



MEMORANDUM

TO: Members of the Planning Commission

FROM: Mark Spencer, AICP, Planner *Mark Spencer*

THROUGH: *Barb* Barbara McBeth, AICP, Deputy Director of Community Development

DATE: October 15, 2007

SUBJECT: SP 05-12 Casa Loma , Extension of Preliminary Site Plan Approval

The proposed development is for a 10 lot site condominium for single family residential dwellings using the Open Space Preservation Option. It is located on the west side of Beck Road between Eight Mile and Nine Mile Roads, in Section 32. Approvals proceeded as follows:

- Planning Commission granted approval of the Preliminary Site Plan, Wetland Permit, Woodland Permit and Storm Water Management Plan on November 9, 2005, subject to a number of conditions;
- The City Council granted a variance from Section 4.04.A.1(b) of the Subdivision Ordinance requiring the extension of street connections to neighboring properties on January 9, 2006;
- The Zoning Board of Appeals granted a variance to reduce the rear yard setback on lot 4 to 25 feet on April 3, 2007; and
- On May 1, 2007, the City Council granted a variance from Sections 11-68(a)(1) and 11-68(a)(5) of the Design and Construction Standards to delay installing a secondary water main connection until such time as the property to the south was developed.

Final Site Plan Stamping Sets have been submitted and are acceptable pending the City receiving an executed Conservation Easement and an appropriate deed restriction to encumber lot 6 to pay for the above water main extension in the future.

The applicant, Interphase Development, has now requested an extension of the Preliminary Site Plan approval, citing financial reasons. The Zoning Ordinance allows for three, one-year extensions of Preliminary and Final Site Plan approvals.

The Planning Department recommends the Planning Commission grant two one-year extensions to the approval of the Preliminary Site Plan to extend the approval until November 9, 2008. The Planning Department is not aware of any changes to the ordinances, or surrounding land uses, which would affect the approval of the requested extension. Approval of the extension of Preliminary Site Plan **is recommended**.

Please refer to the attached letter from Interphase, LLC dated October 1, 2007. The letter requests the extension of the Preliminary Site Plan approval. Also attached are minutes from the Planning Commission meetings of the Preliminary Site Plan approval, minutes from the City Council meetings where variances were granted and a Zoning Board of Appeals action summary for a variance as well as a reduced copy of the Preliminary Site Plan.

Site Plan Extension Request Letter
from Interphase, LLC
October 1, 2007

26860 DRAKE ROAD
FARMINGTON HILLS
MICHIGAN, 48331-3533

PHONE - 248-474-0499
FAX - 248-474-6775
E-MAIL - builder@jdcompo.com

INTERPHASE

October 1, 2007

City Of Novi
45175 West Novi Road
Novi, MI 48375

Attention - Angie Pawlowski

RE: Site Plan Extension for CasaLoma Development

Dear Ms. Pawlowski,

Per our conversation last week, we would like to request an extension for starting our development for one year. The reasons are as follows;

- Planning delays have equated to a total of over 2 ½ years, adding an additional \$150,000.00 to our soft costs originally anticipated and we want to make sure we have this bill paid.
- Because of the delays in time, we lost our original financing through the bank, yet have new financing lined up for 2008.
- We have three closings of large projects which are anticipated to finalize this fall, thus freeing up capitol to build our new model on this site.
- With the general outlook for the Michigan economy and what our Lansing "leadership" has done to all of us, we feel it wise to delay developing until next year.
- We want to make sure that we do not run into any weather related delays to an expedient development process during our winter months.

Thank you for your prompt attention to this matter and working with the Planning Commission to extend our Site Plan time. Any questions, please call me on my cell at 248-640-1488.

Sincerely



David S. Compo
Interphase LLC Manager

MEMBER
OF THE
BUILDING
INDUSTRY
ASSOCIATION
OF
SOUTHEAST
MICHIGAN

Minutes Excerpts and Action Summary

Planning Commission – November 9, 2006

City Council - January 9, 2006

Zoning Board of Appeals – April 3, 2007

City Council – May 1, 2007

**PLANNING COMMISSION
REGULAR MEETING
EXCERPTS
WEDNESDAY, NOVEMBER 9, 2005 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475**

Present: Members Victor Cassis, John Avdoulos, David Lipski, Lynn Kocan, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Andrew Gutman (excused)

Also Present: Barbara McBeth, Director of Planning; Mark Spencer, Planner; Tim Schmitt, Planner; Jason Myers, Planner; Lance Shipman, Landscape Architect; Brian Coburn, Civil Engineer; Larry DeBrincat, Woodland Consultant; John Freeland, Wetland Consultant; David Gillam, City Attorney

2. CASA LOMA, SP05-12B

The Public Hearing was opened on the request of Interphase Land Development, LLC for Preliminary Site Plan, Site Condominium, Storm Water Management Plan, Woodland Permit, and Wetland Permit approval. The subject property is located in Section 32, west of Beck Road between Eight and Nine Mile in the R-A, Residential Acreage District. The subject property is 14.91 net acres and the Applicant is proposing to remove an existing home and accessory buildings to construct a ten-lot site condominium for single family residential dwellings using the Open Space Preservation Option.

Planner Mark Spencer described the project. He stated that David Campo, of Interphase Land Development, has proposed to remove an existing home and accessory buildings and construct a ten-lot site condominium to be accessed off of a proposed cul-de-sac boulevard-style private road with an overhead entry structure to highlight the entrance.

Mr. Spencer said that the site is located on the West side of Beck Road between Eight Mile and Nine Mile. To the north is the partially developed Bellagio site condominium, zoned R-A and master planned for Single Family Residential. To the east, across Beck Road, are Barclay Estates Subdivision, zoned R-1 and Pheasant Hills Subdivision (Northville), both master planned for Single Family Residential. To the south are single family homes on one to eight acre lots, zoned R-A and master planned for Single Family Residential. To the west are Bellagio and Maybury Park Estates Phase 2 Site Condominium, zoned R-A and master planned for Single Family Residential. The density of the R-A Master Plan Single Family Residential for this area is .8 units per acre, and 1.65 units per acre for the property zoned R-1. The City's wetland map shows wetlands on the site. Several City and State regulated wetlands were field verified on the site. The western and south western portion of the site contains medium density regulated woodlands. The western portion of the site is shown in the City Master Plan as a Priority Two wildlife habitat area.

Mr. Spencer said that the Applicant originally proposed a ten-unit development with one acre minimum lots. The original site plan for this site was submitted as the parallel plan. Because this site contains an extensive amount of natural features on the western portion, the Applicant was encouraged to consider on of the City's conservation options. The Applicant returned with a proposal using the Open Space Preservation Option. The Open Space Preservation Option provides for a reduction in lot area and lot width if a minimum of 20% of the site's important natural, environmental, agricultural and/or contextual features are permanently preserved as open space. The open space must be accessible to all lots, connected to adjacent open space and not cause an unreasonable burden upon public services and neighboring properties.

The Planning Commission must find that the density proposed is what could have been developed without the use of the option. A Parallel Plan was submitted for this purpose. This was the original plan submitted. Staff has found that it generally meets Ordinance requirements, although some minor tweaking of this plan would have been necessary to be approved.

The proposed Preliminary Site Plan now includes three acres of undeveloped open space area along the west side of the property, and north and south of Lot 6, which exceeds the minimum 20% open space required to qualify for the Option. A substantial portion of the regulated woodlands and wetlands are to be placed in a general common element with a permanent conservation easement.

Three wetlands are proposed to be filled. The City's Wetland Consultant has determined that they are not essential and the MDEQ has determined that Wetland H is not regulated. Mitigation will not be required. The City's Wetland and Woodland Consultants recommend approval of the Preliminary Site Plan with minor modifications to take place on the final site plan.

The Planning Department commends the effort expended by the Applicant to save natural features on the site. They have demonstrated a very cooperative understanding of the City's goal to preserve and save natural resources where practical. At this time the Planning Staff does not recommend approval because of three issues.

First, the Subdivision Ordinance does not permit wetlands on lots. A small amount of wetland is located on Lot 6. Second, the building envelopes for Lots 3, 4, & 10 did not provide the required 50 foot setback from the property line. The Applicant has indicated he would correct both of these issues. Third, the Subdivision Ordinance requires connectivity to adjacent parcels. The properties to the north and west were developed without provisions for connectivity. A connection will need to be provided to the south or a City Council variance for lack of stub streets to neighboring properties will need to be obtained. Staff does not support this variance since space is available to provide this connection. The Applicant would like to pursue the variance at City Council.

