

COMMUNITY IMPACT STATEMENT

COMMUNITY IMPACT STATEMENT

for



December 9, 2008

Prepared By:

SINGH®

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PROJECT DESCRIPTION

The current RUD agreement between Singh and the City of Novi allows for the development of a 439-lot single family subdivision. This subdivision, formerly named “Quail Hollow”, was to be on a 325 acre site located on the south side of Ten Mile Road, between Wixom Road and Napier Road which is currently operated, in part, as “The Links of Novi”, a public golf course. This agreement was originally approved on April 14, 2004 and later amended on January 10, 2005 for the inclusion of a clubhouse and recreational facilities. Given economic changes since the time of these approvals, Singh has begun to re-evaluate the feasibility of this type and caliber of housing development. The conclusions drawn have turned our attention to alternative housing needs and market segments that indicate a stronger demand. One of these alternatives is an Active Adult Community.

Singh proposes an Active Adult Community using a multi-faceted approval mechanism, with a portion of the site as Planned Rezoning Overlays (PRO) which are more fully described herein. The remainder of the site will continue to be an RUD with proposed amendments to the existing agreement. A further explanation of these areas is given below:

PRO

The PRO portion of the site will contain four elements of the Active Adult Community with underlying zoning that is consistent with the proposed use:

- **The “Village Commons”** (retail) - contained on approximately 18.96 acres with an underlying zoning of B-2 - PRO. This is proposed as an area of shops and services which will meet the daily convenience and necessity needs of the residents of the development as well as those in the immediate surrounding area. The Village Commons will feature a variety of proposed uses to meet the daily needs of the Active Adult resident such as a boutique market, restaurant, bank, and service shops (coffee shop, ice cream parlor, flower/gift shop, dry cleaner, etc.). This will be designed and treated more as a neighborhood shopping center with a quaint village character.
- **The Attached Residential Product** - contained on approximately 55.47 acres with an underlying zoning of RM-1 - PRO. The product would be created in 2 clusters and is proposed in two possible styles; a duplex style and a triplex style. The current concept plan calls for 220 duplex units, with a potential

for triplex unit styles in future concepts. Each attached residential cluster has the potential for a mixture of these product sizes. Likewise, the clustering would give added potential for architectural and builder variety as well as construction phasing.

- **The future-planned senior housing building** - contained on approximately 14.30 acres, also with an underlying zoning of RM-1 - PRO. This is proposed as a reserved area of land for the future development of a 154-unit senior living building. The conceptual design of this building would be a refined and re-designed version of Singh's existing Waltonwood at Twelve Oaks development. The inclusion of this building completes the "aging in place" concept that is the fundamental idea behind Active Adult Communities. Over time, a resident of Legacy Parc may begin to experience age-related limitations that affect their lifestyle and abilities. Eventually, if these limitations require occasional help with meal preparation, housekeeping, or even assistance with daily tasks, the resident can stay within the community they've grown familiar with, avoid a costly and distant relocation, and find a home within the senior housing building. In addition, the senior housing allows for the parents of the residents of Legacy Parc to also live within the same community further complimenting the intergenerational planning concept.
- **A child care center**, contained on approximately 2.82 acres with an underlying zoning of RM-1 - PRO. It is proposed adjacent to the Waltonwood senior living center. The daycare will provide a needed service for the surrounding neighborhoods and is synergistic with the intergenerational planning concept for Legacy Parc. A recent article by the Urban Land Institute (ULI) supports the idea that "Intergenerational activities like tutoring children after school gives seniors who might otherwise disengage from their community an opportunity to interact with the children and contribute to their community." It is along this thought that a resident of the Legacy Parc Active Adult Community might serve as a volunteer or even an employee of the proposed daycare center. In addition, grandchildren of the active adult resident may also attend the daycare facility. Singh is currently proposing an 8,600 sq. foot daycare facility capable of handling a maximum of 120 children per day. The site has been designed with an outdoor play area and ample parking as required by the City of Novi ordinance. Building elevations mimic that of other components in the proposed Active Adult Community, particularly the adjacent Waltonwood.

Amended RUD

Detached Residential Lots will compose the remainder of the site on approximately 237.95 acres. We propose amending the existing RUD agreement and requesting approval from the City Council to reduce the minimum lot width to allow standard lot widths of 55 feet, 65 feet and 75 feet. This is in effort to create the variety in price point and easier-to-manage yards for active adults. Per the RUD zoning ordinance text, maximum allowed density is restricted by the underlying zoning. In this case, the underlying zoning of R-1 allows a maximum of 1.65 units / acre. Singh's proposed density of 1.42 units / acre; $320 \text{ lots} \div 225.04 \text{ acres}$ [237.95 acres less 12.91 acres of regulated wetland], would be below this limit.

The Recreation Center is the final and central focus of the development where residents of the Active Adult Community can enjoy a variety of indoor and outdoor activities. The main feature of the Recreation Center is a clubhouse building which will contain a business center, library, multi-purpose entertaining room, hobbies & crafts room, sports lounge, living room and a complete fitness center with indoor pool, hot tub, sauna, exercise room and massage therapy. It will be in compliance with minimum parking requirements and building setbacks as required by City of Novi ordinance. The grounds of the Recreation Center will contain an outdoor pool, tennis courts, bocce ball courts, gazebos, pergolas and multi-level garden terrace with fountains.

The Singh Trail and donation of 76 acres of land to the City of Novi as dedicated park area still remains as part of the amended RUD Agreement. In fact, Singh is now proposing 3 acres more than the original RUD Agreement of 73 acres. Also included in the amended agreement is the construction by Singh of a trailhead and asphalt pathway approximately 1.5 miles in length through the dedicated park area and existing city park land to the south. This trail is to be known as "Singh Trail". It will start at the trailhead, located on the northeast corner of the proposed site at the terminus of the proposed extension of Wixom Road. From there the trail will head in a southerly direction, with three connection points to the Legacy Parc pathway system, as it winds through the eastern and southeastern portion of the proposed site plan until it reaches the southern property line. It will continue south through existing City of Novi parkland and terminate near the southeastern corner of the Provincial Glades subdivision where it will be extended in the future by that developer to Nine Mile Road.

SITE DESCRIPTION

Legacy Parc consists of a rectangular shaped parcel of land containing a total of 329.5 acres. The Property is located at the southeast corner of Ten Mile and Napier Roads. There is 4,410 feet, or slightly more than $\frac{3}{4}$ mile, of frontage along Ten Mile Road. A significant portion of the property is currently used as the “Links of Novi” golf course. The site contains various structures. The principal one is currently used as the clubhouse and restaurant for the golf course. There is also an open air pavilion for storage of golf carts and small sheds scattered throughout the property for the storage of maintenance equipment. The open spaces of land used for the golf course are currently maintained and groomed by the “Links of Novi” and the dense wooded areas are left to naturally flourish. Legacy Parc is planned to preserve approximately 162 acres, or 49% of the overall site as dedicated open space.

ADJACENT LAND USES

Legacy Parc is immediately surrounded by the following:

- *To the west*—Adjacent to the subdivision proper is Napier Road and beyond that, Lyon Township. Property on the west side of Napier road consists of primarily vacant land with individual residences and agricultural uses. The remaining property east of Napier Road and not part of Legacy Parc is also individual residences on acreage property, with a small church located at the southeast corner of Ten Mile and Napier Road.
- *To the north*—Ten Mile Road is immediately north of the property, beyond that lies Island Lakes Subdivision, a single family residential subdivision currently under construction by Toll Brothers. This subdivision is zoned R-1 and R-A, consisting of one family residential lots and multifamily condominiums. The one family residential lots immediately north of Ten Mile Road are typically 12,000 square feet in area and 90 feet wide. Also located to the north is Oak Pointe Church.
- *To the east*—The City of Novi owns all land immediately adjacent to the project to the east. This land is primarily vacant with the exception of a fire station that currently services the west part of the

City. The remainder of the land is to become part of the assembled parkland mentioned above. This land is zoned R-A with dense woodlands and low lying wetlands.

- To the south—Primarily vacant land, a portion of which is owned by the city of Novi. It is currently zoned R-A with its intended future use to be part of the assembled parkland which connects to the contiguous 73 acre donation by Singh Development L.L.C. mentioned in the “Site Description” section of this statement. The other parcel is a proposed residential subdivision, “The Preserve”.

Legacy Parc’s residential nature will be compatible with the residential development to the north. Impacts on the adjacent residential uses are not expected to be any greater than the impacts of an existing subdivision on any other adjacent residential subdivision. Impacts on adjacent vacant land will be positive as additional public recreation space will be created. Long-term impacts of the proposed active adult community on an adjacent subdivision will be additional noise (from day-to-day residential activities such as senior enjoying outdoor activities, lawn mowers, etc.), some minor additional traffic on nearby local roads, and loss of viewsheds to existing undeveloped areas.

Legacy Parc has been designed with five entrances along Ten Mile Road, including the entrance to the future planned Waltonwood Senior Community. This allows multiple, separate access points in order to ease congestion for ingress and egress from the development. The entrances along Ten Mile Road will also provide alternative means of access for emergency vehicles, thereby improving the public safety of residents of Legacy Parc.

Although traffic volumes will be increased on local roads, Singh Development will be making significant improvements along the Ten Mile corridor in order to mitigate and alleviate traffic congestion. These improvements include the construction of acceleration, deceleration, and center turn lanes on Ten Mile Road, traffic signals improvements at the Wixom Road and Ten Mile intersection, and two new traffic signals; One at the main entrance to the residential portion of Legacy Parc and one at the primary entrance to the Village Commons. Please refer to the “traffic impact” section of this statement for further detail.

ENVIRONMENTAL FACTORS

Topography

Due to the design and nature of the golf course, the site consists of moderately rolling terrain with many peaks, valleys, ridges and depressions. The prevailing slope, however, falls to the south and away from Ten Mile Road. The lowest portion of the site is located at the southernmost portions of the property where low lying wetlands occur. This elevation is approximately 958 feet. The highest portion of the site occurs where the existing clubhouse for the golf course is located on the central, northern area of the property at approximately 1,041 feet.

There is not a clearly defined ridgeline on the property; however, the clearly defined high point at the northerly center of the property appears to cause all storm water to drain away from the north property line in a fan-like pattern to low lying wetland areas surrounding the property to the east, west and south.

Existing grades are being retained as much as possible. The rolling grades do allow for some of the proposed units to have walkout basements. However, grades will need to be altered in some areas so as to meet the City's subdivision standards for required lot grades and road grades.

Drainage Courses

The site contains one defined drainage course which is the Novi Lyon Drain. The drain is man made and is oriented north-south along the eastern boundary of the property, with water flowing in a northerly direction under Ten Mile Road and eventually into the large lake which is part of the Island Lake development. A large sized pond, used only for irrigation purposes by the golf course, lies in the northwestern portion of the property. However, this pond is not fed by any streams or rivers but rather by the natural topography of the land. There is an expansive series of wetlands surrounding the property on three sides (east, west and south) where the lowest topography occurs. Some of these features are seasonal and have a sporadic connection.

The storm water management plan for Legacy Parc will use the wetlands along the south side of the property and retaining ponds throughout the development as outlets for on-site storm water detention and treatment. The rate of storm water released to these features will be restricted to the current agricultural rate of runoff. In essence, the hydrology of these features will be maintained.

However, prior to the water being released into any regulated wetland or pond, this water will go through a sediment basin and detention basin so as to not impact the water quality of the wetlands or other downstream areas.

Vegetation

The majority of the property is currently used as a golf course. Since active lawn care maintenance and fertilization currently takes place, the typical vegetation found on-site is mostly groomed lawn and cut grasses. Dense wooded areas contain trees of common variety ranging from hardwoods such as oaks to softwoods such as ash and willow. These areas remain unkempt by the golf course and are allowed to grow naturally with the exception of golf cart paths that are cut through the vegetation and maintenance of fairways on the golf course.

The site contains a total of 158.38 acres of woodlands divided into two types. Approximately 63.79 acres are considered wooded wetlands and 94.59 acres are considered wooded uplands. This proposed active adult development will preserve a total woodland area of 95.57 acres.

Wetlands

There are twelve (12) small wetlands on the property that are less than 2.0 acres in size and three (3) large wetlands that are greater than 2.0 acres in size. These fifteen (15) wetland areas represent 68.37 acres. The majority of these wetlands are located in the south and southeastern portions of the property. There appears to be no rare plant or wildlife habitats within these small wetland pockets.

The only areas of wetland expected to be impacted are a result of the construction of the trail system through the parkland donation to the City of Novi. Total area of wetlands proposed to be impacted by the construction of Singh Trail is .15 acres, or 6,600 sq. feet and equates to a 0.2% impact on the overall area of wetland. A full explanation of the existing wetlands and the projected impact is included in the Atwell-Hicks report dated October 22, 2008 and the accompanying wetland plan, both of which are attached hereto as hereto as a reference.

Wildlife

The tall grasses and thickets on the property do encourage rodents to den on the property. Field mice, chipmunks, skunks, squirrels, raccoons, and rabbits are

common on-site. A variety of small birds normally populate the area. Although, none were observed on-site, deer may also populate this area in the densely wooded upland areas.

The development of Legacy Parc will reduce the habitat of the current creatures living on-site. In many cases, elimination of the rodents may provide benefits to adjacent neighbors. As mentioned, the areas of wetlands are to be almost entirely preserved and on-site open spaces are being dedicated throughout the property including densely wooded upland areas.

Contaminants

No underground storage tanks are proposed to be installed on-site. The proposed use will not manufacture any hazardous materials. Some storage of reasonable levels, in small amounts, of household hazardous materials will occur including, gasoline, paints, turpentine, batteries, glue, etc. The property is not known to be contaminated. There are no indications that any groundwater contamination, landfills, or chemical spills occurred on the property.

PUBLIC SERVICES

When compared with other types of residential development, such as single family subdivisions, Active Adult Communities provide local governments with more economic benefits than impacts. At the same time, residents of an Active Adult Community impose less of a burden on most public services than do residents of other types of developments. Because Active Adult Communities add minimal children to the school system, they do not contribute greatly to the single largest tax burden typically created by a new residential development. Contribution to peak hour traffic volume is less, creating less of a burden on local roads and less traffic congestion. Additionally, The National Association of Home Builders (NAHB) reports that an active adult household also uses somewhat less water, sewer and trash removal service than an average household in addition to fewer emergency responses.

Permanent Population

Population projections for the detached and attached residential uses are based upon the similar, age restricted development, "Heritage in the Hills" in Auburn

Hills. According to a case study done on that project, it was found that 90% of the homes were occupied by 2 active adults and the remaining 10% were single occupants.

Legacy Parc contains 320 detached lots. 90% of these occupied by two active adults would add 576 permanent residents. The remaining 10% occupied by single individuals would add 32 permanent residents.

Legacy Parc contains 220 attached duplex residential units. 90% of these with 2 occupants each would add 396 permanent residents. The remaining 10% with single occupancy would add 22 residents.

Population projections for the proposed future Waltonwood Senior Building are based upon actual data from Singh's existing Waltonwood at Twelve Oaks project where the average population has remained near 1.4 persons per dwelling unit. Therefore the proposed future 154-unit Waltonwood at Legacy Parc would add 215 permanent residents.

The entire Legacy Parc community, at full completion and occupancy would add an estimated 1,241 permanent residents to the city population. The prior Quail Hollow RUD plan had proposed to add 1,115 permanent residents.

Sanitary Sewer and Water Supply

Using the Unit Assignment Factor Tables from the Oakland County Drain Commissioner's office, dated July 1, 1998, the number of water/sanitary sewer taps for Legacy Parc detached and attached residential uses are one per unit or 540 taps. The Waltonwood, Day Care Center, Recreation Center and Village Commons area has been calculated by Atwell Hicks to be the residential equivalent of 121 taps. The entire Legacy Parc Active Adult Community is therefore projected to have 661 water / sanitary sewer taps.

Per Atwell-Hicks, and confirmed by the City of Novi Engineering Department, the expected peak flow for sanitary sewer is 0.9285 cubic feet per second. Under normal usage circumstances, during peak hour flows, the minimum water pressure with the Legacy Parc system is projected to be at 43.5 psi. During a fire flow situation, the lowest pressure will reach 32 psi. Both of these pressures are well above City of Novi standards for minimum operating pressures. During a "no-flow" situation, the maximum water pressure within the Legacy Parc system will be 79 psi.

In order to mitigate the additional loads incurred on the system by the development of Legacy Parc, Singh Development L.L.C. has proposed to pay for sewage pump station upgrades to be made at the Wixom Road and 9 Mile Road locations (two locations).

Singh has also committed to funding improvements to the water pump booster station on Wixom Road, north of Ten Mile Road. This will be required to provide the operating pressures for the water supply system as indicated above.

These utility improvements have further benefits to the City of Novi which are explained in the “Community Benefits” section below.

Police and Fire Emergency Services

Per data collected by the Urban Land Institute and published in their book titled, *Developing Active Adult Retirement Communities* (pg 26), the level of demands generated by an Active Adult Community is much smaller than that generated by a typical single family housing community of similar size by the percentages expressed below:

Police Protection: 25%

Fire Protection (non-medical): 33%

This is due largely to the trend for active adults to drive less and to travel away from their homes for extended periods of time, particularly during winter months. According to statistics from typical master planned communities of single family homes in southern Oakland County, the per capita response for police departments is a response for every 2.034 persons. Using the same information, one fire department response run has occurred for every 18.92 persons. These responses do not necessarily occur within the development itself, but anywhere within the City of Novi, including traffic stops. Taking the population projections and the information presented above, projected emergency responses would be as follows:

Police: $1,241 \text{ new residents} \div 2.034 \times 25\%$
= 153 additional police responses per year.

(Previously, the Quail Hollow RUD plan had projected 548 police responses per year.)

Fire: $1,241 \text{ new residents} \div 18.92 \times 33\%$

= 22 additional fire responses per year.

(Previously, the Quail Hollow RUD plan had projected 59 fire responses per year.)

SOCIAL FACTORS

Relocation of Existing Residents

There are currently no residential dwelling units located on the property. Therefore, no existing residents will be relocated.

Traffic Impact

Based on the Traffic Impact Study prepared by Parsons Brinckerhoff Michigan, Inc., **existing** traffic conditions along Ten Mile Road are experiencing a failing Level Of Service **with or without** the proposed active adult concept, or any new residential development at all. As per the existing RUD agreement, Singh will continue to offer the following traffic improvements along Ten Mil Road:

1. Lane improvements for acceleration, deceleration and center turn lanes as required by the Road Commission of Oakland County (RCOC).
2. Addition of a left-turn arrow signal for both east-bound and west-bound Ten Mile Road traffic turning north onto Wixom Road and south into the southerly extension of Wixom Road.
3. Signalization of the Ten Mile Road and Terra Del Mar Intersection (primary entrance to the proposed development).

Also based on the study by Parsons Brinckerhoff, Legacy Parc will generate, within an average day, 531 new trips during the AM peak hour and 747 new trips during the PM peak hour. In order to mitigate the existing poorly performing traffic conditions and the minimal impact that the proposed development would have on those conditions, Singh is proposing the following additional improvements to coincide with the proposed Active Adult Community:

1. Signalization of Ten Mile Road at primary entrance into the “Village Commons”.

2. Continuous extension of the center turn lane from the Wixom Road and Ten Mile Road intersection to the Ten Mile Road and Terra Del Mar intersection (primary entrance to the proposed development).

Additionally, Singh is proposing to keep the internal roads of the proposed Active Adult Community private, whereas the internal roads of the previously approved single family development were to be public.

These improvements will be designed and installed consistent with the requirements for the City of Novi and the Road Commission for Oakland County.

Please refer to the Traffic Impact Study as prepared by Parsons Brinckerhoff Michigan, Inc dated June 3, 2008 and October 20, 2008, for more information regarding this item. Both of these reports are attached hereto as a reference.

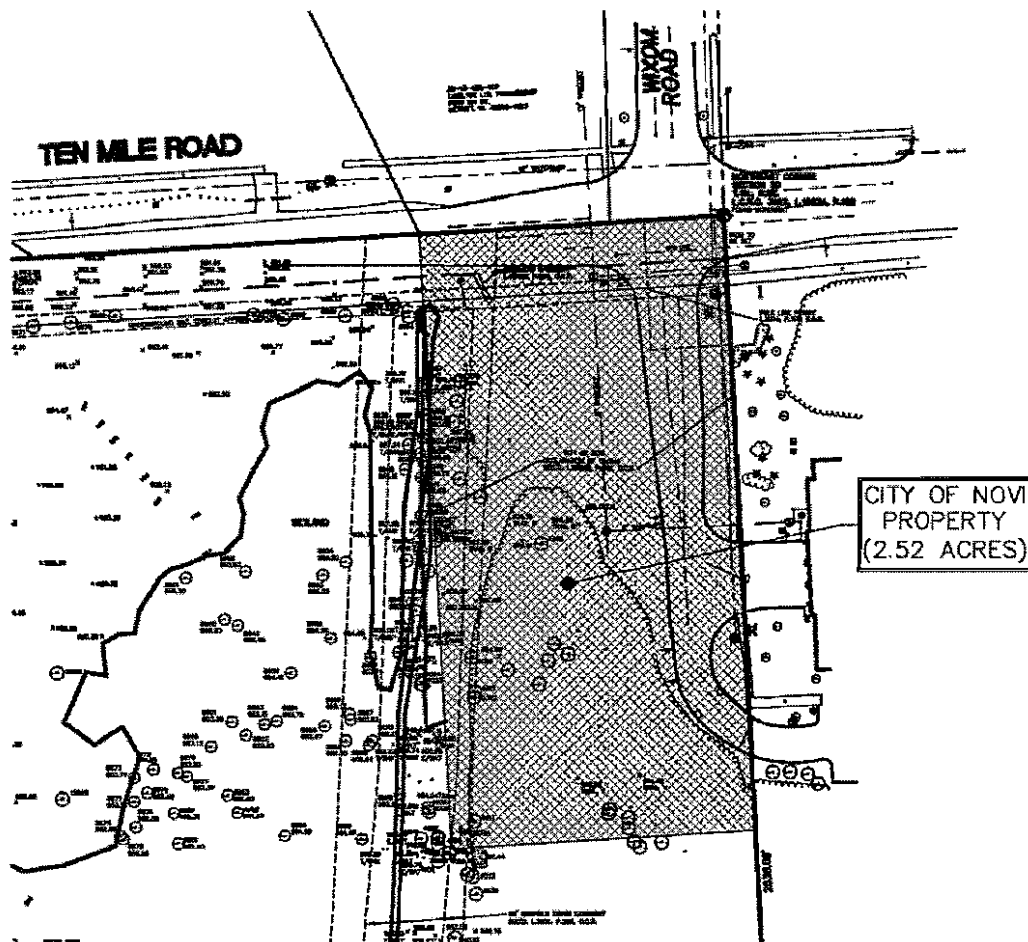
Community Benefits

The following improvements, which will benefit both the residents of Legacy Parc and the City as a whole, will be constructed as part of Legacy Parc:

1. Donation of 76 acres of land to the City of Novi as dedicated park area. This is 3 acres more than the original RUD Agreement of 73 acres. The overall 76 acres of dedication is located on the eastern and southern side of the site.
2. Construction by Singh of a trailhead and asphalt pathway approximately 1.5 miles in length through the dedicated park area and existing city park land to the south. This trail is to be known as "Singh Trail". It will start at the trailhead, located on the northeast corner of the proposed site at the terminus of the proposed extension of Wixom Road. From there the trail will head in a southerly direction, with three connection points to the Legacy Parc pathway system, as it winds through the eastern and southeastern portion of the proposed site plan until it reaches the southern property line. It will continue south through existing City of Novi parkland and terminate near the southeastern corner of the Provincial Glades subdivision where it will be extended in the future by that developer to Nine Mile Road.
3. Funding by Singh of the proposed traffic mitigation items outlined above.

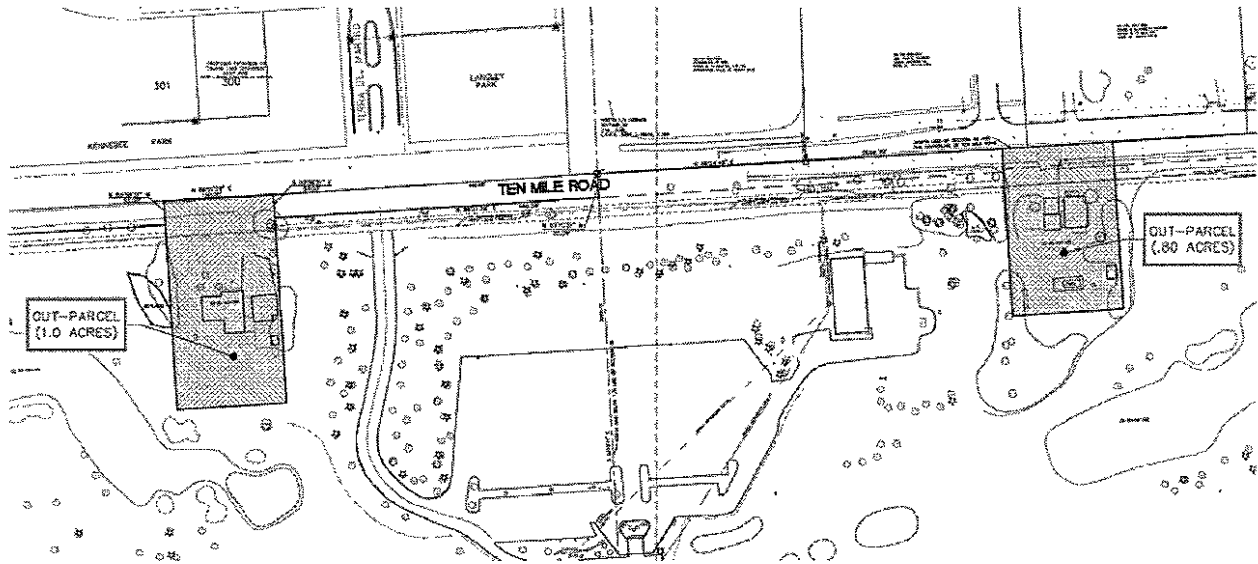
- a. Lane improvements for acceleration, deceleration and center turn lanes as required by the Road Commission of Oakland County (RCOC).
 - b. Addition of a left-turn arrow signal for both east-bound and west-bound Ten Mile Road traffic turning north onto Wixom Road and south into the southerly extension of Wixom Road.
 - c. Signalization of the Ten Mile Road and Terra Del Mar Intersection (primary entrance to the proposed development)
 - d. Signalization of Ten Mile Road at primary entrance into the “Village Commons”.
 - e. Continuous extension of the center turn lane from the Wixom Road and Ten Mile Road intersection to the Ten Mile Road and Terra Del Mar intersection (primary entrance to the proposed development).
4. Funding by Singh of sewage pump station upgrades at the Wixom Road and 9 Mile Road locations (two locations) will extend the life of these two current stations by an additional 20 years from the time that their upgrade is completed and thereby reducing maintenance and prolonging the time that the City of Novi would need to make any capital expenditures at these locations.
 5. Improvements to the water pump booster station on Wixom Road, north of Ten Mile Road, to be funded by Singh.
 6. Provincial Glades, the single family subdivision to the south of the proposed development, and Island Lake, the Toll Brothers community to the north of the proposed development, are currently located on separate portions of Novi’s water system. The development of the proposed Active Adult Community will provide an interconnection between these two existing dead ends which will increase the overall water system’s integrity and reliability.

7. In kind restitution for the acquisition of approximately 2.52 acres of unused city-owned property next to the fire station at 10 Mile Road and Wixom Road and immediately adjacent to the Singh-owned property. Restitution may be in the form of a property trade for Singh-owned property within the City or an outright purchase, depending on the preference of the City. This parcel is proposed to be used as part of the "Village Commons", part of the Active Adult plan, that will serve both the residents of the Active Adult Community as well as residents in the immediate surrounding area. Refer to the inset map below for a detail of this parcel:



8. Internal roads of the proposed Active Adult Community will be private, thereby decreasing the burden on City services.

9. Acquisition of two out-parcels along Ten Mile Road, comprising of a total of 1.8 acres, allowing full, continuous assemblage of parcels along the entire Ten Mile frontage of Legacy Parc. This eliminates any future land use issues that may develop if these parcels are left unassembled.



Additional Employees

The proposed development offers numerous opportunities for new job creation in several different job sectors. The total of new jobs at 100% project completion is estimated to be in the neighborhood of 325 to 350 permanent employees, part-time and full time, salaried and hourly wage positions. Not included in this figure are the numerous contract employees and services that a development of this nature would routinely require.

The proposed Waltonwood Senior Living building would create 90-100 permanent new jobs in the real estate management, property maintenance, food service and nursing / administration sectors.

The proposed day care center is projected to have 15-18 new jobs pertaining to that specialty.

The proposed Village Commons could potentially create 200 or more permanent jobs in the banking, retail, food service and pharmaceutical sectors.

Finally, the residential component of Legacy Parc will permanently employ 20 to 30 people in areas of property maintenance and management as well as real estate sales. In addition, Legacy Parc will take advantage of a wide-range of contractual services such as pool maintenance, snow removal, and Heating & Cooling repairs.

Throughout the construction process, between 100 and 150 construction jobs will be used on the property. These jobs include, but not limited to, engineers, surveyors, heavy equipment operators, manual laborers, carpenters, masons, painters, and landscapers.

CONCLUSION

It is our intent to create a unique and prestigious living environment for the active adults in the Detroit Metropolitan area. Except for the Del Webb communities in Brownstown Township and Grand Blanc, there are no residential options available to active adults in the Detroit Metropolitan area, particularly in Oakland County. The development of Legacy Parc as an Active Adult Community would precipitate regional recognition and interest for the City of Novi, spurring additional economic development as a result.

The explanations presented herein represent our vision for achieving the goal of providing for social, recreational and commercial needs of active adults and fulfilling a demand in the marketplace. The “village” concept of integrating all of these aspects makes Legacy Parc a unique and exciting opportunity for the baby boomers of Metropolitan Detroit.

**APPLICANT'S
RESPONSE LETTER**



®

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October 24, 2008

Barbara E. McBeth, A.I.C.P.
Deputy Community Development Director
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375

Re: Response to Plan Review Center Report
Legacy Parc Active Adult Community
Planned Rezoning Overlay and Residential Unit Development
SP #08-30 and SP #08-31

Dear Barb:

We are in receipt of the Plan Review Center Report dated September 2, 2008 regarding the referenced development, including comments made by both Staff and the City's consultants. The Report was in response to the Rezoning Application for RUD/PRO that was made on June 11, 2008.

As you know, the review process of our proposed active adult community commenced on March 5, 2007 when an informational presentation was made to the City Council, which included a booklet outlining our proposal and explained the merits of such a community in the City and Novi and southeast Michigan. Subsequent to that meeting, it was determined, through meetings with the City, that the most appropriate means to approach the proposed rezoning, given its unique and complex nature, was to submit a Pre-Application Meeting Request to discuss the concepts and designs proposed as part of Legacy Parc. That request was filed on August 30, 2007 along with our draft PRO/RUD Application and corresponding information. The Pre-Application Meeting was held in the City offices on September 20, 2007.

After a thorough consideration of the both the verbal and written comments received as a result of that meeting, a detailed response to each item raised in the initial Pre-Application Discussion Checklist was responded to with our letter dated February 4, 2008 and accompanied the 2nd Pre-Application Meeting Request of February 5, 2008. The 2nd Pre-Application Meeting was held on February 21, 2008 and at that meeting another Pre-Application Checklist was provided with even more comprehensive review comments from both Staff and the City's consultants. At that meeting, we were told that a formal Rezoning Application for the proposed RUD/PRO could now be presented to the City, which we submitted on June 11, 2008.

The above historical perspective is offered because, after review of the comments received as part of the September 2, 2008 Plan Review Center Report, it appears that the past nearly 14 months have produced a substantial amount of review comments but little resolution to our proposed active adult concept. The comments substantially duplicate the previous two (2) reviews. The City has also retained a different consultant to perform the traffic review (OHM Engineers- previous reviewer and Birchler Arroyo- new reviewer). The previous consultant's concerns had already been addressed in our previous submissions. Our traffic consultant, Parsons Brinckerhoff Michigan, Inc., has, however, prepared an itemized response letter dated October 20, 2008 to the Birchler Arroyo review comments, which is attached for your information. All of these issues were previously addressed in OHM Engineer's comments and our responses.

We are aware that the previous and more recently updated Master Plan does not contemplate a use such as the active adult community we are proposing anywhere in the City. Our responses previously presented explained that and generally indicated ...” *The proposed concept of an “Active Adult Community” was presented as part of the Descriptive Narrative booklet submitted with our previous application. The comprehensive uses included therein contemplate an integrated community intended to address a specific demographic demand. The land use and planning concepts for such a community are nowhere addressed within the Master Plan. We believe that this unique land use is outside the bounds of anything contemplated within the current or proposed Master Plan and needs to be reviewed in that light”.* At this point, the primary issue is to determine whether or not the City is interested in considering an age targeted active adult community at this location. All of the other site planning and geometrically related comments are superfluous if the fundamental issue of land use is not agreed upon.

As it relates to the densities allowed for under the proposed zoning districts and particularly considering an allowance for regulated wetlands within the RUD and PRO designated areas, we have amended the previously submitted density plan to more clearly indicate the allowed densities in each of the specific areas, after removing the regulated wetlands from the net land area used for such calculation. This specifically addresses a comment noted on the top of page 28 of 31 of the Planning Review, particularly related to densities being claimed in the proposed park dedication property to the City of Novi, which had been previously provided for in the current RUD Agreement on the property. We have enclosed five (5) 24” x 36” copies of the amended plan which now more clearly identifies the regulated wetland area in both the proposed RUD and PRO districts and extrapolates the allowed densities and compares them with the proposed densities. This plan is being offered in order to more clearly demonstrate that the proposed plan conforms to what the allowed densities would be for both the RUD and PRO zoning districts.

With respect to environmental concerns expressed in the submitted consultant letters, it should be understood that in all of our previous submissions, it has been our expressed

Barbara E. McBeth, A.I.C.P.
October 24, 2008
Page Three

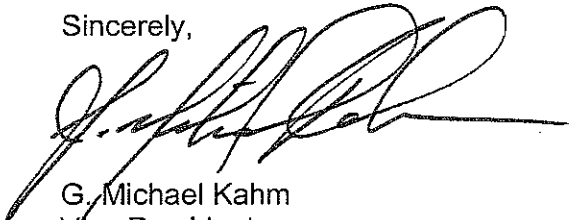
intent that the environmental impacts for both wetlands and woodlands would be equal to or better than those included as part of the current RUD Agreement for the property. The wetland impacts are somewhat different than those approved in the current RUD Agreement, but the additional impacts are primarily related to the proposed purchase and use of the City of Novi property located on the southwest corner of Ten Mile Road and Wixom Road. The explanation of those impacts is included in a supplemental report prepared by Atwell-Hicks dated October 22, 2008 which is also enclosed for your review and consideration, including five (5) copies of the Wetland (Environmental) Plan referenced in the report. With respect to the woodland impact, the plans previously presented have clearly demonstrated our intent to lessen the intrusion into the regulated woodland areas. In the event that there may be an area of particular concern, we can certainly work around that area when developing the actual site plan for the development.

The underlying fundamental issue that has burdened the review process for this development from the beginning is the attempt to "perfect" the plans that have been submitted, as the expectation has been that they would be attachments to potential RUD and PRO Agreements and thus would be tantamount to legal documents. We would like to propose that the documents being presented are conceptual in nature and subject to Site Plan approval with the exceptions to the Zoning Ordinance allowed for in the respective RUD and PRO Agreements. This appears to be the only realistic approach to the process and, therefore, would allow for the focus to be on the consideration of the proposed underlying land uses, as mentioned above.

We had requested a postponement of the previously scheduled Master Plan and Zoning Committee meeting of October 7, 2008, in order to completely review the comments presented and assess our position relative to our proposed development. Having done so, we are hereby requesting that the Master Plan and Zoning Committee meeting be rescheduled at the earliest possible date so that the merits of our application may be considered. Please let us know when that date has been established.

If you should have any questions or require any further information in order to schedule the Master Plan and Zoning Committee meeting, please do not hesitate to contact me.

Sincerely,



G. Michael Kahm
Vice President

Enclosures

cc: Joseph F. Galvin, Esq. w/Enclosures



ATWELL-HICKS
DEVELOPMENT CONSULTANTS

October 22, 2008

Mr. Mike Kahm
Singh Development, LLC
7125 Orchard Lake Road
Suite 200
West Bloomfield, MI 48325

Atwell-Hicks SKA03-044

RE: Legacy Parc
Response to ECT Wetland Review (9/2/2008)

Dear Mr. Kahm:

In response to ECT's Wetland Review of Legacy Parc dated 9/2/2008, Atwell-Hicks, LLC (Atwell) has prepared the following wetland summary. The review letter suggested that ECT was not aware of the full background of the project and the work that Atwell has performed to date regarding wetlands and streams on the proposed development site. The following information is intended to provide additional clarification.

Introduction

Atwell was contracted to prepare an MDEQ wetland impact permit application for the proposed Legacy Parc. After extensive site evaluations, alternative reviews, and mitigation planning, preparation of the MDEQ application was put on hold until later in the development process.

