



cityofnovi.org

## CITY of NOVI CITY COUNCIL

**Agenda Item 3**  
**July 11, 2011**

**SUBJECT:** Consideration of Zoning Map Amendment 18.695 to approve rezoning of an approximately 20.05-acre parcel of property, located on the north side of Eleven Mile Road between Beck and Wixom Roads in Section 17 from R-3, One-Family Residential to RM-1, Low Density, Low-Rise, Multiple-Family Residential pursuant to the Planned Rezoning Overlay provisions of the Zoning Ordinance, §3401, et seq., and to approve the corresponding Concept Plan and PRO Agreement between the City and the applicant for construction of a 120 bed, 78,560 square foot convalescent (nursing) home building.

**SUBMITTING DEPARTMENT:** Community Development Department - Planning

**CITY MANAGER APPROVAL:** 

### **BACKGROUND INFORMATION:**

The petitioner is requesting consideration of a Planned Rezoning Overlay (PRO), in conjunction with rezoning request 18.695 for property located on the north side of Eleven Mile Road, between Beck and Wixom Roads in Section 17. The property totals 20.05 acres. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As part of the PRO, the underlying zoning is changed, in this case to RM-1, Low Density, Low-Rise, Multiple-Family Residential as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and the applicant agree to any deviations to the applicable ordinances, use restrictions and tentative approval of a conceptual plan for development for the site. After a public hearing, the Planning Commission makes a recommendation to the City Council with regard to the rezoning and PRO Concept Plan and PRO Conditions. If the City Council determines that it might proceed with a PRO approval, then it specifies the tentative conditions and directs the City Attorney's office to prepare a PRO Agreement. Approval of the rezoning and the PRO Agreement would occur simultaneously.

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

The subject property is currently zoned R-3, One-Family Residential. The applicant has requested a rezoning of the parcel to RM-1, Low Density, Low-Rise, Multiple-Family Residential with a Planned Rezoning Overlay. The applicant is now proposing this rezoning with a PRO to facilitate the construction of a 120 bed, 78,560 square feet convalescent (nursing) home building. The proposed convalescent home would include centralized dining and physical therapy facilities along with other ancillary features. The proposed use is not permitted in the R-3 District.

The updated Master Plan for Land Use included a new future land use designation (Suburban Low Rise) for the subject property. The Suburban Low Rise District will act as a transition area from higher intensity office and retail uses to one-family residential

developments. Staff is currently preparing text amendments to the Zoning Ordinance to regulate this new district.

The applicant has made an effort to incorporate some of the elements of the "Suburban Low-Rise" concept into the PRO concept plan and the proposed use of a convalescent home would be a use that is expected to be permitted in the new district. The utilization of the PRO option would allow this site to be rezoned to RM-1 (where a convalescent home is permitted) while also ensuring that the anticipated regulations of the Future Land Use planned for this area (Suburban Low-Rise) are incorporated into the site.

#### Ordinance Deviations Requested

Included with the proposed PRO Concept Plan, the applicant is seeking positive consideration of several Zoning Ordinance deviations included in the PRO Agreement. The Zoning Ordinance permits deviations from the Ordinance provided that the City Council finds that *"each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."*

Among the deviations included in the PRO Agreement are the following:

1. Building Length: Maximum building length of 360 feet permitted in the RM-1 District. The overall building length is proposed to be 492 feet.
2. Building Setbacks: Minimum building setback of 134 feet from side yards (based on building length). The building is proposed to be set back 123 feet on the east side.
3. Dumpster Location: Dumpster is required to be located in the rear yard. The proposed dumpster and dumpster enclosure is shown in the interior (western) side yard.
4. Landscape Waivers: A 4.5-6 foot high landscape berm is required along the west, north and east property boundaries unless significant natural features would be disturbed by the installation of a berm. No berm is proposed along these property lines. The west and north property lines will be adequately buffered with existing plantings. The applicant will increase the landscape plantings on the east property line to assist in providing a buffer for the adjacent residential property.
5. Building Orientation: A building in a multiple family district adjacent to another residential district shall be oriented at a minimum angle of 45 degrees to the adjacent residential property line. The building is perpendicular to 11 Mile Road with the rear half rotated 30 degrees.
6. Façade Waiver: The ordinance requires a minimum of 30 percent brick and a maximum of 25 percent asphalt shingles on each façade. The submitted plan shows each façade consists of 11-15% brick and 41-60% asphalt shingles.

The following PRO conditions have also been included in the PRO Agreement:

- Use limited to a convalescent (nursing), congregate care and assisted living with customarily accessory uses;
- Maximum square footage 79,000 square feet; and
- Maximum number of beds limited to 120.

#### City Council Consideration of Rezoning with PRO

The City Council tentatively approved the rezoning on March 8, 2010 and directed the City's attorney to work with the applicant's attorney to draft the Planned Rezoning Overlay agreement. The following considerations were included in the motion (*Staff comments and updates in italics*):

- 1) They provide the requested **sanitary sewer extension** along Eleven Mile with a preference that it be to the south side of Eleven Mile to maintain the natural

- resources on the north side, (the applicant has further considered this option and met with the City's Environmental Consultant and Landscape Architect on site. Staff's recommendation at this point is that the sanitary sewer extension is appropriate for the north side of Eleven Mile Road in this area, and that there would be little benefit to locating the sewer on the south side of the street), and
- 2) Relocate the **flood plain mitigation** to another area of the site consistent with the recommendation of the woodland review letter to preserve the natural resources, (the applicant has complied with this condition),
  - 3) Incorporate the additional features of the **suburban low rise concept** as stated in the façade consultants review letter (the applicant has complied with this condition),
  - 4) subject to the deviations of the ordinance standards and the conditions identified in the staff review letters, (deviations outlined on page 2 of this document),
  - 5) and that the City accept the **conservation easement** of the 8.5 acres of land on the north with pathways purposed for the benefit of the public that would connect to the Providence Hospital site as well as the ITC corridor, (the applicant continues to offer the conservation easement and pathways, however a significant portion of the proposed woodland replacement credits are located outside of the proposed conservation easement. The City's environmental consultant is also concerned that the "gourd-shaped" wetland and part of the buffer expansion area for the 25' natural features setback on the west side of the site, north-central adjacent upland forest, and floodplain compensating cut portions of the onsite regulated woodland are not proposed within the conservation easement. As currently proposed, the conservation easement fails to provide long-term protection for woodland replacement credits and significant site natural feature and the easement should be expanded to include the features noted above.) and
  - 6) there would be a **paved pathway along the ITC corridor** (Staff and the applicant have been working together to find a suitable location and specifications for a public pathway in the ITC corridor, and traversing the Medilodge property to connect with a future trail on Providence Park Hospital's property. A draft location for the pathway was provided in a City Council off-week packet in December 2010 and in the January 10, 2011 packet. January's agenda item was seeking City Council's approval of a resolution of support for the application of trail license on ITC's property north of 11 Mile Road, adjacent to the Medilodge site.

Staff has coordinated efforts between Medilodge representatives and ITC since that time to determine the most suitable location for the proposed trail within the ITC corridor. In discussions with ITC, it appears that the west side of the ITC corridor is the preferred location for the future public trail extending north from Eleven Mile. The trail would then cross the corridor in an east/west direction to connect to the future public trail in the Medilodge site and to Providence's property beyond. The location currently being offered for the public trail location is attached to the PRO Agreement as Exhibit B.

The draft PRO Agreement contains provisions for Medilodge to construct the public trail (once ITC and the City of Novi have finalized the terms of the license agreement). As an alternate, Medilodge would provide funds to the City equivalent to the cost of trail construction.)

The City Council is asked to consider the actual text of the Planned Rezoning Overlay Agreement and give final approval of the agreement and the rezoning.

**RECOMMENDED ACTION:** Approval of Zoning Map Amendment 18.695 to rezone an approximately 20.05-acre parcel of property, located on the north side of Eleven Mile Road between Beck and Wixom Roads in Section 17 from R-3, One-Family Residential to RM-1, Low Density, Low-Rise, Multiple-Family Residential pursuant to the Planned Rezoning Overlay provisions of the Zoning Ordinance, §3401, et seq., and to approve the corresponding Concept Plan and PRO Agreement between the City and the applicant for construction of a 120 bed, 78,560 square foot convalescent (nursing) home building.

	1	2	Y	N
<b>Mayor Landry</b>				
<b>Mayor Pro Tem Gatt</b>				
<b>Council Member Fischer</b>				
<b>Council Member Margolis</b>				

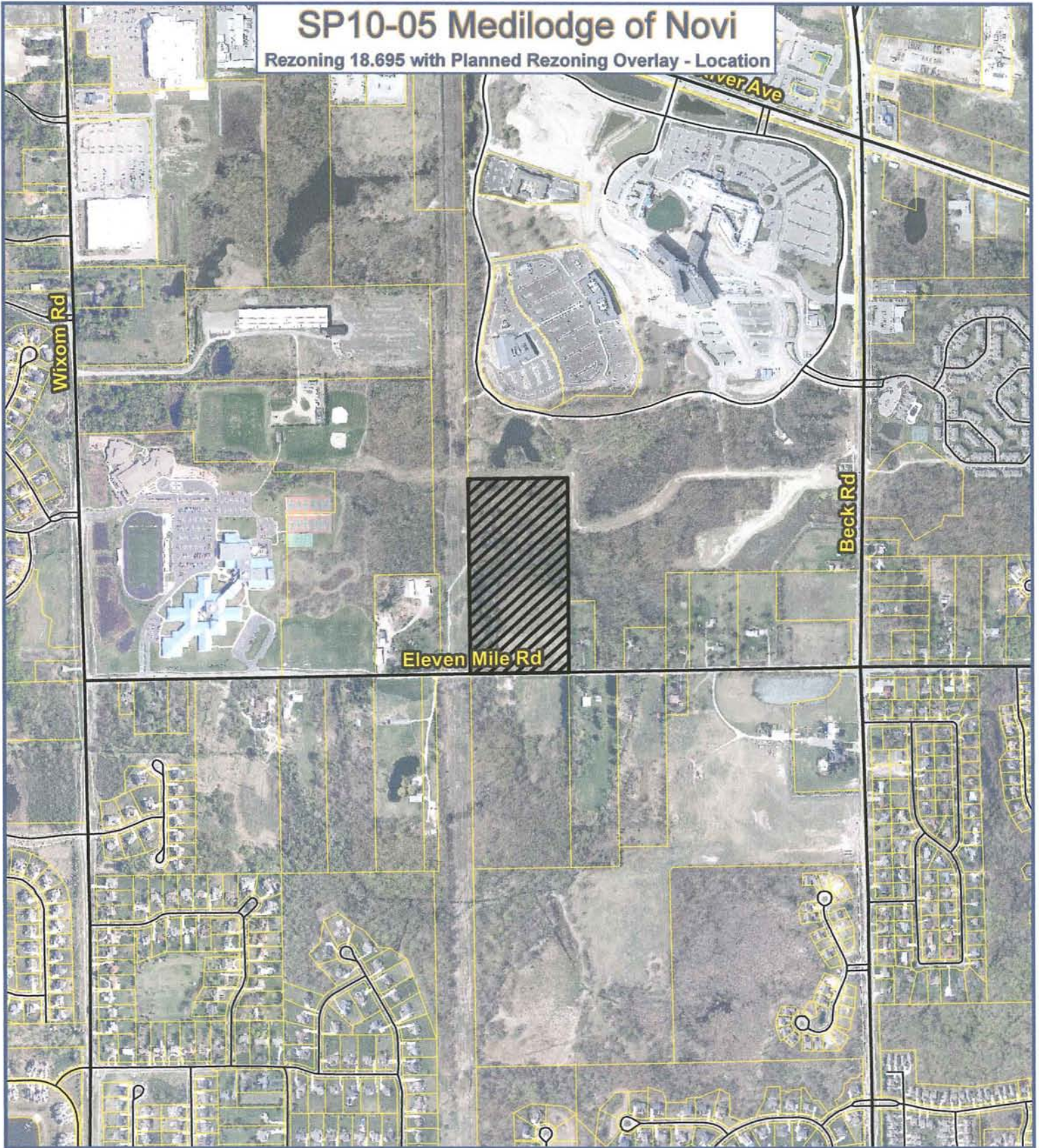
	1	2	Y	N
<b>Council Member Mutch</b>				
<b>Council Member Staudt</b>				
<b>Council Member Wrobel</b>				

**MAPS**  
**Location**  
**Zoning**  
**Future Land Use**  
**Natural Features**



# SP10-05 Medilodge of Novi

Rezoning 18.695 with Planned Rezoning Overlay - Location



Map Author: Kristen Kapelanski  
 Date: February 16, 2010  
 Project: Medilodge of Novi PRO  
 Version #: 1.0

### Map Legend

 Subject Property

#### 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.



**City of Novi**  
 Department Division  
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 Novi, MI 48375  
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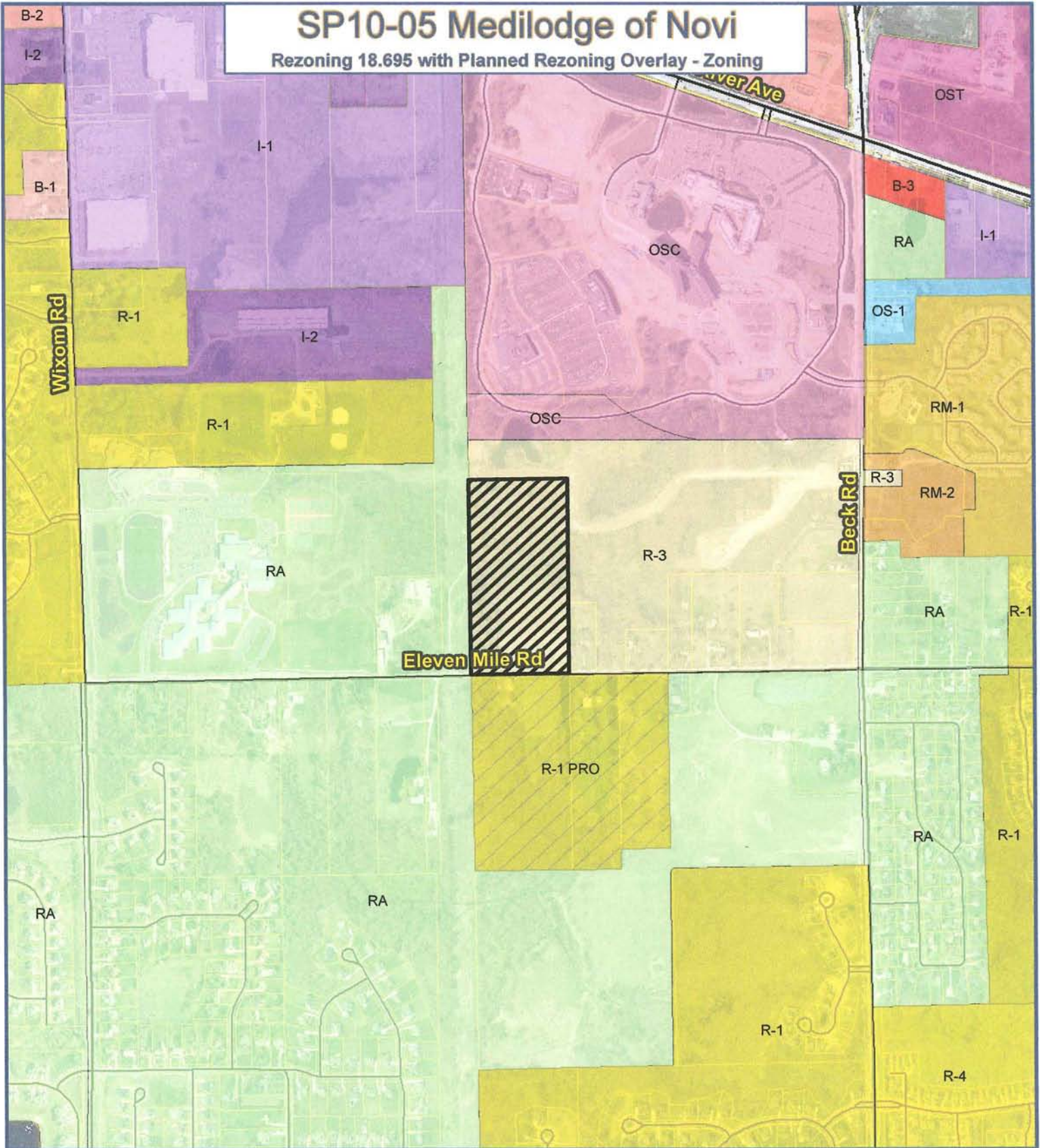


1 inch = 881 feet



# SP10-05 Medilodge of Novi

Rezoning 18.695 with Planned Rezoning Overlay - Zoning



Map Author: Kristen Kapelanski  
 Date: February 16, 2010  
 Project: Medilodge of Novi PRO  
 Version #: 1.0

