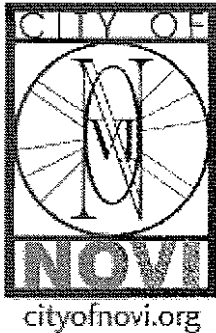


MEMORANDUM



TO: PLANNING COMMISSION
THROUGH: ^{Baib} BARBARA MCBETH, AICP, DEPUTY DIRECTOR
COMMUNITY DEVELOPMENT
FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*
SUBJECT: SP04-65A ISLAND LAKE 5C 3RD EXTENSION
DATE: JULY 14, 2008

Project Summary

The proposed development will consist of 22 building lots (units) in the Island Lake development. Located in Section 19, north of Ten Mile Road between Wixom and Napier Roads, on 10 acres of land in the RA, Residential Acreage District with a RUD Agreement. Approvals proceeded as follows:

- The City Council approved the fifth amendment to the Residential Unit Development (RUD) agreement on February 7, 2005 to permit this phase of the development.
- Planning Commission granted Preliminary Site Plan Approval, Woodland Permit and approval and a February 23, 2005, subject to a number of conditions.
- The applicant submitted plans addressing the comments in the review letters and the Final Site Plan was stamped approved by the Plan Review Center on August 5, 2005.
- The Planning Commission granted a one year extension of Final Site Plan approval without any discussion on June 28, 2006.
- The Planning Commission granted a second one-year extension of Final Site Plan approval without any discussion on July 25, 2007.

The applicant has now requested a third extension of the Final Site Plan approval. The Zoning ordinance allows for three one-year extensions of Preliminary and Final Site Plan approval.

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 for one year. Approval of the extension of Preliminary Site Plan approval is recommended.

Please refer to the attached letter dated June 19, 2008, which requests the extension of the Final Site Plan approval. Also attached are minutes from the Planning Commission meetings where the Preliminary Site Plan was approved, and a reduced copy of the approved Final Site Plan.

LETTER FROM APPLICANT REQUESTING EXTENSION



Paving The Way For America's Luxury Home Builder

June 19, 2008

Angela Pawlowski
Planning Assistant
City of Novi
45175 W. Ten Mile
Novi, MI 48375

RE: SP04-65A, Island Lake 5C

Dear Ms. Pawlowski

In response to your e-mail this morning, please let this letter serve as a request to have the Final Site Plan for Island Lake of Novi Phase 5C extended. The request for the extension is again due to the economy and project settlement pace of the site.

Please direct any questions that you may have to the attention of John Poe, Regional Director of Land Development. He can be reached at 248-347-5033 or e-mail jpoe@tollbrothersinc.com.

Respectfully,

A handwritten signature in cursive script that reads "Lee Steinhilber".

Lee Steinhilber
Adm. Manager
Land Development
msteinhilber@tollbrothersinc.com

cc: C.J. Killebrew – City of Novi
John Poe – TBI
Jason Minock - TBI
File

PLANNING COMMISSION MINTUES
PRELIMINARY SITE PLAN APPROVAL
February 23, 2005

EXERPTS PLANNING COMMISSION

REGULAR MEETING
WEDNESDAY, FEBRUARY 23, 2005 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

ROLL CALL

Present: Members John Avdoulos, Lynn Kocan, David Lipski (arrived at 8:10 p.m.), Mark Pehrson, Lowell Sprague, Wayne Wrobel

Absent: Members Victor Cassis (excused), Andrew Gutman (excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Mark Spencer, Planner; Darcy Schmitt, Planner; Lance Shipman, Landscape Architect; Ben Croy, Civil Engineer; David Gillam, City Attorney

MATTERS FOR CONSIDERATION

1. ISLAND LAKE PHASE 5C, SITE PLAN NUMBER 04-65

Consideration of the request of Eric Mondrush of Toll Brothers Inc., for Preliminary Site Plan and Storm Water Management Plan approval. The subject property is located in Section 19, north of Ten Mile, between Wixom and Napier roads in the R-A, Residential Acreage District, subject to a Residential Unit Development Agreement. The subject property is 10.047 acres.

Planner Tim Schmitt told the Planning Commission that this is the last phase of Island Lake, given the amount of land that they currently own. He reminded the Planning Commission that this is the parcel that came before them as a rezoning request. Toll Brothers then bought the land and asked that it be included into the RUD. City Council heard that request on September 22, 2004 and approved it unanimously. The concept was approved on October 18, 2004 and recently, at the February 7, 2005 meeting, the language was finally approved for the fifth amendment to the RUD. It is currently at Oakland Country being recorded.

Mr. Schmitt located the property on an aerial map. Island lake Phase 4B-1 is located directly to the west. To the east is Oak Pointe Church, on which the Planning Commission recently heard an update. The subject property is zoned R-A, residential acreage, as are the properties to the north, east and west. To the south is R-1, single family residential, which is Legacy Parc.

