



NOVI TEN TOWNHOMES JSP14-18

NOVI TEN TOWNHOMES JSP 14-18

Public hearing at the request of Toll Brothers for approval of the Preliminary Site Plan, Woodlands Permit, Wetlands Permit and Storm water Management Plan. The subject property is located in Section 26, east of Novi Road and south of Ten Mile Road. The applicant is proposing to construct a 93 unit multiple-family residential development on a 20.09 acre property.

Required Action

Approval/Denial of the Preliminary Site Plan, Wetland Permit, Woodland Permit and Stormwater Management Plan.

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval recommended	08-10-15 Revised: 09-22-15	Items to be addressed on the final site plan submittal
Engineering	Approval recommended	08-11-15	Items to be addressed on the final site plan submittal
Traffic	Approval recommended	08-07-15	Items to be addressed on the final site plan submittal
Landscaping	Approval recommended	08-10-15 Revised: 09-18-15	Items to be addressed on the final site plan submittal
Wetlands	Approval recommended	08-09-15 Revised: 09-17-15	<ul style="list-style-type: none"> • Requires a City of Novi Wetland Permit and an Authorization to encroach the 25-Foot Natural Features Setback. • Items to be addressed on the final site plan submittal
Woodlands	Approval recommended	08-09-15 Revised: 09-17-15	<ul style="list-style-type: none"> • Requires a City of Novi Woodland Permit • Items to be addressed on the final site plan submittal
Facade	Approval Recommended	09-18-15	Section 9 Waiver approved as part of PRO agreement. No changes have been proposed
Fire	Approval recommended	07-23-15	Items to be addressed on the final site plan submittal

Motion sheet

Approval – Preliminary Site Plan

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **approve** the Preliminary Site Plan based on and subject to the following:

- a. Applicants shall provide pedestrian style lighting along the frontage of City streets, including but not limited to Nick Lidstrom Drive according to approved Planned Rezoning Overlay Agreement as per the following conditions:
 - i. Pedestrian lighting shall be shown on the preliminary site plan, and reviewed by the Planning Commission to determine that the style, number, and location of fixtures are acceptable to the City.
 - ii. The Planning Commission shall have the right and authority to require changes to the proposed lighting at the time of site plan approval.
- b. Construction of an off-site pathway for public use to the Novi Dog Park commencing from the site's southeast corner along the rear property line of Novi Sport's Club and a connection to the existing according to approved Planned Rezoning Overlay Agreement as per the following conditions:
 - i. Pathway easements in a form acceptable to the City shall be provided to the City for dedication for public use of the pathways prior to the start of construction.
- c. All public pathway improvements to be completed prior to occupancy.
- d. Pedestrian Lighting will be located outside of Public Rights-of-Way, at locations to be reviewed and approved by the City Engineer.
- e. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
 - a. *(additional conditions here if any)*

(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.)

-- AND --

Approval – Wetland Permit

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **approve** the Wetland Permit based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. *(additional conditions here if any)*

(This motion is made because the plan is otherwise in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance.)

-- AND --

Approval – Woodland Permit

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **approve** the Woodland Permit based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. *(additional conditions here if any)*

(This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.)

- AND -

Approval – Stormwater Management Plan

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **approve** the Stormwater Management Plan, based on and subject to:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b. *(additional conditions here if any)*

(This motion is made because it otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.)

- OR -

Denial – Preliminary Site Plan

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **deny** the Preliminary Site Plan...*(because the plan is not in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)*

-- AND --

Denial- Wetland Permit

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **deny** the Wetland Permit...*(because the plan is not in compliance with Chapter 12, Article V of the Code of Ordinances and all other applicable provisions of the Ordinance.)*

- AND -

Denial- Woodland Permit

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **deny** the Woodland Permit...*(because the plan is not in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.)*

- AND -

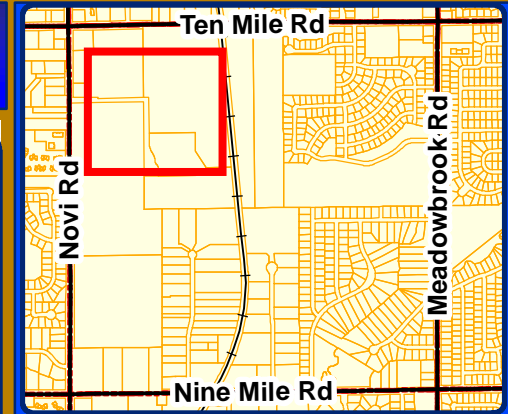
Denial – Stormwater Management Plan

In the matter of Novi Ten Townhomes, JSP 14-18, motion to **deny** the Stormwater Management Plan...*(because the plan is not in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.)*

MAPS
Location
Zoning
Future Land Use
Natural Features

JSP 14-18 Novi Ten Townhomes

Location



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: 09/22/15
Project: JSP14-18 Novi Ten Townhomes
Version #: 1

0 70 140 280 420 Feet

1 inch = 333 feet

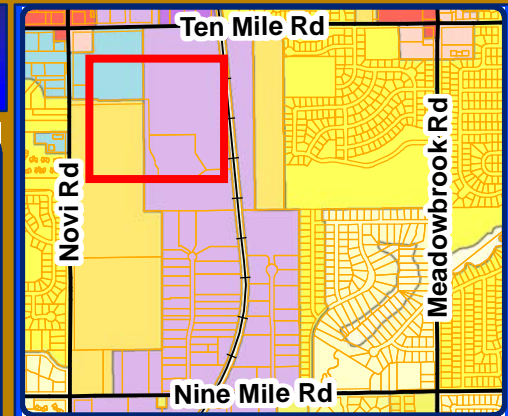
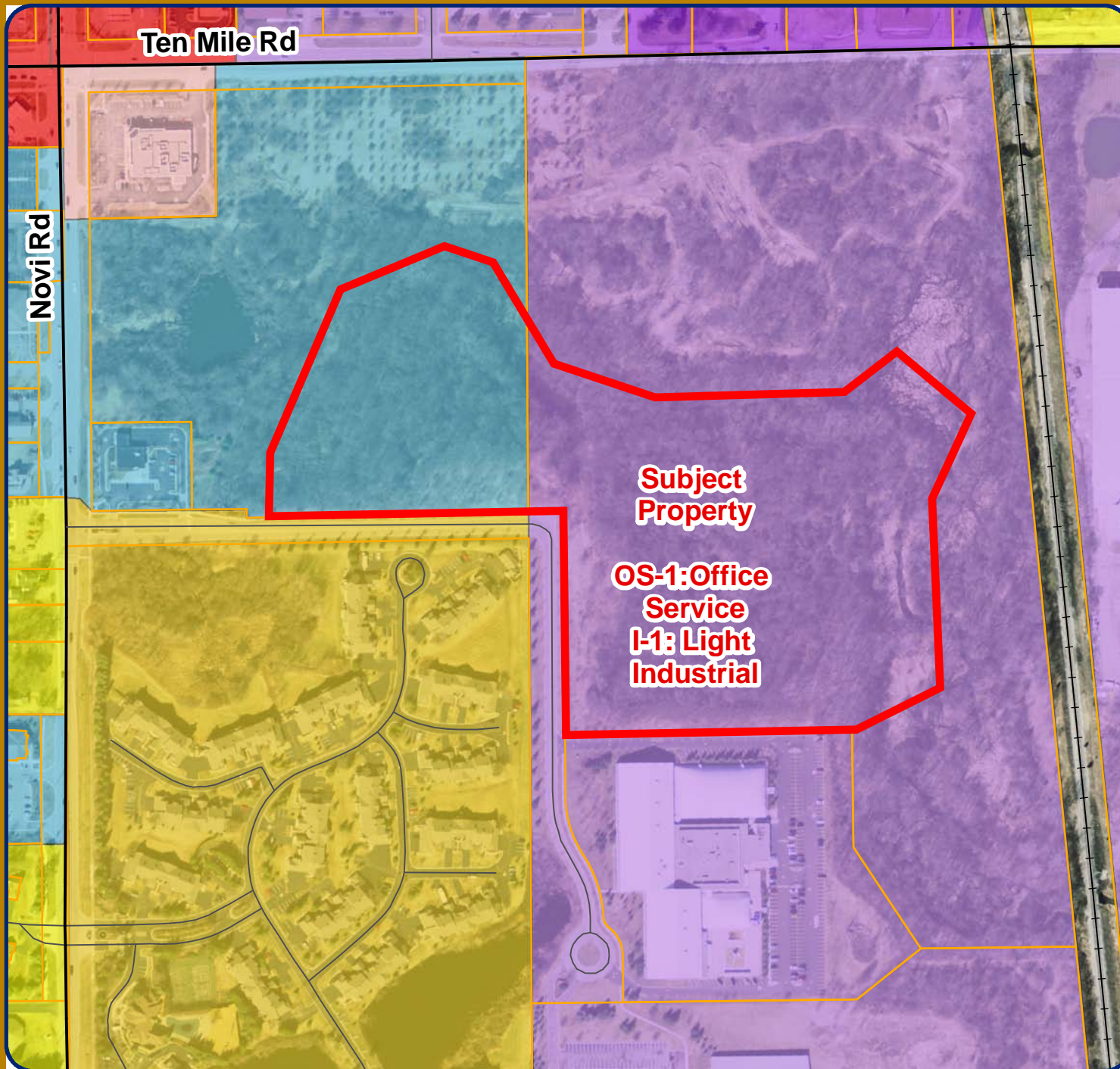


MAP INTERPRETATION NOTICE

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 14-18 Novi Ten Townhomes

Zoning



Legend

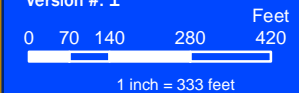
- R-1: One-Family Residential District
- R-2: One-Family Residential
- R-3: One-Family Residential District
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- B-1: Local Business District
- B-3: General Business District
- I-1: Light Industrial District
- I-2: General Industrial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



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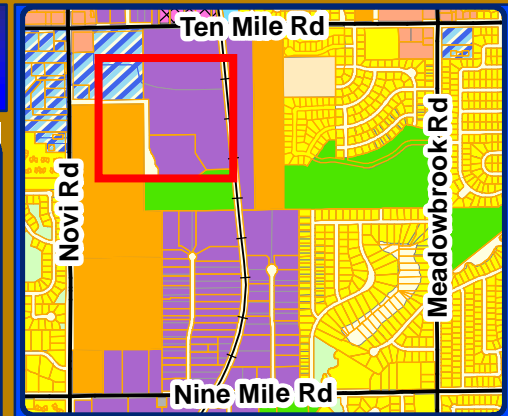
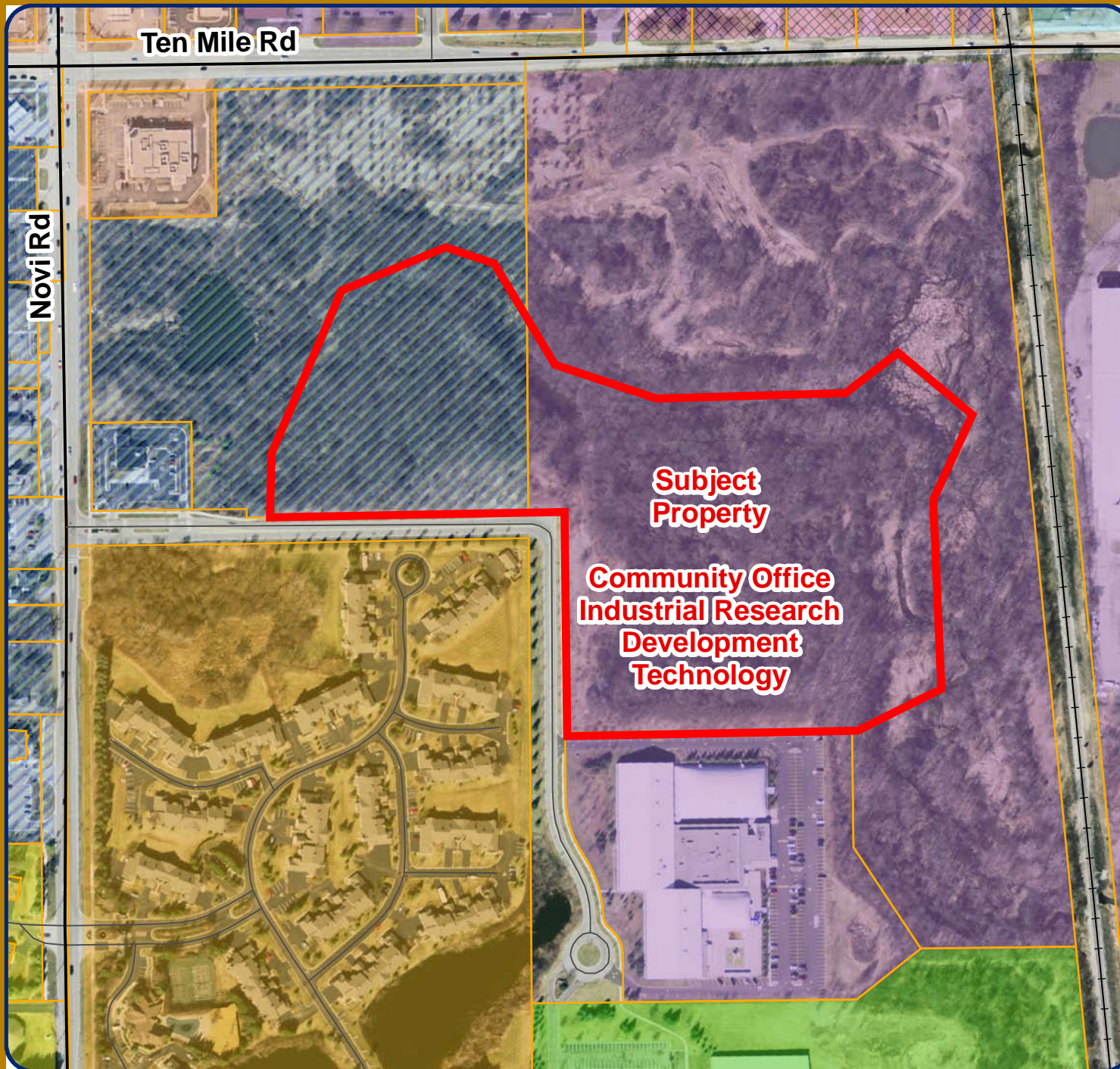


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JSP 14-18 Novi Ten Townhomes

Future Land Use



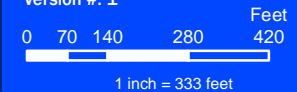
-  SINGLE FAMILY
-  MULTIPLE FAMILY
-  COMMUNITY OFFICE
-  INDUSTRIAL RES DEV TECH
-  HEAVY INDUSTRIAL
-  LOCAL COMMERCIAL
-  EDUCATIONAL FACILITY
-  PUBLIC
-  PUBLIC PARK
-  PRIVATE PARK
-  CEMETERY