**MAP INTERPRETATION NOTICE**

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**Zoning**

- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-1 PRO: R-1 With Planned Rezone Overlay (PRO)
- R-3: One-Family Residential District
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- RM-2: High-Density Multiple Family

Map Legend

- B-1: Local Business District
- B-2: Community Business District
- B-3: General Business District
- I-1: Light Industrial District
- I-2: General Industrial District
- OS-1: Office Service District
- OSC: Office Service Commercial
- OST: Office Service Technology
- Subject Property



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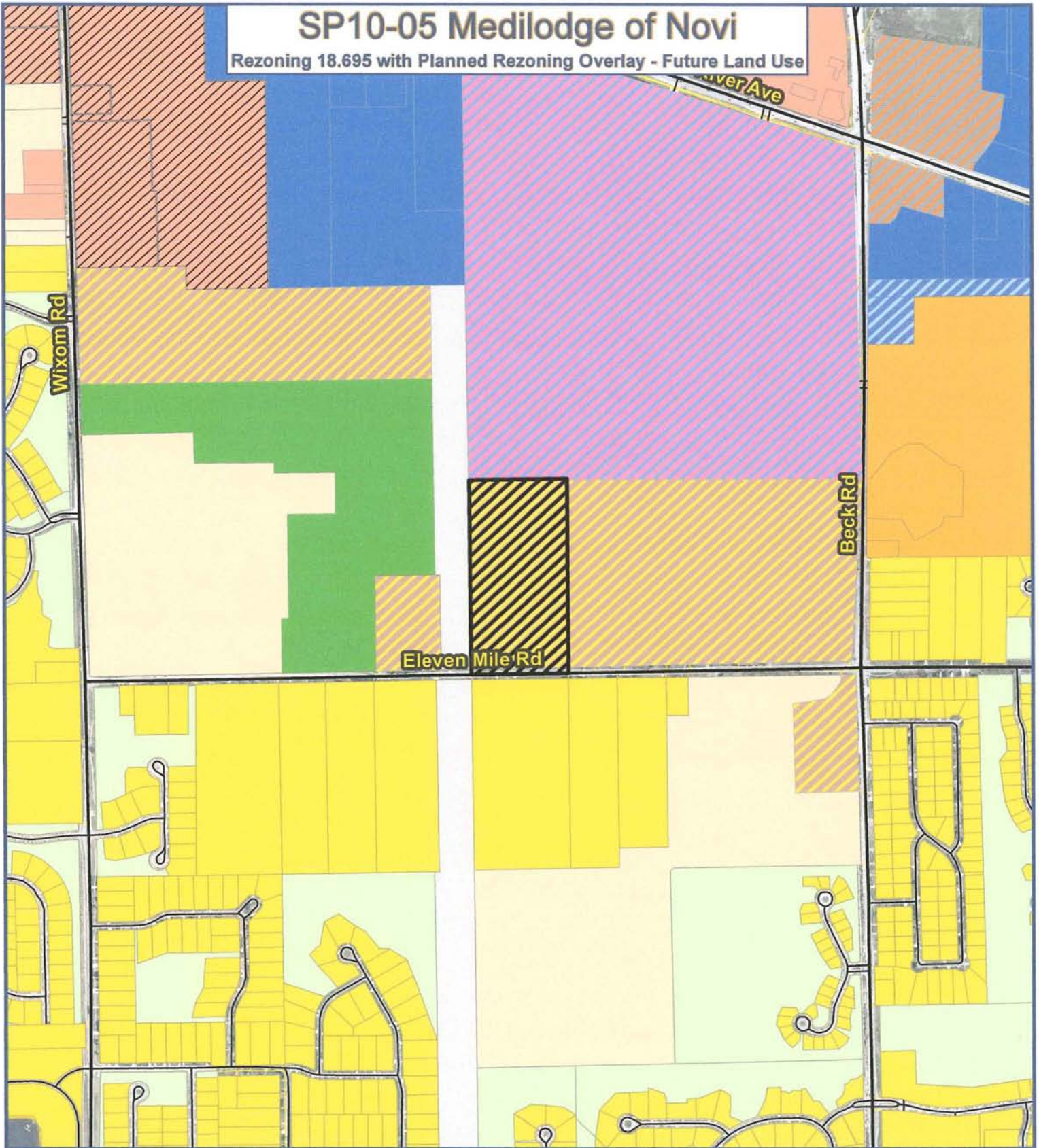


1 inch = 881 feet



# SP10-05 Medilodge of Novi

Rezoning 18.695 with Planned Rezoning Overlay - Future Land Use

















Map Author: Kristen Kapelanski  
 Date: February 16, 2010  
 Project: Medilodge of Novi PRO  
 Version #: 1.0

Amended By: Kristen Kapelanski  
 Date: October 29, 2010  
 Department: Community Development

**MAP INTERPRETATION NOTICE**

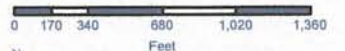
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**Map Legend**

- |   |  |
|---|--|
|  Subject Property  |  RETAIL OVERLAY   |
|  SINGLE FAMILY     |  LOCAL COMMERCIAL |
|  MULTIPLE FAMILY   |  COM. COMMERCIAL  |
|  SUBURBAN LOW-RISE |  ED. FACILITY     |
|  COMMUNITY OFFICE  |  PUBLIC PARK      |
|  OFFICE RD TECH    |  PRIVATE PARK     |
|  OFFICE COMMERCIAL |  UTILITY          |



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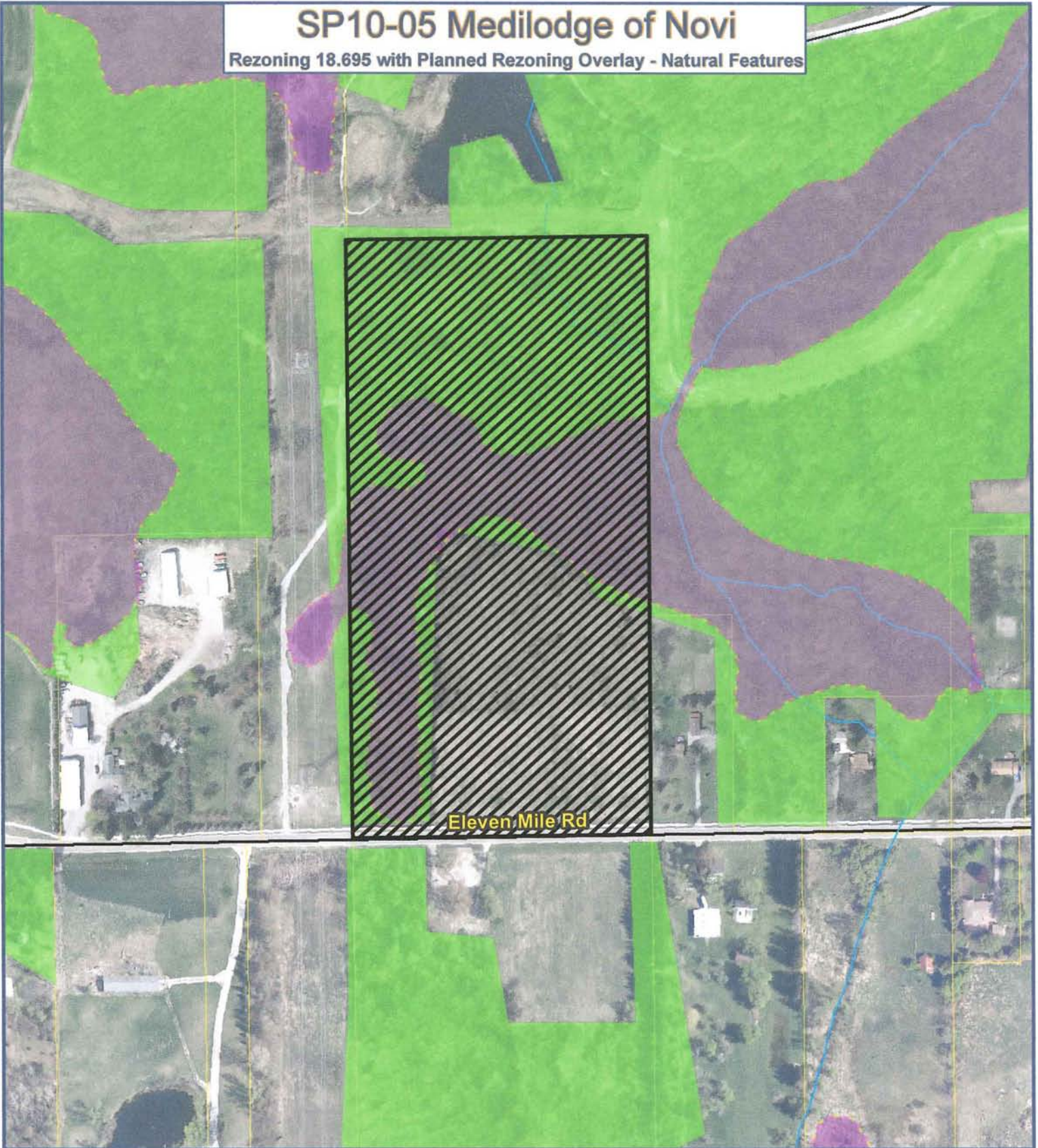


1 inch = 881 feet



# SP10-05 Medilodge of Novi

Rezoning 18.695 with Planned Rezoning Overlay - Natural Features



Map Author: Kristen Kapelanski  
 Date: February 16, 2010  
 Project: Medilodge of Novi PRO  
 Version #: 1.0

### Map Legend

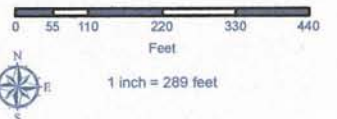
- Wetland Areas
- Woodlands
- Subject Property

**MAP INTERPRETATION NOTICE**

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Preliminary Detention Calculations - South Basins

8/20/2010  
 PRELIMINARY DETENTION CALCULATIONS  
 Project: Medlodge of Novi  
 Location: Livingston Road at 11 Mile Road  
 Consultant: ETS Engineering, Inc.

**1. Common Data and Assumptions:**

A. Flow Rate = 0.0710 cfs @ 45.00' x Area x Detention Time

B. Detention Volume (Cubic Feet) =  $Q \times T$

C. Detention Volume (Gallons) =  $Q \times T \times 7.48$

D.  $Q = \frac{V}{T}$  where  $Q$  = flow rate of storage structure  
 $V$  = Area x Depth of Storage Structure  
 $T$  = Detention Time

E. Detention Pond Volume

F. Freeboard, Depth of Pond and 10 Year Storm Event

G. Detention Basin Area

H. Detention Pond Elevation

I. Water Surface

J. Ponded Water Area

K. Ponded Water Area

L. Ponded Water Area

M. Ponded Water Area

N. Ponded Water Area

O. Ponded Water Area

P. Ponded Water Area

Q. Ponded Water Area

R. Ponded Water Area

S. Ponded Water Area

T. Ponded Water Area

U. Ponded Water Area

V. Ponded Water Area

W. Ponded Water Area

X. Ponded Water Area

Y. Ponded Water Area

Z. Ponded Water Area

Preliminary Detention Calculations - North Basin

8/20/2010  
 PRELIMINARY DETENTION CALCULATIONS  
 Project: Medlodge of Novi  
 Location: Livingston Road at 11 Mile Road  
 Consultant: ETS Engineering, Inc.

**1. Common Data and Assumptions:**

A. Flow Rate = 0.0710 cfs @ 45.00' x Area x Detention Time

B. Detention Volume (Cubic Feet) =  $Q \times T$

C. Detention Volume (Gallons) =  $Q \times T \times 7.48$

D.  $Q = \frac{V}{T}$  where  $Q$  = flow rate of storage structure  
 $V$  = Area x Depth of Storage Structure  
 $T$  = Detention Time

E. Detention Pond Volume

F. Freeboard, Depth of Pond and 10 Year Storm Event

G. Detention Basin Area

H. Detention Pond Elevation

I. Water Surface

J. Ponded Water Area

K. Ponded Water Area

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M. Ponded Water Area

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O. Ponded Water Area

P. Ponded Water Area

Q. Ponded Water Area

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S. Ponded Water Area

T. Ponded Water Area

U. Ponded Water Area

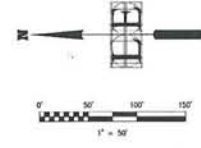
V. Ponded Water Area

W. Ponded Water Area

X. Ponded Water Area

Y. Ponded Water Area

Z. Ponded Water Area



Stormwater Detention Summary  
 South Basins (Three in Series) 67311 of total proposed  
 51157 of required

North Basin N-1  
 11047 of total proposed  
 9412 of required

**LEGEND**

Ex. Floodplain Limit Line

Ex. Wetland Delineation Line

Proposed Drainage Divide Line

**LEGEND**

EXISTING PROPOSED

SPOT GRADE +115.7

CONTOUR +115

WATER MARK

SANITARY SEWER

STORM SEWER

OVERHEAD

FENCE

DATE

FLOODPLAIN

WETLAND DELINEATION

SIGN

LIGHT POLE

UTILITY POLE

BOLLARD

SOIL BORING

SECTION CORNER

DECIDUOUS TREE

PEDESTAL

GAZE VALVE IN BOX

GAZE VALVE IN WELL

ELECTRIC WATER WELL

TEST WELL / MON. WELL

BIOLUMINOUS PAVEMENT

CONCRETE PAVEMENT

PONDING EXISTING OR PROPOSED CHANNEL FOR ROCK CHANNEL

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 Fax: (248) 236-2147  
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 ets@etsinc.com

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 russell@russelldesign.com  
 russelldesign.com

CLIENT:  
 MEDILODGE OF NOVI  
 11 MILE ROAD  
 NOVI, MI 48240

PROJECT:  
 PROPOSED BUILDING  
 11 MILE ROAD  
 NOVI, MI 48240

SHEET CONTENTS:  
 STORM WATER MANAGEMENT PLAN

DATE: DESCRIPTION: DRAWN BY:

DATE: DESCRIPTION: DRAWN BY:

DATE: DESCRIPTION: DRAWN BY:

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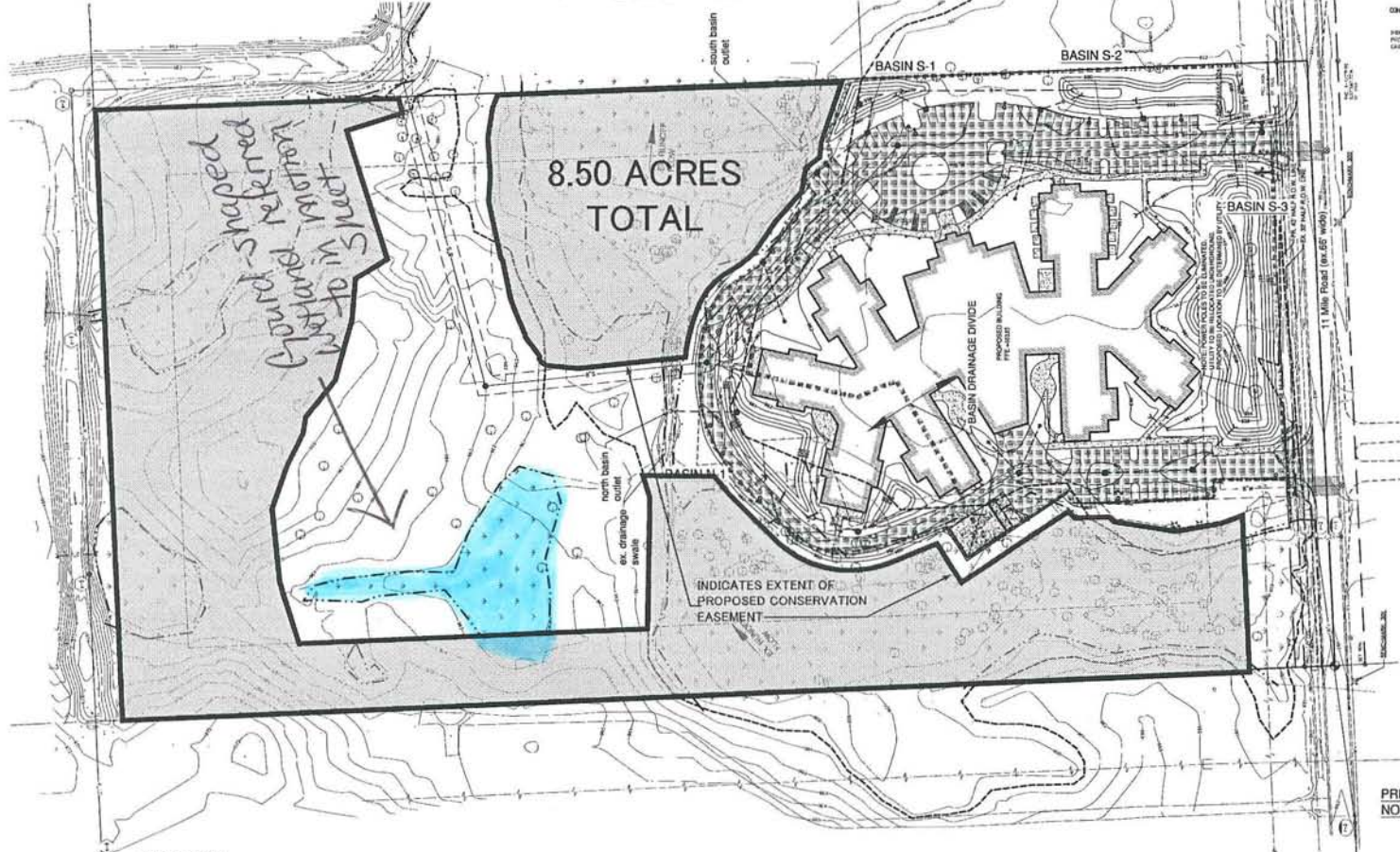


EXHIBIT-C

PRELIMINARY  
 NOT FOR CONSTRUCTION

08/04/2010 PRELIMINARY SITE PLAN REVIEW TEA  
 08/10/2010 P&E REVIEW TEA  
 11/07/2009 P&E APPLICATION TEA  
 DATE: DESCRIPTION: DRAWN BY:

PROJECT NUMBER: SHEET NUMBER:  
 09011 C-3  
 LE 09160





July 11, 2011

30903 Northwestern Highway  
P.O. Box 3040  
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kknfb@secretwardle.com

Mayor Landry and City Council  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

Re: *Medilodge Planned Rezoning Overlay*  
Our File No. 55142 NOV

Dear Mayor Landry and Councilmembers:

At the March 8, 2010, City Council meeting, the Council approved a rezoning request with Planned Rezoning Overlay ("PRO"), and our office was directed to work with the applicant for the above-referenced development to finalize the draft PRO Agreement. As you will note, a significant amount of time has passed since Council first heard this matter and, as has been explained by staff, this delay has been at the request of the applicant. The applicant is now ready to proceed with the project and we have worked with them to finalize the language for the PRO Agreement.