The subject property is master planned for single family residential uses. The surrounding areas are also master planned for single family, including what was once known as Links of Novi.

There are no designated wetlands or regulated woodlands. Therefore, no Public Hearing is required for this plan. The concept proposed by Toll Brothers is a 22-lot subdivision, consistent with the concepts that were originally brought forward with the rezoning request, and with the RUD amendment request. They are preserving a large *park area* to at the southern tip of the cul-de-sac, consistent with what was approved with Phase 4B-1, and also with Oak Pointe's open space proposal on their southern tip.

The reviews indicated only minor items to be addressed. The only waiver requested is for the street tree requirement, so as to maintain consistency throughout the Island Lake development. Under the jurisdiction of the Road Commission of Oakland County, the Planning Commission has been asked to waive the street trees. This 200 feet of development will stick out if there are street trees.

The Wetland Review indicated that there is a swale on the property. It is not designated as a wetland. ECT, the consultant, asked that Planning Department look into this and determine that it will not have an effect on the stormwater runoff from this property to the adjacent properties. Civil Engineer Ben Croy looked at the Stormwater Management Plan and he recommends its approval. The modification of that swale will not have a substantial impact.

The Planning Review indicated minor items to be addressed at the time of Final Site Plan submittal. Mr. Schmitt showed a current layout of Island Lake. There are 294 attached cluster homes around the lake, off the lake and in the woods. There are 433 detached homes counting this proposal. There are 46 one acre lots along the lake. This will be the final unit mix, unless Toll Brothers comes back with additional land.

The Traffic Review and the Landscape Review indicated minor items to be addressed at the time of Final Site Plan submittal.

Chair Kocan asked that the minutes reflect that Member Lipski arrived at this time.

Jason Rickard from Toll Brothers addressed the Planning Commission. He said the only waiver they are requesting is for the street trees. He said that Toll Brothers are willing to address all of the other minor comments. He said that the drainage swale will continue to be investigated to ensure that everything is okay.

Member Sprague asked if the total of 733 units is the final count for Island Lake – he thought the number would be higher. Mr. Schmitt said that they were approved for 884 units, including this property. Site Planning and layout dictates what the actual number ended up becoming.

Moved by Member Sprague, seconded by Member Pehrson:

In the matter of the request of Eric Mondrush of Toll Brothers, Inc., for Island Lake 5C, SP04-65, motion to approve the Preliminary Site Plan and Stormwater Management Plan subject to: 1) A Planning Commission Waiver for required street trees along Ten Mile to maintain consistency throughout the development; and 2) The comments on the attached review letters being addressed at the time of Final Site Plan review, for the reason that the site plan is otherwise in compliance with the terms and intent of the RUD in place on the property.

DISCUSSION

Chair Kocan asked about a comment in the November 8, 2004 OHM letter regarding the sidewalk connections. The letter suggested sidewalk connections from the Langley Court cul-de-sac to the safety path on Ten Mile. She thought there was a berm there. She did not see any discussion on that comment. Mr. Schmitt responded that the City is hoping that both the right-of-way berm along Ten Mile (between Phase 5C and Oak Pointe Church and 4B-2) can be ~~consistently applied~~ **combined into one continuous berm**. Additionally, the pedestrian network plan for Island Lake has a connection out to Ten Mile and the safety path, about 200-250 feet to the west. From the Planning Department's perspective, there isn't much desire to connect the sidewalk from the cul-de-sac, through the berm, and out to Ten Mile, when there is one just to the west. Mr. Rickard agreed with Mr. Schmitt's comments. He also said he's in the process of setting up the meeting with the City and the church to discuss the berm.

ROLL CALL ON ISLAND LAKE 5C, SP04-65, PRELIMINARY SITE PLAN AND STORMWATER MANAGEMENT PLAN MADE BY MEMBER SPRAGUE AND SECONDED BY MEMBER PEHRSON:

In the matter of the request of Eric Mondrush of Toll Brothers, Inc., for Island Lake 5C, SP04-65, motion to approve the Preliminary Site Plan and Stormwater Management Plan subject to: 1) A Planning Commission Waiver for required street trees along Ten Mile to maintain consistency throughout the development; and 2) The comments on the attached review letters being addressed at the time of Final Site Plan review, for the reason that the site plan is otherwise in compliance with the terms and intent of the RUD in place on the property.

Motion carried 6-0.

CITY COUNCIL MINTUES
ISLAND LAKE RESIDENTIAL UNIT DEVELOPMENT AGREEMENT APPROVAL
February 7, 2005

sold it to Toll Brothers; Toll Brothers now comes in with 22 homes, quite a bit different than the 16 home. She would also not be supporting the motion because she wanted to keep consistent with where she was on Planning Commission and also with her current decision with Toll Brothers. She believed that Toll Brothers had done a very good job with many other areas in preservation, but they added that 10-acre parcel and now are not doing any land preservation at this time.