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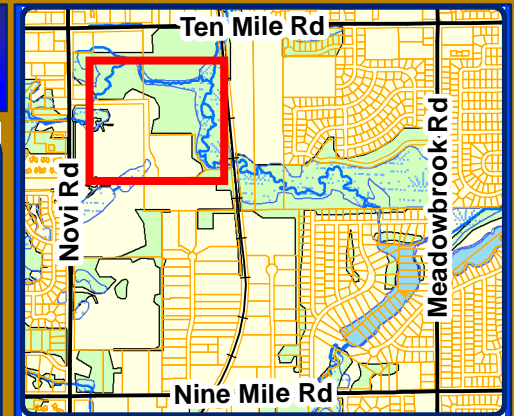
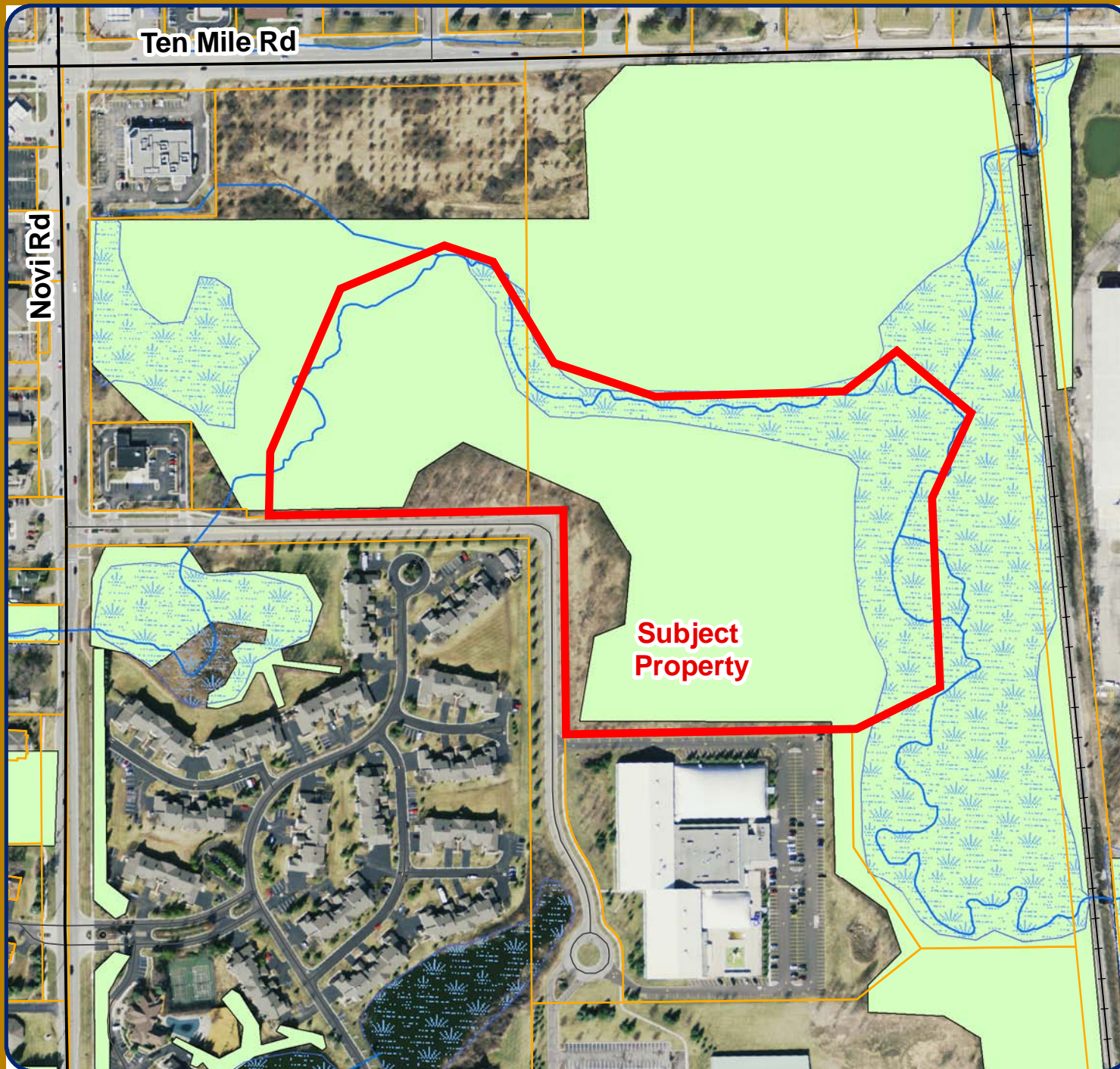


MAP INTERPRETATION NOTICE



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JSP 14-18 Novi Ten Townhomes

Natural Features



Legend

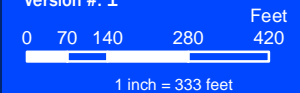
-  Wetlands
-  Woodlands



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SITE PLAN

(Full plan set available for viewing at the Community Development Department.)

As submitted for Revised Preliminary Site Plan on September 10, 2015



Seal: _____

Title: **Landscape Plan**

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

Prepared for:
 Toll Brothers
 28004 Center Oaks Drive, Suite 200
 Wilson, Michigan 48393
 248.344.0822

Revision:	Issued:
Submission	August 13, 2014
Revised	April 27, 2015
Revised	May 8, 2015
Revised	July 20, 2015
Revised	September 3, 2015

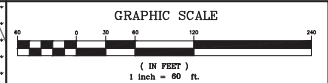
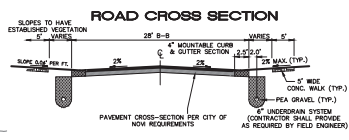
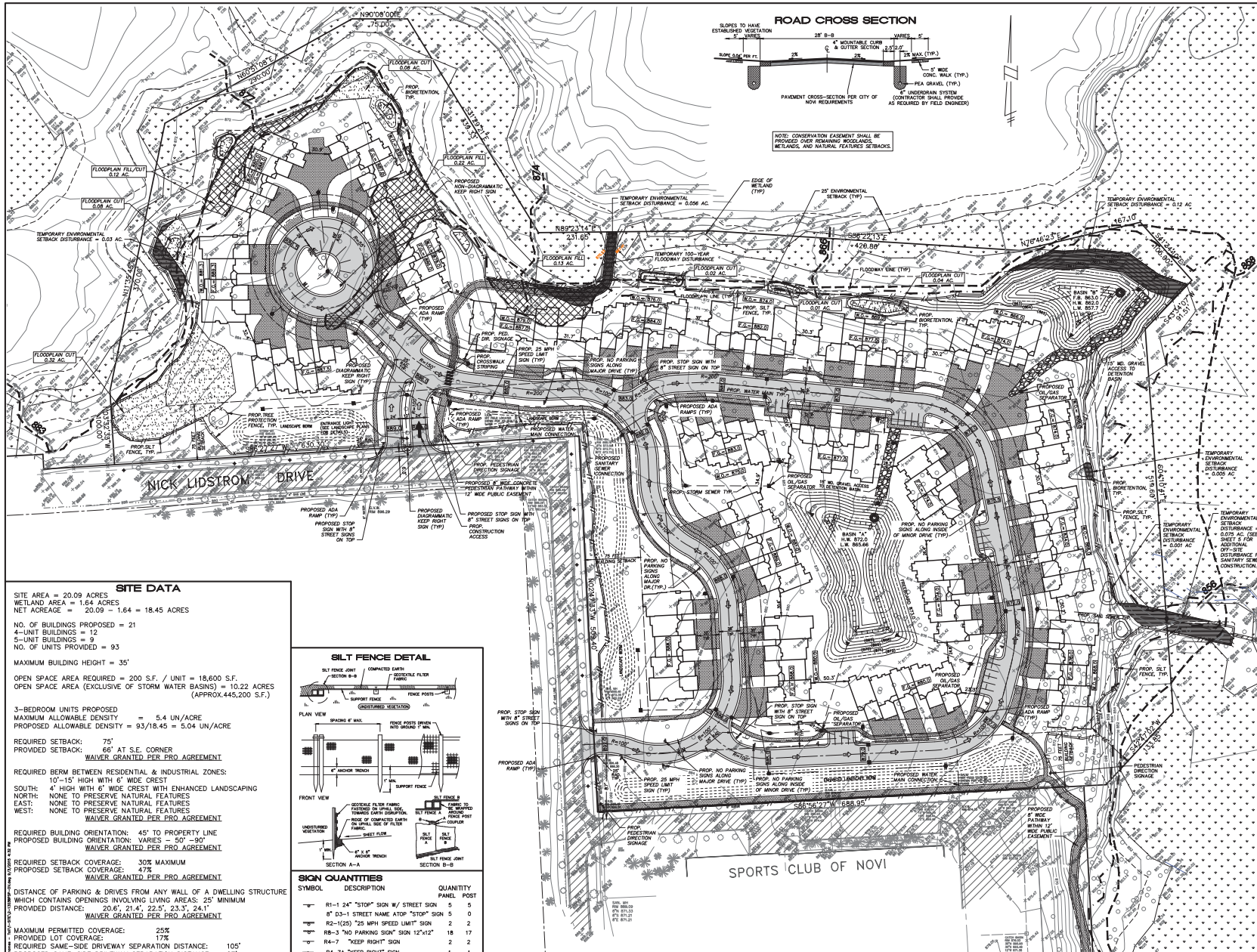
Job Number: 13-022

Drawn By: jpa Checked By: jpa



Sheet No. _____

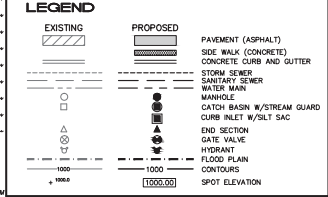




- PROPOSED IMPROVEMENTS**
- MUNICIPAL SEWER TO BE PROVIDED BY CONNECTING TO AN EXISTING SANITARY SEWER ON THE EAST SIDE OF NICK LIDSTROM DRIVE AND TO SANITARY SEWER EAST OF THE SITE.
 - MUNICIPAL WATER TO BE PROVIDED BY CONNECTING TO AN EXISTING 8" WATER MAIN STUB LOCATED ON THE NORTH SIDE OF NICK LIDSTROM DRIVE AND CONNECTING TO AN EXISTING 8" WATER MAIN LOCATED AT THE NORTH SIDE OF SPORTS CLUB OF NOVI.
 - STORM WATER DETENTION SHALL BE PROVIDED ON SITE.
 - 5' WIDE CONCRETE SIDEWALKS SHALL BE CONSTRUCTED WHERE INDICATED.
 - ALL ROADWAYS TO BE PRIVATE. SQUARE FOOTAGE OF PRIVATE ROAD PAVEMENT: 76,390 S.F.
 - A CITY OF NOVI RIGHT-OF-WAY PERMIT IS REQUIRED FOR WORK WITH ANY PUBLIC ROAD RIGHT-OF-WAY.

- UTILITY NOTES:**
- PROPOSED SANITARY SEWER SHALL BE 8" PVC TRUSS PIPE.
 - PROPOSED WATER MAIN SHALL BE 8" DUCTILE IRON PIPE.
 - PROPOSED STORM SEWER SHALL BE C-76 REINFORCED CONCRETE PIPE.
 - ALL UTILITIES WILL BE LOCATED WITHIN EASEMENTS AS REQUIRED.

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



PLANNING REVIEW

Review based on Revised Preliminary Site Plan on September 10, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade



PLAN REVIEW CENTER REPORT

September 22, 2015

Planning Review

Novi Ten Townhomes

JSP 14-18

Petitioner

Toll Brothers

Review Type

1st Revised Preliminary Site Plan

Property Characteristics

- Site Location: South of the Novi Road and east of Ten Mile Road (Section 26)
- Site Zoning: I-1, Light Industrial and OS-1, Office Service
- Adjoining Zoning: North: I-1 and OS-1; East: I-1 (across railroad tracks), RM-1, Low Density, Low-Rise Multiple Family Residential (just east of I-1); South: I-1 and RM-1; West: OS-1 and RM-1

- Current Site Use: Vacant land
- Adjoining Uses: North: Vacant; East: Industrial, Novi Ridge Apartments (east of industrial use); South: River Oaks West Multi-Family, Sports Club of Novi and Novi Ice Arena; West: Walgreen's, bank, and River Oaks West Multi-Family

- School District: Novi Community
- Site Size: 20.09 acres
- Plan Date: 09/03/2015

Project Summary

The applicant is proposing a 93-unit owner-occupied attached condominium project. The current plan shows two on-site detention ponds on the site, preservation of wetland areas along the site's northern and eastern property lines, a pathway connection through the site to future development to the north, and an offsite pathway at the site's southeast corner to the Novi Dog Park to the south. Two access points (one boulevarded) are proposed off of Nick Lidstrom Drive.

This property was recently rezoned with a PRO from I-1, Light Industrial and OS-1, Office Service to RM-1 (Low Density, Low-Rise Multiple-Family Residential) with a PRO. The Planning Commission gave a positive recommendation for approval of the concept plan and rezoning to City Council on November 12, 2014. The City Council granted tentative approval of the rezoning and concept plan and directed the applicant to work with the City attorney's office on a PRO agreement on December 08, 2014. The PRO Agreement and Concept Plan were approved by the City Council on April 13, 2015, and a Revised PRO Agreement and Concept Plan were approved by the City Council on July 14, 2015. The applicant has now submitted for Preliminary Site Plan Review and approval by the Planning Commission.

Planned Rezoning Overlay

The rezoning with a Planned Rezoning Overlay was granted final approval by City Council on July 14, 2015.

The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a

parcel. As part of the PRO, the underlying zoning is proposed to be changed (in this case from I-1 and OS-1 to RM-1) and the applicant enters into a PRO agreement with the City, whereby the City and the applicant agree to tentative approval of a conceptual plan for development of the site. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the rezoning and PRO concept plan expires and the agreement becomes void.

The following ordinance deviations were included in the PRO Agreement:

- a. Circulation Waiver: A waiver the Design and Construction Standards as set forth in Section 3.8.2.B of the Zoning Ordinance to allow the cul de sac to be built to standards other than those required for local streets as set forth in Section 11-194 of the City of Novi Code. This waiver shall be subject to the following requirements:
 - i. The circulating (circular) roadway shall be posted for one-way counterclockwise operation (just as a standard cul-de-sac) requiring the posting of a non-diagrammatic "Keep Right" sign on the island directly ahead of the approaching street centerline;
 - ii. The width of the circulating roadway shall be 32 feet (back of curb to back of curb);
 - iii. The entry and exit curb radii, dimensioned to be only 25 ft., shall be increased to 67 ft.;
 - iv. The proposed parking spaces on the west side of the island be deleted, but two spaces may be added to the easterly module, one at each end of it; and,
 - v. The remainder of the island's periphery shall be posted for "No Parking."
- b. Driveway Spacing Waiver: A same side driveway spacing waiver for the south access drive providing for 84 feet of space from the existing Sports Club drive rather than the 105 foot spacing required by Section 11-216 (d) of the City of Novi Code for a 25-mph roadway.
- c. Landscape Waiver – South Boundary Berm: A waiver from Section 5.5.2.v.of the Zoning Ordinance to allow a reduction in minimum berm height from 6 feet to 4-5 feet along the southern property boundary, subject to installation of additional understory plantings to assure adequate buffering.
- d. Landscape Waiver – East, West, and North Boundary Berms: A waiver from Section 5.5.2.iv of the Zoning Ordinance of the requirement for installation of berms along the eastern, western and northern property boundaries, subject to preservation of existing natural features in those locations pursuant to a Conservation Easement in a format approved by the City.
- e. Building Materials: A façade waiver for an underage of brick and overage of siding and asphalt shingles in accordance with the conceptual renderings provided in conjunction with the PRO Plan attached as Exhibit B.
- f. Building Orientation: A waiver from Section 3.8.2.D of the Zoning Ordinance allowing buildings to be oriented between 50° and 90° angle to the property line rather than at a 45° angle.
- g. Setback Coverage: A waiver from Section 3.8.2.E of the Zoning Ordinance allowing 47% coverage of the required front, side, and/or rear setback areas for off-street parking, maneuvering lanes, service drives, and/or loading areas.