The motion sheet for the agenda item lays out the mechanisms and general terms set forth in the agreement and I will not repeat them here. This PRO project boils down to the rezoning of an 18,695-acre parcel currently zoned R-3 to RM-1, and the approval of a concept plan for the construction of a 120 bed, approximately 79,000 square feet convalescent (nursing) home building.

The final details to be worked out involved the construction and dedication of a public pathway, which the applicant had offered as a public benefit under the PRO ordinance. In addition to a pathway on its own property, the applicant has agreed to construct and/or finance the construction of a public pathway on the adjacent ITC corridor, located on the northern boundary of applicant's property. The City engineers have been working with ITC to finalize the details of such pathway, and, although they are not finalized as of the writing of this letter, it is our expectation that they will be finalized in the near future. As another public benefit, the applicant has agreed to place a perpetual conservation easement on 8.5 acres of its property

Mayor Landry and City Council  
7/11/2011  
Page 2

It is our understanding that the applicant has made all other submissions necessary to obtain final approval of this PRO, and we see no legal reason why Council could not move forward on this matter.

If you have any questions regarding the above or the agreement, please do not hesitate to call.

Very truly yours,



Kristin Bricker Kolb

KBK/jw

Enclosures

cc: Clay Pearson, City Manager  
Maryanne Cornelius, City Clerk  
Charles Boulard, Building  
Rob Hayes, Engineer  
Thomas R. Schultz, Esq.

1677862\_1



**PLANNED REZONING  
OVERLAY AGREEMENT**

**PLANNED REZONING OVERLAY (PRO) AGREEMENT**  
**NOVI REAL ESTATE, LLC,**

**THIS PLANNED REZONING OVERLAY (PRO) AGREEMENT** (this “Agreement”) is made as of the \_\_\_ day of \_\_\_\_\_, 2011, by and among NOVI REAL ESTATE, LLC, whose address is 64500 Van Dyke Road, Washington, Michigan 48095, (herein referred to as “**Owner/Developer**”), and the CITY OF NOVI, whose address is 45175 West Ten Mile Road, Novi, MI 48375-3024 (“**City**”).

**RECITATIONS:**

- I. Owner/Developer is the fee owner of the “Land” described on **Exhibit A**, attached and incorporated herein. For purposes of this Agreement, the Land includes one parcel of property that is proposed to be developed with a maximum 120-bed convalescent (nursing) home with centralized dining and physical therapy facilities and customary accessory uses (sometimes referred to hereinafter as the “Facility”). The Land is approximately 20.05 acres in area, Parcel I.D. No. \_\_\_\_\_.
- II. For purposes of improving and using the 20.05 acre parcel for an approximately 79,000 square foot convalescent (nursing) home with centralized dining and physical therapy facilities and customary accessory uses, Owner/Developer petitioned the City for an amendment of the Zoning Ordinance to reclassify the Land from **R-3**, One Family Residential, to **RM-1**, Low-Density, Low-Rise, Multiple Family Residential. The R-3 classification shall be referred to as the “**Existing Classification**” and the RM-1 classification shall be referred to as the “**Proposed Classification.**”
- III. The Proposed Classification would provide the Owner/Developer with certain material development options with respect to the Land that are not available under the Existing Classification, and that would be a distinct and material benefit and advantage to the Owner/Developer. The Proposed Classification is largely consistent with recently adopted amendments to the City’s Master Plan for Land Use showing the Land as part of the proposed Suburban Low-Rise District. If finalized through Zoning Ordinance adoption, subject to regulations to be proposed.



- IV. The City has reviewed the Owner/Developer's proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City's Zoning Ordinance; has reviewed the Owner's proposed PRO Plan (including building façade, elevations, and design) 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; and has reviewed the proposed PRO Conditions offered by the Owner/Developer described in Recital V immediately below.
- V. In petitioning for rezoning to the Proposed Classification, Owner/Developer has expressed as a firm and unalterable intent that Owner/Developer will develop and use the Land in conformance with the following conditions, referred to as the "**PRO Conditions**":
- A. Owner/Developer shall develop and use the Land solely for a maximum 79,000 square foot, maximum 120-bed convalescent (nursing) home with centralized dining and physical therapy facilities and customary accessory uses, as set forth on the PRO Plan. Owner/Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
- B. Subject to the terms and conditions of this Agreement and the PRO Ordinance, Section 3401, *et seq.*, of the Zoning Ordinance, Owner/Developer shall develop the Land in accordance with all applicable laws, ordinances, and regulations of the City pertaining to such development required under the Proposed Classification, including all applicable height, area, and bulk requirements of the Zoning Ordinance as relates to the Proposed Classification, except as expressly authorized herein.

The PRO Plan is acknowledged and agreed by both the City and Owner/Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development on the Land. The owner of the Land will be required to obtain site plan approval for the development of the improvements to be constructed on the Land in accordance with the terms of the PRO Ordinance.

Some deviations from the provisions of the City's ordinances, rules, or regulations as to the convalescent/nursing home are depicted in the PRO Plan, as specifically described below, and are approved by virtue of this Agreement. However, except as to such specific deviations enumerated herein, the development of the Land 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 pertaining to such development—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, and payment of review and inspection fees and performance guarantees pertaining to the proposed development of the Land.

The building design, façade, and elevations shall be substantially similar (as determined by the City) to that submitted as part of the Owner/Developer's final approval request, as depicted in **Exhibit B**, or as the same shall be approved by the City in connection with the site plan approval of the improvements to be constructed on the Land, it being acknowledged and agreed that the final site plan may be modified if approved by the City.

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

(1) Limitations on Use. Owner/Developer hereby agrees that the use of the Land shall be limited to convalescent (nursing), congregate care and assisted living facility with customary accessory uses.

(2) Limitations on Size. Owner/Developer hereby agrees that the size of the convalescent/nursing facility shall be limited to 79,000 square feet, and a maximum of 120 patient beds.

(3) Creation of a Conservation Easement. Owner/Developer shall place 8.5 acres of the Land located in the northern section of the Land in a perpetual conservation easement in a form to be determined by the City and reasonably satisfactory to Owner/Developer. A plan depicting the area of the conservation easement is attached as **Exhibit C**.

(4) Dedication of Public Pathway. Owner/Developer shall construct a path (the "Path") through the preserved area of the Land that shall be open for public pedestrian use as shown on **Exhibit B** and as further approved by the City during the site plan approval process. Owner/Developer will use its best efforts and work in good faith with representatives of the adjacent Providence Park, the City and/or representatives from ITC to construct the Path and to connect the Path with the paths in the adjacent preserved areas and the adjacent Providence Park. Owner/Developer shall further construct a path on the adjacent International Transmission Company ("ITC") corridor which shall connect with the Path located on the Land. Unless ITC shall refuse to allow Owner/Developer access to the ITC corridor for purposes of constructing the ITC Path, Owner/Developer shall construct the ITC Path prior to issuance of a temporary certificate of occupancy ("TCO") for the Facility. The ITC Path shall be constructed in



the location agreed to and in accordance with the requirements of both the City and ITC. If the ITC Path is not constructed prior to a request for a TCO, Owner/Developer shall pay to the City the estimated cost to construct the ITC Path, as determined by the detail attached hereto as **Exhibit B** as a condition to issuance of a TCO, and Owner/Developer shall have no further obligation with respect to the ITC Path.

To the extent permits are required for work in regulated wetlands or woodlands, as identified in the approved plans for the ITC Path, any costs associated with such permits shall be the responsibility of Owner/Developer; provided, however, that the party constructing the ITC Path shall be responsible for applying for such permits in conjunction with ITC. Notwithstanding the foregoing, issuance of a TCO shall not be contingent upon actual receipt of any required wetland or woodland permits, provided the necessary applications have been submitted to the governmental entity having jurisdiction.

(5) Placement of Sanitary Sewer. Owner/Developer shall construct the required sanitary sewer along the north side of Eleven Mile Road as shown on **Exhibit B** and as further approved by the City during the site plan approval process.

- VI. The parties acknowledge that this Agreement contains terms and conditions in addition to the PRO Conditions, all of which are binding on Owners/Developers.

***NOW, THEREFORE, IT IS AGREED AS FOLLOWS:***

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

Upon the Proposed Classification becoming final following entry into this Agreement, and as otherwise provided in the PRO Ordinance, Section 3401 *et seq.* of the City's Zoning Ordinance:

- a. No use of the Land shall be allowed except the use shown on the PRO Plan, **Exhibit B** incorporated herein, for a maximum 120-bed, approximately 79,000 square foot convalescent (nursing), congregate care and assisted living facility with centralized dining and physical therapy facilities and customary accessory uses. Site plan review for the development of the Land is required in accordance with the terms of the City's Ordinances; provided, however, that modifications to the improvements to be constructed on the Land shall be permitted subject to the City's approval;
- b. Owner/Developer and its successors, assigns, and/or transferees shall act in conformance with the PRO Plan and PRO Conditions, including the

provision of the Public Benefits/Public Improvements, all as described above and incorporated herein;

- c. Owner/Developer and its successors, assigns, and/or transferees shall forbear from acting in a manner inconsistent with the PRO Plan and PRO Conditions, and the Public Benefits/Public Improvements, all as described in the Recitations above and incorporated herein; and
  - d. Owner/Developer shall commence and complete all actions reasonably necessary to carry out the PRO Plan and all of the PRO Conditions and Public Benefits/Public Improvements, all as described in the Recitations above and incorporated herein.
2. The following deviations from the standards of the City's Zoning Ordinance with respect to the Land are hereby authorized pursuant to Section 3402.D.1.c of the City's Zoning Ordinance:
- (a) the permitted maximum building length of 360 feet shall be increased to 492 feet;
  - (b) the minimum exterior side yard setback of 134 feet shall be reduced to 123 feet on the east side of the building;
  - (c) the dumpster and dumpster enclosure shall be permitted in the interior (western) side yard;
  - (d) the required 4.5 – 6 foot high landscape berm along the west and north property lines is hereby waived due to an existing adequate natural boundary.
  - (e) the required 4.5 – 6 foot high landscape berm along the east property line is hereby waived, and Owner/Developer shall increase the landscape plantings along this property line to assist in providing a buffer for the adjacent residential property.
  - (f) the requirement that a multiple dwelling structure located along an outer perimeter property line adjacent to another residential district be oriented at a minimum angle of forty-five (45) degrees to said property line is hereby waived.
  - (g) a façade waiver is hereby granted to address the underage in the required brick façade, and an overage in the maximum use of asphalt shingles on the convalescent (nursing) facility.
3. Owner/Developer acknowledges that the City has not required the submission of the PRO application, the PRO Plan, or the PRO Conditions, including the Public

Benefits/Public Improvements. The PRO application, the PRO Plan, and the PRO Conditions, including the Public Benefits/Public Improvements, have been voluntarily offered by Owner in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Owner/Developer.

5. Each of the provisions, requirements, and conditions in this Agreement represents a necessary and reasonable measure, which, when considered with all other conditions and requirements, is roughly proportional to the burdens and increased impact that will be created by the uses allowed by the approved rezoning to the Proposed Classification, taking into consideration the changed zoning district classification and the specific use authorization granted.
6. In the event the Owner/Developer or its respective successors, assigns, and/or transferees attempt to proceed, or do proceed, with actions to complete improvement of the Land in any manner other than as a maximum 120-bed, approximately 79,000 square foot convalescent (nursing), congregate care and assisted living facility with centralized dining and physical therapy facilities and customary accessory uses, as shown on **Exhibit B**, the City shall be authorized to revoke all outstanding building permits and any certificates of occupancy issued for such building and use on the Land. The rights in this Paragraph 6 are in addition to the legal and equitable rights that the City has by statute, ordinance, or other law.
7. In addition to the provisions in Paragraph 6 above with respect to development of the Land, in the event the Owner/Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or undertake any other pursuit of, development of the Land in a manner that is in material violation of the PRO Plan or the PRO Conditions, 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, to amend the Master Plan and/or zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Owner/Developer nor its 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. Owner/Developer and its respective successors, assigns, and/or transferees shall be estopped from objecting to the rezoning and reclassification to such reasonable classification 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, however, that this provision shall not preclude Owner/Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land.



9. By execution of this Agreement, Owner/Developer acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Owner/Developer agrees to be bound by the provisions of this Agreement.
10. After consulting with an attorney, Owner/Developer understands and agrees that this Agreement is authorized by and consistent with all applicable state and federal laws and constitutions, that the terms of this Agreement are reasonable, that 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 Owner/Developer inconsistent with the terms of this Agreement.
11. This PRO Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees. This Agreement shall be recorded with the office of the Oakland County Register of Deeds as to all affected parcels, and the rezoning to the Proposed Classification shall not become effective until such recording has occurred.
12. This Agreement has been duly authorized by all necessary action of the Owner/Developer and the City.
13. 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.
14. In the event that there is a failure by the Owner/Developer to timely perform any obligations undertaken required by this Agreement, the City shall serve written notice thereof setting forth such default and shall provide the Owner/Developer with a reasonable period of time to cure any such default.
15. 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.
16. If the rezoning of the Land becomes void in the manner provided in the Ordinance and this Agreement, or if this Agreement is held by a court of competent jurisdiction to be void or of no force and effect, then the zoning classification pertaining to the Land shall revert to the Existing Classification.
17. This agreement may be amended only as provided in the Zoning Ordinance, Section 3401, *et seq.*
18. This Agreement may be signed in counterparts.

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

**NOVI REAL ESTATE, LLC**  
a Michigan limited liability company

By: \_\_\_\_\_  
FRANK M. WRONSKI  
Its: Authorized Manager

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me appeared Frank M. Wronski, Authorized Manager of Novi Real Estate, LLC, a Michigan limited liability company, who states that he has signed this document of his own free will, duly authorized on behalf of Novi Real Estate, LLC.

\_\_\_\_\_  
Notary Public

**CITY OF NOVI**

\_\_\_\_\_  
Print Name:

By: \_\_\_\_\_  
David B. Landry, Mayor

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

By: \_\_\_\_\_  
Maryanne Cornelius, Clerk

\_\_\_\_\_  
Print Name:

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me appeared David B. Landry, Mayor, and Maryanne Cornelius, Clerk, who each stated that they have signed this document of their own free will on behalf of the City of Novi in their respective official capacities.

\_\_\_\_\_  
Notary Public

Drafted by:

Kristin Bricker Kolb, Esq.  
30903 Northwestern Highway  
Farmington Hills, MI 48334

When recorded return to:

Maryanne Cornelius, Clerk  
City of Novi  
45175 West Ten Mile Road  
Novi, MI 48375-3024

1670593\_2



**Exhibit A.....Legal Description**

**Exhibit B.....PRO Plan**

**Exhibit C.....Conservation Easement**

## EXHIBIT-A

### LEGAL DESCRIPTION:

LEGAL DESCRIPTION (LAWYERS TITLE INSURANCE CORPORATION  
TITLE COMMITMENT N-104744) Effective date April 22, 2009

The land referred to in this Commitment is located in the City of Novi,  
County of Oakland, State of Michigan, and is described as follows:

THE WEST  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION  
17, TOWN 1 NORTH, RANGE 8 EAST.