Member Paul stated that she really wanted to stay consistent with her vote, as Mayor Pro Tem Landry talked about his liquor licenses, she stayed very consistent with preservation of the land, and she also tried to decrease the City's density wherever possible because every time the City increased its population it had to increase its services and they were trying to keep the taxpayer money down. She didn't want to have more personnel that the City had to keep hiring to support the increased density. She said that every little bit counted, but she did not want to add to the density at this point.

Member Capello stated that he supported the concept plan and he made the motion to accept the language today; he said they were not just talking about 16 versus 22 homes. He stated that they were talking about the overall density at Island Lake, and from what he understood, they were still below the allowable density, so the difference between 16 and 22 homes on that particular parcel of land was only a small part of the entire picture. He looked at the entire project as one of Novi's most successful projects in the City today; they're staying below density, and he still appreciated that.

Mayor Pro Tem Landry stated that tonight was not a night for talking about density on that issue; on October 18th Council talked about density on that issue. He stated that on October 18, 2004, a majority of this Council agreed with that change in the RUD. Council talked about density; it was discussed, and it was passed. At that point, it was an obligation of the City to draft an RUD agreement commensurate and consistent with what this Council ruled. He said that was all that was before Council tonight; the only question was whether that document accurately reflected what this Council did on October 18th. He stated that Council couldn't pass an amendment and then refuse to draft the document; if Council did that, it would get sued. He said what they were talking about tonight was did you want the City to get sued or not; it was that simple. Density had already been talked about; Council passed it. If Council didn't pass that tonight, it would get sued. Obviously, Council should pass it because it agreed with the density on October 18th; it was a ministerial act of drafting the document that accurately reflected what Council did on October 18th. He said that was all Council was here about tonight.

Member Gatt stated that he remembered his vote on October 18th; he was for the issue at that point, and he saw no reason to change at this point. He agreed with the previous speaker's comments.

Mayor Csordas stated that, as he looked over a letter from the attorney of Toll Brothers regarding Council's October 18, 2004, actions where Council did approve this and requested them to come back with language in line with what the motion was.

Roll Call Vote on CM-05-02-042

**Yeas: Csordas, Landry,
Capello, Gatt
Nays: Lorenzo, Paul
Absent: Nagy**

CITY COUNCIL MINTUES
ISLAND LAKE RESIDENTIAL UNIT DEVELOPMENT AGREEMENT APPROVAL
October 18, 2004

EXCERPTS
REGULAR MEETING OF THE NOVI CITY COUNCIL
MONDAY, OCTOBER 18, 2004 AT 7:00 PM
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

ROLL CALL: Mayor Csordas, Mayor Pro Tem Landry, Council Members Capello, Gatt, Lorenzo, Nagy and Paul

ALSO PRESENT: Craig Klaver – Chief Operating Officer
Gerald Fisher – City Attorney
Benny McCusker – Public Works Director
Kathy Smith-Roy – Finance Director
Barb McBeth – Planning Director

3. Approval of the request from Toll Brothers Development to amend the Island Lake Residential Unit Development (RUD) Agreement, Site Plan 04-38, for the fifth amendment to the original agreement. This amendment would allow for the addition of 10 acres of land to the overall development, while maintaining the original density.

DISCUSSION

Member Capello stated that he didn't see how Council could turn this down; they're adding an additional 10 acres and maintaining the same density. It's a win-win for the City.

Mayor Csordas stated that Council had a positive recommendation from the Planning Commission and the motion was carried 7-0 at the Planning Commission.

Member Capello asked how the barn was coming.

Ron Boshaw said the foundation went in at the Maybury Park; they're getting ready to set it on the foundation. He said it looked great; it took a little longer than expected but it looked pretty good.

Member Capello thanked Mr. Boshaw for the effort; he knew that it was harder than he had anticipated after he committed to do it.

Member Paul said she had a couple of questions for Ms. McBeth, Planning Director. Member Paul stated that when she was on Planning Commission, a gentleman named Mr. Stewart, she thought, had a 10-acre parcel before the Commission. The Commission changed the density, but, for it to be part of an RUD, the Commission did not go to its maximum density of 22 homes but left it at 15 to keep a portion in agreement with the RUD to increase the density in the area but leave a portion, to the front of Ten Mile, so the City would have some park land so they would actually be preserving some of their space. That was unanimously approved at the time, but it

looked like they were selling it off with the zoning of R2, she believed, and asked Ms. McBeth for some of the history of what had happened since then.

Ms. McBeth stated that in January of 2003, she believed the gentleman's name was Conrad Stauch, had an interest in the property and sought to increase the density of that property from RA to R2 or R3. He came in front of the Master Plan and Zoning Committee of the Planning Commission and he discussed a maximum of 16 lots on the property. She believed that Committee recommended in favor of rezoning to R2 or R3 with 14,000 square feet as a minimum for the lots, with 16 lots maximum. He went to the Planning Commission in July of 1003, and the Planning Commission recommended R1 zoning for the property which would be equivalent to half-acre lots. That request was withdrawn and never made it to City Council. She believed at that point Toll Brothers acquired an interest in the property and thought about including it in their RUD proposal.