- h. Building Setbacks: A waiver from Section 3.1.7.D allowing the southeastern most building to be setback 66' from the angled property line rather than 75'.

When a PRO is proposed, an applicant is required to demonstrate a public benefit above and beyond what would be associated with the normal development of the site. This public benefit is included in the PRO Agreement. The public benefits associated with the subject property, and as noted in the approved PRO Agreement are as follows:

- a. Residences that exceed the minimum architectural standards of the City and are similar, in the City's determination, to those conceptual architectural renderings in the PRO Plan attached as Exhibit B, in an area adjacent to the City-owned property;
- b. Construction of a pathway for public use through the Development from Nick Lidstrom Drive to the north property line for connection to the future development of the non-residential property to the north in the location and to the standards shown in the PRO Plan as Exhibit B.
- c. Construction of an off-site pathway for public use to the Novi Dog Park commencing from the site's southeast corner along the rear property line of Novi Sport's Club and a connection to the existing pathway along Nick Lidstrom Drive, in the location and to the standards shown in the PRO Plan as Exhibit B;
- d. Installation of pedestrian directional signage along the pathways set forth above;
- e. Preservation of natural features along the north and east property lines and the remaining wetlands, wetland buffer areas and woodlands on the site as shown in the PRO Plan as Exhibit B, by execution of a Conservation Easement.

The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the PRO concept plan expires and the agreement becomes void.

Recommendation

Approval of the *Preliminary Site Plan is recommended*. The plan conforms to the requirements of the Zoning Ordinance and the approved PRO Agreement and Concept Plan, with additional comments provided in this and the accompanying review letters, and with additional details required at the time of Final Site Plan submittal. **Planning Commission approval of the Preliminary Site Plan, Woodland permit and Storm Water Management Plan is required.**

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3 (Zoning Districts), Article 4 (Use Standards), Article 5 (Site Standards), and any other applicable provisions of the Zoning Ordinance. Please see the attached charts for information pertaining to ordinance requirements. Items in **bold** below must be addressed and incorporated as part of the final site plan submittal.

1. PRO Agreement Conditions: "Applicants shall relocate interior sidewalks further away from the proposed roadway than what is currently shown on Exhibit B where feasible to allow for a larger buffer space between the proposed sidewalks and proposed roadway." **Applicants' response letter indicates that the sidewalks have been shifted away from the internal drives in several locations. The Landscape Review letter requests that additional greenspace be provided where feasible, in order to accommodate plantings. The applicant is asked to further adjust sidewalks in subsequent submittals to accommodate this requirement.**
2. PRO Agreement Conditions: "Applicants shall provide pedestrian style lighting along the frontage of City streets, including but not limited to Nick Lidstrom Drive. Pedestrian lighting shall be shown on the preliminary site plan, and reviewed by the Planning Commission to determine that the style, number, and location of fixtures are acceptable to the City. The Planning Commission shall have the right and authority to require changes to the proposed lighting at the time of site plan approval." **Additional detail regarding the specifications of such lighting is required for the Planning Commission's review of this information. Please provide this information prior to the matter being reviewed by the Planning Commission.**
3. Off Site Pathway to South: Construction of offsite pathway to new Novi Dog Park commencing from site's southeast corner along rear property line of Novi Sport's Club. Path has been extended westward to connect directly to Nick Lidstrom Drive. Pedestrian directional signage proposed along walk. The applicant is asked to work with the Engineering Division and Jeff Muck, the Director of the Parks, Recreation, and Cultural Services Department at 248.347.0402 or jmuck@cityofnovi.org on the connection of the path to the entrance of the dog park. Provide details of the pedestrian directional signage prior to Final Site Plan Review.
4. Access Easements: Construction and access easements are required for the proposed pathway connections as required by ordinance standards and the terms of the PRO Agreement.
5. Entryway Lighting: A residential development entrance light must be provided at **both** of the entrances to the development. **The applicant will need to work with the Engineering Division on the installation of the lights as part of the site plan and construction process.**
6. Lighting (Sec 5.7): The applicant is asked to clarify if any additional exterior lighting is proposed within the property. Additional details will be required with the next submittal regarding the specifications of the fixtures that are proposed. If on-site lighting is proposed, a photometric plan would be required with the Final Site Plan.
7. Property Split: The site plan indicates a proposed property split/combination. **The proposed property split must be submitted to the Assessing Department for approval.**
8. Development in the Floodplain: The applicant is asked to work with the Building Official, Tom Walsh 248-347-0417 or twalsh@cityofnovi.org to obtain any required permits
9. Conservation Easements: Applicant has agreed to provide a conservation easement over remaining wetland and natural features setback areas. **Easement documents will be required with Final Site Plan.**
10. Legal Documents: **Master Deed/Covenant and Restrictions will be required to be submitted for review during Final Site Plan review.**
11. Other Reviews:

The site plan went through two reviews with selected reviewers. Please see below for the latest date on the respective review.

- a. Engineering Review (dated August 11, 2015): Additional comments to be addressed during Final Site Plan. Engineering recommends approval.

JSP 14-18 Novi Ten Townhomes

1st Revised Preliminary Site Plan Review

Page 5 of 6 Planning Review Summary Chart

September 22, 2015

- b. Landscape Review (dated September 18, 2015): Additional comments to be addressed during next submittal. Landscape recommends approval.
- c. Wetland Review (dated September 17, 2015): A Wetlands Permit and a wetland buffer authorization would be required for proposed impacts. Additional comments to be addressed during Final Site Plan. The project as proposed will likely require a City of Novi Wetland Permit and an *Authorization to encroach the 25-Foot Natural Features Setback*. Wetlands recommend approval.
- d. Woodland Review (dated September 17, 2015): A Woodland Permit would be required for proposed impacts. Additional comments to be addressed during Final Site Plan. A City of Novi Woodland permit is approved by the Planning Commission is required for this project. Woodlands recommend approval.
- e. Traffic Review (dated August 07, 2015): Additional comments to be addressed during Final Site Plan. Traffic recommends approval.
- f. Facade Review (dated September 18, 2015): Façade notes that no additional changes are proposed to the elevations since the PRO concept plan approval. Façade recommends approval with the same conditions that were approved as part of PRO submittal.
- g. Fire Review (dated July 23, 2015): Additional comments to be addressed during Final Site Plan. Fire recommends approval.

Response Letter

With this submittal, all reviews are recommending approvals. This Site Plan is scheduled to go before Planning Commission on September 30, 2015. Please provide the following **no later than September 23, 2015** if you wish to keep the schedule.

1. A response letter addressing **ALL** the comments from **ALL** the review letters (as dated above) and **a request for waivers and variances as you see fit**.
2. A PDF version of the all Site Plan drawings that were dated 09-03-2015. **NO CHANGES MADE.**
3. A color rendering of the Site Plan, if any.
4. **Additional detail regarding the specifications of such lighting is required for the Planning Commission's review of this information. Please provide this information prior to the matter being reviewed by the Planning Commission.** See comments above for more details.

Street and Project Name

Project and street names shall be approved by the Street and Project Naming Committee. **Please contact Richelle Leskun immediately to get the project name approved at 248.347.0579 for further details.**

Signage

Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

Site Addressing

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at www.cityofnovi.org under the forms page of the Community Development Department. Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

Pre-Construction Meeting

JSP 14-18 Novi Ten Townhomes

1st Revised Preliminary Site Plan Review

Page 6 of 6 Planning Review Summary Chart

September 22, 2015

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or skomaragiri@cityofnovi.org.

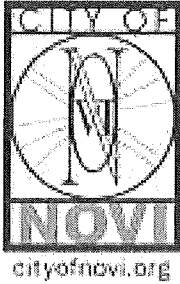


Sri Ravali Komaragiri – Planner

ENGINEERING REVIEW

Review based on Revised Preliminary Site Plan on July 21, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade



PLAN REVIEW CENTER REPORT

08/11/2015

Engineering Review

Novi Ten Townhomes

JSP14-0018

Applicant

NOVI TEN ASSOCIATES

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: S. of 10 Mile Rd. and E. of Novi Rd.
- Site Size: 20.09 acres
- Plan Date: 07/17/2015

Project Summary

- Construction of a 93 unit attached multi-family subdivision on approximately 20 acres. Site access would be provided by proposed public roadways off of Nick Lidstrom Drive.
- Water service would be provided by connecting to the existing 8-inch water main stubs on-site.
- Sanitary sewer service would be provided by an extension from the existing 8-inch sanitary sewer on Nick Lidstrom Drive and a connection to the existing 36-inch trunkline sewer.
- Storm water would be collected by two storm sewer collection systems. The western 9.46 acres of the development is tributary to Detention Basin "A" with the 3.03 acres in the northeast corner of the development tributary to Detention Basin "B". These basins outlet into the existing wetlands east of the development.

Recommendation

Approval of the Preliminary Site Plan and Preliminary Storm Water Management Plan is recommended.

Comments:

The Preliminary Site Plan meets the general requirements of Chapter 11, the Storm Water Management Ordinance and the Engineering Design Manual with the following items to be addressed at the time of Final Site Plan submittal (further engineering detail will be required at the time of the final site plan submittal):

Additional Comments (to be addressed prior to the Final Site Plan submittal):

General

1. A right-of-way permit will be required from the City of Novi.
2. Provide a note that compacted sand backfill shall be provided for all utilities within the influence of paved areas, and illustrate on the profiles.
3. Provide a construction materials table on the Utility Plan listing the quantity and material type for each utility (water, sanitary and storm) being proposed.
4. Provide a utility crossing table indicating that at least 18-inch vertical clearance will be provided, or that additional bedding measures will be utilized at points of conflict where adequate clearance cannot be maintained.
5. Where the minimum 18-inch clearance at utility crossings cannot be achieved, provide a prominent note stating the substandard clearance and that proper bedding/encasement will be determined by the inspecting engineer.
6. Provide a note stating if dewatering is anticipated or encountered during construction a dewatering plan must be submitted to the Engineering Department for review.
7. Provide separate sheets for the paving/grading and the utility plans.
8. Provide a traffic control sign table listing the quantities of each sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards. Include signage for the pedestrian pathway.
9. The City standard detail sheets are not required for the Final Site Plan submittal. They will be required with the Stamping Set submittal. They can be found on the City website (www.cityofnovi.org/DesignManual).

Water Main

10. Provide details for the proposed water main connections.
11. Use two 45-degree bends in lieu of any 90-degree water main bends proposed.
12. Provide a water main stub to the parcel to the north.
13. Provide a profile for all proposed water main 8-inch and larger.
14. The water main stub at shall terminate with a hydrant followed by a valve in well. If the hydrant is not a requirement of the development for another reason the hydrant can be labeled as temporary allowing it to be relocated in the future.

15. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

16. Provide a note on the Utility Plan and sanitary profile stating the sanitary lead will be buried at least 5 feet deep where under the influence of pavement.
17. Clarify if the sanitary sewer is to be installed with directional drilling or jack and bore. Jack and bore would be the method preferred by the City.
18. Provide a testing bulkhead immediately upstream of the sanitary connection point. (If more than one run of 8-inch proposed) Additionally, provide a temporary 1-foot deep sump in the first sanitary structure proposed upstream of the connection point, and provide a secondary watertight bulkhead in the downstream side of this structure.
19. Seven (7) sealed sets of revised utility plans along with the MDEQ permit application (04/14 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. Also, the MDEQ can be contacted for an expedited review by their office.

Storm Sewer

20. A minimum cover depth of 3 feet shall be maintained over all storm sewers. Currently, a few pipe sections do not meet this standard. Grades shall be elevated and minimum pipe slopes shall be used to maximize the cover depth. In situations where the minimum cover cannot be achieved, Class V pipe must be used with an absolute minimum cover depth of 2 feet. An explanation shall be provided where the cover depth cannot be provided.
21. Provide a 0.1-foot drop in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs.
22. Match the 0.80 diameter depth above invert for pipe size increases.
23. Storm manholes with differences in invert elevations exceeding two feet shall contain a 2-foot deep plunge pool.
24. Label all inlet storm structures on the profiles. Inlets are only permitted in paved areas and when followed by a catch basin within 50 feet.
25. Label the 10-year HGL on the storm sewer profiles, and ensure the HGL remains at least 1-foot below the rim of each structure.
26. Illustrate all pipes intersecting storm structures on the storm profiles.
27. Provide a schedule listing the casting type and other relevant information for each proposed storm structure on the utility plan. Round castings shall be provided on all catch basins except curb inlet structures.

Storm Water Management Plan

28. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
29. Provide an access easement for maintenance over the storm water detention system and the pretreatment structure. Also, include an access easement to the detention area from the public road right-of-way.
30. Provide release rate calculations for the three design storm events (first flush, bank full, 100-year).
31. Provide a soil boring in the vicinity of the storm water basin to determine soil conditions and to establish the high water elevation of the groundwater table.
32. Provide supporting calculations for the runoff coefficient determination.
33. A runoff coefficient of 0.35 shall be used for all turf grass lawns (mowed lawns).
34. A 4-foot wide safety shelf is required one-foot below the permanent water surface elevation within the basin.
35. Provide detention for the entire site of 20.09 acres. The basin must be designed for the entire acreage of the site. Drainage areas that do not flow to the basin must be included in the volume calculations.
36. Provide a drainage area map.
37. Provide details for the rip-rap berm in the detention basins.
38. The planting soil media shall consist of a mixture such as 50% topsoil/50% sand or 20% topsoil/60% sand/20% compost, or similar.
39. The spillway shall consist of a gravel or rip-rap to dissipate flows. Provide a detail for the spillway, including the interface with the bioswale.
40. Provide a cross-section for the bioswale, including all relevant elevations, inverts and dimensions.
41. A cleanout shall be provided at each end of the proposed underdrain for periodic maintenance.
42. Provide a soil borings in the vicinity of the bioretention facility to determine soil conditions and to establish the high water elevation of the groundwater table. Verify the ground water elevation is at least 3 feet below the bioretention facility.
43. Provide a geotextile filter fabric under the planting material to separate it from the underdrain/base material or in-situ soils.
44. The detail for the bioswale shall indicate the above-grade ponding depth, and shall show the overflow catch basin. Include the design sideslopes, currently shown vertical.