Only general wetland information was presented on the Environmental Plan for PRO and RUD approval. The complete information regarding the existing features, proposed impacts, alternative analysis, and mitigation would be provided to the MDEQ in a permit application and to the City of Novi during site plan review.

The following is a brief summary of the project history, proposed wetland impacts, and mitigation in order to aid in the current review. An updated Environmental Plan (Sheet 16) illustrating the pertinent information is attached.

Permitting History

In 2005 the City of Novi applied for and received a permit (MDEQ File 05-63-0023-P) for wetland impact and floodplain fill for construction of a public foot trail to extend through wooded uplands and wetlands located within the subject property, which at that time was proposed for a single-family site condominium development, named Quail Hollow. The Singh Trail was part of the original Quail Hollow RUD agreement between Singh and the City of Novi in which Singh donated over 70 acres of land as a dedicated park area and would construct

approximately 1.5 miles of trail to connect to additional parkland and subdivisions to reach Nine Mile Road.

Singh received a draft permit (MDEQ File 05-63-0089-P) on October 31, 2005 for wetland and floodplain impacts for additional pathways and boardwalks, utilities, and storm water discharge for the Legacy Parc condominium development. However, the draft permit was never finalized, and the original single-family site condominium concept was re-considered due to changes in the market.

The site was then proposed as an Active Adult Community, named Legacy Parc, including detached residential lots, attached residential, recreation center, Village Commons (shops), senior living center and daycare center with associated roadways, utilities, parking and storm water management.

Atwell continued to work on the wetland and stream aspects of the proposed development. During this time, Atwell held an on-site pre-application meeting with the MDEQ on June 18, 2007 in order to discuss the new proposed project, wetland impacts, and mitigation.

Wetland Delineation

A delineation of the subject property was performed by King & MacGregor Environmental Inc. (King) in 2005. The wetland delineation identified 15 wetlands (Wetlands A – O) and portion of the Novi Lyon Drain within the boundary of the subject property.

Review of the 2005 applications to the MDEQ and City of Novi included field verification of the flagged wetland boundaries. It is common practice to accept agency-approved wetland lines for a number of years provided that there is no disturbance on the property that would alter the wetland boundaries; therefore, the exact same wetland lines used for the 2005 submittals were utilized in this application.

Please note that there is one exception to this. The property proposed for the old Quail Hollow development did not include the very northeast corner of the current Legacy Parc site. That corner comprises approximately 2.5 acres and is currently owned by the City of Novi. Therefore, in April 2007 Atwell performed a delineation of the northeast corner of Wetland A that tied in with the previous wetland delineation.

Regulatory Status

The regulatory status of each wetland was determined by the Michigan Department of Environmental Quality (MDEQ) during review of the 2005 applications. The MDEQ considered 7 of the wetlands regulated (Wetlands A, B, F, G, I, L and M) and 8 of the wetlands non-regulated.

During Atwell's review, Wetlands H, J and K were determined to be potentially regulated by proximity to an off-site watercourse. Although this classification in regulatory status was not

resolved, they were included in the acreage of regulated wetlands in order to be conservative during the planning.

All of the MDEQ-regulated wetlands would be regulated by the City of Novi. The remaining wetlands are less than 2-acres in size and do not appear to meet the requirements of subsection 12-174(b) and should not be regulated by the City of Novi.

Wetland Assessment

Although not illustrated on the Environmental Plan, the wetland vegetative community type was determined for each wetland and proposed impact. This information was used for determining potential mitigation options, which are discussed later.

Additionally, in order to assess the proposed wetland and drain impacts, a detailed assessment of the existing features was performed. These assessments included a comprehensive species assessment to calculate a Floristic Quality Index (FQI) for wetland areas of concern; utilization of a rapid assessment technique to estimate wetland quality; and utilization of two assessment methods to determine the existing quality and classification of the Novi-Lyon Drain.

This information would be presented during MDEQ permitting and site plan review.

Proposed Impacts

The total impact to regulated wetlands is approximately 1.50 acres, which represents only approximately 2% of the regulated wetlands on the site. Additionally, approximately 372 linear feet of the drain are proposed to be enclosed in 508 linear feet of pipe. Additional activities, such as detention pond outlets, would also be proposed. Please note that these numbers are preliminary and are subject to changes during MDEQ permitting and site engineering.

Impacts to the 25-foot setback have been reviewed internally and would be addressed during site plan review.

Concerns regarding potential adverse effects on wetlands from changes in runoff and stormwater management are typical of any development. The issue of stormwater quality and quantity, including potential offsite sedimentation, would be addressed during site engineering, and there are a number of design options and best management practices that can be utilized in order to resolve these concerns.

Please note that during the site design process extensive consideration was given to alternatives in order to avoid and minimize impacts. This is reflected in changes to the layout, lot placement, grading, retaining walls, and storm water management. A detailed alternative analysis would be provided with the MDEQ permit application in order to illustrate these changes and demonstrate compliance with Part 303.

Mitigation

The proposed development includes wetland mitigation, although it was not illustrated on the Environmental Plan.

The proposed mitigation consists of on-site preservation of Wetlands I, J, K and L and adjacent uplands. The area totals approximately 31 acres, including over 14 acres of wetlands. Extensive wetland quality assessments were performed within the wetlands proposed for preservation. The findings of the site investigation, as well as classification of the area as a Priority One conservation area by the Michigan Natural Features Inventory, support the consideration of the proposed preservation area as a compliant with Rule 5(4)(d) of the Administrative Rules for Part 303. A conservation easement over the entire area would provide protection for the natural resources in perpetuity. This option was discussed during the MDEQ pre-application meeting, and the agency is aware that this form of compensatory mitigation will be proposed during MDEQ permitting.

Recognizing that the final mitigation plan is subject to agency approval, a number of alternative mitigation options were considered. These include wetland creation in the southwest corner of the site where there is sufficient upland to provide compensation in accordance with the statutory replacement ratios. Additionally, portions of the site present opportunities for invasive species control and wetland enhancement activities.

The mitigation plan would be finalized during MDEQ permitting and site plan review.

Should you have any questions or require additional information, please feel free to contact our office at 734.994.4000.

Sincerely,

ATWELL-HICKS



Maggie Allan
Project Coordinator
Natural Resource Group

Enc.: Environmental Plan (10/22/08)



**Parsons
Brinckerhoff
Michigan, Inc.** 535 Griswold Street
Buhl Building, Suite 1525
Detroit, MI 48226
313 963-5760
Fax: 313 963-6910

October 20, 2008

Singh Legacy Parc, 35543A, 8.2.3

Mr. Todd Rankine
Singh Development LLC
7125 Orchard Lake Road
Suite 200, P.O. Box 255005
West Bloomfield, MI 48325-3005

RE: Legacy Parc Traffic Impact Study Response to Review by the City of Novi / Birchler Arroyo

Dear Mr. Rankine:

The purpose of this letter is to respond to the review by Birchler Arroyo ("BA") of the Legacy Parc Traffic Impact Study dated June, 2008.

1. BA indicated that the Oak Pointe Church is only partially built and the study should include the entire trip generation from the church. In January, 2007, Singh indicated, via email, that the Oak Pointe Church was completed. I contacted Oak Pointe Church last week and spoke with Keith. He indicated that they have been conducting services since October 2006. He also indicated that they do plan on expanding and adding an auditorium sometime in the future, but this would only add additional trips for services on Saturday and Sunday. Given this information, it is my opinion that all expected peak hour trips to and from the church were measured during the turning movement counts and that the trip generation does not need to be updated.
2. BA indicated that counts used in the study were over a year old and may be unrepresentative compared to 2003 counts, due to construction in Lyon Township at that time. It is acceptable traffic engineering practice to use counts that have been taken within the last three years for a traffic study. Also, the first submittal of this traffic study occurred in 2007 and has been in review since. It was suggested that more recent counts be obtained, although as mentioned new turning movement counts will be impacted by the current construction of the Wixom Road interchange. In addition, the signalized intersection of 10 Mile Road at Wixom Road is not controlled by SCATS, therefore counts can not be obtained for this location from the SCATS system.
3. BA indicated that consideration should be taken in account due to the rebuilding of the Wixom Road and I-96 interchange in future background volumes. Access to the freeway has not changed (or will not change) with the new interchange configuration. Therefore, it is my opinion that traffic patterns will not change at the intersection of 10 Mile Road and Wixom Road due to the new configuration.
4. BA indicated that the trip generation for the proposed development was being underestimated. Below are responses to their comments.



- a. In regards to the rates versus equations used, it is standard practice to use either the rate or the equation. Given the low number of studies (11) that ITE had to develop the equation, we opted to use the average rate instead of the equation.
 - b. There was a comment that the attached housing should use the detached housing rate instead of the attached housing rate. ITE does have a separate trip generation rate for Attached Senior Housing and its description is: "These facilities are similar to those described in Land Use 251, except they contain apartment like residential units. Attached senior housing may include limited social or recreational services, but typically lacks centralized dining or medical facilities." There is a proposed senior center within the complex and this description fits the attached housing units within the proposed development.
 - c. Lastly, BA commented that 20% of the detached units should use a single family home trip generation rate. It is true that 20% of the units could be single family homes within the development. However, the traditional single family homeowner, with a working parent(s) and children generating 10 trips a day, will not be buying a home in this development. It is my opinion, given the type of development, that the 20% will still be either older adults or adults with no children. These types of homeowners have far fewer trips than the traditional single family home owner. It is my opinion that the rate not be changed since a traditional single family homeowner will not be living in this development.
5. BA requested that a comparison be made between the existing zoning and proposed zoning. This is typically done so that a traffic impact study does not have to be done by the developer if there is not a substantial change in trips due to a rezoning. The issue with comparing the existing zoning with the proposed zoning in this case is that the size of the site has increased. Singh has opted to submit a new traffic impact study regardless of the results of a trip generation comparison. Regardless, the table below summarizes the difference in trip generation between the existing and proposed zoning **for the original site**.

Zoning / Number of Homes	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
Existing Zoning 428 Single Family Residential Units	77	232	309	255	143	398	3,950
Proposed Zoning Waltonwood, Daycare and Housing	86	93	179	121	98	219	2,779

- a. The study assumed that all detached housing units would use the Terra Del Mar driveway. BA indicated that "POD E" should use Driveway B instead. There are 35 units in Pod E, which is 11% of the total number of detached units. In the AM peak hour, this would move 3 trips and in the PM peak hour it would move 2 trips to the other driveway.



- b. The study assumed that all attached housing units would use the Terra Del Mar driveway. BA indicated that the two easterly units would use Driveway B instead. There are 47 units (94 homes) which accounts for 42% of the units. In the AM peak hour, this would move 3 trips and in the PM peak hour it would move 1 trip.
- c. The study assumed that 30% of the "eastbound" attached housing units would use the Terra Del Mar driveway. BA indicated that these 30% would most likely use Driveway B instead. In the AM peak hour, this would move 2 trips and in the PM peak hour this would move 2 trips.

BA recommended changing the trip distribution slightly. While the argument to do so is sound, this change would result in a total of 8 trips moving to different driveways in the AM peak hour and 5 trips moving in the PM peak hour. These changes do not affect the major intersections, just the driveway usage. These changes do not change the overall results of the study and will not change the recommendations within. Therefore, it is my opinion that there is no need to make these changes.

7. BA indicated that a signal at 10 Mile Road and Terra Del Mar will encourage residents to cut through the congregate care facility to avoid the signal. The traffic study found that the expected level of service at the intersection of 10 Mile Road and Terra Del Mar would be LOS C in the AM peak hour and a LOS A in the PM peak hour with a signal. Given that the congestion would only likely occur in the morning in the eastbound direction and only 25 trips are coming from the west to the adult housing units, it is my opinion that cut-through traffic through the facility will be minimal. Regardless, speed humps through the congregate care parking lot could discourage residents from using this as by-pass of the intersection. Also, if it is found that there is cut-through traffic once it opens, closing off eastern part of the congregate care circular driveway would eliminate the desire to use it as a cut-through.
8. BA indicated that a deceleration lane length should be recommended at each of the sites driveway locations. For each of the driveways, the AM peak hour has the highest amount of eastbound right turns. For the Congregate Care facility, the most right turns that is expected is 8, given that this is a free-flow movement, the standard 25-feet can be utilized. For the intersection of Terra Del Mar Drive, the most right turns that is expected is 48, the expected queue length with the signal is zero if right turn on red is allowed, the 25-foot standard can be utilized. For Driveway A, this is expected to have little right-turning traffic volume and mostly be accessed by delivery trucks to the grocery store. Also given that this right turn is a free-flow movement, the 25-foot standard can be utilized. For Driveway B, 74 right-turns are expected in the AM peak hour. According to Synchro, the expected queue length with right turn allowed on red is zero, with restricting right turns, the 50th percent queue length is 2 feet. The standard 25-feet can be used for this driveway. For Driveway D, this is a free flow movement again, the standard can be utilized for this as well. For the intersection of Wixom Road, there are 84 trips expected to make a right turn. If right turn on red is allowed, the expected 50th percent queue length is 15 feet and the 95th percentage is 16 feet. If right turn on red is not allowed, the 95th percent queue length is 20 feet, therefore a deceleration lane of 25-feet should be adequate.



9. BA indicated that the east-west left-turning movements may be interlocking so that split-phasing would be required. It is my opinion that the low left-turning movements will not be interlocking and split-phasing would not be necessary. However, if it does still prove to be a concern, the signal phasing could be such that a lead left-turn phase and an opposing lag left-turn phase could be implemented so that split-phasing would not be necessary.

10. BA indicated that northbound and southbound left-turn lanes be evaluated for the intersection of Napier Road and Ten Mile Road. The purpose of a traffic impact study is to determine the improvements that are needed to accommodate the new development, taken from *Evaluating Traffic Impact Studies, A Recommended Practice for Michigan Communities*. The study found that a signal is needed at this location regardless of the development and that adding northbound and southbound left-turn lanes without a signal was not adequate. The addition of a signal to the intersection of Napier Road and 10 Mile Road found that it will operate at acceptable levels of service without the northbound and southbound left-turn lanes. Given the low northbound and southbound volumes and the fact that adding a signal mitigates the congestion, additional lanes were not evaluated. Adding northbound and southbound lanes would undoubtedly further improve the level of service at the intersection, but this should be considered by the Road Commission and not as a part of this study.

11. BA had a comment that capacity analysis was done using the Synchro HCM (Highway Capacity Manual) software. The report did indicate that the results were from the Highway Capacity Software (HCS). The Highway Capacity Software interprets the Highway Capacity Manual. Traffic information for the intersections was input into Synchro and a HCS report was generated using Synchro. This HCS report from Synchro has the same result as if the traffic information was entered into the HCS. Entering the information into Synchro is easier and allows the signal timings to be optimized, and lane additions to be analyzed easily and quickly. It is also standard engineering practice to report level of service using the Highway Capacity Software (i.e. the Highway Capacity Manual).

12. The table below summarizes the 50th and 95th percentile queue for the AM and PM peak hour mitigated conditions as reported from Synchro version 7.0:

Approach	AM Peak Hour		PM Peak Hour	
	50 th Percentile Queue (feet)	95 th Percentile Queue (feet)	50 th Percentile Queue (feet)	95 th Percentile Queue (feet)
Eastbound Ten Mile Road at Wixom Road	255	768	118	166
Northbound Wixom Road to Ten Mile Road	35	50	38	71
Northbound Driveway B to Ten Mile Road	10	48	147	250
Northbound Terra Del Mar to Ten Mile Road	8	36	26	61

In conclusion, previous reviews of the traffic impact study by the City of Novi and their consultant found the trip generation and trip distribution to be acceptable. Birchler Arroyo's 4th comment on trip generation is the one significant comment that could possibly change the results of the study.



It is my opinion that changing the trip generation is not justified given that the trip generation currently being used was already approved in a previous review. The other comments would not change the overall results of the original traffic impact study. If you have any questions or comments regarding this letter, please contact me at (313) 963-4679 or at Binkowski@pbworld.com.

Sincerely,

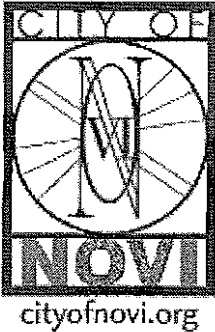
PARSONS BRINCKERHOFF MICHIGAN, INC.

Sarah E. Binkowski

Sarah E. Binkowski, P.E., PTOE
Supervising Transportation Engineer / Project Manager

**MEMO IN RESPONSE TO LETTER FROM
APPLICANT DATED OCTOBER 24, 2008**

MEMORANDUM



TO: BARB MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR

FROM: KRISTEN KAPELANSKI, PLANNER *Kate*

SUBJECT: SUPPLEMENTAL SHEETS – LEGACY PARC

DATE: NOVEMBER 7, 2008

In the Planning Review Letter (dated September 2, 2008) for the Proposed Legacy Parc Rezoning with PRO, the following comment was noted in regard to the density calculation provided by the applicant:

Density Calculations

Per the Zoning Ordinance, density shall be based upon gross site acreage, excluding identified wetlands or watercourses which are regulated by Parts 301 and 303 of the Natural Resources and Environmental Protection Act or Chapter 12, Article V of the Novi Code of Ordinances, but not excluding quality wetlands less than two acres regulated by such laws. The plan quantifies regulated wetlands in the proposed RUD that are not part of the dedicated City park but does not quantify those wetlands that are part of the City park. **The applicant should provide calculations of all regulated wetland area, greater than two acres within the proposed RUD and including those areas in the proposed City park. Density will be recalculated once this information is provided.** The allowed density could be substantially altered as a result.

The applicant has now submitted supplemental sheets revising the density calculations accounting for all regulated wetland areas greater than two acres in size and open space calculations. Please refer to Sheet 2 of the applicant's supplemental sheets for the revised density calculation. As demonstrated the applicant meets the density requirements. Staff has generally confirmed the calculations provided by the applicant. However, it appears that some specific calculations may be slightly off. These numbers and calculations will need to be confirmed with the applicant at a later date.

**LEGACY PARC (FKA QUAIL HOLLOW)
PREVIOUS PLANNING COMMISSION
AND CITY COUNCIL DISCUSSIONS**

**PLANNING COMMISSION MINUTES
EXCERPT OCTOBER 1, 2003**



AMENDED

**PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, OCTOBER 1, 2003, 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375 (248) 347-0475**

CALL TO ORDER

The meeting was called to order at or about 7:30 p.m.

ROLL CALL

Present: Members Avdoulos, Kocan, Markham, Nagy, Papp, Paul, Ruyle, Shroyer, Sprague

Also Present: David Evancoe, Director of Planning; Barbara McBeth, Planner; Tim Schmitt, Planner; Darcy Schmitt, Planner; Lance Shipman, Landscape Architect; Ben Croy, City Engineer; Tom Schultz, City Attorney; Peter Albertson, Façade Consultant

PLEDGE OF ALLEGIANCE

Member Ruyle led the meeting in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Kocan, seconded by Member Ruyle:

Motion to approve the Agenda of October 1, 2003.

Motion carried 9-0.

3. ZONING MAP AMENDMENT 18.632

The Public Hearing was opened on the request of Singh Development for possible recommendation to City Council to rezone the subject property located in Section 30 south of Ten Mile and east of Napier Road, from R-A (Residential Acreage) to R-1 (One Family Residential) or any other appropriate zoning. The subject property is approximately 324.95 acres.

Ms. McBeth located the property on an aerial photo. The subject property contains approximately 325 acres, including the Links of Novi Golf Course with slightly less than 200 acres, two parcels to the west of the golf course owned by the Ciotta family with a ten-acre parcel fronting on Ten Mile and a twenty-acre parcel fronting on Napier Road. To the east are two more vacant parcels known as the Norman Steel properties with slightly less than 100 acres.

The property to the north is being developed with Island Lake of Novi. Also to the north are several vacant parcels as well as the proposed Oak Pointe Church property. The properties to the south are primarily vacant land, with a few home sites located along the north side of Nine Mile, approximately one-quarter to one-half mile away. The Plan Review Center had a pre-application meeting with an applicant in May of this year for a project called The Preserve. This development was for parcels to the south of the subject site on approximately 111 acres, for a possible RUD option for a total of 60 lots. However, the applicant has not provided a site plan following that pre-application meeting this spring. To the east is the City of Novi Fire Station Number 4, recently completed and now in use. Other land to the east is heavily wooded vacant land. To the west are single family homes fronting on Napier Road. The land is vacant on the west side of Napier Road in Lyon Township. Lyon Township was notified of this rezoning request. Ms. McBeth reminded the Planning Commission that Lyon Township recently considered a rezoning request for the southwest corner of Ten Mile and Napier of approximately twenty acres. In July 2003 the Lyon Township Planning Commission recommended denial of a rezoning request from residential to a business classification for that corner. Ms. McBeth confirmed with the Lyon Township Planner that the applicant asked the Lyon Township Board to indefinitely postpone hearing the rezoning request to the business classification for that property.

The subject property currently has a zoning classification of R-A, Residential Acreage. All of the surrounding land in Novi to the north, west, east and south is also zoned R-A, Residential Acreage. In Lyon Township, on the west side of Napier Road, the zoning is R-1.0, Residential Agricultural.

The Master Plan for Land Use reflects the golf course use for the part of the property currently used as the Links of Novi Golf Course, and recommends residential uses for the remainder of the subject property. The Master Plan for Land Use recommends single family residential uses for all of the surrounding properties. In Lyon Township, the Master Plan for that community recommends rural residential uses. The residential density patterns map recommends 0.8 dwelling units to the acre as a maximum for the subject property and all of the surrounding properties on the west side of Novi.

A map included in the Planning Commission packets shows areas of regulated wetlands on the site, including areas on the west side of the subject site, the south, and the east side of the subject site. The City's Woodlands map was also included in the Planning Commission packets. The site is shown to contain extensive areas of light woodlands on the south side of the golf course property, medium density woodlands on the northwest, west and east sides of the site. Dense woodlands are shown to exist on the east side of the subject property.

The rezoning request is not recommended by the Planning Department for a number of reasons. The existing zoning of R-A, Residential Acreage is consistent with the Master Plan for Land Use designation of 0.8 dwelling units to the acre. The R-1 zoning that is requested would bring the possible density from a maximum of 0.8 units to the acre to 1.65 units to the acre, thereby doubling the possible density.

The Novi 2020 Master Plan for Land Use completed in 1999 recommends consideration of the development options available in the Zoning Ordinance for properties in the southwest quadrant of the City of Novi. This was recommended to allow the preservation of important natural features and open space and to allow flexibility in the design of residential developments. Several of the residential development options would be possible for the property as currently zoned, Residential Acreage, such as the Preservation Option, Subdivision Open Space Option, Open Space Preservation Option, and the Residential Unit Development Option. The Applicant has indicated that the proposed development of the property will be submitted for review under the Residential Unit Development Option.

Ms. McBeth said that a third finding was that the density allowed with the R-1 zoning (1.65 dwelling units per acre) would not be consistent with the overall density of the Island Lake Development to the north (0.97 units per acre). The Applicant has argued that the rezoning is needed to provide a development consistent with the Island Lake Development. The Planning Commission is aware that the Island Lake development to the north was approved under a Residential Unit Development plan, and consists of a maximum of 876 homes on 906 acres of land. The overall density of 0.97 units to the acre would allow significantly fewer units than allowed under the requested R-1 zoning of 1.65 units to the acre. The Planning Commission is also aware that a variety of lot sizes are provided throughout the Island Lake development, as required by Ordinance. Within Island Lake Phase 4B-1, immediately to the north of the subject site, the density is approximately 1.5 units to the acre.

The Traffic Review letter reflected the calculations for the subject property with the rezoning from R-A to R-1 One Family Residential. These calculations took into effect the elimination of the vehicle trips currently taking place with the golf course use of the property. Some of the key recommendations to improve the flow of traffic are:

- Signalize the Napier and Ten Mile and the Links of Novi and Ten Mile intersections
- Widen Ten Mile to a five lane section from west of Napier to east of Wixom Road
- Add left turn phasing for the eastbound Ten Mile approach to Wixom Road.

The Traffic Engineer indicated that without a detailed site plan, it is difficult to confirm the assumptions in the traffic study regarding project access, but found that the recommended mitigation improvements do indicate what would be necessary to provide acceptable levels of service. Ms. McBeth said that the City's Traffic Consultant, Rod Arroyo, was present at the meeting to answer any questions about the submitted traffic impact study's finding and recommendations.

Ms. McBeth concluded that the Planning Commission's role was to hold a Public Hearing on this rezoning and if desired, to make a recommendation for City Council's consideration.

Attorney Robert Carson addressed the Planning Commission as a representative of Singh Development

Company, 300 East Maple, Birmingham, MI. He said the proposed rezoning represents an exciting and appropriate plan. He sought a positive recommendation from the Planning Commission. He said the 325 acres of property on the west side of Novi is a low-density, high-value project that will bring credit to the City. He said it will enhance the City. He said that Singh Development is known in this Community and their developments are a credit to the City and to themselves. Their track record is such that Singh does what it says it will do. They build a high-quality product.

Mr. Carson noted that Singh is not requesting a change in use; they wish to use the property for residential purposes, open space and parks. The Master Plan shows "Quasi Public Golf Course". He said that the language suggests that if the City wants a golf-course they can acquire it and otherwise, the owner of the golf course can make the property available for sale and development when it behooves him to do so. Mr. Carson stated that there are 31 public golf courses in the area. There are eight to ten courses within six miles. He said most people have read articles regarding the overabundance of golf courses and the problems associated with maintaining them. In other municipalities golf courses are being used as part of their Downtown Development Authorities in the redevelopment of planned communities.

This plan would maintain approximately 47% open space. He asked Mr. Carmine Avantini, LSL Planning, 306 South Washington Avenue, Royal Oak, to address the planning issues. He said that the zoning designation of R-A also provides for high-intensity uses other than large lot homes – mega churches, large churches, non-commercial recreational areas, institutional or community recreation centers, colleges and universities. Mr. Avantini said the area does indicate changing conditions – Island Lake does have 1.5 units per acre immediately opposite the subject property. He noted that Oak Pointe Church is planned for across the street, and it is a 200,000 square-foot building with 969 parking spaces. He said this is not a low-level single family development. Finally, he said that the Planning Commission recommended to City Council the R-1 rezoning (from R-A) of Conrad Stauch's ten-acre property across Ten Mile.

Mr. Avantini said that the Applicant has submitted a traffic study that shows that the level of service on this portion of Ten Mile is Level F and, while this project would add traffic, it would not change the level of service; it will still be failing whether the project goes forward or not.

Mr. Avantini said that these properties currently generate approximately \$27,000 in annual City tax revenue. After this project is built it would generate over \$1,000,000 for the City of Novi.

Mr. Carson used the aerial photo to locate the fire station and city park land in two locations. He said the south park is essentially land-locked, but this proposal would create a park system by connecting the two parks with the dedication of an additional 65 acres of park land. He said this approach has tremendous benefit to the community. He reiterated the densities that exist across Ten Mile, the proposed Oak Pointe Church, and Lyon Township's proposed rezoning on their southwest corner of Napier and Ten Mile. He noted that the density of .97 units per acres at Island Lake counts the lake area, and would not be calculated into a site's density with an RUD Agreement today.

Mr. Carson asked the Planning Commission whether this use is indeed a rural, agricultural use. He said that the area is not rural, it is suburban in nature – fire station, large church, tremendous parking, 1.5-unit density per acre and commercial proposed to the west as well as the school land in the area. He said that the Planning Commission has the opportunity to recommend approval on this project which will reflect the changing conditions and will be of benefit to the City. The project will be environmentally sensitive and will provide great open space in the City and in the neighborhood.

Mr. Carson said that they are seeking a density of 1.32 units per acre under an RUD. The current situation as it relates to the Master Plan, specifically the Quasi-Public designation, yields churches, recreational facilities, Freedom Hill Amphitheatres, water parks, colleges and universities. If it is truly going to be public in nature it has to be acquired by the City. This land is too valuable to be acquired by Novi under these circumstances. Through this proposal the City can acquire a smart, developed property that will connect a park system. The use is residential and the density of this proposal of 1.32 units is under the 1.5 units per acre that exists immediately across Ten Mile.

Mr. Carson said this project would be a tremendous benefit to the City. He asked the Planning Commission to take action on this request tonight so that the unification of these parcels remains in place. If separate developments occur, such as the eastern parcel developing separately, the City will lose the ability to connect the land-locked park to the other park by the fire station. The City will lose the dedication of 65 acres of park land to the City. If the western parcels break off, those properties may go multiple or commercial to reflect what is happening in Lyon Township. The assemblage of this package is a benefit to Singh and the City.

Member Kocan read a Public Hearing response to the Planning Commission:

- Lucille Ciotta, 7248 Green Hills Drive South, Saline, 48176: Said that parcel 22-30-100-007 has been in her family for sixty years. She said progress is inevitable and she wished for the wetlands and woodlands to remain intact. She said that clustering the homes would minimize the environmental impact and complement the golf course community.

Chair Nagy asked whether anyone from the audience wished to address the Planning Commission:

- Danielle Schroeder, 50155 West Ten Mile: Lives at the property in front of the golf course. She said that she is not happy with the proposal. She figured that the 800 homes of Island Lake along with the 500 proposed homes at the Links of Novi, and 16-27 homes on the rezoned Ten Mile property equals over 1300 homes. The traffic is already out of control. She noted that when the traffic study was done there probably wasn't an accident on I-96 that stopped traffic on Ten Mile and blocked her driveway for hours on end. She moved to her current location to escape having neighbors. She does not endorse the church across the street but preferred it to a strip mall. She said that it has been suggested that Ten Mile be widened to five lanes. Her front porch is 45 feet off of Ten Mile and she asked how this could be accomplished. She reminded the Planning Commission that their response to the Lyon Township rezoning request was that the area was rural in nature and the request did not complement the City's Master Plan. She said that it would make no sense to widen Ten Mile in one location but not up the road. She asked what the timeframe is that the developer has in mind for the project. She said the South Lyon Board of Education, the school district for this property, is completely unaware of the developer's plans that would add perhaps 1,000 students to their school system (she said the national average is 2.3 children per household). She noted that South Lyon already has six elementary schools and a seventh opening next year. She does not support the plan.
- Tom Sales, 23920 Napier: Lives in the third house south of Ten Mile. He asked the developer whether an entrance would be designed for access onto Napier Road. He noted that there are already a number of accidents that occur at the intersection of Ten Mile and Napier due to the down-slope of eastbound traffic. He does not know how the roads can accommodate any additional traffic.
- Andrew Mutch, 24740 Taft Road: Spoke on behalf of the Friends of Novi Parks, an organization dedicated to the acquisition and preservation of park land in Novi. He said this area is, in general, an area in need of attention where natural resources should be preserved. He said his organization is not taking an official position on the proposed rezoning, but they would like to state that any proposals in City Sections 29 and 30 should be mindful that the highest quality of wetlands and woodlands in the City exist in these sections. They want the core reserve areas protected as they are identified on the City's Habitat Master Plan. They support a contiguous preservation area that would connect the two City parks. He said that the parcel identified as one of the Steel properties needs to be preserved as much as possible because it is the core of the reserve area. The established preservation area should be under public ownership with public access. They support public ownership and access to public and preservation areas wherever possible when it is consistent with serving the public interest. This organization has made their preservation requests known to the Planning Commission in the past. They have worked with developers and land conservancies to protect as much of the core reserve as possible. They want to maximize the amount of land that is preserved.

Chair Nagy closed the Public Hearing.

Member Papp thought that the amount of traffic already on Ten Mile is heavy. He noted that the proposed rezoning would increase the number of homes from 259 to 536. He asked if the Master Plan and Zoning Committee had forwarded a recommendation to the Planning Commission. Chair Nagy said that the Master Plan and Zoning Committee has not seen this request.

Moved by Member Papp, supported by Member Markham:

In the matter of Zoning Map Amendment 18.632 for Singh Development – Links of Novi to rezone the subject property from R-A to R-1, motion that since the rezoning does not comply with the present Master Plan, and a development of this magnitude with a proposed increase of density and the impact on water and sewer and a possibility of a major county road being redone, the request be sent back to the Master Plan and Zoning Committee for further study and a recommendation be made from that Committee to this Planning Commission.

DISCUSSION

Member Markham wondered why the Master Plan and Zoning Committee did not review this request prior to its coming before the Planning Commission. It is a big development with a big impact on the west side of the City. Her primary concern is the density question. She asked whether a golf component was being maintained and the Applicant responded negatively. She asked about the property that would create the contiguous park land. Mr. Carson said that the Applicant's intention would be to carve out and convey to the City the 65 acres in question. The City would have ownership. A parking lot is proposed on the City's land in the area near the fire station. None of this will happen if the Planning Commission sends this request to the Master Plan and Zoning Committee for review because time is of the essence. He would prefer that the Planning Commission send a negative recommendation to City Council.

Member Markham said the Master Plan and Zoning Committee is the right place for the dialogue to start regarding this project. She liked parts of the development. For example, putting the homes where the fairways are makes sense because the land has already been cleared. If the rezoning is granted, Member Markham wondered where the density trade-off would take place. She said that this developer always comes forward and asks for an increase in density. While sometimes these rezonings make sense, the Planning Commission must look at the impact as it relates to the entire City.

Member Markham would look for a mixture of lot sizes in an RUD of this magnitude. She would look for a reasonable number of large lot homes. This is an R-A part of town and this development should reflect that. Certainly the Planning Commission would expect some clustering and some smaller lots to preserve the natural features. There is a place in this Community for larger lot homes and she would like to see that addressed on this parcel – an area that has already been zoned in like manner. She would expect minimal tree removal and no tree removal in the core reserve area. She thought the Applicant was on the right track in designing the site plan with a park land connection. It could help the City achieve the connection of a regional trail system – connecting Northville, South Lyon, perhaps Kensington. She supported the motion.

Member Sprague agreed that the dedication of park land is on the right track. He noted that the rezoning would effectively double the density, and while the Applicant has provided a concept that does not double the density, a rezoning of this property to R-1 would not preclude him from changing his design to accommodate more homes.

Member Sprague said that the traffic on Ten Mile is terrible, and residents in that area would not be in favor of adding more traffic. He said that Wixom Road is much the same way. He supports this request being reviewed by the Master Plan and Zoning Committee. He noted that this developer is continuing in his pattern of asking for increased density.

Member Ruyle confirmed with Mr. Schultz that the privilege of granting an RUD comes from City Council, and that the density of that RUD could be agreed upon to be less than the zoning would allow. Member Ruyle does not support the motion; he said that the R-A zoning of the Links of Novi is because it was a golf course. He said the Planning Commission has already given its approval of R-1 to a property north of the Links. He saw no problem with this request going forward to City Council.

Member Paul said that the core reserve is of great interest to the City. She said the Environmental Committee was asked by the State to look at its preservation. She likes the idea of contiguous parkland. The connective trail system is a positive addition for the City. At a seminar Member Paul listened to a Michigan planner discuss a directive that provides municipalities with information as to how many homes can be on a particular stretch of dirt

road. Member Paul asked the Planning Department to review the traffic and infrastructure situation at Napier Road. There are drainage issues on Napier Road as well.

Member Paul would like increased density in the area to preserve the core reserve, parkland, woodlands and the natural features of the wetlands on the site. She would not look across Ten Mile to determine density for this piece of land, since the property south of the Links is developed with homes sitting on multiple acres. She said that if the developer stayed out of the wetlands they would have less sewer lines and water mains to run and less roadway to build. She said that people pay lot premiums for natural-feature abutting lots. She supported the motion.

Member Kocan believes in the process and therefore prefers that this request first be reviewed by the Master Plan and Zoning Committee. She said that the developer has already been on the receiving end of additional density in the past, since she pushed for an issue to go before the Implementation Committee which ultimately resulted in a new Ordinance that benefited the Applicant. She does not expect the Master Plan and Zoning Committee to approve a specific site plan; they should concentrate on the density implications, traffic implications, water, sewer and the impact on total Novi build-out. She supported the motion.

Member Avdoulos cited a portion of Singh's letter that stated the Ten Mile character has changed from rural to suburban. He said that may be true, but the Planning Commission has the responsibility to set balance and create balance, and help preserve areas that have some interest to the City. Member Avdoulos lives near the Links and he said that the entire area is zoned R-A specifically to keep large pieces of property for the lower density. He said the last pristine parcels of Novi land are in the southwest quadrant. Member Avdoulos said that the Applicant has done a lot of top quality work in Novi; however he said that he already knows what this subdivision will look like because of the Applicant's request for increased density. He encouraged the Applicant, should he go forward, to create something that builds on the rural character and is not typical of the five-homestyle subdivision.

Member Avdoulos agreed that the Ten Mile traffic is terrible. He thought that using this area of Novi as a transition from Novi's "suburban" to Lyon Township's "rural" works well.

Member Shroyer's first choice would be to maintain the golf course. He thought that the Applicant's plan had some very good elements but it is a very large project that requires additional review by the Master Plan and Zoning Committee. While he appreciated the Applicant's request for expediency, Member Shroyer said that the parcel's impact on the entire City is too great to forego a full review of the request.

He said that the Master Plan and Zoning Committee is currently reviewing all the sections in the City, but they have not yet reviewed sections 29 and 30. After this review, Member Shroyer would like to review the major corridors, and Ten Mile would be considered. The Applicant responded that it is designated as an arterial thoroughfare in the Master Plan. Member Shroyer nonetheless considered Ten Mile as a major road and requires further review.

