscany because it is not a stand-alone RUD but it is an amendment to an existing RUD and has additional considerations. On two other properties, they have done similar approvals through City Council. The original RUD did have over 50% open space total. Once this piece is included, it will still have 50% open space but is comparable on an acreage basis when considering the total upland open space that was included in the original RUD. It was around sixteen percent. This amendment to the RUD is around twelve percent. The upland open space included in this forty acre parcel is comparable to the original. They have taken steps to preserve the natural features that do exist on the property. They are preserving landmark walnut trees and incorporating the vistas of the lake. They met with homeowners to address any concerns. Many wanted clarification on the lot size, parks for children to play, combining water detentions, accessing amenities, and the addition of a sidewalk down to Ten Mile. This property doesn't have the natural features that the original nine hundred acres has but there are benefits to the existing residents and the new residents that live in this community. They will be able to enjoy the well planned amenities at the existing Island Lake of Novi development. Member Mutch asked about the range of lot square footage. Mr. Noles stated twelve thousand is the minimum and the twenty-eight thousand seven hundred is the largest. Member Mutch said he is looking at the trade-off between the reductions in lot size and the amount of open space created. He didn't see that element in the plan. With the reduction in lot sizes, he was looking for additional open space within these forty acres and asked what happened to the open space. Mr. Noles answered that there is about five acres total open space on this forty acre parcel which is about twelve percent. They had increased it over the last six months after working with staff and made the open spaces contiguous to create the additional buffer down Dinser Road. The closest the homes sit to the Dinser Road right of way is sixty-nine feet. The existing homes in Pebble Creek subdivision are only forty-three feet off of the Dinser Road right of way. They placed the open space where it would have the greatest impact to the surrounding community. Member Mutch said, in comparison to other developments in the City, it is a minimum amount of open space. He wanted reasonableness to the compromise between the City and the applicant. Compared to other development options, he didn't see the same proportionality on this phase. He thought there should be additional open space in the sub. He was concerned about the quality of the open space on the property. So much property is being developed that the density on the property is close to two units per acre. He feels it is a fairly dense development for the location. He noted the Ten Mile and Beck Road development had less density. In comparing the proposal to the west side of the road, he thought Island Lake property has many amenities but this development will not have direct access to some of those amenities. He couldn't see why they can't have a larger amount of open space

with a trail component and a larger park. He thought a third of an acre is too small. Also, he had an issue with the deviation from the zoning setback requirements that was requested. He didn't see how moving the houses three feet closer to the driveways benefits a future homeowner and why not make the lots three feet wider. Why ask for a variance that small when the solution is to build a smaller house or build on a slightly bigger lot and then the variance is not required which would benefit the future homeowner because their house is set back further from the neighboring driveway. Part of the review process is to approve something that would generate a benefit. He could see where it benefited the applicant. He thought the plan has some good elements but cannot support the three foot deviation. He would like to see additional open space of about twenty-five percent of the total site or ten to twelve acres and natural trail through the open space provided as an amenity. It is a big enough piece of property to do everything that has been discussed and still allows them to build a quality development. He's asking for a compromise of reduced lot sizes from one acre to one-third acre which would provide additional open space beyond what is proposed. He would not be able to support the plan as submitted. Looking through the applicant's material, he determined that when the Island Lake RUD was initially proposed it included the City's Wildlife Woods Park and the school property at Eleven Mile Road. Even though those properties do not function as part of the RUD, they were used to calculate the density for the RUD. The density calculated home units. They have been continued to be utilized by Toll Brothers as a part of their development process. He would like the City Attorney to address the issue of, at what point did the City agree or divest itself of its right to control the units that are the associated with the City portion of the property, allowing a developer to utilize that density on the property they owned or acquired after the fact. He felt there should be a review of the issue.

Member Wrobel thanked Mr. Noles for the continued development of Island Lake. It is a nice development. He had no issue with the lot sizes. The Planning Commission minutes said the different lot sizes afford residents the ability to move within the development as their housing requirements change through life. He felt it was a nice concept. His concern was that there was no entrance to this phase from Ten Mile Road. Based on the traffic review, putting the additional traffic on to Wixom Road into the Wixom and Ten Mile intersection would be too much.