Tax Identification No. 50-22-17-400-002

#### SCHEDULE B-SECTION 2 EXCEPTIONS

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon by this Commitment.

2. Taxes and assessments that become a lien against the property after date of closing. The Company assumes no liability for tax increases occasioned by retroactive revaluation, changes in the land usage or loss of any principal residence exemption status for the insured premises.

3. Rights of the public and of any governmental unit in any part of the land taken, used or deeded for street, road or highway purposes.

4. Any provision contained in any instruments of record, which provisions pertain to the transfer of divisions under Section 109 (3) of the Subdivision Control Act of 1967, as amended.

5. Rights of tenants now in possession of the land under unrecorded leases or otherwise.

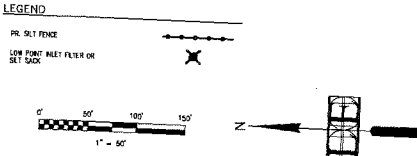
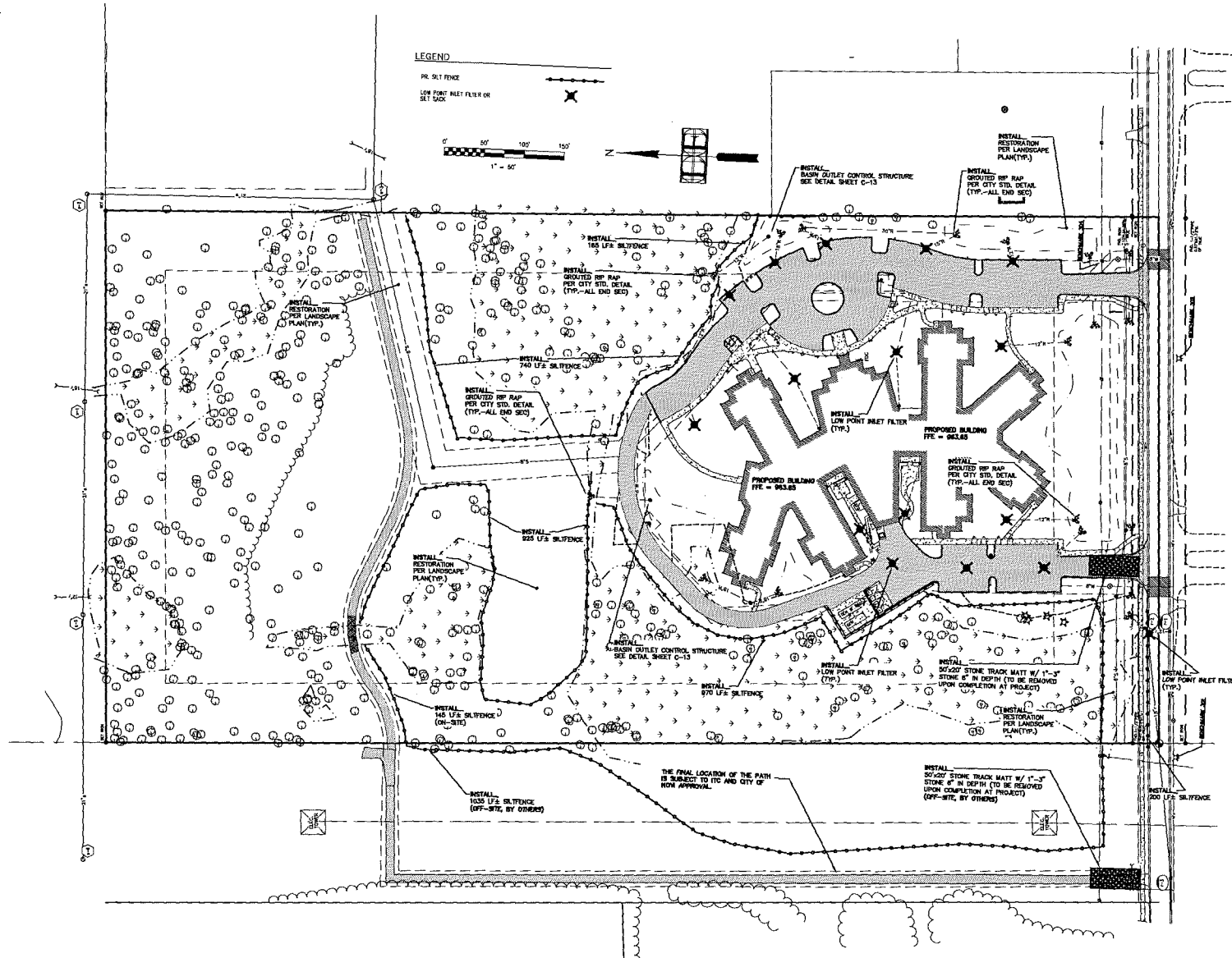
6. Such state of facts as would be disclosed by an accurate survey and personal inspection of the premises.

7. Interest of S. Virginia Kaluzny U/A/D March 8, 1989, as disclosed by Mineral Deeds recorded in Liber 10849, Page 349; Liber 11008, Page 428; and Liber 21765, Page 140. And now held by Paul R. Raney, John F. Raney and Michael Raney as disclosed in Mineral Deed recorded in Liber 39855, Page 390 and terms, conditions and provisions therein. (AFFECTS ALL OF THE SUBJECT PARCEL AND OTHER LAND)

8. Oil, Gas and Mineral Lease in favor of Somoco, Inc., as disclosed by instrument recorded in Liber 9086, Page 489, and instruments pertaining to Oil and Gas Lease as disclosed by instruments recorded in Liber 9439, Page 184; Liber 9688, Page 178; Liber 9767, Page 371; Liber 9767, Page 372; Liber 9767, Page 373; Liber 9767, Page 374; Liber 9767, Page 375; Liber 9767, Page 376; Liber 9767, Page 377; Liber 9767, Page 378; Liber 9767, Page 379; Liber 9767, Page 380; Liber 9767, Page 381; Liber 9767, Page 382; Liber 9767, Page 383; Liber 9767, Page 384; Liber 9767, Page 385; Liber 9767, Page 386; Liber 9767, Page 387; Liber 9767, Page 388; Liber 9767, Page 389; Liber 9767, Page 390; Liber 9767, Page 391; Liber 9767, Page 392; Liber 9767, Page 393; Liber 10206, Page 193; Liber 10265, Page 537; Liber 10265, Page 543; Liber 10265, Page 549; Liber 10265, Page 556; Liber 10290, Page 297; Liber 10460, Page 568; Liber 10546, Page 387; Liber 10754, Page 341; Liber 10785, Page 69; Liber 10864, Page 761; Liber 10864, Page 767; Liber 10886, Page 50; Liber 11022, Page 187; Liber 11314, Page 266; Liber 11325, Page 311; Liber 11686, Page 576; Liber 12918, Page 326; Liber 12967, Page 767; Liber 13456, Page 830; Liber 16895, Page 433; Liber 16943, Page 426; and Liber 24666, Page 542. (AFFECTS ALL OF THE SUBJECT PARCEL AND OTHER LAND)

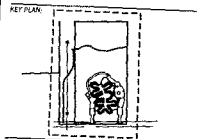
#### SURVEY NOTES

1. Overhead power lines cross the subject parcel. There is no record of an easement for these power lines provided in the Title Commitment.
2. Underground gas line appears to cross the subject parcel. There is no record of an easement for these gas lines provided in the Title Commitment information.
3. Water lines run along the south side of Eleven Mile Road
4. A Sanitary Sewer line runs off the north side and East side of the subject parcel as shown on the survey. There was no record of a sanitary sewer easement provided in the Title Commitment information.
5. The subject parcel is vacant.



**JWDesign**  
**Architectural Studio**  
 412 S. WASHINGTON ST., SUITE 100  
 ROYAL OAK, MICHIGAN 48067  
 PHONE: (248) 336-2501  
 FAX: (248) 336-2107  
 EMAIL: INFO@JWDSTUDIO.COM  
 WEBSITE: WWW.JWDSTUDIO.COM

CONSULTANTS:  
**LIVINGSTON ENGINEERING**  
 3000 S. QUINCY ST.  
 TROY, MI 48065  
 (313) 251-1100  
**LANDSCAPE ARCHITECT:**  
**RUSSEL DESIGN**  
 11440 WOODBURN  
 NORTHVILLE, MICHIGAN 48167  
 (248) 374-3022  
**ENVIRONMENTAL CONSULTANT:**  
**KING & MACGREGOR ENV., INC.**  
 20700 WOODBURN ROAD  
 CANTON, MI 48107  
 (734) 396-2900  
**ELECTRICAL:**  
**ETS ENGINEERING, INC.**  
 418 A S. WASHINGTON ST.  
 TROY, MI 48065  
 (248) 774-3300  
**MECHANICAL ENGINEER:**  
**SELLINGER ASSOCIATES INC.**  
 1903 EMMETT ROAD  
 LEBANON, OH 45032  
 (513) 482-0045  
**WATCHDOG CONSULTANT:**  
**E.F. WHITNEY, INC.**  
 10000 WOODBURN RD.  
 TROY, MI 48065  
 (248) 344-2200  
**STRUCTURAL CONSULTANT:**  
**DESAI NASR CONSULTING ENGINEERS**  
 6000 ORCHARD RD.  
 TROY, MI 48065  
 (248) 932-2010



SHEET:  
**MEDILODGE OF NOVI**

PROJECT:  
**MEDILODGE OF NOVI  
 PROPOSED BUILDING**

SHEET CONTENTS:  
**OVERALL GRADING/  
 SOIL EROSION &  
 SEDIMENT CONTROL PLAN**  
 DATE: \_\_\_\_\_ DESCRIPTION: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_

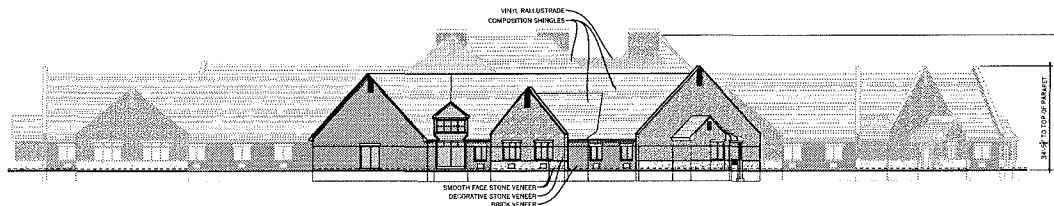
Exhibit B

EXHIBIT "B"  
 SCALE: 1" = 50' 0"

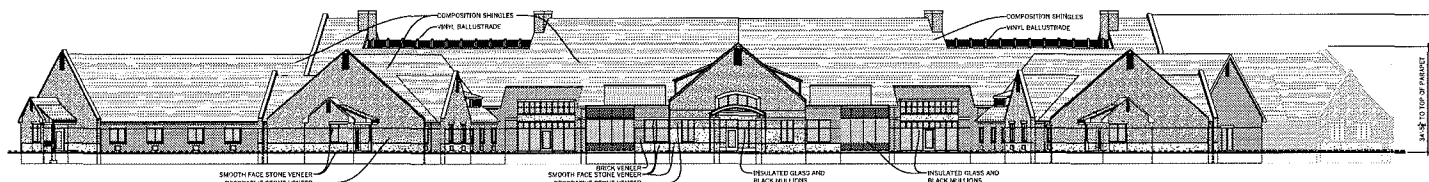
6/20/2011 FINAL SITE PLAN SUBMISSION  
 DATE: \_\_\_\_\_ DESCRIPTION: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_  
 SHEET NUMBER: **09011** SHEET NUMBER: **C-3**  
 LE #09160



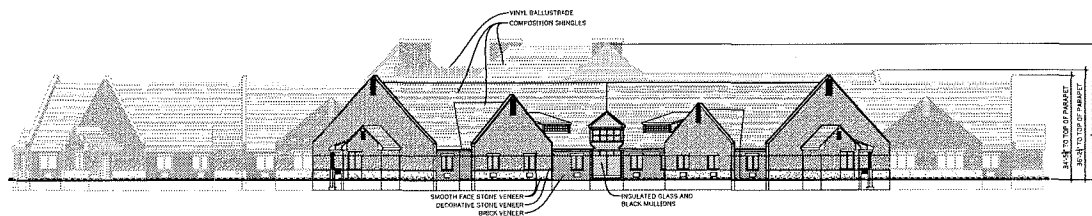
CONSULTANTS:  
 CIVIL ENGINEER:  
**LIVINGSTON ENGINEERING**  
 114 PARKER  
 BENTON, MICHIGAN 48116  
 (248) 336-1108  
 LANDSCAPE ARCHITECT:  
**RUSSELL DESIGN**  
 114 PARKER  
 NORTHVILLE, MICHIGAN 48167  
 (248) 336-2077  
 ENVIRONMENTAL CONSULTANT:  
**KING & MACGREGOR ENV., INC.**  
 4500 S. OGDEN ROAD  
 CANTON, MI 48107  
 (248) 354-0204  
 ELECTRICAL:  
**ETS ENGINEERING, INC.**  
 418 S. WASHINGTON  
 CANTON, MI 48107  
 (248) 374-3350  
 STRUCTURAL ENGINEER:  
**SELLINGER ASSOCIATES INC.**  
 1901 FARMINGTON ROAD  
 LYONS, MI 48135  
 (248) 482-0915  
 MECHANICAL CONSULTANT:  
**E.F. WHITNEY, INC.**  
 206 W. 206  
 BENTONVILLE, MI 48009  
 (248) 336-0099  
 STRUCTURAL CONSULTANT:  
**DESAI NASH CONSULTING ENGINEERS**  
 6145 DEL LANE  
 1515 FLORENCE BLVD, 48102  
 (248) 932-2015



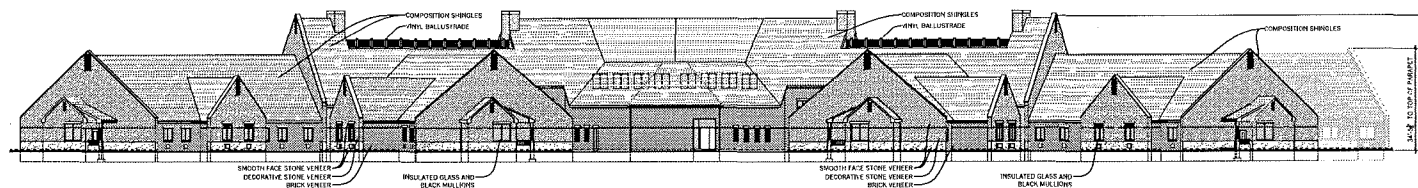
**NORTH ELEVATION**  
SCALE: 1/16" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/16" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/16" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/16" = 1'-0"

KEY PLAN:

CLIENT:

**MEDILODGE OF NOVI**

PROJECT:

**MEDILODGE OF NOVI  
PROPOSED BUILDING**

SHEET CONTENTS:

**EXHIBIT-B  
OVERALL ELEVATIONS  
1/16" = 1'-0"**

DATE: DESCRIPTION: DRAWN BY:

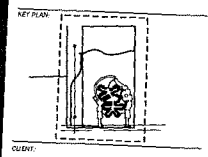
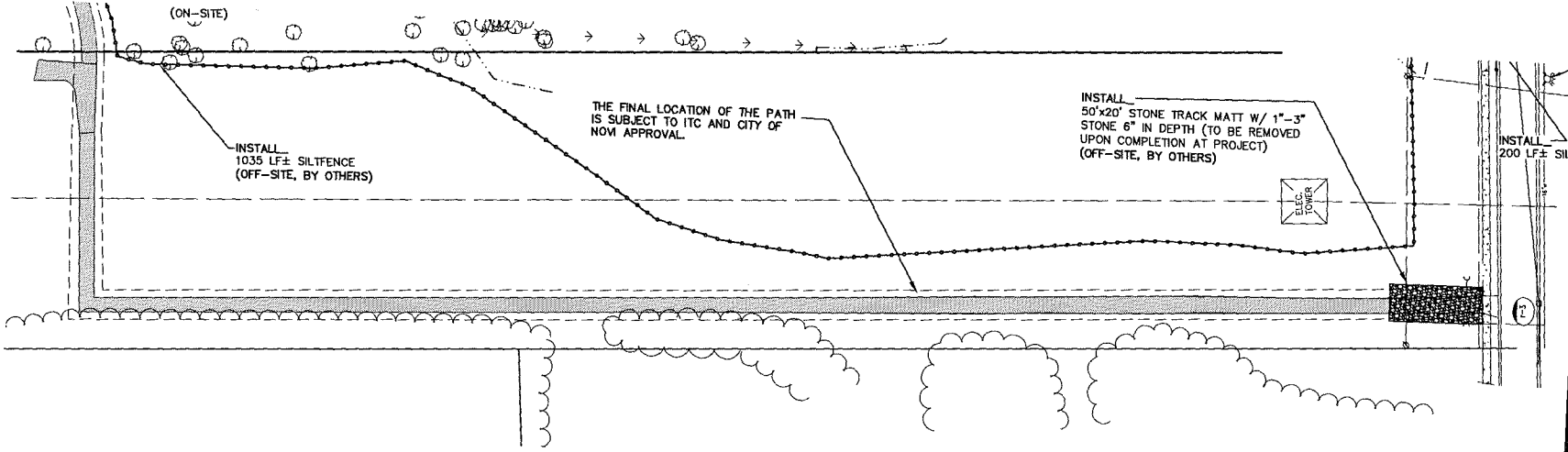
**Exhibit B**