The City's Landscape Architect recommends approval of the site plan with the condition that the Planning Commission approves a waiver to allow the construction of a landscape wall in lieu of a berm on a portion of the right-of-way frontage.

The Applicant has proposed an approximate 25-foot tall entrance structure. It will include a storage area. The Planning Staff recommends relocating the building entrances to open on the west side and not into the street. The City's Façade Consultant reviewed the proposal and recommends approval subject to a Section 9 Waiver for the use of excessive amount of stone and for the imitation slate proposed for the roof.

The Engineering and Traffic Reviews recommended approval subject to minor corrections on the Final Site Plan. Mr. Spencer showed the Planning Commission the façade board. The roof material is imitation slate made of polyvinyl plastic. The Façade Consultant believes the material is very durable, and from the road will look very much like real slate. It will have a long life.

David Compo represented the Applicant. He stated that he will be the home builder on this project as well. He said that he anticipated using Lot 6 for a model home which would later become his home. The name, Casa Loma, came from the castle in Toronto.

Ron VanSingel from Nederveld Associates and Rick Tuttle from Great Oaks Landscaping were present. Mr. VanSingel said that this project has been active for one year. The wetland will be removed from Lot 6. The setbacks on Lots 3, 4 and 10 will be adjusted. The wetland on Lot 2 was not regulated, and he received an MDEQ permit which verified this statement. The Conservation Easement will ensure that the open space remains in its natural state.

Mr. VanSingel said that they designed the site to maintain the natural state of the north property line. The tree replacement plan places many trees in that area, to help keep that corridor in tact.

Mr. VanSingel said that they wish to seek the Stub Street Waiver because this plan is a private cul-de-sac, and is intended only for those who are truly looking to be on that street. Another access would not get one anywhere. The private street would be maintained by the homeowners on the street. It has a friendly design with sidewalks going around both edges. Opening this site to additional traffic could be less safe for the residents.

Mr. VanSingel said that the adjacent sites do not have access points to this site. The southerly site is a single home. The plan would have to set the road back from Beck Road, and the logical place would be right through the woodland. This 66-foot strip would require many trees to be removed, just to provide a connection to something that would not enhance the plan. He did not wish to bring public traffic down this proposed private street. Mr. VanSingel offered that the plan provided for pedestrian connectivity to the north and south along Beck Road. There would be pedestrian access to the east. There is a sidewalk system throughout the development. There is a woodland area that is along three sides to the back of the development. There is internal access to that woodland. There would be a properly-marked natural trail. There are many trees in the area, and the path would weave around the trees.

Mr. Tuttle said that in lieu of the berm, the plan proposed a wall. They were looking to design the site with a diverse entry. There is an overlook by the pond. There is a great deal of landscaping planned around the pond. The islands have turn-arounds on the west sides of all of the lots. There is a water feature planned for the cul-de-sac. The front berm is planned with six-foot high brick walls at the entry. The street trees are shown on the plan; five different species are proposed.

Mr. Compo described the application of the roof shingles. Each piece is placed individually and the top is placed with ice and water shield. The cost is four times higher, but it is lifetime, walkable slate roof. Mr. Compo said that the entry is not a gatehouse. The "Casa Loma" concept is meant to run through the entire development. The storage area would be for holiday lighting and items like that.

Chair Cassis opened the floor for comment:

- Ron Bush, 21565 Beck Road: Southerly neighbor. He did not have a problem with the filling in of one of the wetlands, though he said it helps drain his property and his neighbors to the south. There can be a fair amount of water, so the Applicant should be careful with his design. He thought that the placement of a wood-chip path that goes to the open land, off the cul-de-sac, that dead ends at his property, is a non-starter. It would invite folks to walk into his back yard. There must be a way for people to get to the open space without bringing them near his property. He said that the 60-foot [stub road] easement was not a problem for him. He planned to live there until he died, and he urged that the connection area be kept in its natural state. He was pleased to hear discussion regarding the minimum fifty-foot setback for the back yards. His property is 8.5 acres.

Member Wrobel read the correspondence into the record:

- David Compo, 26860 Drake Road, Farmington Hills: Approved of project.

- Ron Bush, 21565 Beck Road: Reiteration of his statement made during Public Comments.

Chair Cassis closed the Public Hearing and turned the matter over to the Planning Commission.

Member Meyer appreciated the Applicant's willingness to make the wetland and setback changes to his plan. He preferred a berm to a wall. He was concerned that the storage area would be an eyesore.

Member Meyer was told by the Applicant that the price of these homes would be \$1,000,000+.

Member Kocan thought this was the first Open Space plan to come before the Planning Commission. She thought the Applicant did a nice job, providing the parallel plan. She agreed with the Staff that the Applicant has met the requirement for using the option. She asked about the green area shown on the plan. Mr. Spencer said that the c-shaped green area is the preservation area. There is a ten-foot sliver that provides access to the open space. The Planning Department has suggested that the path be terminated at the property line or before so that people are not encouraged to trespass. Member Kocan thought that the path dumped people into the woodland area. She did not think that the woodland would be further connected to other walking paths and she worried that the path was too close to neighboring homes. She asked the Woodland Consultant for comment. Mr. Larry DeBrincat said that he did not comment on the path in his review. He thought the resident to the south had a point when he said that the path might encourage people to trespass onto his property. The path could continue around the back side of Lot 6, and at some point in time a path could connect this design to the property to the south. It would lead people away from Lot 6 and into the meandering woodland.

Member Kocan asked about how the woodlands would be handled on each home site. Mr. DeBrincat said they would be handled individually. Lots 3 and 4 have high quality woodlands. These will be preserved and will be reviewed again in the future.

Member Kocan asked for clarification on the wetland fill. Dr. John Freeland, the City's Wetland Consultant, said the north wetlands, J and K, are state regulated. The yellow area will be filled, about one-tenth of an acre. Wetland H is not essential, but there was a question as to whether it would be state-regulated because of the stream. Dr. Freeland located the area that was proposed to be filled. The stormwater function should be addressed in the stormwater plan. The neighbor said his worry was the speed in which the stormwater plan functioned. Dr. Freeland said that it was a legitimate concern. Civil Engineer Brian Coburn responded that the review letter indicated the need for the City to review the off-site yard drainage would be handled in this plan's detention basin. There is some responsibility for the water because the drain comes onto his site. The design is feasible, it just isn't shown on the plan at this time. It will be worked out at the time of Final Site Plan submittal.

Member Kocan noted wetlands in the preservation area. They will not be filled. The building footprint on Lot 4 will be triangular to avoid the buffer.

Dr. Freeland said that the quality wetlands and woodlands are on the west side of the site. The ponds will be noisy in the spring with frogs. The areas will be placed in the conservation easement.

Dr. Freeland reiterated that the MDEQ has chosen not to mitigate Wetland H. It does not meet the regulatory criteria.

Member Kocan asked Landscape Architect Lance Shipman about the 120-foot wall. Mr. Shipman said that the entry feature would be a wall with some berm. Some of the wall is along the sides of the property. She preferred not to have a wall exclusively. Mr. Shipman noted the entry into the Multiple Family Residential property on Beck Road. The mixed wall/berm also has a rock feature. It will have a tiered effect. Bellagio has a wall and heavy landscaping. Its wall is also very high – five or six feet. If this project gets the wall, it will be in concert with Bellagio. Mr. Shipman deferred further comment on the entry structure to a Planner. Director of Planning Barbara McBeth said that entries have been proposed in the past. She did not know whether the Beck Road entry structure was considered an accessory structure or not.

Member Kocan thought that the secondary access and stub street were two separate requirements in the Ordinance. Ms. McBeth said the Ordinance requires at least one point of external access. There are some exemptions. It encourages secondary access to an adjacent piece of property, if that property has potential to be developed.

Member Kocan did not think that the inclusion of the **stub streets site** promoted preservation of the site's natural features. City Council would have to grant the variance. Typically the Planning Commission makes a recommendation to City Council.