Member Shroyer agreed that there are some nice features to the plan. He is not opposed to the rezoning. He prefers that the parts of the puzzle be put together prior to any recommendation going forward. He supported the motion.

Chair Nagy said that Ten Mile is a County road. At the present time the County has no intent on widening it, and should that change it would likely be so far down the road that it shouldn't be considered. Chair Nagy stated that churches are allowed in single-family zonings, and the Planning Commission has no control over the size of a church; they can only confirm that the Ordinance is met.

Chair Nagy feels a great responsibility to the Planning Commission and the process that they follow. She said that if an Applicant wants a rezoning, they must first go to the Master Plan and Zoning Committee. She said that she would not debate tonight whether the request did or did not come before the Master Plan and Zoning Committee before this meeting as she had missed some of the recent Committee meetings. She said she did not want to fast-track zone either. The Applicant's urgency is not the Planning Commission's emergency.

She appreciated the Applicant's submittal of so much information. She said that Ms. McBeth did a wonderful job of reviewing the request, but the consultant reviews are lacking. The Traffic Review had a lot to say and a lot to consider. This is a huge project for Novi that requires time to review. She asked the Applicant why he was in such a rush. Mr. Carson responded that the Applicant has created a unique opportunity through parcel assemblage, but the five parcels owned by three different owners can only be brought under Singh's control within a limited time frame. If the request is not acted upon quickly, the benefits of this plan will disappear. He said that wasn't a threat, that's the actual circumstance. The Applicant doesn't mean to otherwise pressure the City, and one of the issues that concerns him is why the Planning Commission won't recommend a denial if the Applicant is willing to accept that ruling from them at this meeting. He asked again for the Planning Commission to turn them down. He said that the Applicant will not be able to control the properties with the Planning Commission's postponement of the request.

Chair Nagy appreciated what he was saying. Mr. Carson asked if the City Council says that the Planning Commission can still postpone their recommendation in spite of the Applicant's request for a denial. Chair Nagy said that the Planning Commission has the right to follow a process. Mr. Schultz also responded that there is no requirement or particular time limit for action by the Planning Commission. The State statute says that at least one Public Hearing must be held and a recommendation may then come from the Planning Commission to the City Council. Because there is no specific time limit, what a reviewing body does in deciding whether or not they've acted correctly is to decide whether or not they've created a fair process. The two items that the Planning Commission needs to consider in deciding whether it's a fair process to refer this to the Master Plan and Zoning Committee are first, the indications of factual statements made by Mr. Carson about the circumstances of their business arrangement; and second, the Staff Report appears to report that an informal inquiry of the Master Plan and Zoning Committee on whether they wanted to see this request back in August indicated that they declined to hold a review.

Mr. Schultz continued that if the Planning Commission as a whole still wants the Master Plan and Zoning Committee to review it despite that determination, the motion, in order to help defend this as a fair process, needs to indicate specifically what it is the Planning Commission wants the Master Plan and Zoning Committee to do in detail (and currently the motion does not specifically say that at this point), in light of the fact that what is being talked about is a change from R-A to R-1; and second, it would be appropriate in this circumstance for this Planning Commission to think about the scheduling. Is there some way for the Planning Commission to give the Applicant some assurance that this is not something that is going to be postponed two or four months because that begins to not look like a fair process under the circumstances.

Chair Nagy asked why everyone is in such a rush and she said that has never been answered. She does not know which person owns which parcel and she asked Mr. Carson again whether Singh Development owns all 325 acres. He responded that Singh Development controls all the property but does not have title to all of it. He said that the request did go to the Master Plan and Zoning Committee in August and its review was rejected. He did not believe that the Applicant's request was a rush. In the interest of fairness to Singh over this issue, the City of Novi has adopted the State statute. The Statute refers these decisions to the Planning Commission. The Applicant went to the Master Plan and Zoning Committee and was turned down. Chair Nagy said she appreciated that the Applicant was trying to make his case; he responded that he was just trying to have a fair record of the meeting. Chair Nagy appreciated that.

Chair Nagy said that nobody from the Master Plan and Zoning Committee remembers this at all. She said that there are no minutes available to confirm or deny the statement. Member Ruyle asked for point of order and he responded that the Master Plan and Zoning Committee did consider the request and its review was turned down. He confirmed that Chair Nagy was not at the meeting. She said she did not want to get into a debate. She wanted to look into the site plan and she'd like the Applicant to be succinct with the completion of his answer.

Mr. Schultz interjected and asked whether postponing the matter was fair. He said that was for the Planning Commission to decide. He was suggesting that if that was the sense of the whole Planning Commission, as opposed to the members of the Master Plan and Zoning Committee, then the Planning Commission needs to articulate what it is they want and articulate a sense of schedule in light of the representations and in light of the fact that there appears to have been some effort to be at a prior Master Plan and Zoning Committee meeting. He

thought that should call for some discussion about what kind of a time frame could be recommended for the Master Plan and Zoning Committee's review and the issue brought back to the Planning Commission as a whole. Time is obviously significant.

Chair Nagy said that if she were truly not at the August meeting, she is disappointed that the members of the Master Plan and Zoning Committee would think that a project of this magnitude would not need a recommendation to the Planning Commission. She does not feel that this decision follows the process. Secondly, Chair Nagy believes the project should be looked at for all the reasons stated by the Master Plan and Zoning Committee. Number one, they are updating the Master Plan. Two, this is a request for a density change. Three, this is about natural features: the core preserve. Four, it's about traffic. Five, it's about sewer. Six, it's about water. This is a major project that encompasses a great deal of the southwest corner of the City. Chair Nagy said it is incumbent upon the Master Plan and Zoning Committee to take the recommendation of the Planning Commission, do their job, and bring back a recommendation answering all those questions.

Chair Nagy also told Mr. Carson that she understood what he was saying. As a member of the Master Plan and Zoning Committee she would be willing to accommodate an efficient scheduling. She felt it was incumbent upon her as a Planning Commissioner to do this City justice, and do Singh as the Applicant justice by performing a study on this project. She is not in favor of denying the project, because there is no reason to deny the project. It is basically something that the Applicant has to allow the City enough time to do their job. As much as the Planning Commission wants to help the Applicant, they need the ability to do their job. She will accommodate a scheduling within reason. She said this was the best course and that the Planning Commission is obligated to the City, the residents and the Applicant to thoroughly do their jobs.

Member Kocan said that the Planning Commission has set precedent in the past by sending things to Committee without voting for them at the table. The Rules Committee recently took a recommendation for review from the Planning Commission and upon the Committee's review they actually found more options for consideration. As a non-member of the Master Plan and Zoning Committee, Member Kocan said she is directing that Committee to perform exactly what is in the motion, that with a development of this magnitude, because of the proposed increase in density, because of the impact on water and sewer, because of the possibility of a major County road widening, it requires a separate study and recommendation from the Master Plan and Zoning Committee. That's part of the motion and Member Kocan told Mr. Schultz that she found that to be pretty sufficient. Mr. Schultz responded that if that's the direction that she wanted given to the Master Plan and Zoning Committee, then that's the motion.

Chair Nagy thought a reasonable time frame should be listed in the motion. Member Papp said that he would like to add to his motion the language, **"This will be reviewed by the Master Plan and Zoning Committee within a reasonable amount of time to come up with a recommendation."** After some discussion among the Planning Commission members, it was agreed that the Planning Commission set the timetable of 45 days.

Member Papp restated his change to the motion as, **"The Master Plan and Zoning Committee will come back to the Planning Commission within 45 days with a recommendation."** The seconder of the motion agreed to the change.

Member Ruyle recommended that the Master Plan and Zoning Committee review the project at their next meeting, which is scheduled for the following Tuesday.

Member Paul said that she requested a review of the dirt road, Napier Road. She did not know whether this would allow the Master Plan and Zoning Committee enough time for Ms. McBeth to get the available new study information done by the Michigan Planning Department. She'd like Ms. McBeth to look at that to see what information is available regarding density along this one-mile stretch. Ms. McBeth said that she would be able to accommodate the efficient scheduling of this meeting.

Member Paul asked Member Papp to add to the motion language that. **"The Planning Commission asks the Master Plan and Zoning Committee to study the dirt road corridor to see if it can handle the density because there is very precise information to say what a dirt road can handle in regards to density."**

Member Papp said he would accept that language but there was no support from the seconder.

Chair Nagy interjected and said that there is supposedly a Master Plan and Zoning Committee on October 8, 2003. She talked to a couple of Planning Commissioners and they scheduled the Planning Commission meetings the way they are because some of the members have commitments. She asked other people if it could be changed to Tuesday and she hasn't been able to call the Planner yet. She said that a date could be set as to when the Master Plan and Zoning Committee can re-review this on October 7, 2003. She thought that asking the Master Plan and Zoning Committee as well as the staff to try to get all of the information the Committee is going to be looking at by October 7, 2003 is beyond unreasonable. She said that they should keep in mind setting a date that works for everyone, not just some of the members.

Member Markham said that it makes sense to put together a plan at their next Committee meeting as to how they will be tackling this. But, there is already a full Agenda for the next meeting, and it includes issues that are pending from the previous meeting that are still incomplete. She said that there will have to be an extra meeting scheduled in order to make this review happen. She said that while she is willing to do that, she asked that it be remembered that everyone is busy. Member Markham, the seconder of the motion said that instead of the 45-day window, she would prefer the motion's language to be, **"The Master Plan and Zoning Committee will come back to the Planning Commission within 60 days with a recommendation."**

The maker of the motion agreed to accept sixty days as the new language to the stipulation.

Mr. Carson asked that the record reflect that the Applicant does not want this request sent any place else. The request had been made for the Master Plan and Zoning Committee to look at this parcel and they turned it down. He said that this is October and that was in August. Mr. Carson said that they did not feel it was an appropriate act for the Applicant. They would prefer that the Planning Commission turn them down and the Applicant would take the risk of having been turned down. As far as the detail planning, any plan for this property will have to come before this Planning Commission a number of times. The Applicant does not want to be sent to the Master Plan and Zoning Committee and they object to being referred to them. He said they believe it is inappropriate and illegal.

Mr. Schultz said that just like any property owner, the Applicant can go before the City Council and ask them if they would look at the request within a different time frame than what the Planning Commission has set. City Council, in that respect, while it doesn't control anyone's schedule, has the ability to indicate when it wants to see any particular item. Mr. Schultz said there was a motion on the table that is not illegal or inappropriate. If the Applicant doesn't agree with it, they can move on to the next level. Chair Nagy agreed and called for the vote.

ROLL CALL VOTE ON THE 18.632 SINGH REZONING REQUEST MOTION MADE BY MEMBER PAPP AND SECONDED BY MEMBER MARKHAM:

In the matter of Zoning Map Amendment 18.632 for Singh Development – Links of Novi to rezone the subject property from R-A to R-1, motion that since the rezoning does not comply with the present Master Plan, and a development of this magnitude with a proposed increase of density and the impact on water and sewer and a possibility of a major county road being redone, the request be sent back to the Master Plan and Zoning Committee for further study and a recommendation be made from that Committee to this Planning Commission. The Master Plan and Zoning Committee will come back to the Planning Commission within 60 days with a recommendation.

Motion carried 7-2 (Yes: Avdoulos, Kocan, Markham, Nagy, Papp, Paul, Sprague; No: Ruyle, Shroyer)

Chair Nagy called for a ten minute break.

**PLANNING COMMISSION MINUTES
EXCERPT NOVEMBER 5, 2003**



AMENDED

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, NOVEMBER 5, 2003, 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375 (248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:30 p.m.

ROLL CALL

Present: Members Avdoulos, Kocan, Markham, Papp, Ruyle, Shroyer, Sprague

Absent: Members Nagy (excused), Paul (excused)

Also Present: David Evancoe, Director of Planning; Barbara McBeth, Planner; Darcy Schmitt, Planner; Brian Coburn, Civil Engineer; Lance Shipman, Landscape Architect; Tom Schultz, Attorney

PLEDGE OF ALLEGIANCE

Member Shroyer led the meeting in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Member Shroyer asked that Committee Membership be added under Matters for Discussion.

Moved by Member Papp, seconded by Member Kocan:

Motion to approve the Agenda of November 5, 2003 as amended.

Motion carried 7-0.

1. ZONING MAP AMENDMENT 18.632

Consideration of the request of Singh Development for possible recommendation to City Council to rezone the subject property located in Section 30 south of Ten Mile and east of Napier Road, from R-A (Residential Acreage) to R-1 (One Family Residential). The subject property is approximately 324.95 acres.

Chair Markham said that this request came before the Planning Commission and a Public Hearing was held on October 1, 2003. The Commission sent the proposal to the Master Plan and Zoning Committee for review. This review has been completed and the request is now back before the Planning Commission.

Planner Barb McBeth located the property on an aerial photo. She said that the subject property contains approximately 325 acres and includes the Links of Novi Golf Course with slightly less than 200 acres, two parcels to the west of the golf course owned by the Ciotta family (a ten acre parcel fronting on Ten Mile and a twenty acre parcel fronting on Napier Road) and two vacant parcels known as the Norman Steel properties totaling 100 acres to the east.

The property to the north is being developed with Island Lake of Novi. To the south the land is mostly vacant with some homes scattered along Nine Mile. The City of Novi's Fire Station Number 4 and some additional land owned by the City are to the east. To the west are single family homes that front on Napier Road. On the west side of Napier Road, in Lyon Township, the land is vacant.

Ms. McBeth said that the subject property currently has a zoning classification of R-A, Residential Acreage. All of the surrounding land in Novi, to the north, west, east and south, is also zoned R-A, Residential Acreage. In Lyon Township, on the west side of Napier Road, the zoning is R-1.0, Residential Agricultural.

The Master Plan for Land Use reflects the Links of Novi Golf Course use for the part of the property and recommends residential uses for the remainder of the subject property. The Master Plan for Land Use recommends single family residential uses for all of the surrounding properties. In Lyon Township, the Master Plan for that community recommends rural residential uses. The residential density patterns map recommends 0.8 dwelling units to the acre as a maximum for the subject property and all of the surrounding properties on the

west side of Novi.

Ms. McBeth said that the Wetlands map indicates areas of regulated wetlands on the west, east and south sides of the site. The Woodlands map indicates the site contains extensive areas of light, medium and heavy woodland areas.

This matter last appeared before the Planning Commission for a Public Hearing on October 1, 2003. At that time, the Commission forwarded the request to the Master Plan and Zoning Committee to study the matter and provide further review and comment. The Master Plan and Zoning Committee has met and discussed this matter on three occasions since the October 1st Public Hearing. Additional information was provided by the Applicant, and additional information was prepared by the Staff, as requested by the Committee and a dialogue was opened to further discuss the merits of the rezoning request. A recommendation has been forwarded from that Committee, which states that the Master Plan and Zoning Committee recommends that the subject parcels be rezoned from R-A to R-1, with the recommendation that the rezoning be accompanied by a Development Agreement, including a number of provisions that were discussed and agreed upon by the Applicant. Some of the provisions the Committee hopes will be included in a Development Agreement include:

- Limiting the number of homes from 368 to 428 homes
- Providing lot sizes consistent with the RUD Ordinance
- Maintaining and dedicating open space for use by the public
- Maintaining viewsheds along Ten Mile
- Developer providing a fair share of infrastructure improvements for roads, water and sewer
- The City and Developer, along with any interested Citizen Groups, such as the Friends of Novi Parks, should form a partnership to seek foundation or public grant funds to improve the donated park land with a trail system

Singh has provided the City with a description of how this site might be developed if the rezoning request is approved. The Applicant has indicated that the unconfirmed wetland acreage on the 324 acres (which will be reviewed by the City consultant at the time of Preliminary Site Plan review) is 67 acres; the property would yield 206 homes if it remains R-A, and 425 homes if zoned R-1.

The Master Plan and Zoning Committee considered whether there was a logical basis for increasing the density for the subject property using the adjacent city-owned park parcels, based on the fact that there would be no additional impact from this park land on the roads or infrastructure. Since so much of the adjacent parcels already owned by the City are covered with wetlands, (approximately eighty percent), the total of 121 acres nets approximately 19 homes if zoned R-A, and 39 homes if zoned R-1.

The Planning Department prepared density calculations on this proposal. The Master Plan and Zoning Committee recommended to the Planning Commission that a range of homes from 368 to 428 be considered in a possible Development Agreement; this density calculation, for just the subject property, equates to approximately 1.42 to 1.66 units to the net site acre (excluding wetlands) which is in the upper range of the density permitted in the R-1 district (1.65 units to the acre). Calculating the density with the inclusion of the adjacent City-owned land, the overall density of the range suggested by the Master Plan and Zoning Committee would equate to approximately 1.30 to 1.52 units to the acre (excluding wetlands), which is in the middle to upper range of the density permitted in the R-1 district of 1.65 units to the acre.

The City's Consulting Traffic Engineer, Rod Arroyo, has prepared a second review letter based on additional information the Applicant has provided to the City. Also, Brian Coburn, Civil Engineer, provided a memo that concludes that the water main and sanitary sewer facilities (that were designed, master planned and constructed as a part of the Island Lake Development) are capable of servicing the proposed density shown in the rezoning application, with some modifications to the existing booster pump station and sanitary pump station. Therefore, the Commission is asked to consider the new information and the recommendation of the Master Plan and Zoning Committee, and forward a recommendation to City Council on the proposed rezoning request.

Khanh Pham of Singh Development, 7125 Orchard Lake Road, West Bloomfield, MI, addressed the Planning Commission. He thanked them for acting on the rezoning request so quickly. He said that Singh is committed to this project, and through a public-private partnership they plan to provide more than what a single subdivision or

entity could do. He said that their development, Quail Hollow, could provide benefit to more than just this subdivision.

Member Kocan favored the decision to send this request to the Master Plan and Zoning Committee for review. She was pleased that everyone worked so expediently to provide a more thorough understanding of the proposal in just four weeks' time. She said there are positives to the plan, such as developing park land and traffic amenities (although she does not endorse a traffic light every one-third mile). She hoped to maintain the rural character of the area. She said that the impact of this property on Lyon Township must be considered. Traffic is a key element – and there is already traffic on Ten Mile. She wondered if doubling the density on this parcel did not set a precedent for the entire west side of Novi. She said there are possibly offsetting conditions, but as a Planning Commissioner she did not feel she was able to judge how the value of these improvements equated to density credits; she felt that City Council was the more appropriate body to make those decisions.

Member Kocan would require substantial commitments from Singh to approve their rezoning request. She acknowledged that when Island Lake donated land for the school system the developer received density credits accordingly. She did not agree with their receiving density credits for the lake. Overall, their density is 0.97. Member Kocan would not want Quail Hollow to exceed 0.97. She believed that their proposal is somewhere around 1.65. Island Lake provided a City-wide benefit with their school property donation. The park lands developed in Quail Hollow would have to be accessible to everyone – it can't be a clubhouse strictly for those residents. There would have to be park amenities and park maintenance. Member Kocan thought that the Developer should provide more information on what they could provide that would be of benefit to the City.

Mr. Pham responded that the City has 78 acres on the east side of Quail Hollow. The City also has 57 landlocked acres south of the subject property. Singh is proposing to donate 65 acres that would connect these two park lands and make a contiguous 200-acre park – second in size to North Novi Park. Singh would like to partner with the City to make the park more active – a system that would be available to the whole City.

Member Shroyer said he was on the Master Plan and Zoning Committee and has reviewed this request. He said that the Links of Novi is gone, and now the City needs to look at the property and figure out a win-win situation for the City, the developer and the residents. He said that they looked at RUDs, Development Agreements, Open Space and the PRO Ordinance. They heard from South Lyon School District and Lyon Township. He noted that somewhere between 700-775 units would be added to the Ten Mile corridor just inside the Lyon Township border. Those residents will travel east into Novi to take Wixom Road north to I-96 or Beck Road south to M-14. Member Shroyer continued that the Committee considered the public comments. They reviewed the infrastructure capabilities. He thought the recommendation brought forth to the Planning Commission shows that the rezoning request could be the win-win situation he'd hoped for. He did have concerns, namely the traffic. He said that Wixom Road traffic is problematic and Beck Road will continue to be problematic until it's widened. Member Shroyer said he is in favor of the proposal as long as the proposal is a win-win and the number of units is limited to something that the City's infrastructure and the Community can handle.

Member Papp had concerns about the traffic as well. He noted that Ten Mile is already rated "F" in the area, but it would be the City's fault if they added 428 units and made Ten Mile rate a "G." He said that Oak Pointe Church's parking lot would accommodate 2,800 people as well. Member Papp asked what the least amount of sites Singh would consider building on the property – which has been asked before but no answer is ever given. Mr. Pham said that he couldn't pinpoint that number without the written RUD and determination of the infrastructure amenities; he confirmed that 428 is the maximum.

Member Avdoulos thought the Master Plan and Zoning Committee did a great job in reviewing this proposal. He noted that back in 1999 the Novi 2020 Master Plan showed this area with a density of 0.4 units, which has been increased to 0.8 units per acre. He said this area of Novi is a unique rural area that is getting bounded by developments. Ultimately it will push beyond Nine Mile and on to Eight Mile. He said that this entire area's density will be doubled if this rezoning request starts a precedent. He said that if the City's density is highest at its center and wanes as it travels out, and the surrounding areas are developed similarly, a nice rhythm is provided. He liked the current density, which is 0.8, and this proposal seeks to nearly double that. He did not have a problem with this 324-acre property being developed with 259 homes on varying lot sizes to accommodate the natural features.

Member Avdoulos suggested that the connection of the park land (City-east, City-south and Singh) chokes off any southern subdivisions from connecting to Quail Hollow to the north. He would prefer to see some coordination between the developers to provide collector streets. He said that he would like to see at least one or two of these areas remain R-A and if any concessions are given, a density of 0.97 (similar to Island Lake) might be acceptable. He said he would not support a recommendation for anything other than what is already zoned in the area.

Member Sprague originally thought that increasing the density on this parcel was wrong, but upon further review he thought there may be an opportunity for everyone to benefit from this proposal. He said that partnerships are built on trust and a good set of rules, and the Planning Commission is not in position to draw those rules up. He said that resolving the traffic issues was important to him, and he thought that Singh's doubling the density in the area would exacerbate them. He thought the addition to the park land was great, but he didn't just want to see park land come off of the tax rolls and the City being stuck with a big development bill. Singh's partnering with the City to bring the park land into a usable state would be good. He agreed with Member Kocan's suggestion that a 0.97 density be used as a benchmark, and he agreed with Member Avdoulos that 0.97 would likely be as dense as he would be willing to accept. He said that a win-win situation must be a big win for the City. Member Sprague said that he leaned toward a negative recommendation because he didn't want to see the density increased.

Member Ruyle said he, too, served on the Master Plan and Zoning Committee. Member Ruyle said that thus far no mention has been made of Quail Hollow's exit onto Napier Road. He said he would like a Development Agreement to include the Developer's paving of Napier Road to Ten Mile. This would benefit both Novi and Lyon Township. He said that one to three traffic devices would be placed between Wixom and Napier roads. The church's light would be an activated light that would be functional only while they are in session. This Developer has proposed widening Ten Mile with turning lanes. A traffic light at Napier and Ten Mile will be added by an as yet undetermined entity. Member Ruyle said this Developer has been asked to bend over backwards for Quail Hollow, and while Member Ruyle does not always agree with this Developer's projects, he does support this proposal. He said that 428 homes would provide a miniscule impact on traffic.

Member Ruyle said that Singh was amenable to putting the trails in the 200-acre park while their construction equipment was onsite. He thought this was a win-win situation, and the City must cooperate with Singh in order for Singh to cooperate with the City. He did not have a problem with R-1 zoning and limiting the proposal to 428 homes – a blanket R-1 would allow over 600 homes. He did not think that the request for 428 was an overabundance. He supports the request with a limitation of homes from 368 to 428. He said that the Planning Commission only makes a recommendation and that City Council can take it from there.

Chair Markham said that the density on the west side of Novi is very important to her. A request for increased density affects all aspects of the quality of life in the area. The infrastructure is affected – traffic, water, sewer, open space, etc. She said that the City has been working with Lyon Township to keep Ten Mile open and rural, recognizing that the area is going to have growth. She acknowledged that the 1999 Master Plan doubled the density for this area, from approximately 0.4 to 0.8 units per acre.

Chair Markham said that a lot of numbers had been kicked around at this meeting. She asked to clarify Island Lake's density of 0.97 units per acre; Ms. McBeth responded that their density came from the RUD, the use of the lake's acreage, and the fact that not all of their property was zoned R-A to begin with – some was zoned R-1. Their 1,000 +/- acres yields 970 homes. Planner Darcy Schmitt further clarified that the wetland buffer was used in the calculations, and that Toll Brothers is also required to provide pathways and boardwalks as an amenity to the project. Chair Markham also noted that the preservation of the barn was also part of Island Lake's Agreement. She concluded that the density of 0.97 did include some density credits.

Chair Markham said that a subdivision called The Preserves is being planned to the southwest of Quail Hollow. The Master Plan and Zoning Committee looked at their preliminary proposal and they have designed a road that is planned to connect with one of the main roads of this development for the purpose of providing a connector road between the main Mile roads. She was pleased to see that these two developers had discussed this and worked together on developing a connecting road.

Chair Markham said that the Master Plan and Zoning Committee had discussed how the traffic lights need to be coordinated between Quail Hollow, Island Lake, Lyon Township and Oak Pointe Church. She also does not want to see three traffic lights so closely placed.

Civil Engineer Brian Coburn said that Ten Mile is under the jurisdiction of the Oakland County Road Commission. They ultimately have the say of where the lights will be placed. Mr. Coburn said that the County will take all the various road issues into consideration when determining whether Napier Road needs to be signalized. The allocation of costs will be determined by Oakland County, and is influenced in part by who is pushing to have the signal installed.

Chair Markham said that Singh's intent was to include the acreage of all five parcels in their determination of density for this project. They have said they will donate 65 acres of park land to the City. From a housing standpoint, the land they are giving is probably unbuildable because of its high quality natural features. It has little value to the City because it is landlocked. In order to remove this land from the tax rolls, it needs to be accessible and improved to benefit all of the citizens of Novi. Chair Markham was reiterating this information from the Master Plan and Zoning Committee meetings for the benefit of the other Planning Commissioners and the viewing audience.

Chair Markham said that if the City land is added to the 65-acre donation, the total contiguous wetlands is about 200 acres, which is located within the core habitat reserve. It contains some of the best quality woodlands in the City that are undisturbed. The City of Novi has talked about the preservation of this area for at least ten years. That question became a part of this discussion along the way. Singh's proposal is to put 428 homes on the remaining land; current R-A zoning with an RUD assumption would allow about 260 homes. The Master Plan and Zoning Committee came back with the recommendation of 368-428 homes, based on several conditions.

Chair Markham said that Singh Development would create a City Park by creating a trail system through the total 200 acres of park land. The park would be public for the whole City. Potentially, this park could be developed from the fire station at Wixom and Ten Mile all the way to Community Sports Park at Eight Mile and Napier (the project would include easement procurement and the need for funding as well). Singh's partnership opens the door for federal grants and creating a west side park.

Chair Markham said that Singh would help the City permanently preserve the core preservation area. For this reason, the Master Plan and Zoning Committee considered the appropriateness of using the City's park land acreage in their density calculation. With R-ARUD zoning, the density becomes 368. This number wouldn't add any more density than what the Master Plan outlines. Singh has proposed a maximum number of 428. The final number should be arrived at after it is determined what Singh's final contribution to this park would be. R-ARUD with all of the acreage and 428 homes equals a density of 0.93. However, R-1 must be considered because the density can not exceed the zoning in an RUD Agreement. The Master Plan and Zoning Committee reluctantly agreed to recommend R-1, and they would only do so if the density number is far below what an R-1 would actually yield. A Development Agreement would have to accompany the R-1, and would include the provisions of the park creation, road water and infrastructure improvements.

Chair Markham said that other issues need to be discussed at the City Council level. The Planning Commission is not in a position to create these details, but they include Singh's participation in a larger trail system (potentially all the way to Community Sports Park), how the park is designed and constructed, how the grant process fits in to all of this, and formation of an endowment for future park maintenance. Chair Markham said this is an exciting concept to preserve the woodlands and wetlands with the inclusion of some active recreation in a section that is nearby the subdivisions planned in the area. This park land is more than twice the size of the Sandstone park and half the size of the Novi North Park. The right development now will serve the Community for decades to come. A City park can be developed economically under this plan. It can potentially be connected to the bigger regional trail system that spreads through five counties. A development of this size (about one-third the size of Island Lake) requires a partnership; the request for increased density has to be balanced against a benefit for the greater good. Chair Markham said that preserving 200 acres of the core preservation area in the form of a City park is a great benefit.

Moved by Member Ruyle, seconded by Member Shroyer:

In the matter of Zoning Map Amendment 18.632 for Singh Development (Links of Novi), motion to recommend approval to the City Council to rezone the subject property from R-A to R-1, recognizing the following Master Plan and Zoning Committee recommendation that this parcel be rezoned from R-A to R-1. The Planning Commission recommendation includes that this rezoning be accompanied by a Development Agreement that includes these amenities as agreed to and elaborated by Mr. Kahm in his presentation to the Master Plan and Zoning Committee:

- 1. Housing**
 - a. Number of units**
 - b. Lot sizes consistent with the RUD option**
- 2. Open Space and Natural Features considerations**
 - a. Percent of Preservation Area included in the development**
 - b. Percent of Park Land Donation and timing of donation**
- 3. Viewsheds: Establishing a minimum setback from Ten Mile**
- 4. Developer's Infrastructure responsibilities**
 - a. Ten Mile Improvements**
 - 1. Improve Ten Mile traffic signals to accommodate level of traffic indicated in the Traffic Study**
 - 2. Amend Traffic Study to include the development's impact on Wixom Road**
 - 3. Acceleration and deceleration lanes into the development**
 - 4. Widen Ten Mile to three lanes**
 - b. Water: Fund the installation of a fourth pump at the booster station on Wixom Road.**
 - c. Sanitary Sewer: Fund improvements to the existing sanitary pump station to accommodate proposed development**
- 5. Partnership for grant money to improve donated park land: Labor, material and equipment; and**
- 6. The improvement of Napier Road from the point of entry from the subdivision to Ten Mile to be paved in some fashion or another;**

For the reason that if there's an Agreement between the City and the Developer, that with the number of amenities they are providing to the City in terms of open space, natural features and infrastructure improvements, these amenities will greatly benefit the City at large upon the logic of including abutting park lands to the density credit. It is recommended that the Development Agreement contain provisions that this site be limited to maximum of 368 to 428 units.

DISCUSSION

Member Kocan was concerned that approving the motion with the attachment of a Development Agreement is walking a fine line. She asked whether the motion should say, instead of "conditional upon," it said. **““only if” the Developer were to itemize those benefits to the City as a whole which would offset any adverse impact either through a public-private partnership or Development Agreement,”** (which would include the things listed by Member Ruyle). She personally did not want to recommend the R-1, but she could give a positive recommendation for the consideration of increased density over the R-A "if."

Mr. Schultz said that his understanding is that the Planning Commission's intention is that more density might be appropriate if there is a mechanism that can be put in place to address that issue. The reason for allowing the increased density is that there are benefits to the Community; the near-unanimous Planning Commission discussion reflects this but the concern is whether this mechanism can be put into effect and be enforced. The term "Development Agreement" has been used often but is not being used as a term of art. He understood Member Kocan to be asking whether there was a more careful way to phrase the intent of the motion, which is that the Planning Commission would approve of this plan if the Developer's plans can indeed be guaranteed and put into place. He thought that was a good comment for discussion.

Member Kocan was also concerned about the range of 368 to 428 units. She was not comfortable with the 428 number, and would be more comfortable with the language, **“to a maximum of 368, or some other number arrived at after detailed discussion and analysis with respect to Singh's commitments and the City's**

acceptance.” She is more comfortable with 368 because she thinks the number can be substantiated.

Member Kocan also thought the motion, in order for her to support it, would have to include language that addresses the dedication, development and maintenance of the parkland - which would include the City's contiguous parkland, ensuring accessibility and permanent preservation. She reiterated Chair Markham's comments that the increased density of 368 can be rationalized by the use of park land acreage.

Member Kocan talked about the contiguous trail system, and said that although Chair Markham mentioned it she did not hear the Developer agree to its development. She would look favorably upon that amenity.

Member Kocan asked whether Member Ruyle would consider improving the motion's language with any of these issues. He responded that Mr. Kahm has agreed to these issues, and it is in written form. He does not have a problem with adjusting the motion, except for the limitation of 368; he would prefer to keep the 368-428 language and let the Developer battle it out with City Council. He said he would be glad to listen to Member Kocan's suggestions for the motion. Member Kocan said that she will respond after the completion of the discussion.

Member Sprague confirmed that the 428 number was determined by Singh's proposed site plan. Member Sprague then asked Mr. Schultz to explain why this recommendation for a rezoning could include stipulations. He responded that the actual rezoning of a property does not come with a motion attaching conditions. What the City has done with this Development Agreement mechanism is really just do two things at the same time: Make the rezoning motion and approve the Development Agreement. It's not a conditional rezoning, if that's the better phrase to use, but it is a rezoning that has a broader context with a Development Agreement. In that context, the Planning Commission's recommendation to City Council of the R-1 density, if in the broader context, the City Council finds a way to make this development look the way it's supposed to look through the use of a Development Agreement or some other mechanism; what the Planning Commission thinks should go along with the recommendation are the stipulations outlined in the motion.

Member Sprague asked whether Member Ruyle would change his motion to use the more conservative language suggested by Member Kocan. Member Ruyle said that he would be willing to make that change, although he does have a problem with limiting the number to 368. Member Sprague thanked Chair Markham for explaining the rationale in arriving at the 368 number, which made him feel more comfortable in his consideration of the motion.

Member Avdoulos asked whether the Island Lake property was rezoned to R-1 from R-A, or was their density arrived at from a combination of R-A and R-1. Chair Markham said the RUD was written for that development and she couldn't remember whether the R-1 piece was always R-1. Member Avdoulos thanked Chair Markham for all of her comments, and then went on to say that if the boundaries were expanded to include the park area a reasonable density could be arrived at. Member Avdoulos said he was comfortable with the 368 number, because if he had property with unbuildable wetlands, he too would like to use its acreage in his density calculations. He agreed with providing City Council with a density number and a rationale for it. He asked whether the Planning Commission wants to keep the number as close as possible to R-A or keep the density at R-A and include the park land to arrive at the density. Changing the density to R-1 is why all the stipulations are necessary. From Member Avdoulos' perspective, the 0.8 density should be maintained as best as it can be. He thought that the calculations for the various numbers discussed are a good starting point.

Member Shroyer supported the motion, but he did prefer Member Kocan's introductory language. He was comfortable with a density similar to Island Lake (0.97 density). Singh will obviously want the higher number that would be specified in a range. Ultimately City Council will make the decision. He thought a percentage number could be recommended to maintain the consistency of this property to Island Lake. This would give City Council flexibility and reflects a lot of the Planning Commission's discussions. He asked that this idea be considered for the motion. Ms. McBeth responded that his comments were interesting, since density is often discussed as the number of units per acre. There's been discussion whether the Planning Commission would consider counting wetland acreage. Typically wetlands are not used in the calculations; however, if that is requested by the Planning Commission, a number could be extrapolated using this method. Ms. McBeth said that an estimate of 80% of the City park land is wetland. The numbers provided in the report are lower because much of that land is considered unbuildable.

Member Shroyer said that the consideration of using the City land in determining density is based on the concept of Singh's commitment to developing the trail system in the area. He asked what the number would be if all of the land was given the Island Lake density of 0.97, making the calculation $(325(\text{Singh}) + 121 (\text{City})) * 0.97$ (Island Lake Density) = X.

Mr. Schultz said he was concerned about the concept of density credits for City property. He thought that Chair Markham's comments on how to arrive at a general (not a specific) number were well documented. He was concerned that trying to be too specific with a number at the Planning Commission level is encroaching on City Council's authority. He was concerned that such a positive conversation may break down because of semantics. He said that no one would ever want to grant Singh a number greater than their proposed 428, so he felt that using the number in the motion was entirely appropriate. He did not think that it was necessary for the Planning Commission to be any more specific, because obviously City Council will have discussion on the number at greater length, upon their review of the other improvements.

Member Sprague asked whether the Planning Commission should state that they approve of the number 368, with the understanding that City Council may go as high as 428. Chair Markham responded that the number 368 was based on total acreage, including the park land that would be preserved. She said that the Master Plan and Zoning Committee was only trying to provide a range for discussion purposes.

Member Ruyle agreed to smooth out the introductory language as presented by Member Kocan, and asked whether his seconder would also agree.

The Planning Commission wanted to hear the restated motion, and Member Kocan respoke her request for the record. Her language was, **"The Planning Commission could give this positive recommendation for increased density if the developer would itemize those benefits to the City as a whole which would offset any adverse impact, either through a public-private partnership or Development Agreement, which would include the following... (the language provide in the Master Plan and Zoning Committee motion as stated by Member Ruyle).** She also asked for the inclusion of, **"The dedicating, developing and maintaining the park land, ensuring accessibility and permanent preservation, and a state of the art trail system through Singh's 65-acre area as well as the contiguous City park land."** Member Ruyle accepted that language as well.