Member Paul asked if it was zoned RA right now.

Ms. McBeth answered that it was zoned RA.

Member Paul asked how many houses would fit in this 10-acre parcel at RA.

Ms. McBeth answered that under straight RA zoning that would be 8 houses on 10 acres.

Member Paul asked what they would be able to use in the RUD that currently existed with Toll Brothers, how many homes.

Ms. McBeth answered that there was some fairly complicated calculations that were provided in the Planning Review letter that talked about the maximum density overall and the entire development and how there seemed to be adequate density within the whole development to leave the property zoned RA but still be able to get the 22 units that the Commission thought the applicant's would come back with if Council approved the RUD amendment.

Member Paul stated that they could go from 8 houses to 22 houses with this approval.

Ms. McBeth stated that it was what they were proposing.

Member Paul asked Ms. McBeth, for clarification, if they were going to put 22 units, would this be 22 sewer taps or how would that work.

Ms. McBeth confirmed with the Engineering Department today that each house would have its own sewer tap, so 22 sewer taps.

Member Paul asked how many sewers had been put in place since Island Lake's beginning.

Ms. McBeth apologized because the numbers got a little bit complicated; the records showed that they had 452 houses built or building permits issued, so it would be 452 sewer taps.

Member Paul asked how many were planned.

Ms. McBeth stated that from the letter submitted, at the back of the packet, Toll Brothers themselves indicated that there was a total build out of 786 units, including the 22 units that were proposed as part of these 10 acres.

Member Paul asked where the area was for the pumping station.

Ms. McBeth didn't have that answer and suggested that someone from Engineering could answer it.

Brian Coburn answered that it was part of the Lanny's sewer district.

Member Paul stated that it was one that Council was currently in question of, whether the City would expand it or not.

Mr. Coburn answered that was correct.

Member Paul asked for 786 homes, for the 452 that were in place, had they paid into the sanitary sewer district?

Mr. Coburn answered that they were not part of the SAD 83, if that was the question.

Member Paul asked if they had to pay for any sewer taps to the City.

Mr. Coburn answered that they did; every sewer tap in the City paid a connection fee.

Member Paul asked if it went to any special district when they paid the connection fee.

Mr. Coburn said he would have to defer to Finance for that answer.

Ms. Kathy Smith-Roy answered that everyone paid the tap fee, as was just explained; there was a preliminary tap fee that covered the general sanitary sewers that had been put in throughout the City. However, as was mentioned earlier, they had not paid in to the Lanny's sewer that currently existed because the City did not expand the SAD district to include that area.

Member Paul asked if the City would be able to recover any of the costs if the City did expand that sanitary sewer.

Ms. Smith-Roy answered that the City could not recover the costs because the extension was not in the ground yet and the City had not expanded the SAD district.

Member Paul asked, in Mr. John Foley's letter in which he was concerned about two items: The first one was, did an approved site plan waive the rights and override the RUD?

Ms. McBeth stated that it was an interesting question. The RUD plan was usually put in place before a preliminary site plan was submitted. Then the preliminary site plan was checked for conformance with the less detailed plan, the preliminary site plan was more detailed; it was checked for conformance with the RUD plan that was usually inputted first and approved by Council.

Member Paul said that Mr. Foley's concern was the buffer zone that was by the clubhouse; she thought he spoke with the Planning Department approximately a year ago and also Dr. Tilton. She said his concern was that they were putting sod all the way through the buffer zone, all the way into the wetland. He had hoped it was going to be restored; she believed that he thought it would happen this past spring in '04 and it did not. Member Paul asked if Ms. McBeth could give Mr. Foley a definition of what a buffer zone was and if we could actually have this occur.

Ms. McBeth had checked with Dr. Tilton in response to Member Paul's email. She said that Dr. Tilton had been working with Toll Brothers to identify the areas that were in question; they were finalizing the information just in the last couple of days about which areas should be more naturalized, kind of wetland buffer areas, and which areas were approved for lawn or sod to be placed. She said that was still in the process and she understood that Dr. Tilton said it would be resolved in the near future.

Member Paul asked if Council could get a timeline from the developer in which this could be done or from administration. She asked if in the very near future the buffer zone that was not part of the site plan could be improved.

Mr. Boshaw answered that he wasn't sure which buffer zone he referred to; if it was the one around the clubhouse, they did go back in and removed the sodded areas that went down to the lakeside according to original site plan and reestablished with the natural growth seed mix that they had planted down there. He said there were quite a few areas around the clubhouse that were supposed to be left in its natural state. Based on the situation with the clubhouse, they had to grade the entire island in order to do what they did there and then went back to reestablish those buffer areas. He said they had completed that; it was still in its natural growth area. He believed it was on a five-year monitoring plan with the DEQ, so it still had some time to grow and establish itself.