Paving & Grading

45. Include a ramp detail with spot elevations for all ADA ramps and level landings at street crossings.

46. Provide two spot elevations where each pathway stub terminate or intersects and existing pathway.
47. Specify whether the proposed roadway network will be public or private.
48. Provide at least 3-foot of buffer distance between the sidewalk and any fixed objects, including hydrants. Note on the plan any location where the 3-foot separation cannot be provided.
49. The right-of-way sidewalk shall continue through the drive approach. If like materials are used for each, the sidewalk shall be striped through the approach. The sidewalk shall be increased to 8-inches thick along the crossing or match the proposed cross-section if the approach is concrete. The thickness of the sidewalk shall be increased to 8-inches across the drive approach. Provide additional spot grades as necessary to verify the maximum 2-percent cross-slope is maintained along the walk.
50. The City standard straight-faced curb (MDOT C-4 curb detail) shall be provided. Revise details accordingly.
51. Provide top of curb/walk and pavement/gutter grades to indicate height of curb.
52. Dimensions of parking stalls abutting a curb or sidewalk are to the face of curb or walk. All other dimensions are to back of curb unless otherwise indicated.
53. Curbing and walks adjacent to the end of 17-foot stalls shall be reduced to 4-inches high, rather than the standard 6-inch height to be provided adjacent to 19-foot stalls. Provide additional details as appropriate.
54. Add the required 2-percent cross-slope to the sidewalk detail.
55. Soil borings along the proposed road will be required at 500 foot intervals per Section 11-195(d) of the Design and Construction Standards.. A minimum of 5 borings meeting ordinance requirements will be acceptable.

Flood Plain

56. A City of Novi floodplain use permit will be required for the proposed floodplain impact. This should be submitted as soon as possible. Contact the Building Department for submittal information. An MDEQ floodplain use permit may also be required prior to site plan approval.

Off-Site Easements

57. Any off-site easements must be executed prior to final approval of the plans. Drafts shall be submitted at the time of the Preliminary Site Plan submittal.

The following must be submitted at the time of Final Site Plan submittal:

58. A letter from either the applicant or the applicant's engineer must be submitted with the Final Site Plan highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.

59. An itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. **The cost estimate must be itemized** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

The following must be submitted at the time of Stamping Set submittal:

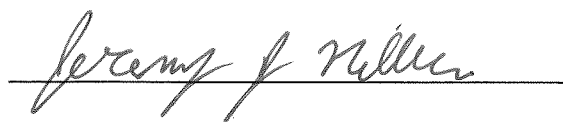
60. A draft copy of the maintenance agreement for the storm water facilities, as outlined in the Storm Water Management Ordinance, must be submitted to the Community Development Department with the Final Site Plan. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds.
61. A draft copy of the 20-foot wide easement for the water main to be constructed on the site must be submitted to the Community Development Department.
62. A draft copy of the 20-foot wide easement for the sanitary sewer to be constructed on the site must be submitted to the Community Development Department.
63. A draft copy of the 20-foot wide easement for the pathway to be constructed on the site must be submitted to the Community Development Department.
64. Executed copies of any required off-site utility easements must be submitted to the Community Development Department.

The following must be addressed prior to construction:

65. A pre-construction meeting shall be required prior to any site work being started. Please contact Sarah Marchioni in the Community Development Department to setup a meeting (248-347-0430).
66. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee must be paid to the City Treasurer's Office.
67. An NPDES permit must be obtained from the MDEQ because the site is over 5 acres in size. The MDEQ requires an approved plan to be submitted with the Notice of Coverage.
68. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department (248-347-0430) for forms and information.

69. A permit for work within the right-of-way of Nick Lidstrom Dr. must be obtained from the City of Novi. The application is available from the City Engineering Department and should be filed at the time of Final Site Plan submittal. Please contact the Engineering Department at 248-347-0454 for further information.
70. A permit for water main construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the water main plans have been approved.
71. A permit for sanitary sewer construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the sanitary sewer plans have been approved.
72. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.
73. A storm water performance guarantee, equal to 1.5 times the amount required to complete storm water management and facilities as specified in the Storm Water Management Ordinance, must be posted at the Treasurer's Office.
74. An incomplete site work performance guarantee, equal to 1.5 times the amount required to complete the site improvements (excluding the storm water detention facilities) as specified in the Performance Guarantee Ordinance, must be posted at the Treasurer's Office.
75. A street sign financial guarantee in an amount to be determined (\$400 per traffic control sign proposed) must be posted at the Treasurer's Office.

Please contact Jeremy Miller at (248) 735-5694 with any questions.

A handwritten signature in cursive script, reading "Jeremy J. Miller", is written over a horizontal line.

cc: Ben Croy, Engineering
Brian Coburn, Engineering
Sri Komaragiri, Community Development
Sabrina Lilla, Water & Sewer

LANDSCAPE REVIEW

Review based on Revised Preliminary Site Plan on September 10, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade



PLAN REVIEW CENTER REPORT

September 18, 2015

Preliminary Site Plan - Landscaping

Novi Ten Townhomes

Review Type

Revised Preliminary Site Plan Landscape Review

Project Number

JSP14-0018

Property Characteristics

- Site Location: North and East sides of Nick Lidstrom Drive
- Site Zoning: I-1/OS-1 – Proposed rezoning to RM-1
- Adjacent Zoning: RM-1 Southwest, NCC and OS-1 West, I-1 South and East
- Plan Revision Date: 9-3-2015

Ordinance Considerations

This project was reviewed for conformance with Chapter 37: Woodland Protection, Zoning Article 5.5 Landscape Standards, the Landscape Design Manual and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed and incorporated as part of the Preliminary Site Plan submittal. Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance.

Recommendation

This project is **recommended for approval**, contingent on issues raised below being addressed.

EXISTING ELEMENTS

Existing Soils and Topography (Preliminary Site Plan checklist #10, #17)

Provided on Sheet 3.

Existing Trees (Sec 37 Woodland Protection, Preliminary Site Plan checklist #17 and LDM 2.3 (2), 2.e. (1))

1. Existing trees to remain and be removed are shown on Sheets L-4 through L-7.
2. Calculations for woodland replacements shown on Sheet L-7.

Existing Trees Protection (Sec 37 Woodland Protection, Preliminary Site Plan checklist #17 and LDM 2.3 (2))

1. The tree protection fence detail has been revised as requested.
2. Please add tree protection fencing shown on Sheets L-4 and L-5 to Removal/Demolition and/or Grading Plan on Final Site Plans.

Existing and Proposed Overhead and Underground Utilities, including hydrants. (LDM 2.e. (4))

1. Please show clearly any overhead utility lines, if they exist, on landscape plan and ensure proper spacing from them. Dimension distance from closest trees to lines/power poles.
2. Trees appear to be at least 10' away from fire hydrants.
3. **A note stating that all trees are to be kept at least 10' away from Utility structures has been added to Sheet L-1. Please add "including fire hydrants" to that statement.**
4. No transformers/utility boxes are indicated. Please add to Final Site Plans and screen according to city requirements.

LANDSCAPING REQUIREMENTS

Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Zoning Sec. 5.5.3.B.ii and iii)

1. 34' greenbelt is required and provided.
2. Required canopy/large evergreen (1 per 35' frontage) and subcanopy trees (1 per 25' frontage) are provided.
3. 4-5' high berm with 4' wide crest is required and provided along Nick Lidstrom Drive. The berm height meets that minimum dimension in most cases except a small section where there is insufficient space, but the buffer is still 3' tall and heavily landscaped. This is acceptable.

Residential Use Adjacent to Non-residential uses (Zoning Sec. 5.5.3.A.ii)

1. No berms are provided around west, north and east exterior lines of project to preserve natural features. A waiver for this was obtained as part of the PRO agreement.
2. Waiver was granted to reduce required berm between residential and I-1 from 10-15' high berm to 4' high berm with 6' wide crest and enhanced landscaping.

Street Tree Requirements (Zoning Sec. 5.5.3.E.i.c and LDM 1.d.)

- 1 tree per 45 lf frontage is required for a total of 25 canopy trees along Nick Lidstrom Drive. 25 trees, including 21 existing trees, are provided.

Multi-family Landscaping Requirements (Zoning Sec 5.5.3.E.ii)

1. Dwelling unit requirement has been met (3 canopy deciduous trees per floor d.u.).
2. Interior road requirement has been met (1 canopy deciduous tree per 35 lf interior drive, less driveways, parking entry drives, interior adjacent to public rights-of-way).
3. **The space between the sidewalk and curb is very limited, usually to just 5' and sometimes 3'. A 3' wide space will not allow the tree to survive and grow. Please increase the area between the sidewalk and curb to at least 5' in all cases where trees are to be planted, and consider the use of smaller trees per the Novi Street Tree List in the Landscape Design Manual where the planting space is less than 8' wide, between curb and sidewalk. Currently there are still large canopy tree species such as sugar maple and honeylocust in spaces 5' wide. This is not a good situation for tree survival, and may lead to sidewalk heaving in the case of honeylocusts.**
4. Building foundation planting has been provided, but approximately 70% of front façade is in paving, not landscaping. 60% greenscape along front of buildings is required by ordinance 5.5.3.E.ii.b.(3). While the design does not match the requirement of the ordinance, it is consistent with the original concept plan presented.

Parking Lot Landscape (Zoning Sec. 5.5.3.C.)

Landscaping areas and plantings exceed requirements for small parking areas provided.

Woodland Replacement Plantings

The woodland replacement plantings have been modified (and improved) by changing the dominant tree types used from evergreen to deciduous, and by providing approximately 20' between trees.

OTHER REQUIREMENTS

Plant Lists & Details

1. Trees are labeled with their ID as to type of planting (replacement, unit, street tree, etc.).
2. Planting details and notes that conform to city requirements are provided.
3. The berm detail has been corrected to show 6" of topsoil and construction of a loamy soil.
4. For Final Site Plan, total plant counts, including all unit plantings (trees, shrubs, grasses,

- perennials, groundcovers), need to be provided.
5. Any seed mixes used in bioretention basins, the detention basin or other areas that are not to be lawn should also be provided on the Final Site Plans, with quantities.

Clear zones

1. Required clear zones at Nick Lidstrom Drive are provided.
2. Clear zones at intersections are now provided for interior roads.

Irrigation (LDM 1.a.(1)(e) and 2.s)

Irrigation plan should be included in Final Site Plans.

Proposed topography. 2' contour minimum (LDM 2.e.(1))

Please add proposed contours across entire site, not just berms and detention ponds, to landscape plan when they become available.

Snow Deposit (LDM.2.q.)

A note regarding the placement of snow deposits has been added to Sheet L-1.

If the applicant has any questions concerning the above review or the process in general, please do not hesitate to contact me at 248.735.5621 or rmeader rmeader@cityofnovi.org.



Rick Meader – Landscape Architect

WETLANDS REVIEW

Review based on Revised Preliminary Site Plan on September 10, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade



September 17, 2015
ECT No. 140389-0600

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

Re: Novi Ten Townhomes (JSP14-0018)
Wetland Review of the Revised Preliminary Site Plan (PSP15-0138)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Revised Preliminary Site Plan for the proposed Novi Ten Townhomes project prepared by Seiber, Keast Engineering, L.L.C. dated September 3, 2015 (Plan). The Plan was reviewed for conformance with the City of Novi Wetland and Watercourse Protection Ordinance and the natural features setback provisions in the Zoning Ordinance. ECT has also previously visited this site for the purpose of a wetland boundary verification.

In general, ECT recommends approval of the Revised Preliminary Site Plan for Wetlands with the condition that the Applicant submit a copy of the approved MDEQ/USACE Joint Permit upon issuance.

The proposed development is located east of Novi Road and north of Nick Lidstrom Drive, Section 26. The Plan appears to propose the construction of 21 multi-family residential site buildings, associated roads and utilities, and a storm water detention basin. The proposed project site contains several areas of City-Regulated Wetlands and is adjacent to Chapman Creek (see Figures 1 & 2).

ECT previously visited the site for the purpose of conducting a wetland verification in 2008 as well as in 2014. In 2008, ECT (John Freeland) has met onsite with the applicant's wetland consultant (Jeff King of King & MacGregor Environmental) to review a previously flagged wetland boundary prior to final survey. A pre-application meeting with Michigan Department of Environmental Quality (MDEQ) was held on May 5, 2014. In this meeting it was determined that a wetland permit is required for this project.

The development site is adjacent to small emergent-scrub shrub wetlands as well as higher-quality forested and open-water wetland. The site contains floodplain areas associated with a tributary of the Rouge River (Chapman Creek). At the time of our preliminary wetland verification inspection (2008), ECT discussed some particular areas that proposed development should work hard to avoid and minimize impacts. Those areas include forested and open water wetland areas.

2200 Commonwealth
Blvd., Suite 300
Ann Arbor, MI
48105

(734)
769-3004

FAX (734)
769-3164

Onsite Wetland Evaluation

The *Preliminary Site Plan* (Sheet 2) indicates areas of wetland surrounding the proposed development site. As noted, these wetland areas were delineated by King & MacGregor Environmental, Inc.

All of these wetlands are of moderate to high quality and only relatively minor impacts are proposed as part the site design. ECT has verified that the wetland boundaries appear to be accurately depicted on the Plan.

What follows is a summary of the wetland impacts associated with the proposed site design.

Wetland Impact Review

Currently, the Plan does not indicate proposed, direct impact to wetlands. Previous iterations of the plan indicated a proposed 8’ wide pedestrian boardwalk/bridge across wetland. The proposed pathway appeared to be a clear span bridge with no wetland impacts. It should be noted that although there did not appear to be any direct impacts to wetlands, there did appear to be direct impact to regulated floodplain. Floodplain impacts will most likely need to be authorized by the Michigan Department of Environmental Quality (MDEQ). The current Plan indicates a proposed 8’ wide concrete pedestrian pathway within a 12’ wide public easement. This revised pathway location does not appear to involve wetland impacts, but does appear to involve impacts to the floodplain.

In addition, the Plan includes a proposed sanitary sewer connection to the east of the development. This construction includes the directional bore of 8-inch sanitary sewer through (under) existing wetland. No permanent impacts to wetland are proposed.

Although no direct wetland impacts are proposed, the Plan does propose temporary impact to 0.29-acre of the total 1.77 acres of on-site wetland buffer for the purpose of constructing proposed storm water detention basin “B”, several storm water bioretention areas, and a sanitary sewer connection that extends off-site to the east.

While the Plan includes proposed impacts to on-site wetland buffer, the Applicant has made an attempt to minimize proposed wetland disturbance. The following table summarizes the existing wetlands and the proposed wetland impacts as listed on the *Preliminary Site Plan* (Sheet 2):

Table 1. Proposed Wetland Impacts

Wetland Area	Wetland Area (acres)	City Regulated?	MDEQ Regulated?	Impact Area (acre)	Estimated Impact Volume (cubic yards)
A	1.64	Yes City Regulated /Essential	Yes	None Indicated	None Indicated
TOTAL	1.64	--	--	None Indicated	None Indicated

As noted, the Plan specifies impacts to the 25-foot natural features setback. The following table summarizes the existing wetland setbacks and the proposed wetland setback impacts as listed on the *Preliminary Site Plan*:

Table 2. Proposed Wetland Buffer Impacts

Wetland Setback/Buffer Area	Wetland Buffer Area (acres)	Temporary Impact Area (acre)
A	1.77	0.29
TOTAL	1.77	0.29

Permits & Regulatory Status

All of the wetland on the project site appears to be considered essential and regulated by the City of Novi and any impacts to wetlands or wetland buffers would require approval and authorization from the City of Novi. All of the wetland area appears to be considered essential by the City as they appear to meet one or more of the essentiality criteria set forth in the City’s Wetland and Watercourse Protection Ordinance (i.e., storm water storage/flood control, wildlife habitat, etc.). This information has been noted in the *Proposed Wetland Impacts* table, above.