Member Kocan noted that the entry needs to have the stone reduced to 50%. Mr. Compo said that the stone is more valuable than the slate. He thought the stone must start at the window, or architecturally it will be out of place. He could change one elevation, if the Planning Commission desired. He did not see a better answer. The proposal before the Planning Commission looks better than just a brick entry. The entry will be placed over 120 feet away from Beck Road. The 25-foot height is substantially smaller than the homes that will be built in Casa Loma. Mr. Compo was looking for a terracing effect. The landscape will be terraced. The street will incline by twenty feet between the entry and Lot 6. The entry structure will not be overwhelming. Mr. Compo agreed to change the placement of the storage doors.

The amount of stone that is allowed per the Ordinance is 50%. On the north and south side of the entry, there is 55% proposed. Member Kocan asked about the clearance. Mr. Spencer responded that the Applicant has been notified he may have to change the overhead beams to provide the necessary clearance.

Member Wrobel liked the project. He thought the wall was congruent with Bellagio, but thought the "gate house" was a bit much, and asked if it could be scaled back. Mr. Compo responded that he can't go lower because of the clearance requirement.

Member Wrobel asked if the access to the natural space could go between Lots 6 and 7. Mr. VanSingel said that the access was placed on the south side to provide additional connectivity in the future. It was suggested to place the ten-foot path in lieu of the sixty-foot wide swath for a road. Some area would be reserved for a possible future southerly connection.

Member Kocan asked if neighboring Maybury Reserve had trails; Ms. McBeth could not recall. Ms. McBeth confirmed that there will be open space abutting open space.

Member Avdoulos thought the entrance was pulled back off of Beck Road enough that it wouldn't be overwhelming. He liked the idea of the overlook. He didn't mind the landscape wall. He said that the under canopy was 15.5 feet high and the City requires 14 feet for fire trucks. The Fire Marshal must have noted that as well. Member Avdoulos was not opposed to the materials. He did not like architectural style of the entry structure. He thought it looked like an entry to a ski lodge. He confirmed that the entry was made of brick up to the windows. The upper portion was designed with a rowlock stone sill. There is also stone further up. It will be applied either in two- or three-inch thickness. Member Avdoulos did not think it reflected the character that the Applicant is seeking.

Member Avdoulos shared the concerns of the neighbor **about the pathway**. He did not want people dumped off near the neighbor's property; he preferred a more secure design. He thought that a cul-de-sac design was appropriate for this site. Member Avdoulos was glad that the Applicant was adjusting Lots 3, 4, 6 and 10 to accommodate the changes requested. He supported the Applicant's request for a wall. Member Avdoulos looks at a project's density, especially in this section of the City. Currently the site is designed at .67, which is acceptable.

Member Pehrson confirmed that a Section 9 Waiver would be required for the entry structure.

Moved by Member Pehrson, seconded by Member Kocan:

In the matter of Casa Loma Site Condominium, SP05-12b, motion to approve the Preliminary Site Plan, subject to: 1) A Planning Commission finding that the parallel plan submitted is acceptable to establish a permitted density of ten lots; 2) A Planning Commission finding that the Open Space Preservation Plan meets the intent of Section 2405 and encourages the long term preservation of open space and natural features; 3) The modification to Lot 6 does not contain wetlands per the petitioner's letter; 4) The Applicant placing the building envelope at the 50 foot rear yard setback line for Lots 3, 4 and 10; 5) A recommendation for the Applicant to obtain a City Council Variance from the Subdivision Ordinance for the access to the southern property line; 6) A Planning Commission Waiver of right-of-way berm requirement and permit the substitution of a wall, such that the developer will work with the City to determine the balance of the wall and berm feature fronting the property line; 7) A Planning Commission finding that the proposed manufactured slate is an acceptable roofing material for the entry structure and granting a Section 9 Waiver for its use; 8) A Section 9 Waiver for the use of stone on the entry structure; 9) The Applicant working with the City to determine the proper size of the front gate house, to ensure a proper fit with the surrounding community and any adjustments required for fire apparatus; 10) The Applicant working with the City to accommodate the parcel to the south side such that the access to the open space stops short of the southern property line; and 11) All the comments on the attached review letters being addressed on the Final Site Plan; for the reason that the plan meets the intent of the Master Plan.

DISCUSSION

Ms. McBeth asked that the Planning Commission make a finding about the entry structure. A section of the Subdivision Ordinance allows for the use of an accessory building customarily incidental to the permitted uses in the district. The Planning Commission should make a finding on whether it is acceptable to have the entry as a customarily incidental structure. City Attorney David Gillam added that the language is found in all of the residential districts, and this interpretation would cover the gamut.

Member Pehrson and Member Kocan agreed to add the language, "An entry structure is accessory to residential and is a customary use already established" to the motion.

Member Kocan asked the Applicant to be mindful of the Lot 1 as it is adjacent to the entry structure. Chair Cassis complimented the Applicant on the care he has shown on this development. He asked about the future homes. Mr. Compo said no contemporary homes would be built. They would be more country French, European, turrets, steeper pitches, homes with an estate feel.

Mr. Compo said that they will build what the customer wants, but if their request doesn't fit in this development, he will not build it. He liked the timber-frame architecture. He has built many homes with the Structurally Insulated Panel (SIP). It is more efficient than traditional construction. He is considered an energy 5-star builder. He built half of Pheasant Hills, most of Quail Ridge, many in Hidden Lake, etc. He is on his 1,005th home at this time.

Mr. Compo said that the colored elevation of the entry structure misses the mark a bit. The overhangs will be adjusted. He was responding to the comment that the design looked a bit too "alpine." Chair Cassis said he welcomed creativity with designs. He said that sometimes the Planning Commission gets scared by new ideas, but it is important that the designs that come forward are not mundane. He felt this would be a premium subdivision.

Chair Cassis liked the stone proposed for the entry. He liked the gate house. It will make the development unique. There are more walls on Beck Road than can be counted.

Member Avdoulos told the Applicant that in the future he could bring photographs to help illustrate his plan.

ROLL CALL VOTE ON CASA LOMA, SP05-12B, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER KOCAN:

In the matter of Casa Loma Site Condominium, SP05-12b, motion to approve the Preliminary Site Plan, subject to: 1) A Planning Commission finding that the parallel plan submitted is acceptable to establish a permitted density of ten lots; 2) A Planning Commission finding that the Open Space Preservation Plan meets the intent of Section 2405 and encourages the long term preservation of open space and natural features; 3) The modification to Lot 6 does not contain wetlands per the petitioner's letter; 4) The Applicant placing the building envelope at the 50 foot rear yard setback line for Lots 3, 4 and 10; 5) A recommendation for the Applicant to obtain a City Council Variance from the Subdivision Ordinance for the access to the southern property line; 6) A Planning Commission Waiver of right-of-way berm requirement and permit the substitution of a wall, such that the developer will work with the City to determine the balance of the wall and berm feature fronting the property line; 7) A Planning Commission finding that the proposed manufactured slate is an acceptable roofing material for the entry structure and granting a Section 9 Waiver for its use; 8) A Section 9 Waiver for the use of stone on the entry structure; 9) The Applicant working with the City to determine the proper size of the front gate house, to ensure a proper fit with the surrounding community and any adjustments required for fire apparatus; 10) The Applicant working with the City to accommodate the parcel to the south side such that the access to the open space stops short of the southern property line; and 11) All the comments on the attached review letters being addressed on the Final Site Plan; and 12) An entry structure is accessory to residential and is a customary use already established; for the reason that the plan meets the intent of the Master Plan. *Motion carried 7-0.*

Member Pehrson confirmed with Mr. Gillam that language regarding the Conservation Easement could be placed in the Woodland Permit motion.

Moved by Member Pehrson, seconded by Member Kocan:

In the matter of Casa Loma Site Condominium, SP05-12b, motion to approve the Woodland Permit, subject to: 1) A Conservation Easement to the western property line as indicated on the plan presented to the Planning Commission; 2) All the comments on the attached review letters being addressed on the Final Site Plan; for the reason that the plan is otherwise in compliance with the Ordinance.

DISCUSSION

Member Kocan asked that, "The Applicant working with Staff to reduce the woodland impact to the extent feasible on Lots 4, 5 and 6 be added to the motion." Member Pehrson agreed.

Member Kocan said that she was just reminding the Applicant to be mindful of the woodlands with this language. Mr. Gillam said that the language was appropriate.