Deputy Community Development Director McBeth said the idea was that the road connection would align with the existing Drakes Bay Drive on the west side of Wixom Road and connect with Acorn Trail that exists to the north. The City staff and the consultants were comfortable with the concept and that there was sufficient access. The traffic engineer did not express serious concerns about traffic overloading the Wixom and Ten Mile intersection.

Member Margolis interpreted that they were clustering on the new parcel to preserve open space across the street. Ms. McBeth said it was fair to say. There was open space provided previously. This development provides a little bit of open space with the pocket park, around the detention basin area and around

the perimeter with quality trees along Dinser Drive that the applicant is going to preserve. This site does not have a lot of natural features as the original plan. Member Margolis asked if there were plans of any additional units on the original site. Ms. McBeth said the original plan had a number of phases; each of the phases proposed had a certain number of units and was approved with that number of units. At this point, the applicant is requesting to add additional land but still keep the same number of overall units that was allowed with the initial approval. Member Margolis asked if the applicant came forward without this parcel to add additional units to the original parcel, they would be allowed to do that. Ms. McBeth said there would be reviews as to the size and location of the lots with preservation of the open space. Member Margolis confirmed that they could put more lots on the original parcel. Ms. McBeth said it could be a possibility but have not seen plans proposing a change. Member Margolis read that it was clear about City Council may modify lot size if it will result in a preservation of open space. She asked if they have an amendment to an RUD that we have done in this way. Ms. McBeth said that there were a couple of modifications to this development in the overall plan. Member Margolis felt more comfortable about the ability to modify the lot size. Overall, she could support the development.

Member Fischer asked Ms. McBeth to clarify what was the total number of units allowed under the RUD and if she would explain it because he wanted to know if there was a point when the applicant was looking to increase the total number of units, and was it revised. Ms. McBeth said there were a lot of numbers provided in the information. There are currently seven hundred seventy-three units that are constructed or approved, the applicant initially proposed seventy-five units in this phase, but one unit was used as a pocket park. It provided a total of eight hundred forty-seven units if it is approved for the entire development. Initial approval was for eight hundred eighty-four units in the entire development. There was an initial request by the applicant to include the underlying density of the parcel and add thirty-two to achieve a higher number of maximum buildable units. They asked the applicant to stay within the original number of units and, if later additional land was acquired, then they would talk about the justification at that point. Member Fischer summarized the information. He asked the applicant to give his background on the discussion and why originally there was contemplation of adding the thirty-two to the number of units. Mr. Noles said originally they looked at adding the forty acres in the same way they added the property on Ten Mile. We had already set a precedent in 2005-06 with amending the RUD in the same way. They came before the Planning Commission and Council with a proposal to add twenty-two units on ten acres and the total allowable was increased by eight which was the underlying zoning by right of the ten acres. When they acquired this parcel they thought they would use the precedent as a template. They asked for the increase in total number of units to nine hundred sixteen. The staff felt in this stage of the development they agreed to forgo the request because it wasn't necessary to support the existing proposal. Member Fischer had questions about the three foot setback. First, they showed how twenty feet would be maintained between houses and, secondly, there was also language about confusing and