All associated wetland appears to be regulated by the MDEQ as it appears to be within 500 feet of a watercourse/regulated drain (Chapman Creek, per Plan). As noted above, a pre-application meeting with the MDEQ was held on May 5, 2014. In this meeting it was determined that a wetland permit was required for this project. The applicant has provided a copy of the MDEQ/USACE Joint Permit application with the current Plan submittal and has noted that a copy of the approved permit will be provided upon issuance by the agency.

The project as proposed will require a City of Novi Minor Use Wetland Permit (required to authorize the directional drilling of 8-inch sanitary sewer for the purpose of connecting east of the project area) and an *Authorization to Encroach the 25-Foot Natural Features Setback*. This authorization is required for the proposed impacts to regulated wetland setbacks.

Wetland Comments

The following are repeat comments from our Wetland Review of the Preliminary Site Plan letter dated August 9, 2015. The current status of each comment follows in ***bold italics***:

1. ECT encourages the Applicant to minimize impacts to on-site wetlands and wetland setbacks to the greatest extent practicable. It should be noted that previous iterations of this site plan proposed less impact to regulated 25-foot wetland buffer (0.124). It should be noted that a good portion of the impact to the wetland buffer appears to perhaps be ‘temporary’ for the purpose of floodplain cut (i.e., floodplain mitigation) or the construction of storm water retention areas. The applicant should quantify the area of permanent versus temporary wetland setback impacts on subsequent site plans (i.e., provide acreages or square footages).

This comment has been addressed. As noted, the proposed Plan does not include direct impacts to wetlands. In addition, all impacts to the wetland buffers have been identified as temporary. These impact areas shall be restored with one of two seed mixes proposed on the Plan (Floodplain Compensation Seed Mix or Bio-Retention Seed Mix).

2. The applicant shall provide information for any proposed seed mixes that will be used to restore the floodplain areas and/or used in the bioretention areas. ECT would like to ensure that the proposed plant/seed material contains native plants as opposed to invasive or threatened plant types.

This comment has been addressed. The applicant has provided acceptable proposed restoration seed mixes on the Landscape Plan (Sheet L-3).

3. The Applicant is encouraged to provide wetland conservation easements for any areas of remaining wetland or 25-foot wetland buffer. This appears to have already been addressed as the Plan notes that "conservation easement shall be provided over remaining woodlands, wetlands, and natural features setbacks".

This comment has been addressed. The applicant has provided a note on Sheet 2 of the Plan.

4. It should be noted that it is the Applicant's responsibility to confirm the need for a Permit from the MDEQ for any proposed wetland (or floodplain) impact. Final determination as to the regulatory status of each of the on-site wetlands shall be made by MDEQ. The Applicant should provide a copy of the MDEQ Wetland Use Permit application or letter of no jurisdiction to the City (and our office) for review and a copy of the approved permit upon issuance.

This comment still applies. As noted above, a pre-application meeting with the MDEQ was held on May 5, 2014. In this meeting it was determined that a wetland permit was required for this project. The applicant has provided a copy of the MDEQ/USACE Joint Permit application with the current Plan submittal and has noted that a copy of the approved permit will be provided upon issuance by the agency. The City needs to receive this information prior to issuing a City Wetland Permit.

5. It is ECT's understanding that the site was also subsequently evaluated by the MDEQ through their Level 3 Wetland Interpretation Program. A copy of the MDEQ wetland boundary verification approval letter should be provided to the City for review. Please submit a copy of this letter to our office (electronic format if possible).

This comment has been addressed.

Novi Ten Townhomes (JSP14-0018)
Wetland Review of the Revised Preliminary Site Plan (PSP15-0138)
September 17, 2015
Page 5 of 7

Recommendation

In general, ECT recommends approval of the Revised Preliminary Site Plan for Wetlands with the condition that the Applicant submit a copy of the approved MDEQ/USACE Joint Permit upon issuance.

If you have any questions regarding the contents of this letter, please contact us.

Sincerely,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Pete Hill, P.E.
Senior Associate Engineer

cc: Chris Gruba, City of Novi Planner
Sri Komaragiri, City of Novi Planner
Richelle Leskun, City of Novi Planning Assistant
Rick Meader, City of Novi Landscape Architect

Attachments: Figures 1 & 2



Figure 1. City of Novi Regulated Wetland & Woodland Map (approximate property boundary shown in red). Regulated Woodland areas are shown in green and regulated Wetland areas are shown in blue).

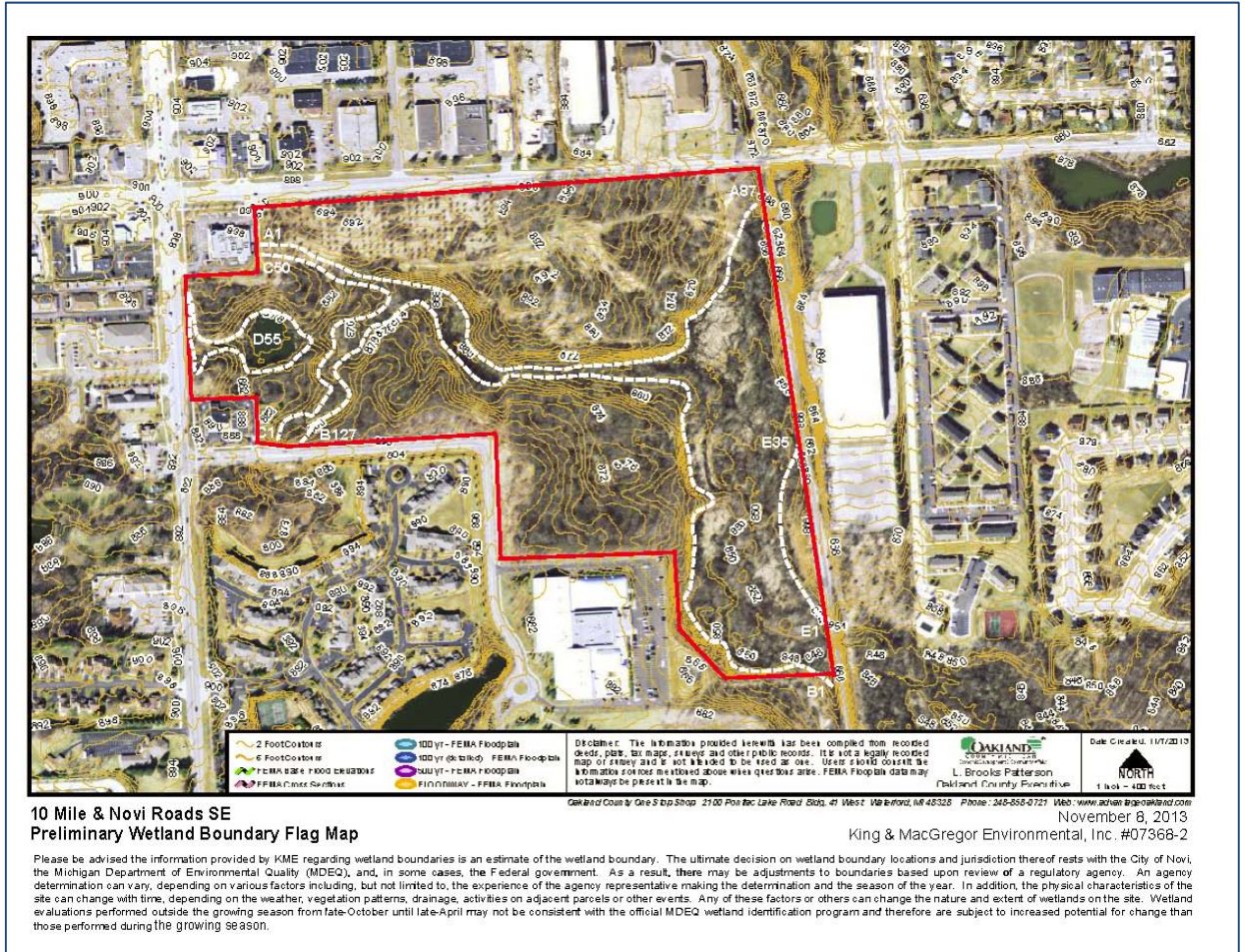


Figure 2. Wetland Delineation Map (Provided by King & MacGregor Environmental, Inc.)

WOODLANDS REVIEW

Review based on Revised Preliminary Site Plan on September 10, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade

September 17, 2015
ECT No. 140389-0700

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

Re: Novi Ten Townhomes (JSP14-0018)
Woodland Review of the Revised Preliminary Site Plan (PSP15-0138)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Revised Preliminary Site Plan for the proposed Novi Ten Townhomes project prepared by Seiber, Keast Engineering, L.L.C. dated September 3, 2015 (Plan). The Plan was reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37. The purpose of the Woodlands Protection Ordinance is to:

- 1) *Provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in the city in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat. In this regard, it is the intent of this chapter to protect the integrity of woodland areas as a whole, in recognition that woodlands serve as part of an ecosystem, and to place priority on the preservation of woodlands, trees, similar woody vegetation, and related natural resources over development when there are no location alternatives;*
- 2) *Protect the woodlands, including trees and other forms of vegetation, of the city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character of geological, ecological, or historical significance; and*
- 3) *Provide for the paramount public concern for these natural resources in the interest of health, safety and general welfare of the residents of the city.*

ECT currently recommends approval of the Revised Preliminary Site Plan for Woodlands. ECT recommends that the Applicant address the items noted above in the Comments section of this letter prior to submittal of the Final Site Plan.

ECT previously visited the site for the purpose of a woodland evaluation. The proposed development is located east of Novi Road and north of Nick Lidstrom Drive, Section 26. The Plan appears to propose the construction of 21 multi-family residential site buildings, associated roads and utilities, and a storm water detention basin. The proposed project site contains a significant amount of City-Regulated Woodland area and is adjacent to areas of existing wetland and Chapman Creek (see Figure 1), a tributary of the Rouge River.

A *Woodland Plan* (Sheets L-5 & L-6) and *Tree List* (Sheet L-7 & L-8) have been provided with the Plan. The existing site woodland information (tree sizes, species and conditions) have now been provided by the Applicant. In addition, proposed impacts to on-site regulated woodlands have now been described/quantified. The *Tree List*

includes a *Woodland Summary* that summarizes the proposed tree removals and required Woodland Replacement Tree quantities.

Onsite Woodland Evaluation

ECT has reviewed the City of Novi Official Woodlands Map and completed an onsite woodland evaluation on June 3, 2014 (at the time of the submittal of the Revised Planned Rezoning Overlay/Concept Plan).

As noted above, the proposed project site contains a significant area of regulated woodland (see Figure 1). The majority of the proposed development limits lie within areas of existing City-Regulated Woodland. The highest quality woodlands on site are found in the northwestern portion of the project (located north of Nick Lidstrom Drive). The site is surrounded by areas of City- and MDEQ-regulated wetlands. The proposed site development will involve a significant amount of impact to regulated woodlands and will include a significant number of tree removals.

The on-site trees have been identified in the field with metal tags on fishing line allowing ECT to compare the tree diameters reported on the *Woodland Tree List* to the existing tree diameters in the field. ECT found that the *Woodland Plan* and the *Woodland Tree List* appear to accurately depict the location, species composition and the size of the existing trees. ECT took a sample of diameter-at-breast-height (d.b.h.) measurements and found that the data provided on the Plan was consistent with the field measurements.

On-site woodland within the project area consists of American elm (*Ulmus americana*), basswood (*Tilia americana*), bitternut hickory (*Carya cordiformis*), black cherry (*Prunus serotina*), black locust (*Robinia pseudoacacia*), black walnut (*Juglans nigra*), boxelder (*Acer negundo*), silver maple (*acer saccharinum*), sugar maple (*Acer saccharum*), green ash (*Fraxinus pennsylvanica*), cottonwood (*Populus deltoides*) and several other species.

Based on the *Tree List* information as well as our site assessment, the maximum size tree diameter on the site is 38-inch d.b.h. (sugar maple; Tree No. 1686) and the average d.b.h. is approximately 11-inch d.b.h. In terms of habitat quality and diversity of tree species, the project site is of good quality. The majority of the woodland areas consist of relatively-mature growth trees of good health. This wooded area provides a relatively high level environmental benefit and in terms of a scenic asset, windblock, noise buffer or other environmental asset, the woodland areas proposed for impact are considered to be of good quality.

After our woodland evaluation and review of the *Tree List*, there are several (4) trees on-site that meet the minimum caliper size for designation as a specimen tree. These trees include:

- 24" sugar maple (24" is minimum caliper size for specimen trees of this species); save
- 24" black walnut (24" is minimum caliper size for specimen trees of this species); save
- 30" sugar maple (24" is minimum caliper size for specimen trees of this species); save
- 38" sugar maple (24" is minimum caliper size for specimen trees of this species); save

Of these four (4) potential specimen trees, all 4 are proposed for preservation. The Applicant should be aware of the City's Specimen Tree Designation as outlined in Section 37-6.5 of the Woodland Ordinance. This section states that:

"A person may nominate a tree within the city for designation as a historic or specimen tree based upon documented historical or cultural associations. Such a nomination shall be made upon that form provided by the community development department. A person may nominate a tree within the city as a specimen tree based upon its size and good health. Any species may be nominated as a specimen tree for consideration by the planning commission. Typical tree species by caliper size that are eligible for nomination as specimen trees must meet the minimum size qualifications as shown below:

Specimen Trees Minimum Caliper Size

Common Name	Species	DBH
Arborvitae	<i>Thuja occidentalis</i>	16"
Ash	<i>Fraxinus spp.</i>	24"
American basswood	<i>Tilia Americana</i>	24"
American beech	<i>Fagus grandifolia</i>	24"
American elm	<i>Ulmus americana</i>	24"
Birch	<i>Betula spp.</i>	18"
Black alder	<i>Alnus glutinosa</i>	12"
Black tupelo	<i>Nyssa sylvatica</i>	12"
Black walnut	<i>Juglans nigra</i>	24"
White walnut	<i>Juglans cinerea</i>	20"
Buckeye	<i>Aesculus spp.</i>	18"
Cedar, red	<i>Juniperus spp.</i>	14"
Crabapple	<i>Malus spp.</i>	12"
Douglas fir	<i>Pseudotsuga menziesii</i>	18"
Eastern hemlock	<i>Tsuga Canadensis</i>	14"
Flowering dogwood	<i>Cornus florida</i>	10"
Ginkgo	<i>Ginkgo biloba</i>	24"
Hickory	<i>Carya spp.</i>	24"
Kentucky coffee tree	<i>Gymnocladus dioicus</i>	24"
Larch/tamarack	<i>Larix laricina (eastern)</i>	14"
Locust	<i>Gleditsia triacanthos/Robinia pseudoacacia</i>	24"
Sycamore	<i>Platanus spp.</i>	24"
Maple	<i>Acer spp. (except negundo)</i>	24"
Oak	<i>Quercus spp.</i>	24"
Pine	<i>Pinus spp.</i>	24"
Sassafras	<i>Sassafras albidum</i>	16"
Spruce	<i>Picea spp.</i>	24"
Tulip tree	<i>Liriodendron tulipifera</i>	24"
Wild cherry	<i>Prunus spp.</i>	24"

A nomination for designation of a historic or specimen tree shall be brought on for consideration by the planning commission. Where the nomination is not made by the owner of the property where the tree is located, the owner shall be notified in writing at least fifteen (15) days in advance of the time, date and

place that the planning commission will consider the designation. The notice shall advise the owner that the designation of the tree as a historic or specimen tree will make it unlawful to remove, damage or destroy the tree absent the granting of a woodland use permit by the city. The notice shall further advise the owner that if he objects to the tree designation the planning commission shall refuse to so designate the tree.