ROLL CALL VOTE ON CASA LOMA, SP05-12B, WOODLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER KOCAN:

In the matter of Casa Loma Site Condominium, SP05-12b, motion to approve the Woodland Permit, subject to: 1) A Conservation Easement to the western property line as indicated on the plan presented to the Planning Commission; 2) All the comments on the attached review letters being addressed on the Final Site Plan; and 3) The Applicant working with Staff to reduce the woodland impact to the extent feasible on Lots 4, 5 and 6; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 7-0.*

Moved by Member Pehrson, seconded by Member Kocan:

ROLL CALL VOTE ON CASA LOMA, SP05-12B, WETLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER KOCAN:

In the matter of Casa Loma Site Condominium, SP05-12b, motion to approve the Wetland Permit, subject to: 1) The Applicant removing all wetlands and wetland mitigation from Lot 6; and 2) All the comments on the attached review letters being addressed on the Final Site Plan, for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 7-0.*

Moved by Member Pehrson, seconded by Member Kocan:

ROLL CALL VOTE ON CASA LOMA, SP05-12B, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER KOCAN:

In the matter of Casa Loma Site Condominium, SP05-12B, motion to approve the Stormwater Management Plan, subject to: 1) The developer working with the City to ensure the stormwater is managed between Lot and the drainage basin to minimize potential flooding to the southern boundary; and 2) All the comments on the attached review letters being addressed on the Final Site Plan; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 7-0.*

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, JANUARY 9, 2006 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.

Members: Erik Failing, Robert Hong, Elliot Middlemass, Joseph Nelson, Jacob Randall, Thomas Smither, Andrew Straky, Lemuel Wang

ALSO PRESENT: Richard Helwig, City Manager

Clay Pearson, Assistant City Manager

Tom Schultz, City Attorney

Barbara McBeth, Planning Director

Rob Hayes, City Engineer

3. Consideration of a request from Interphase Land Development, the developer of Casa Loma, for a variance from Section 4.04.A.1(b) of the Subdivision Ordinance requiring the extension of street connections to neighboring properties unless practical difficulties exist or the connection would create undesirable traffic patterns (no street connection is proposed). The applicant is proposing a ten-unit residential site condominium to be located on the west side of Beck Road, south of Nine Mile Road.

Ron Van Singel, Nederveld Associates, was present representing the Campo family, said they are requesting a variance for the stub street for two reasons. First, it is not practical for this application, and secondly, it will create an undesirable traffic pattern. He said this property has been owned by the Campo's for several years, and it has a single family home on it that has not been lived in for many years. The vacant home will be removed to create a ten-unit community. The community will be built by the developers who are home builders in this area, and they will build all of the units themselves with an average home cost of approximately \$1 million dollars. The parcel is approximately 15 acres. It is a narrow parcel that has 482 feet on Beck Road and 1,450 feet deep so the proposal is to service it through Cul-de-sac Boulevard through the center of the property with a length of just short of 900 feet. To the north of this project is the development of Bellagio, which is also on a western portion of this, and to the western boundary, is Mayberry Park, and both of those developments have been approved. On the east side is Beck Road and on the south side there are several long narrow parcels. This parcel also has a portion of wetlands and a DEQ permit has been received for them, and they went through the process for the woodlands. He said they presented this to the Planning Commission for an open space preservation community utilizing and saving as many of the trees as possible through this development. They received approval for the site plan November 2005 from the Planning Commission.

Mr. Singel said the reasons that they feel this stub street is not practical is that the existing street will be a private street maintained by ten association members, and they will have the responsibility for the repairs, maintenance, snowplowing, etc. for this street. Adding an additional stub street to this would mean that it would connect up with either another private street or public street, and thus cause the friction between the two associations as far as the maintenance and the use of the street. When the adjacent parcels were developed on the north and west side of this, both of those larger land areas did not provide access to this 15 acre piece. So, there are no existing stubs when we began the layout of this that they had to line up with. On the south side there is an area that is a part of the wetland and it is also a part of the woodland, and it comes into narrow parcels that are only 330 feet wide and long. So, again, providing access to this without coupling several of those parcels together would be hard to make developments into those parcels.

Mr. Singel said the other not practical is that they chose the open space preservation, and in going through that process they had to identify approximately six hundred trees that had to be preserved. Again, the creation of this additional stub street, the only place that it could go was to the south and it would have to cut a 66 foot ROW through this woodland area to try to provide a stub. Thus, again, taking out these woodlands and wetland areas that they were trying to be very sensitive to and work around. He stated from the traffic pattern you currently have Casa Loma Court, and by placing a stub street and providing an access to it, the Court status is eliminated, and now it is Casa Loma, and it is an open invitation for the public to go into it, because it's not a true court. It would create a traffic pattern of public traffic trying to come through this quiet neighborhood. The connect ability of the neighborhoods would be aided by a bike path that is being provided for along Beck Road. So, the residents would have a sidewalk pattern that they could walk through for this entire development, and yet there would be connect ability with both of the developments through this bike path that would be on this property. Mr. Singel said for those reasons, he didn't think a stub street would be practical, and would create undesirable traffic patterns for this development.

Mayor Pro Tem Capello said given the nature of the Court and the fact that they are preserving a lot of the open area, they are maintaining the RA density in this area he would support the project.

CM-06-01-004 Moved by Capello, seconded by Nagy; MOTION CARRIED:

To grant the request from Interphase Land Development, the developer of Casa Loma, for a variance from Section 4.04.A.1(b) of the Subdivision Ordinance, and that they are not required to provide for a connection to either neighboring property, and particularly the southern property line.

DISCUSSION

Member Mutch commented he would not support the motion, and at the minimum he would like to see something more than the current pedestrian connection to the south. He thought something more formalized was needed than there has been in some of the other subdivision in this area where there are large lots, but still pedestrian connections between the lots. He said kids are not going to go down to Beck Road to get to their friends house; they are going to cut through the yards, and a route needs to be provided for that. Member Mutch said if the goal was to minimize the cost long term for the homeowners, why have the 86 foot ROW boulevard versus a 60 foot standard ROW would significantly increase the cost to homeowners. He would like to see the sidewalk connection before he could support the variance. Member Nagy stated that one of the reasons she would support the motion was that Bellagio was not required to have a connection. Mayberry built a connection and Council decided that they didn't have to have that connection. This gave Tuscany an extra lot. She asked if there would be sidewalks on Beck Road. Mr. Singel said there would be sidewalks all along Beck Road and also on both sides of the boulevard.

**Roll call vote on CM-06-01-004 Yeas: Margolis, Nagy, Landry, Capello, Gatt
Nays: Mutch, Paul**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 18, 2006 AT 7:00 P.M.**

COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul-absent/excused

ALSO PRESENT: Clay Pearson, City Manager

Pamela Antil, Assistant City Manager

Tom Schultz, City Attorney

Kathy Smith-Roy, Finance Director

Rob Hayes, City Engineer

Benny McCusker, Director of Public Works

3. Consideration of the requests from Interphase Land Development LLC, applicant for Casa Loma, for: 1) A variance from Section 11-68(a)(1) of the Design and Construction Standards requiring the ability to serve the development with at least 2,000 gallons per minute flow in residential developments (1,750 GPM proposed), 2) A variance from Section 11-68(a)(1) and 11-68(a)(5) of the Design and Construction Standards requiring water main extensions longer than 800 feet (990-ft main proposed) to include a secondary connection point to allow for a future looped connection, and requiring secondary water main stubs to be extended to the property lines for future extension, and 3) A variance from Section 12-174(a)(4) of the Wetlands and Watercourse Protection Ordinance requiring building sites (lots) in a site condominium to exclude wetlands. The applicant is proposing a ten-unit residential site condominium to be located on the west side of Beck Road, south of Nine Mile Road.

Mr. Pearson said this had three separate Design and Construction Standard waivers. He noted it was their job to apply those and give professional opinions on whether a waiver existed because of the particular unique circumstances. He said for each of these cases there were one or more operating departments that did not see that kind of practical difficulty or any other reason. He commented there was something similar on Taft Road just south of Grand River with water flow issues. The project started with a preliminary site plan in November 2005 and Council saw the first Design and Construction waiver in January 2006. He noted there was also discussion when this went to the Planning Commission for the site plan. The issue of the wetlands was brought up, there was discussion and some assurances were made. He said they made it sound, from the Planning Commission's perspective, like there were not going to be wetlands on the lots. He said now the applicant was before Council to lay out their case and staff was present to answer any questions they had.