Mr. Schultz said that the unit comment should be restated because there was discussion about the number and what the intention was about the outside figure or the 368 number. Member Kocan asked whether the language should be, **"...368 with a maximum of 428 or some other number arrived at after detailed discussion and analysis with respect to Singh's commitment and the City's acceptance, not to exceed 428."**

Member Ruyle had a problem with the statement because he wanted to give Singh 428. He said that the developer and City Council could fight it out. Member Kocan asked about using the language, **"The Planning Commission recommends 368 but not to exceed 428."** Member Ruyle did not have a problem with that language, because the Agreement will come from City Council and this is only a recommendation. Member Ruyle clarified that the recommendation of R-1 is in the motion.

Member Shroyer thought that the language of the motion did not reference an R-1. Member Kocan said that her intent was to give a negative recommendation to the R-1; however, she thought the Planning Commission could give a positive recommendation for increased density. She said the Planning Commission Members have to be comfortable with the motion. She thought the recommendation to R-1 with the word "if" might suffice.

Mr. Evancoe spoke regarding the Napier Road paving. He said that Member Ruyle added the paving of Napier Road to the motion, as the developer indicated at the Master Plan and Zoning Committee meeting that they would be willing to pave from Ten Mile to their entrance. He suggested that it might be advantageous for that paving to extend to their southern property line, so that it covers their entire frontage. The reasoning behind this suggestion is that if the City has the ability in the future to require an adjacent developer to do the same thing, typically this kind of requirement refers to the frontage of the developing property, not the frontage of the developing property

and 100 feet of the adjacent property. Someone will have to fill in this gap. Logically the responsibility should fall on the developer with the frontage. Mr. Evancoe said that if the Planning Commission thought that it was wise to suggest this they could put the language into the motion. Member Ruyle agreed with that comment and he said he knew what the developer agreed to in the meeting. Again he reiterated that this is only a recommendation. Member Ruyle changed his motion to include, **"The developer pave Napier Road from the extent of their southern border to Ten Mile."** Member Shroyer agreed to the change.

Ms. McBeth read the motion.

ROLL CALL VOTE ON THE REZONING 18.632 MOTION MADE BY MEMBER RUYLE, SECONDED BY MEMBER SHROYER:

In the matter of Zoning Map Amendment 18.632 for Singh Development (Links of Novi), motion to recommend approval to the City Council to rezone the subject property from R-A to R-1, recognizing the following Master Plan and Zoning Committee recommendation that this parcel be rezoned from R-A to R-1. The Planning Commission could give this positive recommendation for increased density if the developer would itemize those benefits to the City as a whole which would offset any adverse impact, either through a public-private partnership or Development Agreement, which would include the following:

- 1. Housing**
 - a. Number of units**
 - b. Lot sizes consistent with the RUD option**
- 2. Open Space and Natural Features considerations**
 - a. Percent of Preservation Area included in the development**
 - b. Percent of Park Land Donation and timing of donation**
- 3. Viewsheds: Establishing a minimum setback from Ten Mile**
- 4. Developer's Infrastructure responsibilities**
 - a. Ten Mile Improvements**
 - 1. Improve Ten Mile traffic signals to accommodate level of traffic indicated in the Traffic Study**
 - 2. Amend Traffic Study to include the development's impact on Wixom Road**
 - 3. Acceleration and deceleration lanes into the development**
 - 4. Widen Ten Mile to three lanes**
 - b. Water: Fund the installation of a fourth pump at the booster station on Wixom Road.**
 - c. Sanitary Sewer: Fund improvements to the existing sanitary pump station to accommodate proposed development**
- 5. Partnership for grant money to improve donated park land: Labor, material and equipment; and**
- 6. The developer pave Napier Road from the extent of their southern border to Ten Mile;**
- 7. The dedicating, developing and maintaining the park land, ensuring accessibility and permanent preservation, and a state of the art trail system through Singh's 65-acre area as well as the contiguous City park land;**

For the reason that if there's an Agreement between the City and the Developer, that with the number of amenities they are providing to the City in terms of open space, natural features and infrastructure improvements, these amenities will greatly benefit the City at large upon the logic of including abutting park lands to the density credit. The Planning Commission recommends 368 units but not to exceed 428 units.

Motion carried 6-1 (Yes: Avdoulos, Kocan, Markham, Ruyle, Shroyer, Sprague; No: Papp).

**CITY COUNCIL MINUTES
EXCERPT NOVEMBER 24, 2003**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 24, 2003 AT 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

Mayor Csordas called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE: NOVI PACK 240, WEBELOS DEN 6

Leaders: Matt & Lindsay Tecklinberg, Fred & Pat Wright

Scouts: Joe Clarkson, Ricky Cross, Ben Dale, Tom Dixon, Derek Smith, Eric Tecklinberg, Austin Wertheimer, Matt Wright

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

ALSO PRESENT: Rick Helwig – City Manager
Craig Klaver – Chief Operating Officer
Gerald Fisher – City Attorney
Clay Pearson – City Manager
Nancy McClain – City Engineer
Dave Evancoe – Planning Director
Tia Gronlund-Fox – Human Resources Director
Kathy Smith-Roy – Finance Director
Doug Shaeffer – Police Chief

APPROVAL OF AGENDA

Member Lorenzo added "Cheltenham Subdivision Streets, Private or Public" as Mayor and Council Issues Item #3.

Member Capello added Item #4 to Mayor and Council Issues, "Status of Ice Rink Report."

Member Gatt added Item #5 to Mayor and Council Issues, "Consideration for Changing Certain Retiree Co-Pay Medical Benefits Amounts."

Member Paul added Item #6 to Mayor and Council Issues, "Post Bar."

CM-03-11-366 Moved by Landry, seconded by Lorenzo; CARRIED UNANIMOUSLY: To approve the agenda as amended.

Roll Call Vote on CM-03-11-366 **Yeas: Csordas, Landry, Capello, Gatt, Lorenzo, Paul, Nagy**
Nays: None
Absent: None

2. Consideration of Zoning Map Amendment No. 18.632, a request of Singh Development to rezone 324.95 acres located in Section 30 on the south side of Ten Mile Road and east of Napier Road, from R-A (Residential Acreage) to R-1 (One-Family Residential) with a development agreement. The subject area includes the property currently known as the Links of Novi.

Robert Carson, Birmingham, noted that he was in attendance on behalf of the proposed developer of the property and the applicant for the rezoning, Singh Development Company. The request was for approximately 325 acres of property, which is an assemblage of 5 different parcels by the Singh Development Company, with different ownership. He said Singh proposed to develop the property in a relatively low-density manner, with extreme open space and a dedication of parkland to the City. The property has been the subject of intense and expedited review by the Planning Commission. He said the area of reference has been an important consideration for the City, as well as for the developer. The great number of golf courses today makes it very difficult for some courses to be maintained.

Mr. Carson said that Singh was not trying to maximize the R-1 density on the property by the rezoning request. Instead, the company was asking for 428 units, with the approximate layout provided to the City. At the Planning Commission, there was a range suggested. Singh was suggesting the 428 units because that was the number that was necessary for Singh to go forward with project as it was willing to commit in the development agreement. So that there was no ambiguity as to the terms of the development agreement that Singh would agree to commit to, the development agreement itself was presented to the City with its exhibits.

Mr. Carson said that to Singh, the development agreement means the ability to take the acreage and develop a property with approximately 150 acres of open space. Between 41 and 46% of the property would be open space. This would also allow the development of approximately 428 units of detached single family housing with a very strong amenity package. This would also enable Singh to create parkland for the City, not only in the approximately 65 acres of parkland next to the City's own land and fire station are, but also to "unlock" a parcel of City-owned land that is currently landlocked. Thus, this would create the second-largest area of parkland within the City. The issue of parkland has been a pressing concern to the residents and Council of the City and this is a rare opportunity for a developer to come forward and create this opportunity.

Mr. Carson stated that the proposed development would be less dense than the area of Island Lake immediately to the north of it. However, the development would be denser in units per acre compared to all of Island Lake and the lake itself. Singh's development would be approximately the same density as the entire Island Lake, within about two-tenths of a unit per acre, if the lake is not included. This area of Novi, as it borders Lyon Township, is obviously going through change. Singh feels that this is an opportunity for the City, not only in the establishment of parkland, but in the establishment of a density cap in a development that will be capped with respect to the development that could take place in the future. He said Singh has removed any plans for a western entrance onto Napier Road, and thus proposed no development on or improvements to Napier Road. The Planning Commission had raised concern about the view of both Napier Road and Ten Mile Road. He said the proposal would essentially leave the Napier Road frontage, which is essentially rural in character and undeveloped in appearance. Singh concentrated the development in the plans to the area of the property that has already been cleared, especially by way of the golf course. Though there is some intrusion into the woodlands, there is not the significant kind of intrusion that would happen should the wood stands along Napier Road be developed.

Mr. Carson said a concern was raised by the Planning Commission regarding whether the City would be able to afford improvements or maintenance for an additional park. He said that Singh sets forth in the development agreement a contribution with respect to these items. The contribution is available to the City in kind, in that contractors would make that park available for a system of trails to the extent of that contribution. While there may be a problem with ongoing maintenance of the park, this is a drastically different type of problem than raising the funds to acquire acreage to create a park. He said another question that arose was what happens to the signalization that might be necessary due to the traffic impact. He said the traffic impact from the development would be minimal. He said Singh would make a contribution to help address those concerns, in addition to the normal impacts that the company is willing to pay for.

Mr. Carson stated that this was an opportunity of a lifetime, both for Singh and for Novi. He hoped Council appreciated that the company was trying to go in a very forthright way to deliver benefit to the City. The development is in harmony with what is happening in that part of the City, and will cap density at what is already established in the area.

Member Lorenzo noted that the applicant proposed the development agreement and was offering certain things within that agreement. Neither the City Council nor Planning Commission had made any demands for the development agreement. With regard to the 65 acres that the applicant is proposing to donate to the City, she said the map in exhibit 3 seemed to show that property including detention basins for the development. She asked if this was or was not the case as proposed.

Mike Kahm of Singh Development asked Member Lorenzo if she was referring to the 150 acres of open space.

Member Lorenzo replied that she was speaking about the 65 acres that Singh proposed to donate as part of the development.

Mr. Kahm said the detention basin locations were currently somewhat hypothetical, as the company had not yet gone into detailed engineering plans. Exhibit 3 did show the possibility of one basin on the land that may or may not be there. He said that if she was looking at compensating area for that basin, it would be fine.

Member Lorenzo said she would not want to get into a situation where the City has the deed to the detention basins and is required to maintain them in the future. Mr. Kahm said this was definitely not his company's intent. She said that if there were detention basins, she would not want them included in the City's parkland, and would want to be compensated for the additional land.

Member Lorenzo noted that development agreements were fairly new as of the last year in Novi. Typically, residential developments had been handled through the City's development options, such as RUD's. She said it appeared in the presentation that Singh appeared to be looking to do a bit of both. She understood why the development agreement was proposed, but wondered if Singh wanted an RUD to perhaps have flexible lot sizes below the ½ acre lots that would be in an R-1, or if Singh would increase the 428 units number if it had sufficient open space that would have bonus density criteria met.

Mr. Kahm said that what was set forth in the development agreement was a development agreement followed by an RUD. The development agreement makes clear that there is a cap on the number of units. Singh would then apply the RUD criteria to this. The development agreement was used to give assurances that the company was not trying to maximize the density that might otherwise occur through an R-1. However, they could not get to the density that was necessary to do the entire development and create the benefits in an R-A setting.

Member Lorenzo asked Mr. Kahm if he planned to come in with an RUD, and if the RUD allowed for flexible lot sizes below R-1, this was what Singh might be looking for. Mr. Kahm replied that this was correct. Member Lorenzo said she wanted to make this clear because development agreements and are RUD's are very different, and the City does not typically interconnect one with the other.

Mr. Kahm said the development agreement that has been tendered spells out that an RUD would be sought and negotiated, and the procedure would be applied. The open space in discussion, more than 40% of the site, is only available through the RUD.

Member Lorenzo asked if a traditional RUD coming through that approach would not allow for the 428 unit number that Singh had determined necessary for a profit margin on the project. Mr. Kahm responded that there were a number of ways to make the site work, such as developing on smaller acreage. As Singh had interpreted the ordinances, leaving the property as an R-A with an RUD would not achieve the proposed development.

Member Lorenzo said she was having a difficult time even considering rezoning the property, just in a general sense, because of the burden of the 200 extra homes on the road and City services. She commented that 1400 additional cars on that area's road network is substantial to the community, since this will mean additional stopping and waiting. She said that while she considers herself both a "tree hugger" and a "swamp lover", she must consider more than these things. In the recent election, one of the most talked-about issues by the community was what to do about traffic congestion. Land use decisions are the biggest control of how much traffic the community sees on its roads. She remarked that this was a decision that Council could impact how much more traffic will be on Ten Mile Road. She expressed concern that the development did not go nearly far enough in addressing those 1400 or more additional cars resulting from the new homes, which was her greatest concern with the proposed rezoning. She said she agreed with Planning Commission Chair Gwen Markham that the burden of the undertakings on the owner was not proportional to the burdens being created by the development. The property being donated, while very generous, is mostly un-buildable, and thus much of the land would not be usable for anything but trail systems and similar uses.

Member Lorenzo stated that in order for her to consider any further discussions of the rezoning, she wanted to see additional items in the development agreement, including that the applicant would have to be willing to place trails not only in the 65 acres being donated to the City but also in all of the City-owned property there. She had asked the City Engineer about how much right-of-way the City currently has in its possession along Ten Mile Road. Ultimately for consideration of the development agreement, she wanted to see a center lane and stacking lane from Wixom Road to where the entranceways for the proposed subdivision would be with at least a left-turn signal, which would be at the cost of the applicant. With

regard to the paving of Napier Road, if the City would locate an access off of Napier Road, this should be at least chip sealed for the community's use. She said the applicant should volunteer to pay for all the lights needing installment in the project. She understood there was discussion of asking Toll Brothers or Oak Pointe Church and asking them to contribute towards this cost, which she did not have a problem with, but noted the City had no incentive to approach those parties.

Member Lorenzo asked Ms. McClain how much right-of-way the City currently has on Ten Mile Road, and what would be accomplished at this point with a center lane and additional stacking at the Wixom Road area.

Ms. McClain said that in the area from Wixom Road to the west, to the edge of the first piece of Island Lake property, there will be an extended right-of-way to approximately a 60-foot half section. There is a proposal by the Stauch property to also extend the right-of-way; however, that has approval has not been completed yet. There was also a proposal with Oak Pointe Church to donate additional right-of-way. Most of the Quail Hollow property will be available to have an additional right-of-way, with the exception of the two parcels that Singh will not own. With the 66-foot right-of-way, the best that could presently be done in most areas is a 3-foot section with some turning lanes. In the future when additional right-of-way comes online and the need and money are present, the City could expand to a wider section at Council's discretion.

Member Lorenzo asked what the City would be able to do right now with turning lanes.

Ms. McClain replied that there could be a lane in each direction with the continuous center turn lane, which would be the left turn lane into the driveways.

Member Lorenzo asked if there was currently enough right-of-way to install a center turn lane from the most westerly access on the property to Wixom Road, which Ms. McClain said there was.

Member Lorenzo said she understood the development agreement to state that the applicant was agreeing to do whatever is necessary for both sanitary sewer and water in providing these to the site. She asked how water rates were affected by adding population to the area.

Ms. McClain said she was not very qualified to speak on water rates, but typically the adding of customers would not affect the City's water rates. Singh has discussed additional pumps at the pumping station which would bring water to the site.

Member Lorenzo asked if this would affect peaking at all. Ms. McClain responded that the City's peak hour is currently different than what Detroit views as the peak hour across the system, which is an advantage for Novi. When the City takes in the most water is not when the city of Detroit considers people to be using the most water. Thus, adding population should not affect the peaking factor at all.

Member Nagy noted that she sat on the Master Plan and Zoning Committee when the proposal came before it. She expressed concern with density affecting fire and police, traffic, school systems, and other factors. She was disappointed that the development agreement sought the highest density allowed, 428 units. She did not believe that the development

agreement constituted a number of things that would benefit the City. The agreement with the Master Plan and Zoning Committee was that Singh would install a trail system and connect this to the Community Sports Park on Eight Mile Road. She would like to see an endowment of some sort to maintain the parks. She expressed concern that the land to the south of the proposed development was zoned R-A, and wondered how this would affect future development in the area, namely one called The Preserve. Singh told the Master Plan and Zoning Committee that the company would have an entranceway onto Napier Road and would pave this. She expressed concern about Item 3G, regarding additional lighting along Ten Mile Road, which states "owner shall contribute to the improvement and/or maintenance of the parkland up to a total of \$65,000 which, at the election of the City, shall be paid by owner by the combination of in-kind labor and materials for the clearing and improvement of a trailway. Member Nagy said this was not her understanding of the agreement from the Master Plan and Zoning Committee, and said it was not the understanding of the Planning Commission as she understood it. Even though Singh might pay for a pumping station, the City pays for the maintenance of that station.

Member Nagy said she was looking to lower the density of the proposal, as she did not believe that 428 units was a great amount. She understood that Singh is a business and has a profit to make. She said she did not want to look at the plan in terms of the layout, because it is a conceptual plan in her mind and should not be taken into account when discussing rezoning. For City Council to consider adding additional density, the gains for the City must be great. She said that what was contained in the document was not enough for her to vote in support of the proposal at the present time.

Mayor Pro Tem Landry summarized the proposal: 324 acres, of which Singh proposed to maintain 150 as open space, or 46 percent. He commented that this amount of open space is desirable for any type of development. On the property as zoned right now, his understanding was that the company could build 260 houses. If the City property is included in the calculations, Singh could build 368 houses. The company is asking to build 428 houses, which is either an additional 60 homes, or an additional 160, depending on how this is calculated. He said the question was if the City would allow an additional 60, or an additional 160, how would the City benefit. Increased density brings forth concerns about traffic, water, and sewers. For the added density, the developer proposes to pay for a water booster pump. For sewers, the developer will pay for the improvements to the sanitary booster pump. With respect to traffic, Singh is committed to making up to \$120,000 of improvements to Ten Mile Road.

Mr. Carson noted that Singh has committed to improve acceleration and deceleration lanes, a center turn lane, plus \$120,000.

Mayor Pro Tem Landry said this was at least addressing in some form the traffic situation. In addition, the City would receive 65 acres of parkland. He recalled that the City recently lost 75 acres of parkland, and commented that some people believed the attorney representing this developer was responsible for the City losing 75 acres. Citizens constantly ask City Council how it will obtain additional parkland, which this opportunity allows for. The developer would pay for, to some extent, the development of that parkland, limited to \$65,000 of either cash or in-kind work on the property. He said this was sufficient for the City. The Planning Commission has recommended approval of the development not to exceed 428

units, but as he understood it, an R-1 development agreement would allow for more than 428 homes.

CM-03-11-369 Moved by Landry, seconded by Csordas; **MOTION WITHDRAWN: To approve Zoning Map Amendment No. 18.632, a request of Singh Development to rezone 324.95 acres located in Section 30 on the south side of Ten Mile Road and east of Napier Road, from R-A (Residential Acreage) to R-1 (One-Family Residential) with a development agreement that shall include, at a minimum, the provisions in the proposed Singh Development Company development agreement of that evening. The rezoning shall not be finalized until the development agreement has been approved. The subject area includes the property currently known as the Links of Novi.**

DISCUSSION

Mayor Pro Tem Landry noted that Council was not in position that evening to approve this development agreement, but said that in his motion he wished to make clear that the ultimate development agreement contain nothing less than specified in the development agreement which Council was discussing.

Mr. Fisher asked Mayor Pro Tem Landry if he did not want the rezoning to be effective until Council approves the development agreement.

Mayor Pro Tem Landry asked if Council was voting to approve that specific development agreement that evening.

Mr. Fisher said this was entirely up to Council. There were some "blanks" that needed to be worked out in the agreement, so consequently, it would be impossible to finalize the development agreement that evening.

Mr. Helwig stated that staff had not weighed in on the development agreement. He said administration was listening very carefully to Council. Staff had already heard some of Council's thoughts, and would like to consider some of these with the representation of Singh to enhance the benefit for the community.

Mayor Pro Tem Landry said his motion would then include approval with an ultimate development agreement to be decided by Council that would include at least a minimum of what was included in the proposed development agreement.

Mr. Fisher said the approval would not be effective until the development agreement were ultimately approved.

Mayor Pro Tem Landry said he meant this if he had not already stated it.

Member Capello said that part of his problem with the proposed development agreement was that he knew the proposal was coming to Council, but to get the package and have such a

small amount of time to make such decisions was not enough time for proper consideration. He said the motion was good in most respects, but could recall spending hours examining hundreds of pages of an agreement that Council thought it understood, and certain attorneys had found certain areas of that agreement that were open to interpretation. He felt this development agreement was too broad and too open to interpretation. He said that he has dealt with Mr. Kahm in the past, and "he has always been a man of his word." However, given the circumstances, Member Capello was hesitant to approve anything subject to another agreement being entered into, because the City would be pushed back into a corner. He would rather wait to get the document that Council fully agrees upon if it does want to rezone the property. At that time, Council can decide to rezone the property under specified conditions. He felt the development agreement under consideration was very open, very vague, and did not tie the developer down to too much, except spending not more than \$65,000 and possibly developing certain portions. He suggested making a motion to postpone the item to a special meeting where Council could address only that special issue in early December.

Member Nagy said she supported this concept

CM-03-11-370 Moved by Capello, seconded by Paul; MOTION CARRIED; To postpone discussion of the Consideration of Zoning Map Amendment No. 18.632 until a special meeting on December 13, 2003 from 8:30 a.m. until 10:30 a.m.

DISCUSSION

Member Paul said she had many concerns about how vague the development agreement was. She had looked through what the Planning Commission said about the item, as well as the Planning Commission's comments regarding the development agreement from Chair Markham and Vice-Chair Kocan, which were very well written. She asked what Item B meant: "wetland will or will not have to be preserved except..." Comment E was very vague: "owner will work and cooperate with City to facilitate City obtaining grant monies to fund the development." Though the development agreement mentioned an endowment of \$65,000, the density may be doubled with \$500,000 homes, meaning millions of dollars for Singh, which did not equate to her. She questioned what leverage the City would have by rezoning the property, and asked what would be in it for the citizens. The wording in part G about the center lane was not very firm, nor was the portion about the acceleration/deceleration lanes. If Council approved the rezoning, it would not have a site plan to accompany that rezoning approval, and it did not know exactly where the exit would be on Napier Road. The Wixom traffic study was supposed to be accomplished, but was not included in Council's packets. Initially, the agreement said that 65 acres would be donated, but item I stated that this was 60 acres of parkland. She did not see the verbage, "now therefore, it is agreed as follows" in the legal binding document. She said she would not support the motion to rezone a parcel before Council had a plan before it, but said she would support the motion to postpone in order to add definition to the agreement.

Member Gatt agreed with the Mayor Pro Tem's comments. Council should also consider that if the deal should fall through, the City would not be dealing with just one person following this. As he understood it, there were several different parcels of land with different owners. He said the City might find itself in a quagmire in the future.

Mayor Csordas said he understood that on this property, R-A allowable is either 260 or 368 homes. He asked what was allowable under R-1 zoning.

Mr. Evancoe referred to a table in Council's packets, in the planning review letter, dealing with density for the various potential zoning districts that qualify for the RUD. The table was entitled "modified density calculations." It was important to note the dwelling units that would be allowed if wetlands were subtracted, as this is how the City calculates density per its zoning ordinance. At the R-A, this was 206, and for R-1 this would be 425 dwelling units, based on approximately 258 acres.

Mayor Csordas commented that Council was truly looking at an "R-A-1" designation, something in the middle between R-A and R-1. He referred to some past Planning Commission actions from the Planning Commission meeting of November 5th, from which Item #7 referred to a recommendation of 368 units, but not to exceed 428. The Mayor commented that there was a "magic number" somewhere between 368 and 428. The maximum allowable development for R-1 would be 425 units.

Mr. Kahm said the maximum allowed development under R-1 would actually be 536 units, if the acreage of 325 acres multiplied by 1.65 units per acre was calculated.

Mayor Csordas said he understood, but a donation of parkland was also being considered, so the number would truly be closer to the 425 unit figure. He agreed with a number of previous comments. This is a tremendous opportunity for the City to add to its parklands. He saw not only the 65 acres that would be donated, but also the ability to join the land that the City owns just south of the proposed development. Someone had made a very good recommendation during audience participation, that the City designate that property as parkland. This made sense, in order to protect the property and maintain the integrity of that land.

Mayor Csordas said there had been a significant improvement in traffic flow on Ten Mile Road with the opening of Grand River and the opening of Twelve Mile. He recalled traffic on Ten Mile being very congested when Grand River was closed for repairs, and said that traffic on the road had eased with the opening of Grand River. The improvements that the petitioner would bring to that area would be a tremendous addition.

Mayor Csordas remarked that there was no question that the land proposed for donation to the City might be un-buildable, but this would still be a wonderful addition to the City's parkland. He noted some confusion in the drawings of the site given to Council. Earlier, someone had stated that there would not be an entrance onto Napier, but he referred to several pictures that implied an entrance onto Napier. In the Planning Commission action notes on Item #6, the developer would pave Napier Road to the extent of their southern border to Ten Mile. He asked if something had changed from this item.

Mr. Evancoe stated that in the booklet that Council had received from Singh Development, there were drawings that reflected an entrance onto Napier Road. Since the time that this booklet was presented to the Planning Commission, the exhibit attached to the development agreement replaces those maps, in that it shows two entrances onto Ten Mile and no entrance or exit onto Napier Road, and one southerly entrance onto what would eventually become the Preserve development to the south.

Mayor Csordas asked if the area along Napier Road would then remain "natural". Mr. Kahm said this was correct.

Mayor Csordas agreed with Mayor Pro Tem Landry that there was a great deal of benefit to the City, with the water booster pump, the sanitary booster pump, and other items. He noted that there was not enough support to pass the item that evening. He asked Mr. Helwig how quickly Council could hold a special meeting to address the item, in order to show respect to a petitioner that is ready to contribute a significant contribution to the City.

Mr. Helwig said that Planning Commission Chair Markham had called him the previous week, and he noted that she has been a champion of the community, among others, in trying to maximize benefit to the community in consideration for greater density. He expressed concern, saying that process is very important. He has been concerned that the attorneys have been working on the development agreement before policy direction was heard from City Council. This proposal holds enormous opportunity for the community, and the community has leverage in that process. If Council desired a group of staff and legal representatives to bring back variations of what it had already seen, based on comments heard that evening and other judgment, staff could do this at the risk of not doing some other things, recognizing that staff needed to prepare for a meeting the following Monday as well. He said staff could be ready to come back to Council sometime during the week of December 8th. Council is holding Board and Commission interviews on December 8th, so there could presumably be something later that week for consideration, depending on Council's availability. There is also a Council meeting on December 16th, which is to terminate the year's work. He said he had not seen any written documentations that options go away at the end of the year on the property site, though he noted that he did not know this for a fact.

Mr. Carson said it could be represented to Council, as Singh had done to the Planning Commission, that unless the proposal was done at the end of the year, the opportunity will be foreclosed. This was not Singh's doing, as he said that assemblages are very difficult and delicate, and will go away. Singh will not be able to make this kind of proposal after the year's end.

Member Nagy said that when she was on the Planning Commission they had fast-tracked the item and had accommodated Singh and the development. However, she thought at that time that Singh had a deadline and had extended its option. She asked if this was no longer possible.

Mr. Carson said that what he had just said to Council was his recollection of what he had said at the Planning Commission, that Singh had to be done this year. If the proposal is not completed by the end of the year, Singh will not control the assemblage.

Member Nagy asked Mr. Carson if he had also said earlier that if the City Council chose not to rezone the property from R-A to a development agreement with a limited amount of units, that the entire deal would be gone.

Mr. Carson said the proposal before Council would only work at the conceptual development that had been proposed.

Member Nagy asked if Council chose not to approve the rezoning and leave the properties R-A, Singh would not build anything.

Mr. Carson said he was not saying that Singh would not build anything, but Singh would not have the assemblage. The company would break the property down into pieces, and other developers would come before Council at some other time about parcels that Singh would no longer control. He remarked that he did not want to convey any kind of threat to Council, as he did not mean his statements as a threat. This was an opportunity that Singh has and is trying to make an opportunity for the City. Singh has been forthright with this all the way through the Planning Commission.

Member Nagy said she was simply trying to clarify this, as she thought there had been a deadline on the option before.

Member Paul asked if this item could be placed on the agenda for the December 16th meeting, giving staff 2 weeks to get a good development agreement. Council could get comments to City staff and the attorney to have something worthwhile come back for discussion. Everyone wants to see the project come forward, but the development agreement needs to be tweaked.

Mayor Csordas said this was a good idea, but he wished to make a recommendation, noting that the agenda for that meeting was becoming very full. He noted that Council had met on Saturdays on occasion, and he suggested meeting on Saturday, December 13th, setting a meeting time cap of perhaps 3 hours.

Mayor Csordas asked Ms. Cornelius how many interviews were scheduled for the special meeting on December 8th. Ms. Cornelius replied that interviews were scheduled beginning at 7:30 p.m. until 9:30 p.m., as the agenda was already full.

Mayor Pro Tem Landry withdrew his motion.

Mr. Carson said that the property is currently zoned R-A, and if it stood alone for rezoning, Singh would look around the neighboring area, including Island Lakes and the incoming church. Singh feels that R-1 is appropriate now, without the development agreement. The taxes that are currently paid, of \$27,000 a year that would go to an estimated \$1,127,000 in real estate taxes, is a significant benefit. An overall development is terrific for the City, to gain uniformity in a high-quality development. Assemblages are very delicate. Singh appreciates the efforts that have been undertaken by the City and its various boards and administration. He had not seen the letter referred to by the Planning Chair, and wished Council to know that the format of the development agreement was used off a format that the City has used in the past. It is not Singh's intention for the development agreement to be ambiguous, and the company would be happy to work with the City to make sure that it was not ambiguous, and that the representations called undertakings are incorporated by definition into the undertakings in the agreement and are binding upon the developer. The undertakings sit in the first paragraph of the agreement, incorporated by reference. This is the style of the agreement that Singh was given. They will be happy to work on the document in any format to ensure that the City is comfortable with it.

Mayor Csordas appreciated Mr. Carson's comments, and also appreciated Mr. Helwig's comments that process is of high priority in this process. The City needs to follow the appropriate process and not deny Singh the right to due process. He asked Mr. Carson what he would think if Council were to ask Mr. Helwig to schedule another meeting for December 13th or December 20th.

Mr. Carson said he would be very concerned if the meeting was scheduled for the 20th, but he would be happy to come on the 13th.

Roll Call Vote on CM-03-11-370

Yeas: Gatt, Paul, Csordas, Landry, Capello

Nays: Lorenzo, Nagy

Absent: None

**CITY COUNCIL MINUTES
EXCERPT DECEMBER 13, 2003**

**SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NOVI
SATURDAY, DECEMBER 13, 2003 AT 8:30 A.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

Mayor Csordas called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

ROLL CALL Mayor Csordas, Mayor Pro Tem Landry, Council Members Capello, Gatt, Lorenzo – absent/excused, Nagy, Paul

ALSO PRESENT Rick Helwig – City Manager
Craig Klaver – Chief Operating Officer
Gerald Fisher – City Attorney
Clay Pearson – Assistant City Manager
Brian Coburn – City Engineer
Randy Auler – Parks, Recreation and Forestry Director

APPROVAL OF AGENDA

CM-03-12-400 Moved by Landry, seconded by Gatt; **CARRIED UNANIMOUSLY: To approve the agenda as presented.**

Voice Vote on CM-03-12-400 CARRIED UNANIMOUSLY

PURPOSE OF SPECIAL MEETING

Consideration of Zoning Map Amendment No. 18.632, a request of Singh Development to rezone 324.95 acres located in Section 30 on the south side of Ten Mile Road and east of Napier Road, from R-A (Residential Acreage) to R-1 (One-Family Residential) with a development agreement and a Residential Unit Development agreement. The subject area includes the property currently known as the Links of Novi.

Robert Carson, on behalf of Singh Development Company, said that when Singh had come before Council the last time, they were directed to go back and negotiate with the City. The company had done this and tried to be as accommodating as possible. The contributions of the developer and the limitations on density were set forth in the memorandum of the City Manager. The agreements are very detailed in nature, as are the layouts and the contributions. The unit density is capped; the general layout is provided for that density of 439 units. This has the trailhead improvements, the trail improvements, and the road improvements all set forth in detail, along with the contribution toward a maintenance fund for the system.

Mayor Csordas asked Mr. Helwig to provide an executive summary of his December 10th memo to City Council.

Mr. Helwig said that the City staff reviewed Council's policy comments and direction, as well as Planning Commission recommendations. It was clear to administration that the overriding community benefit that could be achieved from this development was construction of the trail. The development agreement that Council was viewing on November 24th had a combination of in-kind and cash from the developer totaling up to \$65,000 for that purpose. What administration was now bringing to Council, after very challenging negotiations, is the construction of the trail from near the Fire Station,

proceeding south through the City's land and crossing over into the donated 73 acres, proceeding south and southwest to the southwest corner of the City's southerly 57 acres. The petitioner's engineer documented for administration that Wednesday that the trail length is closer to a mile and a quarter long. The value of the trail, if the City were to construct it, is closer to \$1 million to \$1.25 million, since the length has been increased by a quarter of a mile. This is the overriding community benefit brought back to Council for its consideration. Though roads are always a concern to the community, in this instance, this is the choice that was brought back to Council based upon the direction that administration felt it had heard.

Mr. Helwig said that the property proposed for donation to the City as parkland had been expanded from the original 65 acres westward to go over to the collector road, which will be another nice access to the greenspace, and this property is now 73 acres. The parkland would now encompass 208 acres instead of the 200 acres which Council saw previously.

Mr. Helwig said that administration was delighted during a hike with its wetlands consultant, Don Tilton, and Singh's wetlands consultant, Mr. Woody Helb. They found the route which has very little impact on wetlands, and as a consequence very little boardwalk. The vast majority can be asphalt which will not be wet much of the year, significantly reducing the maintenance need. The City wanted Singh to come forward and start a trail maintenance fund, as this was important to City Council, and administration agreed on \$45,000 to bring forward for Council's consideration for that purpose. What had been in the November 24th agreement regarding traffic signalization was \$120,000 to do one full traffic signal at the westerly entrance to the Quail Hollow development, and this would also serve the entrance to Island Lake immediately across. What administration emphasized was that it needed the existing light at Ten Mile and Wixom Roads converted to left-turn signals. The lanes exist, and quite possibly the Road Commission will ask them to make those longer-cue left-turn lanes, but to add the left-turn arrows to facilitate traffic going onto and from Wixom Road. Singh has agreed to this, which is probably another \$55,000 that the City has received from Singh in the course of the negotiations.

Mr. Helwig stated that in the process of negotiations, Singh is entitled to an RUD density bonus. The City has limited the increase over the 428 housing units proposed on November 24th to 11, to 439. A memorandum from Barb McBeth showed that the bonus range could go all the way up to 470. Administration was not happy with increasing that density at all, and went into the negotiations wanting to go from 428 to 425. When the magnitude of the trail and some other issues were discussed, administration decided that this was a tradeoff that was in the community's best interests and was certainly worthy to bring back to Council for its consideration.

Member Paul thanked the developer and City administration for their hard work. They listened to everything requested by Council, and came up with a win-win. She was thrilled about the trail system. One of the things that she and Planning Commission Chair Markham worked on was getting a trail system that would eventually go to Maybury State Park. With Island Lake across the street and that trail system, the City can almost extend this to Kensington Metropark. Slowly but surely, the City is inching to a trail system that can go all the way through the area's metroparks. In the future, she and Chair Markham were hoping that Northville would continue the trail system all the

way to Maybury State Park, which is something that will probably happen because the trail system is going to be at Seven Mile in Hines Park. If this is accomplished in the near future, then the City would have a trail system that would also go to the Rouge River. This is a mile and a quarter towards accomplishing this goal.

Member Paul said that infrastructure, safety, and environmental safety were three of her interests during her campaign. Mr. Foley had mentioned that Ten Mile Road is a mess, as did also the Lyon Township Trustee. There are many problems on Ten Mile Road, and this site will impact Ten Mile, but there are so many problems because South Lyon uses Ten Mile Road as its main thoroughfare. In the future, South Lyon will need to look at its road structure needing improvements. Having cyclists and pedestrians that are non-motorized vehicles off of the roadways is a safety issue that she is very much interested in. She uses the trail system on Taft Road and Ten Mile, and she hopes that the Ten Mile trail can be continued to go all the way through to Community Sports Park. With this project, the City has a huge win. The increase in density is definitely a factor, but with all the other pluses, this is definitely a win for the City. She said she would support the project and hoped that the City could get this accomplished.

Member Gatt thanked Mr. Helwig for his diligence and his hard work, and thanked Singh Development. He has been part of the community for almost 30 years and has seen Singh Development from the beginning, when they started with Turtle Creek and Twelve Oaks Townhouses. Everything that they have ever done has been done first class, and they have stuck to their word on every project that he could remember.