Absent objection by the owner, the planning commission may designate a tree as a specimen tree upon a finding that because of one (1) or more of the following unique characteristics the tree should be preserved as a specimen tree:

- The tree is the predominant tree within a distinct scenic or aesthetically-valued setting;
- The tree is of unusual age or size. Examples include those trees listed on the American Association Social Register of Big Trees, or by the Michigan Botanical Club as a Michigan Big Tree, or by nature of meeting the minimum size standards for the species as shown in the "Specimen Trees Minimum Caliper Size" chart, above;
- The tree has gained prominence due to unusual form or botanical characteristics.

Any tree designated by the planning commission as an historical or specimen tree shall be so depicted on an historic and specimen tree map to be maintained by the community development department. The removal of any designated specimen or historic tree will require prior approval by the planning commission. Replacement of the removed tree on an inch for inch basis may be required as part of the approval".

Proposed Woodland Impacts and Replacements

As shown, there appear to be substantial impacts proposed to regulated woodlands associated with the site construction. It appears as if the proposed work (proposed buildings and roads) will cover the majority of the site and will involve a considerable number of tree removals. It should be noted that the City of Novi replacement requirements pertain to regulated trees with d.b.h. greater than or equal to 8 inches and located within areas of City-mapped Regulated Woodlands. It should also be noted that this development site was previously cultivated as an orchard. As a result, areas of the site have been shown to contain arsenic in the soils at levels that require remediation prior to site development. As such, the removal of some of the trees for the purpose of soil remediation is required.

A *Woodland Summary* Table has been included on the *Woodland Plan* (Sheet L-7). The Applicant has noted the following:

- Total Trees: 890
- Total Regulated Trees 824
- Regulated Trees Removed: 549 (67% Removal)
- Regulated Trees Preserved: 275 (33% Preservation)

- Stems to be Removed 8" to 11": 304 x 1 replacement (Requiring 304 Replacements)
- Stems to be Removed 11" to 20": 185 x 2 replacements (Requiring 370 Replacements)
- Stems to be Removed 20" to 30": 9 x 3 replacements (Requiring 27 Replacements)
- Stems to be Removed 30"+: 1 x 4 replacements (Requiring 4 Replacements)

- Multi-Stemmed Trees: (Requires 198 Replacements)
- Total Replacement Trees Required: 903

The Landscape Summary on Sheet L-1 notes that of the 903 required Woodland Replacement Trees required, 325 Woodland Replacement Credits will be provided for on-site. The remaining credits (578) will be paid into the City of Novi Tree Fund (i.e., 64% of the required Woodland Replacement credits).

It should be noted that the Pioneer elm trees that are proposed in the Woodland Replacement table are not acceptable woodland replacement species in the City of Novi. Please consider only Woodland Replacement Trees from the *Woodland Tree Replacement Chart* (attached). In addition, the London Planetree (*Platanus acerfolia*) is also not an acceptable woodland replacement tree. It can be noted that, if available, American sycamore (*Platanus occidentalis*) would be acceptable. The applicant should verify that the total number of Woodland Replacement trees shown in the Plant List on Sheet L-1 is consistent with the quantity shown in the *Landscape Summary* (also on Sheet L-1). The applicant shall review and revise the Plan as necessary.

City of Novi Woodland Review Standards and Woodland Permit Requirements

Based on Section 37-29 (*Application Review Standards*) of the City of Novi Woodland Ordinance, the following standards shall govern the grant or denial of an application for a use permit required by this article:

No application shall be denied solely on the basis that some trees are growing on the property under consideration. However, the protection and conservation of irreplaceable natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, the preservation of woodlands, trees, similar woody vegetation, and related natural resources shall have priority over development when there are location alternatives.

In addition,

"The removal or relocation of trees shall be limited to those instances when necessary for the location of a structure or site improvements and when no feasible and prudent alternative location for the structure or improvements can be had without causing undue hardship".

There are a significant number of replacement trees required for the construction of the proposed development. Novi Ten Townhomes consists of 21 multi-family residential buildings. Residential and commercial developments are located south of the proposed site and wetlands are located along the northern edge. Impacts to a portion of the site woodlands are deemed unavoidable if this property is to be developed for residential use. While the overall ecological values of the existing woodlands cannot be immediately replaced through the planting of woodland replacement trees, the applicant appears to be prepared to meet the requirements of the Woodland Ordinance through on-site Woodland Replacement Credits and/or a payment to the City of Novi Tree Fund.

Proposed woodland impacts will require a Woodland Permit from the City of Novi that allows for the removal of trees eight (8)-inch diameter-at-breast-height (d.b.h.) or greater. Such trees shall be relocated or replaced by the permit grantee.

Woodland Comments

The following are repeat comments from our Woodland Review of the Preliminary Site Plan letter dated August 9, 2015. The current status of each comment follows in ***bold italics***:

1. ECT encourages the Applicant to minimize impacts to on-site Woodlands to the greatest extent practicable; especially those trees that may meet the minimum size qualifications to be considered a Specimen Tree (as described above). Only 33% of regulated on-site trees are proposed to be preserved. The applicant should demonstrate why additional trees cannot be preserved through the implementation of alternative site layouts that would reduce the overall impacts to woodlands. The applicant is also encouraged to minimize impacts to on-site trees that may meet the minimum size qualifications to be considered a Specimen Tree (as described above).

This comment still applies, however, It should also be noted that this development site was previously cultivated as an orchard. As a result, areas of the site have been shown to contain arsenic in the soils at levels that require remediation prior to site development. As such, the removal of some of the trees for the purpose of soil remediation is required.

2. It should be noted that there appears to be a discrepancy in the Woodland Replacement trees required as shown in the Plan. The Woodland Summary on Sheet L-7 notes 904 Replacement Trees are required, however a sum of the replacements required per stem removed (i.e., 303+368+27+4+204) amounts to 906. The supplemental spreadsheet/tree list provided by Allen Design notes that 904 Woodland Replacement credits are required. The landscape plans (Sheets L-1 and L-2) appear to show that 902 Woodland Replacement Trees are required. The applicant shall review and revise the Plan as necessary in order to provide the accurate number of Woodland Replacement Trees required.

*This comment has been partially addressed. The proposed impacts to regulated trees now requires 903 Woodland Replacement credits. It has been noted that Pioneer elm is not an acceptable Woodland Replacement tree in the City of Novi. Please consider only Woodland Replacement Trees from the Woodland Tree Replacement Chart (attached). In addition, the London Planetree (*Platanus acerfolia*) is also not an acceptable woodland replacement tree. It can be noted that, if available, American sycamore (*Platanus occidentalis*) would be acceptable. The applicant should verify that the total number of Woodland Replacement trees shown in the Plant List on Sheet L-1 is consistent with the quantity shown in the Landscape Summary (also on Sheet L-1). The applicant shall review and revise the Plan as necessary.*

3. The landscape plans (Sheets L-1 and L-2) appear to show a total of 804 total Woodland Replacement Trees, however all deciduous replacement trees shall be two and one-half (2 ½) inches caliper or greater and count at a 1-to-1 replacement ratio. All coniferous replacement trees shall be 6-feet in height (minimum) and provide 1.5 trees-to-1 replacement credit replacement ratio (i.e., each coniferous tree planted provides for 0.67 credits). The Plan appears to show a total of 140 deciduous replacement trees (140 Woodland Replacement Credits) and 664 coniferous replacement trees (442.7 Woodland Replacement Credits). Therefore the total on-site Woodland Replacement Credits currently shown on the Plan is 582.7 (as opposed to 804 as noted on the Plan). The applicant shall review and revise the Plan as necessary in order to provide for the required number of Woodland Replacement Trees, either on-site or through payment to the City of Novi Tree Fund. The Plan currently notes that there will be 804 trees provided and 98 credits paid to the City of Novi Tree Fund. Again, it should be noted that these 804 trees provided account for only 582.7 Woodland Replacement Credits.

This comment no longer applies as the applicant has proposed only deciduous trees as Woodland Replacement Trees. As noted in Comment #2, The applicant should verify that the total number of Woodland Replacement trees shown in the Plant List on Sheet L-1 is consistent with the quantity shown in the Landscape Summary (also on Sheet L-1). The applicant shall review and revise the Plan as necessary.

4. The Applicant is encouraged to provide preservation/conservation easements for any areas of remaining woodland, if applicable.

This comment has been addressed. The applicant has provided a note on Sheet 2 of the Plan.

5. The Applicant is encouraged to provide woodland conservation easements for any areas containing woodland replacement trees, if applicable.

This comment still applies.

6. A Woodland Replacement financial guarantee for the planting of replacement trees will be required. This financial guarantee will be based on the number of on-site woodland replacement trees (credits) being provided at a per tree value of \$400.

Based on a successful inspection of the installed on-site Woodland Replacement trees, seventy-five percent (75%) of the original Woodland Financial Guarantee shall be returned to the Applicant. Twenty-five percent (25%) of the original Woodland Replacement financial guarantee will be kept for a period of 2-years after the successful inspection of the tree replacement installation as a Woodland Maintenance and Guarantee Bond.

This comment still applies.

7. The Applicant will be required to pay the City of Novi Tree Fund at a value of \$400/credit for any Woodland Replacement tree credits that cannot be placed on-site.

This comment still applies.

8. Replacement material should not be located 1) within 10' of built structures or the edges of utility easements and 2) over underground structures/utilities or within their associated easements. In addition, replacement tree spacing should follow the *Plant Material Spacing Relationship Chart for Landscape Purposes* found in the City of Novi *Landscape Design Manual*.

This comment still applies. The applicant appears to have proposed replacement trees at a minimum of 10-feet from utilities.

Ms. Barb McBeth
City of Novi
September 17, 2015
Page 8

Recommendation

ECT currently recommends approval of the Revised Preliminary Site Plan for Woodlands. ECT recommends that the Applicant address the items noted above in the Comments section prior to submittal of the Final Site Plan.

If you have any questions regarding the contents of this letter, please contact us.

Sincerely,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Pete Hill, P.E.
Senior Associate Engineer

cc: Chris Gruba, City of Novi Planner
Sri Komaragiri, City of Novi Planner
Richelle Leskun, City of Novi Planning Assistant
Rick Meader, City of Novi Landscape Architect

Attachments: Figure 1 & Woodland Tree Replacement Chart

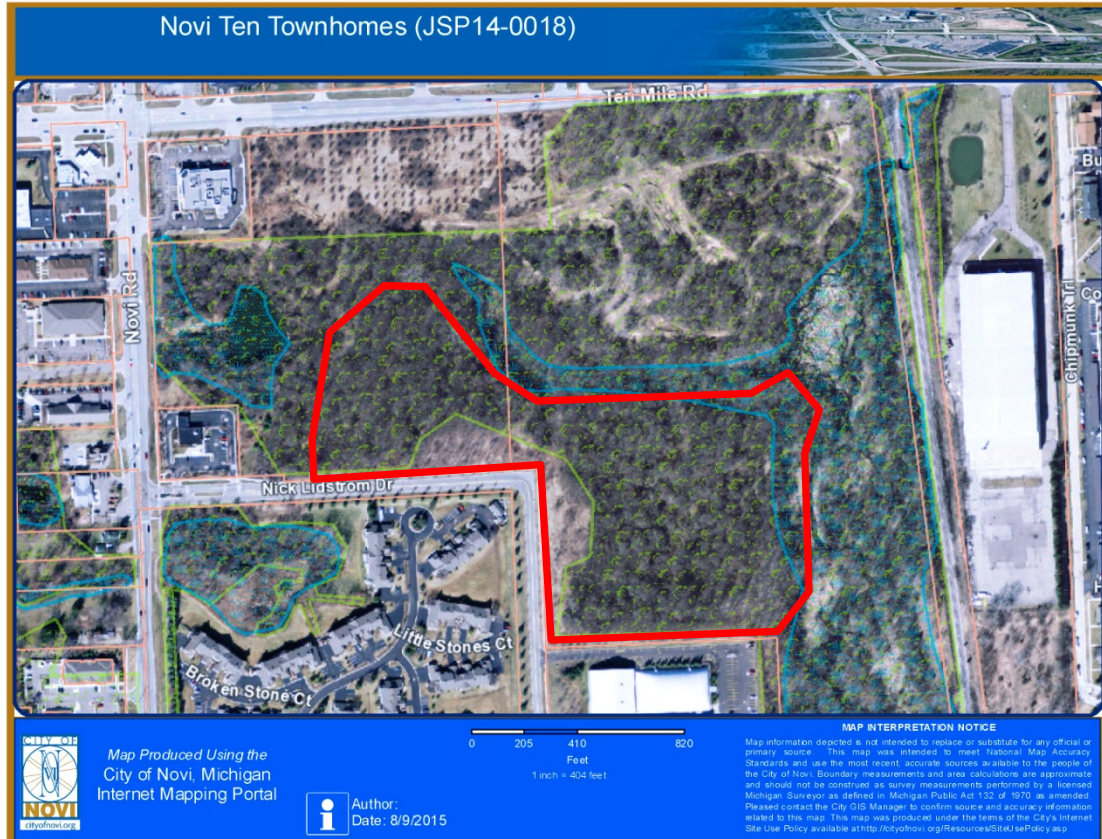


Figure 1. City of Novi Regulated Wetland & Woodland GIS Coverage Map (approximate property boundary shown in red). Regulated Woodland areas are shown in green and regulated Wetland areas are shown in blue).

Woodland Tree Replacement Chart

(from Chapter 37 Woodlands Protection)

(All canopy trees to be 2.5" cal or larger, evergreens as listed)

Common Name	Botanical Name
Black Maple	Acer nigrum
Striped Maple	Acer pennsylvanicum
Red Maple	Acer rubrum
Sugar Maple	Acer saccharum
Mountain Maple	Acer spicatum
Ohio Buckeye	Aesculus glabra
Downy Serviceberry	Amelanchier arborea
Yellow Birch	Betula alleghaniensis
Paper Birch	Betula papyrifera
American Hornbeam	Carpinus caroliniana
Bitternut Hickory	Carya cordiformis
Pignut Hickory	Carya glabra
Shagbark Hickory	Carya ovata
Northern Hackberry	Celtis occidentalis
Eastern Redbud	Cercis canadensis
Yellowwood	Cladrastis lutea
Beech	Fagus sp.
Thornless Honeylocust	Gleditsia triacanthos inermis
Kentucky Coffeetree	Gymnocladus dioica
Walnut	Juglans sp.
Eastern Larch	Larix laricina
Sweetgum	Liquidambar styraciflua
Tuliptree	Liriodendron tulipifera
Tupelo	Nyssa sylvatica
American Hophornbeam	Ostrya virginiana
White Spruce (1.5:1 ratio) (6' ht.)	Picea glauca
Black Spruce (1.5:1 ratio) (6' ht.)	Picea mariana
Red Pine	Pinus resinosa
White Pine (1.5:1 ratio) (6' ht.)	Pinus strobus
American Sycamore	Platanus occidentalis
Black Cherry	Prunus serotina
White Oak	Quercus alba
Swamp White Oak	Quercus bicolor
Scarlet Oak	Quercus coccinea
Shingle Oak	Quercus imbricaria
Burr Oak	Quercus macrocarpa
Chinkapin Oak	Quercus muehlenbergii
Red Oak	Quercus rubra
Black Oak	Quercus velutina
American Bladdernut	Staphylea trifolia
Bald Cypress	Taxodium distichum
American Basswood	Tilia americana
Hemlock (1.5:1 ratio) (6' ht.)	Tsuga canadensis

TRAFFIC REVIEW

Review based on Revised Preliminary Site Plan on July 21, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade

August 7, 2015

Barbara McBeth, AICP
Deputy Director of Community Development
City of Novi
45175 W. 10 Mile Road
Novi, MI 48375

**SUBJECT: Novi Ten Townhomes
Traffic Review for Preliminary Site Plan
JSP14-0018**

Dear Ms. McBeth,

The preliminary 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.