David Compo said they were a builder who had been around since 1959 as James B. Compo, Inc. He noted he was present as manager of Interphase Land Development, LLC. He said the intention was Lot 6, which would be the model home and his future and final home. He noted they have had the 15 acre parcel for many years; the Bellagio development was directly to the north and they shared the border. He commented Bellagio had set an excellent precedent for beautiful homes in the community. Mr. Compo said there were only 10 lots on 15 acres and the preliminary meeting was November 2004. It had now been over two years and over \$200,000 in soft costs for ten lots and he felt they had bent over backwards to satisfy the people they had dealt with through the Planning Commission and committees. He commented they had redesigned the project over 15 times to meet all these specific needs, and had come to the point of requesting a meeting with his engineer, Mr. Pearson and Ms. Antil. Mr. Compo said they had gotten so frustrated through this that Engineering, Planning and Zoning couldn't agree on what they wanted, let alone tell him what they wanted. He thought two years was far too long to go through this process. As for tonight and the couple of things they were requesting, he had heard the Council was level headed and used a common sense approach. He thought a lot of people on the Planning Commission were also level headed even if he hadn't had success with some of the people he had dealt with.

Mr. Compo said the engineer was present to speak with them. He said some of this came down to cost because some of the stuff proposed went into the tens of thousands of dollars in extra costs for the potential of "what ifs". He stated Bellagio was not requested or had received a waiver to not put a stub street or stub water main, which he thought would have been the better way to go. It would have improved and made their project easier. He said Bellagio completely surrounded his property and it appeared they had much more of a burden than Bellagio with what they were requested to do. He said they wouldn't have a gated community and yet their homes were of Bellagio caliber and more because they had larger lots. The whole intention when they originally did this was to make it completely unique, one of a kind and not just meet the rules but exceed them in every way. He said they originally wanted a one acre cul-de-sac. He said there was a huge roundabout going through and they wanted a larger boulevard, so the entire thing was a boulevard. They have proposed over a half million dollars in landscaping to make Casa Loma the gem of Novi residential and surrounding areas. He said if he didn't believe in what they were doing and some of the things they wanted to change and ask for he wouldn't even consider it because he was going to live there.

Mr. Compo said they would talk about water flow and issues to do with the "what ifs". What if there's a fire on these three lots and they needed a hydrant. He said if one of the homes was burning the pressure of the other two lots only would be less than 20 lbs, and he didn't think the concern to the people on the other two lots would be how good their shower is. As custom builders in every home they build over 4,000 square feet they automatically put in a fire retention device with an extinguisher and fire hose on each level. He said that automatically brought down the requirement for what was needed because they wanted to address that before the law mandated some type of sprinkler system for homes. He thought that would be a mistake.

Steve Witte, Engineer from Nederveld, said there were three requests before Council and two of them related to the water main and one related to the wetland. Mr. Witte said they were asking for a variance from the required 2,000 gallons per minute in residential lots. He said they had modeled several different water main options including having different pipe sizes, varying volumetric flow of the water taken out of the far west hydrant and adding or omitting the water main stub.

Mr. Witte said as requested and proposed, without the stub and without changing the size of the water main, the water main modeling results in a normal pressure of all the lots of about 49.5 lbs per square inch, which was very high, with 2,000 gallons per minute being drawn from the far west hydrant. He said there would only be three lots that would fall below the required 20 PSI and those were lots 5, 6 and 7. He said even with the water main stub to the south, these lots would still be under the 20 lbs per square inch. Mr. Witte said there would be 1,750 lbs per square inch drawn from the west hydrant and all the lots would have the 20 PSI. He realized that when the City staff reviewed their request they looked at their standards, and rightly so. He said to give Council an idea he handed out three items to Council members. Mr. Witte said the

first was the International Fire Code from 2003, which said "one and two family dwellings that did not exceed 3,600 square feet, there shall be 1,000 gallons per minute". He reminded Council they would have 1,750 gallons per minute. It went on to say homes larger than 3,600 square feet followed the schedule on the second page of the document he had handed out to Council. He said on that page Council would see that for 1,750 gallons per minute, which they had, it could service up to a 4,800 square feet home with normal construction. He said there

were things they could do construction wise that would increase or decrease the amount of flow needed. Mr. Witte said the third page was from the Insurance Service Offices and Council would see they said for one and two family dwellings not exceeding two stories in height, they recommended 750 gallons per minute. He said the final page said the City of Farmington Hills standards for residential was 1,250 gallons per minute and they had 1,750. Mr. Witte said there would only be three houses affected by this. If anything near 2,000 gallons per minute was drawn from the hydrant on the west end of the cul-de-sac it would likely be because one of those three houses was on fire. He said the inconvenience to the lots and the homes reflected a very small number of people, it was extremely unlikely and would be very short lived. This was regarding the first request.

Mr. Witte said the second request was for the stub to the south. The next request was regarding the length of the water main. He said 990 feet was proposed and 800 feet was the maximum. He said the argument for the variance was that there was more than sufficient flow and pressure in the water line to accommodate this development. He noted the hydrant along Beck Road was tested at 2,211 gallons per minute with a very high pressure. Mr. Witte noted the project was adjacent to woodland and wetland and of particular concern were a number of existing trees that the developer was attempting to save between Lots 2 and 3, which was the suggested route. He said in all likelihood they would not be able to save them with the construction of the water main stub. The difference in the links between what was allowed and what was proposed was relatively minor of 190 feet and was not incredibly out of line with what was normally allowed. He said it had been stated by City staff that redundancy was one of the main reasons for requiring the secondary stub and that meant if the water main ever needed repair there would likely be fewer people or lots that would have their water turned off. However, since this stub location was only 400 feet from the 12 inch water main and Beck Road there would be very few houses that this redundancy would ever potentially benefit. Mr. Witte stated there was a memo from Mark Spencer, City Planner, regarding the development to the south and he said there was some potential for future development. However, if Council would read his memo there are 12 lots varying in size from 1 1/2 acres to 10 acres south of this site, so the likelihood of this ever being extended to the south was very small. Mr. Witte said the final request regarded the wetland on the south side of Lot 4. He said they had been working with the City to develop a plan that would be acceptable to the developer and the City. At the Planning Commission meeting the wetland was discussed and what was in question was the setback from the wetland. He showed Council the existing wetlands and said the Planning Department was saying it basically took a part of a separate lot so that their rear yard setback had to be taken from the edge of the wetlands. Therefore, the building would be 50 feet off the wetland and typically a 25 foot buffer was required. He said at first that sounded like a doable thing but taking a closer look, the wetland actually came to a point and when the tip of that point offset the 50 feet, it really affected the lot with the executive style homes being proposed. He said the developer had been working with the City to try to come up with a win-win situation. If the overall lot had not been proposed for development, the owner could have constructed a building or a home within the 25 feet setback since a new lot would not be created and the subdivision ordinance would not be enacted. He said the only time this would come up would be when the land was being subdivided. As far as setbacks from a rear yard standpoint, the intent of a 50 foot rear yard setback was to provide separation between houses. Since the wetland in question was in the rear yard of Lot 4 this intent was achieved even with a 25 foot setback from the wetland. Mr. Witte said this request did not affect the 25 foot no disturb zone from the wetland so grading or disturbance could still occur within the 25 feet even without the variance. He said it really would not benefit anyone to have the building 50 feet back. It would simply allow a structure to occur between the 25 and 50 foot setback.

Mr. Witte said Mr. Spencer indicated that it was more difficult to keep accessory structures like porches, decks, etc. outside the wetland setback if this variance was approved. Mr. Witte said it was actually that type of construction they wanted to be able to put in that setback and was what they were after. There was also a comment by City staff that if Council approved the variance for this there would be a condition placed on it that the wetland and the 25 foot buffer be placed in the Conservation Easement. He said the owner did not have a problem with that.

Member Gatt said Mr. Witte's presentation was very complete. However, he was sure the homes would be lovely but he could not vote for a project that the City experts did not recommend approval for.