Member Paul stated that she believed it was just the clubhouse they were speaking of and Mr. Foley thought it was still being cut.

Mr. Boshaw said there were some areas that went right down to the lake that were intended for that purpose; there was not a consistent buffer zone all the way around the clubhouse area. He said that was just meant for residents to enjoy direct lake access; there was a beach on the clubhouse that they had waivers from DEQ on and several other areas. There were specific buffer zone pods around the clubhouse.

Member Paul stated that she would look to the Planning Department and Dr. Tilton to please come up with a solution that was approved by the site plan and make sure that it was in compliance. She wanted a letter to that effect to make sure that all of the things that were mentioned were actually being accomplished, that would be great.

Member Paul stated that she would not be able to support 22 units. She said that when she was on Planning Commission, she stated that she could go to R1 and have some preservation of this parcel; to go immediately to 22 units without any preservation in that area she thought was a lot. So, in regard to the amount of traffic on Ten Mile, the amount of sewer taps into a district that the City would have to expand at a cost to the residents, she would not be able to support this at this time.

Member Lorenzo agreed with the previous speaker; she thought that the previous speaker had framed and crystallized the real issue that Council was discussing this evening. She said that it was basically tantamount to a rezoning question. She said that was really what Council was being asked tonight under this RUD agreement was to rezone this land. The land was currently zoned RA, one-acre lots per home, and Council was being asked to approve 22 homes on this 10-acre site, which would be around an R2.

Ms. McBeth answered that would be something similar to an R2, R3 possibly.

Member Lorenzo stated between an R2 and R3 zone.

Ms. McBeth answered yes.

Member Lorenzo said she didn't see any legitimacy or reason to do that; in fact, in being consistent with her thought process in terms of building out the City of Novi, she continuously stressed that every time the City added more population and more homes, the City was losing its diversity and tax base in terms of between residential and nonresidential and placing more and more demand for City services. She said that when Island Lake was approved and, although many of the lots were of an R2, perhaps in between R3 of that nature, it was because it was an entire process by which there were many amenities being given and many preservation areas for that property. In other words, it was some sort of a tradeoff between increased number of homes and zoning and those types of amenities in additional preservation areas. She said this was a 10-acre parcel that had no wetlands, no woodlands; they were not giving the City anything in terms of preservation or any other additional amenities. They were basically adding it to the existing RUD and asking this Council to rezone the land. She could not agree to that for the reasons just stated. She did not think it was a good business

decision for the City to rezone this land and have more homes, more of a demand on City services, more traffic.

Member Nagy stated that she was on the Planning Commission and the Master Plan and Zoning Committee when this property came before it with the previous owner; at that time, when there was a zoning request, the Commission did not change this to 22 units; they talked about 15 with some park area that would connect in the front there. They also talked about not having any entranceway onto Ten Mile. She said with all due respect to Island Lakes, the City's had a number of changes to the RUD already; she was not in favor of putting 22 homes there. She thought that the previous speaker was correct; at least with the previous landowner there was some give and take. She said that 22 homes would not make or break the City but we're increasing density in an area that had already increased in density due to several factors: consent judgments, this development across the street; all this on a two-lane road. She said the church was also going in, which would create traffic. She was mostly concerned with the fact that this was already talked about at the Master Plan and Zoning Committee; at the Planning Commission discussion was had and it didn't go anywhere. Obviously they sold the land; Mr. Stauch had a right to do that, but there was no give and take there whatsoever. She thought that it would be, in essence, spot zoning and didn't feel it was appropriate for the City of Novi.

Mayor Pro Tem Landry stated that he thought he understood this proposal that they were going to add 10 acres, that it was currently zoned RA, and that they were going to get an additional 8 dwelling units on the 10 acres.

Ms. McBeth stated that the numbers did get a little bit complicated. She stated that the additional 10 acres would allow them an additional 8 units overall. What they would be allowed to build and the whole thing, taking into consideration the open space and the other natural features they kept as part of the original plan. The original RUD approval allowed 876 units as a maximum number; with this it would be 884 units as the maximum number. The anticipated build out was 786 units, so it was 90 units fewer than the maximum build out for the entire site. Somewhere along the line, they didn't build as many units as originally anticipated; they were currently about 90 units short of what the maximum would be.

Member Capello said maybe he didn't understand; they were going to have 10 acres and have 8 additional units on the 10 acres.

Ms. McBeth stated 8 units overall increase in the total maximum number that would be allowed.

Member Capello stated that if an individual came forward and tried to build with the current zoning, RA on that piece, they could get 8 units.

Ms. McBeth stated that was right; 8 units under the current zoning. Because they were asking for it to be included as part of the overall RUD, they would be allowed additional units.