DATE	DESCRIPTION	DRAWN BY
06/20/2011	FINAL SITE PLAN SUBMISSION	MS
03/11/2011	FINAL SITE PLAN REVIEW	MS
02/18/2010	REVISED PER CITY COMMENTS	MS
02/08/2010	CITY REVIEW	MS
02/03/2010	PRELIMINARY SITE PLAN REVIEW	MS
01/28/2010	PERIODIC REVIEW	MS
11/20/2009	PRE-APPLICATION	MS
	DATE	DESCRIPTION

MS ARCHITECTURAL STUDIO, INC. 412 S. WASHINGTON ST. SUITE 100 ROYAL OAK, MI 48067  
 PHONE: (248) 336-2501 FAX: (248) 336-2107  
 WWW.JWDSTUDIO.COM

ADD PROJECT NUMBER: SHEET NUMBER:  
**09011 A-3**

- CONSULTANTS:
- ARCHITECTS:  
LIVINGSTON ENGINEERING  
3900 OLD US 23  
BRIGHTON, MICHIGAN 48116  
(810) 223-1100
  - LANDSCAPE ARCHITECTS:  
RUSSEL DESIGN  
114 BIRCHWOOD  
2800 W. BELL  
TROY, MICHIGAN 48067  
(248) 374-2222
  - LIFE SUPPORT & CONTROL SYSTEMS:  
KING & MACGREGOR ENV., INC.  
4075 WASHINGTON ROAD  
EASTON, MI 48817  
(734) 354-0200
  - ELECTRICAL:  
ETS ENGINEERING, INC.  
1125 S. WASHINGTON ST.  
ROYAL OAK, MI 48067  
(248) 374-0200
  - M/C AND P/FLORING:  
SELLINGER ASSOCIATES INC.  
13001 WASHINGTON ROAD  
TROY, MI 48067  
(248) 462-0245
  - MECHANICAL CONTRACTOR:  
E.F. WHITNEY, INC.  
265 WEST 111  
BIRMINGHAM, MI 48409  
(248) 444-0290
  - STRUCTURAL CONSULTANT:  
DESAI NASR CONSULTING ENGINEERS  
6100 W. 110  
WEST BLOOMFIELD, MI 48312  
(248) 364-0212



CLIENT:  
**MEDILODGE OF NOVI**

PROJECT:  
**MEDILODGE OF NOVI PROPOSED BUILDING**

SHRIT COMMENTS:  
**OVERALL GRADING/  
SOIL EROSION &  
SEDIMENT CONTROL PLAN**

DATE: \_\_\_\_\_ DESCRIPTION: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_

**Exhibit B**

EXHIBIT  
SCALE: 1" = 50'-0"

6/20/2011 TRUL SITE PLAN SUBMISSION TTA  
DATE: \_\_\_\_\_ DESCRIPTION: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_

DATE: \_\_\_\_\_ DESCRIPTION: \_\_\_\_\_ DRAWN BY: \_\_\_\_\_

PROJECT NUMBER: **09011** SHEET NUMBER: **C-3**

Preliminary Detention Calculations - South Basins

STORMWATER  
DETENTION BASIN CALCULATIONS  
North Basin (Three in Series)  
Livingston Engineering Project No. 09-010  
Oakland County Drain Commission Review

I. Current Area and Assumptions:

- A. Final Flood = 28.9712 + 41.266 = 70.2372
- B. Spillway Flood = 41.266 + 41.266 = 82.532
- C. Detention Volume (V) = 1,000,000 gal
- D. V = (A<sub>1</sub> - A<sub>2</sub>) \* H<sub>1</sub> \* 1.42
- E. A<sub>1</sub> = Area of storage at elevation H<sub>1</sub>
- F. A<sub>2</sub> = Area of storage at elevation H<sub>2</sub>

II. Detention Volume Proposed

Area	Area (sq ft)	Volume (cu ft)
Basin 1	100,000	1,000,000
Basin 2	100,000	1,000,000
Basin 3	100,000	1,000,000
<b>Total</b>	<b>300,000</b>	<b>3,000,000</b>

III. Flood Peak Values

Area	Peak (ft)	Flow (cfs)
Basin 1	4.5	100
Basin 2	4.5	100
Basin 3	4.5	100
<b>Total</b>	<b>4.5</b>	<b>300</b>

IV. Spillway Flood Values

Area	Peak (ft)	Flow (cfs)
Basin 1	8.5	200
Basin 2	8.5	200
Basin 3	8.5	200
<b>Total</b>	<b>8.5</b>	<b>600</b>

V. 100 Year Flood Values

Area	Peak (ft)	Flow (cfs)
Basin 1	10.5	300
Basin 2	10.5	300
Basin 3	10.5	300
<b>Total</b>	<b>10.5</b>	<b>900</b>

Preliminary Detention Calculations - North Basin

STORMWATER  
DETENTION BASIN CALCULATIONS  
North Basin (Three in Series)  
Livingston Engineering Project No. 09-010  
Oakland County Drain Commission Review

I. Current Area and Assumptions:

- A. Final Flood = 28.9712 + 41.266 = 70.2372
- B. Spillway Flood = 41.266 + 41.266 = 82.532
- C. Detention Volume (V) = 1,000,000 gal
- D. V = (A<sub>1</sub> - A<sub>2</sub>) \* H<sub>1</sub> \* 1.42
- E. A<sub>1</sub> = Area of storage at elevation H<sub>1</sub>
- F. A<sub>2</sub> = Area of storage at elevation H<sub>2</sub>

II. Detention Volume Proposed

Area	Area (sq ft)	Volume (cu ft)
Basin 1	100,000	1,000,000
Basin 2	100,000	1,000,000
Basin 3	100,000	1,000,000
<b>Total</b>	<b>300,000</b>	<b>3,000,000</b>

III. Flood Peak Values

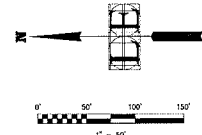
Area	Peak (ft)	Flow (cfs)
Basin 1	4.5	100
Basin 2	4.5	100
Basin 3	4.5	100
<b>Total</b>	<b>4.5</b>	<b>300</b>

IV. Spillway Flood Values

Area	Peak (ft)	Flow (cfs)
Basin 1	8.5	200
Basin 2	8.5	200
Basin 3	8.5	200
<b>Total</b>	<b>8.5</b>	<b>600</b>

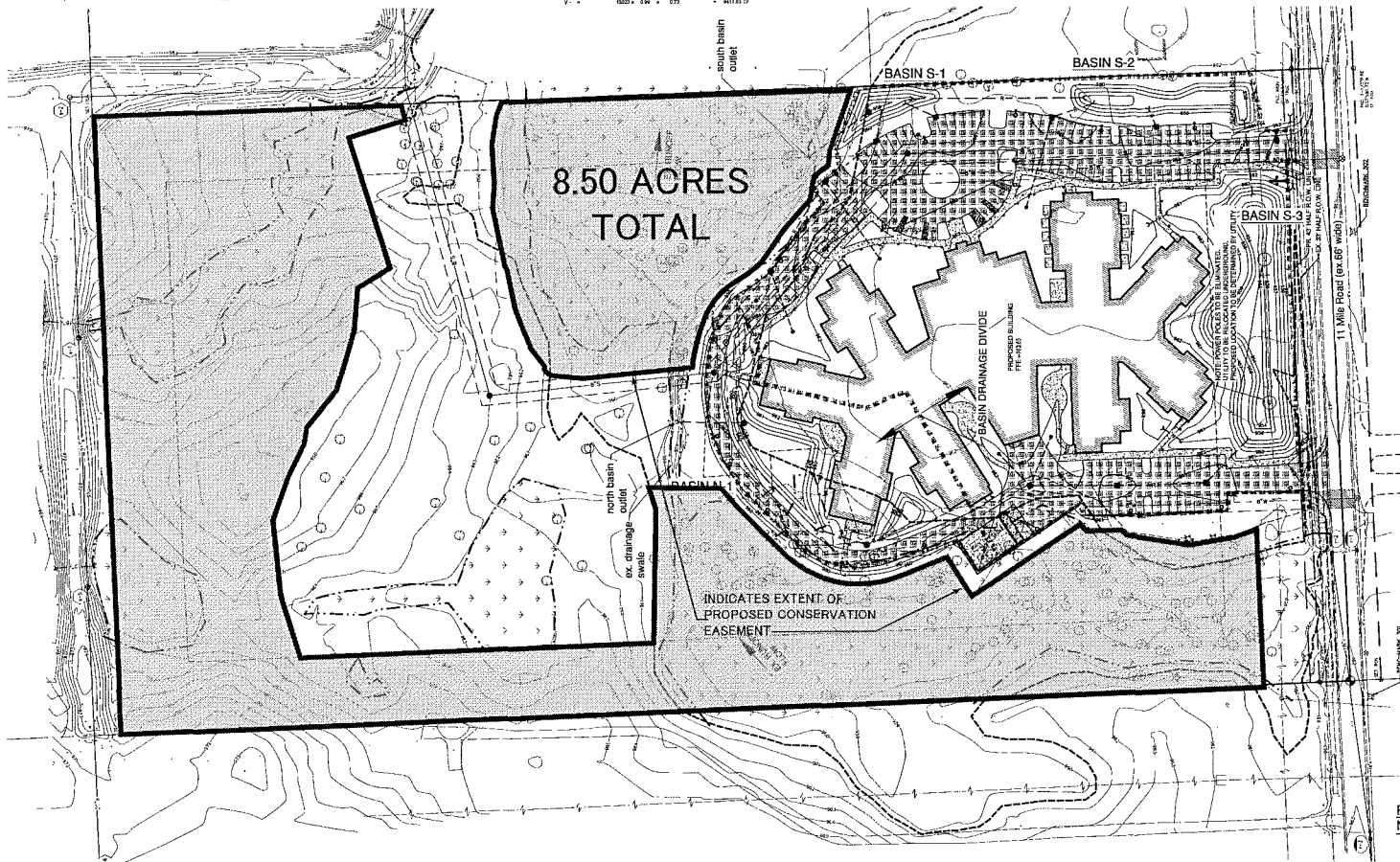
V. 100 Year Flood Values

Area	Peak (ft)	Flow (cfs)
Basin 1	10.5	300
Basin 2	10.5	300
Basin 3	10.5	300
<b>Total</b>	<b>10.5</b>	<b>900</b>



Stormwater Detention Summary  
South Basins (Three in Series) North Basin N-1  
67311 of total proposed 11047 of total proposed  
51157 of required 9412 of required

- Ex. Floodplain Limit Line
- Ex. Wetland Delineation Line
- Proposed Drainage Divide Line



- LEGEND**
- SPOT GRADE
  - CONTOUR
  - WATER MAIN
  - SANITARY SEWER
  - STORM SEWER
  - OVERHEAD
  - FENCE
  - CAIS
  - FLOODPLAIN
  - WETLAND DELINEATION
  - SIGN
  - LIGHT POLE
  - UTILITY POLE
  - BOLLARD
  - SOIL BORING
  - SECTION CORNER
  - DECEADUOUS TREE
  - PEDESTAL
  - GATE VALVE IN BOX
  - GATE VALVE IN WELL
  - DOMESTIC WATER WELL
  - TEST WELL / MON. WELL
  - BITUMINOUS PAVEMENT
  - CONCRETE PAVEMENT
  - DISCRETE EXPLANT OF PROPOSED CONSERVATION EASEMENT

412 B. Westington Blvd., Suite 100  
Royal Oak, MI 48067-0824  
Phone: (248) 236-2501  
Fax: (248) 236-2127  
www.livingston.com  
livingston@livingston.com

CONSULTANTS:  
CORE ENGINEER:  
**LIVINGSTON ENGINEERING**  
3300 GOLF DR. 2ND  
BIRMINGHAM, MICHIGAN 48412  
(248) 255-7100  
11/15/2009  
ELECTRICAL:  
**ETS ENGINEERING, INC.**  
2182 S. HANCOCK  
ROYAL OAK, MI 48067  
(248) 244-6200  
LANDSCAPE ARCHITECT:  
**RUSSELL DESIGN**  
1111 W. WASHINGTON  
ANN ARBOR, MI 48106  
(734) 374-2522  
METEOROLOGICAL CONSULTANT:  
**KING & MACGREGOR ENVIRONMENTAL INC.**  
4000 SOUTHFIELD RD.  
CANTON, MICHIGAN 48107  
(734) 304-0000

CLIENT:  
**MEDILODGE OF NOVI**  
11 MILE ROAD  
NOVI, MI 48244

PROJECT:  
**PROPOSED BUILDING**  
11 MILE ROAD  
NOVI, MI 48244  
**Exhibit C**

SHEET CONTENTS:  
**STORM WATER MANAGEMENT PLAN**

DATE: DESCRIPTION: DRAWN BY:  
05/01/2010 PRELIMINARY SITEPLAN REVIEW TEA  
01/28/2010 PRELIMINARY REVIEW TEA  
11/20/2009 PRE APPLICATION TEA  
DATE: DESCRIPTION: DRAWN BY:  
PROJECT NUMBER: SHEET NUMBER:  
**09011 C-3**  
LE 09160

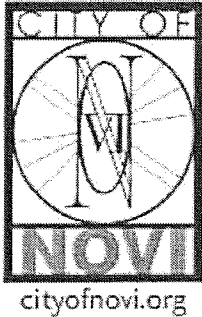
PRELIMINARY  
NOT FOR CONSTRUCTION

EXHIBIT-C



**OFF-WEEK PACKET MEMO**  
**JULY 7, 2011**

# MEMORANDUM



TO: Clay Pearson, City Manager  
FROM: <sup>Bms</sup> Barbara McBeth, AICP, Community Development  
SUBJECT: Medilodge Final PRO Concept Plan and Agreement  
DATE: July 7, 2011

7/7/11  
To Mayor & City  
Council Members  
PCM

As you recall, there is an active petition by Medilodge for consideration of a Planned Rezoning Overlay (PRO), in conjunction with rezoning request 18.695 for property located on the north side of Eleven Mile Road, between Beck and Wixom Roads in Section 17. The property totals 20.05 acres.

The subject property is currently zoned R-3, One-Family Residential. The applicant has requested a rezoning of the parcel to RM-1, Low Density, Low-Rise, Multiple-Family Residential with a Planned Rezoning Overlay. The applicant proposes this rezoning with a PRO to facilitate the construction of a 120 bed, 78,560 square foot convalescent (nursing) home building. The proposed convalescent home would include centralized dining and physical therapy facilities along with other ancillary features.

### City Council Action

At the March 8, 2010 City Council meeting, the request for the rezoning with Planned Rezoning Overlay was discussed and further direction was offered to the applicant regarding the terms of a potential PRO Agreement. Following that meeting, the applicant took some time to further review the options associated with the property, and review company-wide issues related to development of several convalescent homes in the area. Staff has continued to be in contact with the applicant. Please note, the timing and delays of the matter have been at the request of the applicant.

As part of the PRO, the applicant is required to provide a public benefit that would demonstrate more than just the usual benefits associated with standard rezoning and development of the property. City's Council's motion below from the March 8, 2010 Council minutes provides direction regarding the public benefits being offered at the time of initial consideration, and staff's updates provided in italics.

The City Council approved the rezoning request and directed the City Attorney to work with the applicant to prepare a PRO agreement for Zoning Map Amendment 18.695 with a PRO with Medilodge of Novi to rezone from R-3 One Family Residential to RM-1 Low Density, Low Rise Multiple Family Residential with the following considerations:

- 1) They provide the requested sanitary sewer extension along Eleven Mile with a preference that it be to the south side of Eleven Mile to maintain the natural resources on the north side, *(the applicant has further considered this option and met with the City's Environmental Consultant, Engineer and Landscape Architect on site. Staff's recommendation at this point is that the sanitary sewer extension is appropriate for the north side of Eleven Mile Road, and that there would be little environmental benefit to locating the sewer on the south side of the street),* and
- 2) Relocate the flood plain mitigation to another area of the site consistent with the recommendation of the woodland review letter to preserve the natural resources *(this condition has been addressed on the revised plans),*

- 3) Incorporate the additional features of the suburban low rise concept as stated in the façade consultants review letter (*this condition has been addressed on the revised plans*),
- 4) subject to the deviations of the ordinance standards and the conditions identified in the staff review letters (*the deviations are as provided in the PRO Agreement currently being finalized by the City Attorney's Office*),
- 5) and that the City accept the conservation easement of the 8.5 acres of land on the north with pathways purposed for the benefit of the public that would connect to the Providence Hospital site as well as the ITC corridor (*the applicant continues to offer the conservation easement and pathways, however a significant portion of the proposed woodland replacement credits are located outside of the proposed conservation easement. The City's environmental consultant is also concerned that the "gourd-shaped" wetland and part of the buffer expansion area for the 25' natural features setback on the west side of the site, north-central adjacent upland forest, and floodplain compensating cut portions of the onsite regulated woodland are not proposed within the conservation easement. As currently proposed, it is the opinion of the Environmental Consultant that the conservation easement fails to provide long-term protection for woodland replacement credits and significant site natural feature and the easement should be expanded to include the features noted above*), and
- 6) there would be a paved pathway along the ITC corridor (*see comments below*)

... for the reasons attached to the Planning Commission motion.