Mayor Pro Tem Landry said he could support the project. He felt that Planning Commission Chair Markham had said it very well: the density is very close to the master plan and this is a win-win situation. Commissioner Staudt of the Parks, Recreation and Forestry Commission also indicated that this not only is consistent with, but advances the 5-year plan. When he thinks of density he thinks of what effect it has on the infrastructure. The developer has adequately addressed the infrastructure needs, which he commended Singh Development for. A project like this pleases him because it shows that the City of Novi, the City Council, and the Planning Commission will all work with developers. Administration has always said that if a developer comes in and is truly concerned with the community that they are building in, the City will be happy to work with them. He said he was very proud to support this project.

Member Capello said that after January 1st, he would ask Council to invite the Lyon Township Board of Trustees to a joint meeting so that they can talk about Napier Road and Ten Mile Road. He said he would certainly not vote against the project because the City would gain 73 acres of parkland. However, he was disappointed, though not with the developer, saying that the City could use something more than the construction of a trail system. He would rather have accepted the parkland and tried to negotiate some other improvements and benefits to the City other than putting in a pathway that starts nowhere and ends nowhere. He felt the path system could have been funded through grants from the State, and used the money that the developer is contributing to the construction of the pathway to building something much more important. One thing that he had discussed was to build some kind of community education structure on that property, which would have benefited children through the schools. Boy Scouts, Girl Scouts, business people, residents and senior citizens could all have utilized such a structure. He would support the pathway because that was what was on the table.

CM-03-12-401 **Moved by Capello, seconded by Gatt; MOTION CARRIED: To approve Zoning Map Amendment No. 18.632, a request of Singh Development to rezone 324.95 acres located in Section 30 on the south side of Ten Mile Road and east of Napier Road, from R-A (Residential Acreage) to R-1 (One-Family Residential) with a development agreement and a Residential Unit Development agreement, subject to approval of the RUD agreement and receipt of a letter from NTH Consultants stating that the environmental site assessment is for the benefit of the City and the City is entitled to rely upon this assessment. The subject area includes the property currently known as the Links of Novi.**

DISCUSSION

Mr. Fisher noted that administration also had before Council an RUD agreement that should be part of the motion for approval. He also wanted to mention that this was a great public/private partnership. Administration had received a Phase I environmental site assessment that morning, and it appeared that the 73 acres that the City would receive is in good shape. He wanted to indicate before the City signed the development agreement that a letter was needed from the entity that sent the environmental site assessment stating that this was for the benefit of the City and the City was entitled to rely on it.

Mayor Csordas asked who provided that report, which Mr. Fisher said was NTH Consultants.

Mr. Kahm said that NTH Consultants is one of the more prominent environmental and geotechnical engineering firms in the state. He said the findings in their reports are highly reliable.

Member Capello said he would accept Mr. Fisher's comments as part of his motion, and Member Gatt agreed.

Member Nagy commented that she realized Singh Development is a very good developer that does very nice projects, and she felt the company had done its best to accommodate the City. She asked why a development agreement and an RUD were being combined, as she thought that these were separate items.

Mr. Fisher responded that these are two separate agreements. In order to achieve the density that is being authorized over and above the R-1, it is necessary to have the RUD. The development agreement should not be approved without also having the RUD in place. Doing them contemporaneously was the right process to take in administration's view.

Member Nagy noted that there have been a number of rezoning requests come to the City other than this project. She asked if the City would want to get a sanitary sewer capacity study so it knows what the average daily flow is, the peak flow, and wet

weather flow. It was her understanding that the City had exceeded the capacity a number of times in the past several years.

Mr. Coburn asked Member Nagy if she was referring to the system at large, or just the system in the immediate area.

Member Capello asked Member Nagy if she was referring to the discharge capacity, which Member Nagy said was correct.

Mr. Coburn said the City has an agreement with the State to develop something called a Part 41 Tracking System for the sanitary sewer. This allows the City to input what it has existing for flows in the sanitary sewer system. As new developments come in, they will be input into the spreadsheet to verify that the City is not exceeding its capacities. The State is requiring the City to do this so that the City can demonstrate that it is not exceeding its designed capacities. In addition to this, the City is metering its sanitary sewer system to see what the existing flows are in order to verify its calculated flows. This is also part of the State requirements.

Member Nagy asked if the City was contemplating either hiring or contracting out for a grant writer.

Mr. Helwig replied that just prior to the new City Council taking office, City Council had authorized the issuance of a request for proposals, and this would be sent back to Council for the first meeting in January.

Member Nagy said she appreciated that the Mayor had mentioned at an earlier meeting that Council cannot always agree on everything. She agreed with the previous speaker regarding implementing a trail system with grants. When she viewed the project, she looked at it as an issue of density. The zoning on the property is R-A, and the property to the south is also R-A. She did not feel that this was truly an issue about parklands, which she always favors, but rather about changing the density from R-A. The property to the south is also zoned R-A. In order to make the trail system go through, the next developer that comes in to the south might ask for some kind of increase. She felt the project is wonderful, and said Singh does a great job, but she was concerned with the density. She expressed concern with the cumulative effect of the project upon that area. At the present time there is no plan by the Oakland County Road Commission to change the area.

Member Nagy said she would like to see the project go in, but not at the proposed density. When she was at the Master Plan Committee meeting when the project came forward, she felt the same concerns about the project. 439 units are too many units and would increase traffic and the need for services. She had not seen anything from Chief Lenaghan as to whether or not the parking lot next to the fire station would in any way impede the operation of that fire station. She said the project is wonderful and she appreciated that Singh would donate 73 acres, but according to what she had read that 73 acres was un-buildable. Singh had done a nice job with the project, but she was concerned with the issue of density. Increasing density increases the cumulative effect of traffic, and this would become an issue of health, safety and welfare. She said she could not support the proposal at the stated density. The ultimate benefit to the City

outweighs putting in a trail system. If the City were to get grant writers, this could be accomplished. The density outweighs the benefit to the City.

Mayor Csordas said he noticed that morning that coming south from Ten Mile on the trail, there were two lines on the proposal map between lots. He asked if those were additional entrances to the trail, which Mr. Helwig said was correct.

Mayor Csordas asked if the entire 208 acres would be dedicated as parkland vis-à-vis the motion, or if this was something that would be discussed at another time.

Mr. Helwig replied that this was not in the agreement. This would be a separate action for Council's decision, whenever it wishes to do so.

Mayor Csordas requested a friendly amendment, that Council dedicate the balance of the property as parkland for the City.

Mr. Fisher said Council could indicate intent to do so, with the idea that this would go through the master plan amendment and such process. He said that clarifying intent at this point would be appropriate.

Member Capello said that on the agenda for the December 16th meeting, there was an agenda item similar to what Mayor Csordas was talking about, for the North Novi Park land. He asked if the Mayor's proposal could be added to that agenda item, or if it had to be done separately.

Mr. Fisher suggested waiting until administration had received the dedication, then making a package for the specified park area.

Mayor Csordas noted that he was dedicated to due process, and withdrew his request for a friendly amendment.

Mr. Helwig said that a separate Council policy motion about the 135 acres, that it would like the land to commence through a master plan process to be included as parkland, would be very helpful for the advisory boards and staff.

Member Paul read page 4 of the development agreement, item #3: "The trail shall mostly be an asphalt pathway and boardwalk only where necessary, constructed to the standards noted above." She asked where "noted above" was located in the development agreement.

Mr. Fisher said this was the exhibit, as well as the AASHTO standards, and the Americans with Disabilities Act standards.

Member Paul asked if there would be a large base under the asphalt. On Taft Road, there was an asphalt pathway, and this was like a volcano erupted because there was not a good enough base. The City had to rip that trail up and put concrete down with a base. She wanted to make sure that there was a sufficient 8-inch base under the asphalt trail system.

Mr. Fisher replied that on the plans there is a clarification of the base, and this will essentially have the same base as a road.

Member Paul asked if there was another way to word "The trail shall mostly be an asphalt pathway", such as asphalt or boardwalk where necessary.

Mr. Fisher asked if "entirely be asphalt, with the exception of boardwalk where necessary" was suitable, which Member Paul said was perfect.

Member Paul said that page 5 of the RUD, item #11, says that the trail will be an 8-foot asphalt trail system, but her understanding was that the City would use a 10-foot pathway.

Mr. Auler said the thought on the 8-foot pathway width was that it could accommodate the users of the trail in a safe manner, as well as minimize the impact on the wetlands and woodlands that go through the property.

Member Paul noted that there were not going to be many improvements to Ten Mile Road before the project. However, with the lights that will be put in place, the turn lane, and the acceleration and deceleration lanes, she felt the road would be improved to offset this site. All communities will have to address Ten Mile at some point, but the Trustees comments are well taken and received. Those concerns are addressed with this developer, which is a win-win for the City.

Member Gatt commented that he wished the City had a magic wand that it could wave and make the traffic congestion on Ten Mile go away. Ten Mile Road is the same two-lane road that was there when he hired into the Police Department in 1975. The road is not designed to carry the traffic that it is going to carry. He might support turning the proposal down based solely upon the traffic if there would be no other development along the road. However, South Lyon is continuing its development and will construct along the road. For Novi not to build there would be silly. He felt that Member Capello's idea to invite South Lyon to a joint meeting is a terrific idea. He wanted residents to know that Council was not ignoring the traffic problem.

Roll Call Vote on CM-03-12-401

Yeas: Csordas, Landry, Capello, Gatt, Paul

Nays: Nagy

Absent: Lorenzo

AUDIENCE PARTICIPATION

Andrew Mutch, 24740 Taft Road, thanked Singh Development for bringing the proposal forward to the City, and thanked the City Council for being willing to consider the proposal. The acquisition of the new parkland is a great accomplishment for the City and is worthy of celebration. He commended the City for recognizing the benefit of acquiring and protecting parkland and natural resources and providing passive recreation opportunities. He thanked the Mayor for pointing out that the remaining City land has not yet been formally designated as a park, and Mr. Mutch said he would like to see this reflected in the master plan. He would like to see Council pass a formal resolution designating that land for parkland, as this would help formalize the process and make clear that Council's intent for the land is parkland. He noted the proximity of

the end of the trail to Nine Mile Road, and encouraged Council to somehow extend the path to Nine Mile, as this should be its ultimate destination. This would allow residents in that area to utilize the length of the trail. He hoped that the final elements that come forward for the parkland include some active recreation area, since 439 homes will have a lot of kids that will want more than just the trail system to use. He thanked everyone involved with the project, and said the proposal was a great accomplishment for the City.

Steve Adams, Lyon Township Trustee, wished to clarify that Lyon Township is to the west of Novi, not South Lyon. He said a committee would be formed with Senator Nancy Cassis to review the traffic problem that will occur within the next four or five years. This must be solved, and it is a South Lyon, Lyon Township, and Novi problem. The three communities will have to solve the problem, or they will be in gridlock. His estimate was that there will be over 45,000 cars in the next 5 years traveling on Ten Mile Road if something is not done very soon.

Mr. Helwig said it would be very helpful guidance for Council to direct the staff and appropriate Planning Commission and Parks, Recreation and Forestry Commission to start the process to bring back to Council an amendment to the master plan that would dedicate the 135 acres of City-owned land as parkland.

**CM-03-12-402 Moved by Capello, seconded by Paul; CARRIED
UNANIMOUSLY: To direct the City staff, the Planning
Commission, and the Parks, Recreation and Forestry
Commission to start the process to bring back to Council an
amendment to the master plan that would dedicate the 135
acres of City-owned land as parkland.**

Voice Vote on CM-03-12-402

CARRIED UNANIMOUSLY

**PLANNING COMMISSION MINUTES
EXCERPT DECEMBER 8, 2004**



AMENDED

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, DECEMBER 8, 2004 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375 (248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:30 p.m.

ROLL CALL

Present: Members John Avdoulos, Victor Cassis, Andrew Gutman, Lynn Kocan (arrived at 8:30 p.m.), David Lipski, Mark Pehrson, Lowell Sprague, Wayne Wrobel

Absent: Member Richard Gaul

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Darcy Schmitt, Planner; Lance Shipman, Landscape Architect; Ben Croy, Civil Engineer; Dr. Don Tilton, Wetland Consultant; Doris Hill, Woodland Consultant; Steve Dearing, Traffic Consultant; David Gillam, City Attorney

PLEDGE OF ALLEGIANCE

Member Gutman led the meeting in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Wrobel, seconded by Member Pehrson:

VOICE VOTE ON THE APPROVAL OF THE AGENDA MOTION MADE BY MEMBER WROBEL AND SECONDED BY MEMBER PEHRSON:

Motion to approve the Agenda of December 8, 2004.

Motion carried 7-0.

1. LEGACY PARC (F.K.A. QUAIL HOLLOW), SITE PLAN NUMBER 04-52A

The Public Hearing was opened on the request of Mike Kahm of Singh Development Company for a recommendation to City Council of a Final RUD Plan, Preliminary Site Plan and Wetland Permit, and for Planning Commission approval of a Woodland Permit and Storm Water Management Plan. The subject property is located in Section 30, south of Ten Mile, west of Wixom Road in the R-1, One Family Residential District with a Development Agreement. The Applicant is proposing 439 unit single family site condominiums.

Director of Planning Barbara McBeth located the subject property on an aerial map. It is currently developed with The Links of Novi Golf Course, which is approximately 197 acres. To the west of that site are two parcels of land, referred to as parcels owned by the Ciotta family, a ten acre parcel fronting on Ten Mile, and a twenty acre parcel fronting on Napier Road. Both of these parcels appear to be vacant of buildings. To the east of the golf course are two more vacant parcels, referred to as the Norman Steel properties. The entire site consists of approximately 325 acres of land.

To the north are the Island Lake of Novi Residential Unit Development, the land with a site plan approved for Oak Pointe Church, a single family home, and vacant land. Also to the north, but on the south side of Ten Mile, are two single family homes fronting on Ten Mile. To the east are the Fire Station and vacant land. To the south are the development referred to as The Preserve and the City parkland. To the west are single family homes fronting on Napier Road and Lyon Township.

The recently adopted Master Plan for Land Use recommends residential uses for the site and all of the surrounding properties. The Zoning Map indicates that the subject property is zoned R-1, Single Family Residential. The surrounding property to the north, west east and south is zoned R-A, Residential Acreage.

The woodland map shows light, medium and dense woodlands on the site. The City's wetland map shows regulated wetlands throughout the site, but predominantly on the east, west and south borders of the property.

City Council approved a Development Agreement for this property as part of the rezoning request on December 13, 2003. Exhibit D of the Agreement provides a general layout of the roads, lots, parks and other areas proposed to be preserved as open space. The submitted revised Preliminary Site Plan is similar to the RUD Plan shown in Exhibit D. There have been several modifications to the road layout made, primarily in the central part of the site. Four phases are proposed, with all lots exceeding 12,000 square feet, with ninety feet of road frontage. This development connects to the road of the proposed residential development to the south, formerly known as "The Preserve" (now known as "Provincial Glades").

The plans show 13 parks throughout the development. The Applicant is donating property on the east side of the development to the City that will create a contiguous parkland. This donation is in conformance with an earlier offer made by Applicant, and is now required by the Development Agreement. All of this area is within the designated Core Reserve Area and is adjacent to the City-owned property to the east.

The City's professional Staff and Consultants reviewed a Preliminary Site Plan for the property earlier this fall, and provided a number of comments and concerns for the Applicant to address. The Applicant resubmitted a revised Preliminary Site Plan and addressed a number of those concerns, as indicated in the associated review letters. Many of the environmental concerns have been resolved on this resubmittal. As a result, the high quality, old-growth woodlands found during the review of this plan will be saved. They are located on the west side of the site.

The Planning Commission will be asked to review the plans and make a recommendation to City Council on the submitted Final RUD Plan and revised Preliminary Site Plan. If City Council approves the submitted plans, the Applicant will submit Final Site Plans for review and approval by the City's professional Staff and Consultants.

The Planning Review indicates that approval of the Final RUD Plan and Preliminary Site Plan is not recommended, because of three issues. First, a ZBA variance is needed for the location of the recreation areas within the minimum 80 foot yard setbacks around the club house area. The Applicant may choose to revise the plans, but he has indicated in his response letter that he intends to seek the ZBA variance for this discrepancy for several reasons.

Second, the Applicant seeks deferral of the required photometric plan and exterior lighting information until the time of Final Site Plan submittal. The Applicant indicated his intent to comply fully with the City's standards.

Third, The Planning Commission is asked to consider modifying the parking requirements for the clubhouse, based on the Applicant's representations regarding the building's use. A total of 25 parking spaces are shown on the plan. The Applicant has indicated that there are approximately 46 additional on-street parking spaces within 300 feet of the clubhouse for a total of 71 parking spaces in the area. For this use, the Ordinance requires off-street parking to accommodate not less than one-half of the member families. The Planning Commission may modify the parking requirements where it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. The Applicant has indicated that, while all families or individuals that are part of the condominium association will have access to the clubhouse, the maximum building occupancy will be 70 persons. Additionally, the Applicant indicated that, in their experience, parking for only 25% of the building's maximum occupancy (18 spaces) is necessary.

The Wetlands Review indicates that the plan meets the requirements for Preliminary Site Plan review, and the Wetland Permit is recommended for approval, with a number of items to be addressed on the next submittal of plans.

The Woodlands Review indicates that the plan meets the requirements for Preliminary Site Plan review, and the Woodland Permit is recommended for approval, with a number of items to be addressed on the next submittal of plans.

The Landscape Review does not recommend approval due to the need for a ZBA variance for the perimeter landscaping around the proposed clubhouse. There is a pool behind the clubhouse. Landscape Architect Lance Shipman was available to answer questions regarding this aspect of the plan review.

The Traffic Review does not recommend approval of the Preliminary Site Plan/ Final RUD Plan without additional details on the secondary access that will service the first phase. The current design provides a narrow gated emergency access between two lots. Additional information on that access has been requested.

The Engineering Review recommended approval of the Preliminary Site Plan and Final RUD Plan. It recommended approval of the Storm Water Management Plan as well.

The Fire Marshal's review indicated that the proposed plan meets requirements, with additional items to be addressed on the next submittal of plans, including the additional detail on the emergency access drive onto Ten Mile. This access is essential for the first phase of development.

The Façade Consultant indicated that a Section Nine Waiver is recommended for the proposed Clubhouse, as the design ethic is appropriate for the residential character of the development, and there will be minimal visual impact of the proposed building from Ten Mile. The façade board was at the meeting and was shown to the Planning Commission.

Mike Kahm represented his company, Singh Development, 7125 Orchard Lake Road, West Bloomfield. Mr. Kahm said that the Agreement with City Council was reached on December 13, 2003. The important elements of those Agreements were the development of 439 lots, 90-foot wide, 12,000 square foot lots, the trail construction through the park, and dedication of park land. Legacy Parc will preserve 139 acres of open space, about 43% of the overall 325 acres. Mr. Kahm said the current plan dedicates 73.3 acres to the City for the park land.

Mr. Kahm said their December 3, 2004 letter responded to the issues raised in the reviews. He said that improving the traffic circulation was a goal in their redesigning the roads. They tried to preserve more land as well. The original RUD Plan proposed two points of connection from the subdivision to the 1.5 mile trail. There is now a third connection at the southeast portion of the subdivision. There is an existing golf course boardwalk in that area that will become part of the trail system.

Mr. Kahm said that they are seeking the clubhouse Setback Waiver from the ZBA. The clubhouse and swimming pool are at least eighty feet from the street and adjacent lots. The improvements that are in the setback are the volleyball court, basketball courts, tennis courts and the tot lot. The synergy of this area justifies this design, Mr. Kahm said. They propose a decorative fence with landscaping along the lot lines.

Mr. Kahm said they are seeking a Greenbelt Waiver for the rear of the clubhouse. There is a deck to the swimming pool in that area, and they don't believe that a greenbelt belongs there.

Mr. Kahm said that they are extending their sidewalk along Ten Mile, along the City's frontage. The bike path is along the east side of the Fire Department entrance, and they wish to place a sidewalk on the City property to complete the extension to the trail head. There will be a parking lot constructed in that area.

Mr. Kahm showed a concept plan of their 3,500 square foot clubhouse. It will contain a party area, an exercise room accessible by resident key cards, changing rooms, bathrooms, etc. The clubhouse is modeled after some of Singh's higher-end apartment clubhouses. The pitch of the roof brings about the need for a Section Nine Waiver, but the design is in keeping in character of the neighborhood.

Mr. Kahm said that the occupancy level of the building is set at seventy. There are 25 on-site parking spaces, and adjacent onstreet parking. Mr. Kahm said there is ample parking for the nature of the building and the anticipated number of guests. He said the subdivision is designed to provide an easy pathway to the clubhouse.

Member Sprague read the correspondence into the record:

- Danielle Schroeder, 50155 West Ten Mile: Concerned about drainage since her home sits in front of this development. She would like to see berming done.
- David and Elizabeth Barr, 22600 Napier Road: Stated that Napier Road is in terrible condition, and additional traffic from Legacy Parc will further deteriorate the road. The letter stated that Napier Road needs to be

paved. He asked why the Applicant does not have to install sewer and pave the roads. He asked why so many houses were approved for the site. He said that the longtime residents are being punished with this development.

Chair Kocan closed the Public Hearing.

Member Pehrson thought the proximity of the clubhouse to the main entrance was a problem. Expected onstreet parking may hinder emergency vehicle access. He thought that most residents would drive their cars. He did not think there was enough parking to accommodate swimmers and a party at the same time.

Member Pehrson asked whether the decorative fence on the south side of the clubhouse was designed according to code. Mr. Kahm said that the plan does not yet show the fence. There is a fence around the pool.

Member Pehrson did not have a problem with the setback issue.

Member Pehrson confirmed that the temporary access near lot 70 will have to be built to City standards. The access will be removed after a future phase is constructed and the access is no longer necessary.

The Photometric Plan was not provided for the clubhouse. Ms. McBeth said it will have to be submitted. Mr. Kahm said that it would comply.

Member Pehrson had no problem with the Section Nine Waiver request. He concluded that his greatest problem is with the traffic around the clubhouse.

Member Sprague thought the parking around the clubhouse was wholly insufficient. He felt that the plan as proposed would frustrate the residents.

Member Sprague asked about the tree replacements. Woodland Consultant Doris Hill responded that the first submittal noted trees that the Applicant felt were exempt. Ms. Hill said those trees need to be recalculated. She also said that there is a stand of trees near the Stalkwood Park area that is being saved by the relocation of a detention area. She did not have the updated replacement numbers for that area. She said that her current number seems to be very close to the Applicant's number. She felt that it could be narrowed down to 5,500-6,000 credits required. Ms. Hill said that the Applicant has committed to replanting 3,000 on site, but a substantial number will be credited through the tree fund.

Member Sprague asked about the southern swamp, and Ms. Hill's request for the Applicant to remove lots 48 and 51 or place a conservation easement on that wetland area. Ms. Hill explained that her request was meant to protect an upland site where some black gum trees are located. The Michigan Natural Features Inventory categorizes this area as a Priority One area. The core habitat and vegetation of that area are of high quality. Some of these black gum trees measure up to 24 inches, which is pretty rare. The southern swamp category was tagged on this area because of the soil description and the tree locations. Because the trees follow a certain topography, the trees should be considered sensitive. There may be as few as 23 woodland communities such as this in the entire state. Ms. Hill asked that the area be safeguarded from the homeowners in that area – no mowing, no chemicals, etc. to allow the existing buffer to be put into an easement would further safeguard that area and make the buffer wider.

Member Sprague asked why the Applicant didn't want to do that. Mr. Kahm responded that Singh has committed to identify, on the Exhibit B of the Site Condominium, the location of the buffer areas by crosshatching or shading. They would clearly label these areas, and provide use restrictions per the Ordinance in the Master Deed and By-Laws. The Applicant thought they had accomplished the same thing as what Ms. Hill had requested. The point is that those nearby residents must understand that the rears of their lots are already restricted per the City Ordinance. This would be narrated in the Master Deed and By-laws.

Member Cassis asked why Singh wasn't keeping the current clubhouse on the property. Mr. Kahm said that geometrically it didn't work well. The clubhouse is not in that great of shape. Singh would prefer to build a higher

quality clubhouse.

Member Cassis asked about the clubhouse parking. Mr. Kahm said that their research into clubhouses led them to this proposed design. Not every resident will come to the clubhouse at the same time. Mr. Kahm said there is no banquet facility, but the residents can rent the clubhouse for special events. Mr. Kahm said that by showing that many cars on the street, they were showing what they believed was an extreme case. Ordinarily there would not be so many cars. Mr. Kahm said he would remove the volleyball court and put in more parking. He did not want the parking lot to be as large as a Kmart parking lot.

George Norberg of Seiber Keast said that 12-15 parking spaces could be added. Member Cassis asked if this number would satisfy the Planning Commission.

Member Pehrson said that the western onstreet parking would be in front other homes. Northerly parking would also be right in front of other homes. He suggested that "No Parking" signage be placed in that area. He said those adjacent homeowners may have trouble mowing their yards or having parking available for their own guests.

Mr. Kahm said that parking is not allowed where there are fire hydrants. He thought that the fire hydrants could be placed in those areas to minimize the burden on those homeowners. The roads are 28 feet wide. This allows for parking on one side of the road and two-way traffic to pass.

Mr. Kahm said that this change would make forty on-site parking spaces. He said that it would be bad for Singh if there wasn't enough parking. He was very comfortable with the number of forty.

Member Cassis said that this is a nice amenity for the subdivision. The Planning Commission would like to help Singh attain their goal. They have been granted a certain amount of lots under the RUD Agreement. Member Cassis did not know if he could force more parking if it meant that the Applicant would lose a lot.

Mr. Kahm said he could lose other amenity space to put in more parking. The clubhouse and swimming pool are the primary amenities.

Member Lipski asked if the tennis courts could be switched and used as occasional event parking. Mr. Kahm said that there is typically a fence around the tennis court. Member Lipski asked whether they could use the basketball court for occasional parking. He did not think the volleyball court should be lost. Mr. Kahm said he could flip the courts.

Member Cassis was satisfied that more parking spaces can be gleaned from the area and they would be able to accommodate anticipated guests.

Member Wrobel, a homeowners' association president, said that he receives many calls from neighbors with complaints about parked cars on the subdivision streets. He appreciated the Applicant's willingness to provide more parking.

Member Avdoulos asked about the additional homes added at Brown Jug Lake. There are three homes that are placed in an area that still allows for the trail to pass through and take advantage of some existing walkways. These homes are in this area now because of the added clubhouse. Mr. Kahm said the total is still 439. Mr. Kahm said that the individual homeowners would maintain their own lots.

Member Avdoulos said the clubhouse's proximity to the entrance is a problem for him. When there is an event the traffic in that area may be very thick. He would expect the clubhouse to be more centrally located for the benefit of all homes in the subdivision.

Member Avdoulos asked about the wetland comments. Dr. Don Tilton, the Wetland Consultant, explained the wetlands and the trails. He studied the wetland impacts on this site, The Preserve (Provincial Glades), and on down to Nine Mile. He said the trail cuts right across a forested wetland. It may cause more of an impact than

expected, as a road will have to be built so that the boardwalk can be built. Dr. Tilton recommended that the path stay with the original alignment, which hugs the edge and come down to Nine Mile.

Dr. Tilton said that the areas adjacent to the buffers must be considered. The function of the buffer is meant to be an upland area adjacent to the wetland that, in some cases, filters runoff from the adjacent area. It might provide habitat for wildlife. There is not much buffer lost around the wetland that Dr. Tilton discussed. This wetland type is resistant to nutrient loading. It is not an open water area, but a forested system. It is sensitive to hydrologic modifications. These have been addressed during the stormwater review. Again, Dr. Tilton was not concerned about the buffer because the wetland is so huge.

Member Avdoulos liked the clubhouse. He felt that Singh has put forth effort in their research and they have come up with the proper calculations.

Chair Kocan asked about the fence along Ten Mile. Mr. Shipman responded that a six-foot tall fence is proposed for the Ten Mile frontage, with the exception of entry features that will contain more masonry structures. Mr. Shipman has discussed this with the Applicant, and he is willing to consider reducing that height. Mr. Shipman said that decorative fencing has become more popular.

Chair Kocan said that one year ago the Planning Commission discussed their intention for this property, and that included additional setback from Ten Mile to shield the density of this subdivision from view. The fence more or less advertises the fact that this land is a subdivision. Mr. Kahm responded that this fence was proposed as a decorative element to provide character. Chair Kocan said this needs to be brought to City Council's attention, because the fence is completely opposite of what was envisioned last year. The Ten Mile stretch was meant to preserve the natural features. She was not in favor of the fence.

Ms. McBeth said that the fence is almost one mile long, and that this consistency (of the developer installing the same fence) may provide a better view.

Chair Kocan said that this is an R-1 development that requires 10% of the homes to have R-1 lots. This proposal offers zero homes on an R-1 lot. That disturbed Chair Kocan. Her purpose at this meeting was to ensure these issues were brought up prior to City Council's review.

Chair Kocan said this plan does not meet the intent of the RUD. She felt the clubhouse was being squeezed in. The parking was being squeezed in. She would not want any onstreet parking at the entrance. She felt that the clubhouse should be centrally located.

Chair Kocan said that 58 homes, over 10%, encroach a wetland buffer. Dr. Tilton has stated that where the homes are proposed, the encroachment is okay, but Chair Kocan said that this has never been allowed before. Chair Kocan was disappointed in the density of this development.

Chair Kocan said that the final tree replacement number must be determined at the time of Final Site Plan submittal.

Chair Kocan said that the current resident near proposed lots 108 and 109 has stated that her property already floods. She said that the Planning Commission looked at this plan with her at one of the breaks, and Chair Kocan just wants to ensure that particular attention is paid to this area when the Stormwater Management Plan is discussed.

Chair Kocan said that traffic will be a nightmare. She apologized to all Ten Mile travelers because of what will become of this road. She understands that Singh is a quality developer, but she is nonetheless disappointed with the plan City Council approved.

Chair Kocan said that the Ten Mile fence was not meant to be in place of the berm. She asked if it needed to be mentioned in the motion. Mr. Shipman said he did not think so. The Ordinance refers to wall placement in that area in lieu of a berm. The Planning Commission would have to give permission to do that. A fence is a different

scenario.

Chair Kocan did not support the recreational facilities being within the eighty-foot setback. She said that other developments aren't allowed to do this. This plan is squeezed in. She asked that the motion state the permanent placement of fifteen parking spaces. She would like the motion to state that no parking is allowed in areas that could jeopardize the health, safety and welfare of the residents. Emergency vehicles need clear access. Traffic should review this issue.

City Attorney David Gillam said that there is an existing RUD Plan and a Development Agreement. He said that the motion should refer to changes to the terms of the previously agreed-upon documents. The motion should not rehash items already approved. Chair Kocan confirmed that the changes to the RUD will have to be approved by City Council.

Member Cassis asked Mr. Kahm to describe the different lot sizes. Mr. Kahm said that the smallest lot is ninety feet wide and 12,000 square feet. This small lot size is similar to the R-3 standards. There are larger lots. Member Cassis asked for a description of lots 417, 418, 419, 416, 357, 358, 50, 49, 48, 52. Mr. Kahm said that some lots may only be ninety feet at the setback but they are pie-shaped and may be 18,000 square foot lots, which is an R-1 size.

Ms. McBeth said that the breakdown of this information is shown in the Planning Review. 86% of the lots meet the minimum size of R-3 standards. A majority of those are 12,000 square feet. 7% meet R-2 standards (110 feet) and 7% have 110 feet frontage, meeting the R-1 standard.

Member Cassis asked what size house would fit on the smaller lots. Mr. Kahm said all homes will have side entry garages. Given the market conditions, the homes will be 3,000 square feet and up. Prices will begin at the mid to high \$400,000s and range to \$700,000. Member Cassis said that those prices are huge, and a larger lot will begin in the \$500,000 - \$600,000 range. Member Cassis said everyone should be cognizant of the economy. The values of the homes are getting higher and affordability is an issue. Everyone one wants larger lots and open space, but a balance of the situation must be considered.

Mr. Kahm reminded the Planning Commission that 43% of the land is open space. That land is accessible to the entire subdivision. The trail is a unique amenity for this subdivision and the City as a whole. The acreage may not be on the lot that the homeowner is maintaining, but it is still in the subdivision.

Moved by Member Sprague, seconded by Member Gutman:

In the matter of Legacy Parc, SP04-52a, motion to approve the Stormwater Management Plan subject to the comments in the Staff and Consultant reviews being addressed at the time of Final Site Plan submittal, for the reason that the plan is otherwise in compliance with the City Ordinance.

DISCUSSION

Chair Kocan asked that, "with particular attention being given to lots 108 and 109" be added to the motion. Member Sprague and Member Gutman agreed.

ROLL CALL VOTE ON LEGACY PARC, SP04-52a, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER SPRAGUE AND SECONDED BY MEMBER GUTMAN:

In the matter of Legacy Parc, SP04-52a, motion to approve the Stormwater Management Plan subject to the comments in the Staff and Consultant reviews being addressed at the time of Final Site Plan submittal, with particular attention being given to lots 108 and 109, for the reason that the plan is otherwise in compliance with the City Ordinance.

Motion carried 8-0.

Moved by Member Sprague, seconded by Member Pehrson:

ROLL CALL VOTE ON LEGACY PARC, SP04-52a, WOODLAND PERMIT MOTION MADE BY MEMBER SPRAGUE AND SECONDED BY MEMBER PEHRSON:

In the matter of Legacy Parc, SP04-52a, motion to approve the Woodland Permit subject to the comments on the attached review letters being addressed at the time of Final Site Plan submittal, for the reason that the plan is otherwise in compliance with the City Ordinance.

Motion carried 8-0.

Moved by Member Sprague, seconded by Member Pehrson:

In the matter of Legacy Parc, SP04-52a, motion to recommend approval to City Council of the Wetland Permit subject to the comments on the attached review letters being addressed at the time of Final Site Plan submittal, for the reason that the plan is otherwise in compliance with the City Ordinance.

DISCUSSION

Member Pehrson asked whether specific information should be provided in the motion regarding the restrictions that will be listed in the Master Deed. Dr. Tilton said it was not necessary. These wetlands are not that sensitive – the soil types are more capable of absorbing the nutrients.

ROLL CALL VOTE ON LEGACY PARC, SP04-52a, WETLAND PERMIT MOTION MADE BY MEMBER SPRAGUE AND SECONDED BY MEMBER PEHRSON:

In the matter of Legacy Parc, SP04-52a, motion to recommend approval to City Council of the Wetland Permit subject to the comments on the attached review letters being addressed at the time of Final Site Plan submittal, for the reason that the plan is otherwise in compliance with the City Ordinance.

Motion carried 6-2 (Yes: Avdoulos, Cassis, Gutman, Lipski, Sprague, Wrobel; No: Kocan, Pehrson).

Moved by Member Sprague, seconded by Member Pehrson:

In the matter of the request of Legacy Parc, SP04-52a, motion to recommend denial to City Council of the revised Preliminary Site Plan and Final RUD Plan, for the reason that parking, as provided in the plan to service the clubhouse, is insufficient.

DISCUSSION

Chair Kocan asked if the motion should list Planning Commission recommendations. Mr. Gillam responded that if parking and traffic are the Planning Commission concerns, the motion on the table is more than sufficient. This is just a recommendation to City Council.

Member Cassis thought that the Applicant agreed to provide more parking. Member Sprague said that they did, but he still finds it insufficient.

Member Avdoulos asked that “the plan causes great traffic concerns at the entry boulevard” be added as a reason. Member Sprague and Member Pehrson agreed to the additional language.

ROLL CALL VOTE ON LEGACY PARC, SP04-52a, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER SPRAGUE AND SECONDED BY MEMBER PEHRSON:

In the matter of the request of Legacy Parc, SP04-52a, motion to recommend denial to City Council of the revised Preliminary Site Plan and Final RUD Plan, for the reasons that parking, as provided in the plan to service the clubhouse, is insufficient, and the plan causes great traffic concerns at the entry boulevard.

Motion carried 5-3 (Yes: Avdoulos, Kocan, Pehrson, Sprague, Wrobel; No: Cassis, Gutman, Lipski).

Chair Kocan told the Applicant that the plan can go forward to City Council for consideration. She wished him luck.

**CITY COUNCIL MINUTES
EXCERPT DECEMBER 20, 2004**

**REGULAR MEETING OF THE NOVI CITY COUNCIL
MONDAY, DECEMBER 20, 2004 AT 7:00 PM
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Csordas called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

ALSO PRESENT:

- Rick Helwig – City Manager
- Craig Klaver – Chief Operating Officer
- Clay Pearson – Assistant City Manager
- Tom Schultz – City Attorney
- Benny McCusker – Public Works Director
- Kathy Smith-Roy – Finance Director
- Barb McBeth – Planning Director
- Rob Hayes – City Engineer

APPROVAL OF AGENDA

CM-04-12-437 Moved by Capello, seconded by Landry; CARRIED UNANIMOUSLY: To approve the agenda.

Voice Vote on CM-04-12-437 CARRIED UNANIMOUSLY

5. Consideration of the request of Singh Development for approval of a Final RUD Plan, modified RUD Agreement, Preliminary Site Plan, Wetland Permit and Storm Water Management Plan. The property is located in Section 30, south of Ten Mile Road, west of Wixom Road in the R-1, One Family Residential District with a development agreement. The applicant proposes a 439-unit single family site condominium development known as Legacy Parc (formerly known as Quail Hollow) on 325 acres.