Mayor Pro Tem Capello thought one of the main issues they had with Bellagio was water pressure at that time and in that area. They were concerned about building million dollar plus houses, extending the water line and not having enough pressure for those homes. Also, regarding the water line going to the west, there was a lot of preserved wetland to the west of Bellagio and that tied into the west of that to a corridor they tried to preserve. They knew they didn't want a water line in that area to the west. He said for those reasons they didn't require Bellagio to put in a stub. He didn't have a problem with not requiring a stub but did have a problem with the other two variances requested. He said he could not approve the variance regarding the size of the water line. It was just an economic issue whether or not the bigger water line went in and he didn't see that as a great economic burden on them. Mayor Pro Tem Capello said regarding the wetlands, he could see where the building envelope was and they were bringing the wetland buffer right up to the edge of the envelope. He knew through experience with Mystic Forrest homeowners that had wetlands in their backyards were mowing the wetlands, complaining that the wetland growth was encroaching into their yards and the geese and muskrats were coming up on their properties. He saw nothing but problems for the homeowner and the City in granting their variance and allowing the wetland buffer to go up to the edge of the building envelope, which could be the edge of the house or deck.

Member Nagy said she couldn't grant the variances either. She said Novi had their own rules and she would have to go with the department heads who made recommendations to Council. She said while she appreciated the information brought forward, it was not what was on the books. She said, with regard to wetlands, she was on the Planning Commission and always tried to protect the wetlands. She believed this wetland according to our department held storm water and existed for the habitat. She agreed with the previous speaker that when it was too close the animals and the wetland could encroach. Conversely, there had been situations where the people took trees down and mowed and destroyed wetlands and she was not in favor of that either. Member Nagy believed the lots could have been made a lot smaller. She said it was their choice to build this kind of home and this was a question of the cost and the cost was their cost. She understood they didn't want to keep spending a lot of money but she thought that was what it was about. If the lot sizes were reduced that would help as well. Member Nagy was not in favor of anything regarding changing the water that would come through there. Mr. McCusker made a recommendation regarding that and she agreed with him.

She could not grant any of the requests.

CM-06-12-324 Moved by Nagy, seconded by Margolis; CARRIED UNANIMOUSLY:

To deny the requests from Interphase Land Development LLC, licant for Casa Loma, for: 1) A variance from Section 11-68(a)(1) of the Design and Construction Standards requiring the ability to serve the development with at least 2,000 gallons per minute flow in residential developments (1,750 GPM proposed), 2) A variance from Section 11-68(a)(1) and 11-68(a)(5) of the Design and Construction Standards requiring water main extensions longer than 800 feet (990-ft main proposed) to include a secondary connection point to allow for a future looped connection, and requiring secondary water main stubs to be extended to the property lines for future extension, and 3) A variance from Section 12-174(a)(4) of the Wetlands and Watercourse Protection Ordinance requiring building sites (lots) in a site condominium to exclude wetlands. The applicant is proposing a ten-unit residential site condominium to be located on the west side of Beck Road, south of Nine Mile Road. The denial was due to the recommendations made by the City staff and department heads, and because none of the language for variance relief from the Design and Construction Standards was met.

Mayor Landry said the reason for her denial was because she was adopting all the reasons from the consultants and City staff. Member Nagy agreed.

Mr. Schultz said they needed to pick up the language for variance relief from the Design and Construction Standards. He said Council would need to find that all three of the following apply in order to grant a variance: 1) there was an exceptional practical difficulty applying the standard, 2) the alternative was adequate and not a substantial deviation and 3) granting the variance would not be detrimental to the public health. Mr. Schultz said as he understood the motion for all the reasons Member Nagy incorporated from the staff, she had found that none of those three items were met. Member Nagy agreed.

DISCUSSION

Member Margolis said she understood some of the things the applicant was saying. However, she could not go against the experts the City paid in this area. The experts were telling Council that this was a situation that 1) was against the City's very clear standards and 2) that would be a detriment to the community and therefore she could not approve it. Member Margolis said in their presentation they mixed up issues in terms of the City's building and planning process and the very clear standards the City had. She said Council was looking at the process to make things easier, faster and clearer. She said if that was something Council needed to look at and talk to them about that was a separate issue and she would talk to them or they could talk with City staff. She said these three things were very clear standards that Council had set up, and she could not offer those variances at this time.

Member Mutch said he would also vote in support of denial of the variances. He stated just following the information they provided on the plan the Open Space Preservation Option they selected allowed minimum lot widths of 140 feet. He said they had to have larger lots based on the depths of their lots. It was clear they chose the wider lots of 175 feet and the size of the lots was pretty much driving every one of the variance requests. Member Mutch said the length of the water main would have been less than 800 feet and he thought it would have been possible with a different plan to meet those requirements. Member Mutch said they were not required to change their plan if that was what they wanted to go with but then they were choosing to take on those additional costs that come with making those lots larger. He assumed those costs would be built into the development costs of the project. Member Mutch said it was unfortunate if they had problems going through the development process and that was something the City was working on. However, the standards were clear and he could see pretty early on what choices he was making. He didn't think it was Council's job to waive the standards because they didn't like the cost. Member Mutch said that was the cost of doing business with those standards and all developers coming to the City needed to keep that in mind.

Mayor Landry offered the applicant an opportunity to speak and he did not.

Roll call vote on CM-065-12-324 Yeas: Margolis, Mutch, Nagy, Landry, Capello, Gatt

Nays: None

Absent: Paul

Mr. Campo said he thought he would be allowed to speak. Mayor Landry said he offered that opportunity and he declines. Mr. Campo said he thought he was supposed to speak after the roll call vote. Mayor Landry said he could speak now because he didn't want to deny him that opportunity. Mr. Campo said he was taking the worst economy, Michigan, and trying to make something special. He stated he was a real estate broker, builder and developer. He said the only reason he had already reduced the lots from 1 acre plus lots was because Mr. Spencer pressured them so heavily, that this would go through and they would do everything they wanted if they could do one lot. He said he wanted the open space plot to protect, protect, protect. Mr. Campo said fine and did everything the City and the Planning Department wanted, only to get the shaft in the end. He said he needed to make a lot sellable based on the cost he was incurring through the City because of the requirements. They would have to be \$350,000 a lot just to get them to market to cover costs the way things were going now. He thought it was shortsighted of a lot of committees from the standpoint of what was going on here and an incredible amount of shortfalls that he would like to talk with Council about. Mr. Campo said he had a two page list of the problems they encountered through this entire process and that was the short list. He said they had developed all over the place and nowhere but Novi had they encountered these types of problems. He said things like inspection fees for the storm sewer at \$42,000 to \$43,000 to inspect. He said it was incomprehensible what was going on, and some of it goes to cost and others to common sense. Mr. Campo said Council

mentioned Bellagio was not required to do the stub road and by doing that stub to the south they would be doing just what Council said they didn't want to do to Bellagio. If they would have come to them it would not have affected any woodlands or wetlands going towards their property. He said where they were going would definitely affect woodlands and some wetlands that they would be filling in, which was already approved. Mr. Campo said if Council had a little more history of the site they would understand more,

because it really was contrary to what they had already mentioned about allowing things in other developments. He felt what had happened tonight was completely unfair.

REGULAR MEETING – ZONING BOARD OF APPEALS

CITY OF NOVI

ACTION SUMMARY

Tuesday April 3, 2007– 7:30 p.m.

Council Chambers – Novi Civic Center – 45175 W. Ten Mile Rd.

Roll call Members Bauer, Canup, Fischer, Gatt, Krieger, Sanghvi and Shroyer

7. Case No. 07-014 filed by David Compo of Interphase Land Development LLC for lot 4 of the Casa Loma Condominium Development located at 21633 Beck Road

David Compo is requesting one 25-foot rear yard setback variance from the required 50-foot rear yard setback for the construction of a new single-family condominium home on lot 4 of the Casa Loma Condominium Development located at 21633 Beck Road.

Property is zoned R-A and is located south of 9 Mile Road and west of Beck Road.

CITY OF NOVI, CODE OF ORDINANCES: ARTICLE 24 Section 2400 Schedule of Regulations requires a rear yard setback of fifty (50) feet from a wetland/watercourse setback.

REQUIRED REAR YARD SETBACK (SOUTH) 50 FEET

PROPOSED REAR YARD SETBACK (SOUTH) 25 FEET

VARIANCE REQUESTED 25 FEET

Applicant is requesting one rear yard setback variance from the required 50-foot rear yard setback to build a new single-family condominium home.

IN CASE NO.07-014 TO GRANT THE 25 FOOT REAR YARD SETBACK VARIANCE REQUEST FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY CONDOMINIUM HOME ON LOT 4 OF CASA LOMA CONDOMINIUM DEVELOPMENT DUE TO THE UNIQUE FEATURES OF THE LOT LINE AND THE PRACTICAL DIFFICULTY OF PRESERVING THE WETLANDS.