#### **Trail location in the ITC corridor**

Regarding point 5 in the City Council's motion, staff and the applicant have been working together to find a suitable location and specifications for a public pathway in the ITC corridor, and traversing the Medilodge property to connect with a future trail on Providence Park Hospital's property. A draft location for the pathway was provided in a City Council off-week packet in December 2010 and in the January 10, 2011 packet (see attached). January's agenda item was seeking City Council's approval of a resolution of support for the application of trail license on ITC's property north of Eleven Mile Road, adjacent to the Medilodge site.

Staff has coordinated efforts between Medilodge representatives and ITC since that time to determine the most suitable location for the proposed trail within the ITC corridor. In discussions with ITC, it appears that the west side of the ITC corridor is the preferred location for the future public trail extending north from Eleven Mile. The trail would then cross the corridor in an east/west direction to connect to the future public trail in the Medilodge site and to Providence's property beyond. Please see attached sketch of the location currently being offered for the public trail location.

The draft PRO Agreement contains provisions for Medilodge to construct the public trail (once ITC and the City of Novi have finalized the terms of the license agreement). As an alternate, Medilodge would provide funds to the City equivalent to the cost of trail construction in the location shown on the attached exhibit.

x / / Staff and the City Attorney's office believe that the project may be ready to return to the City Council as early as the July 18, 2011 meeting for consideration of approval of the rezoning with Planned Rezoning Overlay and PRO Agreement.



**CITY COUNCIL  
MEETING MINUTES EXCERPT  
March 8, 2010**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, MARCH 8, 2010 AT 7:00 P.M.  
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

**ALSO PRESENT:** Clay Pearson, City Manager  
Tom Schultz, City Attorney  
Barbara McBeth, Director of Community Development  
Brian Coburn, Senior Civil Engineer

**APPROVAL OF AGENDA**

**CM-10-03-029 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:  
To approve the Agenda as presented.**

**Roll call vote on CM-10-03-029 Yeas: Gatt, Crawford, Fischer, Margolis, Mutch,  
Staudt, Landry  
Nays: None**

**MATTERS FOR COUNCIL ACTION – Part I**

- 2. Consideration of Zoning Map Amendment 18.695 with Planned Rezoning Overlay (PRO) SP10-05 from the applicant, Medilodge of Novi, to rezone from R-3, One-Family Residential to RM-1, Low Density, Low-Rise, Multiple-Family Residential. The property is located on the north side of Eleven Mile Road between Beck and Wixom Roads in Section 17 and consists of 20.05 acres. The applicant proposes a 120 bed, 78,560 square foot convalescent (nursing) home building.**

Daniel DeRemer of JW Design, architects for the facility, was present on behalf of the Medilodge Group. He said they had met and had positive recommendations from all City departments and the Planning Commission recommended this unanimously for rezoning. He stated he was present to ask Council not to postpone the rezoning to wait for the committee to catch up to where they were with the project. He said they were proposing a project that was very much in the character that the committee was looking for in this area. He commented he had met with them on several occasions and presented to them as well and had very favorable comments. He said they were very concerned about postponing this project to wait for the approval of the amendments that were coming from the committee.

Mr. Pearson said he represented accurately the technicality in terms of where they were at in waiting for the Master Plan. He thought they had the best solution in terms of getting the Planned Rezoning Overlay and had addressed many of the concerns and followed the whole PRO process.

Member Crawford said she was very interested in this project, as she felt this community was very underserved by this type of facility. She stated she knew that part of the problem was the

zoning was not changed yet, but she saw a new proposed district of suburban low rise. She commented she didn't see any reason to delay this any further and she was very much in favor of the project.

Member Mutch asked for clarification on some of the details in terms of where they stood with the public benefits related to the PRO. He said there had been correspondence between City staff and the applicant regarding this and he wanted it nailed down more definitively. He said one of the things that the Planning Commission and consultants had discussed was to look at bringing the sanitary sewer down Eleven Mile Road. He said the primary reason being the rear portion of the property had some of the highest quality environmental features in the City. He asked where they stood with the sanitary sewer. Mr. DeRemer stated the connection they were going to was back in the corner of the hospital project and would be brought to their project and they had agreed to bring it the rest of the way down to the street and across the frontage. He said they had been talking about putting it on the south side of the street rather than the north side to save the wetland area that was adjacent to their property. He said that would be about 1,400 lineal feet of additional sewer that they would be extending for this and future projects in the area. Member Mutch said he would want someone from staff to show that. He noted another item that was discussed was the conservation easement on the property and they had already offered to place a significant portion of the property under a conservation easement. Member Mutch said there was discussion about an open area within the woodland/wetland complex on the northern part of the property. He thought staff and the consultant had requested that the entire area be placed under a conservation easement and the applicant had asked that a certain portion of that area be excluded for the possibility of future development. He asked what specifically would that area be utilized for. Mr. DeRemer responded that he spoke to the Planning Commission about this and they weren't sure what would happen back there. He said the property owners were willing to dedicate the proposed 8 ½ acre portion of the site as a conservation easement, which left about 3 to 4 acres in the middle of that back portion of the property. The front end, where they proposed to build the home, would be a 120 bed, physical therapy full service facility. He stated there was a possibility of some minor assisted living cottages, which they had done with this owner on other projects. Mr. DeRemer said they liked that idea in 20 or 30 years because, at this stage, no one would build assisted living anywhere in the area because of the housing market. He said the owner wanted to hang on to that small portion of the project rather than give it away. He noted it was a 20 acre site and they were only building on about 7 ½ acres of it and were willing to give the City an 8 ½ acre easement for conservation. He said there were some very nice major woodlands at the back and side of the property they wanted to preserve. Member Mutch asked how many units would be on the rear portion of the property. Mr. DeRemer replied between 15 and 20. Member Mutch asked if the owner of the property understood that with the PRO process they were agreeing to 120 units and 79,000 sq. ft. Mr. DeRemer said they understood that. Member Mutch said then in 20 or 30 years from now they could come back to the City and the project would be under the same requirements then as it was now. Mr. DeRemer commented they had discussed it and they did understand. Member Mutch said there had been discussion about a clear public benefit that would be derived from the project and there had been discussion about a pathway connection to Providence. However, recently, there had been discussion about instead of having that, going through the property utilizing the ITC corridor. He said it sounded like they were agreeable to that with the understanding that Council would give them time to work out easement related issues. He asked Mr. DeRemer what his understanding was of where they stood right now. Mr. DeRemer said they agreed at



the Planning Commission meeting that they would donate the conservation easement as well as putting pathways through that area. However, it was later brought up about the possibility of running a 10 foot wide paved path under the high tension lines in that area and that easement. He said that was something the owner was willing to consider and work with the City on development. Mr. DeRemer said the owner was concerned about the immediate installation of something like that becoming a 10 foot wide concrete path that compromised security to the entire development. He said they were concerned that it was a road to nowhere at this stage. However, the owner was willing to work with the City on that in the future, as other portions of it were developed or however the language could be structured so that Council was comfortable with it. Mr. DeRemer stated the owner was not willing, at this stage, to put in a 1,500 foot long concrete path that didn't lead or connect to anything. Member Mutch said when he talked about putting the path in, would that be on their property or was the pathway going adjacent to the property in the ITC corridor. Mr. DeRemer said their understanding was that the request was that it would be in the ITC corridor. Member Mutch said the applicant had a concern that if that was put in there, it would provide access to their property. Mr. DeRemer said yes, it would go to the back of their property, which bordered the hospital property. He said it had to continue on another ½ mile to connect to any roadway or anything else in the area. Member Mutch said there was a City park property to the west of the ITC corridor property and he thought there might be some adjacency with their property because the sewer line continued onto the City property. He thought if that was the concern, if there was a connection to the City park property, and the path was brought westward that would provide a destination for the path and encourage people away from the back portion of their property. He said that might be a part of the discussion as they worked out the details. Mr. DeRemer said they were willing to do that. Member Mutch asked staff to address the sanitary sewer route.

Ms. McBeth showed Council where the required sewer connections were located and that it would be brought down to the building. She said they were also required to connect to Eleven Mile to be able to provide sewer along the frontage to serve the properties on either side. She commented the question of whether it should be on the north or south side of Eleven Mile came up. She noted there was a nice quality wetland on the southwest part of the site that the wetland consultant was interested in preserving. Therefore, they had been talking to the applicant about locating the sanitary sewer on the south side of Eleven Mile. She said currently there was no sewer on Eleven Mile Road. Member Mutch said to clarify, that there was no sewer on either the north or south side of Eleven Mile. Mr. Coburn said he was correct and that the primary service for that portion of Eleven Mile was to the north of these properties. Member Mutch asked if routing the sewer on the northern part of the property was a concern or was everyone comfortable with bringing the sewer down that way. Ms. McBeth said the woodland consultant's comments indicated there were some nice trees in the area, and further discussion with the consultant indicated that it was probably the best location through the site or something very close to this, as they were avoiding the wetland. However, it did impact the woodlands a little but that really had to be the approximate location for the sewer. Member Mutch said if there was no sewer on either side of Eleven Mile, they were looking at getting pipe in the ground, capping it at both ends and then at a future point they would have utility extensions as other properties developed or the City extended sanitary sewer down Eleven Mile. He asked if the City had any plans within the time frame of the CIP, to extend the sanitary sewer down Eleven Mile. Mr. Coburn said there were no current plans for that. Member Mutch said looking at this from a practical aspect, did it make sense to put that pipe

on either side of the road, at this point, or could they work something out with the applicant to defer it to a future date. He asked whether it would cause a maintenance issue down the road to put it in now. Mr. Coburn replied he wasn't sure it would make a difference from a maintenance standpoint because it wouldn't be in use so no maintenance would be needed. He said from a Master Plan for Utilities perspective, they would like to see it in place so when a developer came to those adjacent parcels or the City extended the sewer, they would like to have that available without having to get easements from people or find an alternative route to get sewer to the area. Mr. Coburn said in looking at the Master Plan for the Sanitary Sewer, it was called the Eleven Mile Sanitary Sewer but was actually a half mile north of Eleven Mile, and the contemplation was that the parcels would extend it down as needed to serve Eleven Mile. He said this was in line with the original service plan for that sewer. Member Mutch asked if they had any preference on whether the sewer went on the north or south side, and Mr. Coburn said they did not.

Member Mutch said when he looked at the PRO developments, he had always stressed the importance that they were not vehicles for applicants to bypass the zoning ordinances. He commented the intent was to permit a project that Council might not otherwise allow because it met some significant need within the framework of the Master Plan and zoning. He said most importantly it provided a significant and permanent public benefit. Member Mutch stated that from the applicant's viewpoint they were getting a significant increase in density. The R-3 Single Family zoning would not have accommodated their development and would have had many fewer units. Member Mutch said, obviously, the applicant was requesting zoning variances that would not be permitted under the R-1 Multiple Family zoning. So, the applicant through the PRO process was obtaining significant benefit directed towards them. Member Mutch said what he was looking for was something the Council could point to and say they had derived a public benefit that was permanent, quantifiable and useful five to ten years down the road. He said the pathway concept along the ITC corridor would be a permanent improvement that Council had talked about and had not been able to fund. Therefore, he said he could be supportive of that. He said the conservation easement was one of those things that he appreciated the applicant providing. However, the reality of their property was that it had significant wetlands and woodlands that they couldn't otherwise develop, and they were placing the conservation easement over those areas. He said there was some public benefit from that and he appreciated it. Member Mutch said the Eleven Mile sewer was some public benefit but it was something that they would be required to provide in any case; so he wasn't sure he could count that as much towards the PRO benefit. He said he would support this going forward if at the end of the process, they could clearly identify the public benefit coming out of the process that would justify the increase in density and the changes to the building. Member Mutch said if he saw those things, he would be willing to support this and if he didn't, he would not support it.

Member Margolis asked for clarification on the pathway. Ms. McBeth said most of the back part of the property was being offered as a conservation easement. She said initially the staff had talked with the applicant about providing pathways, just internally, in the site for the benefit of the patients, visitors and staff of the facility. She said they seemed agreeable to that and they mentioned that Providence Hospital had some pathways on their property and suggested that they could tie into their new pathways. Ms. McBeth said they also suggested that the pathways could be considered open to the public and not just the visitors and residents of the facility. She said the applicant had been agreeable every step of the way. She commented

that last week the idea came up that a different or additional benefit would be a pathway along the ITC corridor. She said they looked at that and there were some wetlands in that area and things to avoid, and also a gravel drive that continued about halfway down the property; so the cost might be somewhat less. Ms. McBeth said the applicant had tentatively agreed to this concept and they would be happy to continue to work with the exact location. It might not be entirely in the ITC corridor and could go onto the property and connect in with Providence or the City Park. Member Margolis said then the idea was that in some way it would connect through ITC, then the trails in the conservation easement and possibly connect to Providence Hospital. Ms. McBeth agreed and said that would be one system.

Member Margolis said she would be in support of this. She asked the City Attorney if the motion would be to direct the City Attorney to work with the applicant on the PRO agreement to be brought back to Council. Mr. Schultz said yes, and to list the conditions of the pathways. Member Margolis commented they needed to be specific about what pathways they wanted to talk about. Member Margolis agreed with some of the previous speakers and thought this was a project that would really fit with the direction that the area was going in and she would support it. She said she would also be looking for the public benefit of the pathways as just described with the connection to Providence Hospital and the ITC corridor.

**CM-10-03-032      Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:  
To direct the City Attorney to work with the applicant to prepare a  
PRO agreement for Zoning Map Amendment 18.695 with a PRO  
with Medilodge of Novi to rezone from R-3 One Family Residential  
to RM-1 Low Density, Low Rise Multiple Family Residential with the  
following considerations: 1) They provide the requested sanitary  
sewer extension along Eleven Mile with a preference that it be to the  
south side of Eleven Mile to maintain the natural resources on the  
north side, 2) Relocate the flood plain mitigation to another area of  
the site consistent with the recommendation of the woodland review  
letter to preserve the natural resources, 3) Incorporate the  
additional features of the suburban low rise concept as stated in the  
façade consultants review letter, 4) subject to the deviations of the  
ordinance standards and the conditions identified in the staff review  
letters, 5) and that the City accept the conservation easement of  
the 8.5 acres of land on the north with pathways purposed for the  
benefit of the public that would connect to the Providence Hospital  
site as well as the ITC corridor, and 6) there would be a paved  
pathway along the ITC corridor for the reasons attached to the  
Planning Commission motion.**

Member Margolis commented she thought this fit with the area, Providence Park and other residential uses in the area.

## **DISCUSSION**

Member Staudt stated he agreed with everything that everyone had said. He said his preference would be to use the ITC corridor, as it would be a great opportunity with something

coming from a road and going to a park that the City already controlled. He thought this would be a perfect place to initiate this type of project with ITC.

Member Fischer said this project would be the one that decided whether the sanitary sewer would be on the north or south side of Eleven Mile. He asked if they had looked at other properties to make sure that the southern side was truly what they wanted, so later down the road they wouldn't see better environmental impacts they wanted to keep. Mr. Coburn said they had looked at that and it appeared that the majority of the environmental features were on the north side, so this would help that.

Mayor Landry stated he would echo what everyone said and would particularly want to call attention to the comments by Member Mutch. He said he agreed entirely that with the PRO process the developer was getting the benefit of increased density and significant other benefits that they would not have under the Zoning Ordinance. He said the City needed to see a significant quantifiable public benefit. Mayor Landry said without a paved pathway on the ITC corridor along the entirety of the western boundary of their property, he didn't see this happening. He said he understood how someone could look at this and think it was a path to no where. However, just as their company didn't want to give up the property to the north because they planned on building in 15 to 30 years from now, Council wanted to develop the corridor one piece at a time. So, they were really thinking alike. He said ITC had allowed the City an easement and the Council was trying to come up with a way to make it actually happen. He said the way to do it was as developers came in and if they were so inclined and asking for a particular benefit, then the Council would ask for a corresponding benefit, which the ordinances allowed. Mayor Landry asked the maker of the motion to accept a friendly amendment that one of the requirements was a paved pathway along the ITC corridor. The maker of the motion, Member Margolis and seconder of the motion, Member Staudt agreed. Mayor Landry said he could now support the motion.