Mike Kahm of Singh Development Company thanked Council for recognition earlier tonight; Singh had been in the community for 30 years and enjoyed being good corporate citizens.

Mr. Kahm stated that about a year ago, Singh was before Council for a RUD approval of that development; at that time the Council approved a development, including 439 lots. In that particular agreement, Singh had agreed in part to build about a mile and one-half of trail way within a park area that encompassed a total of 200 acres, 73 of which Singh was also dedicating to the City of Novi to allow for the connection to two disconnected pieces of property the City owned.

Mr. Kahm stated that they had appeared before the Planning Commission a few weeks ago and received a recommendation for a woodland permit, a wetland

permit and storm water management permit. He said they did not receive a site plan approval. He wanted to address some of the things that were of concern to the Planning Commission at that meeting and try to explain some of the things that they tried to do to address those concerns.

He said that one of the things he wanted to point out, in addition to the trail way system that Singh was committed to put in, was they had two connections in the RUD plan that Council saw last year. He said one of the things they opted to do this year was to add an additional third connection; they wanted to try to make the access to the trail way system as convenient and as accessible as possible to a great deal of the community, which they now call Legacy Parc. He said it worked out fortuitously because there was an existing boardwalk over a wetland that was at the golf course right now; he said they had connected at the Boardwalk and then came across a fairly open upland area on the City's property to connect into the previously existing trail way area.

He said the largest discussion point last time was that Singh had added a community area, clubhouse, swimming pool and amenity areas for this development. He said in looking at other developments like theirs in the metropolitan Detroit area, they really came to the conclusion that amenity packages were really something of interest to people today and that they wanted to add and provide active recreation for the residents of Legacy Parc.

Mr. Kahm showed a blowup of what Singh proposed for the clubhouse, swimming pool area. He said there were two concerns that the Planning Commission had about that particular area: One was, in a City ordinance, Novi required an 80-foot setback for all the amenity areas when providing a community-based clubhouse-type amenity like Singh had in this proposal.

Mr. Kahm stated that in the plan presented to the Planning Commission, which Council had in its packets, Singh had amenity space outside that 80-foot setback. He said that the Planning Commission had concerns about that; so what Singh had done was to remove those amenity areas outside the 80-foot setback. He said they eliminated the tennis courts, which were previously on the plans that Council had, and created what they called a "sport court" in lieu of the basketball court. He said that could be basketball, in-line skating for the kids in the summertime; they were going to put a drain in the middle of it so that it could be frozen over for hockey or open skating in the wintertime. He said they slide the "tot lot" in a little bit, so the point was that they proposed this evening, they had smaller 11 by 17 copies to pass out, that was the clubhouse configuration that they proposed this evening with the site plan, in lieu of the one in the packets to address the location of those amenity areas.

Mr. Kahm stated that the other issue that was brought up was parking. He stated that in the previous plan, they had 25 parking spaces; the Planning Commission felt that Singh did not really address the demand that the facility might have for

parking. He said that the City ordinance was fairly rigid, in that it required parking for half of the member families, which on a 439-lot subdivision, they would have 220 spaces, which Singh thought would be far in excess of what was necessary for a facility like that, particularly when it was for the use of the development only; it was not for public use. He said what they did was to go out and look at other developments in the metropolitan area and this general area that had that kind of facility, not the least being Island Lakes, to see what they did and to see whether or not Singh could find some rational percentage of parking to number of units that would make sense and would appear to provide the number of spaces necessary for a facility like that. He said that Island Lakes had 786 units; the parking lot at its facility, which had 9500 square feet, was 83, which worked out to be about 10.6 percent parking to units. He said that Hills of Bogey Lake in Commerce Township, a very nice community and used as somewhat of a model for what Singh did in their design, 262 units, 22 spaces, 8.4 percent. He said there was a development in Grand Blanc called Country Cottage Estates that had 10.2 percent.

Mr. Kahm said that what Singh proposed in its plan was to provide 50 spaces; it doubled the number of spaces that were presented to the Planning Commission, which equaled 11.4 percent. He said that Singh believed that number of spaces would be more than adequate to service the needs of Legacy Parc; that was particularly considering the fact that the clubhouse, if related to Island Lakes, was much more centrally located and much more accessible to many more of the lots. He said that Island Lakes took advantage of a peninsula it had on the lake, so that clubhouse was somewhat more removed. Mr. Kahm stated that this was really more of an integral part of the development.

Mr. Kahm stated that the last issue had to do with circulation, in that at some peak hour time there might be some circulation concerns at the entry to the subdivision. He said that when they designed the additional 25 spaces, it was to add another access point. For the most part, for people going to the clubhouse, to the swimming pool, to the amenity areas from the subdivision, they could enter either access point and really never need to enter the center point; he said that would be primarily for visitors going from off the property who might be visiting some family for the day.

Mr. Kahm also stated that Singh had a study done by Parsons Brinckerhoff, also in Council packet, traffic consultants, who looked at the concerns that were addressed about the circulation at the entry and felt that it really would not be a problem, particularly considering that the clubhouse would probably never be used at any peak hour times, either morning or evening; they were primarily weekend-type uses which really weren't going to have any kind of serious traffic congestion problems. He stated that he would answer questions Council might have.

DISCUSSION

Member Capello stated that you see ideas and different groups of people and they become circular; the RUD for Maybury Park over on Eight Mile Road was pushing Multi to put in active recreation such as a basketball court, a tennis court. He said Singh was now proposing to put it in and the City was asking them to take it out. He preferred the previous plan; he preferred to see the two tennis courts, the basketball court and the volleyball court. He said it offered more active recreation; it offered four different fields to play on as opposed to just one commingled with all three of them. He said it abutted Lot 198, but other than that, it seemed to just abut another arterial street, so he didn't really see where the setback would be that effective on any of the houses except Lot 198. He asked how far the setbacks were from Lot 198 under the plan that was in front of Council before Singh went to the Planning Commission and made the revisions.

Mr. Kahm answered that he thought it was about 25 feet.

CM-04-12-442 Moved by Capello, seconded by Gatt; CARRIED UNANIMOUSLY: To approve the Final RUD Plan, modified RUD Agreement, Preliminary Site Plan, Wetland Permit and Storm Water Management Plan. The property is located in Section 30, south of Ten Mile Road, west of Wixom Road in the R-1, One Family Residential District with a development agreement. The applicant proposes a 439-unit single family site condominium development known as Legacy Parc (formerly known as Quail Hollow) on 325 acres, as amended with the plans that were presented to Council with two tennis courts, a volleyball court and the basketball court, additional parking and additional access to the clubhouse, subject to a ZBA waiver and subject to a building façade waiver.

DISCUSSION

Member Paul asked if he was proposing a change in what Council was seeing before it, giving a tennis court; Council didn't even have the information before it.

Member Capello stated that the information was in the packet that she would have reviewed.

Member Paul stated that what was before Council tonight was not what he was proposing.

Member Capello stated that he was proposing what was in Council packet; he said they had come tonight showing something different as a result of a Planning Commission meeting, but if she looked at her packet, what he was proposing was what was presented to Council in the packet. He asked her to look at drawing 2A, 2B and L11-18 to see where the tennis courts, the volleyball courts were.

Mr. Kahm stated that he just put the plan that Member Capello was referring to on the board; the only difference between this plan and the one in Council packets, was that this one also addressed the parking issue and also addressed the circulation issue. The plan on the board added the additional 25 spaces and it added the connection, but they left the amenity spaces exactly in the same location as Council had on its plan.

Member Capello stated that he would amend his motion to include the additional parking and the additional access to the clubhouse.

Member Paul asked if they were short of parking with the other amenities, were they still going to be able to put the extra spaces from the 50 that they now had into the areas that the tennis courts and the basketball area were being presented.

Mr. Kahm stated that the plan also had 50 spaces; there was no difference between this plan and that plan, except they left the amenities, the tot lot, the basketball court and the tennis courts, in exactly the same location as the plan in Council packets. He said it was kind of a hybrid; they tried to address this plan that he went through earlier addressed all three of the Planning Commission's concerns; this one addressed the circulation and the parking but left the amenity locations as they were, but they were outside the 80-foot setback.

Member Paul asked if they needed the circular drive that was in the front of the entrance, since there were two other ingress/egress areas into this facility.

Mr. Kahm answered that the reason they put it there was frankly for emergency vehicle access; as emergency vehicles came in the entry, the fire station was right next door, it gave enough turning radius for an emergency vehicle to come in right in front of the clubhouse, so they thought they would leave it for that reason.

Member Paul stated that another concern when she read through some of the Planning Commission minutes was specifically if an emergency vehicle needed to get through and extra people were parked in that area, they would not be able to bring an ambulance or a fire truck through; she thought that was Mr. Pearson's comments. She thought it was a very real comment that it could happen, say at a specific time of year there may be a large party and may have more than 50 cars parked. She asked if they would put "No Parking" signs in that area of concern, so that the emergency vehicles could get through.

Mr. Kahm answered that in the Parsons Brinckerhoff report, their consultant recommended that they place "No Parking" out there along the street; they agreed with that, they would place "No Parking" signs there so there would be no on-street parking allowed on that stretch of road. On-street parking would only be allowed on the tangential roads.

Member Paul asked about the circular drive.

Mr. Kahm answered that there would be no parking there as well.

Member Paul asked what was being done with the two structures that were currently there at Links of Novi; there was a maintenance building and the clubhouse building.

Mr. Kahm answered that they had no plans at this point. He said he was at liberty to announce that the Links of Novi Golf Course would be in operation for the 2005 season; even though they own it, they made arrangements with the current owners to continue operation for another full season. It was their intention to actually not develop the subdivision until the 2006 season; so they would be utilized next year by the golf course.

Member Paul asked if they were not using the facilities if it would be possible to move one of those structures to another area that Novi could possibly use for a maintenance building at 06 or 07.

Mr. Kahm answered that anything was possible. He said they did look into the logistics of that; he had some very preliminary numbers for doing that. He had to say that under the current structure of the RUD, the trail system would cost them in the neighborhood of \$1-million and it was only going up after they had a chance to investigate the site more. He said there was mile and one-half of trail, some of which they added at their own option; he admitted that the additional pathway would cost them money, but they thought it would be a betterment to not only their development but also the trail system. He said there was another close to \$1-million investment in trying to create some active amenity space, again at their own volition. He said they thought they were making the development better and really a signature piece, they'd like to think, for the City of Novi. He said it was a long way of answering that they were really to the point where it would be hard for them to put any more investment into the development. He said they were open to suggestions, but at this point under the current structure of the RUD development, he was afraid they were pretty much there economically.

Member Paul said that she understood and appreciated the trail system they were putting in; she also appreciated the amenities they were putting in, but with those amenities they were putting in, it still had the same density, so they had taken some space that was going to be spreading out the homes and increased the density. She said that since they were not using the structures in 06, there were several of the City's vehicles stolen out of Community Sports Park, three to be exact, and if there was a maintenance facility that was currently being used by Links of Novi that was just going to be wrecked down, she would love to see it be utilized at the City facility. She said the City didn't have a lot of extra money and

would like to see if there was some way to do that. She said it would go down Napier Road, which had just been kind of trimmed for a barn to go down in that area, so she was looking for some assistance in a structure that would just be going into a heap.

Mr. Kahm stated that they would have no trouble all in allowing that structure to be moved once the golf course had finished operating; that would be fine.

Member Paul asked what the preliminary numbers were.

Mr. Kahm said that they actually spoke to the same company that moved the barn, Toll Brothers. Site unseen, based on a description of what the building was made of, how big it was, etc., they're probably looking at \$25,000-\$30,000 to move it.

Member Paul asked, when Singh increased the density from RA to basically R2, that was a significant cost and the trail was a significant cost, so she was looking at just one other area that would really assist the City, and Singh had been such a good partner she really thought it would be something that would be helpful for all of us. She appreciated their looking into that and hoped that they would possibly continue to look at that as an option, because \$25,000-\$30,000 was less than what one home would be in that area.

Mr. Kahm stated that the one thing they were going to do, before she even asked the question, was that the Park Foundation had been recently formed by the City of Novi; Singh Development was committing to sponsor a golf outing at the Links of Novi this summer to benefit the Parks Foundation. He said that they would commit to that tonight.

Member Paul still wanted them to look at the idea of maybe joining the City in a partnership to move that building so the City could have some of its vehicles placed there and not be stolen again. Thank you very much.

Mayor Pro Tem Landry commended Mr. Kahm for seriously considering the parking situation that the Planning Commission suggested in coming with a solution, because he was not in favor of street parking to support this community club area, but it seemed that Singh had done a very nice job in addressing that issue. He could support the motion with the additional parking that Singh added.

Mayor Pro Tem Landry stated that he liked where Member Capello was going with the idea of increasing the active recreation; he thought he was absolutely right. The City wanted to encourage residential developments to develop those things. He had a question for the City Attorney: If the majority of Council preferred to include the active recreation areas, there would be a waiver from a setback; he asked who would have to grant that waiver.

Mr. Schultz answered that the Zoning Board of Appeals, under the current structure of the RUD ordinance, would have to grant that.

Mayor Pro Tem Landry stated that Council, if it were inclined, would approve this, subject to a ZBA waiver.

Mr. Schultz answered that it would be a good subject to, yes.

Mayor Pro Tem Landry stated that it looked like there were two tennis courts that would be next to Lot 198 and Cardon Road and asked if they were going to be fenced.

Mr. Kahm answered yes.

Mayor Pro Tem Landry asked if they were going to be lighted.

Mr. Kahm answered no.

Mayor Pro Tem Landry stated there would not be an issue for the owner of Lot 198 having lights there all hours of the day or night.

Mr. Kahm answered that the only lights they would have would be safety lights around the pool and, obviously, at the entry to the clubhouse; otherwise, no.

Mayor Pro Tem Landry asked if Council needed to give Singh a façade ordinance tonight, or did it go along with what had already been proposed.

Mr. Schultz answered that the Planning Commission denied the site plan and did not know if they got to the waiver question; he didn't see that in the minutes. He said that Council had the final site plan authority, so he thought it would be appropriate for the Council to address that.

Mayor Pro Tem Landry stated that that was preliminary site plan, correct.

Mr. Schultz answered that was correct.

Mayor Pro Tem Landry asked what was being requested tonight; Council had authority over the Final Site Plan.

Mr. Schultz answered that the Final Site Plan would be administrative.

Mayor Pro Tem Landry stated that Council then had to address the façade question. He asked Ms. McBeth, Planning Director, if the only portion of the façade that did not meet City ordinance was the shingles.

Ms. McBeth answered that was correct; the pitch of the roof was a little bit too steep, so too much of the shingles were making up the building façade.

Mayor Pro Tem Landry stated that personally he thought it was an excellent façade; he thought it met the spirit of the City's façade ordinance. He said the shingles didn't really bother him, so he would certainly be in favor of including that if the maker of the motion were so inclined to the suggestion that there be a façade waiver.

Member Capello stated that he would accept that; the seconder would also accept that.

Mayor Pro Tem Landry stated that he would echo Member Capello's comments; he liked inclusion of the active recreation areas subject, so he could support it, with the parking, subject to a ZBA waiver.

Member Nagy stated that she would support the motion because, when she was on the Planning Commission at that time that group of people was seeking active recreation from the developers; she thought Singh had done a nice job and the concerns that some of the Planning Commissioners had had been addressed with regard to the traffic. She thought that the homeowner of Lot 198 would be aware of what he was buying, that he was close to the clubhouse and the tennis courts. She stated that she never was thrilled about the density, but density was something she always looked at. She thought Singh had done a very nice job on it; the active recreation was really an amenity for the community. She asked what happened; Singh went from Quail Hollow to Legacy Parc.

Mr. Kahm stated that it was more of an internal thing. He said Singh had several projects named Quail in them and it created a little bit of an internal problem.

Member Nagy stated that with regard to another member talking about moving the building, if the preliminary costs were \$25,000-\$30,000 to move a building, she thought the other question she would have would be what costs it would be to the City; there had to be other costs to the City as well. She wasn't that concerned about that; she knew Singh had incurred additional costs with regard to the trial system, but she did like the plan put forward and had always been an advocate of recreation, so she would support the motion.

Member Gatt stated that Singh never ceased to astound him; just when he thought he had seen it all, then along comes the project with improvements. He thought it was wonderful for the community. He thanked Mr. Kahm for the announcement that Singh would sponsor a golf outing for the Park Foundation. He would support the motion.

Member Capello stated Mr. Kahm had his hand up and wondered if he had another comment.

Mr. Kahm stated that Singh had a logistical concern. He stated that part of the packets also had an amended RUD agreement in them, which reflected the amenity spaces that were proposed, plus a different site plan because the road configurations were a little different. He stated that the RUD agreement would not be able to be finalized until the Zoning Board of Appeals took final action. He wondered, with Council's indulgence if it chose to go that way, was if, in the event that Singh could not obtain Zoning Board of Appeals variances, that it needed to do that plan with the amenity spaces in the location proposed, he would ask Council to consider as an alternative approving this plan because they would be forced to go within the 80 foot setback. He said they still wanted to provide the amenity space; he agreed with Council and that was why they proposed it in the first place. He said they felt it was a better plan. He said the people who lived in the closer lots might like that fact, because the parkway actually went down between the lots so people with young children could access the active recreation without going out on the street. He said that some people would like that and want to be near it, so they thought there was a lot of merit to it but they did have to go the variance route. He wondered, in the event that Council chose to approve the plan in the event that Singh couldn't get the variance, if Council would consider that as an alternative.

Mayor Csordas stated that what Singh was asking was that if it went to the ZBA and it said no, then as a fallback Council would approve right now, if it were the case Council would by default approve the 80-foot setbacks or the appropriate setbacks.

Mr. Kahm answered that was correct.

Mayor Csordas asked if the maker of the motion was okay with that.

Member Capello stated that he was not real comfortable with that; he said it was not to give them a hard time. He asked Mr. Schultz for his comment.

Mr. Schultz stated that it was a policy question; he thought it could be set up so the ZBA understood the question before it. He thought the only difficulty would be sending a mixed signal to the ZBA right up front, but it really was a policy question for Council.

Mayor Pro Tem Landry appreciated the spirit within which the request was made; however, the ZBA was an independent body from Council. He said Council didn't oversee it; it couldn't. He said he would hate to see any applicant go to the ZBA and ask for a variance and the standard you had to prove was a hardship. He said if he was on the ZBA, he might say that Singh already got Council approval, whether ZBA gave it, so there was no hardship. He thought Council would be hurting Singh if it did that; he thought Singh would have a better chance if Council said no. He wanted to see those active recreation areas in there, so he

thought for the interest, if the majority of the Council was interested in seeing the active recreation, it should tell you no, it would be subject to a ZBA variance. Come back to Council if it didn't get the ZBA variance, because he wanted the ZBA to give it and you needed to prove hardship to get it.

Member Capello asked if Mr. Schultz was sure if within the RUD agreement on interior streets that a ZBA variance was needed for that type of a setback, Council couldn't just approve it through the RUD agreement.

Mr. Schultz answered that they looked at that, because it was a fair question, but the RUD was set up with really a limited waiver authority for the Council; he said that might be something Council might want to look at in the future. He stated they had been authorized to look at the RUD; one of the things that they would probably recommend was instead of just varying density and things like that, maybe Council would want to give itself more authority, but, as written now, unfortunately, Singh was stuck with the ZBA.

Mr. Kahm stated that the reason he posed that question was because there was a timing problem; Singh needed to have the amendment executed in January, unless there was some way the administration could help Singh get on the January ZBA meeting, he asked for sympathy because Singh was really contractually obligated to bring this to a conclusion this next month.

Mayor Csordas stated that he thought Council could do that. He asked Mr. Helwig if Council could get Singh on the next ZBA meeting.

Mr. Helwig stated that Administration tried to please Council every way it could. He stated that Administration would do its best; he had no idea without talking to Mr. Saven to know what the agenda looked like.

Mayor Csordas stated that it was interesting to him that Village Oaks wasn't used in the study because it had this event in the summer with a nice parade. He said every time he went, people were delighted with the swimming pool and all the amenities; it was one of the City's older communities but it was a tremendous amenity. It had a swimming pool, a very nice clubhouse and 10 parking places, he thought. He thought that 50 were too many parking spaces, but that was the motion and it was okay. He stated that amenities like that were what Council had been asking for and it was great; he commended Singh for doing that. He stated that it didn't appear to be visible from Ten Mile, so he didn't see that being an issue. He supported it.

Member Paul asked wetland consultant Dr. Tilton if there were 58 or 59 homes on the wetland buffer and wanted to know if there were any that were not just on the wetland buffer but maybe a foundation portion would be in a wetland or wetland buffer that he was concerned about the actual structure being stable.

Dr. Tilton answered that all the structures appeared stable, none of the structures had to have any wetland fill, and the buffer was adjacent to a huge wetland that extended for almost a half a mile, so a little bit of buffer in a residential lot didn't seem to be a concern.

Member Paul asked if there was any type of education that Council could provide to them; she said many people didn't know what to do with their wetland. She asked how it could be done with so many being in the buffer.

Dr. Tilton answered that Singh had one of the better track records in the City with educational signage and working with its homeowners and the builders, educating them about the restrictions on the buffers. He understood they would agree with the signage and go through that process with the project.

Member Paul asked Mr. Kahm to verify that for the record that Singh would be educating the homeowners in the 58-59 homes that were in the buffer and that there would be signage there.

Mr. Kahm stated that they agreed on the Exhibit B drawings at the Planning Commission meeting they would shade or cross-hatch all of the buffer areas and then provide for the restrictions in the area very clearly in the Master Deed and Bylaws.

Member Paul stated that a neighbor of hers was in the wetland buffer but the foundation was actually in the buffer; they didn't do proper fill and they lost a portion of their foundation, which is a huge expense. She just wanted to make sure that wasn't the case in that situation.

Roll Call Vote on CM-04-12-442

**Yeas: Gatt, Lorenzo, Nagy,
Paul, Csordas, Landry,
Capello
Nays: None**

AUDIENCE PARTICIPATION

A citizen was there to voice his concern on the trail that Singh was trying to add on. He purchased property on Nine Mile Road which backed into the wetlands which backed into the golf course. He was concerned that the trail went close to his property; he felt it would harm his property in that the value would go down and privacy would be another concern. He asked that the trail be moved from his property, maybe not build it.

Mayor Csordas stated that he appreciated that, but the decision had already been made.

Elizabeth Brickett of 2005 West Lake Drive, part of the Bentley Subdivision, and wanted to comment on that. She wanted to show support for the lady who came and had a hardship case; she was also a single parent with two children. She said as a single parent sending two children through college; she was only eight years from retirement. She had lived in the community for 25 years, raised a family here and would like to think it was the kind of family Novi would like to have, but she was trying to hold onto her house. She said the closer she got to retirement, the closer she got to the edge of not being able to hold onto her home. She said it didn't seem fair that she worked all her life and the City would impose things that would be impossible.

She said the other thing was that if the water went by her house, it didn't mean she would tap in; she couldn't afford that. She looked to the hardship brochure, you could spread it out over 20 years but actually only pay the interest until you sold, but if you never sold, she would only pass that debt on to her children.

She came tonight because she was impressed with the wisdom of Council; she said if there were creative ideas, just because it had never been done before didn't mean there was not something it could do to help her: by bathroom, by square footage, if you didn't tap in, that would be her choice and you then didn't have to pay. She said the City owned several lots, and the City was not planning to pay anything because there wasn't a house on those, but if it passed her house and she didn't tap in, she didn't see how that was any different. She said if that was not possible, she would at least like Council's ideas.

Mayor Csordas recessed the meeting at 8:48 p.m.

Mayor Csordas called the meeting back to order at 9:05 p.m.

**CITY COUNCIL MINUTES
EXCERPT MARCH 5, 2007**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 5, 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
Randy Auler, Director of Parks, Recreation and Forestry

APPROVAL OF AGENDA

Mayor Pro Tem Capello added, under Mayor and Council Issues, item 1, The Health Care Benefit Consultant for a discussion on how RFP's went out and how the selection was made.

**CM-07-03-043 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

**Roll call vote on CM-07-03-043 Yeas: Capello, Gatt, Margolis, Mutch, Nagy, Paul,
Landry
Nays: None**

PRESENTATIONS

- 1. Briefing on request by Singh Development for offer to incorporate vacant City property at southwest corner of Ten Mile Road and Wixom Road into a new development agreement for Links of Novi a.k.a. Legacy Parc.**

Mr. Pearson said the Links of Novi Golf Course on the south side of Ten Mile just west of Wixom Road had an approved development plan, which Singh Development secured about two years ago. He said that project had not proceeded along the designs of that residential development. Mr. Pearson commented that Council had received a report from Singh Development with an idea they would like to pursue for an alternative development. He said the type of community would remain residential, but they had suggested an older adult community after doing quite a bit of market research. Mr. Pearson thought it would be beneficial to have Singh Development present their concept to the Council because they had approved the previous project. He said they would then go from this point to the Planning Commission for review, public hearing, recommendation and back to Council. Secondly, he felt Council should be included at this point because the new project called for a request for land that the City of Novi currently owned at the corner south of Ten Mile and west of Novi Road across from the Fire Station. Mr. Pearson said the property was acquired as part of a larger 2 ½ acres needed for Fire Station #4 and access road for that property. He said the property had been intended for a parking trail head associated with the eventual Singh Trail construction. However, the fact that this was a substantial change from the original residential development, and involved City property was why it was before Council. Mr. Pearson said it was a presentation and Council would have the opportunity to ask questions and give Singh

Development their initial thoughts. Mr. Pearson noted they were not asking for any decisions tonight. Mr. Pearson said the report was received last week and had not gone through any reviews so they would not be prepared to answer detailed questions like utility capacity, price, etc. He said that would be for Council to set some parameters or questions they would like the Administration to pursue.

Mike Kahm of Singh Development said in 2004 they had gone through a lot of discussion and consideration about the reuse of the Links of Novi Golf Course and the adjoining east and west properties with Council. After a great deal of discussion and work with staff and Council they had come up with an RUD plan for what they called Quail Hollow at that time. He showed Council the plan that was approved on the overhead and had been incorporated as part of the current RUD agreement, and it included 439 single family homes. Mr. Kahm said the amendment they entered into in January 2005 included incorporating the club house, which was shown on that plan. Mr. Kahm said they were probably wondering why it was still a golf course. He said over that last few years, things in Michigan had gotten a little dicey so they wanted to put a framework around where they were and where they are today in the current market conditions. He said they were before Council to get their feedback.

Mr. Kahm said there was very little demand for single family homes in south east Michigan, and they had been trying to figure out what they could do with the property that made sense outside of what it was approved for. On top of the little demand problem there was also an over supply of single family lots because of the market, area and many of them belong to Singh. Mr. Kahm said there had been a tremendous downturn in the economy and they needed to figure out something to do that made sense and addressed a need in the community and the area. He said the population in the City of Novi and the surrounding area in south east Michigan was getting older, and they wanted to explain where they saw the demographics of Michigan going. In 2006 there were 69 million people in the United States who were 55 or older, and in 2014 it's projected that 25% of the entire population of the country would be 55 or older.

Mr. Kahm said Hanly Wood was a well respected housing research company that they used often in looking at Michigan and other markets in the country. One of the things they looked at was the phenomena of the baby boomer generation, and what they might be looking for that would be different than they traditionally understood all those years in the single family subdivision development. Mr. Kahm said they were looking for active lifestyles and traditional neighborhoods that would integrate a lot of different services in that neighborhood. It would be a walkable, usable and functional neighborhood, which would have all the things that generation would want to see in a traditional neighborhood. Mr. Kahm said the thing that addressed all those things was the active adult community. He said there were two of these communities that were a little different than what he would present this evening that had been developed in Metropolitan Detroit by a subsidiary of Pulte in Brownstown Township and Grand Blanc.

Mr. Kahm said they were proposing something similar but thought it would integrate things a little better, and they would call it Legacy Parc. It would be an active adult community with the center point of the community being a very large recreation center club house. When they had analyzed what components were really important to an active adult community, they found five. He said the recreation center was crucial because it would be the hub of the activity for the entire community for residents. The residential component would be comprised of detached

homes, attached duplex/triplex type units, a service/retail component called Village Commons, which would be available to the residents of the community, and senior living. Mr. Kahm said they saw these communities as an integration of all these things and people who come to active adult communities would age in place. He said at some point they would need to move to another facility that would fill their needs better like their Waltonwood community at Twelve Oaks Mall. They were proposing integration of these five critical elements as part of the active adult community. He said when they looked at the golf course and layout before, they felt it would be important for an active adult community to have a very strong circulation room. Therefore, when they started looking at the project they looked at how they would link all the different components, and Mr. Kahm pointed out the various components for Council.

Mr. Kahm said all the different components of the development were linked by the road that would come in off of Ten Mile Road and would go from the entry throughout the entire development and would end up at Village Commons. The hub of the active adult community would be the recreation center, and the proposed club house had 23,000 square feet with indoor and outdoor swimming pools and bocce ball courts. The architecture would all be integrated so that it would all match, and it would be very much like the club houses they do in some of their high end apartment developments. Mr. Kahm said there would be a club room, dining room, commercial kitchen, library, computer center and everything needed for recreational services would be in the club house.

Mr. Kahm noted the detached homes would be designed as cape cods with first floor master bedrooms, and ranches. He said every home in the community would be geared for active adults and the stairs would be minimized.

Mr. Kahm said the Village Commons, the service element, would be designed to be a village center and have the essential service components that one would want in any kind of little village. He said one of the things they saw as important for the residents was grocery shopping so they designed a boutique grocery that would be similar to a Busch's or Hillers. There would also be a restaurant, bank, and in line retail such as a coffee shop, flower shop, card shop, medical clinic, etc. At the corner they were proposing a drug store to anchor the overall development, and it would be on the parcel that was currently owned by the City of Novi. Mr. Kahm said they were proposing to integrate that with compensation for the property. He said the reason they gravitated to the purchase was because they wanted to extend Wixom Road south and make it a full City road. It would provide access not only into the Village Commons but also into the entire development from an entry other than Ten Mile Road, and it would create a true hard corner that would be essential to the Village Commons and the development in general. Lastly, the senior living was patterned after their Waltonwood development at Twelve Oaks Mall. It would contain independent living apartments, assisted living and memory care. He said this would probably be developed toward the end of the community as the population aged in place because it would be the last necessary component.

Mr. Kahm thought one of the first things Council would ask was what the impact on the infrastructure would be as compared to what was previously proposed. He said they studied water and sewer current capacities and demands for their development and proposed the upgrades to water and sewer infrastructure to accommodate the demands they would place. The demands would not be that much greater than what the subdivision would have placed on it anyway. He said Quail Hollow had, in its approval, upgraded and even added sanitary sewer booster pumps at the booster station on Wixom Road, and water booster pumps on Wixom

Road across from Island Lake. He said they were proposing to do something similar in order to make sure the infrastructure of the City could accommodate what was being proposed.

Mr. Kahm said next and probably most important to Council was traffic because of the impact it might have on the City and the infrastructure. They looked at the Parsons Brinkerhoff Study that Council was given and the AM and peak hour traffic for this proposed development was comparable to Quail Hollow. He said that was because the number of AM and PM trips generated by active adults was substantially less than what it would be in a single family home with children. Those statistics would be shown to Council and he said they were a fairly common accepted fact in the industry.

Mr. Kahm said the other issue was lane and signalization improvements along Ten Mile and Wixom Roads. He said they would do a center turn lane along Ten Mile from their main entry to Wixom Road, and were proposing, in addition to the signal they offered when they did Quail Hollow at the main entry, a signal in front of the Village Commons area.

Mr. Kahm said there was a schedule in the booklet to show Council that the tax base generated by the development was comparable to what Quail Hollow would have provided. He said the value of the homes could fluctuate depending on the marketplace, so that would be more of a guess than anything else. He said it was there to show comparability between one development and the other. Mr. Kahm said tax base would not be sacrificed.

Mr. Kahm said lastly was the schools, and obviously in an active adult community there would be very little impact on the school system because there would be very few children living in the development.

Mr. Kahm noted the benefits the City would derive from considering such a concept. He said some were the same ones discussed when they were doing Quail Hollow. One would be the dedication of parkland along the east side of the property. He said the reason the acreage was more than they offered the first time was because the acreage at the corner and owned by the City was on the Master Plan as parkland. They were proposing to change that and give a compensatory amount of parkland in the overall park that would be dedicated to the City of Novi. Another benefit would be the construction of the 1.5 mile Singh Trail and the construction of Ten Mile Road traffic improvements with a center turn lane and multiple signalizations. He said those improvements would help their project but would also have a regional benefit for the area and for the City of Novi. Mr. Kahm said another benefit would be upgrading the sanitary water and sewer system infrastructure, and privatized interior roadways. He said the roads in Quail Hollow were public. He said because this would be an active adult community with the integration of a lot of different uses they were proposing the roads be private so there would be no cost to the City for maintenance.

Mr. Kahm showed where the different improvements would be for the pump station, sewer, the Ten Mile Road improvements, and a pump station in Park Place because some of the sewer would be going south to Nine Mile Road.

Mr. Kahm said the other element of this concept if we decide to go to the next step, was how the entitlements would be done because it was somewhat of a complicated project. He said Novi didn't have a PUD ordinance and this was a classic PUD, but there was a way to do it within the confines of the current ordinances. They would like to utilize the City's existing

ordinances by, on the detached home section, they would propose that the current RUD agreement be amended because that allowed for single family, and for the attached homes they would do a PRO, for RM-1 for the Village Commons they would do a B2 with a PRO. He said they would do a RM-1 with a PRO for the senior living. He said the vast majority of the property, which was the detached single family, would just be an amendment to the existing RUD agreement.

Mr. Kahm said they were present to ask for Council's feedback and whether Council thought it was a good idea. They wanted to know what Council liked and disliked about the plan and whether they should go on to the next step of making a formal application.

Member Gatt commented that whenever Singh came before Council they always brought a first class project and he marveled at their concept and their foresight. Member Gatt said every 8 seconds someone turned 60 in this country and that was a population that had to be dealt with. He asked if there would be an age restriction to purchase or live in Legacy Parc. Mr. Kahm said they were not proposing an age restriction. He said by the nature of the design of the development, certain people would gravitate to it but in their research they also found that people over 55 like to be in communities where there was a variety of different people. Therefore, even though in this particular community there would probably be a preponderance of active adults, they wouldn't exclude a young couple that wanted to live in the community. However, this would be age targeted because of the design and would appeal to a certain segment of the population.

Member Gatt said the roads were to be privatized but it had been his experience in the last year or so that a lot of communities that started off with private roads ended up coming to Council. He said their argument was that they paid the same taxes as their neighbors and would request the City plow and take care of the roads. He asked how that could be prevented.

Mr. Kahm said they would be willing to incorporate it as a deed restriction to the property, which would be a restriction that would run with the land.

Member Gatt asked Mr. Schultz if the project was approved was there something that could be written into the deed to prevent these private roads from becoming public.

Mr. Schultz said more recently in this kind of development the approval process was a lot more detailed, and a lot of the documents he would end up preparing would have a lot of detail, recitations and history in them. Then when people buy they could see that the issue had been debated. He said they had language prepared put in master deeds and hoped 20 years from now it would be sufficient to explain to the residents who moved in. He said a lot of the developments that come in now have no history, there's nothing on the record, and just a note on the site plan that the streets would be private. He said it was done a lot more formally and hopefully that would help allay the issue, but they would have to wait and see how those more recent things were working out.

Member Nagy thought the concept of the mixed use was very interesting but she had read a lot of articles on what was happening in real estate nation wide including the top markets in this country. She realized things were not going well and understood they would want to change their concept. She said there were communities in Michigan that had done something

like this. She said Pinckney had a mixed use of their homes where it was senior incorporated with the general population and she thought the idea was a good one. However, after talking with some of the seniors within her neighborhood, she didn't think people of a certain age wanted to be isolated from the rest of the population. She thought for those that wanted to be a part of the community this would be a great idea. She had a couple of concerns, which were expressed by people who lived in Island Lake. One of the things they were concerned about was the traffic and their other concern, and hers, was Village Commons. She said she looked at the Fire Station and remembered when they came before Council with the original proposal; they had not included the acreage that the City owned. She commented she was looking at the safety and the maneuverability of the people and of firemen. She thought it was pretty close the way the road way came into the east side of Village Commons and was concerned about that. Member Nagy said oftentimes people don't move for fire trucks and she was concerned about the Fire Station and a commercial center next to it.

Member Nagy was also concerned that while the drawing was attractive, they were working with Triangle to make Main Street successful and some of the uses proposed for the Village Commons would be some of the uses that Main Street and the Town Center had. She was worried because there were empty spaces in these areas and Main Street wanted to put in a medical facility and various things Mr. Kahm mentioned. Then there was the Town Center and strip malls around the City that had empty places. She asked if Waltonwoods on Twelve Mile was filled to capacity. Mr. Kahm said almost, and they were still in the final stages of the assisted living because that came on board about a year ago, but the independent living was filled.