Member Capello stated that they were not getting any more units than somebody that would develop it as RA, the City's getting a setback off Ten Mile Road, the City didn't have a curb cut on Ten Mile Road, and rather than having a small subdivision, the City had an addition onto Island Lake, which was probably the City's second most prestigious subdivision in Novi.

Ms. McBeth stated that there was a small area at the south end of the property that was proposed to continue the green belt along Ten Mile Road that the City might not otherwise have, if it weren't the same developers.

Member Capello stated that was the comment that he made: the City got the additional green belt on Ten Mile that the City wanted and there was no curb cut.

Ms. McBeth stated that was correct.

Member Paul asked for clarification. She was when she asked Ms. McBeth what the total maximum units they could go to, you said 22. The RA was 8, and now with Member Capello she was saying 8 more additional units; that was 16. She wanted to know how it went from 22 to 16.

Ms. McBeth answered that it got complicated because Council was looking at what would have been allowed in the entire development. The entire development previous to this 10 acres would have been 876 units; the additional 10 acres allowed an additional 8, for 884; however, it looked like they had 786.

Member Paul stated that she understood that but for that 10-acre parcel, it was zoned RA and 8 houses were permitted; she wanted to know how many units could be put on that 10-acre parcel.

Ms. McBeth answered that again, it was part of an overall RUD plan. She said they were allowed to shift the location of the units around somewhat; they had given the Commission plans previously and with this plan, showing a range of units in each phase. So they were allowed to shift them around, they were supposed to provide a certain number that met the RA standards and the rest of them might diminish in size; so they were allowed to shift those around. She said they looked for approval of the Planning Commission and of City Council for an amendment to the RUD plan.

Member Paul stated that she still was not clear because 16 and 22 were different, so the could actually have 16 units on that 10-acre parcel or 22 because of the RUD.

Ms. McBeth answered that if included with the whole RUD plan, they would be allowed to look for areas where they could include the additional units. She thought they were proposing to include the additional units on this piece of property.

Member Paul stated that 22 could actually be permitted. Thank you.

Mayor Csordas stated that clearly what that was doing was reducing the overall density to the project by 90, when it was all said and done and that there was no additional curb cut on Ten Mile. There was a significant increase in the tax base to the City with very low service requirements because we all knew that residential units were the least use of City services, and the Planning Commission approved it unanimously. All of our departments and consultants approved it, which was why he would support it.

Member Nagy asked where the agreement was in writing.

Mr. Boshaw answered that the green belt in what was seen here was almost exactly what she had seen at the Planning Commission as far as the distance from Ten Mile to the cul-de-sac; he believed the cul-de-sac length was similar, if not exact, as well. He stated that the neighboring community of Island Lake of Novi had the same size lots; the original plan she had seen at the Planning Commission had a larger or wider lot; what they had tried to do was keep the same layout and mirror imaged the density that was happening in the section that was already approved under the Island Lake RUD.

Member Nagy asked Mr. Boshaw if he bought the property from Mr. Stauch.

Mr. Boshaw answered yes.

Member Nagy stated that when that came before the Planning Commission, there was a definite number of homes that would have gone in there because it was separate from his development, which was 15, max 16. Then Mr. Stauch had agreed to put in all this open space. She wanted a direct answer as to how many units he intended to put on there.

Mr. Boshaw answered 22; that was on the site plan right now, based on the green belt on the map.

Mr. Fisher wanted to answer Member Nagy's question as to where it was in writing. He said essentially this was really a conceptual approval, then the map and agreement amendment would have to be prepared and brought back to Council for approval. He said that was where it would be in writing.

CM-04-10-378 Moved by Capello, seconded by Gatt; MOTION CARRIED: To approve the request from Toll Brothers Development to amend the Island Lake Residential Unit Development (RUD) Agreement, Site Plan 04-38, for the fifth amendment to the original agreement. This amendment would allow for the

addition of 10 acres of land to the overall development, while maintaining the original density.

Roll Call Vote on CM-04-10-378

Yeas: Gatt, Csordas, Landry,
Capello

Nays: Lorenzo, Nagy, Paul

PLANNING COMMISSION MINTUES
REVISED ISLAND LAKE RUD AGREEMENT RECOMMENDATION
September 22, 2004

EXCERPTS
PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 22, 2004 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

ROLL CALL

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

Absent: Members Andrew Gutman (excused), Richard Gaul (excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Lance Shipman, Landscape Architect; Tom Schultz, City Attorney

3. ISLAND LAKE RUD AMENDMENT, SITE PLAN NUMBER 04-38

The Public Hearing was opened on the request of Toll Brothers Inc., for a recommendation to City Council for an amendment to the Residential Unit Development (RUD) Plan. The subject property is located in Section 19, on the north side of Ten Mile, west of Wixom Road. The Applicant is requesting that the RUD be amended for the purpose of adding a ten acre parcel to the Island Lake Community.