1. General Comments

- a. The applicant, Seiber, Keast Engineering, LLC, is proposing a subdivision consisting of 21 buildings and 93 units. The subdivision is located on 20.09 acres with two entrances accessible from Nick Lidstrom Drive, just south of the intersection of Ten Mile Road and Novi Road.
- b. Nick Lidstrom Drive is within the City of Novi's jurisdiction.
- c. The site is currently zoned RM-1 using a planned rezoning overlay.

2. General Plan Comments – Review of the plan generally shows compliance with City standards; however, the following items at minimum may require further detail in the Final Plan submittal.

- a. Provide detailed (dimensioned) plans for the proposed site, including but not limited to:
 - i. Radii throughout the site including the cul-de-sac and entrance island
 - ii. Parking space length and width
 - iii. Sight distance measurements along Nick Lidstrom Drive
- b. Radii of horizontal curves throughout the site do not meet the minimum 230' radius defined in Article VIII of City of Novi's Code of Ordinances.
- c. The applicant should consider providing the number of parking spaces proposed to the Site Data section on sheet 2 to ensure compliance with City of Novi Standards.

3. Signing and Pavement Marking - Review of the plan generally shows compliance with City standards; however, the following items at minimum may require further detail in the Final Plan submittal.

- a. Provide pavement marking details for parking spaces and crosswalks.
- b. The traffic arrow for the proposed construction access should be hollow so as to not mistake it for a pavement marking.
- c. Provide details for the pedestrian signs called out on sheet 5 and include those signs in the sign quantity table.

4. Bicycle and Pedestrian – The applicant should consider reviewing Section 5.16 of the City of Novi's Zoning Ordinance and add the required bicycle parking for the proposed land use.



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

Sincerely,

AECOM

A handwritten signature in blue ink that reads "Paula K. Johnson". The signature is written in a cursive style.

Paula K. Johnson, PE
Reviewer, Senior Transportation Engineer

A handwritten signature in blue ink that reads "Matthew G. Klawon". The signature is written in a cursive style.

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

FACADE REVIEW

Review based on Revised Preliminary Site Plan on September 10, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade



September 18, 2015

City of Novi Planning Department
 45175 W. 10 Mile Rd.
 Novi, MI 48375-3024

Attn: Ms. Barb McBeth – Director of Community Development

Re: **FACADE ORDINANCE REVIEW**
Novi Ten Townhomes, Revised PRO Concept Plan, JSP14-0018, PSP15-0138
 Façade Region: 1, Zoning District: RA

Dear Ms. McBeth:

The following is the Façade Review for the Revised PRO Concept plan for the above referenced project. Our review is based on the drawings with revisions initialed by Jason Minock on 11/4/14 (attached), of Toll Brothers Development, in response to our prior review. The applicant has provided four models to be used within the project. The percentages of materials proposed for each model are as shown in the tables below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the bottom row. Materials that are in non-compliance with the Façade Schedule are highlighted in bold.

Larchmont, Brandywine	Front	Rear	Side (Entrance)	Rear Concealed Units	Ordinance Maximum (Minimum)
Stone or Brick	20%	10%	20%	0%	100% (30% Min)
Horizontal Siding	20%	35%	55%	45%	50% (Note 11)
Asphalt Shingles	55%	50%	15%	50%	25%
Wood Trim	5%	5%	5%	5%	25%

Pentwater, Brandywine	Front	Rear	Side (Entrance)	Rear Concealed Units	Ordinance Maximum (Minimum)
Stone or Brick	20%	5%	NA	0%	100% (30% Min)
Horizontal Siding	20%	60%	NA	65%	50% (Note 11)
Asphalt Shingles	55%	30%	NA	30%	25%
Wood Trim	5%	5%	NA	5%	25%

Eastport, Brandywine	Front	Rear	Side (Entrance)	Rear Concealed Units	Ordinance Maximum (Minimum)
Stone or Brick	20%	10%	NA	0%	100% (30% Min)
Horizontal Siding	20%	55%	NA	65%	50% (Note 11)
Asphalt Shingles	55%	30%	NA	30%	25%
Wood Trim	5%	5%	NA	5%	25%

Bristol, Manor	Front	Rear	Side (Entrance)	Rear Concealed Units	Ordinance Maximum (Minimum)
Stone or Brick	20%	10%	20%	0%	100% (30% Min)
Horizontal Siding	40%	65%	45%	75%	50% (Note 11)
Asphalt Shingles	30%	15%	25%	15%	25%
Wood Trim	10%	10%	10%	10%	25%

Recommendation: The drawings submitted for Final Site Plan / PRO Approval are consistent with those for which a Section 9 Waiver was granted by the Planning Commission during their 11/12/14 meeting for the underage of brick and overage of siding and asphalt shingles.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

FIRE REVIEW

Review based on Revised Preliminary Site Plan on July 21, 2015

PRELIMINARY SITE PLAN SUBMITTAL SCHEDULE		
Type of Submittal	Date of Submittal	Reviewed by
Preliminary Site Plan	07-21-15	All Agencies except Facade
Revised Preliminary Site Plan	09-10-15	Planning, Landscape, Woodlands, Wetlands and Facade



July 23, 2015

TO: Barbara McBeth- Deputy Director of Community Development
Sri Komaragiri- Plan Review Center

RE: Novi Ten Townhomes

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Gwen Markham

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Doreen Poupard

City Manager
Pete Auger

**Director of Public Safety
Chief of Police**
David E. Molloy

Director of EMS/Fire Operations
Jeffery R. Johnson

Assistant Chief of Police
Victor C.M. Lauria

Assistant Chief of Police
Jerrold S. Hart

PSP#15-0109

Project Description: A 93 unit condominium development located in Section # 26 on Nick Lidstrom Dr.

Comments: Meet Fire Department Standards.

Recommendation: Approval

Sincerely,

Joseph Shelton- Fire Marshal
City of Novi – Fire Dept.

Novi Public Safety Administration
45125 W. Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org

APPLICANT RESPONSE LETTER

SEIBER KEAST ENGINEERING, LLC

ENGINEERING CONSULTANTS

Clif Seiber, P.E.
Patrick G. Keast, P.E.
Azad W. Awad
Robert J. Emerine, P.E.
Jason M. Emerine, P.E.

100 MainCentre, Suite 10
Northville, MI 48167
Phone No. 248.308.3331

September 23, 2015

Ms. Sri Komaragiri, Planner
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

**Re: Novi Ten Townhomes Preliminary Site Plan Submittal
Response to City of Novi Letter September 22, 2015
JSP 14-0018**

Dear Ms. Komaragiri:

Please find the enclosed additional details regarding the proposed pedestrian lighting, as requested. Additionally, an electronic PDF copy of the Preliminary Site Plan dated September 3, 2015 has been emailed to your attention. Jim Allen from Allen Design will be sending you a color rendering of the Site Plan via email by the close of business today.

In accordance to your consultant's and staff review dated September 22, 2015 for the Preliminary Site Plan, we offer the following comments in response. The comment numbers shown below corresponds to the comments contained in the consultant or staff review letters where applicable.

PLANNING REVIEW (September 22, 2015)

Planning approval of the Revised Preliminary Site Plan is noted.

1. PRO Agreement Conditions: The sidewalk has been shifted as far away from the internal drives as possible. In areas where the sidewalk cannot be shifted further away from the internal drives, the proposed plantings will be reviewed and revised prior to Final Site Plan submittal, if necessary.
2. PRO Agreement Conditions: Additional details for the proposed pedestrian lighting specified have been enclosed with this letter.
7. Property Split: If necessary, a proposed property split will be submitted to the Assessing Department for approval.

All other Planning Review comments are noted and will be addressed as part of the Final Site Plan submittal.

ENGINEERING REVIEW (August 11, 2015)

Engineering approval of the Revised Preliminary Site Plan is noted. Engineering Review comments are noted and all outstanding comments will be addressed and incorporated as part of the Final Site Plan submittal, as requested.

LANDSCAPING REVIEW (September 18, 2015)

Landscape approval of the Revised Preliminary Site Plan is noted. The September 18, 2015 Landscape Review letter indicates that items in **bold** are to be addressed and incorporated as part of the Preliminary Site Plan. In accordance with our telephone conversation on September 23, 2015, it will be acceptable to address these comments as part of the Final Site Plan submittal.

EXISTING ELEMENTS

Existing and Proposed Overhead and Underground utilities, including hydrants. (LDM 2.3.e.(4))

3. Trees have been relocated to be 10' from utility lines. A note has been added stating this requirement. This note will be revised to include "including fire hydrants" prior to Final Site Plan submittal.

LANDSCAPING REQUIREMENTS

Multi-family Landscaping Requirements (Zoning Sec 5.5.3.E.ii)

3. The space between the sidewalk and back of curb is at least 5' in width in all areas. In areas where the space between back of curb and edge of walk are 5' in width, the proposed plantings will be reviewed and revised, if necessary, prior to Final Site Plan Submittal.

OTHER REQUIREMENTS

Proposed topography. 2' contour minimum (LDM 2.e.(1))

1. Proposed contours will be added once they are available and will be included in Final Site Plan submittal.

All other comments from the Landscape Review have been noted. Any additional outstanding comments will be addressed prior to Final Site Plan submittal, if necessary.

WETLANDS REVIEW (September 17, 2015)

Wetlands approval of the Revised Preliminary Site Plan is noted.

4. It is noted that the City has requested a copy of the approved MDEQ/USACE Joint Permit. This permit will be supplied as soon as it is received.

All other comments from the Wetland Review have been noted. Any additional outstanding comments will be addressed prior to Final Site Plan submittal, if necessary.

WOODLANDS REVIEW (September 17, 2015)

Woodlands approval of the Revised Preliminary Site Plan is noted.

1. The review comment is noted. As indicated in our previous response letter, this site was previously cultivated as an orchard. As a result, the site must be remediated requiring the removal of trees. The majority of these trees are lower quality and are mostly found within the development footprint. The northwest and southeast portions of the site were not cultivated and contain the higher quality trees. Grading has been minimized to preserve these trees to the greatest extent possible.
2. The review comment is noted. Additional revisions as noted will be incorporated prior to Final Site Plan submittal.
3. The review comment is noted.
4. The review comment is noted. As indicated in our previous response letter, a preservation/conversion easement will be “provided over remaining woodlands, wetlands, and natural features setbacks” as noted on Sheet 2.
5. Review comment is noted and will be addressed prior to Final Site Plan submittal.
6. Review comment is noted and will be addressed prior to Final Site Plan submittal.
7. Review comment is noted and will be addressed prior to Final Site Plan submittal.
8. Review comment is noted and will be addressed prior to Final Site Plan submittal.

TRAFFIC REVIEW (August 7, 2015)

Traffic Review comments are noted and all outstanding comments will be addressed and incorporated as part of the Final Site Plan submittal, as requested.

Ms. Sri Komaragiri, Planner
September 23, 2015
Page 4

FACADE REVIEW (September 18, 2015)

Façade approval has been noted. There are not any outstanding comments to address.

FIRE DEPARTMENT (September 18, 2015)

Fire Department approval has been noted. There are not any outstanding comments to address.

Sincerely,

SEIBER KEAST ENGINEERING, LLC

A handwritten signature in black ink, appearing to read 'Jason M. Emerine', with a stylized, flowing script.

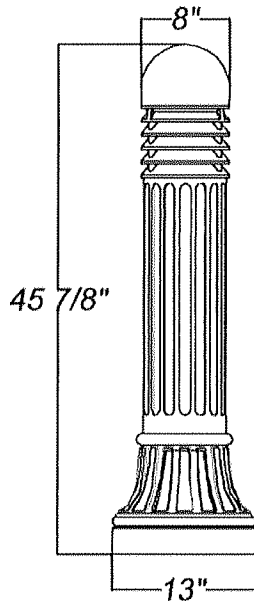
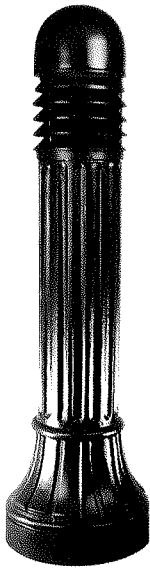
Jason M. Emerine, P.E.

Enclosures:

Electronic PDF copy of the Preliminary Site Plan dated 9-3-2015 (email only)
Pedestrian Lighting: ANP BLO210 Product Data Sheet (hard copy and email)

cc: Mike Noles, Toll Brothers, Inc.
Jason Minock, Toll Brothers, Inc.
Jim Allen, Allen Design


BL0210 (Formerly: BL19)
 Catalog:



Anchor Bolts 4 * Bollard Weight 49.00 lbs

	WPL (Fluorescent)
Max Wattages	42WPLW

**HID refers to Metal Halide (MH), or High Pressure Sodium (HPS). Please specify preference

Available Colors							
Color plates below represent available colors for this product. If photograph not available in selected color, color back plate will be shown							
Photo Corning Soc 40	Photo Corning Soc 41	Photo Corning Soc 42	Photo Corning Soc 43	Photo Corning Soc 44	Photo Corning Soc 45	Photo Corning Soc 46	Photo Corning Soc 47
Photo Corning Soc 49	Photo Corning Soc 50	Photo Corning Soc 51	Photo Corning Soc 52	Photo Corning Soc 53	Photo Corning Soc 56	Photo Corning Soc 61	Photo Corning Soc 70
Photo Corning Soc 71	Photo Corning Soc 72	Photo Corning Soc 76					
				99			

Description:

Complete cast aluminum construction w/decorative fluted column & angled cast aluminum louvers
 See BL0299 for no light option

General Specifications:

Cast aluminum parts shall be cast from 356 aluminum alloy.
 Porcelain medium base 4kv pulse rated socket.
 Hand hold cover shall be secured by (2) stainless steel machine screws. (Tamper-proof screws provided upon request.)
 3/8" x 12" x 3" anchor bolts standard.
 Lamps not included. Polycarbonate lens material standard.

Available Lens Panels:

- CL - Clear
- FR - Frosted
- WH - White/Opal

Ballast Information:

If required voltage cannot be determined, only the 277v lead will be pulled out of the fixture. All other line voltage wires will be left inside the fixture in order to prevent damage to the ballast due to incorrect power connections.

All H.I.D. ballast will be high power factor except as noted. Typical H.I.D ballast will be multitap.

Phillips Induction System	Available Voltages
Available Temperatures	
2100K	100-120 volts
3000K	200-277 volts
4000K	

Fluorescent:
 Multitap 120 volts - 277 volts electronic





Paint:

Standard Powder Coating Process
 A polyester powder coat is used for superior gloss and color retention. -State of the art 20 PSI pressure power wash at 140° Incorporates five step iron phosphate process with sealer and DI water to cleanse and pre-treat the metal surface for maximum paint adhesion. Electrostatically applied ranging from texture to smooth glossy polyester powder topcoat and baked at 430° for maximum hardness and exterior durability.