Member Nagy commented the privatizing of roads was interesting because they would be built to City standards. She thought the club house was very attractive and asked if the association would have dues. Mr. Kahm said yes. She commented it would be a great expense to keep those buildings up and she wondered if there was anything they were considering in terms of green buildings or something to keep some of the cost as low as possible. She said her big concern was how it would impact the Fire Station. Member Nagy said she heard from residents that people thought about getting older, where they would live and whether it would be user friendly for them. They also talked about the cost, not knowing where the economy would be and how they would be impacted. She wondered how a person 75 years old would be able to afford to live in Legacy Parc. Member Nagy asked if they were looking for seniors or adults in the 250 attached units. Mr. Kahm said the only part of this that would be age restricted would be the senior housing; the rest of them would appeal to active adults that were aging and didn't like stairs anymore. He said these homes would be smaller than the traditional single family homes and would top out around the 2,500 sq. ft. range. He said because they were active the club house was part of the center of the community, and they didn't need a lot of space because it would usually be a husband and wife, and occasionally visiting grandchildren. He said these people would want to scale back their living area from what they had when raising their families. She commented that people wanted the master bedroom on the first floor and if they couldn't have that, they would want a one floor unit. Mr. Kahm said they had both. She asked Mr. Kahm to take her comments into consideration because she wasn't sure what benefit it would be to the City to have the commons building there, and it would have been the entrance to the parkway for Quail Ridge. Member Nagy thought it looked like a very small entryway, and she had a major concern about the traffic and the Fire Station being so close.

Member Margolis stated it was a beautiful development, and they had done a great job in presenting it to Council. She said this would go through staff reviews, Council would get a lot of expert opinions on density issues, but a lot of information had been given to Council for their consideration. She noted she was impressed with their approach, the fact that they called them active adults rather than seniors was excellent, and liked the idea of having some demographic diversity in this community. She thought the City had been pushed toward building large single family homes, and the idea that Novi would have something to appeal to a different demographic group was a great idea.

Member Margolis asked if the concept was to market this as an active adult community or was it that the design would appeal to that group. Mr. Kahm replied that because of the statistical data he showed Council, obviously, the biggest market out there would be 55 and up, and would be the center point of their marketing effort. It didn't mean they would exclude others but just by statistical numbers they would get most of the people from that age bracket. This was because of the size of the community and the product they offered was probably more appealing to 55 and up than it would be to younger people. Member Margolis said regarding the market comments, her concept of that was the restaurant, boutique market, etc. was meant primarily for the Legacy Parc community, and would be services people could walk to. She said other people could access it from Ten Mile and Wixom Roads but that was the concept of the Village Commons. Mr. Kahm agreed, and said in the practical perspective the Village Commons probably couldn't exist without the development. He said that was why he showed the loop road and the connectivity of all these elements, anyone living in the community could go to Village Commons without ever going out onto Ten Mile or Wixom Roads. He said everything was accessible internally and that was their intent.

Member Margolis said talking about the trail head for Singh Trail the idea was that the piece of property that the City had as dedicated parkland would be the trail head and parking, and the City would be giving that piece up. Mr. Pearson said that was what the intended use was, and that particular part was not designated parkland on the master plan even though it was going to be used as that. He said the property Mr. Kahm referenced was a little further to the west. Member Margolis commented that she would like to make sure that need was addressed so there would be access to the trail head other than through the development. Mr. Kahm said there was a main entry proposed off of Wixom Road that would come in on the south side of the commercial. She said her point was that when this went through the review there would be a way for the public in general to access that trail head park if necessary.

Member Margolis noted she was intrigued by the idea of Waltonwoods with the residential and asked if he or other developers had experience with that concept. Mr. Kahm said the key to that was for it to be there but not be there. He said there would be a substantial amount of screening around it and would be the last element developed in the community as the entire development would be built out before they would consider doing that. At some point people living there would age and need more help than they thought they would need when they came to the community. So, it would be there but it would not be in their face. It would have its own entrance off of Ten Mile Road, and would have an internal connectivity because after living there for a long time people would have friends. He commented they wanted to keep a sense of community there but not beat them over the head that they might need a facility like Waltonwoods. Member Margolis said it occurred to her that this generation also had aging parents who were a part of that.

Member Margolis thought it was an excellent plan, a quality development, liked the diversity and the idea of services being in place for the residents. She said the more services available in the neighborhood the less people relied on City services, which helped in terms of services the City would have to provide. She thought the recreational facility was excellent and she was looking forward to looking at this as it went forward.

Member Mutch thought they had given a lot of thought to the layout, design, and the various elements of the development in making the case of why the change from what was previously proposed was appropriate for this new concept. He was concerned that the density issue was significant. Member Mutch said if they looked at the west side of the City, and at Mr. Kahm's development in particular, they had gone from an RA level density of 250 to 260 units to an R-1 density with 439 units, and now they are talking about 688 units and about 100,000 sq. ft. of commercial development. Member Mutch said from the City's expectations of what would be there to what was requested today was quite a significant jump. He said all the factors they had talked about in terms of the market conditions and demographics were true for every property owner on the west side of City. He said they were all facing challenges in terms of developing single family homes, and were all facing a changing demographic in our community and in our Country. So the concern he had was if they accepted this change in direction for this development, there was 45 acres across the street at the Dinser property, 18 acres east of that, and 40 acres at the north east corner of Napier and Ten Mile Road. Member Mutch expected to see a lot of active adult communities coming forward with all of them making the same argument that the City had given Singh increased density and commercial development so why couldn't they have the same. He said obviously that was something they had to work through in the planning process, and the developer had to make a case through master plan review why a planning concept in place for 20 years suddenly should change. He thought they had some challenges there.

Member Mutch said there were elements of the plan he liked such as the diversity of uses within the development, and he thought the layout was superior to what they had before. He was concerned about the commercial as a general principal because Council had not allowed commercial development along Ten Mile Road, and whether they thought it was for the better or worse that had been the planning concept. He commented he was concerned that if commercial was allowed at that location, it would become the springboard for other commercial along the Ten Mile corridor; and he thought that would be a significant concern. Member Mutch said the other problem he had with the commercial element was that while the discussion talked about how it serviced the community, it seemed very oriented towards Ten Mile Road in the initial plans he had seen. He said the comment had been made that the development by itself couldn't support the commercial element, but he didn't feel like it was integrated into the community. In fact, looking at it, he wondered how many seniors or active adults would even walk to it and maneuver through the parking lots. He wondered if they would drive or drive golf carts. He said that would be a concern as well as did it really integrate itself into this community, and obviously also looking at the commercial impact on the surrounding residential, particularly Island Lake to the north. People moved into that community with the direction from the City that there would be no commercial adjacent to their development and here it is. He said in terms of the commercial, at Wixom Road and Grand River there was significant major commercial development that was not built out yet, and adding another 100,000 sq. ft. to the area would need justification.

Member Mutch said in terms of the City property, he would be looking for an exchange that was value comparable, not acreage comparable. He thought 2 ½ acres with a drug store on it at the corner of Ten Mile and Wixom Roads had a value that was much greater than the 2 ½ acres of the parkland integrated into the development. He thought they really had to work on that because it really fell short. Member Mutch thought from community benefit overall they would really have to spell out where they had gone above and beyond the previous plan. Member Mutch said just using the numbers they provided if they approved the zoning changes, the City was looking at an additional value to their development of \$20 million plus. He said they would need to show where \$20 million in additional value in development was reflected in a community benefit because that's how the PRO worked. As far as the Waltonwood senior housing element, again having the multi story, multi family directly across from the Island Lake development would raise some significant challenges. Member Mutch thought they needed to talk about why that proposed development needed to be located there.

Member Mutch said in terms of environmental factors, he thought there were some elements of the layout that did respect what was there environmentally. However, having done some of the study into some of the adjacent areas, particularly in the south west portion of the site, he thought they needed to look at pulling that back a bit. He thought they were really pushing the envelope in terms of the environmental resources that were there. In his mind, at that point, they would be looking at reducing units or lots. He felt they were asking for quite a bit and in that regard there would be room for discussion. Member Mutch thought there would be a lot of big challenges for the City with this project because it opened up a lot of potential concerns beyond their project alone. He said overall the project was well designed and there were elements he liked but they also needed to recognize that for them, as a City, this was a fairly significant change for the west side of Novi. He stated his biggest concern was the impact beyond their development onto the surrounding properties that have yet to be developed and were still facing the same concerns they had.

Mayor Landry commented he was here when they brought Quail Hollow, and density was the biggest issue, and they really got down to it over about the last 10 or 15 units. He said they were talking about moving parking lots, tennis courts, etc., and after all of that good faith discussion they landed on 439 dwelling units. He said as he looked at the new proposal, he liked the senior aspect of it and understood the marketing concept. He liked the concept of a community where one could age in place, and he was not bothered by the commercial aspect of it. However, the rationale for going roughly another 250 units was don't worry because they would be seniors so there wouldn't be a lot of traffic. He said now they were saying they were not going to deed restrict it to ages so how would Council know it would be seniors. He felt they would sell to anyone who wanted to buy one of their condominiums, and he didn't blame them. Mayor Landry said without his assurance that this would really be a senior community, they had just gained 250 dwelling units, all those people on the roads and all that comes with that density. He said if he knew it was truly going to be a senior community populated by the people they were marketing to, he would be a lot less concerned about it. Mayor Landry said without that deed restriction he was very concerned about going from 439 units to 688 units. He said he wasn't concerned about the commercial, and liked the idea of extending Wixom Road. Mayor Landry said if they're going to do it let's make it a success, integrate it and make it so it really worked. He said he like the way they had done that but they had basically just taken Quail Hollow and added a lot of condominiums to it. He would be looking for a little more assurance that this would be a Dellweb kind of senior community. Mayor Landry thought it

was well put together. In this market, he liked where they were going and the way they were developing the property and getting more tax base on the rolls. Mayor Landry applauded them for that, and encouraged them to do whatever they could to make sure it was truly an active senior community.

Member Paul asked if Hiller's was approved on Johns Road across from South Lyon High School off Ten Mile Road. Mr. Pearson said he knew there was a suit that was resolved and South Lyon Township won but he didn't know if it was at that corner or not. She said her understanding was there was a Hillers going in at Johns and Ten Mile Roads, and that was a concern. She said two miles north of that was Meijers, and two and a half miles away was Kroger, and Sam's Club was not even two miles away, and she thought another grocery store would be a mistake. Also, Kroger wanted to go in on the north west corner of Beck and Ten Mile and there was an uproar in the community over another grocery store. Member Paul noted on the south west side of Ten Mile there were a lot of people upset about another strip mall when she was on the Planning Commission because it was zoned RA.

Member Paul thought there had been approval for the senior development at Beck and Eleven Mile south of Central Park Estates but nothing had come forward yet. She said Novi had Waltonwoods, Fox Run, Meadowbrook Commons and Central Park Estates Senior Housing approved and now a fifth senior development. Member Paul wasn't sure Novi could manage that kind of a market. She thought it was senior housing and she was all for more but that wasn't what she was hearing. There would be 688 buildings and it was questionable whether it would be senior housing or not. She said if they were going to get a commercial site on the front of this, which was originally parkland, she would like to see some green buildings, and asked them to be a leader as she knew they had done green buildings in other communities. She said if they were looking at getting a very large increase in density that might be something they could consider.

Member Paul said a trail way was promised to the City when they were doing Quail Hollow and that had not been done. She asked if it would really happen. Mr. Kahm said they had already cleared it and their intention was to build it all along, unbeknownst to them that the market would do what it had done. Obviously, when they entered into the RUD agreement the City was giving them a unique development and they were providing parkland and a trail way. Unfortunately, and not the fault of the City, they didn't get the development because there was no market for what they had approved. Therefore, the problem was they had something to offer but because of the market what they thought they would get they didn't. Mr. Kahm said the market changed, the demographics of the Country were changing, and they had done a lot of research and had to react to the changes and do the things the marketplace was telling them to do. Mr. Kahm said they were trying to react to where they clearly saw the marketplace going today so that single family development for all practical purposes was a golf course. He said the \$20 million difference was a hypothetical change, that's picking a number out of a hat about what the homes might have been worth. He said it was looking at what was the best use for the property today based on today's conditions. He said they would build the trail and they were offering it again because they thought this was a viable alternative and a viable product. He said this was not in the City of Novi or in south east Michigan except for the two Dellweb communities. He said Dellweb was a great company and did a great job but this was much more comprehensive because it added additional tiers of integration of uses, and so it's a true community. He said they would build the trail way.

Member Paul said she appreciated all the concerns they had with the Quail Hollow development and understood single family homes were not selling, and could appreciate what Mr. Kahm was saying. However, she wanted to look out for this community right now. She said 688 units was a lot to an already saturated open market and she was concerned about that. She said their encroachment to the uplands (woodlands), was a substantial impact. Member Paul said some of the concerns she had was, as with other communities, the runoff from the roof tops and roadways had gone into the uplands for storage of water and there was a lot of die off. She knew they had some basis but they were really close on those; all the water would not runoff into those basins. She would like to visit pulling their envelope back from the woodlands and trying to understand their drainage pattern a little better. Member Paul said she could name ten subdivisions that had major problems with woodlands and the drainage.

Member Paul said in their concept plan 6B, she was looking at the roadways but didn't see street trees lining the roadways and asked if they were planning on doing trees. Mr. Kahm said what she saw was more of a landscape architects artist rendering, and they were going to have street trees on all the streets.

Member Paul said Beck Road was designated that everything to the west would be RA. She said he came in and asked for R-1 as did Island Lake and Island Lake received their R-1, and that was Mr. Kahm's argument that they could double their density going to R-1. She said now they were going to 688 units plus the strip mall, and she thought that was a huge increase and those numbers had to come down.

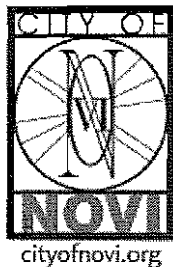
Member Paul was also concerned about three litigation points. She said on Beck Road they looked at two commercial sites that they declined at Beck and Ten Mile Roads on the north and the south west corners. Also, on Napier Road another site was before Council on the north east corner asking for a strip mall and more residential. She said now Council was looking at this site plan with commercial and the commercial component was what concerned her the most. She thought that would open the City up for a question in the litigation, and one in the future on the corner of Napier. The second component that concerned her was Island Lake wanted more condominiums on their Ten Mile Road corridor, and several times it came before Council and Council said no. Now, we have a lot more density and a commercial site, and she thought if they set precedence they were really asking for problems.

Mr. Schultz thought as the process unfolded all those issues would have to be the subject of discussion with the Planning Commission and Council.

Member Paul said there's a Fire Station and all the different shopping on Grand River, and people struggle figuring out where to make their right hand turn when looking at the Fire Station. She said the Fire Station on Ten Mile and Wixom Roads was set back even further and it looked like their drive would be close to that entering from Wixom Road south. She asked if they would, while looking at this and picking apart the site, really look to depict the difference so there would be no confusion with people turning into the Fire Station. Mr. Kahm said yes, and they planned to meet with the Fire Marshall if they go to the next step to be sure they design in consideration of all his concerns relative to the use of that Fire Station. She asked if the sidewalk would go all the way to Napier and the Fire Station. Mr. Kahm said yes.

Member Nagy asked if they had any vision of purchasing the house and property on Ten Mile Road that they would be building around. Mr. Kahm said they tried several times, particularly the property to the east, and the owners were not even interested in discussing it. Member Nagy agreed with Member Paul regarding the increase in density. She said she assumed the increase in density was an increase in profit. Mr. Kahm said it was comparable, and the reason they picked this concept was not necessarily for how much more they could drag out of the City of Novi; it's what made sense in the marketplace. He said the success of active adult communities was really based on massing and the integration of uses. So, in order to accomplish something like they were proposing, they would need a large piece of property and they have the unique benefit of having 325 acres. He said the other property in the area would not be able to do what they were proposing to do because they didn't have enough land. Member Nagy thought that was a good point, but she had to consider the City at large. She thought what had happened through the years in Island Lake was amazing, as well as the fact that they would be getting a request for a private girl's school and more condominiums were going in off Wixom Road. She understood that a lot of people had withheld from building sites, but there would still be people coming in, and even if they don't have the amount of property that Mr. Kahm had they would want to increase the density. She said regarding Village Commons, she was concerned about Main Street, strip malls, and the Novi Town Center with empty spaces, and the competition this area would give those other properties that Council wanted to see succeed. She said she would rather have people in their community drive to something Council wanted to see succeed; because with the time and effort that had been put into Main Street she wanted to see it succeed. She said when Village Commons was built would someone buy it from them. Mr. Kahm said the owner could be someone else or it could be them and that they would have fairly tough restrictions on it because that in and of itself was a fairly small component of the overall development. He said all the pieces had to be integrated together and function as one. Therefore, the design and operating standards would have to be in one master agreement, and they would control by agreement and whoever owned it would have to adhere to those standards. She asked them to consider reducing the size of Village Commons, and to consider some of the environmental and density concerns express tonight. She liked the concept of the mixture.

**MASTER PLAN AND ZONING COMMITTEE
MINUTES – NOVEMBER 18, 2008
(DISCUSSION OF PROPOSED REZONING)**



MASTER PLAN & ZONING COMMITTEE
City of Novi Planning Commission
November 18, 2008 at 7:00 PM
Novi Civic Center – Conference Room A
45175 W. Ten Mile, Novi, MI 48375
(248) 347-0475

ROLL CALL

Present: Members Brian Burke, Andy Gutman, Michael Meyer, Michael Lynch, Wayne Wrobel (at or about 8:45 PM)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; Tom Schultz, City Attorney

APPROVAL OF AGENDA

Moved by Member Burke, seconded by Member Lynch:

Motion to approve the Agenda. Motion carried 4-0.

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

ELECTION OF CHAIR AND VICE-CHAIR

The members decided to wait until the end of the meeting, at which time Member Wrobel may be present to take part in the election.

MATTERS FOR DISCUSSION

1. Rezoning 18.683, 18.684, 18.685 & 18.686 Legacy Parc

Request for discussion to provide comments, suggestions and questions on Singh Development's request to rezone a 329-acre parcel located at the east of Napier Road and south of Ten Mile in Section 30 from R-1 and RA to RM-1 with a PRO and B-2 with a PRO and revising the Legacy Parc RUD Agreement.

Planner Kristen Kapelanski touched on the plan's highlights. The target market is the active adult community. The site is surrounded by RA zoning in Novi and R-1 in Lyon Township (across Napier Road). The property is master planned for Single Family Residential with a .8 density. There is a portion of the land master planned for a public park.

An RUD Agreement was previously approved for this property. The Agreement provided R-1 zoning with a Development Agreement to accommodate a total of 439 homes.

This proposal includes three additional properties that are zoned RA. One is a 2.5-acre City-owned property which the City has not agreed to transfer at this time. The Applicant wished to modify the existing agreement and rezone portions of the property to accommodate these newly proposed uses.

Using the Singh document: Pink is proposed for B-2 for a 105,800 square-foot retail center; Blue is proposed for RM-1 for a 220-unit attached residential development; Brown is proposed for RM-1 to develop an 8,600 square-foot daycare. Green is proposed for RM-1 to develop a 154-unit senior housing complex. The public benefit proposed by Singh is the Singh Trail. The Yellow is proposed to remain R-1. There are many components to this plan.

The Master Plan designation and proposed rezoning is the focus of this discussion. Staff has not recommended approval of this proposal, mostly because it is not consistent with the recommendation of the Master Plan. The property is master planned for Single Family Residential with a .8 density. The proposed development has a gross density of 2.26 units per acre, excluding the proposed daycare. The Master Plan was reviewed and updated this year. Included in that review is a land-use study, a needs-

analysis for retail uses and several alternatives were examined for the southwest quadrant. Senior housing was one of the alternatives considered for the southwest quadrant and other nearby areas. It was not ultimately recommended. The minutes from the Master Plan and Zoning Committee's alternatives discussion were provided to the Committee for their review. Ms. Kapelanski said that specifically, the December 11th minutes should be reviewed.

Several Master Plan goals apply to this project: Maintain existing low-density residential development and natural features preservation patterns; this proposal far exceeds the recommendation of the Master Plan. A Master Plan goal suggests rezoning properties in the southwest quadrant to zoning districts that limit uses to low density residential uses that match the density depicted in the Master Plan; this proposal is contradictory.

Previously, 439 units were approved for this site. The Applicant now proposes 694 units within Single Family and Multiple Family Residential units and a senior housing complex. This is a 63% increase in density over the previous plan. There is also a commercial element and daycare proposal.

A further Master Plan goal is to encourage future development in the southwest quadrant that preserves the natural features and viewsheds along the roadway. The commercial, senior housing and daycare do not meet this objective. The B-2 and RM-1 is contrary to the Single Family Residential recommendations in the Master Plan.

The RUD Plan and PRO contain a number of Ordinance deviations and are listed in the Planning Review.

The Applicant has presented a sizable plan with a fair amount of detail as is appropriate for the concept review stage of PRO and RUD Agreements. Should this ultimately be approved, a number of details would have to be worked out. The Master Plan and Zoning Committee should consider the proposed rezoning and the contract plan in general.

Mike Kahm of Singh Development addressed the Committee. He explained why another proposal for this site has come forward. The original concept for 439 homes was approved before a lot of things happened to Michigan's economy. Also, things have changed demographically both here and across the country. Singh realized that there is a housing need for active adults in states other than Florida and the Carolinas. There are two Dell Webb [an active senior community developer] projects in Michigan – one in Brownstown Township and one in Grand Blanc. The idea is to sell a lifestyle. Mr. Kahm said that during this proposal review, more emphasis should be placed on lifestyle than lot size and density. Singh develops Waltonwood complexes in Metro Detroit and in the southeast. They are sensitive to this component of the population. They see a need to service the population two age-echelons down – the 55 and up empty nesters. They researched Dell Webb and Toll Brothers and came to see that the housing component of this proposal is something that Metro Detroit doesn't have.

Mr. Kahm said that the original RUD Agreement doesn't make sense anymore. There is a need for this new proposal. Mr. Kahm presented this idea to City Council in Spring 2007. He said that Singh felt they received a fairly favorable response. This use is probably more like a PUD which does not exist in Novi's Ordinance nor is it addressed. The RUD/PRO was the determination on how to present this proposal. He has been working on this design for over a year in great detail. The commercial component has been hotly contested and discussed. Singh did not propose this in a frivolous manner; however, selling a "lifestyle" means providing convenience. Mr. Kahm said that the pieces of commercial that have been proposed are really core services. It would still need support from outside the Legacy Parc community, which is why it is proposed along Ten Mile. It includes a boutique grocery, drugstore, bank, in-line services like hair salons, cards, dry cleaners, etc. These are daily-life commercial needs.

Mr. Kahm said that in North Carolina, Atlanta and Virginia, Singh has seen how other communities plan to grow. Many of these active adult communities require commercial amenities because it cuts down on traffic.

Mr. Kahm said that the City-owned parcel just sits at Wixom and Ten Mile and serves no purpose. It was part of the fire station property purchase. Mr. Kahm said it has marginal value. Singh suggested that they pick it up and propose a development on one large continuous piece of property.

Mr. Kahm said that there is strong market support for this proposal. Planning principles were included in how they developed this proposal. The lot sizes are smaller than what the Ordinance allows, which is typical of an active adult community. This population is not looking to take care of a large lot. The proposed homes would be upscale from what Dell Webb would do. Dominick Tringali is the architect Singh chose because he is the architect of all of their single family homes. Mr. Tringali's intent is to bring the same quality to these homes.

One key component is the active adult business center/clubhouse, which is about 20,000 square feet. There is an indoor social room, indoor/outdoor swimming pool, tennis courts, bocce ball courts, etc. This is a lifestyle that is similar to what Dell Webb offers but bigger and nicer.

Mr. Kahm said that Singh has been in Novi for thirty years and if there is any developer who knows what Novi was and is, it is Singh.

Joe Galvan, attorney for Singh, addressed the Master Plan and Zoning Committee. He said that this is the worst economy he has ever seen in Novi, and he thought that Singh's proposal at this time ought to have some wind. Singh comes and offers to do something in Novi which an objective person in Novi would say is unique. Like every other place in the country, the population in Novi is getting older. Singh is coming forward at a time when it is clear that the economy of the state is not even remotely like it was before. In that perspective, it would seem that Singh is offering to the City the ability to do something now that creates a level of economic activity in the City and provides the City with something it needs.

Why would someone say this shouldn't be done on this land at this time? The short answer is in the Staff report: because of the Master Plan. If the Master Plan provides no place in the City of Novi for an active adult land use, when it is the single most necessary land use in the City, perhaps there is a small flaw in the Master Plan. Perhaps this is something that should be looked at. He listened to the Staff report and noted that it was presented in pieces; this is an integrated community that comes as a whole. The only reason that it had to be looked at piece-meal is because it's the only way Singh can get here. This is a project, and the only way to bring it forward under the Ordinance was to bring it as an RUD and PRO. For reasons that are historical, the City does not have a PUD Ordinance, which would have permitted Singh to come in with a "whole package PUD." Mr. Galvan asked the Master Plan and Zoning Committee to consider this as one application not as a piece-meal project.

Member Meyer thought that Waltonwood was an extraordinary effort. He was sensitive to the comments made about the economy, and the fact that the Applicant has been consulting with Staff and the City Attorney. He understood that the Master Plan would have to again be addressed in order to make this proposal happen. He would need some explanation of the increase in density, although he understood that the commercial component could cut down on the traffic. Nonetheless, this proposal would add a major piece of traffic to Ten Mile.

Member Meyer excused himself from the meeting and said he would return later.

Mr. Galvan responded that this proposal has nothing to do with the 439-home Agreement. He said this proposal stands on its own and if it were him considering an active-adult community, he would want it to include the commercial and clubhouse components. He said that one-acre single family homesites are dead and gone. Michigan will have to figure out what to do to house active adults who want to stay in this state because right now there is nothing available for them.

Member Burke said that it was made loud and clear to the Planning Commission that commercial in the southwest quadrant was not desired. Therefore, the new Master Plan reflects this position. This proposal is centered around the needs of an aging population. Would this project be deed restricted, in terms of age? Mr. Kahm said that there are federal guidelines (Federal Housing for Older Persons Act of 1995) that one must follow to "discriminate" by age. Singh's intent would be to follow those guidelines. Mr.

Kahm said the proposed density is 694, though 154 are units in the senior housing complex and these citizens won't drive. There are 320 single family lots and 220 duplex lots. This is a total of 540, as compared to the previous plan of 439. The 439 was geared toward family lifestyles.

Member Burke surmised that the lion's share of the residents will be healthy and be able to come and go as they please. He asked if the project was equally viable without the commercial component. Mr. Kahm said Singh considered it without the commercial, but their southern communities without commercial have gone down the hill. Singh wants to sell a life style – even planning for golf cart spaces at the commercial and clubhouse locations. They might, like Dell Webb, provide a golf cart with the purchase of a residential unit.

Mr. Kahm said that the commercial will generate traffic, but the commercial proposed is convenience shopping, not destination shopping. The additional traffic coming to this commercial center is traffic that is otherwise already on Ten Mile. This plan proposes a traffic signal and a center turn-lane that extends almost the entire distance between Napier and Wixom.

Member Burke was not concerned about the traffic – he didn't think this traffic would interfere with rush hour traffic. He was more worried about the viability of the commercial. It will have to stand on its own and pay its rent. The 55-66 year-old adults will like drive two miles north and shop at Meijer where all things are offered, and for a lot less, which is important to people on fixed incomes. Mr. Kahm said this will be an upscale community that where people with disposable income will reside. The condominium dues will not be cheap – there is a lot of infrastructure to support. Singh imagines that these people will shop at a store where the selections are other than what is available at Meijer or Kroger.

Member Burke said the City has already agreed to the 439-unit Development Agreement. He thought the biggest problem with this proposal is selling the commercial aspect. Mr. Kahm said that's why the proposal has to be looked at with an open mind. Member Burke said he could so, but there are 52,000 other people in Novi. Mr. Kahm said this is a cultural thing, which is evident to him because he travels the country. There are different theories on how to live life. Considering Novi's history, this proposal is a bit like putting a round peg in a square hole, because Novi has the philosophy that it provides country living, even though it's not like that anymore. But that little seed in peoples' heads just won't go away. Singh feels confident that this proposal can be accepted in Novi. Whenever the word "commercial" is mentioned, people want to throw rocks. This proposal is not only not a negative, it will be an immense positive for the area. This will provide a convenience in the area. His experience is that people hate the idea of change until it's here, but then they love it.

Mr. Kahm said that Dell Webb caters more to income than age, and Novi is going to notch that up. Member Burke asked whether this project was modeled after southern states' successful projects. Mr. Kahm said some were, and some were in Chicago. Member Burke said that the Midwest citizen drives everywhere, even to the mailbox. He wondered if this will work as well as Singh thinks, because the mindset will be to drive two miles up the road. Member Burke could see the need for some of the commercial mentioned, but he thought 100,000 square feet seemed a bit much to him. Mr. Kahm responded that they researched this component for several years. He said when there isn't critical mass to a project, then the project is being done half-way. When something is designed by a Committee, the end result is a mess. The project, if done, must be done right. If this is scaled back too much, the commercial can't feed off commercial, which is what happens. The different uses don't compete, they feed each other. He supposed that some of the commercial could be stripped out of the design, but Singh thought it was important to make the design large enough to provide medical space too. The critical mass leads to the development's success.

Member Lynch knew that Singh had put a lot of work into this plan. He struggled with looking at this project though because of all of the uncertainties. What will this do to the sewer systems? Traffic? The taxpayer? The existing residents? He thought the concept is great, but it's hard for Member Lynch to understand what happens to the rest of the southwest quadrant if this project is approved by City Council. He said the City knows that the infrastructure will accommodate what is designed in the Master Plan; he does not know if this project can be accommodated. What does the City say to the taxpayers? This is a great project, and by the way, the taxpayers will have to pay to put roads in, additional sewer capacity,

and put up with lower water pressure. He does not have a clear understanding of what effect on the existing southwest quadrant will be with this proposal. It might not do anything, but he would find that hard to believe. There is nothing quantified in this review.

Member Lynch said there are many senior locations in the City – Fox Run, Enclave, even Island Lake has a senior area, and there many other senior areas. Mr. Galvan said that those locations cited do not deal with people in the same place in their lives. The emphasis here is on active; there are other elements here that are other than what is available at the multiple beast on the north side of the City. This proposal provides a level of quality that is not available anywhere else. Member Lynch said he needed more convincing. He said there really seems to be a lot of senior housing in Novi.

Mr. Galvan said there is Fox Run but that serves a particular purpose for people who are at a certain stage in their lives. There are also places that move closer to death. The down curve is there isn't anything available to people who are described as active adults.

Mr. Kahm explained that Fox Run is a continuum of care with a large sum buy-in, which makes it different from Waltonwood. Mr. Kahm said that there are senior housing opportunities in the City but nothing as servicing as this proposal. He said that Singh spent six months reviewing the infrastructure in this area. Singh proposes to add pump stations, off-site transmission lines, and has offered to pay for increased treatment capacity if it became necessary. Singh is also proposing paying for quite a bit of road improvements. These items are listed in Singh's Community Benefits. Deputy Director of Community Development Barbara McBeth said information regarding these infrastructure components could also be found in the Engineering Review.

Member Lynch asked about the project that Singh has pending near Twelve Oaks Mall. Mr. Kahm responded that the site is environmentally sensitive. Member Lynch did not think the sinking housing market would last forever. Mr. Galvan responded that their greater concern is, what will Michigan residents be doing for work if the manufacturing industry continues to slide?

Member Lynch said there was also a question of supply and demand. Mr. Kahm responded that the site would be built in phases, and the development would likely occur over a ten-year timeframe. Member Lynch and City Attorney Tom Schultz discussed how each plan must be reviewed on its own merits, regardless of whether other similar plans have already been reviewed and determinations made. This is not inconsistent, rather it provides an equal process for all incoming projects.

Member Lynch said it was clear to him what the citizens thought about adding commercial to the southwest quadrant. They want commercial located along the Grand River corridor. Overall the proposal is good, but Member Lynch did not know if it was a fit and thought he needed more information.

Mr. Kahm said that the property is the largest contiguous parcel in Novi, at 329 acres. Singh designed this proposal to improve upon the natural feature preservation relative to the currently signed RUD Agreement for the 439 homes.

Member Gutman thought the proposal was beautiful, but it did not meet the intent of the Master Plan, which was just updated this year. Mr. Galvan said that basing any decision to review this proposal against the Master Plan was not reasonable to him. Part of the problem is that Novi has never developed anything like this before. Also, there is no place in the Master Plan or Zoning Ordinance where this particular use is accounted for. Given the realities, Singh believes this type of use should be addressed.

Member Gutman respected the comments and understood that times have changed. He thought was important to provide the feedback to this Applicant.

Member Burke said that the recent Master Plan update made the statement loud and clear that the southwest quadrant did not want any large development. He suggested it would be interesting to go back into the archives to see whether there was opposition to Island Lake. Member Burke did note that there is a significant buffer around this site. This should negate some of the local citizens' concerns. Ms. McBeth clarified that some of the land Member Burke was referring to is not actually part of the Singh

property. The map showed the complete natural feature area and where the City hopes a connection between the natural areas is made. Mr. Spencer added that there is also an expansive wetland complex. Mr. Kahm explained Singh's plan to connect the parks via the "Singh Trail," which again is proposed as a community benefit. Mr. Kahm said that a phasing plan has not yet been designed because it would be rather presumptuous to do so at this time. Mr. Kahm said the service area would have to be built first, and then the residential would be built as the market supports it.

The Committee discussed that the Applicant does not have to sell the fact that there is a need to address the aging baby boomer generation. The greater effort should be placed on proposing something that blends into the community and is therefore more consistent with the characteristics found in the southwest quadrant.

Member Gutman opened the floor up for public comment:

- Jerry Smith, Echo Valley: Did not think that the existing southwest quadrant citizens will embrace this level of density; it's what they moved away from to begin with. There isn't a market for this use in this area at this time.
- Larry Michaels, Island Lake: Represented 784 Island Lake homes. The local citizens are opposed to changing the character of the southwest quadrant. These residents want to maintain the semi-rural feel of this area. He was not aware of any favorable response that the Singh may have received regarding this development when it was presented last year. If Singh believes this use is really necessary, why wasn't it presented during the Master Plan review? The update process would have been the time when the City could have accepted the input and perhaps respond favorably to the need for senior housing in the City. He was concerned about the increase of Wixom Road traffic. Ten Mile also has traffic problems. There is underutilized retail space already in Novi. He said that Mr. Kahm conceded that this development wouldn't support the proposed retail by itself, and that customers from elsewhere in the City would need to frequent this commercial. He did not agree with the statement that things have changed and will never return to what once was. These changes have been happening for a couple of years, but no one can say what tomorrow may bring. He said Mr. Kahm has conceded that the 439-home development is no longer viable, and now the developer is looking for new ways to make money. He didn't blame them, but Singh should not propose this altruistic development that they forgot to mention during the recent Master Plan update. Singh should not suggest that they know the southwest quadrant better than the residents of Novi. He was concerned about the domino effect, i.e., once retail is introduced on west Ten Mile, how many of the other vacant Ten Mile properties will seek retail zoning too? There is the Dinser property. There are the northwest and southwest quadrants of Ten Mile and Beck. Nobody wants to destroy the character of Ten Mile and the southwest quadrant by lining it with retail. The ECT wetland review states that the consultant is concerned about the Legacy Parc drainage's impact on Island Lake, the location to which it will flow. Island Lake spends a great deal of its dues on lake maintenance and none of its residents would be receptive to Legacy Parc impacting Island Lake, their greatest amenity. If the Legacy Parc residents will be expected to pay dues to support the clubhouse, Mr. Michaels advised Mr. Kahm that there are many Island Lake residents unhappy with having to pay for the amenities in their subdivisions. Their clubhouse is far less grand than what Singh is proposing; Legacy Parc will have a lot of unhappy people spending hundreds of dollars each month in dues. He said that Singh should plan to have a fight on its hands with the residents of Island Lake because they will feel the impact of this development.

Member Wrobel arrived at the meeting. Member Meyer returned to the meeting and Member Lynch, the alternative member, ended his participation.

ELECTION OF CHAIR AND VICE-CHAIR, CONTINUED

Member Gutman asked whether the Committee would enter a motion to postpone this matter.

Moved by Member Burke, seconded by Member Meyer:

Motion to postpone the election of Chair and Vice-Chair. Motion carried 4-0.

SCHEDULE/FUTURE AGENDA

The next meeting will be scheduled for December 2, 2008 at 7:00 PM.

APPROVAL OF MINUTES

Moved by Member Wrobel, seconded by Member Meyer:

Motion to approve the Master Plan and Zoning Committee minutes of November 27, 2007, December 11, 2007, January 24, 2008, February 5, 2008 and June 17, 2008. *Motion carried 4-0.*

ADJOURN

Moved by Member Burke, seconded by Member Wrobel:

Motion to adjourn.

Transcribed by Jane L. Schimpf,
Customer Service Representative
November 20, 2008
Date Approved:

**PREVIOUSLY APPROVED
RUD AND DEVELOPMENT AGREEMENT**

final

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

QUAIL HOLLOW
RESIDENTIAL UNIT DEVELOPMENT AGREEMENT

AGREEMENT, by and between Singh Properties Co., L.L.C., a Michigan limited liability company, whose address is 7125 Orchard Lake Road, Suite 200, West Bloomfield Michigan 48325 (referred to as "Developer"), and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 ("City").

RECITATIONS:

Developer is the owner (or has the right to acquire) and developer of the real property proposed for development as Quail Hollow, a residential development in the City ("Quail Hollow"). The Property is described on the attached Exhibit A ("Property").