conflicting pieces of the RUD with the current ordinance. Mr. Noles said the issue is not one that is of critical importance to them. Obviously, they have been able to maintain their operation without the variance for twelve years. If it was an issue with Council, they would be willing to waive it. The issue is that the total combined side yard setbacks approved with this lot size is thirty feet with a minimum of ten feet. The problem, he explained, that there is also an ordinance in Novi that states if it is a side load, there must be twenty-three feet on one of the sides. Instead of doing a twenty and ten, there is a twenty-three and ten for a total combined side yard setback of thirty-three feet. He was saying, if it was thirty-three feet but if the intent was for it to be thirty feet, then allow them to reduce the small side setback from ten to seven, so there is a combined thirty feet. The only place where it would become an issue was if you were to have two sevens next to each other, it would only be fourteen feet of separation between homes. That was not their intent. Toll made an exception to that rule, within the request, that said we will always maintain twenty foot separation between buildings. It is not subject to this variance. They lose three feet because the side yard ordinance conflicts with the prescription in the RUD and they were just trying to gain that back to give more housing options. He didn't want to make it controversial. There were a lot of things they worked on with staff in the last six months. Toll conceded them all. They want to continue on with the development. They like working in Novi and hope for approval. Member Fischer thanked him for the additional explanation. He said he had hesitation with the side yard setback. Overall, he didn't have much of an issue. They are not approving any more houses to be built because it is still under the original number but they are adding forty acres to the development. If there are some areas of the development that have smaller lot sizes, then it doesn't concern him as much because the overall density and those kinds of things, there isn't much change. He appreciated all the benefits which outweigh the deviation in lot size. The only issue he had was with the side yard setback. In his opinion, any time side setbacks are lessened; it can cause some visual deterioration in his opinion.

Member Mutch asked Deputy Community Director McBeth if they have property left on the west side to be developed. Ms. McBeth had not looked at it in those terms. Anything that would be available they would have to confirm outside a preservation easement or open space area. Her assumption is that they have taken all the pieces that could be developed. Mr. Noles said no. Technically, it is impossible. There are some pockets that are not regulated wetlands or woodlands. What they have tried to do as they progressed was to create site plans that had pocket parks and common open spaces. As they developed this project, they have conveyed road right of ways to the City, open spaces to the homeowner's associations, recorded easements on the properties as they built the phases. The intent from the beginning was to work through the property and not to wait until the end to convey the common areas to insure their perpetual preservation. To undo the things, they have done would be an undertaking. They have the technical right to do it but as a practical matter it is not realistic. Member Mutch asked where they could technically have the ability to build additional units. He referred to an area that was an open space that they could

potentially make a modification. It would be limited. That is why we are asking to add more property at this time. Member Mutch said they are concerned that they are saving open space on the main area by allowing them to move the density off into the new parcel. In the motion it says, the modification of the proposed lots sizes would result in the preservation of open spaces for these purposes. Only because we are allowing this density to move off site, we are protecting additional open space elsewhere on the property. He didn't see it happening. His other concern is the problem of overall density. This particular project was allowed to get density credits for the lake. All the units that were given based on the lake are being pushed out. When property is added, the extra density is pushed off onto these additional properties and is not consistent with the residential acreage (RA) of the area when it is almost two units per acre. It is a significant increase from point eight. We will continue to see more density move off the main property as the eight hundred eighty-four units are utilized with no commensurate return of open space. He did not get any clarification from staff. The concern he had is whether we will get any additional open space or a minimal amount in the long term with each new phase as in the Dinser property.

Member Fischer confirmed that Toll could have built eight hundred eighty-four units on the original site. Ms. McBeth said there were more units than originally anticipated but based on the lot and home sizes that were selected the number was reduced. Member Fischer said that was where the justification was, that the intent was eight hundred eighty-four units but less than that was developed. They are adding forty more acres and they are still under the number of units. If the side yard setback was not approved, what types of changes would be done to the plan or development. Mr. Noles said if it was stricken from the motion, there wouldn't be any change to the site plan but visually there would be a minimum of twenty feet between units. The difference would be that we could potentially have a home that was three feet bigger. It would not change the nature of the development and it would be allowing more options on individual lots. He agreed that it was something they could live with.

CM-13-03-028

**Moved by Fischer, seconded by Wrobel; MOTION CARRIED:
6-1**

**To grant preliminary approval of the Amended Residential
Unit**

Development Plan for the Meadows of Island Lake of Novi to be added to the Island Lake of Novi RUD (Amended RUD Plan), with the total number of units permitted in the Island Lake of Novi RUD including the added 40.68 acre parcel, not to exceed the currently permitted 884 units. This preliminary approval, including the lot size modifications and building setback deviations, is, subject to and conditioned on Council's final approval of the Amended RUD Plan and Amendment to the RUD Agreement required by the Zoning Ordinance at a future meeting. This motion is based on the

following findings, lot size modifications, building setback deviations, and conditions excluding item h.:

Determinations (Zoning Ordinance Section 2402.8.A):
(excluded h.)