Planner Tim Schmitt located the subject property on an aerial map. He reminded the Planning Commission that approximately one year ago they reviewed this property under the ownership of a different developer. He located the Oakland Pointe Church property and said that the planning for that church is now underway. He located the current location of entry for Island Lake Phase 4B1, which is currently under construction. The subject parcel is where the cul-de-sac is shown.

Mr. Schmitt said that the previous request on this property was a rezoning request from Conrad Stauch to rezone the property from R-A to R-3, to single family residential, which would have provided lots similar to the lots found in Island Lake 4B1. The Planning Commission recommended R-1 to City Council for the property. It was Mr. Schmitt's understanding that Mr. Stauch has since sold the property outright to Toll Brothers. As such, the property will be integrated into the Island Lake development and from a planning perspective, will provide for a better type of development.

The Links of Novi is directly to the south and zoned R-1 (the future site of Quail Hollow). The entirety of the Island Lake development is zoned R-A, subject to an RUD and its amendments. The entire area is master planned for single family residential. Links of Novi is currently master planned for a golf course but the new Master Plan shows the site master planned for single family residential as well.

There are no woodlands or wetlands on the property.

The Planning Review recommends approval. A question raised by Birchler Arroyo in their review was whether a significant portion of the lots, including the future lots on the subject parcel, will meet the R-A and R-1 conventional lot sizes. The Applicant responded to this question and stated that 14.6% of all single family homes will be on R-1 or R-A sized lots. 9.1% of all housing units will be R-1 or R-A lots. The Planning Department feels this is a significant portion when reviewed against other RUD developments in the City.

The Traffic Review had no comment at this time, as the addition of this land will provide a negligible traffic impact.

The overall development of Island Lake is at .97 dwelling units per acre, which is equal to 884 total residences. Toll Brothers is under that amount, even with the development of these proposed homes.

Chair Kocan asked if the proposed 22 lots would be R-A or R-1 sized. Mr. Schmitt responded that they will be more similar to R-3 zoning, virtually the same as 4B1. The lots are 12,000 square feet with 90-100

foot frontages. Mr. Schmitt explained that the R-A Island Lake lots are around the lake. The lots immediately to the west are smaller, and this addition will be built in like manner for continuity.

Ron Boshaw represented Toll Brothers. He thanked the Staff and Consultants for their unanimous recommendation for approval of this RUD Amendment. This ten-acre parcel is a natural progression in the puzzle that is Island Lake of Novi.

Member Sprague read the correspondence into the record:

- Joint Letter from Stan and Lisa Anatolec, Jeff and Annalise Budd, Mark and Karen Carlson, Ward and Densie Dietrich, Robert and Deanna DuBoise, Ken and Sherri Kelzer, Nancy Larson, Robert and Carleen Lunsford, Steve and Maria Nicholas, Tim and Rhonda Rush, Tom and Amy Smith, Tom and Linda Trestler, Doug and Michelle Weil, Tim and Tina Wheeler, residents of Island Lake of Novi: Wrote the Planning Commission, City Council and Mayor to state that Toll Brothers did not proceed with an RUD Amendment earlier in the year (regarding the relocation of 12 Arbors units) because yet another Amendment to the RUD would have upset the City. They are upset that Toll Brothers is now coming forward with an RUD Amendment for the addition of ten acres.

No one in the audience wished to speak so Chair Kocan closed the Public Hearing.

Member Avdoulos said that the Staff and Consultants agree that this request meets the intent of the original RUD. Mr. Schmitt also noted that the development will still fall below the maximum density for the project.

Member Avdoulos remembered the Stauch rezoning proposal and that at the time he'd hoped that the Stauch development would blend in but would also keep its own character. He thought the Island Lake request makes sense and will provide a buffer to the church. He said this parcel, if it follows in quality and character, will depict the intent of what Island Lake wants to be.

Member Avdoulos said that the Planning Commission cannot control shifting units from one end of the development to the other, or what a developer might say to a prospective buyer during the purchase process. Therefore he felt that he could not offer any satisfactory comment to the residents who wrote the aforementioned letter. He said that the Planning Commission can only look at what is before them and make the recommendation to City Council accordingly. He said this addition is in the spirit of the RUD.

Moved by Member Avdoulos, seconded by Member Wrobel:

In the matter of the request of Toll Brothers for the Island Lake of Novi RUD Amendment, SP04-38, motion to recommend approval to City Council for the RUD Amendment, for the purpose of adding a ten acre parcel to the overall Island Lake of Novi development, subject to the conditions and items listed in the Staff and Consultant review letters, for the reason that the addition of the parcel is consistent with and in the spirit of the original RUD.

DISCUSSION

Chair Kocan said that the Planning Commission can make this recommendation, because this Amendment will ensure the removal of a curb cut onto Ten Mile. Mr. Schmitt said that is the theory behind this move. He felt this was the best case scenario for the property. Although a formal submittal has not been made, their RUD paperwork does not show a curb cut onto Ten Mile. Chair Kocan also believes that additional green space will be provided through this plan. She supported the motion.