Developer is pursuing approval of Quail Hollow as a Residential Unit Development ("RUD") pursuant to Section 2404 of the City Zoning Ordinance, and in connection with the rezoning of the Property, the Planning Commission held public hearings, referred the matter to its Subcommittee on Master Planning and Zoning for multiple meetings and made a positive recommendation to Council for the rezoning contemplating a Development Agreement and RUD.

Following Preliminary Approval of an RUD, Section 2404 contemplates the preparation of a contract setting forth the conditions upon which the Preliminary Approval has been granted, which, in turn, serves as the basis for preliminary site plan approval, final site plan approval, development, use and maintenance of the development.

A Development Agreement is being entered into between the parties ("Development Agreement") contemporaneous with the execution of this RUD and it, along with this RUD, govern the development of the Property and the approvals to be granted in connection therewith.

- B. Approval of this Agreement authorizes the Developer to pursue approval of a preliminary site plan in accordance with Section 2404 of the City Zoning Ordinance, as amended, and any and all other applicable laws, ordinances and regulations.
- C. This Agreement shall be binding upon and benefit the Developer, as well as the Developer's assigns and transferees, and shall run with the land.
- D. Physical development of Quail Hollow shall be in accordance with the approved final site plan, as and when granted.
- E. Consistent with City ordinances, as amended from time to time, the City may require the Developer to provide financial guarantees for the completion of improvements, including without limitation, roads, water mains, sanitary sewers, pump stations, storm drains, landscaping, activities within wetlands and wetland setbacks, but not for trail, trailhead and parking lot improvements as set forth in the Development Agreement.
- F. The RUD approval granted by the City to date, and in this Agreement, shall not diminish the City's discretionary authority in the site plan review process, with the understanding and agreement that there shall be 439 detached residential units and that the development shall be permitted substantially in conformance with the Plan, Exhibit B and as provided in the Development Agreement. Because certain details involving the development have not been finalized, an amendment of this Agreement shall be prepared, executed and recorded upon completion of the site plan review process. In all events, there shall be full compliance with all requirements and standards for development under Section 2404 of the City Zoning Ordinance, as amended, and the final plan and appropriate text demonstrating such conformance shall be incorporated into the amendment of this Agreement.
- G. This Agreement has been executed contemporaneously with the Development Agreement. In the event of a conflict between the Development Agreement and this Agreement or either and the Ordinance, the Development Agreement controls.

III. USES PERMITTED

The uses permitted in Quail Hollow shall consist of single-family detached residences, substantially as shown on the Plan, subject to the terms of this Agreement.

The home sites, substantially as shown on the Plan, shall be situated on lots conforming with the R-1, One Family Residential regulations, as made and provided in the City of Novi zoning ordinance, as amended, and as interpreted and applied under Section 2404 of the City

(which approvals may not be granted at the same time), Owner shall fund each of the following: left turn arrows on the existing traffic signal at Wixom Road and Ten Mile Road; and a new traffic signal on Ten Mile Road at the westerly entry to the subdivision to be constructed on the Land opposite the Ten Mile Road access to the Island Lake development to the North.

IX. RECREATION AREAS

There shall be active and passive recreation areas within Quail Hollow. On the Property, there shall be direct pathway connections to the trail system to be constructed by the Developer on the Property and on the City's two adjacent park sites, providing an extensive recreational network for the residents of the subdivision on the Property.

All such areas shall be constructed by the Developer, and those not dedicated to and accepted by the City shall be maintained by the Developer, and ultimately by the association of homeowners created for Quail Hollow (the "Association").

X. OPEN SPACE

The preservation of open space is a primary consideration of the project design. Approximately 137 acres, or roughly 42% of the total site area, shall be dedicated to open space, including wetland areas, woodland areas, parks and other internal green space areas and including land to be dedicated to City pursuant to the Development Agreement. The areas of open space shall be substantially as shown on the Plan, Exhibit B.

XI. PEDESTRIAN CIRCULATION

An eight-foot wide sidewalk shall be constructed adjacent to the Ten Mile Road and Napier frontages of the Property. A system of five-foot wide sidewalks on both sides of all internal roads within Quail Hollow shall be constructed and maintained. Also, as noted, above, there shall be direct pathway connections to the trail system to be constructed by the Developer on the Property and the City's two adjacent park sites, as provided in the Development Agreement. All construction shall be in accordance with City ordinances and regulations.

XII. NATURAL RESOURCE PRESERVATION

During the site plan review process, and prior to any clearing, grubbing or other disturbance of the Property, a plan of wetland preservation, and a plan of woodland preservation and replacement, shall be established and incorporated into the amended RUD Agreement, as contemplated above. Notwithstanding the foregoing, Developer shall have no responsibility under the City's Woodlands and Wetlands Ordinances (for the replacement or otherwise) for any activities in furtherance or performance of the construction of the trailhead, trail or parking lot under the Development Agreement.

XIII. ON AND OFF-SITE IMPROVEMENTS

At the Developer's cost and expense, all off-site and on-site facilities shall be provided in order to connect and appropriately serve each lot in Quail Hollow with public water service, approved by the City and all other governmental entities having jurisdiction.

The Developer shall pay all costs and expenses associated with, and it is contemplated that Developer shall construct a new booster pump on Wixom Road if and to the extent determined to be needed by the City Engineer based upon the application of customary engineering standards and principles, as provided in the Development Agreement.

The City shall have no obligation to accept dedication of the water facilities until such time as the City, in the reasonable exercise of its discretion, is satisfied that such facilities meet or exceed all applicable codes, ordinances, laws, regulations and legal and engineering standards, and that such facilities have been approved by all governmental entities having jurisdiction.

XVII. MECHANISMS FOR PRESERVATION, REGULATION, MAINTENANCE AND FINANCE OF OPEN SPACE, COMMON AREAS AND NATURAL AREAS

As part of final site plan review for the first phase of development of the Land, the Developer shall submit to the City proposed covenants, restrictions and master deed/by-laws to be recorded for Quail Hollow (together referred to as "Covenants").


The Covenants shall be subject to review and approval by the City Attorney as part of final site plan approval.

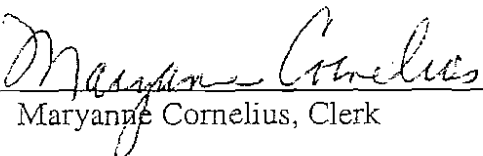
As part of such Covenants, there shall be provisions obligating the Developer and all future successor owners of the Property and the Association to maintain, repair and preserve all common areas, landscaping, signage, open spaces, natural feature areas, wetlands, woodlands, habitat areas, privately owned detention and drainage facilities, and any other common elements and improvements in and for Quail Hollow.

The Covenants shall additionally provide that, in the event the Developer or successor owners of the Property and/or the Association shall at any time fail to carry out one or more responsibilities or obligations relative to maintenance, repair and/or preservation, the City shall have the right to serve written notice upon the Developer or successor owners (through the Association), setting forth the deficiencies in maintenance, repair and/or preservation. The notice may also set forth a demand that such deficiencies be cured within a stated reasonable period of time, and further state a date, time and place of hearing before the City Council or other board, body or official delegated by the City Council, for the purpose of allowing the Developer or successor owners to be heard as to why the City should not proceed with the maintenance, repairs and/or preservation which had not been undertaken. At the hearing, the City may take action to extend the time for curing the deficiencies, and the date of the hearing may itself be extended and/or continued to a date certain. If, following the hearing, the City shall determine that the maintenance, repairs and/or preservation have not been completed within the time specified in the notice, as such time may have been extended by the City, the City shall thereupon have the power and authority, but not the obligation, to enter upon the Property, or

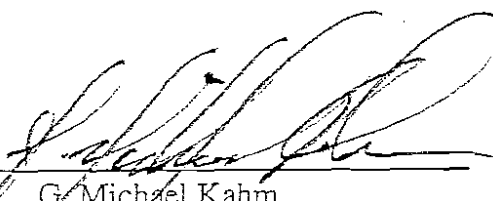
obligations contained herein, and shall not be permitted in the future to claim that their effect results in an unreasonable limitation upon the use of all or any portion of the Property, or claim that enforcement of the terms and provisions of this Agreement cause an inverse condemnation, due process violation or taking of all or any portion of the Property. Moreover, it is agreed that the improvements and undertakings described in this Agreement are necessary and roughly proportionate to the burdens created by the development, and are necessary in order to ensure that public services and facilities necessary for and affected by the Quail Hollow Development will be capable of accommodating the development on the Property and the increased service and facility loads caused by Quail Hollow: to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; to promote use of the Property in a socially, environmentally and economically desirable manner; and, to achieve legitimate objectives authorized under the City and Village Zoning Enabling Act, MCL 125.581, *et seq.* It is further agreed and acknowledged that all improvements required to be constructed and/or financed by the Developer, both on-site and off-site, are clearly and substantially related to the burdens to be created by the development and/or use of the Property, and all such improvements without exception are clearly and substantially related to the City's legitimate interest in protecting the public health, safety, and general welfare, and are roughly proportionate to such burdens created by the development.

CITY OF NOVI

By: 
Lou Csordas, Mayor

By: 
Maryanne Cornelius, Clerk

SINGH PROPERTIES CO., L.L.C. a
Michigan Limited Liability Company
By: Manager, Singh General Corp., a
Michigan corporation

By: 
G. Michael Kahm
Its: Vice President

DEVELOPMENT AGREEMENT

[Links of Novi / Quail Hollow]

AGREEMENT, by and between Singh Properties Co., L.L.C., a Michigan limited liability company, whose address is 7125 Orchard Lake Road, Suite 200, West Bloomfield Michigan 48325 (referred to as "**Owner**"), and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 ("**City**").

RECITATIONS:

- I. It is represented to the City by the Owner that the Owner owns or has the right to acquire all the fee ownership interest in the "Land" described on the attached and incorporated **Property Description Exhibit, Exhibit "A"**. It is further represented to the City that the owners of all of the rest and balance of the interest in the Land have signed this Agreement, below, subject to and in accordance with the provisions stated above their signatures.
- II. For purposes of improving and using the Land for a residential community consisting of 439 detached single family units, Owner has petitioned for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from RA, Residential Acreage, to R1, One Family Residential. The RA classification under the Zoning Ordinance shall be referred to in this Agreement as the "**Existing Classification**"; and the R1 classification under the Zoning Ordinance shall be referred to in this Agreement as the "**Proposed Classification**".
- III. The Proposed Classification would provide the Owner with certain material development options not available under the Existing Classification and would be a distinct and material benefit and advantage to the Owner.
- IV. In proposing the Proposed Classification to the City, Owner has stated that Owner will develop and use the Land in conformance with the following undertakings by Owner, as well as the following forbearances by the Owner (each and every one of such undertakings and forbearances, as specified in the following subparagraphs A through G, shall together be referred to as the "Undertakings"):
 - A. Owner shall develop and use the Land solely for a residential community consisting of 439 detached single family units as permitted under the Proposed Classification subject to and in accordance with all of the

of the Property, to be preserved in perpetuity as City owned passive parkland (but if not owned for park purposes, then subject to reversion to Owner for permanent open space preservation). The Connecting Open Space shall abut and have direct access from the subdivision to be developed on the Land, and abut and, thereby, allow City to provide a connection to the two adjacent City-owned properties. The Connecting Open Space is generally depicted and described on the attached and incorporated Exhibit "C", (the "Connecting Open Space"), with the final and precise description, meeting the intent and area as described herein, to be determined by Owner. The Connecting Open Space shall not have placed within it any storm water storage basins constructed as part of the development of the Land. In addition, in the interest of providing usable open space for the benefit of its Land, and for the benefit of the City, Owner shall construct a trail system, trailhead and parking lot improvements in accordance with AASHTO (American Association of State Highway and Transportation Officials) and ADA (Americans with Disabilities Act) standards, following a route generally shown on attached Exhibit F. Such construction shall be commenced while the Connecting Open Space remains in the ownership of Owner, and completed no later than October 31, 2005, subject to an extension of the time to complete due to unforeseen events out of the control of Owner, such as weather conditions, permitting delays force majeure. The City shall be the applicant and pay the respective fees for MDEQ and City wetlands and woodlands permits required for the construction of the trail system, and shall provide all inspections and waive all City fees for the construction of the trail system. City grants Owner, and its agents, contractors, and professionals the right of entry necessary to construct and facilitate the construction of the improvements and the right of access to such of its property reasonably required in connection therewith. Owner shall have no responsibility for and no obligations with respect to any Woodlands Ordinance or tree replacement in connection with the trail system and related improvements. Owner reserves the right to name the trail system, and to place signage with a design mutually agreeable to City and Owner at the trailhead, with the denotation "Singh Trail." A "Phase One" Environmental Assessment for the Connecting Open Space shall be secured by Owner and delivered to the City for review and approval prior to the City's obligation to execute this Development Agreement, and before the effectiveness of the Proposed Classification. In the event the City reasonably objects to the Phase One report, Owner shall have the option of proceeding with the development by committing in mutually agreeable terms to complete a cleanup of the Connecting Open Space to the standard required by all governmental regulations applicable to the use of the Connecting Open Space for City passive park purposes. The trail, trailhead

on Ten Mile Road in accordance with RCOC standards. In addition, if and as soon as approvals are secured from RCOC (which approvals may not be granted at the same time), Owner shall fund each of the following: left turn arrows on the existing traffic signal at Wixom Road and Ten Mile Road; and a new traffic signal on Ten Mile Road at the westerly entry to the subdivision to be constructed on the Land opposite the Ten Mile Road access to the Island Lake development to the North.

G. Owner shall pay all costs and expenses associated with any modifications and improvements to the City's existing water and sanitary sewer systems that may be necessary to connect the 439 unit residential community that will be developed on the Land to such water and sanitary sewer systems, including, a new booster pump on Wixom Road for the water system, and improvement of the existing booster pump for the sanitary sewer system, all if and to the extent determined to be needed by the City Engineer based upon the application of customary engineering standards and principles. It is anticipated that Owner shall serve as the contractor to make such modifications and improvements, and dedicate the same to the City following completion, inspection and approval. Owner may be required to post financial guarantees for improvements in accordance with the ordinances of the City.

V. City recognizes the mutually beneficial opportunity that is being presented by this proposal, including, but not limited to: 1) the acquisition of not less than 73 acres of parkland at no cost to the City; 2) the construction of trail system improvements to make the parkland more accessible to and useable by the residents of the Land and citizens of the City; 3) the ability by the acquisition of the new parkland to connect it with approximately 57 acres of City owned land to the south; 4) the ability to connect the new parkland with existing City owned land to the east (approximately 78 acres) and thereby connect the three parcels of land to create the second largest area of contiguous parkland in Novi. The proposal will maintain substantial landscaping along or the natural appearance of its borders along Ten Mile and Napier Roads. The proposed single family development, with its extensive open space, will be in harmony with neighboring developments and the evolving conditions in the area.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. Each and every one of the Undertakings, as specified in detail in subparagraphs A through G of paragraph IV of the Recitations, above, shall be carried out by Owner on, for and/or in relation to the Land;
 - b. Owner shall act in conformance with each and every one of the Undertakings; and,


in such event neither the Owner nor its respective successors, assigns and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land, or respective portion of the land, as permitted under the Proposed Classification, and Owner shall be estopped from objecting to the rezoning and reclassification to such reasonable classification based upon the argument that such action represents a "downzoning" or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Owner from otherwise challenging the reasonableness of any new rezoning as applied to the Land. The parties acknowledge that the plan, Exhibit D, is subject to approval by the City for final design and engineering, which contemplates adjustments, including those initiated in the discretion of Owner. Pursuit of development of such plan, as so adjusted, assuming no increase in density beyond 439 sites, maintenance of open space as provided for in this Agreement, and the general layout, shall not, in and of itself, be deemed a material violation of the Undertakings.

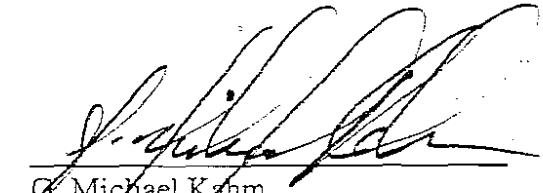
6. After consulting with their respective attorneys, Owner and City confirm that this Agreement is authorized by and consistent with all applicable state and federal law and Constitutions, that the terms of this Agreement are reasonable, that they shall be estopped from taking a contrary position in the future, and, that each shall be entitled to injunctive relief to prohibit any actions by the other inconsistent with the terms of this Agreement.
 7. The City and Owner shall use their reasonable and good faith efforts to conform with the following schedule for the review process for the subdivision on the Land:
 - a) Owner to Submit Preliminary Site Plan, in substantial conformance with the approved RUD Plan, by 1-31-04 while simultaneously working on final site plan (Construction Plans) for Phase 1 of development.
 - b) Receive first City review of Preliminary Site Plan by 2-16-04.
 - c) Respond to City's first review comments of Preliminary Site Plan by 2-23-04.
 - d) Appear before Planning Commission by 3-17-04 agenda for Preliminary Site Plan approval and Final RUD approval.
 - e) Appear before City Council by 4-5-04 agenda for Preliminary Site Plan approval and Final RUD approval.
 - f) Submit final site plan for phase 1 (Construction Plans) for review by City on 7-6-04
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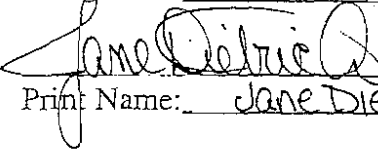
WITNESSES:

OWNER:

SINGH PROPERTIES CO., L.L.C. a Michigan Limited Liability Company
By: Manager, Singh General Corp., a Michigan corporation


Print Name: LORI PIERCE

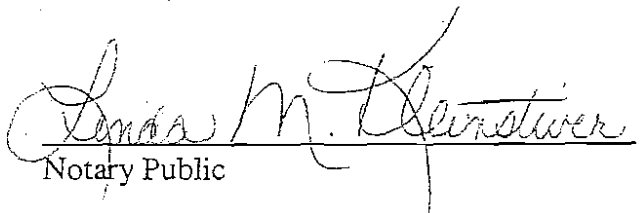
By: 
Its: G. Michael Kahm
Vice President


Print Name: JANE DIETRICH

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this 17th day of MARCH, 2004, before me appeared G. MICHAEL KAHM, authorized representative of Owner, who states that he has signed this document of his own free will on behalf of Owner.

LINDA M. KLEINSTIVER
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Dec 16, 2007


Notary Public

The undersigned persons and entities are, together, the current owners of all of the Land, and execute this Agreement for the purposes of consenting to the rezoning of the Land from RA to R1 and stating that Owner has the right to purchase its respective portion of the Land; in addition, this Agreement has not been proposed by the Owner and approved by the City to allow development of the Land by the undersigned, who shall have no right to request or seek approval of development rights under the Proposed Classification. If and when the rezoning to the Proposed Classification is granted, the undersigned shall have no standing to request development approval for the Land, or any part of the Land, unless and until the City completes the process of rezoning the Land to a new classification in the manner specified in paragraph 5, above, and, in such event neither the undersigned nor their respective successors, assigns and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and the undersigned shall be estopped from objecting to the rezoning and reclassification by the City to such reasonable classifications based upon the argument that such action represents a "downzoning," that zoning is not personal in nature, or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude the undersigned from otherwise challenging the reasonableness of any such new rezoning as applied to the Land.

[signatures begin on following page]

WITNESSES:

Peggy K Marnier
Doriana Jones

Peggy K Marnier
Doriana Jones

Novi Golf Associates, L.L.C., Michigan
limited liability company

By: _____

Its:

Anthony J. Ciotta

Anthony J. Ciotta
Anthony J. Ciotta

Lucille M. Ciotta

Lucille M. Ciotta
Lucille M. Ciotta

Norman Steel, Inc. a Michigan corporation

By: _____

Norman Steel

Its: President

Ronald Licht Revocable Trust

By: _____

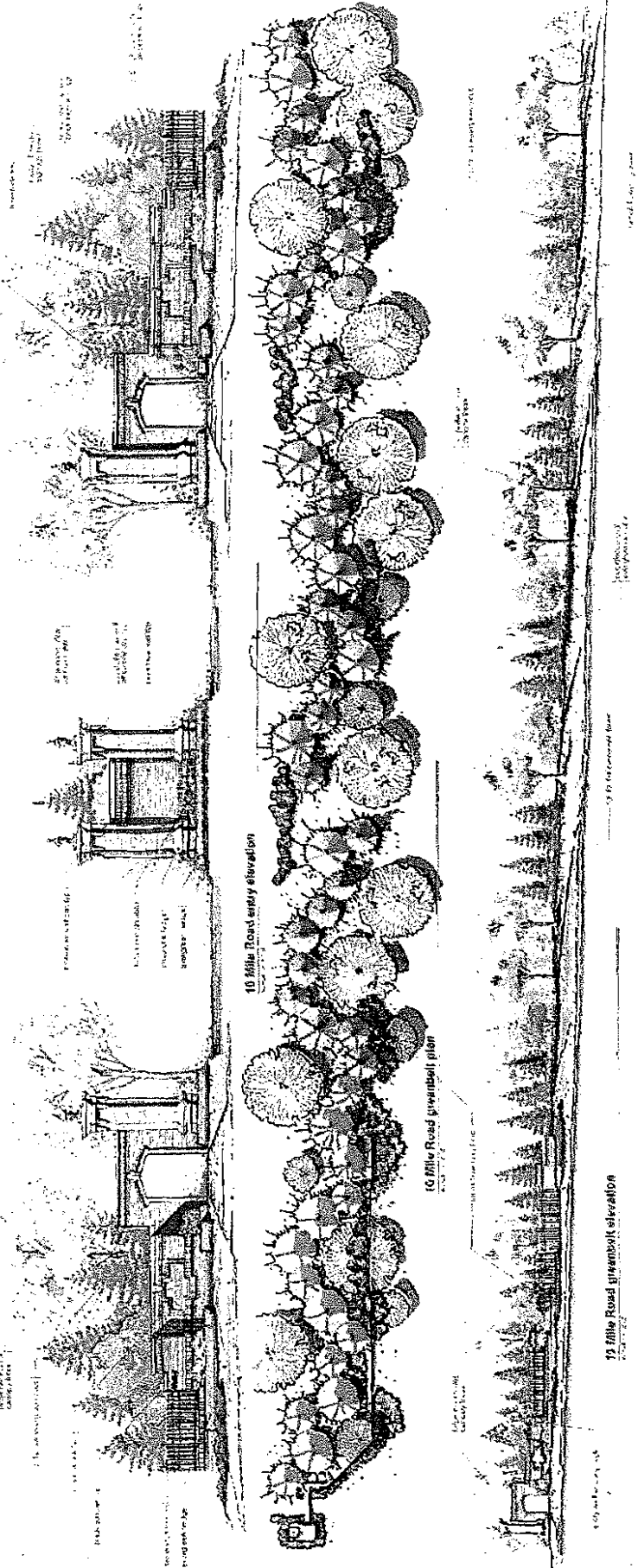
Ronald Licht, Trustee

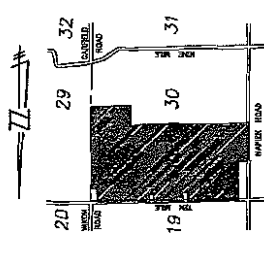
2162.88 feet, along the East line of said Section 30, to the East 1/4 Corner of said Section 30; thence South 02°54'42" East, 659.51 feet, along the East line of said Section 30, (said point being North 02°54'42" West, 1978.48 feet, from the Southeast corner of said Section 30); thence South 85°46'15" West, 1317.25 feet; thence North 02°56'51" West, 665.39 feet, to a point on the East and West 1/4 line of said Section 30, (said point being North 86°01'38" East, 1317.54 feet, from the Center of said Section 30); thence North 03°02'41" West, 2646.91 feet, to a point on the North line of said Section 30 and the centerline of Ten Mile Road, (said point being North 86°24'49" East, 1323.35 feet, from the North 1/4 Corner of said Section 30); thence North 86°24'49" East, 1092.77 feet, along the North line of said Section 30 and the centerline of said Ten Mile Road; thence South 02°54'58" East, 475.21 feet; thence North 86°24'49" East, 230.58 feet, to the Point of Beginning. All of the above containing 97.610 Acres. All of the above being subject to easements, restrictions and right-of-ways of record. All of the above being subject the rights of the public in Ten Mile Road and Wixom Road.

Tax Ids. 22-30-100-003, 22-30-100-005, 22-30-100-007, 22-30-200-002 and 22-30-401-002

QUAIL HOLLOW

City of Novi, Michigan
 HIGH DEVELOPMENT COMPANY





TRAIL QUANTITIES
 587 L.F. BOARDWALK
 6,187 L.F. ASPHALT PATH
 752 S.Y. PARKING LOT PAVING



REVISIONS

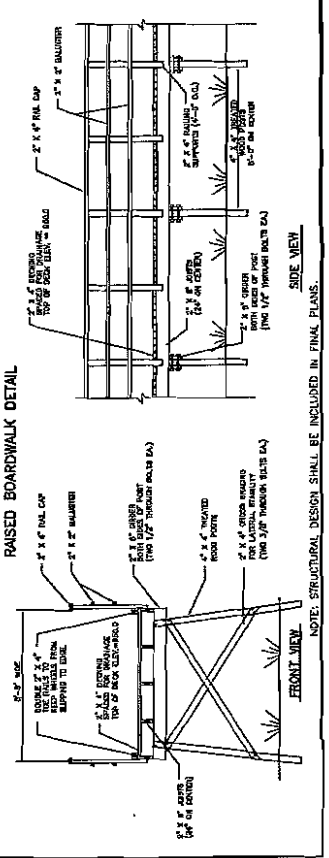
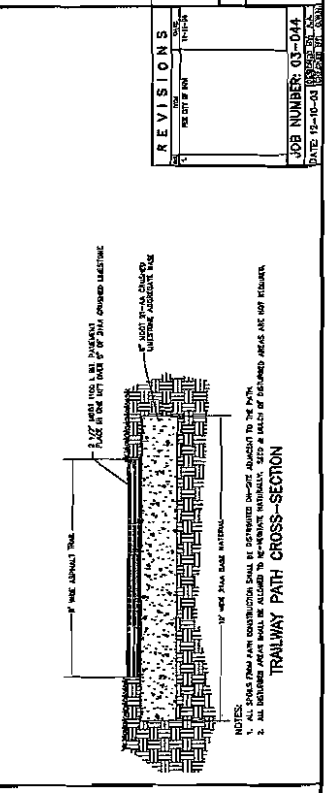
NO.	DESCRIPTION

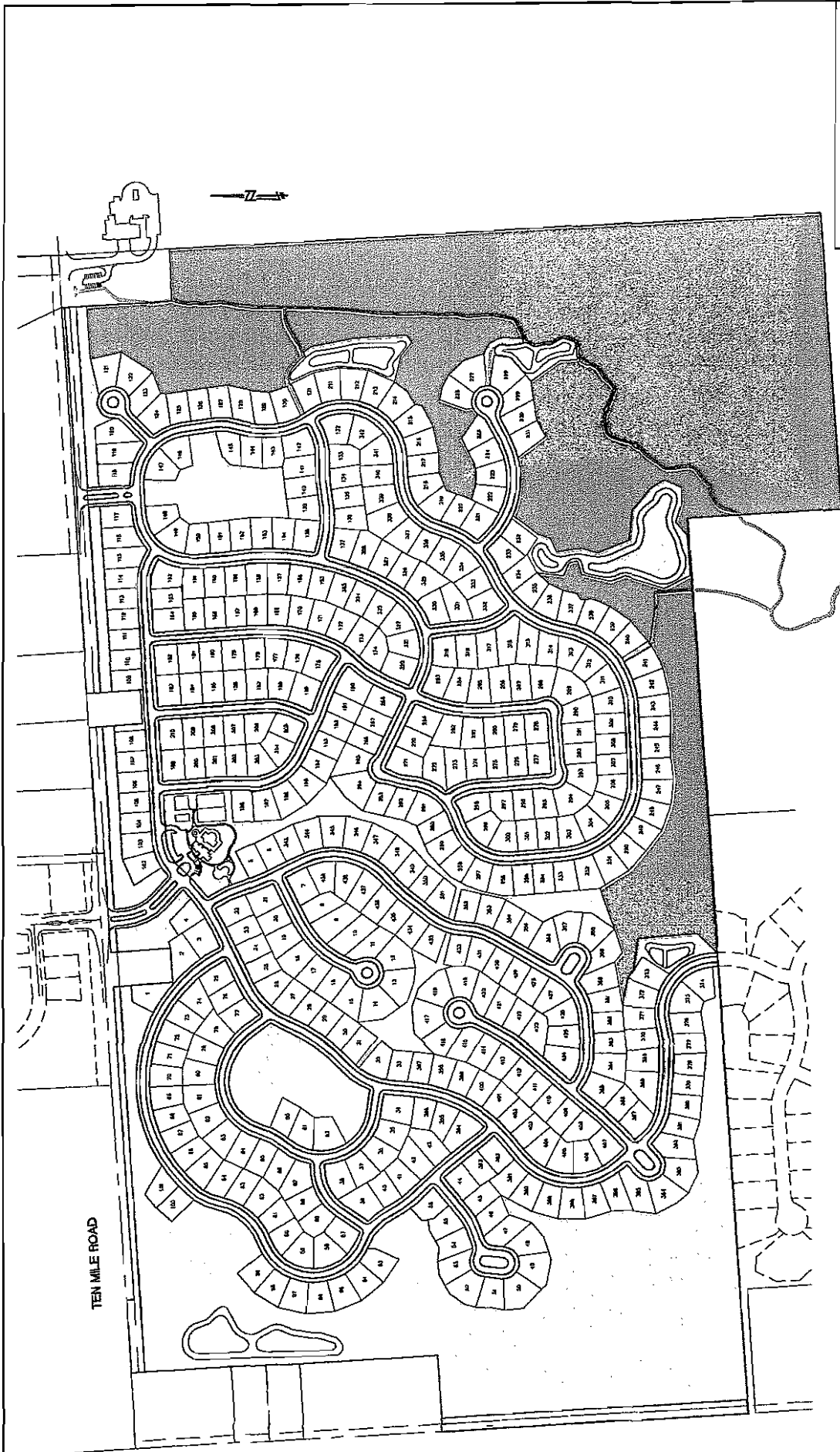
SCALE
 1" = 200'
 Horizontal Scale 1 inch = 200 ft.

QUAIL HOLLOW
 SECTION 30
 CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

TRAIL SYSTEM PLAN

SHREIBER, KRASNY & ALLEN ASSOCIATES, INC.
 CIVIL ENGINEERS
 4000 GRAND RIDGE AVENUE, SUITE 100-600A, ANN ARBOR, MI 48106-3123
 SHEET **TRD**
 OF **3**





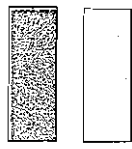
SCALE
 (BY FOOT)
 Horizontal Scale: 1 inch = 600 ft.

QUAIL HOLLOW
 SECTION 30
 CITY OF INDIANAPOLIS, INDIANA
 CONNECTING OPEN SPACE
 (PARK DEDICATION) PLAN

SHEET
 MILLER & ASSOCIATES, INC.
 ASSOCIATES, L.L.C.
 4385 RIVER ROAD, SUITE 200
 INDIANAPOLIS, IN 46215-3933

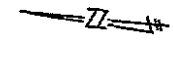
REVISIONS	
NO.	DATE
1	12-10-03

LEGEND
 CITY PARK = 73.29 AC.
 QUAIL HOLLOW PARKS = 66.13 AC.



TEN MILE ROAD

NAPER ROAD



REVISIONS		QUAIL HOLLOW SECTION 30, TOWNSHIP 4 NORTH, RANGE 6 EAST, LACKY TOWNSHIP, OAKLAND COUNTY, MICHIGAN	AERIAL PHOTO	SHEET RUD 1
NO.	DATE			
JOB NUMBER 03-044		RECORDER, SCHAFF & ALLETTS ASSOCIATES, INC. SURVEYORS & ENGINEERS 4000 GRAND BAY AVENUE, SUITE 100, WILSON, MI 48093-2918		DATE 12-10-03

MAPS

**LOCATION
ZONING
FUTURE LAND USE
WETLANDS
WOODLANDS**

Legacy Parc SP 08-30 and SP 08-31
Location

Legend

 City Incorporated Boundary



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



1 INCH = 865 FEET




MAP PRINT DATE: date

MAP INTERPRETATION NOTICE

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Legacy Parc SP 08-30 and SP 08-31 Zoning

Legend

-  City Incorporated Boundary
-  RA
-  R-1 with Development Agreement

Lyon Twp Zoning

-  R-0.5
-  R-1.0



Napier Road

Ten Mile Road

Wixom Road

Subject Property

CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



0 345 690 1,380 2,070

FEET

1 INCH = 865 FEET

MAP PRINT DATE: date

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Legacy Parc SP 08-30 and SP 08-31
Future Land Use

Legend

Future Land Use

 SINGLE FAMILY

 PUBLIC

 PUBLIC PARK

 PRIVATE PARK

 UTILITY

 City Incorporated Boundary



Ten Mile Road

Wixom Road

Napier Road

Subject Property

CITY OF NOVI

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Legacy Parc SP 08-30 and SP 08-31
Wetlands

Legend

 Wetlands

 City Incorporated Boundary



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

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NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



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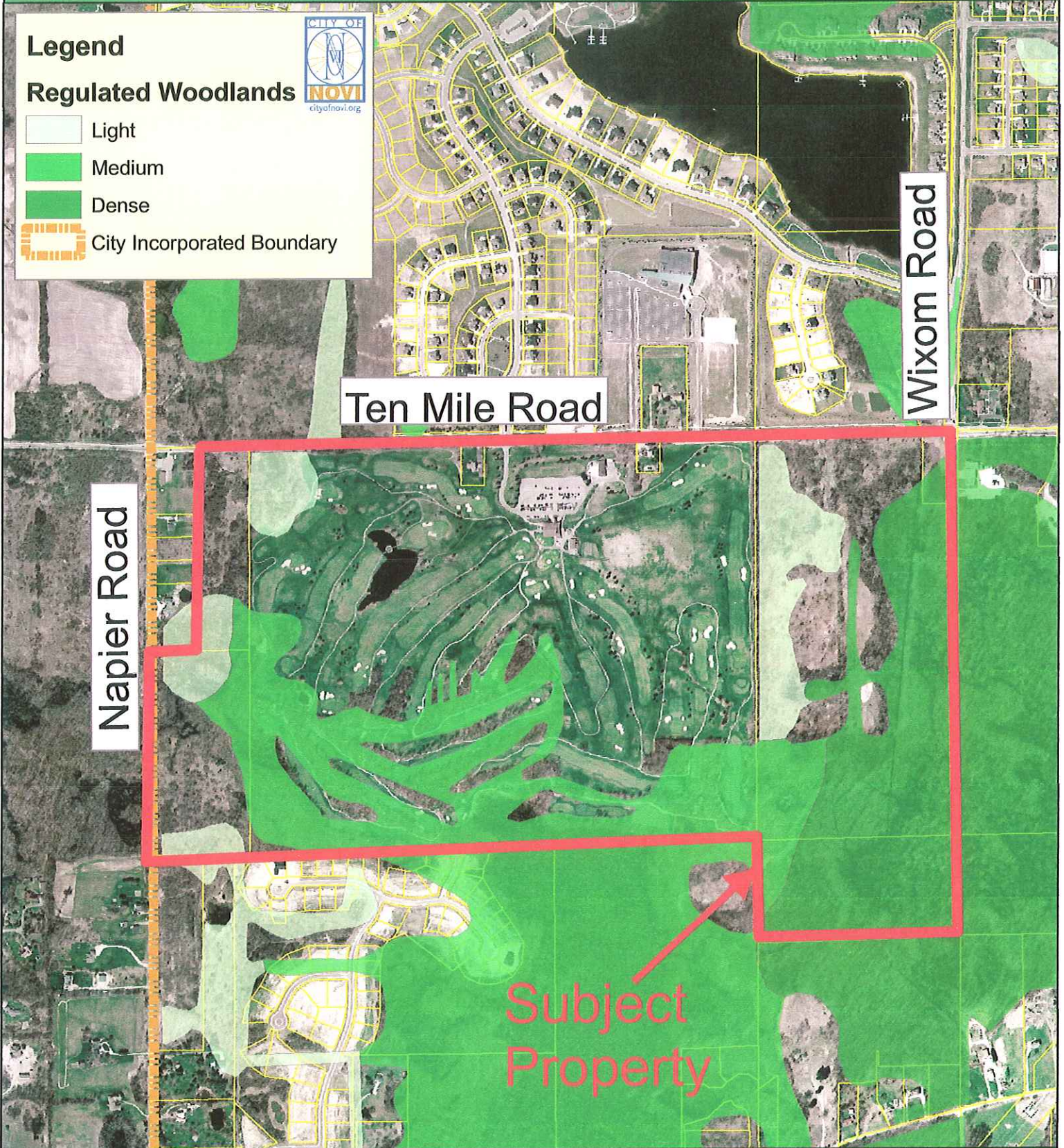
Legacy Parc SP 08-30 and SP 08-31
Woodlands

Legend

Regulated Woodlands



- Light
- Medium
- Dense
- City Incorporated Boundary



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

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Plans available for viewing at the
Community Development Department.