- a. The site is zoned for and appropriate for the proposed single-family residential use;
- b. Council is satisfied that with the proposed road connections, sidewalk and crosswalk improvements, added parkland, and contributions to the existing Island Lake of Novi amenities, the development will not have detrimental effects on adjacent properties and the community;
- c. Council is satisfied with the applicant's commitment and desire to proceed with construction of 74 new homes as demonstrating a need for the proposed use;
- d. Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of large Walnut trees along Dinser Drive and the preservation of approximately 13.7% of the site as open space that include a new park;
- e. Council is satisfied that there will be clear, explicit, substantial and ascertainable benefits to the City as a result of the Amended RUD, including but not limited to improvement of traffic circulation, inclusion in the existing storm water treatment system, orderly and efficient layout and construction of water and sanitary sewer utilities, and pedestrian safety improvements.
- f. Factors evaluated (Zoning Ordinance Section 2402.8.B):
 1. Subject to the lot size and lot width modifications also being approved by this motion, all applicable provisions of the Zoning Ordinance, including those in Section 2402 and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;
 2. Council is satisfied with the adequacy of the areas that have been set aside in the existing and proposed addition to the Island Lake RUD development area for walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas for use by residents of the development;
 3. Based on and subject to the recommendations in the January 28, 2013 City traffic consultant's

review letter, Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;

4. Based on and subject to the recommendations in the January 28, 2013 City traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;
5. The plan provides adequate means of disposing of sanitary sewage by an extension to and connection of the sewer in Dinser Drive that will allow for future connections and service for properties currently without sewer service, disposing of stormwater drainage into the existing Island Lake storm water treatment system, and supplying the development with water by extensions that will allow for future connections and service for properties currently without water service;
6. The Amended RUD will provide for the preservation and creation of approximately 12% of the site as open space and result in minimal impacts to provided open space and the most significant natural features, including the mature Walnut trees along Dinser Drive;
7. The Amended RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;
8. The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is outweighed by benefits occurring from the preservation and creation of the open space and establishment of the park facility that will result from the Amended RUD;
9. Any detrimental impact from the Amended RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space and the establishment of

the park facility that will result from the Amended RUD;

10. Council is satisfied that the proposed reductions in lot sizes and setback areas are the minimum necessary to preserve and create open space, to provide for the park site, and to ensure compatibility with adjacent and neighboring land uses, primarily the existing Island Lake of Novi RUD development of which this site will become a part;
 11. The Amended RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost as evidenced by the proposed connections and benefits to the storm water, sanitary sewer and water systems already stated;
 12. Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;
 13. Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and
 14. Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.
- g. Modification of proposed lot sizes to a minimum of 12,000 square feet and modification of proposed lot widths to a minimum of 90 feet is hereby approved, with this approval based on and limited to the lot configuration shown on the preliminary plan as last revised, as the requested modification will result in the preservation of open space for those purposes noted in Section 2402.3.B of the Zoning Ordinance and the Amended RUD will provide a genuine variety of lot sizes;
- i. This preliminary approval is subject to the Amended RUD Plan and all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 24

and 25, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.

Mayor Pro Tem Staudt commented that we should be pushing harder to have a much more accessible development. He wants to see twenty to twenty-five percent green spaces. Moving forward he will insist on it. It is a decent development and good for the City but he would like to see more green space. If it is developed further he expects more in the future.

Member Margolis clarified that the RUD agreement runs with the land as with the other agreements. In the future, it would restrict the number of properties going forward unless it was amended or changed. City Attorney Schultz confirmed that it is a preliminary approval and the actual amended agreement will come again for Council approval.

Member Casey supports this but prefers to see more green space and felt a lot more could have been done to the parcel to enable that. Tying it to the development on the west side of Wixom provides a lot of amenities to these residents. She appreciated they took into account of allowing a view from some of the houses into the lake across the street. She would be looking for more green space with any future development.

Roll call vote on CM-13-03-028

**Yeas: Margolis, Wrobel, Gatt, Staudt,
Casey, Fischer**

Nays: Mutch