Marine Grade Paint:

For objects exposed to extreme conditions as is found in coastal regions or industrial atmospheres we offer, at an additional charge, a highly weather and UV resistant powder coating that withstands up to 3000 hours of continuous salt spray and comes with a 5 year warranty. Consult Factory for additional paint cost and availability.

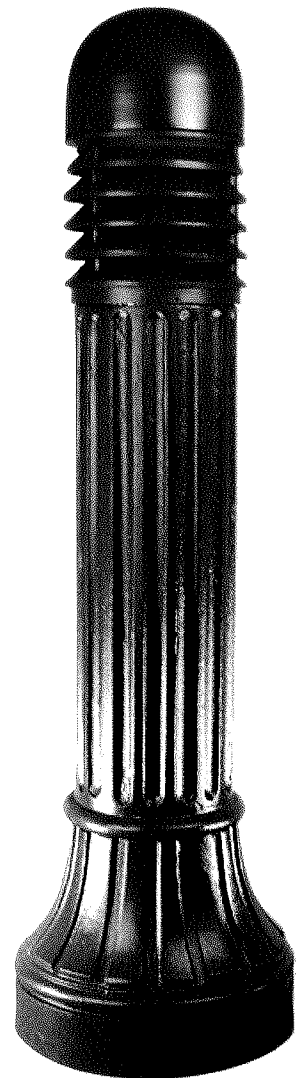
BL0210 (Formerly: BL19)
 Catalog:

Available Accessories			
Emergency Back Up Lighting	House Side Shield	Type V Refractor	EYE BOLT
			
EMG-Emergency Back Up Lighting	HSS-House Side Shield	R5-Type V Refractor	IBOLT-EYE BOLT

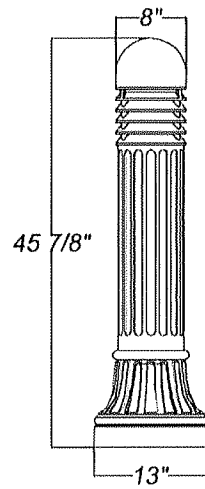
[< Return to Index](#)

BL0210

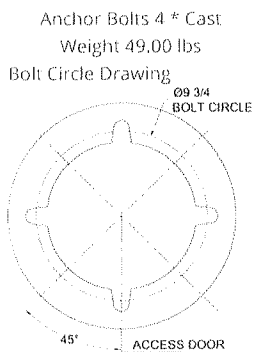
(Formerly: BL19)



[Enlarge Photo](#)



[View Large Drawing](#)



[Print Drawing](#)

Description:

Complete cast aluminum construction w/decorative fluted column & angled cast aluminum louvers
See BL0299 for no light option

General Specifications:

Cast aluminum parts shall be cast from 356 aluminum alloy.
Porcelain medium base 4kv pulse rated socket.
Hand hold cover shall be secured by (2) stainless steel machine screws. (Tamper-proof screws provided upon request.)
3/8" x 12" x 3" anchor bolts standard
Lamps not included. Polycarbonate lens material standard.

Available Lens Panels:

CL - Clear
FR - Frosted
WH - White/Opal

Ballast Information:

If required voltage cannot be determined, only the 277v lead will be pulled out of the fixture. All other line voltage wires will be left inside the fixture in order to prevent damage to the ballast due to incorrect power connections.

All H.I.D. ballast will be high power factor except as noted. Typical H.I.D ballast will be multitap.

Phillips Induction System Available Temperatures Available Voltages

3000K	100-120 volts
4000K	200-277 volts
5000K	

Fluorescent:

Multitap 120 volts - 277 volts electronic

Paint:

Standard Powder Coating Process

A polyester powder coat is used for superior gloss and color retention. State of the art 20 PSI pressure power wash at 140° incorporates five step iron phosphate

process with sealer and DI water to cleanse and pre-treat the metal surface for maximum paint adhesion. Electrostatically applied ranging from texture to smooth glossy polyester powder topcoat and baked at 430° for maximum hardness and exterior durability.

Marine Grade Paint:

For objects exposed to extreme conditions as is found in coastal regions or industrial atmospheres we offer, at an additional charge, a highly weather and UV resistant powder coating that withstands up to 3000 hours of continuous salt spray and comes with a 5 year warranty. Consult Factory for additional paint cost and availability.



Photometric Data:

IES: 19314 (click for IES data)

INC100 42WPL MH70 IND55

Available Accessories

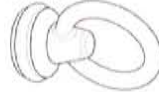
Emergency Back Up Lighting

House Side Shield

Type V Refractor

EYE BOLT

Photo Coming Soon



EMG-Emergency Back Up Lighting HSS-House Side Shield R5-Type V Refractor IBOLT-EYE BOLT

Available Colors

Color plates below represent available colors for this product. If photograph not available in selected color, color back plate will be shown.

40	41	42	43	44	45
46	47	49	50	51	52
53	56	61	70	71	72
76	99				

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SIGNED PRO AGREEMENT

PLANNED REZONING OVERLAY (PRO) AGREEMENT
NOVI TEN TOWNHOMES

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

RECITATIONS:

- I. Owner is the owner and Developer is the developer, of two vacant parcels totaling approximately 20 gross acres (with final acreage determined in accordance with the PSA as hereinafter defined) located south of Novi Road and East of Novi Road along Nick Lidstrom Drive, herein known as the “Land” or the “Development” described on **Exhibit A**, attached and incorporated herein. Owner and Developer are hereinafter referred to as “Applicants.”
- II. For purposes of improving and using the Land for a 93-unit owner occupied attached condominium development, Applicants have petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from I-1 Light Industrial and OS-1, Office Service, to RM-1, Low-Density Multiple-Family. The I-1/OS-1 classification shall be referred to as the “**Existing Classification**” and RM-1 shall be referred to as the “**Proposed Classification**.”
- III. The Proposed Classification would provide the Applicants with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Applicants.
- IV. The City has reviewed and approved the Applicants proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City’s Zoning Ordinance and has reviewed the Applicants’ proposed PRO Plan, including conceptual renderings of unit styles and materials, attached hereto and incorporated herein as **Exhibit B** (the “PRO Plan”), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the

proposed improvements as shown. The City has further reviewed the proposed PRO conditions offered or accepted by the Applicants.

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

1. Residences that exceed the minimum architectural standards of the City and are similar, in the City's determination, to those conceptual architectural renderings in the PRO Plan attached as Exhibit B.
2. Construction of a pathway for public use through the Development from Nick Lidstrom Drive to the north property line for connection to the future development of the non-residential property to the north in the location and to the standards shown in the PRO Plan attached as **Exhibit B**. Pathway easements in a form acceptable to the City, shall be provided to the City for dedication for public use of the pathways. The pathways will thereafter be repaired and replaced by the City, as determined by the City. Winter maintenance consisting of snow and ice removal shall be completed in accordance with applicable City ordinances, as the may be amended from time to time, as determined by the City. The pathway easements shall be offered to the City for dedication by the Owner prior to the issuance of any building permits (except for the model) for the Development. The pathway easements shall be non-exclusive and shall permit the fee title owner of the easement property to make use of the property that is not inconsistent with use as a public pathway. The Applicants may construct and/or install underground improvements to the property, including utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the pathways in the pathway easement areas shown on the PRO Plan;
3. Construction of an off-site pathway for public use to the Novi Dog Park commencing from the site's southeast corner along the rear property line of Novi Sport's Club and a connection to the existing pathway along Nick Lidstrom Drive, in the location and to the standards shown in the PRO Plan attached as **Exhibit B**;
4. Installation of pedestrian directional signage along the pathways set forth above, which the City and Applicants acknowledge shall include signage identifying the pathway in four (4) locations, including 2 signs along the north and 2 signs on the south, as follows:

Weiss Nature Trail: Dedicated by the Dan and Michelle Weiss family in honor of these various lands donated by them, and honoring their father Albert Weiss and their love and promotion of natural habitats and to foster

further acts of charitable community benefit, performed by all, sized however big or small.

All signage shall be comparable to and shall use substantially similar materials to other signage approved for trails and City Parks, and shall meet sizing requirements comparable to other park signage (examples attached).

5. Preservation of natural features along the north and east property lines and the remaining wetlands, wetland buffer areas and woodlands on the site as shown in the PRO Plan attached as Exhibit B, by execution of a Conservation Easement only to the extent the same are located on the Land.

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

1. Applicants acknowledges that the Development Property contains areas with an elevated level of arsenic as a result of its prior use as an orchard. Prior to the issuance of any building permits within the Development, Applicants shall be required to remove soil from areas with elevated levels of arsenic from the Development Property and relocate it to an authorized landfill in accordance with an applicable Land Improvement Permit. Applicants shall be authorized to initiate removal of the soil in accordance with the applicable Land Improvement Permit, at their own risk, following preliminary site plan approval, issuance of required woodland, wetland permits, and soil erosion permits, along with posting of corresponding financial guarantees, provided that the detail of the preliminary site plan provides an adequate level of detail regarding grading. Applicants hereby acknowledge that it is proceeding at its own risk and that permission to proceed with preliminary site work does not in any way guarantee approval of the Final Site Plan. Applicants shall be responsible for all costs of the City's Environmental Consultant's analysis of the remediation of the area with elevated levels of arsenic.
2. Applicants shall relocate interior sidewalks further away from the proposed roadway than what is currently shown on Exhibit B where feasible to allow for a larger buffer space between the proposed sidewalks and proposed roadway.
3. Applicants shall provide pedestrian style lighting along the frontage of City streets, including but not limited to Nick Lidstrom Drive. Pedestrian lighting shall be shown on the preliminary site

plan, and reviewed by the Planning Commission to determine that the style, number, and location of fixtures are acceptable to the City. The Planning Commission shall have the right and authority to require changes to the proposed lighting at the time of site plan approval.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings and PRO Conditions shall be binding on Applicants and the Land;
 - b. Applicants shall act in conformance with the Undertakings; and
 - c. Applicants shall forbear from acting in a manner inconsistent with the Undertakings;
2. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
 - a. Circulation Waiver: A waiver the Design and Construction Standards as set forth in Section 3.8.2.B of the Zoning Ordinance to allow the cul de sac to be built to standards other than those required for local streets as set forth in Section 11-194 of the City of Novi Code. This waiver shall be subject to the following requirements:
 - i. The circulating (circular) roadway shall be posted for one-way counterclockwise operation (just as a standard cul-de-sac) requiring the posting of a non-diagrammatic "Keep Right" sign on the island directly ahead of the approaching street centerline;
 - ii. The width of the circulating roadway shall be 32 feet (back of curb to back of curb);
 - iii. The entry and exit curb radii, dimensioned to be only 25 feet, shall be increased to 67 feet;
 - iv. The proposed parking spaces on the west side of the island be deleted, but two spaces may be added to the easterly module, one at each end of it; and,
 - v. The remainder of the island's periphery shall be posted for "No Parking."
 - b. Driveway Spacing Waiver: A same side driveway spacing waiver for the south access drive providing for 84 feet of space from the existing Sports Club drive rather than the 105 foot spacing required by Section 11-216 (d) of the City of Novi Code for a 25-mph roadway.

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

the Applicants is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.

6. In addition to the provisions in Paragraph 2, above, in the event the Applicants, or their respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Applicants nor their respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Applicants shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a "downzoning" or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Applicants from otherwise challenging the reasonableness of such rezoning as applied to the Land. In the event the City rezones the Land to a use classification other than the Proposed Classification, this Agreement shall terminate and be null and void.
7. By execution of this Agreement, Applicants acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Applicants agree to be bound by the provisions of this Agreement.
8. After consulting with an attorney, the Applicants understand and agree that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this Agreement are reasonable, that it shall be estopped from taking a contrary position in the future, and, that the City shall be entitled to injunctive relief to prohibit any actions by the Applicants inconsistent with the terms of this Agreement.
9. Applicants may be permitted to construct a single building for model home purposes within the Development at or near Nick Lidstrom Drive following final site plan approval, but prior to the issuance of all required permits from state and or other governmental authorities, provided that adequate information has been provided in conjunction with the final site plan to allow construction. Applicants shall meet with City staff to determine the feasibility of the proposal for construction following final site plan approval. Construction is subject to the removal of any and all soils with elevated levels of arsenic as necessary, in accordance with the applicable Land Improvement Permit. Applicants hereby acknowledges that it is proceeding at its own risk and that permission to proceed with construction of the model home building work does not in any way

guarantee approval of the any other permits, including but not limited to occupancy permits.

10. This Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and shall be recorded by either party with the office of the Oakland County Register of Deeds. Except as to obligations with respect to conveyance of off-site easements outside the boundaries of the Land or the Development over adjacent property owned by Owner, obligations set forth within this Agreement regarding the Undertakings and completion of the Development as approved by the City shall apply only to Developer and successor owner of the Land Property subsequent to conveyance of the Land or the Property by Owner to a Developer or other successor, assign or transferee. Owner acknowledges, however, that the approval of this Agreement and its recording at the Oakland County Register of Deeds binds the Land as set forth in this Agreement and in the City of Novi Code of Ordinances and Zoning Ordinance. Nothing in this Agreement shall prohibit the Owner, if the Land is not conveyed to the Developer, or other successor, assign or transferee, as contemplated herein, from seeking to amend or terminate the PRO as contemplated by the Zoning Ordinance.
11. The Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved therein.
12. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided by law.
13. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.
14. This Agreement may be signed in counterparts.
- 15.

{Signatures begin on following page}

WITNESSES:

Tricia Dedvukaj
Print Name: Tricia Dedvukaj

Print Name:

DEVELOPER

TOLL MI II LIMITED PARTNERSHIP
BY: Toll MI GP Group, its general partner

By: Michael T. Noles
Its: Senior Vice President

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this 14 day of July 2015, before me appeared Michael T. Noles,
who states that he has signed this document of his own free will duly authorized on behalf of the
Developer.

Marilee Sue Pietersen
Marilee Sue Pietersen, Notary Public
Oakland County, Michigan
Acting in Oakland County, Michigan
My commission expires: December 23, 2017

WITNESSES:

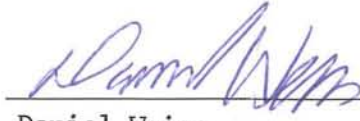


Print Name: Christopher Fitch

Print Name: _____

OWNER

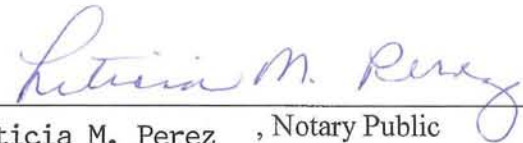
NOVI TEN ASSOCIATES, L.L.C., a
Michigan limited liability company

By: 

Its: Daniel Weiss
Manager

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this 15th day of July, 2015, before me appeared
Daniel Weiss who states that he has signed this document of his own free
will duly authorized on behalf of the Owner.



Leticia M. Perez , Notary Public
Wayne County
Acting in Oakland County
My commission expires:

LETICIA M. PEREZ
Notary Public, Wayne County, Michigan
My Commission Expires: **June 24, 2022**

Drafted by:

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

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