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, MAY 1, 2007 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 Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul

ALSO PRESENT: Clay Pearson, City Manager

Pamela Antil, Assistant City Manager

Tom Schultz, City Attorney

Benny McCusker, Director of Department of Public Works

Barbara McBeth, Director of Community Development

Commission

5. Reconsideration of a request from Interphase Land Development LLC, applicant for Casa Loma, for a variance from Section 11-68(a)(1) and 11-68(a)(5) of the Design and Construction Standards requiring water main extensions longer than 800 feet (990 ft. main proposed) to include a secondary connection point to allow for a future looped connection, and requiring secondary water main stubs to be extended to the property lines for future extension.

Mr. Schultz said a motion to reconsider needed to be made formally on the record in order to place this back on the table.

CM-07-05-094 Moved by Capello, seconded by Mutch; MOTION CARRIED:

To reconsider the request from Interphase Land Development LLC For a variance from Section 11-68(a)(1) and 11-68(a)(5).

Roll call vote on CM-07-05-094 Yeas: Margolis, Mutch, Nagy, Paul, Landry, Capello, Gatt

Nays: None

Steve Witte of Nederveld was present representing Dave Compo from Interphase Land Development. Mr. Witte said at their last meeting with Council they had requested a waiver from requiring them to construct a secondary water main stub to the south property line, and that motion was denied. Mr. Witte noted that during that meeting there was quite a discussion regarding special assessment districts and that Council did not want future property owners coming to Council ten years from now asking them why they had approved this. Since that time, he said they had talked with City staff and the City Attorney, and the applicant now wanted to propose an agreement placed solely on preferably Lot Unit 6 but also would be willing to entertain Unit 2. He said it would basically require one of those units to pay for all of the future cost associated with the future water main stub. Mr. Witte said this way there would be one person attached to it versus ten people. Mr. Witte said Mr. Compo was going to build and live on Unit 6, so that was why he would prefer that the agreement be attached to Unit 6 as opposed to Unit 2. The reasoning for allowing the waiver was the water quality and quantity was 2,000 gallons per minute with 20 PSI, which was the City standard. He said the water quality issue was discussed at the last meeting stating that looped systems improved the water quality and therefore they wanted it. He said the applicant had agreed to the water loop, it was just deferring that construction. He said one of the employees from the City department said that they actually didn't like dead end water mains because of sediment and having to clean them out. He said if the City required the stub to be constructed now, in essence, they were creating more dead end water main. So, once again, the applicant wasn't opposed to constructing the water main, he just didn't want to do it now because they didn't envision it ever being needed. However, provisions were set up in the form of easements and the agreement that if it was ever needed, he would do it.

Mayor Pro Tem Capello commented that he asked to have this reconsidered and had originally voted against it. He said what changed his opinion was the fact that now the developer said he would assume the financial responsibility of installing the water main when needed, and would place a lien on Lot #6 to secure that payment. He said the payment would be made anytime the water main was required to be installed, and immediately, or on his sale of Lot #6, whether before or after construction of the home. Mayor Pro Tem Capello said the applicant would do this, in stead of passing the cost on to the entire subdivision or the previous owner of Lot #2, or to the developer to the north. Mayor Pro Tem Capello wondered if there needed to be some type of foreclosure or enforcement language, if the applicant didn't pay to install the water main for Lot #6.

Mr. Schultz said they would be happy to beef up the lien process where they would be putting it on the tax rolls.

CM-07-05-095 Moved by Capello, seconded by Gatt; CARRIED UNANIMOUSLY:

To grant the variance from Section 11-68(a)(1) and 11-68(a)(5) of the Design and Construction Standards requiring water main extensions longer than 800 feet (990 ft. main proposed) to include a secondary connection to forestall or delay installing said secondary connection until such time as the property to the south was developed. There would be a water main and construction easement across Unit #2 in recordable form, and the developer would pledge as collateral and security Lot #6 to secure enforcement of construction of that water main when needed and the water main shall be paid for at the time the preliminary site plan approval was made for the property to the south, or at such time as Lot #6 was sold by the developer. Also, to include language that would maintain the easement free and clear of fences or any permanent or substantial landscaping.

DISCUSSION

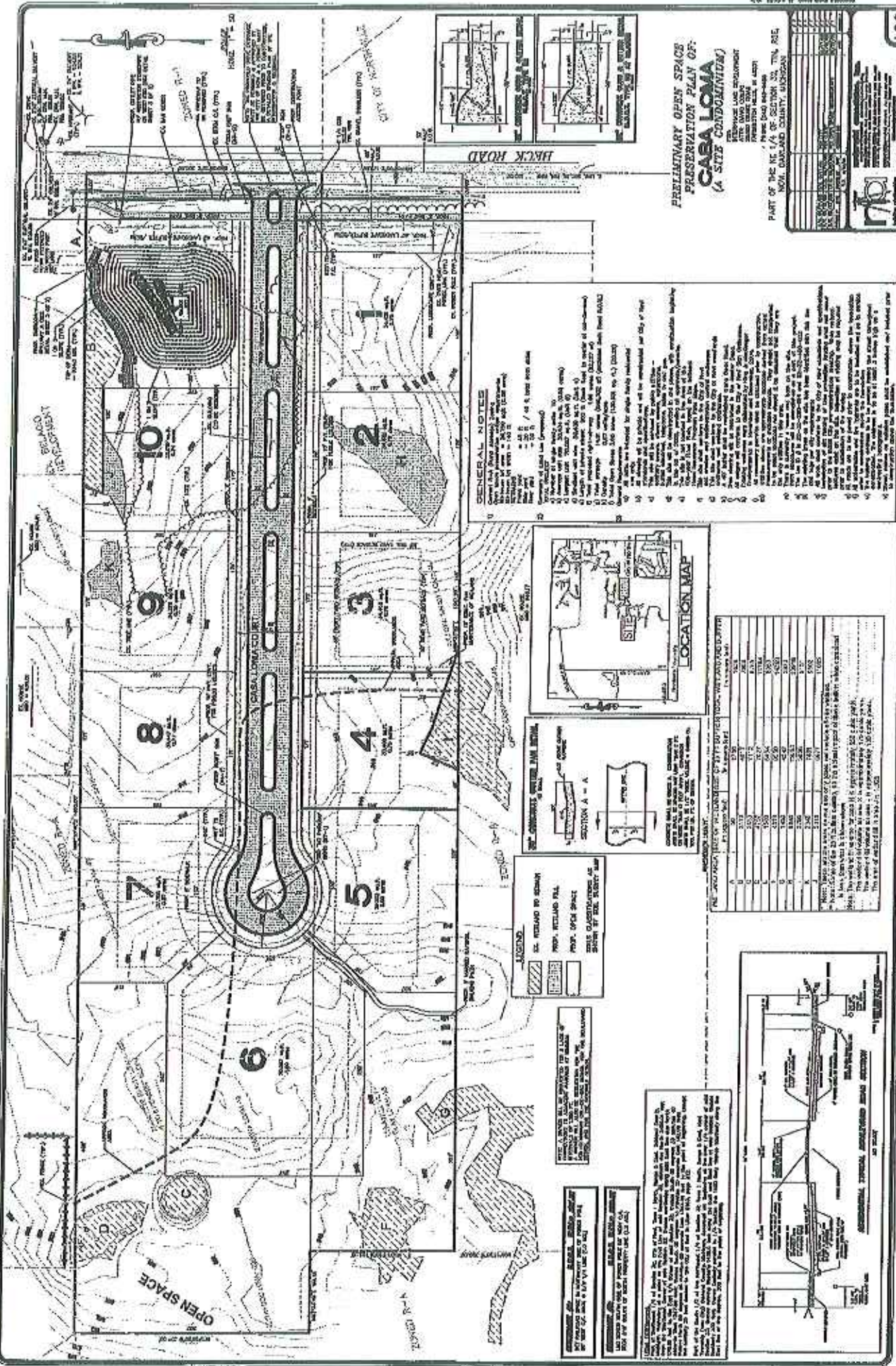
Member Mutch said originally he had voted in support of the variance on one condition. Although, he did ask to have included language that would maintain the easement free and clear of fences or any substantial landscaping, and offered that as a friendly amendment to the motion. Mayor Pro Tem Capello accepted the amendment and stated that it was a given when having an easement that they would not be able to put anything permanent on top of the easement, and any loss to the vegetation or fences was the property owners responsibility. The amendment was also accepted by the seconder of the motion. Member Paul said at the last meeting she was specifically concerned about a Limited Liability Corporation dissolving and their responsibility being removed. She said now that there was a lien on Lot #6, if that Limited Liability Corporation were to be sold or dissolved would the lien on the property cover the costs without the City being charged at all in the sewer district. Mr. Schultz said it would attach to the land and not to the entity, and if there was a sale or disposition of that asset that would trigger the other language that said pay it now.