ROLL CALL VOTE ON THE ISLAND LAKE OF NOVI RUD AMENDMENT, SP04-38, MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Toll Brothers for the Island Lake of Novi RUD Amendment, SP04-38, motion to recommend approval to City Council for the RUD Amendment, for the purpose of adding a ten acre parcel to the overall Island Lake of Novi development, subject to

the conditions and items listed in the Staff and Consultant review letters, for the reason that the addition of the parcel is consistent with and in the spirit of the original RUD.

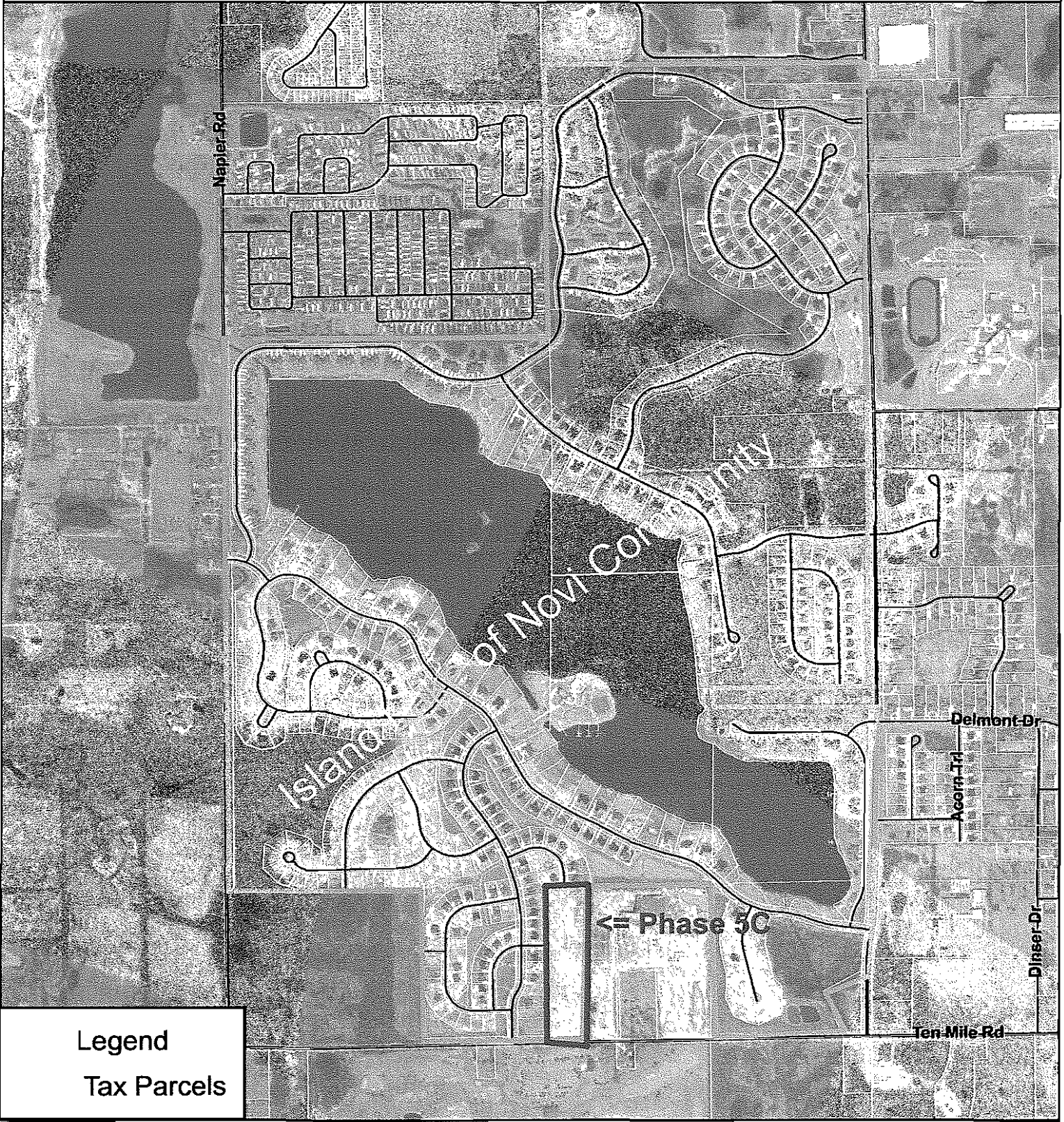
Motion carried 7-0.

REDUCED COPY OF APPROVED FINAL SITE PLAN

LOCATION MAP

Island Lake of Novi Community

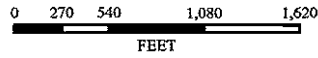
Location Map



Legend
Tax Parcels



CITY OF NOVI PLAN REVIEW CENTER
 Created by Mark Spencer
 8/2/07
 NOVI PLANNING DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CI.NOVI.MI.US



/island lake location.mxd

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