**Roll call vote on CM-10-03-032**

**Yeas: Margolis, Mutch, Staudt, Landry, Gatt,  
Crawford, Fischer**

**Nays: None**



**CITY COUNCIL  
MEETING MINUTES EXCERPT  
January 10, 2011**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JANUARY 10, 2011 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members, Fischer, Margolis, Mutch, Staudt, Wrobel.

**ALSO PRESENT:** Clay Pearson, City Manager  
Victor Cardenas, Assistant City Manager  
Tom Schultz, City Attorney  
David Molloy, Police Chief/Public Safety Director  
Rob Hayes, City Engineer  
Barb McBeth, Deputy Community Development Director  
Kristen Kapelanski, City Planner

**APPROVAL OF AGENDA**

**CM-11-01-003** Moved by Margolis, seconded by Gatt; **CARRIED UNANIMOUSLY:**  
To approve the Agenda as presented.

**Roll call vote on CM-1-01-003** Yeas: Gatt, Fischer, Margolis, Mutch,  
Staudt, Wrobel, Landry  
Nays: None

**CONSENT AGENDA REMOVALS AND APPROVALS (See items A-M)**

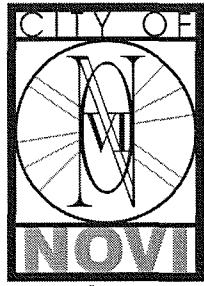
**CM-11-01-004** Moved by Gatt, seconded by Fischer; **CARRIED UNANIMOUSLY:**  
To approve the Consent Agenda as presented.

**Roll call vote on CM-11-01-004** Yeas: Fischer, Margolis, Mutch, Staudt,  
Wrobel, Landry, Gatt  
Nays: None

- A. Approve Minutes of:**
  - 1. December 20, 2010 – Regular meeting**
  
- B. Enter Executive Session immediately following the regular meeting of January 10, 2011 in the Council Annex for the purpose of discussing labor negotiations and privileged correspondence from legal counsel.**
  
- C. Approval to renew emergency notification hosting and technical/support services with Dialogic Communications, Inc. for \$16,495 for the period of December 1, 2010 through November 30, 2011.**

- D. Approval to purchase Fire Department protective turnout gear from Apollo Fire Equipment Company for \$24,090 using the City of Troy's bid which was posted on the Michigan Intergovernmental Trade Network (MITN) website and has been extended to MITN members.**
- E. Approval of the Final Payment to WCI Contractors, Inc., for the Fuerst Park Phase 1 Improvements project, in the amount of \$5,374.55.**
- F. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates, Inc. (SDA) for construction engineering services related to Fuerst Park Phase 1 improvements project in the amount of \$13,611.**
- G. Approval to waive the Maintenance and Guarantee Bond requirement for water and sewer facilities at the Duke Office Building project, located at 21333 Haggerty Road, in Section 36 (parcel 22-36-400-019).**
- H. Acceptance of Tollgate Woods II Subdivision streets and adoption of Act 51 New Street Resolution accepting Crane Way, Steinbeck Glen, and London Court as public, adding 2,488 linear feet or 0.47 miles of roadway to the City's street system.**
- I. Approval to award an amendment to the intergovernmental agreement with the City of Farmington Hills for construction inspection services and construction staking related to the 2010 Pathway Gap project in the amount of \$1,058.**
- J. Approval of a resolution of support for the Application for Trail License on ITC Property north of 11 Mile Road adjacent to the proposed Medilodge site.**
- K. Approval to enter partnership with Crime Stoppers of Michigan for \$3,000 from State Forfeiture Funds.**
- L. Approval to award a consultant contract for Community Development Plan Review Services for Commercial, Multi-family and Industrial Projects on an as needed/as requested basis to DRN & Associates, Architects PC for an estimated annual cost of \$7,000 subject to final approval of an agreement by City Attorney and Community Development Director.**
- M. Approval of Claims and Accounts – Warrant No. 835**

**PLANNING COMMISSION  
MEETING MINUTES EXCERPT  
February 24, 2010**



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

Wednesday, February 24, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

cityofnovi.org

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Baratta, Member Cassis, Member Greco, Member Gutman (arrived 7:03), Member Larson, Member Lynch, Chair Pehrson

**Absent:** Member Meyer (excused), Member Prince (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, City Landscape Architect; Lindon Ivezaj, City Engineer; Brian Coburn, City Engineer; Kathy Smith-Roy, Finance Director; Kristin Kolb, City Attorney

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Lynch:

## VOICE VOTE ON APPROVAL OF AGENDA MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

**A motion to approve the February 24, 2010 Agenda. Motion carried 6-0.**

## PUBLIC HEARINGS

### 1. MEDILODGE OF NOVI, SP10-05 WITH ZONING MAP AMENDMENT 18.695

Public Hearing for Planning Commission's recommendation to City Council for a Planned Rezoning Overlay associated with Zoning Map Amendment 18.695, to rezone the property from R-3, One-Family Residential to RM-1, Low Density, Low Rise Multiple Family Residential with a Planned Rezoning Overlay (PRO). The subject property totals approximately 20.05 acres and is located in Section 17, north of Eleven Mile Road between Beck Road and Wixom Road. The applicant is proposing a 120 bed 78,560 square foot convalescent (nursing) home building.

Planner Kapelanski stated that the applicant is proposing the rezoning with PRO of an approximately 20 acre parcel located on the north side of Eleven Mile Road between Beck Road and Wixom Road from R-3, One-Family Residential to RM-1, Low Density, Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. To the north of the property is vacant land and the Providence Hospital Campus. To the west is the ITC utility easement with Wildlife Woods Park and single-family residential further to the west. To the south is existing single-family residential and the Oberlin residential development, a single-family condo development that has been approved for this parcel but on which construction has not begun. To the east is a single-family residential home.

The subject property is currently zoned R-3. The site is bordered by R-3 zoning to the north and east, RA zoning to the west and R-1 zoning with a PRO to the south.

The current Future Land Use Map designates the subject property for single-family residential uses. The majority of the property surrounding the site is also master planned for single-family uses with office uses planned for the north and utility uses shown to the west.

There are existing wetlands on the site, mainly concentrated in the center of the site and extending down on the southwestern side. There are also high-quality woodlands on the site occupying the northern half of the property.

Planning staff has recommended the applicant postpone consideration of their proposal until the Master Plan Update



has been completed. The likely recommendations of the Master Plan Update will include a new designation, the "Suburban Low-Rise District", for the subject property and the surrounding properties. This new designation is intended to provide a transition area from office and retail developments to single-family uses. The new district would promote a residential character and would include provisions for facades with a residential design, a minimum height of one and one-half stories, no parking in the front yard and adequate parking screening, a berm adjacent to residential uses and standards for maximum lot coverage.

The proposed use is expected to be included in the permitted uses in the Suburban Low-Rise District. If this new designation is approved as part of the Master Plan Update, new zoning ordinance provisions would still need to be drafted before the new district could be utilized. Since the applicant has chosen to move forward at this time, planning staff recommends denial of the proposed rezoning with PRO as the rezoning is not consistent with the recommendations of the current Future Land Use Map. In anticipation of the Master Plan Update recommendations, the applicant has made an effort to incorporate some of these expected regulations into their PRO Concept Plan. In addition, the Planning Review also notes the applicant should provide additional information with regard to their proposed public benefit. The applicant has indicated in their response letter that in addition to the proposed conservation easement depicted in the included illustration, they are also proposing a trail through the preserved area to be open to the public and are exploring the possibility of connecting that trail to the Providence Hospital Campus.

The Planning Commission will also note in the Engineering Review, that sanitary sewer is required to be extended along the frontage of the property. The applicant has indicated they will explore the possibility of extending the sewer along the southern side of Eleven Mile Road in order to avoid the wetlands that exist directly in front of their property on the northern side of the street. The planning review also notes a number of deviations from the ordinance. The applicant has included reasons for the requested deviations as part of their response letter.

The Landscape Review recommends approval of the proposed concept plan noting landscape waivers are required for the absence of a berm along the northern, eastern and western property lines. Considering the proximity of the parking to the existing single-family residential home to the east, staff would not support a waiver of the berm for the eastern property line.

The Wetland Review recommends approval of the Concept Plan and recommends the applicant place all of the remaining wetlands in a conservation easement. The applicant has proposed an approximately 8.5 acre conservation easement for portions of the rear of the property.

The Woodland Review recommends approval and notes the proposed floodplain mitigation should be relocated and recommends an alternate location. The applicant has agreed to this alternate location. The City's Environmental Consultant has recommended that all remaining natural features be placed in a conservation easement.

The Traffic Review recommends approval of the Concept Plan and Traffic Study and notes items to be addressed on the Preliminary Site Plan.

As previously mentioned, the Engineering Review indicates sanitary sewer should be extended along Eleven Mile Road. The applicant has agreed to extend the sewer. The Engineering Review also required a relocation of the floodplain mitigation out of the utility easement. The applicant has agreed to relocate the mitigation to the area described in the Woodlands Review letter. The Fire Marshal recommended approval of the proposed concept plan.

The Façade Review notes a Section 9 Waiver is required for the overage of asphalt shingles and underage of brick and recommends approval of the required waivers. The review also notes that given the likely recommendations of the Master Plan update, the applicant should consider incorporating additional residential elements into their design. For example, residential size windows, additional dormers, covered porches, shutters and overhangs are some of the features that could be included. It is expected that the residential look of buildings in the proposed Suburban Low-Rise District will be a significant component of that designation.

Mr. Dan DeRemer, J W Design, Architect for the Medilodge Group introduced himself, Mr. Mark Russell, Russell Design and Mr. Dave LeClear, Civil Engineer from Livingston Engineering. Mr. DeRemer said he and his team have met numerous times with the City staff and have made a number of revisions to the proposed plan. Mr. DeRemer has also attended meetings with the Master Plan and Zoning Committee that is studying the Master Plan update and has

tried to incorporate the Committees' thoughts for that area within the concepts of this plan.

The problem that Medilodge faces in postponement or delay of the project is that there is a Certificate of Need that is in place and is due to expire in about two months. If Medilodge does not move forward now, there is a possibility those beds could be lost. That is why it is important to move forward with this prior to the Committee finishing their Master Plan review and approval process.

Mr. DeRemer stated he has presented a number of things to the Master Plan and Zoning Committee and received very favorable responses to the project in a couple of different meetings. One of the proposed public benefits is the dedication of an 8.5 acres conservation easement. Mr. DeRemer has contacted Providence Hospital to talk about providing a trail to connect the two properties. There are high quality woodlands at the back of the subject property as well as wetlands in a couple of areas that Medilodge would like to preserve as part of the process.

Medilodge has made major revisions to the elevations in response to the comments of the Master Plan and Zoning Committee and staff. The proposed elevations show more stone than is required and than the areas of siding and brick. There is a substantial amount of asphalt shingles due to the nature of this kind of residential building. There were also concerns about the length of the building and that has been addressed. The severely articulated building is never viewed as a long slab building. All of the wings create courtyards in the middle in between the wings and even the articulation of the building is more of a single-story residential quality that would meet the recommendations of the Master Plan and Zoning Committee.

Again, Medilodge is very concerned about any postponement, given the situation with the Certificate of Need and that project can be reviewed and accepted as proposed. Medilodge is willing to work with the Planning Commission and City, just as they have worked with the Master Plan and Zoning Committee on anything that is necessary.

Medilodge has made changes from their original proposal and is virtually developing 7 acres of a 20 acre site and the rest is going into a conservation easement.

There are some setback variances required. In order to maintain a wetland on the eastern side of the property, the building is pushed further to the west creating a need for a variance for the western setback.

Another issue is addressing the sanitary sewer. Medilodge is extending the sewer all the way out to the front of the site and across the entire frontage and has worked with the engineering staff through our civil engineer to develop and try to save the wetland along the northern property line. In order to do that, Medilodge is willing to install the sewer line across the street, along the southern side of Eleven Mile Road as opposed to along the frontage of the Medilodge property. Medilodge will be adding about 1,000 feet of sanitary sewer to serve the future uses in this area as well. Medilodge believes that they are meeting the spirit and the nature of what has been proposed for the Master Plan update at the Master Plan and Zoning Committee level and if there is anything in addition to what Medilodge is proposing, they will be happy to work with the Planning Commission.

No one from the audience wished to address the Commission as part of the public hearing.

Member Greco read the Public Hearing responses into the record. Mr. & Mrs. Burton stated in their letter that they do approve of the request for the Medilodge of Novi, SP10-05 with Zoning Map Amendment 18.695. They asked for the following conditions: 1) Structure should be no higher than one-story; 2) The structure will be built far enough back on the property so we are not looking at the back of the building; and 3) We would like a six foot solid fence or berm between the properties.

Chair Pehrson closed the public hearing at this time and turned it over to the Planning Commission.

Member Cassis asked Planner Kapelanski what was keeping this PRO project from going forward and not meeting our ordinance.

Planner Kapelanski answered Member Cassis by stating that at this time our Future Land Use Map does not indicate multiple-family residential uses for this property, which would be required for the RM-1 District. It is the Planning Division's policy to recommend rezonings in correlation with the Future Land Use Map. Generally, staff does not

deviate from the Future Land Use Map and refer to that for all rezonings. Staff has recommended that the applicant postpone this rezoning and staff recommended denial if they chose to move forward now.

Planner Kapelanski continued, noting the applicant has worked with the Master Plan and Zoning Committee to figure out what types of concepts would be included in the Suburban Low-Rise District. The applicant has made an effort to include some of those things and these are noted in the Planning Review Letter. Should this project come in later under the Suburban Low-Rise District, if it was ever proposed, staff would not necessarily be opposed to it. The use would be permitted as it is currently envisioned and there might be some changes that might be needed as well as façade concerns, but the use itself would be permitted and it is likely the site would generally look like what is being proposed.

Member Cassis addressed City Engineer Ivezaj and asked if he had any problems with what the applicant is proposing and why the project should or should not proceed.

City Engineer Ivezaj stated that his opinion on the use of the sewer is not any different than from what the applicant thinks. The ordinance requires a public utility extension across the whole frontage of the property. In this particular case, the current stub is to the northeast side of the property and the applicant would be bringing it down through their property and staff asked for the sewer to be extended along their frontage as well to serve Eleven Mile Road.

Member Cassis asked City Engineer Ivezaj if there might be other owners that might be able to connect o that sewer along the frontage.

City Engineer Ivezaj answered that was the intention of leaving that stub to the northeast corner of the site and bringing the sewer down to Eleven Mile Road and extending it across the frontage to serve the rest of the properties along Eleven Mile Road.

Member Cassis thanked both Planner Kapelanski and City Engineer Ivezaj for their comments.

Member Cassis stated that he was very familiar with the Certificate of Need process.

Mr. DeRemer stated that it was transferred from another facility and it took a lot of negotiation and the owner is most concerned with the deadline. The owner must have a contract with an architect to ensure the Certificate of Need. Mr. DeRemer is happy to secure an architect once he can assure the owner that he is confident that they can move forward. Medilodge came forward with their conceptual plans and asked how they could move this forward. They understand what the Master Plan and Zoning Committee is doing and applaud the efforts. The Master Plan and Zoning Committee recommended the project proceed in this way and Medilodge has worked with them along the way.

Member Cassis stated that he was on the Master Plan and Zoning Committee with some of his colleagues and did follow the progress. He knows the Certificate of Need is a unique item and that it takes years to get everything in order. A PRO requires certain benefits that a City should be given along with the proposal and Member Cassis asked the applicant what was included as a public benefit.

Mr. DeRemer stated the conservation easement was the major element offered as a public benefit and to work with the very large area that is behind the site and work with the hospital to develop some pathways that would benefit the area. Medilodge is proposing an extension of the sewer and preserving tremendous amounts of natural area along the site.

Medilodge has a 20 acre site and is developing seven acres of it. They would typically do a 160-180 bed facility on this size property and possibly have room for expansion. This is going to be at the ultimate a 120 bed facility because of the nature of this site. They want to preserve the wetland and woodland.

These are things that will benefit the area. Medilodge is not going to relocate the woodland and wetland areas somewhere else in the City. They are preserving it and respecting it. The shape of the facility will be a very residential looking building.

Member Cassis asked Mr. DeRemer if they were ready to move on building this facility.

Mr. DeRemer answered Member Cassis saying that as soon as they get the go ahead, they will then prepare construction documents and that will move very quickly. The Medilodge Group is a very dynamic group right now that is expanding and the need is obviously there.

Member Cassis asked if notices were sent out and where the Burton's, who sent in a public hearing response, lived.

Deputy Director McBeth answered the Burton's property is immediately to the east of the subject property and contains about two acres of land. The home sits near the front of the property, close to Eleven Mile Road.

Mr. DeRemer stated that there would be trees between the Burton's and the Medilodge facility.

Member Cassis asked Mr. DeRemer if they were going to do the berm there.

Mr. DeRemer stated that a berm is not proposed because this area is needed for some drainage and Medilodge is proposing to put in natural trees rather than a berm. The planting itself will create a screen. All of the parking here is very simple and it is not a major parking lot. Right now the area you are talking about is an open meadow.