Member Nagy said if the lien was put on the property and there was a foreclosure on a mortgage would the City be behind the mortgage. Mr. Schultz said they would put it on the lien as essentially an addition to the tax rolls and that would take priority.

Mayor Pro Tem Capello said, following up with Member Paul's question, the developer and title holder to Lot #6 was the one making the financial guarantee so there was at least security in Lot #6 itself. He said it was not as if Lot #6 was owned by one person and the financial requirement to construct the water main was someone else; they are one and the same person. Mr. Witte said that was correct.

Roll call vote on CM-07-05-095 Yeas: Mutch, Nagy, Paul, Landry, Capello, Gatt, Margolis
Nays: None

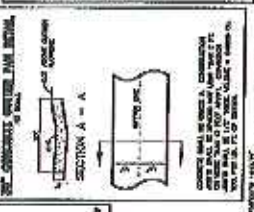
Reduced Site Plan



PRELIMINARY OPEN SPACE PRESERVATION PLAN OF CASA LOMA (A SITE CONDOMINIUM)

PART OF THE NE 1/4, SE SECTION 30, T1N, R1E, NW1/4, OAKLAND COUNTY, MICHIGAN

- GENERAL NOTES**
1. See the site plan for the location of the proposed open space.
 2. The proposed open space is shown in green on the site plan.
 3. The proposed open space is to be preserved in its natural state.
 4. The proposed open space is to be preserved in its natural state.
 5. The proposed open space is to be preserved in its natural state.
 6. The proposed open space is to be preserved in its natural state.
 7. The proposed open space is to be preserved in its natural state.
 8. The proposed open space is to be preserved in its natural state.
 9. The proposed open space is to be preserved in its natural state.
 10. The proposed open space is to be preserved in its natural state.



PROPOSED OPEN SPACE PRESERVATION PLAN

NO.	DESCRIPTION	AREA (ACRES)	PERCENT OF TOTAL
1	Proposed Open Space	1.25	12.5%
2	Proposed Open Space	1.25	12.5%
3	Proposed Open Space	1.25	12.5%
4	Proposed Open Space	1.25	12.5%
5	Proposed Open Space	1.25	12.5%
6	Proposed Open Space	1.25	12.5%
7	Proposed Open Space	1.25	12.5%
8	Proposed Open Space	1.25	12.5%
9	Proposed Open Space	1.25	12.5%
10	Proposed Open Space	1.25	12.5%
TOTAL	Proposed Open Space	12.50	125.0%

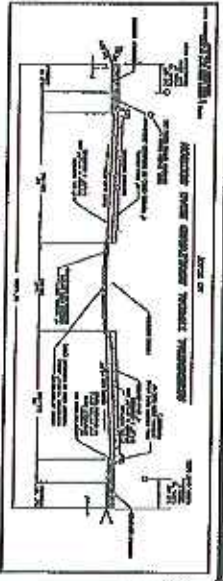


NOTES:

1. The proposed open space is to be preserved in its natural state.
2. The proposed open space is to be preserved in its natural state.
3. The proposed open space is to be preserved in its natural state.

GENERAL NOTES:

1. The proposed open space is to be preserved in its natural state.
2. The proposed open space is to be preserved in its natural state.
3. The proposed open space is to be preserved in its natural state.

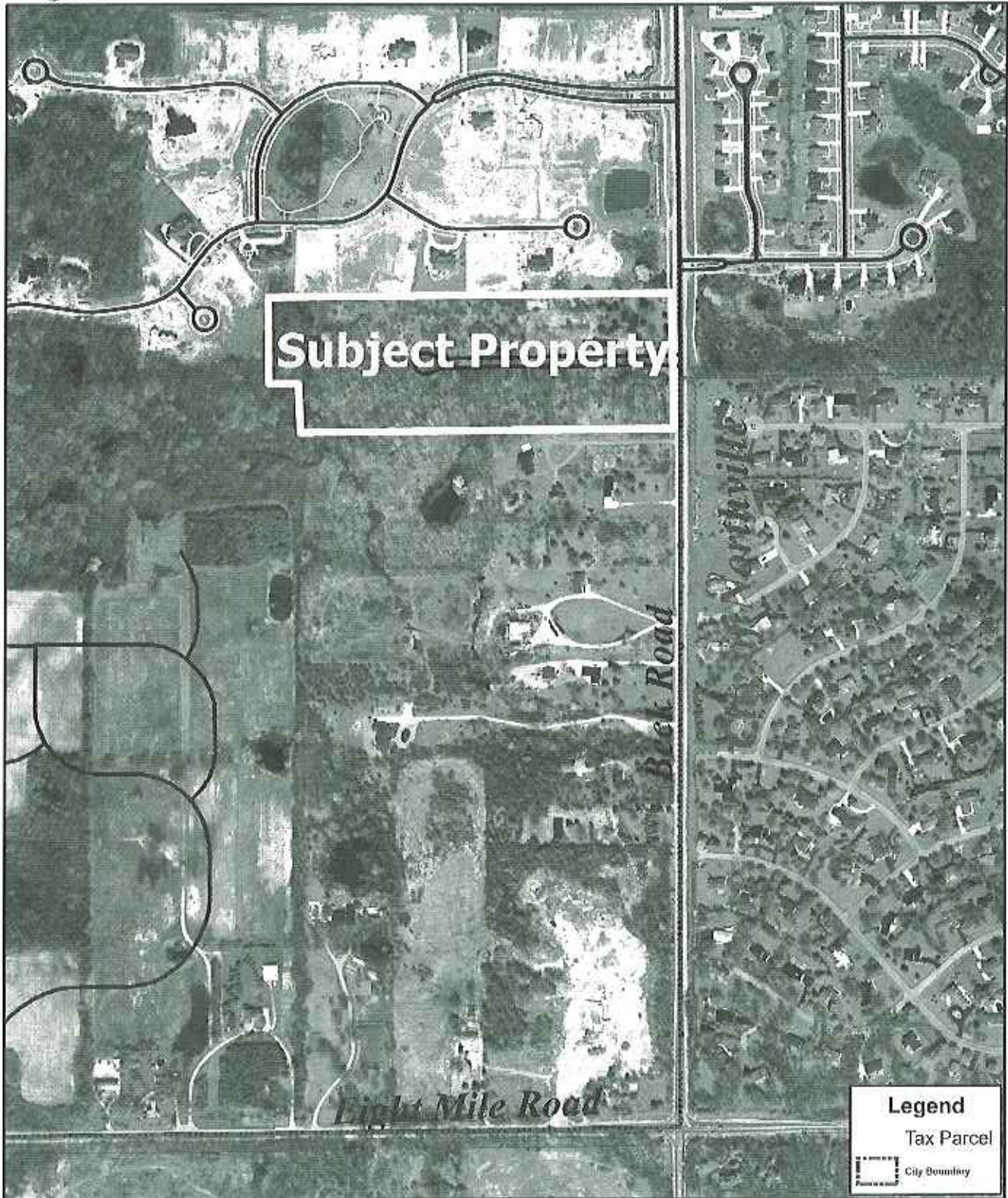


Location Map



SP 05-12 Casa Loma Location Map

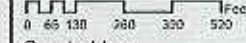
City of Novi, Michigan



Created using the (GIS) Geographic Information System of
 The City of Novi
 42715 West Ten Mile Road
 Novi, Michigan 48243
 (248) 347-0956

Coordinate System Description -
 Projection: Michigan State Plane
 Zone: South Zone (8403)
 National datum: NAD 83
 Map units: Meter and Feet

Date Created:
 December 12, 2005
 Project No:
 SP 05-12



Created by:
 Mark Spencer, AICP
 Planner, Plan Review Center



**Plans available for viewing at the
Community Development Department.**