Member Cassis asked Mr. DeRemer what they were doing for the Burton's.

Mr. Mark Russell, Russell Design, came forward and said that the view is currently wide open. He has recommended or proposed providing the required buffer along that area and creating understory to maintain the opacity requirements of the City. He does not want to propose and go forward with a berm. The reason being is that there is some premature vegetation along that eastern boundary line and a berm installation would be detrimental to that. Also, a fence inside the Medilodge property line it might be detrimental to that vegetation or there might be a slight conflict with the detention requirements.

Member Cassis addressed City Landscape Architect Beschke and asked what he thought they could do with the vegetation to make a nicer view for the Burton's.

City Landscape Architect Beschke answered he hadn't seen the final plan that they would be coming forward with. They do have some space there and they are going down rather than up and as they said, they need it for drainage. There is no reason that it can't be a very attractive buffer, but they would have to plant it very thick and use a lot of evergreens to make sure there is a screen there. There are supposed to be berms all around this site because of adjacent residential zoning. City Landscape Architect Beschke does not have a concern to the west or the north property lines because there is a lot of natural buffer there. However, on the eastern property line there is that one house that is fairly close to the property line up front and that responded to the public hearing notice as well. The applicant would need to provide very thick plantings if they were not willing to install a fence.

Member Cassis stated that he liked the setup of the buildings as well as the brick and stone. Member Cassis recalled that he had asked the applicant to provide some dormers at a Master Plan and Zoning Committee meeting.

Mr. DeRemer stated that they changed the style of the windows somewhat and added some dormers to the roof.

Planner Kapelanski added that what the Suburban Low-Rise District anticipates is residential size windows. They do have a lot of windows in their façade. Staff would just envision that they would be a little bit smaller, similar to what you would find in a single family residence.

Mr. DeRemer stated that the windows are scaled to those residences. There is a minimum amount of lighting required for each room by the state. By reducing the window size, Medilodge would have to add a number of windows to each of those rooms in order to make it work. This is going to be a state of the art rehabilitation facility; the idea and concept now is to make it more a hospitality look. This would be a destination, almost a spa kind of feel. The design as proposed does that and still has a very residential scale to it.

Member Cassis agreed with Mr. DeRemer and he liked the idea in the front of the building and it gives it a nice façade and that small windows would not look good in the entrance. He does understand Planner Kapelanski and Deputy

Director McBeth's position, and is aware of the Master Plan updates coming forward, but the process has been very slow.

Mr. DeRemer stated that he understood this process. Medilodge wanted to get into that process originally and find out whether they should proceed. The owner has obviously spent a great deal of money to get this far and is confident they are proceeding in the way that makes sense and did not overlap or didn't negate what was being planned by the Master Plan and Zoning Committee. Mr. DeRemer and his team have studied it and looked at all the things that are proposed and feel that they really are within the framework of what is proposed for that area.

Member Cassis stated that he has asked Mr. DeRemer in their Master Plan and Zoning Committee meetings about the firm that he represents and said that he did understand that it was a reputable firm. The Planning Commission really does not know when the Master Plan will be approved and go through the process of the public hearing.

Member Cassis really thinks that this project is ready to go as Mr. DeRemer has said. With this challenged economy, it would be a benefit and will add to our tax base. This is the kind of project that the Master Plan and Zoning Committee is looking for in that area for the Suburban Low-Rise District and Planner Kapelanski agreed with that to. Member Cassis is in favor of giving the applicant the go ahead.

Member Lynch stated that this is far different from the applicant's original proposal. Staff and the Committee asked for the wetlands to be placed in a conservation easement and the applicant agreed; the City asked for a sewer along Eleven Mile Road and the applicant did that. The City wanted a path and the applicant has agreed to put a path in, and the City wanted them to change the architecture within reason and the applicant has altered the facade. The applicant has done a good job with the concept plan to create something to conform with the anticipated recommendations of the Master Plan and Zoning Committee. This would be less traffic than what would normally go there with the current zoning. This would be less demand on City infrastructure than what the current zoning would do. This preserves the wetlands and woodlands on the site.

The issue the Planning Commission faces is; is the Commission going to delay this project because we want to debate for another six, ten, twelve or fourteen months a concept for that area or has the applicant done enough based on the concepts discussed in prior meetings; has the applicant done enough to satisfy where that area is going so they can move ahead right now and will not lose their Certificate of Need. Member Lynch believes that this fits Novi and that area and that the Medilodge is a top notch facility. As far as the screening on the east end, the neighbors are requesting a fence because they just do not want to see the building. The applicant is proposing installing trees, which is more natural and in essence, satisfies the neighbors' request by putting in a natural fence of trees. If evergreens are used the applicant can satisfy the neighbors and keep the natural setting. Member Lynch feels that it would be a travesty if the Planning Commission were to delay this project any further based on what the Commission thinks the area should look like. This meets the intent of the concept for the Suburban Low-Rise District and Member Lynch is in full support of moving forward on this.

Member Baratta appreciates the hard work and the very thorough examination of the project by Member Cassis and Member Lynch. He is very familiar with this property and passes it regularly and has a couple of concerns specifically with the screening of the adjacent residential use. The applicant should agree to some sort of screening with mature plants and trees. After watching the most recent City Council meeting on television, Member Baratta noticed that the Council recommended that the petitioner of Rezoning 18.694 apply for the same kind of rezoning that this group is currently doing, the PRO, in recognition that there was a timing issue and some other issues. With that understanding, there is a very limited concern of not having that Master Plan in place today, but this project meets for all intents and purposes what the Master Plan update is going to include anyway. Member Baratta would be very supportive of the proposal and thinks the applicant has followed the intent and really the recommendation of the City Council.

Member Larson stated that he agrees with everything the other members have said and has only two concerns. One of them is the height of the trees on Eleven Mile Road in relation to the roof line of the building. Is there any idea or stipulation on how high those trees will be and how much of the roof line will be visible?

Mr. Russell stated that they have not yet identified those species, but per ordinance requirements, those trees will be deciduous canopy trees, about forty to fifty feet tall at mature height. When they are just put in, they will be two and



one-half or three inch caliper trees and they will probably be fifteen to twenty feet tall.

Member Larson stated that he also has some concerns with the west elevation where the elevation is going to face Eleven Mile Road, there is a lot of asphalt shingle roof.

Mr. Russell stated that the roof is thirty feet to the center line of the eave of the roof. It is forty feet to the peak. The vision of the roof will be screened with the trees. The intent would be to screen the roof and there will be plenty of plant material there to do that.

Mr. DeRemer stated that if the roof configuration is greater than what the City Ordinance would allow, Medilodge could reduce the pitch on it. The pitch could be reduced and the building would still have a residential look to it. A detailed shingle that has a three dimensional look to it is proposed.

Mr. Larson said the roof looks imposing from the elevation shots. Short of that, he thinks it is a fabulous project and will support it.

Member Gutman stated that his colleagues on the Master Planning Committee have summarized our lengthy multiple discussions very well. He thinks the intention of this project meets very well with the future Suburban Low-Rise concept and the applicant has worked hard to meet that and he appreciates that.

Moved by Member Gutman, seconded by Member Lynch:

**In the matter of Medilodge of Novi, SP10-05 with Zoning Map Amendment 18.695, motion to recommend approval to the City Council to rezone the subject property from R-3 (One-Family Residential) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) with a Planned Rezoning Overlay, with the following considerations: (a) The applicant providing the required sanitary sewer extension along Eleven Mile Road, with the preference that the sewer be installed along the southern side of Eleven Mile Road to preserve valuable natural resources on the north side of Eleven Mile Road; (b) The applicant relocating the proposed floodplain mitigation to another area of the site, consistent with the recommendations of the Woodland Review Letter to preserve valuable natural resources on site; (c) The applicant incorporating additional features of the proposed Suburban Low-Rise concept as stated in the Façade Consultant's review letter; (d) Subject to the deviations of ordinance standards and all conditions as identified in the staff and consultant's review letters, and specifically as identified in the February 9, 2010 Planning Review letter, the February 11, 2010 Landscape Review letter and the February 16, 2010 Engineering Review letter, and acknowledging those ordinance deviations as acceptable to the Planning Commission for inclusion in a PRO Agreement; (e) City Council's acceptance of the conservation easement of 8.5 acres of land on the north side of the property, with pathways proposed for the benefit of the public as a demonstration of the public benefit associated with this PRO. This motion is made for the following reasons: (1) Due to the location of the subject site near the Providence Park Hospital Complex and the site's adjacency to Eleven Mile Road, lower density single family uses and the ITC corridor, the parcel may be considered to meet the intent of the RM-1 Districts: "The RM-1, Low Density, Low-Rise Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures and related uses, which will generally serve as zones of transition between the nonresidential districts and major thoroughfares and freeways and lower-density Single Family Districts;" (2) Because of the location of the parcel in question, its size, and the influence of the surrounding properties, a convalescent (nursing) home is a reasonable alternative to the master plan; (3) The submitted PRO request and the anticipated development of a PRO Agreement could identify mutually beneficial conditions that would address a number of the concerns identified for this property. *Motion carried 7-0.***

City Landscape Architect Beschke stated that he wanted to bring up one more issue. Staff has been talking with the City's Environmental Consultant and there have been several site visits. The applicant is setting quite a bit of land aside as part of the conservation easement, but there is a fair amount of land behind the building that is not included in that conservation easement. It almost looks like a phase II of a phase II project. If the Commission is considering rezoning this whole parcel, perhaps the applicant should indicate why that area was left out of the conservation easement. The colored drawing provided by the applicant makes it look like a meadow there, however, it's mature

woodlands. Mr. Beschke stated his opinion, that if that land is not going to be developed, it should be included in the conservation easement.

Mr. DeRemer stated that the property is open through the middle and all the trees have been surveyed. The owner doesn't want to give away the entire site. Something may happen there at some point.

Mr. DeRemer stated that in his lifetime, most likely there will never be anything back there. The owner understands that he would have to come back for any site plan approval for development of that area. The thought is that it could be developed as assisted living cottages or something of that nature. It is great natural area for something like to happen. However, the market is not there, and people moving into assisted living elements right now are not able to sell their single family homes so they could move into something like that. It isn't intended to happen for a very long time. So, short of showing the Planning Commission something as a master plan that would help in that area, there is no way to tell what that market is going to be 20 years down the road. This owner has typically purchased major pieces of property adjacent to other properties for future expansion. They do not want to sell themselves short and there might be some future expansion.

Member Gutman asked City Engineer Ivezaj about the sewers that the applicant is tapping into from the northeast and is one of the requirements of this kind of development to have the sewer frontage along Eleven Mile Road as part of a typical development.

City Engineer Ivezaj answered that anytime a new development is put in at the City, staff typically asks for sewer or water to be installed across the entire frontage of the parcel. There are certain cases where a property is at the end of the stub or end of the sewer district, where staff wouldn't require them to install sewer or water across their entire frontage, but in this particular case, because the purpose of that stubbing left there was to service Eleven Mile Road or for future development along Eleven Mile Road, staff is requesting the sewer extension.

Chair Pehrson asked Deputy Director McBeth when the Master Plan updates will be complete.

Deputy Director McBeth stated that the final documents are being reviewed by staff. Staff expects there is going to be another Master Plan and Zoning Committee meeting where the final documents will be presented along with another similar request with a modification to the documents. Staff is hoping that meeting will be held in the next couple of weeks and then the public hearing will follow. Staff would like to schedule the updates for consideration by the Planning Commission in April and then the matter will go to City Council for consideration and distribution to neighboring communities and utility companies. Those organizations have several weeks to respond. The Master Plan may be adopted at that point. Again, as discussed, if there are some ordinance amendments to consider, the drafting of those could begin during that waiting period if staff gets the go ahead from the Planning Commission on that Master Plan document. It will be several months before the final approval of the Master Plan.

Chair Pehrson stated that this is a great development, but would approval of the request set a precedent for approval of other rezonings contrary to the recommendations of the Master Plan.

Deputy Director McBeth stated that the way the motion was phrased covers various aspects of that concern. In this instance, this is not a straight rezoning request without a concept plan for consideration. Staff has gotten quite a bit of detail about what that concept plan will include. Perhaps there is a certain comfort level that Planning Commission would feel, acknowledging that this particular site and this location may be appropriate for multiple-family uses and this use in particular. Due to the location of the parcel and its size and its proximity to the surrounding uses, the proposal may be appropriate for this location. A PRO has also been submitted which provides an additional layer of protection for the Planning Commission. Ms. McBeth does not think that this necessarily sets a negative precedent.

City Attorney Kolb agreed with Ms. McBeth's comments.

Member Cassis asked the applicant how far they have gone in contacting the hospital and has there been any reaction.

Mr. DeRemer stated that the ownership, Medilodge Executive Committee had met with the hospital quite some time ago, before they started working on this site, about the possibility of referrals. This whole business, the rehabilitation

portion of it especially takes place because of referrals from hospitals. If a person goes in for a hip or any other replacement, they are referred to a facility after they leave the hospital. So Medilodge has laid some of the ground work ahead of time for that referral process. There are service planners, placement planners within their organization that work with the placement people within the hospital. The proximity of the hospital is a fine part of this location.

Member Cassis stated that this is an additional business for the hospital. Member Cassis asked Mr. DeRemer if there was going to be any areas for benches or activity for the residents so they are not inside all the time.

Mr. DeRemer answered Member Cassis saying that those are not shown right now, because there is not detailed topography of the entire site completed and in order to show those features; that has to be done. Medilodge wants the residents to be able to get out and walk. The whole idea of the rehabilitation is that someone is not going to spend thirty days in a wheelchair. After four days, they are up and moving and they will be outside. This will be a fairly mobile population and Medilodge wants them to get out and move around. We do have one hospice wing that will be internal only. One of the reasons why Medilodge is not going to a two-story operation is so the patients have the ability to move around. Medilodge has found that the residents will not use the facilities if they have to move up and down in an elevator and be inconvenienced.

Member Cassis asked Mr. DeRemer if he would work with staff on the location of the amenities.

Mr. DeRemer stated that Medilodge wants to work with the City and serve this area.

Member Lynch asked City Landscape Architect Beschke if there was something he had missed regarding the conservation easement.

City Landscape Architect Beschke answered that he had walked the property and it does look as if the applicant is leaving a certain portion outside the easement, they could put a pretty fair amount of building back there. Mr. Beschke wondered why that area was left out of the conservation easement.

Member Lynch stated that if the applicant wanted to construct something in the rear of the site, he thinks it would fit in nicely.

Deputy Director McBeth wanted to clarify one point that was made in the motion. The fourth point was approval subject to the deviations of ordinance standards and all conditions as identified in the staff and consultant's review letters. Since those were not specifically listed in the motion itself, if the Planning Commission could confirm that those were noted and there was no disagreement about any of those deviations from ordinance standards with the acknowledgment that those will be carried out in the PRO Agreement.

Member Gutman agreed to the suggested amendment to the motion as did the seconder, Member Lynch.

**ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL FOR SP10-05 WITH ZONING MAP AMENDMENT 18.695 MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH.**

**In the matter of Medilodge of Novi, SP10-05 with Zoning Map Amendment 18.695, motion to recommend approval to the City Council to rezone the subject property from R-3 (One-Family Residential) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) with a Planned Rezoning Overlay, with the following considerations: (a) The applicant providing the required sanitary sewer extension along Eleven Mile Road, with the preference that the sewer be installed along the southern side of Eleven Mile Road to preserve valuable natural resources on the north side of Eleven Mile Road; (b) The applicant relocating the proposed floodplain mitigation to another area of the site, consistent with the recommendations of the Woodland Review Letter to preserve valuable natural resources on site; (c) The applicant incorporating additional features of the proposed Suburban Low-Rise concept as stated in the Façade Consultant's review letter; (d) Subject to the deviations of ordinance standards and all conditions as identified in the staff and consultant's review letters, and specifically as identified in the February 9, 2010 Planning Review letter, the February 11, 2010 Landscape Review letter and the February 16, 2010 Engineering Review letter, and acknowledging those ordinance deviations as acceptable to the Planning Commission for inclusion in a PRO Agreement; (e) City Council's acceptance of the conservation**

easement of 8.5 acres of land on the north side of the property, with pathways proposed for the benefit of the public as a demonstration of the public benefit associated with this PRO. This motion is made for the following reasons: (1) Due to the location of the subject site near the Providence Park Hospital Complex and the site's adjacency to Eleven Mile Road, lower density single family uses and the ITC corridor, the parcel may be considered to meet the intent of the RM-1 Districts: "The RM-1, Low Density, Low-Rise Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures and related uses, which will generally serve as zones of transition between the nonresidential districts and major thoroughfares and freeways and lower-density Single Family Districts;" (2) Because of the location of the parcel in question, its size, and the influence of the surrounding properties, a convalescent (nursing) home is a reasonable alternative to the master plan; (3) The submitted PRO request and the anticipated development of a PRO Agreement could identify mutually beneficial conditions that would address a number of the concerns identified for this property. *Motion carried 7-0.*